

# Reconciliation as a Political Value

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[T]he same men who are held so sternly in check *inter pares* by custom, respect, usage, gratitude . . . and who on the other hand in their relations with one another show themselves so resourceful in consideration, self-control, delicacy, loyalty, pride, and friendship—once they go outside, where the strange, the *stranger* is found, they are not much better than uncaged beasts of prey . . . [T]hey go *back* to the innocent conscience of the beast of prey, as triumphant monsters who perhaps emerge from a disgusting procession of murder, arson, rape, and torture, exhilarated and undisturbed of soul, as if it were no more than a students' prank, convinced they have provided the poets with a lot more material for song and praise.

—Friedrich Nietzsche<sup>1</sup>

This Constitution provides a historic bridge between the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development for all South Africans, irrespective of colour, race, class, belief or sex.

—The Interim Constitution of South Africa<sup>2</sup>

## I

For many contemporary readers the psychological insight that Nietzsche expresses in the quotation above is depressingly relevant to current events.<sup>3</sup> The terrors and indignities reaped upon those viewed as strangers by officials and ordinary citizens have bedeviled the construction of political communities in societies seeking a transition out of systemic injustice. For these societies reconciliation would appear to be a particularly important goal. But the severity and extent of past injustices as well as the plurality of views about the good life among citizens often make the basis for reconciliation tenuous indeed.

The term *reconciliation* has several meanings and applications, perhaps without a common conceptual core to these.<sup>4</sup> An individual can be reconciled to her fate; members of an association can reconcile after some internal strife; or, reconciliation can be pursued as a political goal, as justice may also be pursued. It is this last sense that I wish to discuss. I shall use the term *reconciliation* for societal reconciliation, taken as a normative ideal, a goal that a polity might pursue through its public policy.<sup>5</sup>

Discussions of reconciliation in transitional societies have tended to focus on the role of truth commissions and in particular on matters such as the relationships between truth, amnesty, and criminal justice.<sup>6</sup> To be sure, these are important

issues but they only address a small part of actual reconciliation processes. The South African experience is illustrative. South Africa's recent and more distant history is tainted by racist practices and policies that cost many lives and caused untold suffering. With the election of a democratic government in 1994 and the ratification of a liberal constitution in 1996, the country entered a new reconciliatory phase of its history. As the Preamble to the 1996 Constitution states, this is a phase based upon a commitment to "Heal the divisions of the past and establish a society based upon democratic values, social justice and fundamental human rights. . . ."<sup>7</sup>

Now, some of the evil that occurred in South Africa under apartheid was vividly revealed in testimony heard by the South African Truth and Reconciliation Commission (TRC). But because a central mandate of the TRC was to provide selective amnesty to perpetrators of gross violations of human rights, the testimony before it was far from representative of the severe harms and indignities of apartheid. Testimony was not taken on behalf of persons legally denied equality of opportunity in education and employment, on behalf of persons subjected to pass laws and the terror of forced relocation, nor on behalf of persons exploited in the labor market. To gain some perspective on the comparative extent of injustices, consider that "more than 69,000 workers died in apartheid mines; over one million were injured. For purposes of comparison, throughout the entire apartheid period, 68 political prisoners died in police detention. The mines killed one thousand fold more people than the police torturers did."<sup>8</sup> Moreover, those who enjoyed the privileges of restricted competition for educational places and good jobs, the salaries that the latter afforded, cheap domestic labor, and the returns on investments from firms that benefited from a labor force subject to legal and military surveillance also were not required to testify. In such a context societal reconciliation cannot only be about setting things right between the perpetrators and the victims of political violence.<sup>9</sup>

Reconciliation seems to comprise both backward- and forward-looking aspects.<sup>10</sup> A reckoning with the past is required, but so is the basis for reasonable hope about the future.<sup>11</sup> Keeping in mind the horrors described by Nietzsche that can occur when persons are seen not as equals in a common political project but as strangers, I shall pursue the idea that a political community in which former strangers view and treat each other as equal citizens is partially constitutive of reconciliation as a normative goal for political purposes. When the erstwhile stranger is taken as a fellow citizen, treatment that might have been thought permissible in the past will be proscribed. Now the person is a co-participant in the political process, not one to be driven out, contained, or suppressed. This approach takes reconciliation to be a normative political ideal that is less than the whole of social justice, but that offers a basis for reasonable hope that further justice is within the reach of those pursuing it by constitutional means. The intuitive idea of this forward-looking aspect of reconciliation is that reconciliation exists when a minimal basis for politics based upon democratic equality is secured, a basis upon which a state may build in pursuit of justice, as personal reconciliation between

two friends exists when the trust that comprises the minimum for the growth of the friendship is restored.

In what follows I shall offer an account of reconciliation consistent with these intuitive ideas. Section II argues that reconciliation comprises both attitudinal and institutional requirements of a political community of equals in the context of past injustices and divisions. In section III I hope to show that the attitudinal requirements of political regret and respect are not illiberal. Section IV seeks to show that there may be a liberal basis for a politics of reconciliation, despite the divisions and pluralism of transitional societies. The argument of this section involves extended comparisons to John Rawls's political liberalism but in the very non-ideal context in which reconciliation is a necessary political value. The overall result, if at all successful, is much less a theory of reconciliation than a theoretical sketch of certain central features of reconciliation and a defense of its plausibility as a normative goal in light of some important lines of criticism.

## II

Reconciliation requires general acceptance of the institutional order. Widespread acceptance of a common set of rules of public life is constitutive of peaceful political processes. Societies unable to generate such acceptance are marked by divisive strife and even violence. Acceptance is a pro-attitude toward, or an endorsement of, a state of affairs.

We can distinguish the acceptance of rules that reconciliation involves from complete endorsement. Let's say that a person completely endorses a state of affairs if and only if she would choose them over all other conceivable states of affairs. Someone who completely endorses accepts, but complete endorsement is not necessary for the kind of acceptance required by reconciliation. Political community may exist without persons believing that social relations are ideal. The acceptance required by reconciliation is a kind of comparative endorsement. A person comparatively endorses a state of affairs if and only if she would choose it over another. People who comparatively endorse social relations accept them as better than certain alternatives. However, since many bad alternatives may be comparatively endorsed over even worse ones, comparative endorsement alone does not constitute reconciliation. Some kind of provisional satisfaction, even if not complete endorsement, is required.

Provisional satisfaction raises the specter of adaptive preferences or false consciousness. Is reconciliation a political opiate that induces contentment with an unjust state of affairs? It need not be. Persons may accept relations that they do not believe to be fully just for a number of good reasons. They might rightly see them as providing a foundation for future justice; they might rightly take them as the limit of what is feasible in the circumstances; or, they might rightly believe that remaining injustices are not great. Since acceptance can exist in the presence of

social injustice, whether or not acceptance is symptomatic of false consciousness depends upon whether those who accept the social relations do so for good reasons.

Suppose, however, that persons of a certain group are treated as second-class citizens. They are denied a voice in political affairs and their freedoms of conscience and association are routinely violated. Several well-organized attempts at rebellion have gone down in bloody defeat. The costs of rebellion are high, even if successful, but the prospects of success are low. The combination of high costs and dim prospects seems to offer good reasons to accept the existing social arrangement. Does this possibility demonstrate that comparative endorsement is not a characteristic of reconciliation? I do not think so. It does, however, demonstrate that reconciliation does not consist only of comparative endorsement. The more general lesson is that in addition to the subjective state of acceptance for the right reasons, reconciliation has institutional requirements, which preclude the sort of social arrangement imagined above.

What are the institutional requirements of reconciliation? How far in the direction of full justice must a society go in order to achieve reconciliation? Although these questions are directed toward the objective conditions of reconciliation, if acceptance is also a requirement of reconciliation, no definite answer can be given to such questions. For the kinds of institutions that enjoy widespread acceptance can vary, and sometimes involve much of what justice requires. Still the argument of the preceding paragraph is reason to believe that at least a minimal account of the institutional requirements of reconciliation is required in order to distinguish reconciliation from mass resignation. Insofar as reconciliation is a response to injustice, it must provide institutionally some of what justice requires. This requires establishing a measure of equality in relations that were previously characterized by oppression and violence. I employ the idea that a political community of equals is constitutive of reconciliation to provide a guide in establishing the minimal institutional requirements.

The institutional order of a political community of equal citizens ensures formal equality of rights, liberties, and protections under the law. A class of citizens treated unequally by the legal order is incompatible with the ideal of a political community of equals. Moreover, such a community is self-governing in the sense that sovereignty is held by the people, rather than by an elite group that reproduces itself and denies equal opportunity for all to membership into the ranks of the elite. A political community honors principles of equal citizenship and inclusion. In using the term *community*, I do not mean to be implying a communitarian view of justice. Equal citizenship rather than a common understanding of the good is the basis of this conception of political community.

A political community of equals requires juridical equality and a constitutional democratic legal framework. I use the term *political equality* to refer to these institutional arrangements. Political equality makes demands on how one may respond to the claims of other citizens. It requires a person to take certain of the claims of other citizens as justified, even if doing so does not advance one's

own immediate interests. I have in mind claims based upon fundamental rights and liberties of persons as well as equality under the law. Political equality also requires one to take other claims of other citizens as potentially legitimate regardless of whether doing so advances one's immediate interests. These claims are merely potentially legitimate because reconciliation does not require that citizens agree completely about all entitlements of citizens. A political community of equal citizens provides the basis for reasonable hope in part through the establishment of a framework for reasonable adversarial contestation within fair procedural constraints. Full agreement about the political direction of the country is not required.

Reconciliation does not necessarily require institutions of special representations for groups whose members were victims of past injustices. Indeed such representation would be in tension with the principle of equal citizenship, especially if the special representation empowers some groups with a veto over certain state policies. Group rights for the oppressed are sometimes defended on grounds that such rights would lead to better deliberation and thus a more just policy.<sup>12</sup> Some evidence of the tendencies of group representation to improve decision-making exists in the existence of schemes of group representation in many progressive social movements. But rules that are appropriate for unofficial groups may be entirely inappropriate for public institutions. It might be appropriate for a sports league, in deliberation about changing the rules of its game, to consult only with top officials and elite athletes, but that would hardly be exemplary for legislative processes in a democratic state. The causes of social movements might be well served by ensuring some degree of group specific representation, but as a means of representation in a state this would be in tension with the principle of equal citizenship. Moreover, the goal of improving debate by ensuring a diversity of views can be achieved by other means: Commissions can be entrusted with investigative oversight into the social conditions of persons who were victims of past injustices; proportional representation of political parties may ensure diversity; representational quotas might sometimes be appropriate. Various institutional means, more consistent with equal citizenship, are available.

One way to clarify the requirements of reconciliation is to distinguish it from other political values, in particular social justice and legitimacy. Of course doing this involves making certain assumptions about the nature of social justice and legitimacy, and any such assumptions will be contentious. But I am less concerned here with the fine details of the accounts of justice and legitimacy than I am with distinguishing reconciliation from these values with the use of rather broad-brush strokes.

Reconciliation is distinct from justice in virtue of its requirement of real-life acceptance. A society in which a great many citizens reject the ruling order is one in which reconciliation does not exist. But acceptance seems neither necessary nor sufficient for social justice. It is conceivable that a just social order could be viewed as unacceptable by a large number of people who comprise it. Addition-

ally, acceptance does not entail that all social relations be just. Citizens may accept the social order without it being fully just.

The objective requirements of reconciliation seem to be morally more minimal than the requirements of justice. Consider the case of a political order that is widely accepted, and that permits contestation over remaining disagreements in democratic fora, under background conditions of political equality. There might be socio-economic inequalities in such a society that are incompatible with social justice, but this goes to the heart of the forward-looking aspect of reconciliation. Insofar as the political order is both widely accepted and provides the reasonable hope that through constitutional means the remaining injustices, even if structural, can be remedied—so far as such remedies are understood—then such injustices are not incompatible with reconciliation.

Reconciliation is also not identical to legitimacy. It is possible that servile accommodation is at times a rational survival strategy in response to oppression.<sup>13</sup> Under such conditions the oppressed might be willing to accept less than they are due; for example, they may accept some sort of second-class citizenship. Such an order might be thought to be *de facto* legitimate insofar as it has the resources to generate acceptance of some kind. However, there would be no reconciliation there since political equality would not exist. Still, one might respond that reconciliation is by its very nature a matter of compromise, especially since I allowed in the previous paragraph that reconciliation might be consistent with the existence of injustice. To be sure, the process of reconciliation involves finding acceptable terms for peaceful association. Is it the case, then, that there is no value to reconciliation other than that it puts an end to conflict, making the various goods of association possible? I would not want to deny that the terms of reconciliation might involve some compromise, and that this might make the goods of association possible, but this cannot be all that there is to reconciliation. The requirement of political equality has institutional ramifications, which distinguish reconciliation from other forms of compromise.

Reconciliation might be thought to require the restoration of a previous order. For generally the term *reconciliation* has connotations of restoration. We think of two friends who have reconciled after a period anger and mistrust. Their friendship has been restored. In the political world then one might be tempted to think that reconciliation involves restoring the structures of a past political order after, say, a period of civil unrest. So taken, the term would have no application to some societies.<sup>14</sup> In South Africa, for example, there is no minimally acceptable past political order that reconciliation might restore. Moreover, the importance of political community is the same for societies that have lacked it, regardless of whether in the more distant past some of the societies possessed such community and others did not. Therefore, despite the prefix of the term, and despite the misleading analogy to personal life, societal reconciliation need not involve the restoration of a political community of the past. It is not backward-looking in that sense.

As a conceptual matter, however, reconciliation, unlike justice or legitimacy, necessarily implies a prior conflict. A just or legitimate society need not have had

a history of injustice, a reconciled one must. In this sense reconciliation is necessarily partially backward-looking. There are also contingent reasons deriving from the requirement of acceptance to believe that reconciliation requires some reckoning with the history of injustice. The establishment of a peaceful political community after a period of conflict arising from severe injustice requires resolution of some of the central terms of the conflict; and acceptance of the terms of the resolution often requires public expressions of appropriate regret about at least some of the injustices that occurred. Once the grounds for regret are clear, public policy may express this in a number of ways including engaging in symbolic acts of reparation and commemoration, instituting name changes of public buildings or streets, and establishing public holidays.<sup>15</sup> These are properly understood as, at least in part, expressions of regret because they acknowledge that the injustices ought not to have happened. Although the backward-looking practices of reconciliation involve public policies and official pronouncements that express appropriate regret about past injustices, these matters are not purely backward-looking since such regret typically involves a commitment to prevent similar injustices in the future.

In practice, of course, there are likely to be various contingent relations between the elements of reconciliation: widespread acceptance, political equality, and expressions of appropriate regret. For example, if the political order came about as the result of popular struggle, it is most unlikely that it could relegate those who were oppressed to second-class citizenship status and still enjoy widespread acceptance. These, and other, contingent relations may be especially important in forming policies that aim to achieve reconciliation.

### III

Societies that have been bitterly divided along racial, ethnic, or religious lines often contain deep personal enmity that stands in the way of serious consideration of other persons as equals in a political community. Ezekiel Mphahlele eloquently expresses the lasting effects of such feelings in his autobiographical account of coming to age under apartheid.

I've felt the heartburn of frustration and didn't feel sorry for my hates. I can't feel sorry even now, removed as I am from it all. The other man shut me off in Second Avenue. And now he has taught me never to expect mercy—but who wants mercy? Never to beg for favours through the kitchen door, but to take by force what I possess while he wasn't looking. He has driven me against the wall so that I never forget I am black. He has taught me to lie to him and feel triumphant. Because he has made me get used to the back door, I bought goods, stolen from his shop by his own Black worker, for less than the cost. And there are millions of me.<sup>16</sup>

Some prominent public proponents of reconciliation argue that it requires contrition and forgiveness on a personal level.<sup>17</sup> Although personal reconciliation might have to address feelings of resentment, fear, and distrust, a state is severely

constrained in what it may do in this regard. Perhaps a new and more just social order could gain reinforcement from dramatic changes of heart, but it would be a serious infringement on freedom of thought and conscience to require legally that citizens hold feelings of forgiveness and brotherhood toward one another.<sup>18</sup> Additionally, success in cultivating such feelings, even if massive re-education and panopticon-like surveillance were employed, would be very limited. Public policy is poorly suited to produce changes of heart, at least directly. And a legal system is even less capable of enforcing them. It is less fanciful to hope that a society based upon political equality will produce more tolerant attitudes on the part of citizens over time as the daily lives of citizens become somewhat more intertwined and the political debate becomes more inclusive.

In the previous section I argued that policies of reconciliation often need to employ expressions of regret. This might seem inconsistent with the claim that political reconciliation must not require changes of heart. Recall, however, that I claimed that the regret required is to be expressed through public policy and official pronouncements. This can be distinguished from the regret expressed by persons in the course of their private lives. If in the past wrongs resulted from official disrespect for persons, then representatives of that state, even if not personally involved in the injustices and committed to political change, as state representatives may be required to express regret.<sup>19</sup>

Perhaps, however, this merely situates the inconsistency at a deeper level, if the distinction between regret expressed by state representatives and ordinary citizens cannot be maintained. For consider that political regret requires specific public policies, which require the support of citizens not just after the fact as a matter of obedience to the law but before and after in deliberations. The politics of reconciliation would then seem in any case to require personal contrition. Responding to the refined challenge of inconsistency requires clarifying the nature of the regret required. I call this *political regret*. Political regret can be understood as an attitude involving the judgment of past injustices and the disposition to support policies honoring victims and activists.

Political regret can be distinguished from shame and guilt. Philosophical accounts of shame and guilt often take them to be more deeply personal than regret. For example, Rawls holds that “both shame and regret are self-regarding, but shame implies an especially intimate connection with our person . . .”<sup>20</sup> Alan Gibbard claims that “Shame stems from things that indicate a lack of the abilities, powers, or resources one needs if one is to be valued for one’s cooperation and reciprocity. Guilt stems from things that indicate insufficient motivation.”<sup>21</sup> Shame and guilt would appear to be closely connected with personal responsibility. Political regret, on the other hand, does not require the imputation of personal responsibility. The representative of the state who says “I regret that our state carried out these atrocities” is not necessarily taking personal responsibility for the actions of the state. In order for shame or guilt to be *generally* appropriate for citizens of a state pursuing a course of reconciliation, it would have to be the case that simply in virtue of being a citizen of a state one bears responsibility for the



actions of the state. Such responsibility might exist if a national community were “a dense web of customs, practices, [and] implicit understandings” partially constitutive of our personal identities.<sup>22</sup> Or less generally, such responsibility might exist if those who take pride in the accomplishments of their nations are responsible for wrongdoing “via their imagination.”<sup>23</sup> But such accounts strain the notion of moral responsibility by attributing it in the absence of individual wrongdoing. The account that I have been presenting does not depend upon any such strained attribution of moral responsibility. Rather, regret may be appropriate even if one were not individually responsible.

What I call *political respect* can be understood as analogous in certain respects to political regret. I assume that respect for persons involves, among other things, an attitude toward persons comprising various dispositions to act and to refrain from acting. To claim that one person respects another person is to claim, among other things, that there are certain actions that the first person can reliably be expected to do, or not, in relation to the second. Political respect can be taken as the attitude involving the disposition to obey just laws. Citizens may be required to observe laws that protect and promote equality, even if they cannot, and should not, be required to like one another, to be contrite, or to forgive. Both political regret and respect so understood may be necessary for reconciliation; and both can be encouraged by a state without unreasonably infringing on freedoms of thought and conscience.

Policies of reconciliation may in this limited way be directed to the attitudes of persons: They may encourage certain judgments and affect certain dispositions to act. The judgments are limited to political morality, to the requirements of equal citizenship, and directed toward state responsibility. The dispositions to act, or refrain, are directed toward the requirements of the law and do not incorporate comprehensive moral conceptions. In this way, policies of reconciliation affect attitudes of persons, but only as citizens.

#### IV

The previous discussion touches on another criticism of the appropriateness of reconciliation as a political goal, namely that it is necessarily motivated by a comprehensive, and perhaps sectarian, worldview. In practice, of course, reconciliation sometimes has certain religious overtones. Indeed, one well-known version of reconciliation is Christian, based upon Apostle Paul’s views.

Once you were far off, but now in union with Christ Jesus you have been brought near through the shedding of Christ’s blood. For he is himself our peace. Gentiles and Jews, he has made the two one, and in his own body of flesh and blood has broken down the barrier of enmity which separated them; for he annulled the law with its rules and regulations, so as to create out of the two a single new humanity in himself, thereby making peace. This was his purpose, to reconcile the two in a single body to God through the cross, by which he killed the enmity.<sup>24</sup>

According to Paul the crucifixion of Jesus uniquely provides the basis for reconciliation among human beings.

Alternatively, Hegel's political philosophy takes reconciliation to be the central value that philosophical thinking can serve.<sup>25</sup> Philosophy, according to Hegel, may serve the goal of reconciliation by demonstrating that the modern family, civil society, and state (the elements of Ethical Life) constitute the instantiation (or Idea) of freedom in and through which human self-consciousness comes to be actual. This condition Hegel also refers to as the "living good."<sup>26</sup>

A fundamental problem for the politics of reconciliation is that a history of mistrust and injustice creates societal divisions that are often enormous, rendering appeals to a common normative basis both necessary and parlous. Hence, policies of reconciliation must be able to, and in fact, be officially justified in terms of claims that are acceptable to people who hold different reasonable religious views of the good life.<sup>27</sup> But the reasonable disagreement that surrounds both the Christian and the Hegelian conceptions of reconciliation render them ill suited as practical conceptions that can be the object of a broad agreement in a society that protects freedom of conscience and religion.

The point of the preceding paragraph is related to a general point about political values in pluralist societies that John Rawls has made. Rawls develops political liberalism in response to problems of ideal theory, not the non-ideal problems that concern us here. Political liberalism is meant for application to reasonably just or well-ordered societies with a history of constitutional adjudication and democratic deliberation, which history suggests widespread acceptance of a conception of the moral powers of persons (conceived as citizens). Political liberalism poses an answer to the problem of stability, namely how in such a society just institutions can gain the allegiance of the citizens who necessarily will hold a variety of comprehensive conceptions of the good. Nonetheless, stability is an important matter in certain areas of non-ideal theory as well, such as in the development of policies of reconciliation in light of past divisions. And much of what Rawls recommends for ideal theory is instructive here.

Rawls's answer to the problem of stability relies in part on an implicit allegiance to the conception of the moral powers of persons that citizens are presumed to have; for it is this conception of persons that serves as the basis for the justification of the principles according to which just institutions are constructed. The resulting conception of justice is political insofar as it (1) is applied only to society's main political, social, and economic institutions (the basic structure); (2) can be justified independently of comprehensive religious or philosophical conceptions of the good life; and (3) can be elaborated in terms of fundamental political values implicit in the public culture of democratic societies.<sup>28</sup>

In one sense Rawls's concern is pragmatic: How is it that a just society can reproduce itself rather than sew the seeds of its demise? The answer involves appealing to the implicit commitment to the conception of the powers of persons so as to gain support for just institutions. In another sense Rawls's concern is

deeply theoretical: What must democratic societies do to respect freedom of conscience and remain legitimate? The answer involves not appealing to comprehensive conceptions of the good life. These two answers are two of three ways noted above that a conception of justice must be political.

The pragmatic concern just mentioned is even more pressing for societies in transition from authoritarian pasts than for relatively just societies. Transitional societies typically contain deep divisions among those who were the beneficiaries of unofficial patronage or official privileges and those who were not. Sometimes these divisions supervene on tribal, ethnic, racial, or religious differences that have historically been the basis of conflict. If the foundation for societal wide acceptance of just institutions in a reasonably just society is limited because some citizens will have unreasonable views, the foundation for policies of reconciliation in societies attempting to overcome divided pasts is much less certain. These are societies that often contain deeply different conceptions of the good life and conceptions that have not been adjusted or reformed over time in accordance with the demands of liberal political institutions and practices. But in order to overcome an era of conflict and mistrust, law and policy must find wide acceptance. Since there is little tradition of trust and civility, the threat of strife and violence is much more imminent than in societies with liberal traditions. Just as the problem is more acute, so the stakes in finding a solution are higher.

Rawls's solution to the pragmatic problem confronting reasonably just societies employs the values associated with the conception of citizenship implicitly accepted in the political tradition of the liberal democratic societies. Societies seeking reconciliation have either no such tradition to which to appeal or only very short ones. This lessens the power of the Rawlsian solution. It seems altogether possible that policies of reconciliation may be political in the sense of not relying on comprehensive religious or philosophical conceptions of the good life for justification, but fail to be fully political because they are unable to draw on conceptions of the moral powers of persons that are embedded in the political tradition of the society. This may pose a threat to the stability of such policies.

If citizens' comprehensive moral conceptions have not been tempered over time by a liberal political culture, and if they are not steeped in a political tradition that supports a conception of persons that reconciliation is founded upon, what reasons do citizens have for supporting the politics of reconciliation? How can the policies of a society seeking reconciliation gain the widespread acceptance that reconciliation requires?

Little progress toward reconciliation can occur without a substantial percentage of the population believing that reconciliation is a goal worth pursuing. In this sense, reconciliation is only on the political agenda when the need for it is manifest. If the problem is how a society is to generate widespread support for its order, which support reconciliation requires, the answer is that seeking reconciliation is a propitious start. Because unlike justice, reconciliation conceptually requires widespread acceptance of the social order, the pursuit of reconciliation, properly conceived, will, perforce, involve the search for bases of broad accep-

tance. Even a commitment to a search for bases of broad acceptance offers some reason for hope in contexts in which the political tradition may offer few other reasons.

Two other considerations speak to the pragmatic matter of what resources a society in transition to democracy can draw upon to construct acceptance of reconciliatory policies. One is a public understanding of the costs of discord and violence. The path of democracy is often taken after the costs associated with its denial have been recognized as great. In the case of South Africa, the last Nationalist Party leader, F. W. de Klerk, faced severe constraints on the maintenance of the apartheid order:

When de Klerk and his reform-minded advisors assumed the reins of government, they inherited an economic recession with no end in sight and a fragile political stalemate held in check only by the real threat of military intervention. What seemed clear was that this combustible mixture was ready to explode at a moment's notice. The *verligte* power-brokers were desperately seeking a solution to long-term economic malaise and recurrent political instability.<sup>29</sup>

Another resource for building acceptance for a path of reconciliation derives from the growing role of the international community in making intra-state agents responsible for international norms, especially via the contemporary international human rights regime.<sup>30</sup> Increasingly, political actors feel the pressure of international human rights norms.

The reasoning that leads to the pursuit of reconciliation according to the above two considerations is not inherently normative in contrast to Rawls's solution to the pragmatic concern, which rests on an implicit normative acceptance of the values underlying justice to produce an overlapping consensus. Acceptance of the politics of reconciliation may be a prudential matter based upon the fear of the costs associated with prolonged social strife or of international isolation and even eventual prosecution. When this is in fact the case, acceptance is not a Rawlsian overlapping consensus on a moral conception; and lacking in moral motivation, acceptance of a policy of reconciliation may be less stable than overlapping consensus about justice. Nonetheless, widespread acceptance of a policy of reconciliation may be the beginning of a more just social order.<sup>31</sup>

Rawls argues on several grounds that a society founded on an agreement about liberal constitutional essentials, or what I have called political equality, has the moral resources for achieving an important degree of stability.<sup>32</sup> First, such an order insulates basic rights and liberties from the political agenda, thereby reducing the stakes of political controversy. Second, it makes the application of political principles simple enough for all to engage in debate since the debate will revolve around the requirements of rights and liberties. Third, a society with a tradition of honoring liberal principles encourages reasonable citizens to be willing to cooperate and compromise. These considerations, of course, provide no guarantee of stability; and surely such speculative considerations are not meant to do so. They do, however, constitute reasons to believe that a stable consensus about a liberal

constitutional order is possible, and that hope for such a consensus is not unreasonable. To be sure, empirical studies—concerning, for example, whether the adoption of a liberal constitution is associated over time with greater willingness among citizens to cooperate—would provide useful information about the conditions that conduce to stability.

Rawls also argues that a society that contains a broad consensus about the requirements of a liberal constitution will tend over time to produce a consensus on underlying normative ideas about society and persons and a broader application of liberal principles to matters such as freedom of conscience and guarantees for basic needs.<sup>33</sup> Once again, Rawls's reasoning is not based upon historical evidence. But the idea generally is that the exigencies of political competition and participation will encourage the pursuit of a political conception of justice for purposes of gaining broad adherence and will require extending basic liberties and ensuring socio-economic rights. For example, Rawls holds that it would be rational for partisans in political debate, in an effort to win adherents, to formulate their views non-parochially in terms of political conceptions so as to achieve greater popularity.<sup>34</sup>

Rawls also holds that the need for a unified and cohesive democratic citizenry will encourage the codification of freedoms of conscience and socio-economic rights.<sup>35</sup> The argument here is not that justice requires these freedoms and rights, but that there is reason for believing that a consensus about constitutional essentials, or what I have called political equality, will typically give rise to a broader consensus about matters of justice. It is, in other words, a speculative causal argument, just as are the other two arguments considered above. And as with the others, adequate confirmation would require evidence.<sup>36</sup> Considerations such as those Rawls employs might be thought of as warranting a reasonable hope that an agreement about political equality can play a role in bringing about a consensus about matters of social justice generally, which consensus would offer greater long-term social stability.

Rawls's approach employs the values associated with the conception of citizenship implicitly accepted in the political tradition of liberal democratic societies. This conception of persons involves a moral psychology comprising, *inter alia*, full autonomy, reasonableness, and their corresponding moral powers, the capacities for a conception of the good and for a sense of justice.<sup>37</sup> Societies seeking reconciliation have either no tradition of liberal democracy to which to appeal or only very short ones. This presents a problem for the attainment of a normative conception of persons that can contribute to the stability of transitional societies. What is more, in contrast to the requirements of reasonably just societies of Rawls's ideal theory, the required conception of persons in a society pursuing reconciliation will have to be relatively explicitly upheld and publicly discussed to ensure the passage of policies that serve to break with the past injustices.

The conception of human beings as possessors of inherent dignity seems able to provide the needed basis for the goal of reconciliation. One advantage of this conception is that it has found a place in several international human rights

documents. For example, Article 5 of The African Charter on Human and Peoples' Rights states that, "Every individual shall have the right to the respect of the dignity inherent in a human being and the recognition of his legal status."<sup>38</sup> References to inherent dignity within human rights documents are not surprising since the justified claim that a person has a right provides support for a policy of directing state resources her way, either as protection or provision, even if it were contrary to the will of the majority.<sup>39</sup>

Another advantage of the inherent dignity conception is that it has the appropriate moral ramifications. Respect is an attitude that the status of dignity demands. Indeed, it would be an additional moral failure if an official accepted that a person possesses dignity, but did not regret the role that the state played in not giving that dignity its due, when there were no stronger moral demands on the state leading to this failure. The requirement of expressions of political regret and respect in public policy, then, may be justified by the inherent dignity of persons.

It might be objected that the claim that human beings possess inherent dignity is a comprehensive moral claim, and therefore ill suited to widespread public support. Dignity is, of course, employed within the framework of a comprehensive moral conception. Its place in Kantian ethics is well-known. The sense of human dignity is also the basis of Mill's attempt to distinguish the higher from the lower pleasures.<sup>40</sup> And dignity is also central to various theological approaches. But dignity may be employed narrowly.<sup>41</sup> Dignity understood as a conception of persons underlying a political conception of reconciliation would apply only to persons as citizens. It need not be a part of, or imply, a broad moral or theological framework. Dignity will certainly be incompatible with certain comprehensive moral conceptions, say forms of racial and ethnic chauvinism or even philosophical utilitarianism. But reconciliation, even understood as a political conception, is not compatible with all conceptions of political morality.

I am not contending that dignity is a philosophical rival to the Rawlsian political conception of persons. Rather, it has certain advantages over the Rawlsian conception for present purposes. Still, dignity is compatible with, indeed might be entailed by, the Rawlsian political conception of freedom, especially insofar as Rawls takes being a self-authenticating source of valid claims as an aspect of freedom. This aspect, for example, involves the entitlement to make claims on institutions so as to advance a reasonable conception of the good.<sup>42</sup> The same pressures that I discussed above that push a politics of reconciliation might drive a consensus around the inherent dignity of persons.

## V

I have sought a normative account of reconciliation that takes the idea of a political community of equal citizens as central. Using this idea as a guide, reconciliation can be seen to require a political order based on political equality that enjoys widespread acceptance and that issues policies that express political

regret over past injustices. Although reconciliation has attitudinal requirements, it is not necessarily illiberal. And there is reason to believe that an appeal to the inherent dignity of persons can provide a normative basis for stable political agreement about policies of reconciliation.

In distinguishing reconciliation from social justice, I argued that reconciliation might exist even if the full demands of distributive justice are not met. I argued that one of the three conditions of reconciliation is a democratic constitutional framework ensuring the juridical equality of persons. Such a framework appears compatible with significant—and perhaps unjust—socio-economic inequality. Nevertheless, there are three reasons to believe that reconciliation might require attention to inequality and poverty. First, redistribution in the direction of meeting some of the demands of distributive justice may be contingently required if such redistribution is in fact a condition of the new order enjoying widespread support. Second, large socio-economic inequalities may be incompatible with the democratic ideal of citizens having approximately equal abilities to influence political outcomes. And third, some minimum level of well-being is a practical necessity if citizens are to enjoy their democratic liberties. I shall not pursue these ideas further here except to say that the second and third reasons are particularly interesting because they suggest non-contingent relationships between reconciliation and the reduction of inequality and poverty.<sup>43</sup>

As a transitional value, reconciliation is obviously not the whole of political morality. Its application is mostly limited to societies attempting to come to grips with divided and authoritarian pasts. There may be a temptation to think that because the realization of reconciliation does not ensure the realization of social or criminal justice, it therefore has no value as a political goal. I have tried to provide reasons to resist that temptation. Although certainly not the first virtue of social institutions, reconciliation is a virtue nonetheless both because it realizes at least some of what is demanded by a commitment to the moral equality of persons and because it permits a stable framework in which citizens may reasonably hope to achieve the rest of what is demanded.

## Notes

<sup>1</sup>Friedrich Nietzsche, *On the Genealogy of Morals* (New York: Random House, 1967), 40.

<sup>2</sup>The Interim Constitution of South Africa, "Constitution of the Republic of South Africa 1993," *Government Gazette* 343, no. 15466 (1994): 180.

<sup>3</sup>Versions of this article were presented to the Burdens of Race conference hosted by the History Workshop at the University of the Witwatersrand, the Philosophy Department of San Diego State University, the Ethics and Africa conference at the University of Cape Town, the Department of Political and International Studies of Rhodes University, and a panel at the Pacific Division meeting of the American Philosophical Association organized by the APA Committee for International Cooperation. I am grateful to the organizers of those events for the chance to present and to the audience members for their discussion of the ideas. I am in debt to Michael Pendlebury and Don Kraemer and two anonymous referees of this journal for comments on drafts of the paper. And I would like to thank the Philosophy Department and the International Office at Rhodes University for support when I was finishing this paper.

- <sup>4</sup>Susan Dwyer, however, tries to identify such a common core in her “Reconciliation for Realists,” *Ethics and International Affairs* 13 (1998): 81–98.
- <sup>5</sup>See also Paul M. Hughes, “Moral Atrocity and Political Reconciliation,” *International Journal of Applied Philosophy* 15, no.1 (2001): 124.
- <sup>6</sup>Cf. Kader Asmal et al., *Reconciliation Through Truth* (Cape Town and Johannesburg: David Philip Publishers, 1996); Dwyer, “Reconciliation for Realists;” Hughes, “Moral Atrocity and Political Reconciliation;” David Dyzenhaus, “Survey Article: Justifying the Truth and Reconciliation Commission,” *The Journal of Political Philosophy* 8, no. 4 (2000): 470–96; Wilmot James and Linda Van De Vijer, eds., *After the TRC Reflection on Truth and Reconciliation in South Africa* (Athens: Ohio University Press, 2000); Darrel Moellendorf, “Amnesty, Truth, and Justice: AZAPO,” *South African Journal on Human Rights* 13, no. 2 (1997): 283–91; and Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice* (Princeton, NJ: Princeton University Press, 2000).
- <sup>7</sup>*Constitution of the Republic of South Africa 1996*, Preamble.
- <sup>8</sup>Asmal, *Reconciliation*, 156.
- <sup>9</sup>A similar point is made by Mahmood Mamdani in “Reconciliation without Justice,” *South African Review of Books*, Nov./Dec. (1996): 3–5.
- <sup>10</sup>Cf. also Dwyer, “Reconciliation,” 83.
- <sup>11</sup>I discuss the virtue of hope for transitional societies in “Hope as a Political Virtue,” *Philosophical Papers* 35, no. 3 (2006): 413–33.
- <sup>12</sup>Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990), 185–86.
- <sup>13</sup>Steve Biko recognized such a possibility in South Africa in his defense of black consciousness. See, for example, Steve Biko, “What Is Black Consciousness?” in *I Write What I Like*, ed. Aelred Stubbs, C.R. (Oxford: Heinemann Educational Publishers, 1978), 99–119.
- <sup>14</sup>*Ibid.*
- <sup>15</sup>Paul M. Hughes worries that the backward-looking character of reconciliation may be self-defeating insofar as it may prevent a society from successfully putting past enmity to rest. Cf. Hughes, “Moral Atrocity,” 130–31. Although there may be such a danger, this does not deny the good of the creation of political community. Rather, it counsels care with respect to establishing backward-looking policy.
- <sup>16</sup>Ezekiel Mphahlele, *Down Second Avenue* (London and Boston: Faber and Faber, 1959), 219.
- <sup>17</sup>Desmund Tutu, *No Future Without Forgiveness* (London: Rider, 1999).
- <sup>18</sup>The point is a well-known Kantian one. “Duties in accordance with juridical legislation can be only external duties because such legislation does not require that the Idea of this duty, which is internal, be of itself the ground determining the will of the agent.” Immanuel Kant, *The Metaphysical Elements of Justice* (New York: Macmillan/Library of Liberal Arts, 1965), 19.
- <sup>19</sup>Thomas Pogge argues convincingly that the class of wrongs covered under *official disrespect* is larger than wrongs perpetrated directly by government officials. Cf. Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002), 59–63.
- <sup>20</sup>John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), 388–89.
- <sup>21</sup>Alan Gibbard, *Wise Choices, Apt Feelings: A Theory of Normative Judgment* (Oxford: Clarendon Press, 1999), 138.
- <sup>22</sup>David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 41. It is not clear on what basis Miller attributes national shame. See *ibid.*, 24.
- <sup>23</sup>Farid Abdel-Nour, “National Responsibility,” *Political Theory* 31, no. 5 (2003): 707.
- <sup>24</sup>*Ephesians* 2:13–17, *The Oxford Study Bible* (New York: Oxford University Press, 1992), 1483. In South Africa this conception of reconciliation made its way into the Belhar Confession. See <http://www.bethel.edu/~letnie/AfricanChristianity/SABelhar.html> (accessed June 22, 2006).
- <sup>25</sup>Hegel’s well-known statement of this idea occurs in the introduction to the *Philosophy of Right*: “To recognize reason as the rose in the cross of the present and thereby to delight in the present—this rational insight is the *reconciliation* with actuality which philosophy grants to those who have



received the inner call *to comprehend . . .*” G. W. F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), 22.

<sup>26</sup> Cf. *Ibid.*, 189, par. 142.

<sup>27</sup> Dwyer is less concerned to separate reconciliation from its religious justifications. See Dwyer, “Reconciliation,” 83.

<sup>28</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 11–14, 233.

<sup>29</sup> Martin J. Murray, *The Revolution Deferred* (London: Verso, 1994), 10.

<sup>30</sup> There is an extensive literature on this. See, for example, David Held et al., *Global Transformations* (Stanford, CA: Stanford University Press, 1999), 65–70.

<sup>31</sup> Rawls, like Hegel before him, allowed that a compromise might be the historical basis of a subsequent just state. Cf. Rawls, *Political Liberalism*, 158–68. Hegel considers this: “[A]lthough the State may originate in violence, it does not rest on it; violence, in producing the State, has brought into existence only what is justified in and for itself, namely, laws and constitution.” §432 *zusatz* of *Hegel’s Philosophy of Mind*, trans. William Wallace, *zusätze* trans. A. V. Miller (Oxford: Clarendon Press, 1971), 172.

<sup>32</sup> Rawls, *Political Liberalism*, 161–63.

<sup>33</sup> *Ibid.*, 165–68.

<sup>34</sup> *Ibid.*, 165.

<sup>35</sup> *Ibid.*, 166.

<sup>36</sup> Richard A. Wilson has sought to understand how the value of reconciliation was received by ordinary South Africans in *The Politics of Reconciliation* (Cambridge: Cambridge University Press, 2001).

<sup>37</sup> *Ibid.*, 19, 58–61, 72–75 and John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), 18–24.

<sup>38</sup> “The African Charter on Human and Peoples’ Rights,” in *Basic Documents on Human Rights*, 3rd ed., ed. Ian Brownlie (Oxford: Clarendon Press, 1992), 553. Human dignity is also a fundamental value in the South African Constitution. *Constitution of the Republic of South Africa 1996*, s 1 (a).

<sup>39</sup> Cf. H. L. A. Hart, “Are There any Natural Rights?” *The Philosophical Review* LXIV, no. 2 (1955): 175–91.

<sup>40</sup> John Stuart Mill, *Utilitarianism*, in John Stuart Mill and Jeremy Bentham, *Utilitarianism and Other Essays* (Harmondsworth: Penguin Books, 1987), 280.

<sup>41</sup> Rawls often takes the central difference between political and comprehensive moral conceptions to be scope. See Rawls, *Political Liberalism*, 175, and *Justice as Fairness*, 19.

<sup>42</sup> Rawls, *Justice as Fairness*, 23.

<sup>43</sup> Socio-economic rights in South African constitutional jurisprudence are important in light of these two reasons. See also my discussion of the South African constitutional right to medical care in “Reasoning About Resources: *Soobramoney* and the Future of Socio-Economic Rights Claims,” *South African Journal on Human Rights* 14 (1998): 327–33.