

Introduction

“I cry over what has happened, even though I cannot change anything. Then I look inside myself to understand how it is possible that no one knew, how it is possible that so few did something about it, how it is possible that often I also just looked on. Then I wonder how it is possible to live with this inner guilt and shame.”¹

“What kind of man . . . uses a method like this one with the wet bag to people . . . to other human beings . . . repeatedly . . . and listening to those moans and cries and groans . . . and taking each of those people very near to their deaths . . . what kind of man are you, what kind of man is that, that can do . . . what kind of human being can do that.”²

This book focuses on political reconciliation, the process of rebuilding damaged political relationships. Political reconciliation is widely recognized to be one of the most important challenges for societies attempting to democratize following periods of repressive rule or civil conflict characterized by widespread and systematic human rights abuses. Indeed, the consensus among politicians, academics, and human rights activists is that political reconciliation is a condition for successful democratization and a critical component of peacemaking globally. The well-being of current and future generations in transitional societies is considered to be dependent on the success of efforts at political reconciliation.

Politicians, academics, and human rights activists have called for reconciliation in dozens of transitional societies including Iraq and

I am grateful to Daniel Conway, Paolo Gardoni, Theodore George, David Lefkowitz, Ben McMyler, Kathleen Murphy, Gerald J. Postema, Linda Radzik, and Susanne Sreedhar for their comments on earlier drafts of this chapter.

¹ From an anonymous letter written in Afrikaans to the South African Truth and Reconciliation Commission cited in Antjie Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa* (New York: Three Rivers Press, 1998), p. 62.

² Tony Yengeni questioning his former torturer Jeffrey Benzien during an amnesty hearing of the South African Truth and Reconciliation Commission in Cape Town. Cited in Krog, *Country of My Skull*, p. 93.

Afghanistan today, and South Africa, Northern Ireland, and Sierra Leone in the recent past. Appeals to political reconciliation are now ubiquitous in discussions about policy and politics in transitional societies. In Iraq, Prime Minister Nouri al-Maliki and non-governmental organizations like the United States Institute of Peace have developed a comprehensive reconciliation plan, while the Iraqi Ministry for National Dialogue has organized a national reconciliation conference.³ Reconciliation also plays a prominent role within the literature in moral and political philosophy that analyzes the nature and justifiability of responses to wrongdoing, and in the burgeoning multidisciplinary literature on transitional justice. Scholarship in the latter category considers how societies in transition from repressive rule to democracy should respond to a legacy of human rights abuses. Reflecting this consensus about its importance, political reconciliation now holds a powerful rhetorical and political force; the failure to pursue reconciliation is often taken to be sufficient grounds for criticism.⁴ In his resignation address following the threat of impeachment in August 2008, the then President of Pakistan, Pervez Musharraf, accused his opponents of “opt[ing] for the politics of confrontation over reconciliation.”⁵

Civil conflict and repressive rule have historically been and continue to be global phenomena, inflicting enormous suffering, causing intense upheaval, and leaving in their aftermath an overwhelming catalog of issues for transitional societies to address. Despite the fact that conflict and repression are not new, the distinctive emphasis on political reconciliation within transitional societies is. What explains the intense and unprecedented global interest in political reconciliation? To a significant extent, the answer is South Africa. During its historic transition from apartheid to democracy, South Africa made the pursuit of reconciliation a central focal point of concern and, as a result, placed the issue of reconciliation firmly at the center of the global peacemaking agenda. To understand the questions and concerns that this book sets out to address and answer, then, it is instructive to begin with South Africa.

³ James Phillips, “What is Needed for Reconciliation in Iraq,” June 28, 2006, www.heritage.org/research/iraq/wm1139.cfm; David A. Steele, “Reconciliation Strategies in Iraq,” *United States Institute of Peace Special Report*, 213 (October 2008), www.usip.org/pubs/specialreports/sr213.pdf.

⁴ For a discussion of the rhetorical dimensions of reconciliation see Erik Doxtader, “Reconciliation – A Rhetorical Conception,” *Quarterly Journal of Speech*, 89 (2003), 267–92.

⁵ Candace Rondeaux, “Musharraf Exits, but Uncertainty Remains,” *Washington Post*, August 19, 2008, www.washingtonpost.com/wp-dyn/content/article/2008/08/18/AR2008081800418.html. Accessed August 20, 2008.

Cambridge University Press

978-0-521-19392-4 - A Moral Theory of Political Reconciliation

Colleen Murphy

Excerpt

[More information](#)*Introduction*

3

In 1994, after more than forty years of apartheid, South Africa held its first democratic elections. During apartheid, the South African minority white government had institutionalized racism, racially segregating every dimension of South African society by law and systematically oppressing the black South African population.⁶ Such oppression depended on intense repression at the hands of an extensive security force. The anti-apartheid opposition movement, initially non-violent, soon turned to violent tactics to overthrow the apartheid regime. Negotiations to end the ensuing civil conflict occurred from the late 1980s through the early 1990s, led by Nelson Mandela of the African National Congress (ANC), who was freed from prison in 1990 after twenty-seven years, and the then South African President F. W. de Klerk. The negotiations eventually resulted in the crafting of an interim constitution and paved the way for democratic elections. On May 10, 1994, Nelson Mandela became President of South Africa.

Enormous uncertainty surrounded the negotiations and the official transfer of power. Many within South Africa and around the world anticipated and feared an all-out bloodbath. Yet, to the astonishment of many, widespread conflict never materialized. Historian Leonard Thompson captures the amazement over the South African transition in his description:

Between 1989 and 1994, South Africans surprised the world. Although the country was wracked by unprecedented violence and teetered on the brink of civil war, black and white politicians put an end to more than three hundred years of white domination and fashioned a nonracial constitution, which effectively transferred political power from the white minority to the black majority. May 10, 1994, the day the presidency of South Africa passed from an Afrikaner who led the party of white supremacy to the leader of an African nationalist movement, was the culmination of one of the finest achievements of the twentieth century.⁷

One primary issue facing the new South African government was how to deal with the human rights abuses committed during apartheid. A product of the negotiations to end apartheid was the inclusion in the Interim Constitution of 1993 of a commitment that the institution established to confront the legacy of human rights abuses during apartheid

⁶ Black South Africans, the overwhelming majority of the South African population, were stripped of their political rights, forcibly removed from their homes, and subjected to social, legal, political, educational, and economic discrimination.

⁷ Leonard Thompson, *A History of South Africa* (New Haven, CT: Yale University Press, 2000), p. 241.

would contain an amnesty provision for parties responsible for offenses committed for political reasons during the prior conflict.⁸ This would ensure that the past was confronted in a manner that fostered reconciliation. Following the emerging model of previous transitional societies, the South African Parliament passed the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, establishing the Truth and Reconciliation Commission (TRC). The mandate of the TRC was to “investigat[e] and document gross human rights violations committed within or outside South Africa in the period 1960–1994.”⁹ The specific violations under investigation were killing, abduction, torture, and severe ill-treatment. The amnesty provision stipulated that a perpetrator of such abuses could be granted amnesty if he made a full disclosure of the acts for which he was responsible and showed that such acts were carried out for political reasons.¹⁰

Although South Africa was not the first country to establish a truth commission to investigate and document systematic and widespread human rights abuses, the proceedings of the TRC were in many respects unprecedented. For example, the level of participation in and publicity surrounding the work of the TRC was unparalleled. The testimony of over 20,000 individuals was collected and over 7,000 individuals applied for amnesty.¹¹ Most importantly for my purposes, the TRC made the pursuit of reconciliation a primary aim of its work. According to the Final Report of the TRC, “the overarching task assigned to the Commission by Parliament was the promotion of national unity and reconciliation.”¹² The task of the TRC was “to uncover as much as possible of the truth about past gross violations of human rights – a difficult and often very unpleasant task. The Commission was founded, however, in the belief

⁸ David Dyzenhaus, “Survey Article: The South African TRC,” *Journal of Political Philosophy*, 8(4) (2000), 470–96, at 475.

⁹ Truth and Reconciliation Commission of South Africa, *Truth and Reconciliation Commission of South Africa Report*, 5 vols. (London: Macmillan Publishers, 1999), vol. 1, ch. 2, p. 24.

¹⁰ Those granted amnesty were immune from both civil and criminal prosecution. The TRC was divided into three committees, one of which focused on human rights violations, another on amnesty, and a third on reparations to victims. Dyzenhaus, “The South African TRC,” 477.

¹¹ In addition, by individualizing amnesty, the TRC allowed for a measure of accountability for human rights abuses that contrasted with previous commissions that had been preceded by a blanket amnesty allowing general immunity for human rights abuses. The TRC also held institutional hearings to determine the role of the media, law, health sector, business, and religious communities during apartheid; these were designed to understand how apartheid was sustained. Public hearings of the Human Rights Violations Committee and the Amnesty Committee of the TRC were extensively covered by the media on radio, in newspapers, and on television. Dyzenhaus, “The South African TRC,” 479.

¹² TRC, *Truth and Reconciliation Commission of South Africa Report*, vol. 1, ch. 5, p. 106.

Introduction

5

that this task was necessary for the promotion of reconciliation and national unity.”¹³ This commitment was embodied in the work of the TRC commissioners throughout the hearings. Most famously, the chairman of the TRC, Archbishop Desmond Tutu, publicly encouraged reconciliation and forgiveness between perpetrators and victims, praising those who did forgive as models for the new South Africa.

The work of the TRC captured the world’s attention, sparking theoretical and political debates both within and well beyond the boundaries of South Africa. One debate centered on the exportability of the South African model of transitional justice and reconciliation. The question was whether a TRC established in different transitional contexts could be as successful as the TRC in South Africa. Skepticism about this possibility focused on the factors unique to South Africa that contributed to the achievements of the TRC. For example, both Mandela and Tutu played critical roles in promoting the TRC and reconciliation; indeed, Archbishop Tutu believes that Nelson Mandela will be remembered primarily as “the icon of reconciliation and forgiveness, of holding together a country that everybody kept predicting ‘give them six months, and this country will be down the tubes.’”¹⁴ Analogous figures may not be present in other transitional contexts. Further, South Africa had distinctive cultural resources that facilitated the pursuit of reconciliation; the African notion of *ubuntu*, which emphasizes the humanity and interconnectedness of all South Africans and was appealed to by Archbishop Tutu, laid the foundation for the possibility of reconciliation.

A different debate concerned whether South Africa *should* serve as a model for other transitional societies to emulate. The TRC was the subject of numerous critiques that called into question its justifiability. A number of criticisms focused on the underlying rationale of the truth commission, which was to investigate and document the truth about past atrocities in order to facilitate reconciliation. Some questioned whether the pursuit of the truth would indeed facilitate reconciliation if punitive justice was then denied; from this perspective, when punishment is denied it leads to resentment and vigilantism. Others opposed the emphasis of the TRC on reconciliation. Critics charged that the TRC failed to

¹³ *Ibid.*, vol. 1, ch. 4, p. 49.

¹⁴ B. J. de Klerk, “Nelson Mandela and Desmond Tutu: Living Icons of Reconciliation,” *The Ecumenical Review* (October 2003), http://findarticles.com/p/articles/mi_m2065/is_4_55/ai_11979985/pg_3?tag=artBody:coli. Accessed October 22, 2008.

Cambridge University Press

978-0-521-19392-4 - A Moral Theory of Political Reconciliation

Colleen Murphy

Excerpt

[More information](#)

sufficiently respect the dignity of victims, and indeed wronged victims a second time, when it encouraged them to forgive and reconcile with past wrongdoers.¹⁵ Others argued that the pursuit of reconciliation by the state was fundamentally illiberal, insofar as it hoped to inculcate a single attitude of forgiveness throughout the population and establish a single authoritative account of the past in its Final Report. For many, pursuing reconciliation through the TRC was a morally second-best strategy, necessary because of the negotiated compromise that required an amnesty provision and because punishment and retribution were not viable options given the scale of atrocities committed and the state of the judicial system. As South African lawyer Paul van Zyl writes, “Transitional societies are often left with a legacy in which thousands (sometimes hundreds of thousands) of people are victims of gross violations of human rights. Criminal justice systems are designed to maintain order in societies where violation of law is the exception. These systems simply cannot cope when, either as a result of state-sanctioned human rights abuses or internal conflict or war, violations become the rule.”¹⁶

The fundamental questions about political reconciliation raised in the debates over the South African TRC have not been resolved. Indeed, South Africa remains the point of departure for many academic and policy discussions and debates about reconciliation and transitional justice. An underlying source of the ongoing controversies surrounding political reconciliation is disagreement about the nature of reconciliation itself: Is political reconciliation fundamentally illiberal? Does it require citizens to adopt a unitary account of the past? Must the interests of individual victims be subordinated to the interests of the community? Are reconciliation and retribution incompatible? Is the pursuit of reconciliation merely a second-best option in transitional contexts? Is political reconciliation necessary for successful democratization and the prevention of future conflict and repression?

¹⁵ For a detailed review of these various critiques, and responses to the critiques, see Robert I. Rotberg and Dennis Thompson (eds.), *Truth v. Justice: The Morality of Truth Commissions* (Princeton University Press, 2000) and Dyzenhau, “The South African TRC.”

¹⁶ Paul van Zyl, “Justice Without Punishment: Guaranteeing Human Rights in Transitional Societies,” in Charles Villa-Vicencio and Wilhelm Verwoerd (eds.), *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (University of Cape Town Press, 2000), p. 46. One additional objection to the framework of the TRC focuses on its emphasis on gross human rights violations, which, the objection claimed, relegated the crime against humanity that consisted of the practices of apartheid itself to the background context. The TRC consequently failed to acknowledge the millions of individuals who were victims of practices like forced removals. For this criticism see Mahmood Mamdani, cited in Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), p. 74.

Introduction

7

The central objective of this book is to develop an analysis of what political reconciliation involves, one that answers the fundamental questions raised by the South African TRC. Before beginning my analysis, however, it is important to explain why a new examination of political reconciliation is needed. Despite the emerging consensus about the importance of political reconciliation for transitional contexts and its prominence in debates about transitional justice, until recently political reconciliation was not the subject of sustained theoretical attention. Although political reconciliation is now becoming the subject of theoretical interest, there is no consensus about what political reconciliation is. In the words of the International Center for Transitional Justice (ICTJ), “The word ‘reconciliation’ continues to figure prominently both in the literature and the practice of transitional justice, despite a lack of consensus about what the term exactly means, what activities it encompasses, or what achieving such a condition would require.”¹⁷ In addition, within the little literature that now exists on political reconciliation there is no robust debate about the nature of political reconciliation. Typically, a conception of reconciliation is developed without citing alternative conceptions or subjecting such conceptions to a sustained critique.

In the next section I develop a set of desiderata that an adequate view should meet by considering the limitations of the available understandings of reconciliation found in the literature. I then describe the methodology that I employ to develop a conception of political reconciliation that fulfills these criteria. Finally, I conclude with a general overview of the conception of political reconciliation I defend in the chapters that follow, which captures the complex set of problems pertaining to political relationships in transitional contexts that processes of reconciliation must repair, without losing sight of individuals and respect for their agency.

¹⁷ The International Center for Transitional Justice (ICTJ) was established in 2001 and advises countries on whether to confront the legacy of human rights abuses through criminal trials and/or truth commissions and the appropriate relationship to establish between different programs (i.e., the truth and reconciliation commission and special court in Sierra Leone); trains and assists prosecution efforts in both domestic and hybrid tribunals; files *amicus curiae* briefs in domestic tribunals; monitors domestic criminal justice proceedings; publishes studies on the use of hybrid tribunals; and holds conferences on domestic prosecutions with international representatives involved in such efforts to create a network of advisors and offer a forum for exchanging investigation strategies. It currently works in such capacities in over twenty-five countries around the world. See ICTJ, www.ictj.org/en/tj/784.html. Accessed September 1, 2008.

CONCEPTIONS OF POLITICAL RECONCILIATION

As noted above, political reconciliation broadly refers to the process of rebuilding political relationships.¹⁸ Given this basic idea, a conception of political reconciliation will clarify what this process entails. In particular, it will provide a diagnosis of why political relationships must be rebuilt, which will in turn clarify how relationships have gone wrong or been damaged. It will spell out what transformed and rebuilt decent relationships are like. It will also clarify what a process must do if it is to be effective, namely, rebuild political relationships in the requisite ways.

The discussion in the previous section suggested that to articulate the basic idea of political reconciliation in an adequate manner, a conception should provide the theoretical resources for resolving the controversies about political reconciliation. That is, an adequate theory of political reconciliation should respond to the urgent and pressing practical need for a normative theory of political reconciliation.¹⁹ A theory should be normative in the sense of being action- and policy-guiding, providing the theoretical resources for understanding what should count as success for the purposes of evaluating public policies designed to foster political reconciliation. It should also be normative in the sense that it clarifies what is at stake, morally speaking, in the success or failure of the process of rebuilding political relationships in the aftermath of conflict and repression. In particular, it should shed light on the moral value and justifiability of its pursuit and the kinds of processes that foster reconciliation. We should also look to it to confirm and explain why reconciliation is vital for successful democratization.

In this section I critically evaluate four different conceptions of reconciliation articulated in the literature: reconciliation as forgiveness; reconciliation as the creation and stabilization of normative expectations and trust; reconciliation as a political value; and reconciliation as the

¹⁸ This core idea can be found in John Roth, "Useless Experience: Its Significance for Reconciliation after Auschwitz," in David Patterson and John K. Roth (eds.), *After-Words: Post Holocaust Struggles with Forgiveness, Reconciliation, Justice* (Seattle: University of Washington Press, 2004), pp. 85–99, at p. 86; Daniel Philpott, "Introduction," in Daniel Philpott (ed.), *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice* (Notre Dame, IN: University of Notre Dame Press, 2006), p. 14; Trudy Govier and Wilhelm Verwoerd, "Trust and the Problem of National Reconciliation," *Philosophy of the Social Sciences*, 32(2) (2002), 178–205. This is the second sense of reconciliation that Paul M. Hughes identifies in his "Moral Atrocity and Political Reconciliation: A Preliminary Analysis," *International Journal of Applied Philosophy*, 15(1) (2001), 123–35.

¹⁹ I take this phrase from Allen Buchanan, who develops his theory of secession in response to a distinct practical need. See Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania to Quebec* (Boulder: Westview Press, 1991), p. 2.

Conceptions of political reconciliation

9

constituting of a political community. Although each conception is useful and captures important insights, it is ultimately inadequate because it is incomplete. My discussion highlights two general limitations of prevailing understandings. The first is that available conceptions offer a simplistic diagnosis of what the rebuilding of political relationships involves because they focus on certain problems (e.g., attitudinal or interpersonal) regarding political relationships in transitional contexts, while ignoring others (e.g., institutional). As a result, available conceptions fail to capture the complex changes that rebuilding political relationships requires. I suggest that an additional constraint on an adequate conception of reconciliation is that it provides a multifaceted characterization of how political relationships go wrong during conflict and repression.

The second limitation of available conceptions is a product of the methodology used to analyze political reconciliation. We can speak of the reconciliation between a husband and wife, parent and child, close personal friends, individual perpetrator of wrongdoing and individual victim, or societal reconciliation. A common strategy in the literature is to develop a general theory of moral reconciliation that is applicable for these various relationships.²⁰ I do not want to deny the value of more abstract analyses, nor am I suggesting that various kinds of reconciliation are not related. Indeed, it would be surprising if personal relationships remained unaffected in contexts where general political relationships are deeply flawed. Rather, I challenge the usefulness of such analyses for the pressing moral and policy questions about reconciliation that arise in transitional contexts. In particular, abstract analyses provide little guidance for effective and justifiable policy formulation and few resources for understanding why political reconciliation is critical for successful democratization. This suggests that a conception of political reconciliation must capture what is distinctive about the repair of political, as opposed to more personal, relationships.

Reconciliation as forgiveness

One prominent way of understanding political reconciliation is in terms of forgiveness. Forgiveness involves the overcoming of negative emotions,

²⁰ For a general examination of reconciliation see Margaret Urban Walker, *Moral Repair: Reconstructing Moral Relations After Wrongdoing* (Cambridge University Press, 2006). She describes her project as trying to “understand how responses to wrong and harm, in personal and political cases, can be ways to repair and sustain the grip of morality as a force in our shared lives” (p. 6). Linda Radzik also offers a general moral theory of making amends that has as its goal achieving reconciliation in her *Making Amends: Atonement in Morality, Law and Politics* (Oxford University Press, 2009).

Cambridge University Press

978-0-521-19392-4 - A Moral Theory of Political Reconciliation

Colleen Murphy

Excerpt

[More information](#)

such as anger, hatred, resentment, and indignation, which are natural responses to wrongdoing.²¹ In this view, then, a primary source of the damage to and problems with political relationships is attitudinal in nature, and concerns the presence of pervasive and widespread negative reactive attitudes. Political relationships are rebuilt when such negative reactive attitudes are overcome.²² Processes of political reconciliation are effective if they foster and encourage the desired kinds of changes in citizens' attitudes.

This view seems attractive because it focuses on what many regard as necessary for the long-term maintenance of personal relationships: forgiveness. Given the fallibility of human beings, it is inevitable that individuals will wrong those they care about at some point. If an individual who is wronged retains the resentment and hatred felt in response to being wronged, interaction can become stifled, clouded, and can ultimately cease. The maintenance of long-term personal relationships thus depends on a willingness to overcome resentment and hurt, and a willingness to trust that the wrong done does not represent the core of the other individual. In other words, the maintenance of relationships depends on a capacity and willingness to forgive.

Despite its initial appeal, however, forgiveness provides an inappropriate starting point for understanding political reconciliation. The fittingness of forgiveness as a response to wrongdoing is most plausible in the context of normal personal relationships. In such relationships, wrongdoing is the exception or aberration, not the rule. This makes the claim that an individual who was wronged should overcome his or her resentment through forgiveness reasonable and appropriate. Through forgiveness a valuable relationship can be restored. However, in transitional contexts the conception of a prior normal, acceptable political relationship that has been ruptured by

²¹ This idea of forgiveness draws on the basic understanding articulated by Bishop Butler and developed in various ways by theorists including Norman Richards, "Forgiveness," *Ethics*, 99(1) (1988), 77–97; Paul M. Hughes, "What Is Involved in Forgiving?" *Philosophia*, 25 (1997), 33–49; Pamela Hieronymi, "Articulating an Uncompromising Forgiveness," *Philosophy and Phenomenological Research*, 62(3) (2001), 529–55. Authors disagree on precisely which negative emotions need to be overcome in forgiveness. For an example of two different views, see Jeffrie Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge University Press, 1998).

²² For authors who define reconciliation in terms of forgiveness, see Rajeev Bhargava, "Restoring Decency to Barbaric Societies," pp. 45–68; Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice," pp. 68–98; David Crocker, "Truth Commissions, Transitional Justice, and Civil Society," pp. 99–121 – all in Rotberg and Thompson, *Truth v. Justice*.