

***(Instrumental) Reconciliation without (authentic) Forgiveness
(and Social Justice): A recurrent paradox in political conflicts.***

Summary.

After a conflict between communities or nations has been led to an ending phase, political reconciliation requires that both parties be brought closer to the point they may have respect for each other's rights and can live peacefully together. When the conflict passed through war or mass atrocity, reconciliation is especially hard to achieve. There are limits to forgiveness that may state significant barriers on the pathway to reconciliation. Preserving or restoring human rights is an imperative category on seeking for reconciliation during and after a war. The essence of a forgiveness and reconciliation process can be perverted seeking for stop fighting and peace building, without really reaching healing and transformation. This paper essays on conditions under which an instrumental and distorted version of proclaimed reconciliation can be achieved, without coming from the dogmatic source of forgiveness as an omnipresent and *sine qua non* condition. An *ex post* social justice transformation as necessary condition for the reunited society is also considered. Ferguson, Missouri recent events could be an indication of the strong need for deeper and genuine reconciliation among American citizens.

Introduction.

When finishing a conflict, it is not sufficient that people stop fighting with each other. What is crucial is that each person comes to understand that each has equal status before the law. To take place, reconciliation requires moral repair expressed in a change of attitude so that people have a modicum of trust in each other.¹ At a personal level, when conflict ceases and people keep on living together, reconciliation is assumed, as long as they are able to trust each other again. In political rec-

conciliation, additional mechanisms for assuring that legal rights will be respected are necessary. If reconciling two people can be highly difficult sometimes, the level of complexity for promoting and reaching reconciliation on communities, societies, and nations is paramount. Roles actively or



passively played by people during wars or mass violence tend to make everybody responsible for what happened in a certain way. Understanding what happened, and why, is a powerful tool for societies to learn from past and change behavior to prevent, stop, or ameliorate conflict and violence in the future. This understanding transforms people into agents for starting a way to reconciliation. When combined with a positive attitude for peacemaking the road is clearly open.

Communal or national identities are strong determinants in the alienation of people. The demarcation between *we* and *they* is frequently a determinant for exacerbated violence against those who are different or think in a different way. To foster reconciliation, a strong sense of humanity and humility is necessary in order to move away from attitudes leading to separation, and follow new ones moving toward a universal understanding of togetherness, the human condition of being equals and able to cohabit peacefully and thrive. After a profound conflict, a more expansive and comprehensive definition of fairness is commonly at use. Following the emotional and physical exhaustion that peoples suffer during conflict, an emergent state of favorable disposition for ceasing hostilities is usually embraced for antagonistic parties if proper messages are conveyed through adequate messengers. Whether keeping on warring costs exceed the net benefits that might come from an eventual “victory”, conditions are given to open channels for alternative ways of dealing with conflict, de-escalation, and transformation to a potentially negotiated solution. When pain and suffering have been pervasive and shared as burden for the conflicting parties, fairness conception needs a modified interpretation to give reconciliation a chance. If a shared future is a necessary condition for the disputants, retributive and distributive

justice may be substituted by restorative approaches based on more humane interpretations of right and wrong, good and evil, instead of claiming absolute conditions to be met for reaching compromise and stop the conflict. In order to heal the wounds, transcend conflict and move ahead, warring parties frequently must be open to assimilate pain and suffering, and transform individualized visions of the conflict for a shared narrative. This third story is fundamental to envision a shared future, the common ground for everybody.

Nevertheless, in multiple circumstances and conflicts, historical wounds have been carried as collective burdens for centuries, leading cultures to waves of conflict and truce, war and “reconciliation”, as the potentially belligerent accrued energy within a people reaches exploding levels and disseminates in violent ways. Triggering factors and tipping points are diverse and

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abundant. Poverty, subjugation, unfairness, alienation, and marginalization of the social benefits and common goods, are some of the most commonly factors on which messianic or charismatic leaders rely to ignite people and start new intractable conflicts that evolve into war or massive-violence forms.

Limited Forgiveness and Coerced Reconciliation.

When a war has been fought and ceased, there are two fundamental conditions or “normative principles” that may lead to reconciliation in a more attainable way:

1. *There is an obligation to treat those against whom war has been waged as deserving equal basic respect, regardless of which side of the war a person is from.*

2. *There is an obligation to initiate and conduct a war in such a way that one does not unduly antagonize the people with whom one will eventually have to reach a peaceful accord.*

In colloquial terms, even before starting a war and during its fighting there are norms and limits to observe in order to leave the door open for *post bellum* reconciliation. When atrocities are perpetrated without observing minimal consideration of the human rights of the other party, strong resentment may deeply engrain in the offended people and the venue for authentic, sincere, and perdurable reconciliation might get severely diminished.

According to its universal notion, political reconciliation can only be reached as a bilateral process. Both sides must address past and present grievances to make a balanced analysis of responsibilities and costs of preserving the conflict, going beyond recriminations, naming faults, or claiming rights. It requires a shared perception of the necessity of getting to live together in the most amicable possible way under the circumstances, looking for a future state of just and lasting peace. In many occasions, the legal rights for retribution or restitution are taken away to make reconciliation more viable. Instead of focusing in the past and atrocities made, parties put aside specific interests in favor of pursuing a superior cause (a peaceful future), which can lead to the paradox of ex-

changing justice- seeking for amnesty-giving.³ The stated dilemma is between opting for truth and justice in one hand, or reconciliation and the necessity of living together without fighting in the other. And here resides the concept of *transitional justice*, which is based on a special-case approach of determining what is right or wrong, identifying perpetrators and assigning culpability, that can be exchanged in a healing

meant transaction for the mere surfacing of the truth -the revealed and shared truth as a necessary element in the process of healing and moving

forward. Truth commissions are modeled on this fundamental definition of a relative and instrumental amelioration of the right to ask for what is entitled to a person or people, sacrificing trials and restitution, in order to promote peaceful coexistence, and the prevention of future injustices

modeled on past patterns of abuse.”⁴ The notion of accountability of the perpetrator is diluted and faded away, in a sort of forced and forged trading of present and objective rights for future and subjective benefits.

For reconciliation to be proved successful, an *ex-post* evaluation must be carried out. The categories to include cannot be limited to the preexistent conditions but expanded to a broader determination of the factual existence of improved living conditions and fairer distribution of common goods throughout the reconciled population. Social justice is the strongest determinant for the authenticity and duration of the originally conceded but not proved reconciliation. If such condition is not present and clearly prevalent, elements for conflict reemergence would be easily inflamed, leading to a new cycle of conflict escalation and conflagration. When a people perceives that the share of burdens, sacrifices, costs, and benefits coming from the reconciliation are not equitable, or the deeper elements of ethnical or religious identities are at risk in the restored society, conditions for conflict persist beneath the surface and may act as nucleation centers for negative energy accumulation (in the form of perceived or factual injustice) within the society. From psychological and philosophical approaches “*atrocities and severe trauma caused by them are strong justifiers for not forgiving or delivering a distorted and insincere one, beholding hatred and the thirst for revenge in contention, seeking for continuing or restoring a relationship that could only demean or*⁵
morally deform one or both of them” [victim and perpetrator].

In transitional stages, moving from conflict to restored relationships and general rebuilding, the main drivers for reconciled societies reside on the principles of equality and just treatment. Recognition as an equal member in a community has a fundamental role in preserving peace and building an authentically shared future. In a transitional state from two

warring parties to one reconciled entity, there is a high risk of delivering cheap apologies and non-sincere forgiveness as instrumental and only apparent elements in the pathway to a coerced reconciliation. Deep resentment can be concealed for a long time, but if peace has not reached a solid place in hearts and minds of wounded people, hatred might reemerge and burst into renewed and potentially more violent manifestations of long-

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lasting and carried on disputes, as history has shown between ethnic or religious groups in Ireland, Kashmir, Sri Lanka, East Timor, Rwanda, South Africa, Central-African Republic, Kurdistan, South Sudan, and

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many other countries and regions. The spectacular achievement of fire ceasing, peace building, and economical progress observed in South Africa and Rwanda, to name only two cases, has begun to erode, or is seriously diminished. Critical voices are heard pointing on the prevalence of inequalities, abuses, corruption of the new empowered elites, and political persecution of the minorities, all of them, constant elements in the historical conditions that had led communities to conflict in the past, and may lead to conflict again in the future. As developed by Archbishop Desmond Tutu in the notion of *ubuntu* to the South African question of reconciliation, “[S]ocial harmony is for us the summum bonum, the greatest good. Anything that subverts, that undermines, this sought-after good is to be avoided like the plague. Anger, resentment, lust for revenge, even success through aggressive competitiveness, are corrosive of this good. To forgive is not just altruistic. It is the best form of self-

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interest. What dehumanizes you inexorably dehumanizes me” Drawing from this assertion, Charles Villa-Vicencio rhetorically questions *what is reconciliation?* to conclude citing Paul Ricoeur definition of it as “*poetics of existence*”, a human idea that lures towards achievements not yet

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realized. Under political pressure, mutual concessions are traded deliv-

ering provisional forgiveness in exchange for a period of grace, hopefully allowing and waiting for reconciliation to pay its promises back.

The Forgiveness-Reconciliation dogma.

According to the dogmatic notion, mostly driven by the Christian approach of “*Loving God and Neighbor in Word and Deed*”, forgiveness is a command that can lead (in the idealized situation) to reconciliation. It is assumed that the second cannot be reached without the first, coming from a reductionist linear thinking that frequently oversimplifies human nature and social dynamics as determined and quasi fixed pathways for causality and invariant results. From a sociological perspective and based on objective analysis of political conditions surrounding prolonged bloody conflicts and people’s exhaustion, “forgiveness” can be coerced to be delivered in the appearance of amnesty or generalized pardon to propitiate “reconciliation” in the appearance of pacific coexistence, without really changing the inner and most enduring feelings of grieved people, only the manifested compliance to a superior order necessity for ceasing fire and hostilities and postponing the clash of

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cultural, ethnical, or religious values and interests for a potentially forthcoming event. The time dimension in cultural analysis tends to be ignored or oversimplified, as to assume that what is happening in the present is solid and will endure as a long-lasting irreversible condition in the future. The over optimistic confidence on negotiated peace agreements and consequential reconciliations reinforces such linear and causal notion of the necessary condition for reconciliation coming from forgiveness. Figure 1.1 shows a continuum of the most commonly used strategies by national states when forced to come to an end of fighting, for the transitional stage.

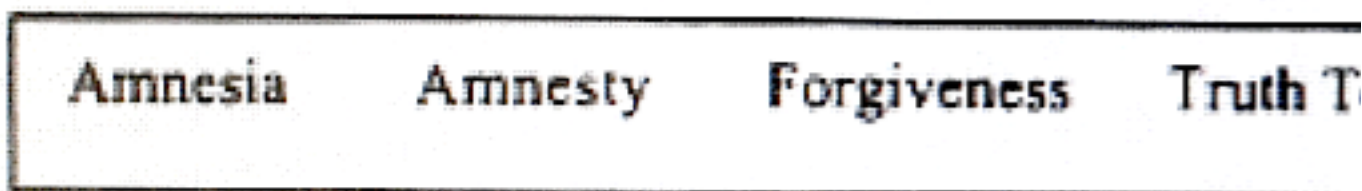
Frequently the rhetoric use of reconciliation, recognition, forgiveness, and amnesty leads to loosely named and defined notions that may bring about imprecision and confusion.

In multiple conflicts, historical retrospective analysis have shown the existence of tactical or strategic calculus-based contention of a warring agent to regroup and reinforce its belligerent machine, which can be easily hidden under the apparent tenderness of forgiving the enemy and moving to a reconciled state... for a while. As expressed by Sarah Ruden, scholar from Yale University, “*the catastrophically growing South African income divide; the unbelievable amount of crime; the government’s assertions –at the probable cost of several millions lives- that AIDS is a Western conspiracy; the stubborn and worsening racism in a country that is most people’s favorite example of “reconciliation”, ant the alliance with ravaging tyranny in neighboring Zimbabwe show that formulas for mediation, that are most admired have proven, at best,*

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incomplete.” In a political dimension forgiveness is a possibility and promising option, but not a given condition. When international community intervenes on armed conflicts that are not considered just wars and have caused deep damage to human dignity and rights over a extended period of time, there is a coercive force acting over the disputants to cease fire and move into reconciliation, if they have to coexist in time and place for inescapable conditions. The dogmatic notion of forgiveness as an essential component for the healing of the wounded and the hinge factor to open the way to reconciliation,

DENIAL



-----*Restorative Justice*-----

Figure 1.1. Transitional Justice Strategies

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may just be the observable representation of a much more complex condition in which, truth and reconciliation commissions, and the trade of justice for peace in the form of amnesty, is considered for many scholars as a collective effort to promote emotional amnesia, appeasing, and international principles for peaceful-living conforming, but can leave deep wounds and resentment untouched. The evidence provided by living together without war engagement is interpreted as the triumph of the forgiveness and reconciliation process, maybe ignoring or underestimating at least, that the external manifestation of the cease of hostility cannot guarantee that peace and good will has found solid foundations in the hearts of the ex combatants. Deep in the hearts of people, under critical conditions, concealed wounds may lead to resurrection of long dormant seeds of hate and resentment in the victim group, dangerously erupting as a renewed cycle of violence.

Lessons from History.

Justice, reconciliation and political forgiveness are not absolute categories, as shown by the cases of limited forgiveness given in Argentina to repressive military regimes; the Chilean case of collective prosecution abandonment of genocide charged members of the military Pinochet

elite; the fragile and so short –culturally and historically speaking- pacific but factually partitioned coexistence in Northern Ireland; and the promise of reconciliation through some truth and some forgiveness in

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South Africa. In all of them, the international community intervened to deter and ceased hostilities through diverse channels that go beyond the humanitarian ones (many of them economical factors and geopolitical necessity of controlling potentially spreading violence to neighboring communities as observed during the 1970's decade), imposing condi-

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tions leading to “reaching forgiveness and reconciliation”. Truth commissions usually attain significant objectives, as “*the rehabilitation of victims and the restoration of their dignity; the assertion of the rule of law and the building of a human rights culture; the legitimization of the state and its institutions; the establishment of an authoritative record of the past that can prevent future manipulation and distortion; the creation of a so-called “collective memory” that should contribute to a moral revival and provide the basis for national unity; and, the educa-*

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tion of the population and the deterrence of potential perpetrators.”

All of them represent highly important outcomes, but from them forgiveness cannot be assumed or derived as an automatic component in the formula for reconciliation. But the true essence of a reconciling formula can only be proved on a time scale that goes beyond the narrow vision of a perceived “here and now”. As in biological evolution, time dimension is immensely bigger than only

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a small number of human generations. An expanded time lapse can be the best sensor to assess how deep, durable, and effective the assumed - or apparent- forgiven and showed reconciliation were. In “*Remembering the Civil War: reunion and the limits of reconciliation*”, Caroline Jan-

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ney cited words pronounced by retired Maj. Gen Ulysses S. Grant III

as the US nation prepared to commemorate the 100th anniversary of its greater war in 1961: *“The war did not divide us... Rather, it united us, in spite of a long period of bitterness, and made us the greatest and most powerful nation the world had ever seen.”* Nevertheless, the recount of long lasting conflict and unforgivingness, manifested in persistent racial issues and the recurrent reemergence of white-supremacist ethos in extended southern communities, was a contrary to the leading rhetoric mark. Only a few years ago (2011), President Barack Obama proclama-

tion on Civil War Sesquicentennial,¹⁵ emphasized: *“When the guns fell silent and the fate of our Nation was secured, blue and gray would unite under one flag and the institution of slavery would forever be abolished*

from our land”. But as noted by Janney,¹⁶ the struggle to extend equal rights to all citizens *“would continue into the post-war period with the Reconstruction Amendments and well into the twentieth century”*. President Obama speech continued: *“We are the United States of America, we have been tested, we have repaired the Union and we have emerged stronger.”* The eminent discourse is reconciliation and shared future, but as noted by Clarence Page, when describing cultural manifestations on the opposite sense of a truly reconciled and united society, the resurrected *“Blue- Gray lovefests”* and other *“new events sometimes make me wonder if we have forgotten the bitter lessons of that war –or whether we never quite stopped fighting it. You need look no further than our electoral map to see how red state/blue state divide over politics, parties*

*and values largely follows the old North/South divide.”*¹⁷ Fundamental questions remain...*Have the wounds really healed? Was forgiveness true and transforming or redemptive? Has the nation ever truly experienced*

*reconciliation?*¹⁸

Although is generally recognized that apologies can contribute to the restoration of truth and trust between antagonists, *“leaders rarely acknowledge collective contrition –in great part because groups are rarely willing to admit culpability, preferring instead to continue justifying col-*

lective violence as politically and morally necessary. Groups responsible for collective offenses can authenticate their remorse through repa-

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rations.” Whether or not financial or symbolic, when reparations are given, they provide victims with a tangible acknowledgment of a regime’s

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responsibility for past collective offenses, but remorse or public repentance can be thoroughly absent, in so nullifying the necessary conditions leading to forgiveness. Even though reparations are offered and delivered, and implicit acknowledgement of wrongdoing can be present, the absences of remorse and sincere repentance is usually a determining factor to not forgive.

How to come to terms with the past is the question that Peter R. Baher essays upon when considering the necessity of a person, people, or nation to be treated with respect, especially when dealing with national identities, for both, distant past and recent events. When conflicts are driven to be managed through commissions for truth finding and reconciliation building, *“political circumstances do not always allow proper conditions to prosecute and condemn the guilty ones [of atrocities done]... the establishment of a truth an reconciliation commission may be helpful. It should be added, however, that it remains for the time being an open question whether finding the “truth” will always contribute*

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to reconciliation.”

Conclusions.

Deep and true reconciliation is a long-term process that requires a focus on social justice and a concern with socio-economics conditions, determinants that can be only achieved on a sustained basis of fair bearing of burdens and sharing of benefits on a forced-to-live-together society.

What is promptly endorsed as reconciliation -coming from a forgiving process- may be a mere representation of a desired state of mind and fu-

ture to build, which not always, and not soon, can be possible. When the envisioned elements offered as substitutes for warring and prosecuting evil doers are not socially present, conditions for reemergence of violent manifestations of unsatisfied compromises can re-launch people to

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renovated episodes of cyclical fights. For genuine and long-lasting forgiveness and reconciliation not only the process but also the actual outcomes are essential.

Forced by political pressure and international intervention, reconciliation can be negotiated and authentic forgiveness absolutely excluded from the formula. Such instrumental reconciliation was questioned and represented as paradoxical by Samuel Huntington, when stressing that “*in multiple occasions peoples and nations are forced to recognize that on the issue of ‘prosecute and punish vs. forgive and forget,’ each alternative presents grave problems, and that the least unsatisfactory course may well be: do not prosecute, do not punish, do not forgive, and above all, do not*

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forget”, but reconcile anyway, because external and unavoidable conditions so demand.

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Beyond the beauty and moral validity of an ideally reconciled people after wars or atrocities have been perpetrated, a question remains in the minds and souls of the victims when they are driven to forgive and reconcile by acknowledgment processes, truth revealed, with or without remorse or repairs from the perpetrators, in order to pursue a superior-order societal interest for peace and reconciliation. The cathartic nature of Rwanda’s *gacaca* trials or South Africa’s Truth and Reconciliation public hearings served as an opportunity to be heard, recognized, and freed up from carrying some heavy burdens, but not necessarily imply that healing had happened, and the pain and desire for revenge had been put away. Even though the desire to forgive and reconcile with one’s enemy or wrongdoer is individual and cannot be imposed, there is a generalized presumption for understanding that when “reconciliation” has

been reached (or declared), forgiveness must have happened. Present perceptions may easily trick us to observe some sort of a dogmatic self-fulfilling prophecy, but History has repeatedly shown that from a wide-scope time frame perspective, such assumption is essentially questionable or frequently false. For reconciliation to be validated and temporary forgiveness firmly transformed into an authentic one, time can only respond by factually addressing if the process was and keeps on being *fair enough*. Maybe is “*too soon - too naïve*” for calling the triumph of the forgiving nature and reconciling spirit that has been in the air for just some decades in the evolution of our present societies, over the long-lasting and ever present recount of the warring nature of human beings. To be true, reconciliation requires building social fabric from a new shared narrative, in which people learn to live together through effectively intertwined communities, not only as cohabitants of the same land. Ferguson, Missouri recent events could be an indication of the strong need for deeper and genuine reconciliation among American citizens.

Zackie Achmat, paraphrasing the world recognized sentence of Archbishop Tutu “*There is no Future Without Forgiveness*” responded more than 20 years later (2011) by stating “*There is no Reconciliation Without Social Justice.*” In his words, “*[R]econciliation has not been achieved in South Africa –and it never will be unless we urgently find more truth and justice in the way we are seeking to transform society. Reconciliation does not happen in a single day, nor is it a simple condition. It is a complex process that unfolds over time and must be continually renewed. For this, we are in desperate need of leadership and moral authority, the kind that will inspire people to get involved in the struggle for a better*

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society.” Such argument is a strong reinforcing element for the leading thesis of this essay paper: in multiple observed conflict cases at nations and peoples levels, *there is no true but*

instrumental Reconciliation, reached without authentic Forgiveness, because of international pressure acting on conflicting parties, on factual absence of the necessary Social Justice.

Notes and references.

¹ See, Larry May, *Crimes against Humanity: A Normative Account*, NY: Cambridge University Press, 2005, chapter 13.

² May, L. (2012). *After War Ends: A Philosophical Perspective*. Cambridge: Cambridge University Press.

³ See Allison Mitchell, “When Philosophical Assumptions Matter,” in Nancy Potter (ed.), *Trauma, Truth, and*

Reconciliation, Oxford University Press, 2006, pp. 112-26.

⁴ See Mark Freeman, *Truth Commissions and Procedural Fairness*. Cambridge University Press, 2006,

especially pp. 33-40.

⁵ Walker, Margaret Urban (2006). *Moral Repair. Reconstructing moral relations after wrongdoing*. New York: Cambridge University Press. p. 161

⁶ See Hughes, Schabas and Thakur (eds.). *Atrocities and International Accountability: Beyond Transitional Justice*. United Nations University Press, 2007. P 78.

⁷ Desmond Tutu, *No future Without Forgiveness*. New York: Doubleday, 1999, p. 31.

⁸ Charles Villa-Vicencio (2010). *Reconciliation: a thing that won't go away*. In, Du, T. F., & Doxtader, E.

(2011). *In the balance: South Africans debate reconciliation*. Chicago: Jacana Media.

⁹ From Amstutz, M. R. (2005). *The healing of nations: The promise and limits of political forgiveness*.

Lanham, MD: Rowman & Littlefield Publishers.

¹⁰ See Ruden, S. (November 01, 2008). A common what?: the limits of reconciliation. *New Criterion*, 27, 3.

¹¹ See Chapter One: Confronting Human Rights Abuses, in Amstutz, M. R. (2005). *The healing of nations*, Note 9, *supra*.

¹² Sarah Ruden, note 10 *supra*, concludes is essay on the limits and authenticity of forgiveness and reconciliation by stating that “[A]merica has made the mistake of assuming that our values are universal, and we may be encouraging the same kind of assumption about ourselves.”

¹³ M. Perlevliet (1988). Considering Truth: Dealing with a Legacy of Gross Human Rights Violations. *Netherlands Quarterly of Human Rights* 16: 141-174.

¹⁴ Janney, C. E. (2013). *Remembering the Civil War: Reunion and the limits of reconciliation*. Chapel Hill: The University of North Carolina Press. Pp. 306-311.

¹⁵ Presidential Proclamation: *Civil War Sesquicentennial*. April 11, 2011. Available: <http://www.whitehouse.gov/the-press-office/2011/04/12/presidential-proclamation-civil-war-sesquicentennial>

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¹⁶ Note, 14, *supra*, at p. 309

¹⁷ Clarence Page, “How We Still Fight the Civil War”, *Chicago Tribune*, April 20, 2011.

¹⁸ See Janney, note 10 *supra*, at 311.

¹⁹ See Rama Mani, *Does Power Trump Morality: Reconciliation or Transitional Justice*. In Hughes, Schabas and Thakur (eds.). Note 6, *supra*, at p. 34

²⁰ See Peter Baher, *How to Come to Terms with the Past*. In Hughes, Schabas and Thakur (eds.), note 6 *supra*, at pp. 6-17.

²¹ See Perlevliet (1988). Considering Truth, note 13, *supra*, at p. 167.

²² Quoted in “Address by Helmut Kohl, Chancellor of the Federal Republic of Germany, during the Ceremony Marking the 40th Anniversary of the Liberation of the Concentration Camps, at the Site of the Former Bergen- Belsen Concentration Camp, April 21, 1985,” in *Bitburg*, p. 250.

²³ See Zackie Achmat, *No Reconciliation Without Social Justice*, In Du, T. F., & Doxtader, E. (2011). *In the balance: South Africans debate reconciliation*. Chicago: Jacana Media, at page 110. Zackie Achmat is a prominent social movements activist in South Africa who has worked in multiple projects to reform government policy, promote human rights and raise public awareness of HIV/Aids. Achmat has received the Desmond Tutu Leadership Award, the Jonathan Mann Award for Global Health and Human Rights, and the Nelson Mandela Award for Health and Human Rights.