THE POLITICS OF PAST EVIL

Religion, Reconciliation, and the Dilemmas of Transitional Justice

Edited by

Daniel Philpott

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Over the past two decades, all over the world, newly emergent liberal democracies with long, dolorous pasts of injustice—under communism, under military dictatorship, under apartheid—have sought to confront and to overcome these persistent legacies. From these episodes has emerged a concept relatively new to the vocabulary of liberal democracies, but now the subject of a global conversation: reconciliation. Scholars, mostly philosophers and social scientists, have also begun a conversation about reconciliation and the justice of political transitions. While their perspectives are competing and diverse along several dimensions, the majority of them share an outlook that is not at all preponderant among actual participants in transitional justice in South Africa and Northern Ireland, in Argentina, Germany, and Guatemala: secularism.1

What unfolds in the following pages, then, is a conversation about how theology and politics are related in the theory and practice of reconciliation, situated in the context of transitional states. What place does reconciliation have in the politics of transitions? What are the warrants for it? Four theorists, two theologians and two philosophers, draw explicitly from theological perspectives in answering these questions. The answers are fresh angles in today’s debate. Our conversation, though, also recognizes that reconciliation’s credibility as an approach to politics depends not only on a theoretical foundation but also on an account of its place in the tug and haul of actual political transitions. Two political scientists and a historian, all sympathetic to the theological

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perspectives, then chart the path of reconciliation, sometimes tortuous, sometimes propitious, in South Africa, Northern Ireland, Argentina, and Germany. The divide between the two sorts of inquiry is not neat. The theorists are cognizant of contemporary political transitions; the empirically oriented scholars are theoretically conscious. Explicating theological warrants, mapping the texture of actual political transitions, echoing debates within these transitions, our conversation addresses a wide variety of interlocutors, both scholarly and generalist, both with and without theological commitments.

The context for our conversation is the historically unusual concentration of societies that have passed from authoritarianism to democracy or from war to peace over the past quarter-century or so. In what political scientist Samuel P. Huntington calls the “third wave” of democratization, states in Eastern Europe, East Asia, South Africa, and Latin America have sought to progress from one or another form of regime that denied human rights—military dictatorship, communism, or apartheid—to a constitutional liberal democracy. In Northern Ireland, the former Yugoslavia, East Timor, Guatemala, and elsewhere, states have settled long wars. Among the most difficult dilemmas that all of these societies face has been their own past. Particularly, how ought they to treat perpetrators of egregious violence and human rights violations? Try them? Grant them amnesty? Leave the problem alone and continue onwards? Stage public hearings? Might forgiveness be appropriate?

In fact, transitional states have responded to their pasts in a variety of ways, often combining elements of different approaches. One alternative is pragmatic compromise. Here, no authority, international or domestic, addresses past injustices in any meaningful way. There are no trials, no punishment, no truth commissions, no procedures or rituals for reconciliation. The parties to the transition—usually the representatives of the old regime and their ascendant opponents—may choose this solution because they are concerned about peace and social stability, because the outgoing regime is powerful enough to prevent any official examination of the past, because a constitutional court rules against such an examination, or simply because there are no strong advocates for governmental solutions to transitional justice. In chapter 6 of this volume, for instance, Mark Amstutz describes how, in Argentina, President Raúl Alfonsín’s efforts to prosecute senior military leaders of the previous junta ultimately came to naught due to the resistance of powerful military factions and their public supporters. In Northern Ireland and Poland governmental solutions have thus far been weak to nonexistent.
Approaches to transitional justice that do involve official institutions are divisible into two broad approaches: punitive justice and reconciliation. Each, of course, has its variations; often, states combine elements of the two. East Timor, for instance, adopted a sophisticated hybrid approach combining trials for perpetrators of the most egregious human rights violations with a truth commission and local community reconciliation forums.

In states where the punitive approach is dominant, an authoritative court, international or domestic, puts to trial perpetrators of past injustices and punishes them when found guilty. The Nuremberg and Tokyo trials conducted by the Allied powers against leaders of Germany and Japan after World War II are the classic examples; today, tribunals for Rwanda and Yugoslavia have resurrected these innovations in international jurisprudence. In the recent wave of transitions to democracy, some states have conducted their own trials for top officials of their former regimes. Unified Germany, for instance, placed on trial former communist officials like Egon Krenz, Erich Mielke, and Erich Honecker. Trials, though, in Germany as elsewhere, are typically few, highly publicized, and mixed in their ability to secure convictions. Chile has only recently made progress in securing the right to try General Augusto Pinochet, who was electorally defeated in a referendum in 1988. But trials are not the only form of punitive justice. In the Czech Republic and unified Germany, it has taken the form of “lustration,” translating roughly to “cleansing,” in which past perpetrators of human rights violations are disqualified from holding future office.

Reconciliation is different. The concept essentially means “restoration of right relationship.” But its political forms are diverse, as different as the dilemmas of the societies in which they are found. Reconciliation need not involve official procedures and may take place in civil society. Ronald Wells’s essay describes how, in Northern Ireland, leaders of Catholic and Protestant churches and members of ecumenical communities built friendship and significant cooperation with one another both before and after the Good Friday Agreement of 1998. Similar efforts took place in Bosnia during the late 1990s, many of these sponsored by faith-based nongovernmental organizations. In Brazil in the early 1980s, the Catholic Church and the World Council of Churches conducted the equivalent of an investigation into the past abuses of the military regime prior to the onset of democracy, involving the surreptitious gathering of documents from courts and other sources.

The most innovative forums for reconciliation, though, have been the sundry truth commissions that have emerged in recent political transitions. As
Priscilla Hayner describes in her thorough study of them, truth commissions are officially sanctioned bodies with temporary mandates to investigate a pattern of abuses that occurred in some specified period of the past. Generally, their final aim is to publish a comprehensive report that makes the injustices public. Since 1974, over twenty-one such commissions have been established across the globe, the most prominent ones operating during the 1980s and 1990s in South Africa, El Salvador, Argentina, Chile, and Guatemala.

Now, the mere occurrence of truth commissions, the mere revelation of past events, is not necessarily restorative. Commissions may be little more than a mere prelude to trials, one faction’s instrument for exposing another faction’s evils, or a process that succeeds only in reopening the wounds of the past, creating instability and deepened bitterness. But recent proponents of truth commissions tout their restorative promise. José Zalaquett, a Chilean lawyer and truth commissioner, for instance, insists that, “from an ethical position, the ultimate purpose of dealing systematically with past human rights abuses is to put back in place a moral order that has broken down or has been severely undermined, or to build up a just political order if none existed in historical memory.” Truth commissions acknowledge the suffering, hence the dignity, of victims; they crack the carapace of anonymity behind which perpetrators hide and expose them to public shame; they reduce all parties’ ability to use the past as a political weapon; they sometimes lead to repentance and forgiveness. At least, these are the arguments for their restorative value.

It was South Africa’s truth commission that most strongly made reconciliation its goal. Although healing, repentance, forgiveness, and other elements of restoration were not explicitly, legally mandated by the constitutional provision that established the commission, they were openly extolled by the commission chair Archbishop Desmond Tutu, the other members of the commission, and sundry proponents of it. The South African body openly used the label “Truth and Reconciliation Commission,” borrowing the name from the Chilean commission that had just preceded it. It was unique in its use of hearings that gave voice and visibility to victims, offenders, and family and friends of both, along with the commission, who represented the state, and a public of millions of South African citizens who watched the hearings on television and read about them in the newspaper. Since the commission published its report in 1998, a lively debate over its successes and failures has continued among South Africans as well as scholars and commentators elsewhere. Clearly, though, the commission stands as the most robust attempt to bring reconciliation into politics among all of the recent transitional states.
What is striking about the states that chose reconciliation as their approach is the strong involvement of religious communities—mostly Christian churches—in both the formation and the conduct of truth commissions and related proceedings. In South Africa, Christian churches and theologically minded leaders, as well as Muslim leaders, urged a truth and reconciliation commission. The commission itself was led by Anglican Archbishop Tutu, who famously brought religious rituals and discourse into the hearings, eliciting both praise and criticism. Religious communities helped to host and conduct the hearings as well. As already mentioned, religious communities in Brazil courageously conducted an underground inquiry into the truth. Similarly, Chile’s Catholic Church was instrumental in investigating abuses under the rule of General Pinochet; after Pinochet’s departure, President Patricio Aylwin explicitly drew on his Catholic beliefs in calling for a truth and reconciliation commission and national repentance for the torture and disappearance of thousands of Pinochet’s opponents. East Timor’s Nobel Prize–winning Bishop Carlos Belo was instrumental in calling for reconciliation (but in a way that also involved accountability through trials) after his country achieved independence in 1999.

In Guatemala, Bishop Juan Gerardi, unsatisfied with his government commission’s failure to name perpetrators, even formed and conducted an entire separate commission; a day after releasing its report in 1998, he was assassinated.

There are also many cases where religious communities have not contributed to reconciliation. Argentina and El Salvador formed truth commissions with little help from the Catholic Church in their countries. In Rwanda, churches hardly contributed at all to transitional justice solutions after the genocide of 1994; many church leaders and religious laypeople were in fact implicated in it. Neither Ireland, Poland, nor Bosnia has yet formed an official truth commission, despite having strong religious communities within their borders. Analytically, such negative cases are just as important as the cases of demonstrable influence. Together, they call for attention to the complex and significant relationship between religion and reconciliation in the politics of transitional countries—attention that few scholars have yet given.

Reconciliation, truth commissions, the restoration of right relationships in politics—these recent entrants into the discourse of liberal democracy raise a whole host of conceptual controversies. Are they even appropriate for politics? Do they involve a sacrifice of retributive justice? If so, is this justifiable? Are truth commissions more justifiable when they seek mere social stability and refrain from promoting reconciliation? In what sense is knowledge of past evils restorative? Does discovery of the truth conflict with retributive justice?
Is forgiveness appropriate to the political order? If so, should states practice it? Or should it be confined to citizens, churches, and other groups outside state institutions? Is it possible to combine reconciliation and forgiveness with punishment? If so, how? If reconciliation is to be defended, then on what basis? What warrants it? Can it be realized in political orders as we know them? What is the appropriate and just involvement of religious actors in transitional justice?

A theologically informed answer to these questions will indeed be distinct. This is my own argument in the essay that follows this introduction. There, I seek to fill out the concept of political reconciliation, examining the many dimensions along which relationships can be both broken and restored in the political context. I then argue that a deep tension exists between reconciliation and the liberal tradition of political philosophy. Unsurprisingly, many contemporary liberals are critical of reconciliation. The tradition contains few conceptual resources to ground it and several venerable orthodoxies that evoke skepticism. It is rather theology that provides a strong warrant for reconciliation. Ultimately, possibilities may exist for liberalism to accept a theologically based concept of reconciliation, but only if liberalism is configured in a significantly different manner than it usually is today.

Chapter 2, by the theologian Alan J. Torrance, most strongly challenges conventional Western conceptions of justice, particularly their retributive features. Reconciliation, for him, begins with the addressing of past wrongs through “evangelical repentance,” a practice that models God’s covenant with humanity. As revealed in the Jewish Torah, then in Jesus Christ, this covenant is one of unilateral forgiveness, which evokes in its recipient metanoia, or a change in heart, that leads to repentance and reconciliation. This logic, rather than the balancing logic represented by “the scales of justice,” ought to govern human relationships, even in politics. Though Torrance does not reject punishment as a social practice, he calls for its subordination to the logic of repentance. In the contemporary world of transitional justice, he finds evangelical repentance best expressed in South Africa’s Truth and Reconciliation Commission.

The philosopher Nicholas Wolterstorff (ch. 3) then addresses the question of whether states ought to practice forgiveness, one of the vital components of reconciliation. He answers in the affirmative. Drawing upon New Testament Scriptures, he first puts forth a definition of and philosophical argument for forgiveness. Then he shows that it is both intelligible and defensible for states to forgive and offers several grounds on which they might legitimately do so. Though Wolterstorff shares with Torrance a sympathy for political forgiveness, he adopts a contrasting defense in certain salient respects. For instance,
he views forgiveness as a victim’s foregoing of his right to see an offender punished, whereas Torrance rejects the logic of retribution altogether. Through his argument emerges a philosophical warrant for the decision of states like South Africa to grant amnesty to the perpetrators of past political crimes. Though the commission, like many of its analysts, did not express its amnesties as forgiveness, Wolterstorff insists that this is indeed what they were. What is more, they properly belong in the politics of transitional states.

Both Torrance’s and Wolterstorff’s essays highlight most strongly what is true of the entire volume—that it is informed not only by theology but by Christian theology most distinctively. The relationship between a Christian perspective on reconciliation and that of other faiths or a secular perspective remains an open but important question. In chapter 4, the theologian David B. Burrell looks at the other Abrahamic faiths—Judaism and Islam—not only asking what their texts and traditions have to say about reconciliation in politics but commending conversation between the faiths as a source of insight. For him, reconciliation is powerfully enacted when believers of one faith enter into a dialogue of “mutual illumination” with believers in other faiths, who in turn illuminate, enhance, and confirm their own faith. He sets his proposals in the Holy Land, where each of the three faiths is inextricably involved in a political conflict that has distinctly eluded reconciliation.

The conception of reconciliation in Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation, by the theologian Miroslav Volf, frames A. James McAdams’s discussion of transitional politics in unified Germany (ch. 5). McAdams agrees with Volf that reconciliation is double barreled: an “inclusionary” strategy of accepting the wrongdoer must be accompanied by a “victim-centered” strategy of justice for the wrongdoer. But as a political scientist McAdams is acutely aware of his fellow social scientists’ objection that transitional societies cannot have it both ways. Usually they are constrained to choose either justice or inclusion and will most often adopt inclusion as the least costly option. Yet Germany, he shows, ended up adopting a mishmash of both strategies that ended up being closer to Volf’s theological conception than to the supposedly more realistic conceptions of social scientists. It arrived at this solution not by following an abstract theoretical blueprint but through the response of leaders to the competing demands of multiple audiences. McAdams’s account of how the shape of reconciliation emerges from complex political contingencies is best captured by the aphorism that he quotes from Marx: “Men make their own history . . . [but] not just as they please.”
Mark R. Amstutz (ch. 6), also a political scientist, conceives reconciliation as restorative justice, a set of practices that contribute to “the healing of victims, the restoration of community life, and, most importantly, the consolidation of rights-based democracy.” Like Torrance, he contrasts reconciliation with retributive justice and favors reconciliation. Central to reconciliation, he argues, is political forgiveness. He agrees with Wolterstorff that states may appropriately practice forgiveness and argues that it may contribute to rather than detract from justice, at least when conceived in restorative terms. Like McAdams, though, Amstutz is eager to trace his concepts through the exigencies of transitional politics. He contrasts the case of Argentina, whose “truth and justice” approach was comparatively retributive, with South Africa, which embodied restorative justice. South Africa’s approach, he argues, was not only more normatively attractive but also more successful in bringing about a stable transition to an inclusive, rights-based democracy.

Northern Ireland, as Ronald A. Wells (ch. 7) describes it, is a study in how warring parties can be powerfully reconciled, but in a manner that contrasts vividly with reconciliation in the other locales described in the volume. Here, the parties—Catholics and Protestants—voice reconciliation and forgiveness more strongly, more directly, and in more explicit theological language than anywhere else. A second difference, one that may well be the cause of the first, is that the state plays very little role in reconciliation. Northern Ireland has not yet staged a truth commission, and there does not seem to be any prospect of one soon. Rather, reconciliation there has occurred over several years through friendships within and between religious communities. As a historian, Wells describes these relationships, how they developed and what obstacles they encountered, through narrative analysis. He shows how openly theological concepts fare in the exigencies of politics, thus drawing together themes from the other essays.

R. Scott Appleby closes the volume with an essay that not only synthesizes the foregoing essays but poses a question for the entire project: How is reconciliation to be forged in political settings where Christians do business with practitioners of other faiths, of no faith, and not infrequently of a “realpolitik” that views religion and reconciliation alike as unfit for politics? It is an important question. Although the political transitions discussed here, like the vast majority of the past generation’s truth commissions, have taken place in predominantly Christian populations, even these involve non-Christian minorities as well as influential figures who balk at Christian politics. How to bridge the ravines that separate worldviews is a question that Christian scholars must...
confront—and by and large do not confront here, with the exception of Burrell’s essay and to some extent my own. It is a question, too, whose magnitude and complexity requires exploration elsewhere. Helpfully, Appleby begins such an exploration by suggesting ways in which the present interlocutors might address the interwoven problems of pluralism and realism. In so doing, he also advances the central project of the volume—namely, to discover how a conception of justice whose roots and warrants lie in theology can become meaningful in the realm of politics—and models what the essays together offer: a unique conversation between theologians and philosophers on one side and analysts of empirical politics on the other, between perspectives that begin with the transcendent and ones that begin with the tug and haul of political struggle.

Notes


Beyond Politics as Usual

Is Reconciliation Compatible with Liberalism?

DANIEL PHILPOTT

It is not obvious that anyone should reconcile with anyone at all. Timothy Garton Ash recounts the story of a black African woman at a hearing of the Truth and Reconciliation Commission (TRC) in South Africa who, after listening to the confession of the man who had abducted and murdered her husband, was asked if she could forgive him: “Speaking slowly, in one of the native languages, her message came back through the interpreters: ‘No government can forgive.’ Pause. ‘No commission can forgive.’ Pause. ‘Only I can forgive.’ Pause. ‘And I am not ready to forgive.’”1 If agents of law and order have silenced, quelled, murdered, tortured, terrorized, arbitrarily confined, brutalized, mocked, or denied jobs, public facilities, or freedom of movement to one or one’s family, all of this because of one’s skin color or ethnicity or dissenting political stance, then it is not crystal clear on the face of things that one is called to reconcile with those agents.

Why bother with the point? Because over the past decade or so, within both venerable and fledgling liberal democracies around the globe, the concept of reconciliation has sashayed—sometimes escorted by euphoria—into political addresses and debates, stump speeches, sermons, editorials, and now, the scholarly writings of liberal political philosophers. Rooted in biblical texts and ancient languages, reconciliation is an old concept. It connotes the restoration
of relationships—in the context of the polity, their restoration toward *shalom*, a peace characterized by justice and wholeness.

But in liberal political discourse, reconciliation is new. Its most dramatic lexical debut occurs in “the third wave” of democratization, the transition of sundry societies away from communism, military dictatorship, and apartheid during the 1980s and 1990s. Chile was the first to use the term prominently—its TRC was a prototype for attempts at political restoration. South Africa has used the term most famously—its TRC is the most ambitious socially restorative effort yet. In dozens of other new liberal democracies in Latin America, Eastern Europe, East Asia, and Africa, reconciliation now shows up regularly in political discourse.

Is the ancient concept of reconciliation friendly to a historically new form of political organization, liberal democracy? The question is important, for reconciliation may hold great promise for sundered political orders raw with memories of recent injustices. It is also important because a spate of liberal political philosophers has, of late, come to see promise in practices of reconciliation in South Africa and elsewhere. One set of these philosophers recommends it as a “second best” solution to the problem of past political injustices when criminal justice is not feasible during transitions to liberal democracy. Another set agrees to reconciliation’s instrumental value but further asserts its intrinsic worth for political justice: it acts as a therapeutic process for healing victims of human rights abuses, and it instantiates deliberative democracy.

Can either liberal case for reconciliation persuade us?

In fact, reconciliation does not mesh easily with liberalism. Still another set of contemporary liberals expresses skepticism toward reconciliation, a skepticism that draws from traditional liberal themes and resonates with the plaintive protests of victims like the one Timothy Garton Ash describes. In recent writings, they draw upon four of these themes in expressing skepticism toward reconciliation. Most vigorous is their argument for retributive justice. Where reconciliation substitutes for or minimizes punishment, it shortchanges retributive justice, allowing offenders literally to get away with murder. Liberals argue, second, that reconciliation is personal, not political, and properly confined to individual relationships. Closely related is a third objection, namely that reconciliation is a religious concept and not a suitable desideratum in secular liberal discourse and laws. Finally, reconciliation is charged with divisiveness. During the delicate seedling phase of democracy, uprooting old injustices and stoking already bitter memories may well undermine social unity.
Fortifying this skepticism is liberalism’s own paucity of conceptual resources for demonstrating reconciliation’s normative intelligibility. Its stress on individual rights, liberty, autonomy, equality, and participation leaves it with little warrant for incorporating the restoration of relationships and personal transformation into politics.

Against these objections, those liberals who favor reconciliation face a difficult challenge. Instrumental justifications, consequentialist in character, are hard pressed to demonstrate that the positive consequences of reconciliation outweigh the negative consequences. The weakness of the substantively principled justifications is their lack of clarity as to why they trump liberal objections to reconciliation. Such objections, after all, are rooted far more deeply in the tradition than therapeutic healing or contemporary renderings of deliberative democracy.

Here, I seek to describe what I will call “political reconciliation”—as a concept and as a set of institutional practices—and explain why it is in tension with liberalism. I then examine liberal arguments in favor of political reconciliation and aim to show the weakness of their grounds. In the end, though, we should not abandon hope for the prospect of grafting reconciliation into liberal thought and troubled transitional politics. Its promise is too great to give up easily. But the medicine of reconciliation will be accepted only by a favorable liberal physiology, a liberalism constituted so as not to pose its usual objections and so as to be open to incorporating warrants that lie outside its own concepts. Reconciliation goes beyond politics as usual. Such warrants are available in a “comprehensive conception,” to borrow the term of John Rawls, that itself offers deep grounds for reconciliation and that is also favorable to liberal democratic institutions. Political theologies of reconciliation of recent vintage are examples of such comprehensive conceptions. The essays that follow this one then take up this very project.

**What Is Reconciliation in Politics?**

If it is not obvious that anyone should reconcile, neither is it obvious that reconciliation is appropriate for liberal political orders. The concept is virtually absent from the liberal tradition of Hobbes, Locke, Kant, Mill, Dewey, and Rawls, the tradition that poses individual liberty, civil and political rights, equality of citizenship, democratic elections, distributive justice, and punishment for criminals
as central values, even despite its proponents’ differing philosophical foundations: natural law, natural rights, utilitarianism, and pragmatism. Is this tradition now ready to receive reconciliation?

Any answer depends on how reconciliation is understood. Like many words that become common political parlance—think only of *multiculturalism* or *pluralism*—reconciliation enjoys no tight consensual usage. But unlike these more recent terms, reconciliation is blessed with ancient meanings, whose pedigree commends them as initial definitions. Common to all of these meanings is the concept, “restoration of right relationship.” In Hebrew, reconciliation is expressed by *tikkun olam*, meaning “to heal, to repair, to transform.” In Greek, its derivatives are *katallage*, *apokatallasso*, and *diallasso*, meaning “adjustment of a difference, reconciliation, restoration to favor,” “to reconcile completely, to bring back a former state of harmony,” and “to change the mind of anyone, to be reconciled, to renew friendship with one.” In Latin, the word *concilium*, meaning a deliberative process by which adversaries work out their differences “in council,” expresses the concept, while in Arabic, reconciliation is denoted by *salima*, meaning peace, safety, security, and freedom, and *salaha*, meaning to be righteous, to do right, settlement, compromise, restoration, and restitution. All connote the restoration of relationships between persons.

To restore something is to return it to a lost condition. Without an understanding of the meaning and content of this condition, to speak of a return to it is unintelligible. To what state of affairs, then, do a community’s relationships return when they are restored? This condition ought not to be conceived of temporally, as something realized at some lost halcyon moment, some Golden Age, Year of Favor, or Garden of Eden in the history of an actual society. Partisans who propose and laud such eras will rarely be joined in unanimous consensus upon their sweetness; disputed histories are indeed a notorious source of violence.

Instead, we should understand restoration as a state of perfection toward which reconciliation moves. The Abrahamic religious traditions describe such a state as *shalom* (*salem*, *saalam*). It is a state that is realized fully in heaven. As heaven comprehends all time and exists prior to war, violence, and injustice, a movement toward it can properly be called a return. But what is *shalom* like? The term broadly means peace, understood not simply as the absence of violence but as the realization of justice and even more so as a condition of mutual love, one in which a community’s members actively and constantly promote one another’s good. Enmity, revenge, and anger motivated by hatred disappear. Erstwhile estrangement is resolved in embrace, Miroslav Volf’s meta-
phon for reconciliation. Shalom is the telos of reconciliation, the condition to which relationships are restored.

To speak of shalom’s peace and perfection together with community, and even more so with politics, will instantly evoke cries of utopianism. But what is the place of a state of perfection in political analysis? Surely it is not to deny the typicality of its absence or to invoke the prospects of anything but its radically imperfect attainment. Rwanda, Kashmir, the former Yugoslavia, and Sudan dissipate these expectations. Reconciliation comes in parts, peace in pieces—limited, fragmentary, in glimpses, as thin rays of light shining through broken clay vessels. The purpose of a concept of shalom, rather, is to set forth a standard, an essence, whose presence, absence, or partial realization we can then assess. It tells us, not how much we may achieve, but what kind of ideal we are moving toward, albeit asymptotically, in the first place. Theories of liberalism, describing human rights, democracy, and the rule of law, after all, often proceed much the same. They offer standards for aspiration and for criticism, even if societies remain distant in practice. This distance, however, does not discourage proponents of the ideals from advocating and working on their behalf. The most pertinent question to ask about shalom, the question of central concern here, is whether this kind of ideal—restoration, reconciliation—has a proper place in politics at all. Or should some other ideal—political liberalism as traditionally understood, for instance—guide our efforts?

As will become apparent, it is the restorative essence of reconciliation to which liberals object. But in exactly what sense are political orders restored through reconciliation? It is in fact reconciliation’s far more familiar absence that best reveals the meaning of its presence; the character of its compromise suggests the substance of its realization. In the political order, shalom is compromised in two ways. First, it is diminished through the legal and social structures that create and perpetuate injustices—the laws and ordinances of apartheid, the Jim Crow laws of the American South, the laws of any state that prohibits free speech and political participation. Second, it is diminished through acts of violence, both legal and extralegal, some of which sustain the unjust laws and structures, all of which are themselves unjust. These two forms of compromise work hand in hand. Violence itself implies injustice—one party’s proper and true good is violated by another person—and is to be distinguished from the just use of force, either in war or in the apprehension of criminals. The nature of justice, of course, is a disputed matter; so, then, are the criteria for what counts as violence. Although a particular view of justice cannot be defended here, the basic human rights enumerated in the international covenants provide a
working standard that is widely agreed upon and that will serve the present argument adequately. If it does nothing else, violence violates these.

Not all acts of violence are political. Human rights can be violated by a brother against a brother, a gang member against a gang member, or a Mafia hit man against a hapless debtor. What sets apart political violence is the affiliation and cause of the perpetrator. It is committed by an agent of a state or a movement opposing a state, and it is committed in the name of that organization against a victim whom the perpetrator deems an enemy. The agent’s act may not always reflect the state’s laws or the movement’s proclaimed ends—states and rebellions often claim that they do not kill innocents, even when they do. But it is done in the name of a state, of a movement, whose true and proper end, whose genuine basis for legitimacy, involves safeguarding human rights. Murder, torture, interrogation, armed attack, unjust imprisonment, racist discrimination, and denial of the franchise and other human rights are familiar examples. Once agents have committed such acts, there exists a new state of affairs in the moral universe of that political order. Not only has an injustice taken place, but an act that has not been rectified, recognized, punished, or addressed, an ongoing rift in the just order, now lingers on in memory.

Unjust systems and acts of violence leave their victims’ dignity wounded—not extinguished, for dignity inheres in personhood, but violated, in need of restoration. As the injustice is promulgated against a victim or set of victims by a political system or an agent acting in the name of a political organization—that is, by one party against another—it also violates a relationship. Now, relationship may connote the intimacy of family or friendship; on this understanding, relationships are broken when this intimacy is lost. But the term is in fact open-ended. Here it involves varying combinations of parties—victim, offender, elite superiors, publics, and even international authorities—who are bound to one another according to some set of obligations. A citizen of a state, for instance, may properly expect the agents and members of a state to protect and respect his human rights. That is the nature of his proper relationship to them. In wounding dignity, political violence severs a proper relationship, breaks a set of justified expectations. This severing occurs along at least six dimensions, ones that vary according to the mode of relationship, the kind of expectations involved. These dimensions of woundedness will in turn reveal the varying senses in which reconciliation is restorative.

First, and most simply, violence involves brute harm—physical, psychic, economic, or emotional—to the victim’s personhood. In the hearings of South Africa’s TRC, victims who were blinded and wheelchair bound by injury and
grieved by the death of loved ones exemplified only a sampling of the results of political violence. The psychic damage and economic deprivation caused by the myriad injustices of apartheid were wounds wrought by systems of laws. Even this brute harm is significantly relational, as there is an important moral difference between this sort of suffering and that which results from a natural disaster or a single car accident, where there is no perpetrator.

Second, victims suffer from their ignorance—often willingly sustained by the perpetrators—of the source and circumstances of their wounds. Who was behind the gun that night? How was my son abducted seven years ago? Not knowing the truth of one’s past, especially the most traumatic parts of it, is itself a form of torment.

Third, when a victim has suffered violence or other injustice at the hands of an officer, a bureau chief, a rebel commander, or the state at large, he has been violated as a subject of justice, as a member of a political order from which he is entitled to respect for his human rights. Instead, at the hands of both the offender and his responsible superiors, he was treated as an enemy of the order, as an outsider who was threatening it. This dimension of woundedness is compounded by the ongoing failure of offenders, superiors, and even knowledgeable members of the political order at large to regard him as a legitimate member. Imprisoned, in hiding, on the lam, disenfranchised, in continual danger of arrest, or denied any other of his rights as a citizen, in the eyes of the political order he is still an enemy outsider. Paraphrasing the sociologist Orlando Patterson’s concept of “social death,” the political philosopher Rajeev Bhargava calls this condition “political death.” As long as the political order fails even to recognize this injustice, emitting silence or official denials, the victim continues to be politically dead.

Fourth, the wound of withheld regard is deepened through the failure of the same parties not only to recognize the victim as a legitimate member but to recognize him as a victim of suffering in the name of the order. Conceivably, after all, his citizenship, but not his suffering, might be restored, leaving one dimension of his woundedness unhealed.

Fifth, the perpetrator has not been held accountable for the wound inflicted. Here, severed relationships attain additional complexity, for it is not merely victims to whom perpetrators of crimes are accountable but the political community that promulgates and upholds the law. When political violence is committed under a regime that generally condones it, it may be only the representatives of a successor regime or even an international body—a criminal tribunal, an intervening force—who provide accountability.
A sixth dimension of suffering outlives and outsizes the acknowledgment and accountability of offenders, elites, and publics. It is their failure to confess, apologize, atone for, and make amends for their perpetration and condoning of political violence. Even if the other dimensions of suffering were palliated, this one would persist. The relational dimension of suffering is not alleviated by recognition of suffering and restoration of rights; it persists through the failure of perpetrators to take responsibility for and seek to make amends for suffering. Conversely, victims will continue to suffer from the anger and resentment that accompany their failure to forgive.

These dimensions of woundedness reveal the complexity of political injustice and violence. Not only are they sixfold, but they involve several sorts of relationships. Among the relational goods that political violence thwarts are knowledge of suffering, acknowledgment of suffering, rights of citizenship, acknowledgment of citizenship, confession, responsibility, repentance, and forgiveness. A further sense in which the woundedness of relationships may vary contributes yet another layer of complexity: the number of agents involved in an injustice. As Nicholas Tavuchis points out, wrongs may be committed by many against one, by one against many, by one against one, and by many against many.8 When many commit violence or injustice, they may be guided by a leader who acts in their name, raising even further complexities involving agency and collective responsibility. Heretofore, the analysis has assumed a collectivity or an agent of a collectivity acting against a single victim—the many against one. But violence and injustice, indeed any of the six dimensions of woundedness, can vary according to the size of the party involved. Collectivities may commit them against other collectivities—Japan against the United States, the United States against Japan, Germany against Poland. Over time, the lack of acknowledgment of these injustices and their attendant suffering, the absence of reparations of brute harm, of repentance and forgiveness, will amount to a historical wound. All of these variations, all of these dimensions together suggest the manifold forms of brokenness, injury, severance, suffering, and denials of shalom that political violence and systemic injustice elicit and the manifold respects in which reconciliation must restore.

The dimensions of this reconciliation correspond to the six dimensions of woundedness outlined above. In some respects, the first dimension, the brute harm of political violence, will be the most difficult to restore. Lost sight and the dead loved ones are irreplaceable. But again, when caused by political violence, brute harm is relational harm, implying appropriate restorative roles for offenders and official bodies: reparations, recognition. The second dimen-
sion, victims’ ignorance of the circumstances of their wounds, calls for restoration through revelation of the truth about these circumstances. The third dimension, victims’ violation as subjects of justice and the ongoing failure of the political community to acknowledge them as legitimate subjects of justice, calls for their “resurrection” from “political death”—reinstatement of their full citizenship, of their full rights before the law. Both state authorities and fellow citizens must view their opponents no longer as people to be subdued, apprehended, “disappeared,” tortured, and killed but as people to debate, campaign against, argue with, deliberate among, and refute, as people who are entitled to all of the basic human rights. Fourth, reconciliation demands that recognition of victims be deepened beyond their citizenship to their suffering. The fifth dimension of reconciliation is accountability—the offender’s confession and his sanction. But as all of these dimensions could be fulfilled while offenders remained defiant and victims vengeful and resentful, full reconciliation demands a sixth dimension of repentance and forgiveness.

These, then, are the ways in which relationships that have been sundered by political violence must be restored if a community is to move toward shalom. But if this is the substance of reconciliation, then what are the institutions, procedures, and practices by which it is to come about? Several facets of reconciliation point to the legitimacy and necessity of a publicly sanctioned authority: reinstatement of citizenship, public recognition of suffering, accountability, reparations, and perhaps others. It is the involvement of this public authority, combined with the political nature of the wound, that merits the name political reconciliation for the restoration envisioned here. But how is a public authority to accomplish political reconciliation? Should public authority be involved in all dimensions of reconciliation? Most importantly, are the procedures and practices of political reconciliation ones that the liberal tradition can endorse?

How Does Reconciliation Proceed in Politics?

The practical form of political reconciliation will depend strongly on context. Some of the most explicit and innovative efforts to incorporate reconciliation into public institutions, for instance, are now occurring in the criminal justice system in the United States, where victims and offenders are encouraged to reconcile through mediation and restitution. Here the context is transitional justice, the dilemma of addressing past injustices during a transition to democracy.
As described in the introductory chapter, political reconciliation is one of three alternative approaches to transitional justice, the other two being pragmatic compromise and punitive justice alone. Truth commissions have been the most prominent institutional context through which political orders have attempted reconciliation. The South African TRC, with its unique public hearings that brought together victim, offender, other parties affected by the crime, representatives of the state, and members of the public, with its public recognition of suffering and its language of repentance and forgiveness, was exemplary for seeking to manifest the six dimensions of political reconciliation. Other truth commissions have been impressive for the breadth of their investigations, as in Guatemala, and for their sophisticated character, as in East Timor, where a national truth commission was combined with trials and local reconciliation forums. Reconciliation in a political order may also occur within civil society, as it has, at least in partial degrees, in Northern Ireland, Bosnia, and elsewhere.

It is through five practices, I argue, that a truth commission or a related set of procedures in civil society instantiates the several dimensions of reconciliation in a political order.

**Truth Telling**

Truth telling is the public discovery and revelation of past injustices. Crimes of a political nature are investigated by a truth commission, a constitutionally authoritative public body. Once it has completed gathering information about these crimes, it publicizes them with its official imprimatur and makes them known within an entire political order and beyond.\(^{10}\) It is possible to conceive truth commissions as thinly pragmatic, merely informational. But several political philosophers have noted the value of truth telling in restoring persons and relationships. They compare how truth commissions manifest knowledge of the past from how criminal trials do so. In a trial, the point of knowledge is to establish guilt or innocence. Plaintiffs and defendants marshal it strategically, as adversaries, and often willfully, to a partial degree.\(^ {11}\) In a truth commission, truth is manifested precisely on the premise that ignorance of past injustices is itself a dimension of political victims’ woundedness and thus itself an injustice. Its success depends not on the fairness of an adversarial proceeding but on the thoroughness, accuracy, and personal relevance of the knowledge about suffering attained.

Aside from the revelation of truth itself, truth telling accomplishes other dimensions of political reconciliation. It provides public recognition that the
victim’s rights as a human and as a citizen were violated and that the violation was heretofore suppressed. Public recognition is not only restorative in itself but also an important step in the full reinstatement of the victim’s citizenship. Finally, truth telling recognizes the victim as a sufferer, not just as a violated citizen.

In South Africa, prior to the TRC, officials of the apartheid state by and large refused to admit to committing abductions, tortures, and killings. “For the victims,” writes André du Toit, “this [refusal] is actually a redoubling of the basic violation: the literal violation consists of the actual pain, suffering and trauma visited on them; the political violation consists in the refusal (publicly) to acknowledge it. The latter amounts to a denial of the human and civic dignity of the victims.” When these officials then relinquish their denials, a special kind of truth obtains. Alex Boraine even proposes “healing and restorative truth” as a special form of truth, to be distinguished from “factual” truth. Du Toit similarly makes the point by borrowing Thomas Nagel’s distinction between “knowledge” of facts and “acknowledgment” of deeds, which involves stating their injustice publicly, admitting the suffering of the victims, confirming their membership in society, and thus restoring their dignity.

Tina Rosenberg reports the story of Mzykisi Mdidimba, whose testimony to the TRC about being tortured by agents of the state “has taken it off my heart. . . . When I have told stories of my life before, afterward, I am crying, crying, crying, and felt it was not finished. This time, I know that what they’ve done to me will be among these people and all over the country. I still have some sort of crying, but also joy inside.” Mdidimba’s phrase “among these people and all over the country” points to the crucial public dimension of his restoration. The presence of the commission, its public authority, the millions of witnessing citizens, and ultimately a permanent public record of the injustices committed all aid in this restoration.

Finally, truth commissions contribute to other dimensions of political reconciliation. In exposing the deeds of the offender through publicly told stories, they publicly shame him, a form of accountability. Though truth commissions may or may not be accompanied by trials, when they are, they help to disclose valuable information. Their exposure of deeds and accounts also amounts to the first step in repentance and forgiveness. Although South Africa’s TRC did not procedurally mandate forgiveness and repentance, commission officials like Desmond Tutu openly urged parties to make this step a continuation of the truth telling of the hearings. In all of these respects, truth telling contributes to restoration in a political context.
Accountability

In the family of practices that further reconciliation, that restore relationships, that usher a society toward shalom, accountability may not seem a natural member: Accountability amounts to punishment; the sort of justice it promotes is retributive; retribution, in turn, rests on the principle of desert. Analysts of transitional justice often pose accountability as an antithesis of, an alternative to, and a value to be balanced with reconciliation: retribution versus reconciliation, punishment versus restoration of relationships. How, then, can accountability be a component of, not a competitor with, reconciliation?

There are many versions of the retributive theory of justice, but most hold in common the simple requirement of proportionate punishment, justified by desert. One who has willfully and demonstrably wronged another deserves to be punished (roughly) proportionately simply because he did it. Punishment evens out the scales of justice, sets right the balance of good and evil in the world, and rightly brings the perpetrator down from the perch of superiority that he sought over his victim through his crime.16

But punishment need not be justified solely according to the logic of retribution. Theorists of restorative justice often speak of punishment as being restorative, justified as a mode of communicating the evil of his deeds to a perpetrator in the hope that he might come to a posture of remorse. Restorative punishment also regards the offender not just as a violator whose deeds need to be balanced but as one who has broken right relationship, with respect to both his victim and the moral order that surrounds him. Punishment further acknowledges the offender’s dignity — that is, takes him seriously by treating him as a moral agent commensurately with the actions he has chosen. Rather than eliciting a mere abstract balancing of scales that inflicts an amount of pain on the offender roughly equal to that which he has caused the victim, accountability restores a condition where dignity is accorded victim and offender alike. Punishment can still be harsh in the restorative notion; perpetrators of the most egregious deeds may well require it.17 It is even essential: without accountability, reconciliation would be cheap, its restorative achievement lacking an essential, costly, dimension. This is why accountability is one of the six dimensions of reconciliation.

Now, in the practical dynamic of transitional justice, trade-offs between reconciliation and accountability will still occur. But this arises, not because the concepts are intrinsically incompatible, but because some parties to reconciliation — outgoing generals and politicians — have the power to make some dimensions of
reconciliation contingent upon abrogation of their accountability. Most commonly, they will secure general amnesty for their crimes in exchange for participation in a truth commission where they reveal their misdeeds.

But the trade-off is not necessary. When strict proportionate punishment is no longer required, possibilities open up for a variety of punitive options, tailored to the restoration of the offender and of the given set of broken relationships in a particular set of circumstances. Accountability can take many forms. Aside from imprisonment, it can take the form of a condemnation spoken by a public authority, shame imposed by a public, and reparations. Some forms of accountability will in fact promote the other practices of reconciliation more than others. The South African TRC, for instance, offered amnesty but made it conditional: the perpetrator was required to appear before an authority of the new regime as well as the entire public, recount the entirety of his crimes, face the cries of his victims, and endure the censure of the commission. Here, the restoration entailed in accountability also promoted the restoration of victim and community. The personalistic nature of the accountability—the requirement that the offender hear victims testify about their suffering, the presence of “sympathetic onlookers” who applaud the offender in his open acknowledgment of his deed—further encourage repentance and sometimes forgiveness. All of this mere proportionate punishment would not have accomplished. To some critics of the TRC, of course, accountability was inadequate and the other forms of restoration were too costly. Only proportionate punishment in the form of imprisonment could have satisfied the demands of justice. Others lauded the arrangement as being optimally restorative. These debates will continue. What is important here is that accountability can be designed flexibly to further the restoration of both the offender and his ambient broken relationships and to further the other practices of reconciliation. A strict trade-off between restoration and accountability is not inevitable.

Reparation

This third practice of political reconciliation is simpler. It confers some type of material award upon the victim or group of victims in recognition of their wound. But it, too, is complex with respect to the parties and modes of relationship involved. It is a public authority that orders reparation. The authority may confer the reparation itself or order the offender to pay it. When the offender pays reparation, it also furthers accountability. In monetary form, reparation helps to alleviate the victim’s brute suffering by enabling medical care and
economic relief. This form and, even more so, reparation in the form of a public monument or memorial bestow the citizenry’s recognition of the victim’s suffering and denied citizenship. Reparation promotes several dimensions of reconciliation.

**Repentance**

Repentance exceeds accountability or the acknowledgment of suffering involved in truth telling. Usually in the form of an apology, the offender openly expresses contrition and sorrow and assumes responsibility for his political violence. Since silence in these matters separates offender and victim, repentance is restorative.  

If the offender and victim are individuals, then neither a public authority nor the collective citizenry of a state can perform the speech act of repentance; only the offender can. Since sorrow and contrition are inwardly chosen, the state cannot mandate or institutionalize repentance into its procedures for reconciliation. Because, however, the act was one of political violence, committed in the name of a political community, a public authority may appropriately encourage offenders to repent and create a forum where repentance can be expressed. Such was precisely the strategy Bishop Tutu deployed in his leadership of the TRC in South Africa.

It could be the case, though, that the offender is a state, one who is apologizing to another state or some set of victims on behalf of the entire political community. President Bill Clinton’s apology to Rwanda for failing to intervene to stop its genocide and President George H.W. Bush’s apology to Japanese Americans interned in World War II are examples. Under what circumstances such collective apologies are appropriate is a large subject in itself. But here a public authority has an obvious role.

**Forgiveness**

Forgiveness mirrors repentance, for it releases the offender from what he owes. Following the analysis of Nicholas Wolterstorff’s essay, forgiveness is the enactment of a resolution to forego just claims against an offender. The claim could be one’s right to exact retribution or to see him punished or one’s right to be angry at him. Though forgiveness can be enacted inwardly and never expressed to the offender, to be an element of reconciliation it must be expressed. When it follows repentance, it completes the restoration that the apology has begun.
Forgiveness can be enacted by the victim but can also be performed by a spokesperson for the state, as Wolterstorff also argues. Political violence violates not only the human rights of the victim but the justice of the offender’s own political order. In cases of transitional justice, his crime may not have been illegal under the regime at the time, or the regime may not have held him accountable for it, but now a new regime asserts his accountability. When this regime foregoes any or all of the punishment that it might justly inflict, it forgives. In itself, the state’s forgiveness is restorative, for it restores the perpetrator as a citizen in good standing. But it best promotes reconciliation when it is fashioned so as to foster other restorative practices. Unconditional general amnesty, for instance, enacts forgiveness but foregoes all accountability, making reconciliation cheap. South Africa’s conditional amnesty, by contrast, was a form of state forgiveness that also promoted accountability and truth telling. It is even possible for forgiveness to coexist with harsher, more typical, forms of punishment like imprisonment. The victims of a crime may choose to forgive its perpetrator, even though he remains in prison. Such a combination, though, would likely accomplish less restoration along all of its dimensions.

Any of these five practices could be, and have been, explored far more deeply. What is important here, though, is their common restorative purpose—together, they combine in a comprehensive vision of political reconciliation. Again, actual political transitions will manifest this vision only to a radically partial degree—this one will emphasize truth telling but not accountability, that one punishment and restitution but with little of the public acknowledgment of the victim that comes from truth telling; repentance and forgiveness between offender and victim in response to a public call will be rare. Only South Africa has combined elements of all five practices—and even here only imperfectly, and still with great controversy. The central question for political reconciliation, though, runs far deeper than its practicalities: Is it even an appropriate end for liberal politics?

**Liberal Objections to Reconciliation**

On what grounds would liberals consider reconciliation inappropriate? Many of the liberals who have recently commented on reconciliation have in fact raised strong objections to it—even those who, on balance, support some of the five restorative practices just explained. Their objections run deep, raising fundamental questions about the compatibility of reconciliation and liberalism.
The Argument from Punishment

One of liberalism’s strongest objections to reconciliation arises from its alleged compromise of one of liberalism’s oldest, most persistent themes—punishment for crimes. Although many versions of reconciliation, including the one articulated above, do not exclude accountability, several liberal political philosophers find inadequate those forms of accountability that fall short of proportionate punishment. Liberalism’s oldest, most prominent justification for punishment, in turn, is the retributive principle—the perpetrator of a crime, political violence all the more, is subject to sanction mainly because he deserves it. Locke, Kant, and many contemporary theorists of liberalism all root punishment in retribution, as do the legal traditions of most constitutional liberal democracies. Of course, liberals have also proffered other justifications for punishment—utilitarian, deterrence, public safety, rehabilitation, and moral education—whose merits and demerits have elicited great debate. Liberals across the board, though, hold punishment as a strong tenet.

Liberals have thus expressed skepticism that reconciliation warrants the curtailment of punishment in transitional justice. It may be argued that even retributive theorists envision a restorative purpose in punishment. John Finnis, for instance, holds that “[p]unishment . . . characteristically seeks to restore the distributively just balance of advantages between the criminal and the law-abiding.” But such a restoration is far less comprehensive than restoration along the several dimensions of woundedness that political violence has created—the offender’s acknowledgment of the victim’s suffering, the public’s and the state’s acknowledgment of the same, all of these parties’ acknowledgment of the victim’s violated citizenship, the reinstatement of this citizenship, repentance, forgiveness, and so on. Compromising punishment on behalf of this more comprehensive restoration—political reconciliation, progress toward shalom—can find little support in a tradition with such a central emphasis on punishment and with such a dearth of attention to any of these other dimensions of restoration as a concern of the political order.

So liberals are leery of amnesties, general and conditional. Amy Gutmann and Dennis Thompson assert the “moral burden of sacrificing criminal justice” by reminding us of the families of Steven Biko and Griffiths Mxenge, both murdered leaders of the movement against apartheid, who opposed the creation of the TRC because it would prevent retributive justice. They quote Mhleli Mxenge, Griffiths Mxenge’s surviving brother: “[Some people] say that offering amnesty helps the truth come out. . . . But I don’t believe that knowing
alone makes you happy. Once you know who did it, you want the next thing—you want justice!” In a broader statement about transitional justice, Aryeh Neier argues that accountability demands punishment. The international legal scholar Diane Orentlicher asserts that the integrity of international standards of human rights and genocide makes a strong case for the prosecution of crimes. Even liberals like Gutmann and Thompson and Kent Greenawalt, who ultimately concede a case for amnesty, describe the compromise of punishment as an injustice, one warranted only by a trade-off for greater justice in some other respect. For Gutmann and Thompson, this other kind of justice is deliberative democracy. For Greenawalt, it is revelation of the truth about the past and a few other social benefits. Both Gutmann and Thompson and Greenawalt explicitly reject reconciliation as a warrant for curtailing deserved punishment. Liberals, then, impose a strong burden of argument on any advocate of foregoing proportionate punishment.

The Argument from the Public-Private Distinction

Just as liberals generally presume punishment as the proper public response to political violence, so they consider other dimensions of reconciliation like forgiveness, repentance, and the healing of the victims to be improper concerns of the state. Public versus private, the political versus the personal: the distinction is deeply rooted in the liberal tradition. Enlightenment philosophers like Locke and Kant conceived the chief purpose of government as the securing of safety and negative liberties; Mill's utilitarianism asserts individual liberty as the central avenue to happiness in the public realm; more recent liberals also give “equal liberties” pride of place in their thought. These are negative liberties, demarcating spheres of activity in which the state is not to interfere, most notably choices about the pursuit of happiness, definitions of the good life, the constitution of the well-ordered soul, and assertions of “comprehensive conceptions of the good,” provided that all such decisions are reasonably respectful of others. Liberals continue to disagree, of course, about the boundaries between public and private: that is, whether government should seek to shape the family structure, aid religious organizations, and the like; what the purpose of liberty is (to allow creative self-definition or ordered virtue?) and how liberty is to be balanced with distributive justice. But it is from the heart of the liberal tradition that a spate of recent commentators on reconciliation, particularly on South Africa, agree that the healing of victims through acknowledgment of their suffering, the transformation of offenders through
repentance, and most of all forgiveness are not appropriate goals for states actively to promote. Among the dimensions of reconciliation outlined above, and among the range of goals that truth commissions promote, they support only those that reinstate the citizenship of victims, foster a stable, healthy, and just democracy, and contribute to accountability—all central and traditional liberal ends.

Questioning the priority that the TRC gave to reconciliation, Timothy Garton Ash indeed complains that “taken to the extreme, the reconciliation of all with all is a deeply illiberal idea,” for it deprives people of the right to dissent from its vision. Similarly, Gutmann and Thompson argue that a “comprehensive” restorative justice, one that involves forgiveness, therapy, and reparations and seeks a psychological or spiritual social harmony, should not transcend or override the claims of punitive justice. They, too, regard this sort of reconciliation as illiberal, for it expects an entire society to subscribe to a single moral vision, as well as undemocratic, for it seeks to overcome the moral conflict that is the stuff of democratic politics. At most, societies ought to seek consensus on “some fundamental matters of political morality” such as civil liberties and nondiscrimination. The healing of a nation, they hold, is a utopian aim. Similarly, Kent Greenawalt is willing to endorse truth commissions, even if they operate through amnesty, only if they prove better able than criminal trials to expose truth and promote accountability. He rejects restorative justice as an argument in their favor. If amnesty is to be allowed, this is only because it will help avoid civil war and help achieve a just, stable society. Even du Toit, who argues so strongly for justice as public acknowledgment, believes that it is victims’ “civic and human dignity,” not the healing of their wounds, that is restored through acknowledgment.

In arguing against the public promotion of reconciliation, liberals reserve their harshest criticism for the practice of forgiveness. Timothy Garton Ash relates the story with which this essay opens to illustrate the inappropriateness of governments asking victims to forgive. This is a decision that can be made only by an individual, freely. Similarly, Bhargava holds that both repentance and forgiveness require a confrontation with one’s soul and an inner transformation that state truth commissions are not equipped to provide. He does allow, though, that truth commissions might create the conditions for repentance and forgiveness. Greenawalt argues against publicly encouraged repentance along the same lines: “[R]emorse is too difficult for outsiders to discern, and insincere expressions of remorse are worse than no expressions at all.” He then says that “forgiveness cannot be demanded or expected from victims or
survivors.” Most of these critics argue with the TRC in mind, which is puzzling. In neither its procedures nor its mandate did the TRC require victims to forgive: it left them free to practice it or abjure it, as they wished. It was only in a hortatory, justificatory sense that the state promoted forgiveness, largely through the chairman of the TRC, Desmond Tutu. But even this liberal critics object to, revealing their sensitivity to the transgression of the public and the personal.

It is not hard to see why liberals who insist on this distinction would indeed object to the concept of political reconciliation set forth above, for in it the public and the private, the political and the personal, are closely intertwined. The “personal” wound that political violence caused was inflicted in the name of the political order. Its meaning and its healing are bound up in that same order. The healing of the victim—the transformation of the “private” person—comes in part through the telling of the truth about his or her past and the acknowledgment of his or her suffering by the state, by the offender, and by fellow citizens, all in the context of a public forum. Reparations are granted by the state, but in part for the purpose of restoring the wounds of the victim. Repentance and forgiveness involve the transformation of both victim and offender but may well be encouraged by and flow out of the public proceedings. The accountability of transitional justice may well be designed to maximize the chances for the offender’s transformation too. This was the case in the TRC, where victims’ presence, their stories, and their family members, along with the deft combination of urging, cajoling, and encouragement of the commissioners, often led offenders beyond confession to an inwardly felt repentance. In all of these ways, political reconciliation mixes the public and the private, the personal and the political.

Now, there are a few liberals who share the broad liberal objection to the personal aspects of political reconciliation but nevertheless want to promote a version of reconciliation. They do so by distinguishing two sorts of reconciliation—“thin” and “thick.” David Crocker, for instance, proposes “non-lethal coexistence” as the thinnest form of reconciliation, denoting a social condition in which the formerly estranged no longer commit political violence against one another. A thicker version of reconciliation is “democratic reciprocity,” in which former enemies come to respect one another as fellow citizens with whom they now deliberate over the future of their country. He distinguishes both of these versions from Bishop Tutu’s ideal of reconciliation, which, much like the political reconciliation set forth above, incorporates forgiveness, healing, and social solidarity. For reasons quite similar to those of
other liberals, he rejects this vision as utopian. But he believes that thinner versions of reconciliation are more attainable. Similarly, Bhargava distinguishes between the sort of reconciliation that elicits a cancellation of estrangement and a weaker sort that involves a culture of reciprocity, mutual respect, and minimal moral disagreement. He, however, rejects the pursuit of both forms of reconciliation, favoring the creation of a “minimally decent society” based on “pure, procedural justice” where deep disagreements are resolved through fair procedures.

Whether one is advocating or decrying it, the usefulness of a concept of “thin” reconciliation is doubtful. As a restoration of relationships in every sense of the concept of relationship, reconciliation, to be sure, demands a restoration of denied citizenship, the enjoyment of human rights, and the freedom to participate in democratic institutions. But if reconciliation means only this, then it is a redundant term. Why not simply speak of “nonlethal coexistence,” “democratic reciprocity,” “deliberative democracy,” a “human rights culture,” or the like? In what sense does the term reconciliation add to any of these concepts? Such a restrictive use of the term arbitrarily confines its traditional definitions. In its ancient Arabic, Greek, Hebrew, and Latin usages, it meant restoration of relationship at all levels, in every respect—shalom. Whether or not one thinks that reconciliation as shalom is a proper political end, it seems that little is accomplished in restricting what it has long meant. Far better would it be for liberal critics of political reconciliation to remain just that—critics of the concept, not advocates of a different version.

The Argument from Public Reason

Similar in spirit is the argument from public reason. If the argument from the public-private distinction rejects government interference in decisions that are properly personal, the argument from public reason demands that laws, policies, and judicial procedures be articulated through discourse that is properly public. The most famous proponent of the “idea of public reason” is John Rawls, whose formulation has attained the assent of a wide company of liberal political philosophers, though not without some pleas for revision and wholesale dissent. Public reason, as he explains it, is public in three respects: first, it is the reason of citizens in their capacity as citizens; second, it is concerned with the public good and matters of fundamental justice; and third, in content, it draws from a society’s conception of political justice. “Nonpublic” reason, by contrast, proceeds from a “comprehensive conception” that demands assent to far
more, and is shared by far fewer, than the shared political conception of justice, the basic liberal and democratic principles upon which the polity is grounded. Prominent among these nonpublic conceptions, Rawls tells us, are religious conceptions. It turns out to be religious conceptions, their pervasiveness in discourse, and precisely their nonpublic character to which liberals object so strongly in the case of South Africa’s TRC.

To this liberal criticism, Archbishop Tutu would plead guilty as charged. So would some of the other commissioners who espoused and practiced a theological perspective through the hearings. One theologian who followed the TRC, Piet Meiring, tells the story of how some TRC officials, prior to the TRC’s hearings in Johannesburg, tried to talk Tutu into toning down the religious content of the hearings. They argued that it would appear awkward in the presence of the media and the luminaries who were expected to attend the Johannesburg hearings in full force and that it was out of place in what were supposed to be judicial proceedings. Tutu initially acquiesced, agreeing to confine the religious to an initial opening moment of silence. The story does not end there, though:

But Tutu was patently uncomfortable. He was unable to start with the proceedings. He shifted the papers on the table in front of him. He cleared his throat. When he spoke to the audience, he said, “No! This is not the way to do it. We cannot start without having prayed. Close your eyes!” In his inimitable way, the Archbishop placed the hearing of the day in the Lord’s hands, asking that Jesus Christ, who himself is the Truth, guide us in our quest for truth, that the Holy Spirit of God grant us the wisdom and grace we need. After a resounding “Amen,” he announced with a disarming smile: “So! Now we are ready to start the day’s work. . . .” From that day onwards all TRC hearings were to start—and be closed—in a proper fashion.

Religious language and ritual pervaded the proceedings. In publicly presenting the commission through speeches and writings, Tutu and other commissioners explained it in explicitly theological terms. Prayers and hymns opened and closed the hearings. More dramatically, at awkward moments in the hearings when victim or witness testified to a particularly harrowing experience of torture or death, moments when few present, including the commissioners themselves, could muster appropriate words or gestures, the people in the hearing room, participants and onlookers alike, would break out into hymn, thus
acknowledging, ritualizing, marking, honoring, and strengthening wounded victims and witnesses. Victims made sense of their experience in theological terms too. Fr. Michael Lapsley, who was permanently injured by a letter bomb and has recently conducted a series of workshops on the “healing of memories,” wrote: “For Christians, we need to remind ourselves that we belong to a remembering religion. ‘Remember when you were slaves in Egypt’ is a constant refrain of the Old Testament. . . . The words of Jesus—‘Do this in memory of me’—are said at every Eucharist.”

Offenders, too, reflected theologically. On the last day of his hearing before the TRC, the ex-minister of police Adrian Vlok told Meiring, “When the final question was asked and when the legal team of the South African Council of Churches indicated its satisfaction . . . my heart sang. I got a lump in my throat and I thanked God for his grace and mercy to me.” Some commentators attributed much of the TRC’s success to its religious character. Meiring quotes Jorge Heine, the Chilean ambassador to South Africa:

The powers and resources [of the South African TRC] are much more significant than those of the Chilean commission. . . . Yet, ironically for a body with such strong statutory powers, the South African Commission stands out for the relative absence of lawyers (except the amnesty committee) and an extraordinary religious component. Sitting at the hearings held at the Central Methodist Church in downtown Johannesburg some time ago, watching Archbishop Desmond Tutu say a prayer and Alex Boraine call on some of the witnesses, I could not help but reflect that this would have been unthinkable in many countries where the separation of church and state is taken seriously.

Yet it seems to have worked in South Africa, where there is a great religious diversity but where the strongly Christian subtext of repentance and forgiveness that pervades the Commission’s proceedings conveys both [sic] the right message as to what reconciliation is all about. It manages to put at ease humble, profoundly decent South Africans who have been offered, often for the first time, the opportunity to state their case.

In the minds of observers like Heine, what is commendable about the TRC is precisely that its officials did not confine it to the boundaries of liberal public reason.

Liberal offense at the TRC’s religious language accordingly revolves around a common criticism: such language entails, in the terms of Marius Schoon, one critic quoted by Ash, “the imposition of a Christian morality of forgiveness,”
or, in wider terms, a Christian morality of reconciliation. The criticism, and the response of the commission’s defenders, shaped the contours of debates among nongovernmental organizations, political groupings, and the public at large. Cosmas Desmond, a former Catholic priest, voiced one version of the criticism that concentrated on the clerical makeup of the commission:

Such is that over-representation that the question arises as to whether the TRC is an arm of the state or the church. Most church leaders, including Archbishop Tutu, agreed that the new South Africa would be a secular state. Yet the first meeting of the Commission’s Reparations Committee was opened not only with prayer but with an exclusive Christian one. And it appears to be assumed that all decisions of the Commission will be informed by Christian values. This would not be bad—though it would still be unacceptable to some—if the norms and values were indeed Christian. But the word “Christian” is all too often simply a synonym for “Western.” This is clearly illustrated in the Commission’s individualistic understanding of human rights and their violation, rather than a more African (and, I would contend more Christian) approach.

Toward the close of this passage, Desmond softens: it turns out to be Western morality, not Christian morality, that is wrongly imposed. Not so for Gutmann and Thompson. “The difficulty,” they argue, “is that many victims do not share Archbishop Tutu’s Christian faith.” Though others may share his faith, “many sincere and reasonable Christians” will not interpret it to mean forgiveness as he does, while “many other religious and secular moral understandings that also deserve respect” will not resonate with Tutu’s at all. Similarly, Greenawalt holds that “[s]ome societies may be so religious that an explicit religious justification of this sort could be sufficient to justify the treatment of political criminals; but the benefits to be gained from a transitional process need usually to be defensible in terms of a human morality that crosscuts particular religious outlooks and does not rely on explicit theological premises.”

Now the framework of “political reconciliation” articulated above is not described in heavily theological terms. Though its roots in Abrahamic religious traditions are identified, its concepts of violence, woundedness, and human rights are intelligible to those without religious commitments. Yet liberals will persist in asking whether, given the tensions between political reconciliation and components of liberal justice, theology will be required to account not only for reconciliation’s intelligibility but also for its warrant—that is, the reasons
why we should endorse it. It may turn out that only theological commitments can explain why restoration, not justice as desert or rights or entitlement, ought to be the conceptual lodestar of justice. It may also turn out that theologically inspired rituals are crucial for political reconciliation to function in a practical sense. If Piet Meiring is correct, this is indeed a lesson from Archbishop Tutu’s leadership of the TRC.

The Argument from Social Unity

The foregoing arguments against political reconciliation are ones that liberals draw from their deep political principles. They may well offer more practical objections to political reconciliation, too—not ones that are divorced from principle, but ones derived from liberals’ desideratum for all political transitions: a stable liberal democracy, one where citizens enjoy human rights and free and fair elections. There are several reasons why liberals might regard political reconciliation as inimical to this goal. The public revelation and airing of political crimes may well open up old wounds and even create new ones for victims, alienating them rather than healing them. It may do the same for public onlookers who may otherwise have been prepared to forget about the past and embrace a new regime that promises a better future. If the public regards a truth commission as ineffective or unfair in depriving victims of their due, if it believes that only trials can render proper judgment on the old regime and its officials, then it will regard political reconciliation as a drain on the legitimacy of the new regimes. If the public is divided over the issue, or if a truth commission takes place amidst strong public opposition, then deeper social divisions may turn out to be the ironically dysfunctional result of a truth commission. Indeed, a 1998 poll showed that only half of South Africans regarded the TRC as fair and that only 17 percent thought that it promoted reconciliation.41 Though one poll is not deep evidence of the TRC’s long-term impact, it certainly creates doubt about its benefits for the legitimacy of the new regime.

If the argument from social unity is persuasive, then it seems to seal up the liberal case against political reconciliation. What could override liberalism’s other objections to political reconciliation except a powerful set of practical arguments showing that despite its flaws in terms of justice it encourages stable, liberal democratic regimes to form? If it turns out that political reconciliation not only fails to exercise this positive power but has the opposite effect, then it is difficult to see how a liberal could endorse it. This does not mean that po-
political reconciliation is impossible to endorse or intrinsically flawed. It simply means that its justification must lie outside liberalism.

Assessing Liberal Arguments for Reconciliation

It turns out, though, that some liberals do not accept this negative verdict toward political reconciliation. They in fact argue for reconciliation, or at least for some aspect of it, such as political forgiveness. Though they may well endorse the traditional liberal principles behind the above objections, they do not regard them as defeaters of political reconciliation. What to make of these arguments? Do they temper liberalism’s negative verdict? Or do they fail to make the case for political reconciliation? Such arguments come in two classes. One takes a pragmatic form, countering precisely the reasoning of the argument from social unity above. It holds that in situations where retribution or “normal justice” is not feasible, political reconciliation, or, again, at least elements of it like forgiveness, may be an effective “second best” mode of transition to a stable liberal democracy. Rather than sowing division and opening wounds, reconciliation can be healing and unifying. The second class argues for political reconciliation as a set of deeper principles, an alternative conception of justice to retribution. Though “restorative justice” may depart from the liberal tradition, it may nevertheless be placed on a liberal footing. In the end, though, neither sort of argument is persuasive in showing why reconciliation ought to appeal to liberals. The reasons will become apparent as each is examined.

Liberal Pragmatic Arguments for Political Reconciliation

In a stable society where the rule of law is robust, justice involves “due” punishment for violators of human rights. But there are cases of extreme instability and lawlessness—the massive ethnic cleansing of Bosnia or Rwanda—where attempting “normal” justice is not feasible and might even prolong the suffering. Many of the recent episodes of transitional justice are just like this. In these instances, political reconciliation is a commendable alternative.42

This is the general form of the pragmatic argument for political reconciliation. Its claim that normal justice is infeasible in extreme situations comes in several variants. Some point to the impossibility of arithmetic justice. When
eight hundred thousand have been killed through hand-to-hand combat with machetes in the course of a few months in Rwanda, or thousands have been violated over thirty years of apartheid, attempting to sort out who did what to whom in what degree is impossible. Gaining the information to conduct prosecutions, determining culpability in worlds where victims and perpetrators are often the same people, risking a perpetuation of the cycle of revenge—all appear to sink the prospects for the fair and equitable dispensation of just deserts. Others point to the limitations of judicial procedures. In a typical criminal trial, for instance, defendants have a strong incentive to adopt tactics that would block the discovery of facts about their crimes. The probability of the truth, of justice, about past crimes emerging, is small. Still others point to the difficulty of conducting trials in the face of powerful opposition groups. In Argentina’s political transition, for instance, powerful military generals ultimately foiled the efforts of the democratic government to prosecute military perpetrators of human rights violations. Similarly, in Chile, generals prevented trials altogether, at least at the time of the transition. Proponents of South Africa’s TRC argued that trials of apartheid officials would risk civil war. In any of these cases, trials were unlikely to succeed and would have caused disproportionate chaos if they did. Far more auspicious would be a truth commission, the practice of forgiveness, and the pursuit of accountability in a form far milder than trial, imprisonment, and execution.

These critics rightly point out the difficulties facing retributive justice in political transitions. But they fail to make the case for political reconciliation as an alternative. It is not clear why, for instance, in arguing from the defects of retribution alone, blanket amnesty should not be adopted. Where retributive procedures are radically compromised, a society is arguably better off simply moving ahead with its political transition. A more appealing alternative for traditional liberals would be partial justice. In the wake of the wars in the former Yugoslavia, for instance, an international tribunal is now successfully putting to trial numerous commanders and soldiers who perpetrated ethnic cleansing. The fact that arithmetic justice is impossible, that every war criminal will not be apprehended and caught, does not point to the conclusion that it is unjust to try some of them. If anything, institutions ought to be strengthened and expanded so that justice may be more thorough. What the pragmatic argument objects to in retributive justice are problems that plague almost any set of judicial institutions—the impossibility of avoiding justice for some and not others, the limitations of the trial process, its subjection to power, and so on. But rarely do such problems alone lead to calls for the aban-
donment of the retributive principle and its replacement by alternative procedures based on an alternative conception of justice. It is not clear why any such abandonment ought to characterize political transitions either.

Stronger pragmatic arguments for political reconciliation will root it not merely in the defects of retributive justice but in its promise for achieving a separate good of great worth: a transition to a stable liberal democracy. Such arguments maintain a general consequentialist form, but one that runs contrary to the above argument from social unity. Far from being destabilizing, the practices of political reconciliation possess great advantages over trials in easing the transition to a robust, legitimate regime based on human rights. Attempting to prosecute and imprison leaders of the ancien régime, especially when its leaders continue to substantial popular support, it is argued, will only create social divisions, foster a permanent opposition to the new regime, and perhaps even bring civil war. Again, the pragmatic case of avoiding civil war was one strand of argument advanced by proponents of the TRC in South Africa.

This form of the pragmatic argument for political reconciliation is indeed stronger than a case based merely on the defects of retribution. But for it to succeed, it must present a consequentialist calculus showing that in fostering the transition to liberal democracy, political reconciliation’s advantages outweigh its disadvantages. This will prove difficult. As the argument from social unity demonstrates, political reconciliation may reopen old wounds, disillusion victims who seek retributive justice, and alienate those who are unprepared to forgive. Other liberals have argued that trials of perpetrators of human rights violations are precisely what is needed to establish the legitimacy of a new regime on a foundation of justice. Or it may turn out that an approach of “pragmatic compromise”—essentially doing very little about the past—may, on balance, prove the best route of transition. Which consequences trump which? Will political reconciliation prove a more successful route to a stable, legitimate democracy than pragmatic compromise or retributive justice? It is highly unclear. Addressing the narrower issue of amnesty and punishment, Aryeh Neier writes:

I do not claim that acknowledging and disclosing the truth about past abuses, or punishing those responsible for abuses, will necessarily deter future abuses. I doubt there is decisive evidence for this proposition. The same can be said of the contrary view, sometimes argued by proponents of amnesties, that an amnesty promotes reconciliation, while if a
government making a transition to a democracy attempts to punish those guilty of past abuses, it risks allowing those people to seize power again. Either outcome is possible. Whether the guilty are accorded amnesty or punished is only one among many factors that affect the pattern of events in any country.44

Such indeterminacy of consequences can be expanded to the entire question of what sort of transition best promotes a stable liberal democracy. The answers will vary widely from case to case and will be hotly disputed, by both scholars and participants, within single cases. Given this indeterminacy, any consequentialist case for political reconciliation will remain a weak one—not, perhaps, doomed altogether but always highly uncertain in its conclusions.

Nonpragmatic Liberal Arguments for Political Reconciliation

There may be a stronger liberal case for political reconciliation, however, one that more decisively overcomes objections to it. This argument appeals not to the balance of consequences, but to deep principles of justice that political reconciliation itself instantiates. There are at least three such arguments, made respectively by Elizabeth Kiss, Martha Minow, and Amy Gutmann and Dennis Thompson. Each seeks to defend some version of political reconciliation in the South Africa context, particularly the TRC’s sacrifice of strong retributive justice through its blanket amnesty and its favor of truth telling, repentance, forgiveness, and reparations. Though each echoes some of the pragmatic arguments for favoring truth commissions over trials, each also insists that the case for truth commissions goes far beyond their being a “second best” alternative to civil war. Rather, each advances other principles, deep and laudable ones.

As Kiss and Minow outline these principles, they correspond closely to political reconciliation’s logic of restoration of people and relationships. Kiss, for instance, defends the TRC according to a principle of restorative justice that poses an alternative to retributive justice. Restorative justice entails restoring and affirming the dignity of those whose human rights have been violated, holding perpetrators accountable, and creating social conditions that promote respect for human rights. Truth telling is an essential practice in restorative justice, in part because of the therapeutic value of acknowledgment for victims of violence.45 Minow espouses even more strongly the “healing,” “therapeutic” value of truth commissions, which she says is a valuable goal in addition to accountability. The healing, the therapy that she describes is quite
similar to the restoration involved in political reconciliation. For Gutmann and Thompson, the value that truth commissions promote is a different one: deliberative democracy. They too insist that truth commissions, especially ones that involve amnesty, must not be a second best alternative to strong retribution for human rights violators, which they are reluctant to forego. But they can be defended as an instantiation of the reciprocal, deliberative, democratic conversation between equals that, for them, is the heart of a just liberal democracy, the liberal democracy that they want to see realized in South Africa.

Can these stronger, more deeply principled arguments establish the case for political reconciliation? Each, to be sure, asserts and describes an appealing principle or set of principles in favor of which mere retribution is to be foregone and on behalf of which political reconciliation is to be adopted. The trouble with the arguments, though, is that they do little more than assert, describe, and demonstrate the intuitive attractiveness of these principles. What is not clear is why these arguments, though fortified with principles, not merely consequences, ought to trump liberal objections to reconciliation—the argument from retributive justice, the public-private distinction, and so on. In what sense does an assertion of the values of therapy, healing, and deliberation answer the concerns of the Biko and Mxenge families, Garton Ash’s, and the like? Simply asserting these values, as appealing as they may be, does not explain why they should displace other liberal values that, after all, enjoy a far deeper pedigree and a far wider acceptance within the liberal tradition. To argue for such a displacement, one would need to provide a deep and thoroughgoing account of the person, the common good and social justice that both anchors and explains the superiority of the values that are offered as alternatives. To borrow John Rawls’s phrase, a much more “comprehensive” doctrine of justice is required. But neither Kiss, Minow, nor Gutmann and Thompson offer such a conception. Each of them remains within a broadly liberal ethical framework. Their conception of justice revolves around the dignity of the rights-bearing, democratically deliberating citizen. Within these confines, they provide no strong set of warrants that can show why their values ought to replace more traditional liberal notions of justice. Kiss and Minow implicitly draw upon a conception of a person and a society that are restored by therapeutic healing, but neither develops a strong account of who this person and society are and how they compare with the conception of the person that underlies traditional liberal justice.

Without such an account, it is hard to see a deep principled reason why a liberal regime would forego just retribution or why it would involve itself in...
the restoration of souls. Analogously, imagine if a liberal political philosopher were to argue that within a stable domestic liberal democracy, ordinary criminal justice, say for a murderer or the chairman of the Enron Corporation, ought to be replaced with a truth-telling procedure that advances the alternative values of therapeutic healing or democratic deliberation. It is hard to imagine many liberals endorsing such a proposal. Surely, far fewer would endorse it than showed enthusiasm for South Africa’s TRC. We may indeed wonder where Kiss, Minow, and Gutmann and Thompson would stand on it, for nowhere do they propose expanding their reasoning beyond the context of South Africa. Of course, they may reply that transitional justice as faced in South Africa and elsewhere involves special circumstances where there is a pressing need to establish a stable liberal democracy in the face of a terrible history of injustice and war. But this is to fall back on the pragmatic arguments, with all of their indeterminacy.

Is There, Then, a Case for Political Reconciliation?

If the foregoing arguments are correct, it is difficult to make a liberal case for political reconciliation, at least a very strong one. The liberal tradition yields too many strong objections and does not provide strong warrants of its own for viewing justice as centrally concerned with the restoration of wounded individuals and relationships.

This conclusion does not deny the existence of warrants for political reconciliation, but only their ready availability within liberalism. Where might such warrants be found? Again, a comprehensive conception is needed, one that gives a deep and thorough account of the content of, and warrants for, the restoration of relationships and how this restoration is to be accomplished in the political order. Though there is no a priori reason why this account must be a theological one, it is in fact Christian theologians who have most explicitly, vigorously, and systematically argued for bringing reconciliation into politics: Donald Shriver, Desmond Tutu, Gregory Jones, Miroslav Volf, Walter Wink, Stanley Hauerwas, and others. Muslims, Jews, and members of other faiths, although not as many, have also propounded the concept. That the Abrahamic faiths would provide warrants for the concept is not surprising, and not simply because the word \textit{reconciliation} is found in their texts. More importantly, each faith gives a central place to the mercy of God, by which God restores alienated humanity unto himself. In the Christian faith, this mercy is extended most
fully though the Incarnation and the atonement of Jesus Christ; in Judaism, through God’s restoration of his covenant with Israel; in Islam, through God’s merciful beneficence. By contrast, the liberalism of the Enlightenment and later periods offers little role for divine restoration. To the degree that liberals consider God relevant for the political order, it is as the Creator of the natural law in which that order is rooted. How reconciliation as understood by the Abrahamic faiths manifests itself in politics requires far more development than provided here. The above description of the dimensions and practices of political reconciliation is the beginning of an approach. Again, it may not be necessary for a doctrine of reconciliation to have theological roots. If another kind of comprehensive doctrine puts forth properly deep arguments for reconciliation, then it may well prove to be a ground for it. But these grounds are likely to lie outside liberalism.

Some liberals, of course, may agree that reconciliation requires a comprehensive grounding but then conclude that this is precisely why it does not belong in politics. From the foregoing analysis, it seems indeed that an association between reconciliation and liberalism will be difficult to achieve. But it may not be entirely impossible. Not all versions of liberalism will take the form of those described above; a form of liberalism, drawn from the strands of actual liberal arguments, that is more receptive to a reconciliation grounded outside liberalism might conceivably be constructed. What would be its attributes? First, it would be open to warrants and rationales that lie outside liberalism. It would have to be open to language and concepts that are difficult to express through the language of rights, freedom, equality, utility, and other familiar liberal concepts. Second, it would be flexible in its view of retribution, open to forms of accountability that might fall short of proportionate punishment. Third, it would refrain from demanding any strong version of the public-private distinction, viewing the restoration of victims of political violence, in all of its dimensions, as a proper political end. Fourth, it would renounce any strong requirements for “public reason” and be open to importing into the political order concepts whose roots lay in theology or other comprehensive conceptions. Public explanations of reconciliation may not always have to be described and presented in the terms of this conception, but the public would widely understand its roots here. Finally, such a liberalism would allow the possibility that the effects of reconciliation for stability and legitimacy could be, on balance, positive. A liberalism with all of these features is hard to find these days. But it is not impossible to imagine. Each of the features alone has its proponents; there is no reason why all of them could not appear together in a
composite form. Its open-ended character will be this form of liberalism’s most central quality. If reconciliation is to be reconciled with liberalism, it will only be when liberalism is at its most liberal.

Notes


6. Of course, there are other forms of justice that will be relevant to transitional justice. One form of injustice that participants and commentators often highlight is the economic injustices of a previous regime. If their criticisms are legitimate, then a redistribution of wealth, or at least provision of economic and educational opportunities, will be an important part of any restoration of a political order.


10. For an explanation and description of truth commissions, see Priscilla Hayner, Unspeakable Truths: Confronting State Terror and Atrocity (New York: Routledge, 2001).


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18. On apologies as restorative acts, see Tavuchis, Mea Culpa.


42. For a quite well-developed and argued account on these lines, see Digeser, Political Forgiveness.
43. See Minow, “Hope for Healing,” and Kiss, “Moral Ambition.”