After Atrocity: What Religious Traditions Have to Offer Political Reconciliation Today

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Over the past generation, all over the world, an intense wave of efforts to rebuild political orders in the aftermath of civil war, genocide and dictatorship has taken place. Beginning at the end of the Cold War, a “United Nations revolution” multiplied by several times the number and ambition of peace operations. The creation of a UN Peacebuilding Commission in 2005 reflected both the importance and the ongoing difficulty of these undertakings. A multifold increase in civil war settlements during the same period and a “third wave” of democratization beginning in 1974 have left scores of societies dealing with past injustices as they strive to build the rule of law. Over 30 truth commissions have taken place. In the 1990s two international tribunals resurrected the judicial precedent of the Nuremberg Tribunals and were then replicated permanently in an International Criminal Court. Reparations and public apologies are now common political practices. Peacebuilding has arguably been the most difficult foreign policy dilemma of western governments, far more difficult than military victory itself, as the United States found in Somalia, Afghanistan, and Iraq, Germany in Afghanistan, and the European Union in Kosovo and Congo.

The intensity and variety of such activities in the past generation make it an age of “peacebuilding,” which can be defined as the entire range of activities undertaken to build stability and justice in and between states in the wake of episodes of massive war or other large scale injustices.1 A range of ethical dilemmas is entailed. What authority do states or outside international organizations exercise in rebuilding transitional societies? Is it justifiable to forego the prosecution of war criminals in order to elicit a peace settlement? Can conditional amnesties be justified? May leaders apologize or forgive on behalf of entire states or nations? On behalf of dead people? Do states owe reparations to representatives of victims of past
generations? How are amounts to be determined? Is forgiveness justifiable? Or does it indefensibly sacrifice just punishment?

Which, if any, traditions of ethics propose unified answers to these dilemmas? Dominant among international organizations and western governments has been the “liberal peace,” prioritizing the building of liberal institutions and the prosecution of war criminals. But at least one other orienting ethical concept has emerged from global peacebuilding efforts around the globe: reconciliation. Though it encompasses some of the core commitments of the liberal tradition like human rights, its central idea, restoration of right relationship, is far more holistic, both in its recognition of the harms that human rights violations and war crimes inflict but also in the set of restorative practices it proposes. Such a concept of justice has been advocated disproportionately, though not exclusively, by the religious, though it can also be articulated in secular language.

Both the recent entry of reconciliation in the politics of peacebuilding and the ancient presence of reconciliation in religious traditions create potential for but also leave undeveloped an ethic of political reconciliation that would derive from philosophical and theological fundamentals a set of concrete guidelines for recovering political orders. An outline of such an ethic is what I propose here. A model for success is the just war tradition, which has, over centuries, developed from philosophical and theological roots a set of standards for action that are now lodged in international law, inculcated in military academies, and appealed to in diverse political contexts. The just war tradition is not only an analogy, though. An ethic of political reconciliation contributes to the just war tradition something that it lacks—a *jus post bellum* to complement its *jus ad bellum* and its *jus in bello.* A *jus post bellum* would offer criteria for building peace once the fighting, or at least the formal part of a war, is over. Augustine and Aquinas, the tradition’s founding fathers, after
all, argued that the purpose of a just war is not mere victory but a just peace. But what our age of peacebuilding is teaching us is that a formal peace agreement or transition to democracy often does not alone achieve this peace but rather leaves behind unresolved issues, conflicts, and dilemmas that threaten a relapse into war or dictatorship.

The essay proceeds with a deepened comparison between the liberal peace and reconciliation. It then describes the core ideas of an ethic of political reconciliation – reconciliation as a concept of justice, a holistic peace, and mercy – and shows how these ideas are located in religious traditions as well as secular arguments for restorative justice. Its central aim is to tap these ideas from these traditions and bring them to bear for peacebuilding in contemporary political orders. The essay proceeds to describe the six practices that realize the ethic in the political realm and then illustrates the ethic by exploring two of these practices that are often thought to be in conflict – punishment and forgiveness.

Two Concepts of Justice

When United Nations troops seek to secure stability in Kosovo or monitor elections in Cambodia, when the U.S. strives for stability in Iraq, when the World Bank structures loans for post-conflict reconstruction in places like El Salvador and East Timor, when human rights activists and international lawyers demand the punishment of human rights violators in Argentina, Rwanda, Bosnia, or South Africa, they typically speak the language of the “liberal peace,” the approach to peacebuilding that dominates the world’s most powerful institutions. First, secure a ceasefire or a peace agreement. Then, establish the rule of law, human rights, democracy, free markets, and a free media, hold elections, disarm and demobilize armed factions, build and reform security sectors, and otherwise construct strong and legitimate institutions. What about the crimes of the past? Here, the liberal peace finds close
kin in human rights activists and international lawyers, who call for trials and disqualification from office, justified either as simple retribution or on consequentialist grounds as valuable for building the rule of law and accountability. In performing all these tasks, international organizations like the United Nations, the World Bank, the International Criminal Court, and powerful western liberal democracies are the dramatis personae. Certain other tasks of peacebuilding, by contrast, liberals view with suspicion, especially as they are pursued publically: personal and spiritual healing, the transformation of emotions, interpersonal reconciliation, forgiveness, and religious language and ritual. All of these preferences and proclivities stem from the pedigree of Locke, Kant, Mill, Wilson, and Roosevelt and their commitments to individual rights, democracy, and international law and institutions.

But the liberal peace is not enough. While its commitments to the rule of law, human rights, and democracy are crucial to justice and indeed incorporated into the ethic of political reconciliation proposed here, its array of activities and actors leaves untended a whole range of wounds that dictatorships and civil wars inflict upon people and societies. Its proposed measures often do little, for instance, to acknowledge, empower, or reintegrate victims who have suffered the loss of loved ones, permanent injury, sustained trauma, or devastating economic loss. They do little to reintegrate former perpetrators into a political community and often prevent them from banding together for revenge. They scarcely deal with emotions of anger, hatred, resentment, and fear which result in acts of revenge, further injustice, and weakened political institutions.

Addressing these wounds is not only a matter of intrinsic justice, it shall be argued, but is also crucial for creating the very legitimacy that human rights, democracy, and the rule of law require. The track record of the liberal peace itself...
makes the case for new thinking. A range of scholars judges UN peace operations –
liberal in their inspiration – to have achieved mixed to very little success in
reconstructing societies after war.\textsuperscript{8} Up to 43\% of negotiated settlements revert to
armed conflict within five years.\textsuperscript{9} Over time, through pragmatism and flexibility,
purveyors of the liberal peace like the UN have come to adopt a broader range of
practices, as in Guatemala, El Salvador, and East Timor, where they advocated a
combination of trials and truth commissions. An integrated approach is one of the
axial ideas that inspired the formation of the UN Peacebuilding Commission. But few
have sought to conceptualize a holistic range of practices into a peacebuilding ethic.\textsuperscript{10}

Here enters an ethic of political reconciliation. In recent debates,
reconciliation has meant many things: an end state of healing, restorative practices
that complement justice, or else a version of justice that is little different from the
human rights, rule of law, and democracy of the liberal peace. Here, reconciliation is
itself a concept of justice, one whose core meaning is a comprehensive restoration of
right relationship within a community. Exuding holism, it involves a process of
restoration as well as a state of restoration, addresses the wide range of harms that
crimes cause, and enlists the wide range of persons affected by these crimes in their
restoration.

Political reconciliation – the sort that is being proposed here – shares in this
comprehensive reconciliation but is also a subset of it, involving only those
relationships that are proper to the political order, that is, the rights and duties that
are shared reciprocallly among citizens, between citizens and states, and between
states in the international system. As standards for these relationships, the ethic at
hand adopts those that international legal covenants prescribe for every state –
human rights, the laws of war, and other norms of international conduct. These
define both the political injustices that political reconciliation addresses as well as the
political order to which it aspires. It is in this definition of right relationship that the ethic of political reconciliation converges most with the liberal peace.

But just as war crimes and human rights violations do not solely rob victims of their rights but set forth a smorgasbord of suffering, including physical, economic, familial, psychological, and many other kinds, so too, political reconciliation seeks not only to restore rights and the laws and institutions that guarantee them within and between states but also to address this wide range of wounds. It does so through a portfolio of practices that involves an array of actors: victims, perpetrators, state officials, and ordinary citizens. The state’s interest in these many wounds is legitimate for two reasons. First, because the wounds were suffered at the hands of the political order or else those fighting in its name, political authorities have a warrant and a stake in redressing them. Second, these wounds and the emotions to which they give rise shape the willingness of victims and sometimes perpetrators to confer legitimacy on a new, potentially just political order. Political reconciliation not only exceeds, but may well encourage, the establishment of rights, laws, and institutions. A wider set of wounds redressed, a broader set of practices and actors involved in the redress – this is the difference that an ethic of political reconciliation makes.

*The Core Concepts of An Ethic of Political Reconciliation*

Is reconciliation really justice? To modern western ears it may seem strange to call it so. But the texts of Abrahamic religious faiths, Judaism, Christianity, and Islam, the thought of the contemporary restorative justice movement, and the rich rituals of reconciliation found in several tribal traditions around the world conceive of justice as something very much like comprehensive right relationship. A closer look at the Abrahamic faiths and restorative justice shows how particular traditions can ground and articulate this notion of justice as well as other core concepts in an ethic
of political reconciliation. The rationales that the Abrahamic faiths provide for the ethic give it a global reach – a wider reach than the liberal peace can obtain – since Christianity and Islam alone make up roughly half the world’s population. Abrahamic rationales also offer an ethical underpinning for the efforts of religious leaders and activists to deal with the past, as they have in Guatemala, Brazil, Chile, South Africa, Sierra Leone, Morocco, Afghanistan, Iraq, East Timor, Peru, El Salvador, Northern Ireland, East Germany, and elsewhere. Secular philosophical arguments can also articulate and ground the core concepts of the ethic, as do some prominent theories of restorative justice.

In order to achieve the legitimacy that it needs to operate, the ethic’s core concepts must garner an “overlapping consensus” among the inhabitants of any given setting. Its ability to do so will depend on their religious, philosophical, or cultural traditions. Traditions themselves, of course, also contain internal divisions over justice, only some of whose factions will embrace the logic of political reconciliation. It is impossible for any ethic, of course, to achieve unanimity. But if the ethic can be grounded among three major religious traditions and one secular school of thought, then its potential to find a consensus is demonstrated and furthered. Other religious or tribal traditions might indeed join in the same consensus, a prospect that be explored further elsewhere. An asset for facilitating consensus that ought to be deployed in all settings is secular language, conceived here as a complementary mode of articulating religious and philosophical rationales. Secular language helps to bridge differences between traditions, to justify the ethic to secular-minded audiences, to make the ethic compatible with international law and with constitutional law in most countries, and to further the practice of the ethic in international and non-governmental organizations that typically operate in secular language.
Justice, in the scriptures of each of the Abrahamic traditions, commonly means righteousness, understood comprehensively as right relationship between all the members of a community in all of their affairs. The Hebrew words sedeq (or, in its feminine form, sedeqah) and mishpat, found frequently in the Tanakh, as well as several Greek words in the New Testament beginning with the dik- stem translate into both justice and righteousness. A case can be made that the Arabic ‘adl can be understood similarly. Such justice is not only a state of right relationship but also a process of restoring right relationship, a meaning most vivid perhaps in the Jewish scriptures, especially Second Isaiah, where justice involves rectifying a wide variety of forms of oppression. Both the process of restoring right relationship and the resulting condition or state of restoration are also resounded in Abrahamic terms for reconciliation, including the New Testament Greek words katallage and katallosso, the Arabic musalaha found in the Quran, and close cognates in the Hebrew Tanakh, teshuva and tikkun olam. If, then, justice and reconciliation both connote a righteousness that involves comprehensive right relationship, then it follows that reconciliation can be understood as a concept of justice – a state or a process.

Abrahamic concepts of justice converge closely with Abrahamic concepts of peace, bolstering political reconciliation’s status as an ethic of peacebuilding as well as of justice. Shalom, the Hebrew word for peace, and the New Testament Greek eirene each describe something quite like a condition of comprehensive righteousness in a community. Salam, the Arabic word for peace in the Quran, is also similar to shalom, not only in the obvious linguistic sense but also in its meaning as a general state of harmony in a society, not just a cessation of hostility. Peace corresponds to the sense in which reconciliation is a state of justice.

There is one other concept in the Abrahamic scriptures that resonates closely with reconciliation: mercy, which can be thought of as reconciliation’s animating
virtue. It corresponds to the sense in which reconciliation is a process of justice. Such a role for mercy, like reconciliation as a concept of justice, will seem strange to modern ears, especially those influenced by the Enlightenment to think of mercy as a narrow and exceptional departure from just retribution. But the Jewish hesed and rahamin, the New Testament’s eleos, and the Quran’s rahma all mean something far more sweeping and constructive, a virtue which, as Pope John Paul II proposed in his 1980 encyclical, Dives in Misericordia, is “manifested in its true and proper aspect when it restores to value, promotes and draws good from all the forms of evil existing in the world and in man.”

Finally, it is not only in their linguistic concepts that the Abrahamic scriptures support the core concepts of an ethic of political reconciliation, but also in their broad narrative account of God’s response to evil. In all three Scriptures, this response is one of action, contrasting with the philosophical solutions to the “problem of evil” that Enlightenment philosophers have proffered. In the Jewish scriptures, God acts to restore his covenant with the Jewish people punishing, forgiving, meting our recompense, and restoring justice for the poor. In the New Testament, it is the atoning work of Christ, at least in some strands of interpretation, that accomplishes the same sort of justice. In the Quran, God does not perform an atoning sacrifice, but still he forgives the repentant and punishes the unrepentant, both acts of judgment that some commentators have through to embody a restorative purpose.

In all of these ways, the Abrahamic scriptures support core concepts of an ethic of political reconciliation, including justice as right relationship, peace, mercy, and the concept of reconciliation that entails them. Can these sources also support the ethic’s commitment to human rights and the laws of war? Theologians in each tradition are divided over the issue. As for human rights, some believe that the claims of their scriptures are not only supportive but necessary for human rights;
some prefer to root human rights in natural law; some are skeptical of either or both sorts of argument. Most major religious bodies within contemporary Judaism and Christianity (especially Catholic and Protestant) today endorse human rights as enumerated in the international legal covenants. Islam is more divided. Support for human rights is substantial, including in umbrella organizations like the Organization of the Islamic Conference, but even here the status of particular human rights like religious freedom is disputed. The Abrahamic consensus on this plank of the ethic, then, is significant but not universal.

Again, other traditions and sources also conceive of justice, and in some cases, of peace and mercy similar to the way that the ethic of political reconciliation does. The contemporary movement of restorative justice, which has arisen in criminal justice circles in English speaking countries over the past generation, advocates a concept of justice that also involves restoration of right relationship among the several parties involved in a crime. Although it was advocated for Chile’s Commission on Truth and Reconciliation and by Archbishop Desmond Tutu in South Africa’s truth commission, proponents have only begun to theorize it at the level of national politics. Restorative justice shows, though, that a concept of justice as right relationship that converges with the Abrahamic scriptures can also be expressed in secular language.

*Applying the Ethic to Political Orders*

How are the core concepts of an ethic of political reconciliation enacted in political orders – within states and in relations between states? Justice that involves a holistic restoration of right relationship, animated by mercy, seeks to address the wide range of wounds inflicted by political injustices (violations of human rights and the laws of war) through a wide range of practices whose goals is to restore right relationship in
political orders (respected citizenship based on human rights and just relations between states) -- that is, a just peace.

There are at least six dimensions along which political injustices inflict wounds on persons and right relationships.

1) The first dimension, the violation of the victim’s basic human rights, corresponds to the very definition of political injustice. It is because being a citizen whose rights are respected and upheld is an intrinsic dimension of human flourishing that this violation amounts to a type of wound.

2) A second dimension of woundedness is the range of harms to the person of the victim that political injustices inflict. These include all those ways in which the victim’s flourishing is diminished, including death, permanent injury, trauma, lasting psychological and emotional damage, economic loss, the death of loved ones, grief, humiliation, loss of wealth and livelihood, the defilement of one’s race, ethnicity, religion, nationality, or gender, sexual violation, and many other harms.

3) Ignorance of the source and circumstance of the political injustices that harmed them, an ignorance that compounds the harm itself, is a third dimension of woundedness that many victims face. It is relatives of the disappeared and the dead who most commonly express this wound, as truth commission reports from around the world relate. “If they can just show us the bones of my child, where did they leave the bones of my child?” the mother of a missing South African political activist demanded to know.25

4) The failure of members of the surrounding political community (or another political community in the case of war between states) to acknowledge victims’ suffering, either through ignorance or indifference, deepens the harm and is a fourth dimension of woundedness. André du Toit, a South African political
philosopher, has written that “[f]or the victims, this actually is 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.”

5) The fifth dimension of woundedness is the “standing victory” of the political injustice that the perpetrator committed. This is the message of disregard for the victim’s dignity that the perpetrator’s act communicates and that political injustices leave behind. A harm to the victim and to the shared values of the community, it amplifies the assault on dignity that the violation itself entailed.

6) The sixth dimension of woundedness is one that is understood easily in the Abrahamic faiths but is also articulated in sources like Plato’s Gorgias: the wound to the perpetrator himself that a crime inflicts. By disintegrating the acting self from the true moral self, evil injures the wrongdoer’s soul, and often redounds in psychological damage as well as further injustices.

Cataloguing the harms that political injustices inflict directly, these six wounds may be called “primary wounds.” But these same wounds also manifest harm in a more indirect, secondary sense – by leading those who were involved in them to form judgments that lead them to commit further political injustices, either to perpetuate an existing conflict or to ignite a future conflict, or else simply to withhold legitimacy from nascent constitutional orders that may well be desperate for legitimacy. These derivative injustices may be called “secondary wounds.” They spring from the emotions of fear, hatred, resentment, and revenge that accompany memories of the original injustices. To envision secondary wounds, one need only recall conflicts where one set of events created the emotions that begat a future set of events: Rwanda, Northern Ireland, Bosnia, Kosovo, the Basque Country, Iraq, Israel and Palestine, Kashmir, post-World War I Germany, and so many others.
Recognizing this array of wounds, an ethic of political reconciliation proposes an array of matching practices that seek to restore persons who have suffered them and, more broadly, to restore right relationship in or between political orders. Reflecting the sense in which the Abrahamic traditions envision God’s response to evil as one of action, each practice involves a unique kind of communicative action among victims, perpetrators, members of communities at large, and the state. There are also six of these practices, though they do not correspond in a one-to-one fashion with the six forms of woundedness. They are:

- **Building socially just government institutions** based on human rights and respect for international law. These restore people with respect to the wound entailed in the violation of their human rights.

- **Acknowledgment** of the suffering of victims by the community through authoritative political processes. This is the work of truth commissions as well as of memorials, museums, and rituals of remembrance. It seeks to redress the lack of recognition of victim’s suffering and their ignorance of the source and circumstance of their wounds.

- **Reparations** in the form of material compensation to victims. Their purpose is partially to alleviate the economic loss associated with political injustices, but also to serve as a form of public recognition of victims’ suffering.

- **Punishment**, which takes place through trials in national or international courts, vetting (or “lustration) procedures that disqualify the guilty from holding office, and other forms of accountability. Its purpose is to defeat the standing victory of the perpetrator’s injustice, to confer recognition on victims for their suffering, and to invite the restoration of the perpetrator.
• **Apology**, which is conferred by perpetrators for their own misdeeds and by political officials for acts done in the name of the political order. It also helps to defeat the standing victory of political injustices and to restore the perpetrator.

• **Forgiveness**, which is performed by individual victims and, in theory but rarely in practice, by a political official on behalf of a group. As described below, it aims to strengthen the agency of victims, to defeat the perpetrator’s injustice, and to invite the perpetrator’s restoration.

The intrinsic value of the human flourishing that these practices elicit is their first justification. Insofar as they address the wounds that political injustices inflict directly, they may be thought of “primary restorations.” Parallel to the manner in which primary wounds beget secondary wounds, primary restorations may then redound to bring about “secondary restorations” that involve a refashioning of citizens’ judgments about the political order. Insofar as citizens experience their primary wounds being redressed positively through practices of the political community, they might come to view that community’s institutions as more legitimate and to increase their trust in their fellow citizens as well as their commitment to a common national identity and their willingness to engage in democratic deliberation.

The six practices, the primary and secondary restorations that they seek to bring, and the core moral concepts together add up to an ethic that is both an ideal of justice as well as a process of promoting justice. It is a process that is only likely to be partially achieved, always dependent upon the relative power of the parties in transition, the presence and policies of international institutions, the size and character of the injustices being addressed, and sundry other political factors. But it is also the case that all of the practices have occurred. Each of the six practices has been enacted in actual countries many times over the past generation. Such is precisely the predicament that
calls for the ethic. If the practices never occurred, the ethic would be futile; if they were not compromised and fraught with dilemmas, the ethic would be pointless.

Punishment and Forgiveness: The Ethic in Practice

What has been articulated so far is an ethical framework, but one that cannot at this stage treat the many ethical dilemmas that arise in political efforts to deal with the past. Here, a closer look at two of the ethic’s practices – punishment and forgiveness – illustrates in a limited domain how the ethic can deliver guidance for action. It shows how the logic of the ethic helps to resolve an important debate that has pervaded the politics of past injustice all over the world: that of punishment vs. forgiveness, or of reconciliation vs. retribution. According to a holistic, restorative logic of justice and peace, these two practices can be viewed as compatible in principle; the conceptual barrier to their antagonism can be overcome. Political barriers, of course, may remain. The need to involve war criminals in a peace settlement, for instance, may well prevent their prosecution, at least in the short run. But even when the ideal is not possible, the ethic can still provide guidance. In this case, it holds that foregoing prosecution is itself a sacrifice of justice, though one that can be justifiable as a second-best outcome, that amnesty should not be confused with forgiveness, and that forgiveness itself might provide an independent measure of justice in such a predicament.

Punishment

The most common arguments for the punishment of war criminals and arch-human rights violators today come from the community of human rights activists and international lawyers and usually take a consequentialist form: punishment is essential for establishing the rule of law in new regimes; in some versions, it deters future war crimes. For them, the blanket amnesties in Latin America of the 1980s merit the cry “never again!” while the International Criminal Court is a model of
success. Some opponents of this position also reason in consequentialist fashion: prosecutionist zeal fuels instability, prolongs war, and hinders the creation of the rule of law.  

Ironically rarer, heard only sometimes in these debates, is the strongest traditional argument for punishment: retribution, appealing to simple desert.

Reconciliation need not reject punishment; the ethic at hand incorporates it. But it justifies punishment restoratively, as one of a set of practices that address multiple wounds in pursuit of a morally regenerated political order. “Restorative punishment,” Christian theologian Christopher Marshall has dubbed this approach. He and certain other Christian, Jewish and Islamic theologians argue that restorative punishment is the rationale that best makes sense out of God’s purposes in punishment. Though not all passages in the Tanakh, the New Testament, and the Quran, and certainly not all practices of communities of these faiths down through the centuries can be reconciled with this theory, it nevertheless holds that most instances of punishment, even harsh punishments, in these scriptures carry a restorative purpose for the community of believers. A more secular articulation of restorative punishment can be found in the writings of philosophers like Jean Hampton, Herbert Morris, and Antony Duff.

Restorative punishment incorporates core claims of retributivism, including the idea that punishment is deserved by human rights violators, that it involves deprivation, and that it is subject to proportionality and the due process of law. But it rejects at least some justifications for retributivism, especially what can be termed “balance retributivism,” the view that punishment is required to restore a balance, even apart from any restoration of people or relationships. Restorative punishment agrees with consequentialist arguments that part of punishment’s purpose is to promote the rule of law. But this alone is not a sufficient justification.
Consistently with the larger ethic of political reconciliation, restorative punishment begins by identifying the kind of harm that a wrong does. What makes any political injustice distinct, I argue, is its communication of disregard for the dignity of the victim on behalf of a political program or ideal. As long as the wrongdoer sticks by it and no-one has nullified or defeated it, this message continues to enjoy a “standing victory” -- in the wrongdoer’s eyes, in the victim’s eyes, and in the eyes of the members of the community, whose shared values have been attacked. Since this is the message that made the victim a victim and the wrongdoer a wrongdoer, then as long as it stands, the victim still remains a victim and the wrongdoer remains victorious.

Punishment, then, is justified as a communication of censure to the wrongdoer by the state, acting on behalf of the community, with the purpose of defeating decisively the perpetrator’s message. An important audience is the community, whose values are reaffirmed. In this way, punishment indeed establishes the rule of law in transitional societies, as human rights advocates desire. Restorative punishment also invites the perpetrator’s restoration, encouraging him to recognize the injustice of his deed, repent, and apologize. To be sure, punishment still involves the hard treatment of imprisonment or other forms of suffering, which communicate the gravity of the offense. They also seek to create shame in the perpetrator, itself a form of punishment and often a step toward remorse. The perpetrator’s repentance and apology, if they are forthcoming, also defeat his own message. But the force of this communication also depends on his words being accompanied by -- and in fact expressed through -- the experience of punishment. Punishment may be thought of as a penance. Even if the perpetrator did not undergo any remorse or apology, though, the punishment would still be justified as a communication that defeats the standing victory of his wrong. Justified in this way, punishment instantiates both
justice and mercy of the sort that exercise a will toward the restoration of right relationship.

What is the upshot for societies dealing with past injustices? Restorative punishment recommends those forms of punishment that not only censure perpetrators but are also likely to bring about their acknowledgment of wrongs, to honor victims, and to restore the values of human rights and the rule of law to political communities. Because punishment does not require a precise balancing of wrongs with deprivation, it can be exercised with the flexibility to accommodate this range of desiderata. It may well involve imprisonment or disqualification from office. Indeed, for the most culpable masterminds of evil, only long term imprisonment can communicate adequate censure. But for lesser crimes and even for arch-criminals in combination with their imprisonment, other forms of punishment can elicit more holistic restoration. In those truth commissions that held public hearings in which victims and perpetrators meet directly – as in South Africa, Sierra Leone, and Peru -- perpetrators experience strong public shame while victims receive public acknowledgment and members of the community exercise acknowledgment. In East Timor, community panels pursued the same goals while also requiring convicted perpetrators to perform reintegrative community service. East Timor, Sierra Leone, Peru, and Germany also adopted hybrids of trials and truth commissions that combine forms of accountability.

As a matter of first principle, restorative punishment cannot sanction blanket amnesty – always a compromise of justice. In some cases, though, the compromise may be warranted if there is a strict, unavoidable choice between amnesty and peace or transitional to a new regime. Building just institutions, after all, is also one of the practices in the ethic of political reconciliation. But this trade-off is always a regrettable second-best; the burden of argument should always remain on the
proponent of foregoing punishment. If possible, the amnesty ought to be conditional, so as to elicit other restorative goods like the truth about the past and the acknowledgment of victims: South Africa’s Truth and Reconciliation Commission is a classic example. Sometimes, too, amnesties can be reversed. Though the Chilean Supreme Court upheld an amnesty for General Augusto Pinochet and his fellow officers at the time of his departure from power, human rights lawyers won a substantial number of convictions over the ensuing decade-and-a-half.

**Forgiveness**

Forgiveness is the rarest of the six practices in politics. Exactly how rare it is depends on how forgiveness is defined. If it can mean foregoing a country’s national debt, issuing presidential pardons, and granting amnesties to perpetrators of massive human rights violations, then it is considerably less rare. In the definition offered here, though, these actions fall short of forgiveness. But even on a more restrictive view, the age of peacebuilding contains numerous stories of victims forgiving perpetrators of terrible human rights violations, though it is difficult to say how often. The stories have been most common in South Africa, El Salvador, Chile, East Timor, Germany, post-genocide Rwanda, Bosnia, and Northern Ireland, though they surely have occurred elsewhere.

Forgiveness is also the most controversial of the practices, especially on the level of mass evil. It condones evil; it forgets evil; and it undermines punishment and retribution for perpetrators, say its critics. Others argue that victims who practice forgiveness fail to respect themselves, disempower themselves, and empower perpetrators, and that those who ask, or still more, pressure victims to forgive fail to respect them. Tutu was thus charged for his advocacy of forgiveness in the Truth and Reconciliation Commission.
A definition of forgiveness is the beginning of a case for it. In part, forgiveness is a relinquishing of claims owed, a cancellation of debts, and a foregoing of anger and vengeance, emotions that may be impossible to avoid but whose endorsement can still be refused. But relinquishing alone is not forgiveness. A victim of robbery could decide to avoid seeking prosecution or compensation for pragmatic reasons and to let go of his anger for therapeutic reasons. Such a relinquishment may be justifiable, but it is missing an important part of what it means to forgive. So, too, an amnesty for human rights violators by itself lacks an important ingredient of forgiveness.

This ingredient is the willing of a restoration of right relationship – the kernel of an ethic of political reconciliation. The victim wills to look upon the perpetrator in a new way – as someone who is now in good standing in the victim’s eyes and who is better than his past actions. Forgiveness also invites repentance and apology if that has not already occurred. To be sure, the character of right relationship will vary. No victim is obligated to return to an oppressor – to live under the same roof as an abusive spouse or to lend money to a swindler. Forgiveness does not at all negate a right to self-defense. But it always involves a will to construct some manner of new relationship with the offender, even if the change is largely in outlook and judgment.

This constructive will is crucial not only to the definition of forgiveness but also to its justification. In Christianity, forgiveness is a participation in the forgiving act of God in Jesus Christ, an act that is restorative in its purpose. In Judaism and Islam, it is an imitation of a God who also forgives in order to restore his followers. Contemporary philosophers have offered restorative justifications for forgiveness in secular terms as well. Like the other practices in the ethic, forgiveness seeks to redress a range of wounds to persons and relationships. Far from condoning evil, it contributes to its defeat by naming it and negating its message. Because victims take
a proactive role in this defeat and in redefining relationship, their agency is
strengthened. Rather than a disempowered object, they become an acting subject
through their act of construction. By exercising good will even in great difficulty, they
gain self-respect. Forgiveness also contributes to their healing by stemming the
psychologically debilitating effects of anger. Sometimes, it can even elicit the
repentance of the wrongdoer. Though this may seem far-fetched, in South Africa and
elsewhere surprising examples of it took place. Eugene de Kock, who was head of the
Vlakplass security force of the apartheid regime and known as “prime evil” for his
horrific deeds, renounced these deeds from prison after being forgiven at a Truth and
Reconciliation Commission hearing by the widow of a man that he had killed.
Wherever it is practiced in a setting of past political evil, forgiveness can create the
social capital of legitimacy and solidarity and help to quell the desire for revenge and
other politically destructive emotions. Contrary to modern western parlance, then,
forgiveness is an act of justice, the justice that restores, and of mercy, the virtue that
wills the restoration of all that is broken.

Numerous issues must be confronted in a full ethic of political forgiveness –
why it ought never to be pressured or required, why members of groups who have
committed oppression should never recommend it to members of groups that they
have oppressed, whether it can be offered by a person who is not a direct victim,
whether a political leader can offer it on behalf of a group, and other matters. But the
urgency of one issue attending forgiveness demands treatment here because of its
importance in the larger ethic: its compatibility with punishment.

The two practices can be compatible because they are both justified
restoratively. On this rationale, a victim could will both forgiveness and punishment.
Its own way, each practice effects restoration. When a victim forgives, she acts to
defeat the message of injustice that the perpetrator has communicated through her
own communication, one that names the evil as evil, re-asserts her own dignity, and then invites the perpetrator also to name it, renounce it, and express apology. When a victim wills punishment for the perpetrator, she declares that the hard treatment of suffering is needed to defeat the perpetrator’s message, both as a communication on behalf of the community, and, should the wrongdoer accept it, as his own communication of penance. Here, the victim is not claiming that the perpetrator owes her something, but rather desires to defeat the communication of injustice. The compatibility of punishment and forgiveness is furthered even more by the fact that the state imposes the punishment. Because it acts in the name of the community and its laws, it can best communicate the values embedded in the law to the wrongdoer. It is also the state, of course, who can ensure other crucial dimensions of ethical punishment like a fair trial, due process, and proportionality. This logic of restorative justice, then, proposes a kind of division of labor in which victim, perpetrator, and state each aspire to defeat the message of injustice in a different respect. Were punishment required in order to satisfy a balance, the logic would be quite different. In that case, forgiveness would be justifiable only after punishment had taken place. Otherwise, the victim would be relinquishing a debt that must be paid. Alternatively, if a victim did forgive, she could no longer justifiably demand punishment since she had relinquished all claims against the perpetrator.

A more complicated issue is whether the leader of a group -- a party, an army, a state -- can forgive a perpetrator or a group in whose name an injustice was committed. Nelson Mandela is one of the few heads of state to have performed forgiveness, though even he did not speak explicitly on behalf of others. That political leaders commonly issue apologies suggests that representational group forgiveness might be conducted analogously. But as of now, few examples exist to guide us.

Conclusion
The discussion of punishment and forgiveness illustrates important features of all six practices of the ethic of political reconciliation: they are interdependent and complementary. Each redresses a different set of wounds of political injustice in a unique way; each restores a dimension of human flourishing and of just political orders. All of the practices find application in various institutional contexts, including within states in the wake of civil war and authoritarian rule, between states that have fought war, or in the wake armed intervention, though how the practices find application in each context differs and requires further exploration. In cases involving armed conflict, the ethic supplements the traditional just war criteria by offering guidance for a context to which the tradition has given little attention, namely the period after formal victory has been achieved but in which the wounds of war endure and often threaten to undo the peace. The fundamental contention of the ethic is that addressing these wounds, both for their own sake and because they may lead to further injustices, is a matter of justice, the justice of right relationship. So, too, it is a matter of peace, the just peace that the tradition classically understood to be the aim of a just war.

1 Peacebuilding is similar to the concept of “post-conflict reconstruction” except that it occurs not solely in the wake of wars but also of dictatorships. The term is also consistent with my usage elsewhere, including in a book manuscript from which this article is drawn, *Just and Unjust Peace: An Ethic of Political Reconciliation*.


6 On liberal thought in the international relations, see Michael Doyle, *Ways of War and Peace* (New York: W.W. Norton, 1997).

For a summary of these analyses, see Charles T. Call and Elizabeth M. Cousens, "Ending Wars and Building Peace: International Responses to War-Torn Societies," *International Studies Quarterly* 9 (2008).

Ibid.: 2.

A like minded approach, but articulated more as a praxis than as a philosophical or theological ethic, is the influential work of John Paul Lederach. See, for instance, John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace, 1997).


Weinfeld, *Social Justice in Ancient Israel*.


Here again, see Peterson, *Understanding Ethnic Violence*