



## Theorizing Reconciliation

The past one hundred years witnessed the highest number of political deaths of any century (Rummel 1997). Two major wars, numerous civil conflicts and wars of independence, and systematic state-sponsored atrocities have left behind a battered political landscape. The genocide of Jews, Roma, Armenians, Ibos, Tutsi, Hutu in Burundi, Bengalis, Khmer, the Aché (Paraguay), Guatemalans, Timorese, Bosnian Muslims, southern Sudanese, and Herero and repression, mass terror, and murder in places as disparate as Chile, Argentina, South Africa, Romania, Uganda, China, and Iran illustrate the heterogeneous nature of political violence of the past century but do not by any means exhaust its range and depth. Certainly, a century characterized by massacre and torture is not unique in human history, and there is little reason to believe that the twenty-first will be much different. Although the instruments of violence today may be more sophisticated and the ideologies behind them different from before (and even this is not always the case), horrific violence has long been with us (Kiernan 2007). Nevertheless, what is remarkable are the numerous recent efforts at publicly engaging past atrocities, often through new legal mechanisms but also through a multiplicity of other political and social strategies, with the aim of reconciling former enemies while simultaneously addressing accountability, truth telling, and the concerns of

victims. As Martha Minow has eloquently written, these legal and quasi-legal attempts to identify perpetrators and catalogue crimes have “illuminated the hopes and commitments of individuals and societies seeking, above all, some rejoinder to the unspeakable destruction and degradation of human beings” (1998, 1).

Political violence does not end with the last death, however. A common feature of mass murder has been the attempt at destroying any memory of victims, with the aim of eliminating them from history. In the Holocaust, the Aghed (genocide of the Armenians), the Cambodian genocide, the Rape of Nanking, the Rwandan genocide, the Gulag and the Laogai, the tortures and murders of leftists in the Southern Cone, and the rule of apartheid, among many others, perpetrators sought not only to eliminate violently a perceived threat but also to eradicate any possibility of alternate, competing social and national histories.

Surprisingly, in some countries complex and difficult engagements with the past have resulted in remarkable transformations of society. South Africa, Argentina, Chile, and a united Germany are all significantly more democratic and open than before. In other places, such as Cambodia and Rwanda, peace and stability are the most that can be hoped for, at least in the near term. However, all of these societies have had to confront a complicated tangle of questions: How should perpetrators, victims, and bystanders be faced? What is the proper balance between punishment and forgiveness? How much memory is too much, and when is it too little? What does it mean to be reconciled with the past and with each other, and how should this be achieved? What, in other words, are the stakes in reconciling? These and similar concerns occupy a central place in societies emerging from massive violence. This book seeks to contribute to these debates by sketching a normative theory of reconciliation that differs from prevailing approaches.

The difficulty in articulating such a theory finds an echo in Max Weber's essay “Politics as a Vocation” (1958). There, Weber distinguished between two different ethical systems in the political world: the ethic of ultimate ends, which is committed to the attainment of certain ideals regardless of consequences, and the ethic of responsibility, which recognizes that one's conduct must be guided by what is possible in the real world, with all of the limitations that this entails. In the end, Weber was distraught about these alternatives, concluding

that the former ran the risk of degenerating into the belief that the ends justify the means—giving us Auschwitz and revolutionary firing squads—and the latter could always be tempted into one more compromise, ultimately condemning action to a series of half steps evacuated of any meaningful content. Something similar haunts any attempt at formulating a model of reconciliation. On one hand, one risks promoting a pure ideal that is unattainable without significantly more violence being done in its wake; take, for example, calls for swift and severe retribution for all human rights violators and their accomplices. Though accountability is desirable as a moral goal—there is, after all, great satisfaction in seeing perpetrators held responsible for gross violations—seeking absolute justice can quickly turn into its own terror. And yet a model that too easily seeks compromise in politically delicate situations can serve as a mere apology for perpetrators, in the process forfeiting any meaningful claim it may make to promoting reconciliation. This book seeks to navigate this Scylla and Charybdis by recognizing that reconciliation is a complex, multileveled process that is best understood as *disjunctured* and *uneven*, with multiple moral claims often in competition with one another. Rather than posit a model, on one hand, equating reconciliation with social harmony between former enemies or, on the other, as a condition of minimal peace with no exploration of past injustices, I outline a conception that emphasizes the importance of shared notions of moral respect and tolerance among erstwhile adversaries as a realistic and morally defensible idea of what we should expect in transitional societies. *Reconciliation, I argue, refers to a condition of mutual respect among former enemies, which requires the reciprocal recognition of the moral worth and dignity of others. It is achieved when previous, conflict-era identities no longer operate as the primary cleavages in politics, and thus citizens acquire new identities that cut across those earlier fault lines.* This model is normative—it stipulates certain moral criteria that are necessary for a society to be reconciled while also recognizing that the dynamics of reconciliation are manifested in different ways depending on what dimension of society one analyzes. That is to say, the dynamics of reconciliation among political elites are different from those among regular individuals in the private sphere, and the requirements of institutional reform contain certain normative imperatives that differ from the demands and expectations that can be placed on civil society.

These different social levels—political society, civil society, institutional, and individual—draw our attention to the myriad ways in which reconciliation efforts are manifested and develop.

This book is a work of normative political theory. It seeks to make a contribution to current political theory debates about how best to envision reconciliation while remaining realistic about the very significant practical obstacles such efforts face. A number of important recent works have limited their focus to the institutional or administrative policies of transitional justice (such as the use of trials, truth commissions, or reparations) while eschewing broader theoretical explorations of reconciliation (Drumbl 2007; Elster 2004; Freeman 2006; Torpey 2006). Others have focused on comparative analyses of transitions, highlighting the practical challenges faced by incoming elites (Barahona de Brito 2001; McAdams 2001). Many of these texts discuss reconciliation to some extent, but only in the context of broader transitional justice policies without elaborating normative understandings of reconciliation as such. Indeed, there has been a remarkably small amount of sustained theoretical work written on reconciliation, and much of this has been a critique of the concept rather than a positive formulation of its normative foundations.<sup>1</sup> I hope to contribute to these normative debates by sketching a viable theory. While I draw heavily from cases, I do not pursue a comparative case studies approach per se nor offer policy prescriptions or recommendations. Instead, I identify the moral claims and counterclaims that arise in transitional settings and explore how they may reinforce (and often work against) one another. Nevertheless, I strongly believe that any normative model must remain sensitive to the particularities and contexts of specific transitions—the type of transition, the outlay of different political and social forces, and the likelihood of the resumption of violence—or it will condemn itself to clever but ultimately useless theorizing. I have attempted, then, to outline a model that shows sensitivity to particularity while also considering the normative claims that seem to emerge across cases. Rather than provide a general, transhistorical model of reconciliation, I restrict my project to cases that share certain features, thus excluding other instances of dealing with past violence that face somewhat different challenges. In subsequent sections, I detail the parameters and normative concepts that are at the core of my model, but before doing so, I outline the scope of the model—what kinds of cases it

intends to cover and what kinds it does not—in order to clarify its domain of applicability.

## Scope of the Theory

The literature on transitional justice and historical memory is vast, and the types of transitions and political contexts are sufficiently varied that one should be hesitant to offer a nomothetic model of reconciliation that would satisfactorily operate in every instance. Indeed, I believe that this is not possible. My model is intended to be useful in certain kinds of cases: those of extreme domestic political violence where the opposing sides are not territorially separate. In this section I demarcate the bounds of the theory and indicate what falls inside and outside its scope.

Under certain circumstances, partition may be a more just solution than forcing enemies to live together. Biafra, East Timor, Western Sahara, East Pakistan (Bangladesh), and Chechnya are all cases where separation is more desirable than forced integration. This is because of, among other things, the form of political identity involved: Where the opponents can be distinguished principally by territory, rather than by non-territorial religious, linguistic, ethnic, or other affiliation, partition may very well be the optimal solution. Of course, non-territorial categorizations are often interwoven with territorial distinctions as well, but the salience of territoriality plays a crucial role in assessing what options are available (Brilmayer 1991; Lehning 1998). In cases where opponents occupy different territories within a larger political community and one group actively oppresses the other, reconciliation following political violence may not be the most desirable solution, particularly if the oppressed overwhelmingly seek independence and have little chance of achieving satisfactory political and economic protections in the status quo. Thus, the attempt at secession by the Ibo during the Biafran War and the successful separation by the Bangladeshis during their war with Pakistan would both appear legitimate (Harneit-Sievers and Emezue 2000; Ikpeze 2000; Kuper 1981), as would the division of East and West Timor (J. Taylor 1999). This is not, of course, to sanction ethnic cleansing, but only to underscore that in situations where the oppressed group is (1) territorially distinct from the oppressor and has little chance of achieving parity and (2) seeks

separation, then reconciliation as discussed in this book would require forcing two (or more) groups to remain together that should be permitted to separate. However, in situations where the opponents are not territorially distinct, separation is not an alternative, and some form of reconciling enemies remains the only option. The violence in Chile in the 1970s and 1980s occurred between groups that cannot be separated by territory; leftists and rightists exist throughout the country, and therefore separation makes no sense. A careful reading of the wars in the former Yugoslavia reveals a great deal of pre-conflict ethnic interpenetration and cohabitation as well, and thus separation was achieved only through massive bloodletting; present-day Iraq is also characterized by significant ethnic and religious overlap (Burg and Shoup 2000; Gagnon 2005).

Wherever the politically salient identities are not territorially based, reconciliation is the only viable solution. What exactly is politically salient depends on the particular case: It could be religious, ethnic, class, or something else (indeed, it is almost always a combination of these), and the relevance of any set of distinctions is always open to change over time, giving credence to the social constructivist's understanding of identity formation (Jung 2000). In any case, the model proposed here is relevant only where *politically salient ascriptions do not neatly square with territorially salient distinctions*; where they do, an alternative solution such as partition may be more desirable (though some form of reconciliation may be necessary in those cases as well). To paraphrase Hirschman (1970), I assume that "exit" is not an option.

## Colonialism

In cases where the colonialist and the colonized are territorially separate, the model presented here is inapplicable. Thus, the Japanese use of Korean sex slaves and the Rape of Nanking are not directly relevant to my framework and the specific debate I engage here. These cases require an additional theoretical analysis of the complex relations between the society that perpetrated atrocities and the one that suffered them.

Where the colonized and colonizer do live in the same political territory, the model here may be relevant. The indigenous-colonialist relationships in Canada, the United States, Australia, and New Zealand

make interesting candidates for this study, precisely because (the descendants of) the perpetrators and victims must live together. In these situations, there is no “exit.” Nevertheless, these are all historical cases, where the primary means of reconciliation occurs through a reassessment of historical memory, and the political order is not in danger of collapse because of renewed attention to historical grievances. I focus, however, on contemporary instances of mass atrocity and reconciliation where actual perpetrators and victims are still alive, the political order is not well entrenched, and renewed violence remains a possibility. So-called “consolidated democracies” normally do not face the same dangers as societies in transition to democracy, though they certainly have a moral obligation to reflect on past atrocities and their consequences. Regardless, the challenges facing those societies are temporally distinct from the focus of this study, requiring an investigation of the historical legacy of violence and its relation to contemporary life (Barkan 2000; Waldron 1992). This project focuses on reconciliation in societies that have undergone recent large-scale political violence where opposing sides drew their identities along non-territorial fault lines.

## Why Not Forget?

Before turning to different theoretical models of reconciliation, I should say something about one contending alternative: societal *forgetfulness* as a means of “moving on.” The rise in the use of truth commissions gives the impression that engaging the past is necessary after mass violence and that ignoring it is morally wrong. Some scholars cite an “emerging norm of right to the truth” in international law,<sup>2</sup> and international human rights organizations claim there is an obligation on the state to unearth the past, with no exceptions.<sup>3</sup> But these arguments are themselves contentious, and we should first inquire whether forgetfulness may indeed be a legitimate, and possibly better, alternative to the reconciliatory efforts I discuss in this book.

Defenders of forgetting the past argue that to look backward will only re-traumatize a fragile society. Demanding prosecutions and encouraging victims to talk about their experiences will not contribute to reconciliation, but only rekindle the embers of animosity and anger. Reexamining past grievances does little but prolong bitterness and

antagonism, preventing a society from moving forward.<sup>4</sup> As such, whatever cathartic benefits for victims may come from truth commissions, trials, or memorials, the likelihood of renewed violence outweighs them. Bruce Ackerman sees these efforts as wasting “moral capital in an ineffectual effort to right past wrongs—creating martyrs and fostering political alienation, rather than contributing to a genuine sense of vindication.” “Moral capital” should be used to educate the people on the rule of law, rather than pursuing a “quixotic quest after the mirage of corrective justice” (1992, 72). Though not a supporter of forgetfulness, Michael Ignatieff questions the likelihood that “when the truth is known by all, it has a capacity to heal and reconcile. These are not so much epistemological assumptions as articles of faith about human nature: that the truth is one and, if we know it, it will make us free” (1998, 170). Many contemporary scholars remain skeptical of the benefits of revisiting the past. These arguments assume that fragile societies must privilege the practical needs of the present over morality. Peaceful coexistence requires burying the past.

But if forgetting requires burying awful experiences and behaving as if nothing had happened, what kind of reconciliation is this? Who is reconciled? Without some understanding of what happened, it is difficult to see how people could be reconciled with one another—to know whom to reconcile with means knowing who did what and who suffered what. An agreement to forget the past may bring respite from violence and ease a transition, but it is unlikely to remain for too long (Schwan 1998). In many cases where leaders have called for forgetting the past, public demands for the truth eventually resurface (this brings to mind Uruguay, Brazil, and Spain) and some historical reckoning becomes unavoidable.

Of course, for some, forgetting is a welcome response to the past. Perpetrators and their supporters are likely to encourage historical amnesia for self-interested reasons. Forgetting, however, is hardly apolitical or adopted freely; rather, it masks the power that perpetrators continue to enjoy. To expect victims to surrender their claims to moral acknowledgment constitutes a second moral injury against them, where their suffering is effectively excised from public consciousness and their experiences are disparaged as potentially disruptive to social reconstruction. Public forgetting instrumentalizes victims by signaling that their moral value is less important than stability and peace. It is



a form of degradation, and “thus it involves a kind of injury that is not merely tangible and sensible. It is a *moral* injury, and we care about such injuries” (Murphy 1995, 25). The demand that past crimes be forgotten ignores this loss of self-respect. This moral injury results from treating victims as if no wrong had occurred and, consequently, they are not entitled to make claims for moral recognition. Simultaneously, perpetrators feel vindicated, for forgetfulness can in fact serve to confer legitimacy on past policies, at the very least by signaling that past wrongs were not sufficiently awful to demand judgment. The consequences can be devastating. As David Crocker remarks, “Repressed emotions of rage, humiliation, and fear can be expressed in uncontrolled and harmful ways” (1998, 496). A policy of forgetting, of course, is never guaranteed to “succeed,” even by crass instrumentalist terms. Silencing the past may only displace it to future generations, who may take up old grievances and return to violence. The state also loses in this calculus, as unaddressed violations may undermine its future legitimacy in the eyes of victims’ descendants (Warren 1998).

Nevertheless, advocates argue that certain states have chosen a policy of forgetfulness successfully, effectively burying mutual resentments and resisting calls for accountability and painful confrontations with their recent histories. Mozambique and Cambodia are two countries often identified as successful cases. Today, Cambodia has a United Nations–backed hybrid tribunal to prosecute former high-level Khmer Rouge, and it is no longer accurate to speak of it as a case where social forgetting is the norm. Mozambique, however, still stands out for its seemingly socially sanctioned forgetfulness.

Much has been written about how Mozambique has decided to ignore the legacy of its civil war, creating a new moral and political community founded on the willful ignorance of recent history (Alden 2001; England 2002; Manning 2002). After the 1992 peace agreement that ended sixteen years of vicious fighting, leaders from the two combatant groups Renamo and Frelimo turned to the Catholic church to mediate potential conflicts, and the 1994 elections went ahead without any major contestation occurring along wartime fault lines. Boosters of the transition argued that it was achieved peacefully precisely because Mozambicans chose to renounce the past and move on (Alden 2001).

Nevertheless, though there was no explicit public engagement with the nation’s history—certainly not by the political elites who had

negotiated the cease-fire and legal amnesty—it was not completely rejected either. Within civil society, villages turned back to a number of autochthonous mechanisms to deal with political conflict. More importantly, these were seen as legitimate by villagers themselves, including the survivors (Bartoli 2001). *Curandeiros*, or traditional healers, served as authority figures who could mediate communal and personal conflict. Specifically, curandeiros played a crucial role in reintegrating former soldiers who had murdered by “rehumanizing” them, casting off the “bad luck” that came from the victim’s spirit. The process was complex, but the important point here is that it included an implicit acknowledgment of guilt and sense of responsibility by the soldier, for otherwise the soldier would not require rehumanization. These rituals occurred mostly in rural areas where the majority of the fighting took place. Services conducted by curandeiros served as a method of reconstructing badly broken social relations, allowing for the reintegration of erstwhile enemies into the same moral and social community. Through a complex series of ritualized and meaningful actions, former opponents—on occasion from the same town or even family—were invited to live together as equals (Nordstrom 1997). Writes Rama Mani:

The traditional belief is that harm is done not just to the individual involved—victim or perpetrator—but to the entire family or community. Consequently, reconciliation and reintegration require that entire communities participate in the ritual to rid themselves of the harm. With the ceremony, the violator is forgiven and the victim is healed, and each can be reconciled and reintegrated into the community as before. (2002, 118)

Though this does not amount to the notion of reconciliation I delineate, it is far removed from the idea of forgetfulness, since the latter term normally precludes any type of moral engagement with the past or acknowledgment of culpability—in this case the very basis of the soldiers’ rehumanization. After all, if the goal is to forget completely, why engage in rituals of purification and reintegration? Forgetting usually means letting “bygones be bygones,” but here there is at least a recognition that serious wrongs were committed and that there were victims and perpetrators. The fiction that the past does not matter

does not hold, since there is such a preoccupation with dealing with it, if only to move away from it. And there is, of course, no guarantee that future calls to revisit the past will not occur, as they have in numerous other countries in similar situations.

The importance of coming to terms with the past may not always be immediately evident, and the force of historical memory may take some time to appear. In spring 2000, Polish historian Jan Gross published *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, an account of how the small town of Jedwabne lost its entire Jewish population in World War II (2001). The Nazis had traditionally been blamed for the murders, though it is now clear that Catholic Poles killed their Jewish neighbors. More disturbingly, it seems that these crimes may have been more common than once believed. The thesis of the book was immensely controversial in Poland, a country that has long thought of itself as *the* victim nation par excellence. Now Poland is engaged in a full-scale reappraisal of its past, investigating its own history of anti-Semitism and the implications for the nation's understanding of itself (Gross 2006; Polonsky and Michlic 2004).

In all of these cases, forgetting has not succeeded. Poland is still confronting crimes committed fifty years ago, and Cambodians have recently begun to demand the truth about their nation's genocide. Even Mozambicans, another people touted as having turned their back on the past, still find it necessary to engage in some form of ritual to reintegrate perpetrators and former combatants into community life. Arguing against social amnesia, Wole Soyinka has written:

Beyond Truth [*sic*], the very process of its exposition becomes part of the necessity, and, depending on the nature of the past that it addresses, the impact it has made on the lives of the citizens and the toll it has taken on their sense of belonging, it may be regarded as being capable of guaranteeing or founding the future of a nation. Indeed, it may be seen as a therapy against civic alienation. (1999, 12)

Here Soyinka may be overstating the power of truth, and I argue in subsequent chapters that there are other moral claims that require our attention as well. Nevertheless, his point is well-taken; it implies, at

the very least, that facing the past is important for societal and communal rebirth and that advocates of social amnesia fail to capture the pull that history can have on a country's historical understanding of itself.

## Paradigms of Reconciliation

Facing the past is a crucial element in reconstructing a shattered society. But what it means to reconcile such a society is not self-evident. Reconciliation, like most normatively complex social phenomena, cannot be measured in any exact manner, and it is precisely this elusive yet very real quality that makes any discussion of its nature and sources difficult. Nevertheless, several broad approaches have emerged, ranging from a “minimalist” legal one predicated on coexistence to a “maximalist” approach based on mutual healing, restoration, and forgiveness. These are not hard-and-fast schools of reconciliation, since there are in fact few such fully developed normative theories; rather, they represent general understandings that have informed the way we think of reconciliation. Nor are they purely in opposition to one another; the call for healing and restoration of social relations accepts the importance of minimal coexistence as a starting point but seeks to deepen it substantially through forgiveness and the development of thick ties of solidarity. Nevertheless, I believe that neither approach is satisfactory.

*Minimalist* approaches formulate reconciliation as simple coexistence between former enemies, a basic agreement by different groups to accept the law rather than violence to resolve disagreements. Rajeev Bhargava discusses this view in the context of “barbaric” societies moving toward “minimal decency”:

A minimally decent society is governed by minimally moral rules. A complete breakdown of such rules characterizes a barbaric society. In this context, what makes these rules moral is their capacity to prevent excess wrongdoing or evil, not their ability to promote a particular conception of the good life, including a substantive conception of justice. Such moral rules include negative injunctions against killing, or maiming or ill-treating others, and also a system of basic procedural due process. (2001, 45)

In this context, procedural justice means accepting basic norms for negotiation, contestation, and decision making while suspending broader issues of redistribution or punishment. Procedural justice is the cornerstone of the minimalist approach. It rejects demands for accountability or transformative policies of material redistribution as unattainable and probably destabilizing while arguing that anything less than basic ground rules for coexistence will result in renewed violence. Reconciliation, therefore, means creating a space where former enemies can become political opponents within the bounds of the rule of law. Writing about Nazism and Stalinism, Stuart Hampshire argues that totalitarianism seeks to create “a bombed and flattened moral landscape” and the destruction of “all notions of fairness and justice from practical politics and, as far as possible, from persons’ minds” (1989, 68). In the face of such thorough moral destruction, the only viable alternative is a political order that reinscribes limits for political and state power and imposes a “bare minimum concept of justice,” amounting to no more than a method of mediating political contestation absent social solidarity or shared background values (1989, 72). Hampshire considers this “basic level of morality, a bare minimum, which is entirely negative,” as the most that can be expected following such extreme political violence. Indeed, procedural justice becomes the only means of achieving a tolerable coexistence between erstwhile enemies “without any substantive reconciliation between them, and without any common ground” (1989, 109).

This argument is certainly compelling, since it reflects a kind of realism and concern about immediately destabilizing conditions, but minimalism leaves a number of normative issues undertheorized, and thus remains problematic as a long-term position on the past. By basing reconciliation on thin proceduralism, minimalists focus on the demands of the present to the near exclusion of engaging the past. We should resist this narrow approach. Victims of atrocity and their descendants have a moral interest in knowing and publicizing the truth about human rights abuses, not in order to pursue a vindictive politics of victimhood, but as a means of achieving legitimate demands for moral recognition. Without some engagement with the past, reconciliation will remain superficial and tenuous at best.

Truth seeking is not only victim oriented, however. Investigating past abuses can undermine apologist histories that perpetrators used

to justify their actions. Delegitimizing these histories is crucial for reconciliation, for otherwise abuses remain uncontested and effectively reinforce an equivalence between violators and the violated, with each “side” having its own justifications or interpretation of what happened. Investigating violations can also contribute to addressing the causes of violence, providing a basic groundwork for institutional and political reforms to ensure that the past is not repeated. Minimalism has little to offer in this regard. Because it eschews investigation and disclosure of the past, it contains no mechanism for promoting institutional reform, much less societal transformation. Instead, it risks reifying the power arrangement existing in the transitional period, with the only caveat that enemies not pursue violence to settle disputes. The result is an approach that, unwittingly perhaps, permits apologists to argue for “forgetting and moving on” while maintaining intact the institutions responsible for past crimes.

Similarly, minimalism ignores that often a history of violence may leave a significantly uneven distribution of power and resources benefiting past perpetrators. This is a materialist claim, one that complements the discursive concerns about delegitimizing perpetrator justifications. Minimalists risk underplaying how in negotiated transitions, a thin system of procedural justice may further strengthen existing power relations and ignore a pressing need for distributive justice policies, particularly important where pronounced economic inequalities can further destabilize the country. The political terrain after mass violence is often uneven—particularly after negotiated settlements—with some actors enjoying significant political and economic capital and others living under conditions of impoverishment and destitution nearly identical to the period of violence, albeit perhaps without the overt political oppression of the previous era. A more satisfactory model of reconciliation must attend to these issues of disparate and uneven power relations.

At the other end of the theoretical spectrum lies what I term *maximalist* approaches, which reject the accommodationism and “hasty peace” typical of minimalism.<sup>5</sup> For maximalists, reconciliation occurs when perpetrators acknowledge responsibility, repent, and then are forgiven by their victims. Perhaps the strongest proponent of this approach is Archbishop Desmond Tutu, who served as the South African Truth and Reconciliation Commission’s chairman. Tutu famously

sought to reground reconciliation on the notion of *ubuntu*, or humanness, drawing attention to the importance of generating compassion and forgiveness among former enemies.

In *No Future without Forgiveness* (1999), Tutu discusses this theory of reconciliation at length. While the book is not an academic work, its centrality in debates about reconciliation requires that we give it attention. It is noteworthy for the way it rejects mere cohabitation as normatively problematic, arguing that minimalism simply excuses perpetrators of any responsibility while undercutting moral reflection and placing immediate needs above the more difficult work of moral repair. Of particular concern for Tutu is the fact that minimalism is insufficiently attentive to the needs of victims. For him, reconciliation contains a constitutive element of acknowledgment and forgiveness. Acknowledgment is achieved not only through investigating past actions and publicly disseminating the findings but also more profoundly through the perpetrator's explicit recognition of wrongdoing and the victim's forgiveness:

If the wrongdoer has come to the point of realizing his wrong, then one hopes there will be remorse, or at least some contrition or sorrow. This should lead him to confess the wrong he has done and ask for forgiveness. It obviously requires a fair measure of humility, especially when the victim is someone in a group that one's community has despised, as was often the case in South Africa when the perpetrators were government agents. The victim, we hope, would be moved to respond to an apology by forgiving the culprit. (1999, 271)

Tutu is careful to qualify his understanding of reconciliation through the use of a soft conditional ("*if* the wrongdoer . . . *then* one hopes" and "the victim, we hope"); however, the result—the overcoming of estrangement—is argued in no uncertain terms. "In the act of forgiveness we are declaring our faith in the future of a relationship. . . . [W]e are saying here is a chance to make a new beginning. It is an act of faith the wrongdoer can change" (1999, 272).

Similarly, political theorist Lyn Graybill (2001) centers reconciliation on mutual forgiveness, which creates the possibility of securing a shared future for everyone affected by the violence. She argues that

trials and social amnesia are equally unsatisfactory in this regard, as both ignore the important transformations required to suture old wounds and reintegrate former enemies into a shared community, transformations that can occur only through the power of forgiving. Rodney Petersen espouses a similar definition of reconciliation, characterizing it as a “restoration or even a transformation toward intended wholeness that comes with transcendent or human grace” (2001, 13). Forgiveness is the vehicle of transformation, restoring and transforming practices between former enemies. The transformation must be “grounded in a deep ontological understanding of life” and “rooted in a costly self-immolation in the heart of being itself. It affects my being and the one with whom I exist in a state of alienation insofar as I will allow it” (2001, 11). Achieving this transformation requires a great sacrifice on the part of the perpetrator and the victim; perpetrators must take responsibility for their crimes and repent, in the process critically interrogating their identity and leaving themselves vulnerable to censure and reproach, and victims must move beyond “insincere and grandiloquent language” of facile pity toward seeing their violators “in the present, not as encumbered in the past or as prejudged in the future” (2001, 24).<sup>6</sup>

Arguably, the focus on forgiveness may be burdensome on victims, even if this is not the intention. The state cannot, of course, decree forgiveness, and none of these thinkers argues so. But though forgiving should be a free and unencumbered act, its *de facto* institutionalization in some truth commissions (such as South Africa’s) or in official apologies gives victims little space for opposing it and demanding instead some sort of accountability. In this sense, reconciliation through forgiveness may appear coercive to victims. This is not to say that forgiveness is never appropriate, but only to note that its institutionalization as the prime mechanism for reconciliation is deeply problematic, for it is “morally objectionable as well as impractical . . . to force people to agree about the past, forgive the sins committed against them, or love one another” (Crocker 2000, 108). Forgiveness may be morally praiseworthy, but it should not serve as the lodestar of reconciliation.

These understandings of forgiveness are typically grounded in theological conceptions of moral renewal and solidarity. In an important recent work on South Africa, Claire Moon criticizes Tutu and other maximalist thinkers for constructing a notion of reconciliation that calls “upon the Edenic, or prelapsarian human condition, and



hail[s] a return to a condition of harmony and unity that preceded the Fall” (2008, 118). Moon is right to caution against apolitical understandings of reconciliation that problematically naturalize a prior just social order and then trace, as it were, its fragmentation and collapse. Indeed, the term *re*-conciliation itself carries with it an idea of a *re*-turn to a prior desirable state. Such narratives graft onto different societies a general moral story about harmony, rupture, and eventual reunion that risks ignoring important historical and political features.<sup>7</sup>

While Moon may overstate the case that “theological narratives work *against* the possibility of constituting different political configurations and allegiances,” she is correct in drawing our attention to the narrative arc of harmony, fall, and return that is common here (2008, 121). The idea of a return to a prelapsarian state is problematic not only for its conceptualization of the past but also for what it requires of the present and future. It risks treating reconciliation as the substantive agreement on moral issues and perspectives as well as a robust harmony between different groups that tends to smooth over real and legitimate differences—differences that are ineradicable elements of any political order. By underplaying political dissension, maximalist approaches face a difficulty in defining the difference between significant political conflict that may degenerate into violence and forceful political dissent, a basic element of democratic politics. In large part, I suspect, this is because they fail to discuss how post-atrocity politics should look. But political life based on forgiveness must still outline the normative criteria to distinguish between extremist political discourse and legitimate political debate; without such criteria, both may be discarded as fundamentally disruptive of the goal of profound reconciliation that forgiveness entails. The demands that forgiveness makes on political discourse risk overdetermining the shape of this discourse, so that it no longer includes contestation but rather is reinscribed with terms such as “love,” “fraternity,” and “pity.”<sup>8</sup> It defines permissible politics according to the likelihood of further antagonism, not according to the actual content of the claims made by actors. Because political contestation may come into opposition with the need to forgive, political contestation risks being delegitimized. But political life includes more than the search for consensus; it also contains something of an *agonistic* dimension, and thus any theory of reconciliation must allow for a distinction between legitimate political contestation

and repression. Maximalists struggle to draw this distinction precisely because they focus on forgiveness and the attendant lack of criteria to judge what forms of political contestation are permissible. But there is an even deeper problem with these approaches, one that they share, paradoxically, with minimalist theories discussed earlier.

Both minimalists and maximalists anchor their understandings of reconciliation in specific discourses that do not translate well into other social spheres. In both cases, they draw from a particular type of discourse that functions appropriately within certain bounds but founders in other contexts. In other words, they rapidly reach their limits of applicability outside their specific domains. Consider minimalists: They use an essentially legalistic, proceduralist model that provides a persuasive account of what the minimum basis of post-atrocity politics should be—simple coexistence bound by the rule of law, with a core of human rights protections. But procedural justice tells us little about what reconciliation looks like between individuals. It fails to address that reconciling former enemies interpersonally means more than securing the absence of violence; it also requires thoughtfully engaging issues of responsibility, vengeance, resentment, and even forgiveness, as well as reflection on what the moral contours of new personal relations should be. Minimalists say little about the uses of shame, survivor demands for recognition of their experiences, or complex moral issues surrounding personal apologies and forgiveness. Nor do they tell us much about different types of elite discourse and how political elites can contribute to or undermine societal reconciliation. What should be the role of elites in rebuilding their society, beyond the minimal stipulation that they not use violence to further their own interests? What are the dangers and benefits of having elites promote a revisionist account of the past, and how does this affect personal and broader social historical understandings? Where do official apologies fit in? Related to this is the role of civil society: Certainly, civil society actors can further the process of reconciliation by helping inform public debate on articulating definitions of perpetrators, victims, and bystanders; fostering discussions on the meaning of concepts such as justice, truth, and guilt; and critically examining past legitimizing narratives (they can also, of course, distort or even sabotage efforts at achieving all these things). All of this far exceeds the narrowly tailored proscriptive requirements found in minimalist approaches.

Maximalists suffer from the same limitation. Rather than begin from an overly formalistic legal approach, maximalists tend to rely on the faculty of forgiveness as the wellspring of reconciliation. Here, the problem lies with forgiveness's traditional understanding as a *personal faculty* occurring between individuals qua individuals. It does not travel well into other spheres of social relations, at least not without having to undergo some drastic conceptual changes that result in its substantial redefinition. Consider the use of legal pardons, often seen as the legal twin of forgiveness (Freeman 2002). In the legal sphere, a sovereign grants a pardon in order to eliminate juridical culpability. Pardons do not, however, necessarily require the perpetrator's moral transformation. Indeed, pardons often have little to do with public repentance; rather, they are employed for political reasons, such as ensuring stability or eliminating a potential threat. Furthermore, pardons remain the prerogative of the sovereign, not the victim.<sup>9</sup> Whereas forgiveness can be understood as a faculty that expresses the victim's agency, juridical pardons are firmly rooted in the sovereign, and victims have little influence on their use.

Nor is it clear what it means for forgiveness to play a central role in social discourse. Certainly, elites can apologize for actions committed by members of their group, and other elites may forgive them (Digeser 2001; Tavuchis 1991). But apologies and forgiveness do not necessarily reconcile, nor do they necessarily remove mistrust. Though some civil society groups may encourage forgiveness as a way of reaching closure on the past, how this is to be operationalized remains at best problematic; how do we institutionalize forgiveness in public discourse or public policy while maintaining its transcendental and expiatory character? Another way of putting it is this: If forgiveness requires unpredictability—precisely because it must be the action of a *free* agent, and thus if we know that forgiveness always follows transgressions, the faculty loses its moral force—its institutionalization and routinization will result in predictability and, consequently, its debase-ment. The deep ontological transformations expected by Tutu and others become muted, or at least significantly attenuated, because there is no mechanism to ensure that the guilty truly repent and the victims forgive them for it. Rather, what is left is a discourse that calls for reintegration through the embrace of the other without providing any insight into how this could operate as a social, rather than merely

personal, dynamic. Again, this is *not* to say that forgiveness is inappropriate in post-conflict contexts; it is only to state that we should be wary of placing it at the center of a theory of reconciliation, for it is unclear how forgiveness (as a faculty exercised between individuals) can be used in broader social or institutional contexts. Forgiveness of this sort, as a social mechanism of integration, requires more attention to its operationalization than maximalists have given it.

Both minimalist and maximalist theories are based on too narrow a conception of reconciliation. The former's legalistic understanding fails to capture myriad other elements that need to be addressed at the interpersonal, social, and political levels, and the latter draws on an individualist theory of forgiveness that cannot be satisfactorily projected onto social, legal, or political levels. Because of their restricted origins and applicability, both minimalist and maximalist formulations are *univalent*—that is, they remain anchored to types of discourse that operate at only one societal level. This, in turn, prevents them from identifying how disparate calls for justice, forgiveness, and truth telling—all morally legitimate—interact at different social levels.

## Reconciliation as Respect: A Multivalent Approach

This book argues that reconciliation is best understood as a multilevel process, one characterized by specific logics and strategies operating at four levels: the political, institutional, civil society, and interpersonal levels. For example, truth commissions and tribunals address issues of victim recognition, factual accounts of the past, and accountability at an institutional (and in the former case, possibly civil society) level but do not exhaust all the demands for reconciliation. Political leaders may introduce new education policies that discuss the past and may occasionally promote public memory projects (e.g., monuments, museums) to preserve historical memory. Civil society groups, such as nongovernmental organizations (NGOs) and community associations, in many instances have played important roles in bringing attention to crimes and generating public debate about them, as well as fostering discussions about complicity and responsibility. Moreover, sophisticated therapies for treating survivors have emerged to address legacies of

atrocities and trauma at the micro level, further indication that reconciliation is a complex process, operating on multiple levels.

That efforts at reconciliation exist at different levels, from the political and institutional to the social and interpersonal, is not mere coincidence. Rather, it points to something more fundamental: Reconciliation develops through the contextually specific actions and strategies of actors, and thus any theory must maintain sensitivity to these different contexts. Nevertheless, there is no guarantee that these different types of responses to the past will work in harmony; they may, in certain instances, work at cross-purposes, undermining the larger goal of reconciliation and social regeneration. Trials may end in acquittals and kindle calls for vengeance, while truth commissions may bring to light awful crimes but leave perpetrators untouched. Civil society groups may radicalize public discourse and raise unrealizable expectations of justice, or conversely, some actors may actually serve as apologists for past crimes, arguing that the crimes were legitimate responses to a real or perceived threat. And of course, efforts at treating trauma will sometimes fail, as survivors fall into further despair. Thus, reconciliation does not unfold harmoniously along different levels. Rather, it is best theorized as *disjunctured* and *uneven*, and its complex and multivalent character means that institutional responses (tribunals and truth commissions) are by themselves insufficient to guarantee its success.

These four levels are only conceptually distinct; reconciliation through the smooth and even integration of these levels is rarely, if ever, achieved empirically. Nevertheless, by theorizing an ideal model, we can identify how actions and developments at different levels can affect the larger effort of reconciliation. In this sense, the model serves as a heuristic and analytical device to interrogate the strengths and shortcomings of actual reconciliatory efforts, and it identifies the major normative concerns that post-atrocity societies face in a manner that is more nuanced and sensitive to competing normative claims. Here, I briefly define the various levels.

By *political society*, I mean the political elite who control the state, as well as the major actors outside government who represent defined sectors of the population. Political society also includes formal politics, such as party politics, and serves as a major sphere for presenting and shaping official accounts of the past. The transitional

context—whether it was negotiated or imposed through military victory—is a major constraining factor in how political elites engage the issue of reconciliation.

The *institutional* level includes formal institutional mechanisms such as tribunals and truth commissions assembled to interrogate the past, address responsibility, and formally recognize victims. The imprimatur of the state sets these types of institutions apart from strictly civil society efforts at investigating the past and examining responsibility.

*Civil society* is a third crucial level of the reconciliatory process. Civil society actors can contribute to reconciliation by offering more complex and critical interpretations of the past and by opposing statist accounts that simplify or distort the historical record. NGOs and other civil society groups also help inform the categories of bystanders, victims, and perpetrators, as well as concepts such as justice and responsibility. Furthermore, civil society is an important locus for promoting the rule of law and mutual respect, since these values require more than merely legal enforcement.

Finally, there is the *interpersonal* level, where individuals deal with the past by interpreting their personal narratives as part of, or a complement to, the larger public narrative developed at macro levels. Issues of accountability and recognition are transformed into concerns about personal responsibility, revenge, forgiveness, and personal moral transformation. Subsequent chapters show that certain responses have an impact on several levels simultaneously and others remain anchored to only one level (or have only minor repercussions at other levels).

At the center of this multilevel theory is the normative concept of *mutual respect*. Reconciliation, I argue, is based on a normative shift from estrangement and distrust to mutual respect, including (most importantly) among enemies. This means deepening the formal “rule of law” typical of legal minimalism not just to guarantee due process protections and procedural justice in some formal jurisprudential sense but also to recognize the validity of others’ claims to participate in the political and social spheres. Respect includes the recognition of others’ worth in and of itself and not simply because of political affiliation and limitations on the moral acceptability of certain actions toward them. In the next chapter I elaborate this norm, but I should note here that respect is more substantive than Bhargava’s (2001) bare co-

existence but not as thick as the conceptions of solidarity animating maximalist accounts of reconciliation. Granted, this idea of respect is a difficult concept to measure empirically. One indication of success is when previous, conflict-era forms of identity no longer represent the dominant modes of carving out political loyalty. Conflict-era identities are constructed on a strongly binary logic: In-groups define themselves through the construction of a dehumanized, disdained, and often-feared out-group requiring suppression, expulsion, or possibly even physical destruction (and often a combination of these). Where these previous identities lose their ability to mobilize loyalty and are instead mitigated by the development of alternative, overlapping political identities, the traditional in-group/out-group boundaries are no longer the most salient. Societies are reconciled to the extent that these new identities signify new ways of organizing political demands and loyalties. Of course, this does not mean that social tranquility and economic development follow, but it is indicative that old forms of enmity have been replaced by new political orientations, and in this sense we can say that reconciliation has been achieved. Nor does it mean the end of contestation and thus the end of politics; rather, it means that former enemies come to respect one another, see each other as moral equals and members of the same polity, and eventually form alliances with one another over new political, social, and economic challenges—the bread and butter, so to speak, of regular politics.

In this sense, I share a general theoretical perspective with Andrew Schaap's *Political Reconciliation* (2005), which argues that society is not a hypostatized entity needing reconstruction after fragmentation, but rather should be understood as a *process*, a fragile undertaking that is never ending and shapes us as much as we shape it. We reconcile, Schaap tells us, through public action and speech, which are inherently perspectival and thus political. His Arendtian approach focuses on “worldliness,” a recognition of the necessity of sustaining two fragile but simultaneous moments: one where a shared world is opened to adversaries and another where that world is called into question. The strength of *Political Reconciliation* lies in stressing the centrality of politics and risk and its unwillingness to yield to apolitical conceptions of reconciled society. I agree with much of the argument, though I believe that the idea of moral respect gives greater cohesion to reconciliation while still maintaining sensitivity to the openness and

fragility Schaap rightly highlights. This, in turn, necessitates theorizing moral respect across different contexts, as well as examining additional normative concepts that contribute to it, providing a theoretical account that can further elaborate the social relations under consideration in Schaap's work.

In addition to mutual respect, I introduce four other normative concepts that play a role in achieving reconciliation: *truth*, *accountability*, *recognition of victims*, and the *rule of law*, all further defined in the next chapter. These other concepts are crucial not only on their own—they can be justified on their own terms, which is done in the following pages—but also because through their emergence and interaction with one another, they promote respect.

*Truth* is particularly important, for the most basic requirement for reckoning with past crimes is having an understanding of what actually occurred. Without knowledge of the past, any expectations of developing trust among citizens and between citizens and the state are severely weakened. Accordingly, a society must investigate and publicize past abuses. I elaborate two broad dimensions here: (1) truth in its “objective” or factual sense, requiring the identification and investigation of specific instances of atrocity as well as patterns of violence and (2) a broader theoretical–normative engagement with the justificatory narratives employed by previous elites to legitimize their actions, which is a highly *political* enterprise, all the more so in the unstable context of a political transition.

Holding perpetrators *accountable* is a key element of reconciliation, for it is unlikely that survivors will reconcile themselves with those who continue to enjoy impunity. Accountability can take many shapes, and I argue that it takes different forms depending on the context. This may include the estrangement or public devaluation of violators and the repudiation of past policies, as well as formal prosecutions.

A third norm concerns *victim recognition*, which underscores the importance of inscribing narratives of past atrocity with the manifest recognition of the individuals and communities who suffered. Recognizing victims can serve several functions, including restoring their sense of dignity and self-worth and contributing to and informing broader historical memory by complementing the work of formal historical projects. For these reasons, both instrumentalist and noninstrumentalist, recognizing victims is important to reconciliation.



Finally, the establishment of the *rule of law* is necessary for the achievement of a lasting peace and reconciliation through respect. A commitment to the rule of law means that the successor regime has agreed to reform the relevant state institutions responsible for past crimes and provide the necessary mechanisms of accountability and oversight to ensure that individual rights will be respected. We can say, then, that the rule of law contains an institutional dimension of reform, concerned with revamping problematic state institutions and placing legitimate constraints on state power, as well as a normative dimension centered on accepting that political differences will not be decided through violence or force and political contestation will remain bound within formal and informal spheres of deliberation. Crucially, this means a commitment to transparency and impartiality, the cornerstones of due process. Though the institutional transformations required for successful political transitions are not the focus here, it is important to underscore that both the institutional and normative dimensions of the rule of law are crucial for reconciliation. Clearly, both components are intimately connected.

There is a temporal element that requires some elaboration here. If truth, accountability, and victim recognition often result in further estrangement among different groups (if only because they may destabilize an already politically delicate state of affairs), the rule of law and respect point to a closing of the moral distance between groups, showing that reconciliation requires, in the last instance, a reconstruction of the political order that allows for past enemies to work and live in the same political and moral space. A key difficulty with other approaches that equate reconciliation with forgetting is that they posit a new social order on (morally) insufficiently strong grounds by not grappling with issues of responsibility, impunity, memory, remorse, and frustration, all of which can reemerge following the transition. By underscoring the rule of law and especially mutual respect, I call attention to two important issues: (1) that reconciliation is, in its final calculus, about reintroducing former antagonists back into the same moral sphere and (2) that this requires an honest and sustained engagement with the past and with the moral issues surrounding perpetrators, bystanders, and victims.

It is important to note that these normative concepts all deal with crucial political and ethical problems and therefore should not be

treated on a merely instrumental basis for the furtherance of reconciliation; rather, it is precisely because they engage fundamental political and ethical issues that they are important to broad-based reconciliation. To treat them cavalierly and epiphenomenally misses the point entirely.

The following chapter discusses the normative concepts in detail, beginning with the core concept of respect. I provide an account of what each concept means and explain its normative content and limits. Chapters 3 through 6 then tackle the four levels—political, institutional, civil society, and interpersonal, respectively—and discuss why reconciliation at each level is both necessary and, by itself, insufficient for broader societal regeneration. I also discuss how the different levels affect one another, both positively and negatively. These discussions are organized around the five normative concepts. Chapter 7 concludes this book.

One last note: The theory of reconciliation presented here is not directly based on a particular version of contemporary democratic theory. While achieving reconciliation may take a great deal of time, it is largely a phenomenon of the transitional phases between the end of violence and the consolidation of democracy. The discussion I present in this book remains largely agnostic on the question of what type of democracy should follow the transition. Certain theories of democracy may be particularly compatible (or otherwise desirable) with the normative concepts I discuss, but I remain hesitant to expand my argument for reconciliation into a complete theory of democracy. To do so would overburden what I mean by reconciliation and would connect it too tightly to our preferred form of democratic life, without necessarily providing a convincing defense of the logical necessity of such connections. My argument for reconciliation is meant to serve as a groundwork for understanding the normative requirements for future peaceful and just social coexistence, and there are many plausible ways of thinking about this. It is partly decided through public deliberation and debate, as well as through elite negotiation and imposition. As I have argued, and as I argue in subsequent chapters, a peaceful society is not an apolitical society; we should not expect or desire political contestation to disappear. After all, this situation does not hold in established democracies, so there is no reason to believe that it could be achieved in

fragile transitions. And, in any case, it would be deeply illiberal and authoritarian. Rather, we should expect reconciled societies to have political contestation, negotiation, argument, bartering, and so on. There are, of course, many ways of understanding these and the necessary normative requirements for democratic justice. At a more theoretical level, one may argue for the virtues of, say, a (late) Habermasian (1996) or Rawlsian (2005) theory of proceduralist democracy above Laclauian (1996) radical democracy, or one may reject both in favor of a radical anarchism, such as Roberto Unger's (1998), or even the more communitarian ideal proposed by Charles Taylor (1989) and Michael Sandel (1998). One could expand this list quite a bit. Each of these theories has strengths and weaknesses that have been debated extensively elsewhere, and I do not pretend that reconciliation must result in any particular democratic theory. While I do draw a number of insights of contemporary democratic theory, especially the recent focus on deliberation and democratic praxis, I do not develop a strong theoretical link between reconciliation and a particular democratic theory model (though I do rely on a number of insights from deliberative theories in my discussion of civil society). At an empirical level, I avoid making a categorical argument in favor of any specific form of democratic power sharing, such as liberal-pluralist above confederal or consociational models. The appropriateness of any one depends on many factors, including the strength and types of demands of territorially based ethnic identities in the given country and their relationships with one another. While these are certainly important issues, they require an analysis of the concrete conditions of particular cases. This book is concerned with establishing and defending the basic normative principles of reconciliation.