Chapter Four

Forgiveness, reconciliation and transitional justice

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Andrew Schaap

In so far as morality is more than the sum of *mores*...it has, at least politically, no more to support itself than the good will to counter the enormous risks of action by readiness to forgive and be forgiven, to make promises and keep them. These moral precepts are the only ones that are not applied to action from the outside, from some supposedly higher faculty or from experiences outside action's own reach. They arise, on the contrary, directly out of the will to live together with others in the mode of acting and speaking...¹

Arendt's turn to forgiveness to redeem politics, in *The Human Condition*, is riveting.

In her account of the human activities of labor, work and action, Arendt argues that work redeems human existence from the futile cycles of labor by fabricating a durable world in terms of which historical consciousness is possible. Public action and speech, in turn, redeem human life from the meaninglessness generated by the instrumentality of work by producing the stories in terms of which we make sense of the world. Yet, even politics - the highest of human activities - requires redemption. Because in politics we always act among a plurality of free agents, we lack control over the consequences of our actions. Thus, political action not only invests the physical world with meaning by producing a web of human relationships; it also renders fragile the intersubjective world it constitutes.

Given the condition of non-sovereign freedom, there is an inherent tendency in action 'to force open all limitations and cut across all boundaries'.² Due to this transgressive quality, action threatens, even while it conditions the possibility of, community. Yet, unlike labor and work, there is no higher faculty to appeal to in order to redeem politics from the uncertain and irrevocable consequences of action. Against the anti-political desire to master action by organizing public life in terms of rule *from above*, then, Arendt turns to the activities of promising and forgiving to redeem politics *from the inside*. On this account, readiness to forgive is an inherently, political attitude. Moreover, Arendt insists, in the absence of a

mutual willingness to forgive, politics would not be possible in the first place. For ‘without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever’.³

Arendt’s suggestive but brief remarks about the centrality of forgiveness in politics have fascinated and puzzled her readers since they were first published in 1958. However, at the end of the twentieth century there was renewed and often urgent interest in this aspect of Arendt’s work as citizens within many polities struggled to come to terms with political violence that had been fuelled by the Cold War. In the wake of grave state wrongs and/or protracted civil war, it seemed that forgiveness had to be possible in politics if there was to be any hope of former enemies recognizing each other as co-members of the same political association. Consequently, in the 1990s, ‘forgiveness’ and ‘reconciliation’ became central terms of political discourse in many polities throughout the world.⁴ Indeed, reconciliation was often promoted by the international community as a public good that ought to be balanced against that of justice within transitional societies.⁵ Following these developments (and, in particular, the advent of the Truth and Reconciliation Commission in South Africa) there has been a growing interest among IR scholars, legal theorists, theologians, philosophers and political scientists in both political forgiveness⁶ and transitional justice.⁷ Attempts to reckon with a painful past are often associated with a transition to democracy during which a range of official responses is available to a new regime. These include amnesty and criminal trials, reparation and restitution, purges, official investigations and constitution making. Such measures are usually referred to as forms of transitional justice since they are associated with a period of rapid political change during which the demand for retributive justice must be balanced against the imperative to consolidate a democratic regime.⁸ Yet institutional reform and legal remedies alone are usually felt to be insufficient to address the legacy of political violence. For, in such circumstances, ordinary citizens need to

find good grounds to live together in the first place if they are to affirm the legitimacy of shared institutions.

In this context, reconciliation is often promoted as a form of nation building in polities divided by past wrongs such as South Africa, Chile, Northern Ireland and Australia. As Priscilla Hayner observes, reconciliation ‘implies building or rebuilding relationships today that are not haunted by the conflicts and hatreds of yesterday.’⁹ In the reconciled polity, she argues, the wrongs of the past could be discussed openly and without bitterness in public. Relationships between former antagonists would be based on responding to present challenges rather than identifying each other in relation to past events. Moreover, there would be some common agreement on fundamental historical facts concerning what wrongs were perpetrated.

In this chapter, I develop an Arendtian account of political forgiveness against the background of recent discussion about reconciliation and transitional justice within the study of international relations.¹⁰ I begin by reviewing the philosophical literature on the nature of personal forgiveness. I argue that forgiveness involves not only relinquishing a just claim against one who has wronged us but also setting aside resentment against one’s enemy. While it may not be possible to cease resenting the other as an act of will, it is possible to *want* to forgive and to seek grounds for setting aside resentment. I then consider what might constitute *political* grounds for forgiveness. Against the liberal and realist traditions of IR theory, I argue that neither necessity nor reason are adequate grounds for political forgiveness. For if a willingness to forgive depends on the dictates of necessity it is reduced to compromise whereas if it is conditional on having moral reasons it becomes redundant. Following Arendt, I argue that appropriate grounds for forgiveness in politics are, rather, the natality of the other and frailty of the world. Political forgiveness, on this account, does not refer to the closing moment of reconciliation in which wrongdoers are restored to community with those they have wronged. Rather, readiness to forgive makes possible a politics in which

members of a divided polity contest each other's understandings of the violence of the past and its significance for their political association.¹¹ Drawing on this account of the political grounds for forgiveness, I consider the relation between amnesty and political forgiveness in the workings of the Truth and Reconciliation Commission in South Africa. In the final section, I offer some speculations about the place of forgiveness in sustaining what John Williams (in this volume) refers to as the 'international space in-between'.¹²

Setting aside resentment

Forgiveness involves not only renouncing one's just claims against an other but setting aside a resentful view of her as "the one who wronged me".¹³ Ceasing to identify the other with the consequences of her actions establishes the possibility of friendship in the wake of wrongdoing. While we do not cease to judge the other's actions as wrong, we open ourselves to an understanding of her that is more encompassing than her singular relation to us as our transgressor. Yet resentment is not set aside easily. Nor, perhaps, should it be. As Jeffrie Murphy (1988: 14-34) observes, we quite properly feel resentful in response to being wronged.¹⁴ What we resent is not only the material harm inflicted on us but the insulting message the harmful act carries with it. In wronging us the other reveals her contempt for us by failing to treat us as her moral equal. As response to this demeaning experience, resentment involves a defiant assertion of one's value and entitlement to respectful treatment. Resentment is oriented to the recovery and confirmation of one's moral status, which is called into question by a wrong.¹⁵

If we are often right to resent our transgressor, then, there may be circumstances in which we are wrong to forgive her. A forgiving disposition is commendable so long as it keeps resentment within proper bounds, checks it against the excesses that arise from human weakness and vanity.¹⁶ Yet to forgive too readily may be to acquiesce in wrongdoing. Forgiveness risks lapsing into 'condonation' when we do not protest but simply overlook a wrong in order to maintain a relationship with the other.¹⁷ Being too ready to forgo

resentment may betray low self-esteem and so constitute a failure “to take oneself, one’s projects and one’s entitlements seriously enough”.¹⁸ Or it might reflect a moral indifference to the other as someone who is “not worth my time”. In this context, Murphy insists that genuine forgiveness is not simply ceasing to resent but “forswearing resentment on moral grounds.” He also argues that forgiveness should be “compatible with self-respect, respect for others as moral agents, and respect for the rules of morality or the moral order”.¹⁹ As such, forgiveness is only appropriate if the wrongdoer demonstrates genuine remorse. For, in doing so, he withdraws his endorsement of the insulting message the wrong communicated and re-affirms his commitment to the shared norm he violated.

Yet, as Jean Hampton argues, to insist too strongly on having moral reasons to forgive is to overlook the gift-like nature of forgiveness.²⁰ While retribution, remorse, reparation and restitution may make us more inclined to forgive they cannot be necessary conditions for forgiveness. For to demand reasons why one ought to forgive is, in fact, to assume an unforgiving disposition.²¹ Forgiveness becomes redundant when we reserve it only for those who have earned it from us. For then it is simply the acknowledgement that we are no longer the victim, that we are no longer justified in resenting our transgressor.²² In its gift-like aspect, by contrast, forgiveness is an offer of trust in advance. While our transgressor does not deserve our forgiveness, we venture it nonetheless for the sake of a potential relationship. By offering forgiveness we invite our transgressor into society with us and, thus, make ourselves vulnerable to being wronged again. But, in doing so, we present our wrongdoer with an opportunity to recognize the wrongfulness of his actions and assume responsibility for them. In this way, forgiveness forgoes guarantees, the certainty of reasons, “in favor of a boldly, venturesomely aspiring and active pursuit of Value”.²³

The possibility of setting aside resentment, of comprehending the other as more than one’s transgressor, must be allowed if there is to be a place for hope and trust in the politics of a divided society. However, those who have been the victims of an unjust regime might

quite rightly be suspicious of the quietism implicit in making a political virtue out of forgiveness. As Frantz Fanon points out, the ideological benefit of promoting the Christian message of forgiveness in the colonial context is that it assists in “calming down the natives.”²⁴ Those who continue to benefit from unjust social arrangements are likely to counsel the oppressed to “forgive and accept” when, in fact, they are morally entitled to “resent and resist.”²⁵ Resentment may therefore have an important role to play in politics in animating protest that draws attention to the rights and respect due to members of an oppressed social group. As such, it is often politically appropriate to resent those implicated in past wrongs by virtue of their position as beneficiaries of an unjust regime or as members of a group whose values are sovereign.²⁶ Indeed, such just resentment often animates demands for recognition. Central to a politics of recognition is the defiant self-assertion of an oppressed group, the reclamation of historical agency by remembering the past from the perspective of the defeated.

Important as this task may be, however, it risks entrenching resentment. For such a history may fixate on grievances and emphasize “events that reinforce [a group’s] sense of injustice and bruised pride.”²⁷ While the demand for recognition often entails only the claim that a social group receives its due, when nurtured by a moralistic and unforgiving disposition, the fact of historical oppression may be taken as “proof of ultimate merit.”²⁸ The establishment of friendly civic relations in a polity divided by past wrongs depends upon the possibility of setting aside the hard feelings occasioned by painful memories without forgetting or condoning what went before. The memory of offence may preclude the possibility of giving up resentment or hatred of our former enemy as a simple act of will. Yet, as David Novitz recognizes, it is possible to choose whether to fuel resentment through stubborn partiality or to seek grounds for forgiveness by entertaining the perspective of our transgressor. The task of relinquishing resentment, on this account, begins from a “willingness and ability to see things differently and to depart from our own settled

perspective”.²⁹ Wanting to forgive might, in this way, sustain a reconciliatory politics between former enemies in the absence of a moral consensus on the significance of past wrongs.

Cheshire Calhoun provides an insightful account of how one can be true to the past without making forgiveness conditional on the wrongdoer’s repudiation of her acts. Grounds for the “aspirational forgiveness” that Calhoun advocates are revealed to us through telling a story that makes biographical, but not necessarily moral, sense of how the other could wrong us. Such a story is not intended to show the other as one worthy of forgiveness by separating the sin from the sinner. Rather, it situates the wrongs perpetrated against us in the biographical context in which the other makes sense of her own actions. This leads to a kind of understanding that confirms our perception of the past and the injury perpetrated against us. But it does not demand that the one who wronged us be different from what she is before we are willing to entertain society with her. We find grounds for overcoming resentment by making our transgressors’ actions intelligible “by forgivingly understanding how they have made sense of their lives”.³⁰ Importantly, in the context of political reconciliation, this means engaging with the collective meanings and narratives in terms of which our former enemy might previously have made sense of the violence of the past.³¹

The inadequacy of necessity and reason as grounds for forgiveness in politics

The value of forgiveness in our intimate relations with others is clear. In relations of love we are both most vulnerable and most likely to trespass moral bounds. Moral injury is so common that without the mutual capacity for forgiveness we could not sustain any friendship for long. Yet, although trespass is also frequent in politics, the appropriateness of forgiveness in public life is less obvious. As Arendt observes, although promising has long been recognized as indispensable to political life, forgiveness has “always been deemed unrealistic and inadmissible in the public realm”.³² Realists, who construe politics in terms of strategy and domination, are likely either to consider a forgiving disposition to be soft-headed and

bound to bring an actor to grief or to suspect that it cloaks some particular interest he is actually pursuing. Liberals, anxious to devise just institutions to contain politics, are bound to worry that the partiality of forgiveness will compromise justice or that it will lead to intrusive demands being made of citizens. Whereas realists would subordinate forgiveness to the dictates of necessity, liberals would constrain forgiveness within the bounds of reason. For the realist, forgiveness should be compatible with a “responsibility to the future” that involves weighing “objective interests that come into play”.³³ In politics, according to Max Weber, an “ethic of absolute ends” must be tempered by this “ethic of responsibility”. An ethic of ultimate ends is concerned only with the goodness of action. As such, it tends to encourage actors either to withdraw from worldly involvement or to commit one last evil to end all evils. By contrast, an ethic of responsibility demands a sensitivity to the consequences of our actions and a willingness to do what is necessary, which may mean employing morally dubious means, in order to secure the best outcomes in political affairs. Forgiveness is unpolitical when animated only by an ethic of absolute ends because it fails to recognize non-moral constraints imposed on action by circumstances. To follow the command to love one’s enemy and turn the other cheek when wronged without regard for circumstances and consequences is therefore likely lead to disaster in politics.

On the other hand, the political realist may be willing to forgo a just claim for retribution when this appears necessary for the survival of the political association. As Peter Digeser points out, when conceived in terms of an ethic of responsibility, political forgiveness suggests a ‘take-it-on-the-chin’ attitude on the part of the victims. Acknowledgement of the tragic choices political actors must sometimes confront in politics suggests that those who become victims of political wrongs ought to “simply accept that this is how the world works (sometimes we must do evil and sometimes we must suffer it) and get on as best we can.”³⁴

This kind of willingness to overlook wrongdoing for the sake of social harmony might be appropriate in certain political circumstances. For instance, when amnesty is granted to perpetrators in order to secure a peaceful transition to democracy. However, following Kolnai, forgiveness is reduced to condonation when justified in these terms. Whereas forgiveness condemns the wrong but seeks to overcome the resentment it occasions, condonation waives moral judgement entirely. Furthermore, taking necessity as the ground of political action ultimately leads to cynicism in relation to the possibility of forgiveness in politics. For the realist is likely to suspect, with Nietzsche, that the weak wield the offer of forgiveness (which presupposes the guilt of those it is offered to) as a rhetorical weapon by which to gain political influence.³⁵ Moreover, in the absence of freedom, forgiveness loses its normative significance as an invitation to society with the other. When those wronged forgive out of necessity (the recognition that they lack the power to pursue their claims to just retribution) forgiveness is not freely given but bargained away.³⁶

By contrast, liberals, who are concerned to establish and preserve the rule of law, demand moral reasons for forgiveness in politics. If politics is the public means through which the private freedoms of individuals are secured, then forgiveness is appropriate in the public sphere only if it does not compromise those rights or exceed those duties of citizenship appropriate to a constitutional democracy. We should forgive only if this is compatible with the dictates of justice and we need only forgive to the extent that this makes possible the minimal level of civility necessary to maintain peaceful civic relations. Forgiveness sits uncomfortably with a liberal politics that “shies away from demanding purity of heart from its citizens.”³⁷ Thus Digeser argues that it is a mistake, in the context of a modern state that must accommodate moral plurality, to conceive political forgiveness in terms of overcoming resentment.³⁸ Rather, he advocates a form of political forgiveness in terms of which citizens might publicly affirm their commitment to civic association with their former enemies while continuing to resent them in private.

Moreover, Digeser is concerned about the potential for short-circuiting justice that a willingness to forgive might lead to. There is a paradoxical relation between forgiveness and justice, which revolves around the problem of whether forgiveness is ‘other’ than justice. If forgiveness involves forgoing one’s just claim against another this seems to implicate forgiveness in injustice.³⁹ Yet, if we should only forgive the other as justice demands, then forgiveness becomes redundant. Jacques Derrida (2001: 32) has recently expressed this paradox by arguing that forgiveness is impossible; for we only have no need of forgiveness when an offence is forgivable but only when we are confronted with the unforgivable.⁴⁰ If forgiveness is to be worth its name, Derrida insists, it must be unconditional: we must forgive what cannot be forgiven. There is thus a tension inscribed in the concept of forgiveness between “the idea which is also a demand for the *unconditional*, gracious, infinite, an economic forgiveness granted *to the guilty as guilty*” and “a conditional forgiveness proportionate to the recognition of the fault, to repentance, to the transformation of the sinner who then explicitly asks forgiveness.”⁴¹

In contrast to Derrida’s insistence on a pure forgiveness, Digeser argues against a gift-like conception of political forgiveness in order that it might be compatible with the dictates of justice and the demands of democratic citizenship. While in our private life we might bestow forgiveness as a gift on an undeserving wrongdoer, in public life forgiveness cannot be a mysterious act of grace but *must be conditional* on reasons that are consistent with the demands of democratic citizenship. In his view, political forgiveness ought not be an alternative but a supplement to procedural justice. Political forgiveness ought to be offered in recognition of the imperfection of basically just institutions and, as such, ought to pick up where “justice reaches its limits.”⁴² We ought to forgive state wrongs only when these are the outcome of basically just institutions, which realize justice imperfectly due to the complexity of the moral world.

Yet, taking moral reason as the only legitimate ground for forgiveness in politics appears to preclude the possibility of forgiveness as a legitimate response to injustice in precisely those circumstances in which it is most needed. Due to his concern that forgiveness might lead to the short-circuiting of justice, Digeser insists that political forgiveness should not be performed unless victims and transgressors agree on a history of what has happened, which is publicly verifiable and includes a common understanding of “who did what to whom” and “who owes what to whom.”⁴³ However, making political forgiveness conditional on a shared account of past wrongs, is to set a very hard condition for reconciliation indeed.⁴⁴ Political forgiveness would be a simple matter in a polity whose members could broadly agree on the significance of past wrongs. For such a polity would no longer be divided but would have largely accomplished what political forgiveness must help to bring about. Contrary to Digeser, forgiveness is most often invoked as a source of hope in politics when the possibility of consensus about the past seems remote.

Neither reason nor necessity will do, then, as political grounds for forgiveness. Conceiving forgiveness in relation to a courageous facing up to political necessity implicates it in the condonation of wrongdoing. Yet, forgiveness seems to become redundant in political life when subordinated to the dictates of moral reason. By contrast, Hannah Arendt’s ethic of worldliness accords forgiveness a central role in politics because it takes the fragility of the web of human relationships and the freedom of the other to begin anew as grounds for forgiveness.

Political grounds for forgiveness

Following Arendt, political grounds for forgiveness stem from a recognition of the predicament of non-sovereign freedom. Like promising, forgiveness is an inherently political faculty because it presupposes plurality. We learn the need to forgive and be forgiven from our experience of living together with others. Moreover, we depend on others to forgive us. No one can forgive himself because a forgiveness enacted in isolation from others could

“signify no more than a role played before one’s self.”⁴⁵ On this account, grounds for forgiveness in politics are the frailty of the world and the natality of the other. Forgiveness is an appropriate response to frailty since it saves the world from ruin by bringing to an end a process of reaction that would otherwise endure indefinitely in the web of human relationships. As response to natality, forgiveness releases the other from the consequences of her action. By no longer holding her to account for ‘what’ she is, forgiveness frees the other to engage in the play of the world. In its world-delimiting moment, as response to the frailty of the world, forgiveness brings a process of inter-action to an end. In its world-rupturing moment, as response to the natality of the other, it affirms the possibility of a new beginning.

Arendt writes that forgiving “serves to undo the deeds of the past, whose “sins” hang like Damocles’ sword over every new generation.”⁴⁶ But, of course, they cannot be undone in any literal sense. The accomplishment of forgiveness, rather, is to refuse the past the power to determine the possibilities of the present. Arendt’s notion of a process of inter-action that endures in the web of human relationships captures the sense in which a past event may persist in memory as a ‘present threat’ to a particular category of people within a polity. This threat is a semantic one in the sense that the event continues to exert a claim, in the present, of the subordinate social status of those wronged. As Pamela Hieronymi argues, the memory of an offence that goes publicly unrecognized *as wrong* “makes a claim. It says, in effect, that you can be treated in this way, and that such treatment is acceptable.”⁴⁷ It is in this context that we ought to understand Arendt’s point that the achievement of forgiveness, as with punishment, is that it “put[s] an end to something that without interference could go on endlessly.”⁴⁸ Punishment and forgiveness undo the deed in the sense that they undo its meaning or, as Hieronymi puts it, they allow us to “leave the original meaning of the event in the past.”⁴⁹

In the case of willed evil and crime, punishment rather than forgiveness is appropriate in order to undo the meaning of the wrong. Punishment undoes the meaning of a wrong by

negating the “evidence of superiority implicit in the wrongdoer’s original act.”⁵⁰ Through the symbolic defeat of the wrongdoer at the hands of the victim, punishment annuls the significance of the original act as evidence of the wrongdoer’s superiority. It annuls the insulting message of the wrong that perpetrator and victim are not equal in value. Punishment leaves the meaning of the act in the past in the sense that *then* the wrong confirmed the subordinate social status of those it was perpetrated against, whereas *now* it is re-cognized as an illegitimate act of oppression. Similarly, apology is intended to undo the meaning of a wrong by withdrawing endorsement of the insulting message the act communicated.

Likewise, a political undertaking to forgive is a struggle to settle the meaning of the wrongful act in the past for the sake of our life in common. As Albert Memmi demonstrates in his portrait of the colonizer who can only choose between evil or uneasiness,⁵¹ we become implicated in certain stories enacted in the world (such as the story of colonization), in which we may not want to be involved but which we are dragged into nonetheless according to our social position.⁵² As response to the frailty of the world, forgiveness undoes the meaning of a wrong by bringing to an end the story that implicates the other in an original transgression. Trust is ventured in this moment since it involves a suspension of judgement or what Jean Bethke Elshtain calls “knowing forgetting.” As she writes, this does not mean that “one falls into radical present-mindedness and the delusion that the past counts for nothing; rather, one assesses and judges just what the past does count for in the present - how much it should frame, shape, and even determine present events.”⁵³ What is suspended is not judgement of the wrongfulness of the act, but the judgement that this confirms the other as one’s enemy in the present.⁵⁴ Trust is ventured for the sake of establishing a new relation based on mutual recognition of each other as co-builders of a common world.

Respect for the other as co-builder of a common world, which is the basis for political forgiveness, differs from that Kantian form of respect that applies to individuals as autonomous beings who share the universal capacity for reason. Instead, it applies to

individuals as political beings who share a particular world as their common end.⁵⁵ As such it presupposes an interdependence based not only on our shared need for security but on the presence and acting of others for a sense of the reality and worth of things. Through engaging in an incessant discourse about this world, we invest it with meaning. The disclosure of a world thus also entails the constitution of a “we.” Although social reality opens up to each of us in different ways, the fact of its being perceived in common is felt. The “we” that emerges from this common sense of the world is fragile because it depends on our speaking and acting in public for it to be brought into being.⁵⁶

Although our sense of morality depends upon recognizing a universal quality in the other such as dignity or sacredness on the basis of which we accord rights to all, in order to be politically relevant this quality can not be attributed to human nature but must be articulated and actualized through our belonging within particular associations. As Arendt writes, “philosophy may conceive of the earth as the homeland of mankind and of one unwritten law, eternal and valid for all. Politics deals with men, nationals of many countries and heirs to many pasts.”⁵⁷ To forgive the other for the sake of the fragile world one (potentially) holds in common with her is, therefore, to forgive her in her neighborly relation to us rather than on the basis of our shared moral status as rational beings or creatures of God.

This entails a kind of political humility, an attitude of care and moderation. We forgive because we may also need to be forgiven. For only a person who believes he has no need of forgiveness could wish to live in an unforgiving world. In being politically disposed to forgive, then, one discounts the historical fact of oppression as evidence of moral superiority or collective innocence. The possibility of forgiveness depends in this way on an “awareness that there is a virtual reciprocity in what the oppressors did to the oppressed,” that those wronged were on the side of good as a matter of historical fact not as a matter of principle, that is, “not because they are the good people.”⁵⁸ As response to frailty, forgiveness involves an awareness of evil as ‘banal’ or, better, *mundane* in the sense that it is *of the*

world. This is to recognize, as Bert van Roermund writes, “that what the oppressors did to the oppressed belongs to the evil humans do to each other, and not to a mythic evil that intrudes on the world of humans from outside. In reconciliation, evil becomes ‘ordinary’ in the profound sense of ‘among us’.”⁵⁹

As response to the natality of the other, forgiveness undoes the meaning of the wrong by ceasing to recognize the other only in terms of his past actions or those of his fellow group members. We undo the meaning of the deed as evidence of the identity of the other. As Arendt puts it, to forgive in this sense is to insist on seeing the individual as “more than whatever he did or achieved.”⁶⁰ Forgiveness, in this context, is world-rupturing because it resists the categories by which we habitually make sense of the world, inviting the other to disclose that difference which exceeds his identity. This moment is hopeful since it is predicated on the potential inherent in the other to begin anew. To forgive for the sake of who the other is, is to release him from the consequences of his actions so that he can remain a free agent. We forgive the other ‘what’ he is (our transgressor) for the sake of ‘who’ he might reveal himself to be through action.

The release that forgiveness offers is indispensable in politics to mitigate against despair at the moral irresponsibility and haphazardness that arises from the predicament of non-sovereign freedom. Care for the world must balance but not overwhelm that agonistic striving through which the difference of individuals and the common-ness of the world is disclosed. When care overwhelms the agent it gives rise to depressive guilt, a surfeit of which leads to withdrawal from the world for fear of being implicated in political injustice.⁶¹ It is in this context that the possibility of forgiveness allows us to remain free agents, willing participants in the play of the world. As response to the other that is “unconditioned by the act that provoked it”, forgiveness testifies to our shared potentiality to act anew.⁶² Forgiveness reveals the natality of the forgiver since, in contrast to retaliation, it is not a

predictable re-action. Rather it is a response that is both unexpected and unpredictable. As such, it entails an invitation to the other to engage in politics with us.

An ethic of worldliness thus furnishes political grounds for forgiveness, which are not reducible either to those of the realist or the liberal. Forgiving for the sake of a fragile world has an affinity with an ethic of responsibility in that it is distinct from a more absolute form of forgiveness based on love (such as the unconditional forgiveness advocated by Derrida). In undertaking to forgive for the sake of the world we share in common, we must consider the significance and consequences of our act for our life in common. We cannot forgive with the blindness of love.⁶³ However, it differs fundamentally from the realist's ethic of responsibility because it is not predicated on a consequentialist morality. For the struggle to settle the meaning of the wrong in the past is not the same as forgetting or 'overcoming' the past. Rather, it seeks to establish a provisional closure, one that acknowledges the persistent claims of the past in the present - and, therefore, the impossibility of any final reconciliation - but which resists the power of the past to determine the possibilities of present.

Moreover, a forgiveness based on respect for the other as co-builder of a common world does not presuppose a shared moral vocabulary or form of life but rather a willingness to entertain the other's point of view. As such it is compatible with citizenship in a diverse society. But in contrast to the chastened form of citizenship advocated by the liberal, who would reduce forgiveness to toleration, an ethic of worldliness invites those who wronged us to engage with us in a contentious debate about the significance of past events for our life in common. In forgiving we affirm our potentiality to act anew, to establish new relationships. But since this is an inherently free act, its terms cannot be dictated in advance by the demands of justice. The way of political forgiveness does not necessarily follow the logic of right that the political liberal insists on. Rather, the willingness to forgive invites the other to politics. Instead of presupposing community between wrongdoers and wronged, the possibility that a "we" might emerge from public interaction is invoked as a matter of faith.

This common aspiration delimits a future horizon in terms of which former enemies might come to a shared understanding of what went before. In this way, as Bert van Roermund writes in a slightly different context, readiness to forgive makes available a past to look forward to.⁶⁴

Amnesty, amnesia and anamnesis

If the moral achievement of retributive justice is, as Arendt insists, that it holds the individual to account for his actions and refuses to accept excuses such as ‘just following orders’, this can also be its political failure.⁶⁵ For, as Pablo de Grieff points out, imputing criminal guilt to particular individuals tends to exonerate those implicated in past wrongs as tacit supporters or beneficiaries of an unjust regime.⁶⁶ Of course, amnesty is even more likely to obscure political responsibility for past wrongs. Punishment, at least, symbolizes a collective condemnation of past wrongs. Amnesty, by contrast, suggests collective forgetting, a failure to take past wrongs seriously at all.

What was fascinating about the way in which transitional justice was pursued in post-apartheid South Africa, however, was that amnesty was linked to reckoning with the past rather than simply wiping the slate clean. As van Roermund succinctly puts it, amnesty was associated with “anamnesis rather than amnesia.” The deal of granting amnesty in return for full disclosure of the truth was supposed to provide a way of burying rather than obliterating the past, “a way of covering that uncovers the meaning of what has happened.”⁶⁷ Consequently, a subtle relationship seemed to emerge between the provision of amnesty to perpetrators and the possibility of political forgiveness between ordinary citizens. This suggests that, in certain circumstances, a willingness to forgive might sustain a policy of amnesty and, conversely, amnesty might contribute to the possibility of political forgiveness. So long as state crimes go unpunished what a wrongdoer gets away with is a “claim of relative superiority.”⁶⁸ Failure to prosecute a perpetrator in this way amounts to acquiescence in the message his crime communicated about the inferior social status of the victims. To add

insult to injury, when amnesty is associated with forgiveness rather than acknowledged as strategic compromise, it seems that this failure is passed off as a moral achievement. Yet, during a transition to democracy or at the conclusion of a civil war, punishment of state criminals may not be politically feasible due to the kinds of reasons emphasized by realists. For example, military leaders may threaten to overthrow a civilian government that attempts to punish the leaders of the former regime. The relentless pursuit of justice might be self-defeating in such circumstances since it could well return a polity divided by past wrongs to authoritarian rule or civil war. An ethic of responsibility would demand that justice be sacrificed in order to safeguard the establishment of democratic institutions.

While Archbishop Desmond Tutu sometimes defends the provision of amnesty in South Africa on such grounds, he often also makes a stronger claim that it represents “another kind of justice.”⁶⁹ In contrast to a focus on retribution, restorative justice is centered on repairing relationships. Such a model of justice is suggested in the Interim Constitution of South Africa, which states that “there is a need for understanding, but not for vengeance, a need for reparation, but not for retaliation, a need for *ubuntu* but not for victimization.”⁷⁰ Tutu implies that amnesty might sometimes be justified as a collective act of forgiveness, according to which waiving punishment does not simply sacrifice justice for politically expedient reasons but upholds justice according to the ideal of restoration. Indeed, he often insists that restorative justice is preferable to retribution, which is akin to revenge. However, as David Crocker discusses, retribution and revenge are not the same.⁷¹ Fundamentally, this is because retribution mediates the just demand to punish the wrongdoer with the intervention of an impartial third party in the form of legal institutions. Although in practice revenge and retribution may go together, we commonly understand that retribution becomes unjust the more it shades into revenge. Indeed, it was to the extent that the post-war Nuremberg trials were perceived to amount to ‘victor’s justice’ (according to which the conquerors exact tribute from the defeated) that they were regarded with cynicism. By

contrast, the legitimacy of Nuremberg and more recent attempts to prosecute state criminals in an international court of law depends on the extent to which these are judged to have been impartial (rather than “political”, in the realist sense of the word). Retribution is not reducible to revenge, then. Indeed, it is morally preferable to amnesty as a demonstration of a new regime’s commitment to upholding the rule of law.

Moreover, Christopher Bennett (2003) argues that just retribution is as fundamental to the restorative ideal of reconciliation as is forgiveness.⁷² Bennett, himself an advocate of restorative justice,⁷³ insists that genuine reconciliation requires the repudiation of past wrongs and this should be expressed publicly and institutionally through punishment. Like apology, atonement and reparation, a willingness to accept just punishment demonstrates that a perpetrator is remorseful, which establishes the possibility of his forgiveness and return to the moral community. Amnesty, then, cannot be *justified* as a collective act of forgiveness in terms of the restorative ideal of justice because it fails to hold the wrongdoer to account for his actions. Consequently, Bennett insists, there is no ‘third way’ between the justice of retribution and the injustice of amnesty. Rather, we are left with a stark choice between the moral reasoning of the liberal (that being true to the past requires retribution) and the political willingness of the realist (to forget past wrongs in order to ensure the survival of the political association). Though the compromise of the realist may sometimes be called for, we should recognize this for the sacrifice of justice that it is rather than pass it off as another kind of justice.

But reducing the question of amnesty to these terms seems to miss something important about what was aspired to in South Africa. This may not have amounted to another kind of justice, but it did appear to involve more than just *Realpolitik*. When Babalwa Mhlawuli appeared before the TRC and said “We want to forgive, but whom should we forgive?” she did not demand reasons why she ought to forgive but sought grounds on which it was possible to forgive. This attitude of wanting to forgive, according to van Roermund

“anticipates and eradicates the point where doing justice could become obstructive for civil peace. It steers away from the pitfalls of *fiat justitia, perat mundus*” (Let justice be done though the world may perish). In South Africa, it seems, it was not the acknowledgement of wrongdoing by perpetrators that established the possibility of forgiveness. Rather, it was the readiness to forgive, a willingness on the part of those wronged to defer the right to just retribution, that made possible the revelation of truth.”⁷⁴

In South Africa, amnesty was not conditional on a perpetrator showing remorse but, rather, on his making a full disclosure of the truth and demonstrating that his wrong was associated with a political objective. This meant that the amnesty commission had to judge applicants both as individuals who committed isolated crimes and as members of a class who were pursuing political objectives. As Scott Veitch writes, judges were called on “to make an overt judgement about the ‘political objective’ of the offence, and in so doing...necessarily engage a collective meaning for both the offence and applicant’s role in its commission’ *and* somehow understand this to ‘fit the “full disclosure” unique to the applicant.”⁷⁵ It was this effort to make political sense of perpetrator’s actions, one that necessarily deprioritized the logic of right, which linked it with a wider struggle for political forgiveness. For in associating individual acts with political objectives, the amnesty process implicated all those on behalf of whom perpetrators claimed to act.

In this context, the truth the TRC sought to disclose was not the truth of the event but the “truth of memory.”⁷⁶ The connection between political objective and full disclosure drew the amnesty applicants and the law into a political reassessment of the past, one which demanded a confrontation between actors’ self understandings then and now. Being true to the past, in this sense, required both making political sense of how wrongs came to be perpetrated as well as the moral judgement that these acts were wrong. By making political sense of past wrongs those social meanings that structured the perpetrator’s actions and that make his choice of evil comprehensible come to the fore. To be sure, granting amnesty based

on such an understanding could not amount to a collective act of forgiveness. Yet, the amnesty process appeared to be sustained (in part, at least) by wanting to forgive. Similarly, the truth telling associated with amnesty made way for a wider process of political forgiveness by engaging the collective meanings perpetrators shared with ordinary citizens.

The South African experience suggests that, in order to conceive reconciliation politically, we need to reverse the order of our moral thinking. In certain circumstances, it may be that forgiveness “makes politics itself possible.”⁷⁷ Rather than achieving closure by restoring social harmony, readiness to forgive creates a space for truth telling and the assumption of political responsibility. As such, it opens the possibility of an interpretative struggle over the significance of past wrongs and the terms of political association. Political forgiveness is not so much oriented to restoring wrongdoers to a moral community but to disclosing the commonness of a world that is constituted by diverse and possibly incommensurable perspectives. As such, a disposition to forgive, indeed, describes an attitude with which we might come to politics, one which might enable us to work out and sustain a good we hold in common. However, it is not conditional on a prior moral consensus and recognition of common political authority. Rather, political forgiveness opens the way to their realization.

Forgiveness and the international space in-between

Throughout this chapter I have considered political forgiveness, reconciliation and transitional justice in terms of the context to which they are usually applied: the bounded community of a sovereign state. However, as my introductory remarks intimate, the politics of reconciliation are most often enacted against the background of international involvement both in contributing to political violence and mediating a society’s attempt to reckon with past wrongs. Moreover, in certain contexts, reconciliation might be one option alongside secession.

In what sense, then, might a readiness to forgive help to sustain the *international* space in-between? John Williams rightly points out that Arendt is a ‘theorist of the bounded community’ and her reflections on forgiveness appear to be predicated on a commitment to such a community; “the will to live together with others in the mode of acting and speaking.”⁷⁸ Yet it not evident that this commitment to community must be defined in terms of the modern nation-state. Indeed, as Lang and several other contributors to this volume demonstrate, Arendt’s work provides a valuable resource for considering the possibility of international political action. This is due in no small part to her attempt to think about political action in relation to the condition of non-sovereign freedom.

While, for Arendt, laws and institutions may delimit a space for politics in order that we might actualize our freedom by appearing before each other in public, these institutions can not sustain politics in themselves but depend on the spontaneous action of individuals. Consequently, the in-between of the political, for Arendt, is clearly not the domain of the nation-state but rather the self-organization of people acting in concert (e.g. revolutionary councils, the kibbutz, the town-hall meeting). On this account, there is no reason to suppose that political actors should respect state-instituted boundaries when these serve to constrain opportunities for collective action and self-determination rather than to delimit a horizon within which action is meaningful and human freedom can be actualised.

While Arendt does not comment directly on the possibility of forgiveness across and between political communities, her reflections on promising (that other moral precept that is inherent to politics) are enlightening in respect to this. For they show how promising helps to delimit a space for politics between communities, a point which is clearly demonstrated by the importance of the promise ‘Never Again’ in the context of a reconciliatory politics. Promising delimits a space for politics by institutionalizing shared expectations in law. As such, law need not be conceived in terms of the imperative of a sovereign entity. Indeed, for the Romans, the law needed no such basis but was the outcome of conflict. Law was

predicated on an alliance, which not only established peace but also constituted a new unity between two different entities that had been thrown together by war. Thus, a war was concluded to the satisfaction of the Romans not merely with the defeat of an enemy but “only when the former enemies became “friends” and allies (*socii*) of Rome.”⁷⁹ The Romans thus recognized in alliances and covenants a powerful institution for the “creation of politics at the point where it was reaching its limits.”⁸⁰ For alliances allowed the extension of politics beyond “relationships between citizens of one and the same City (as the Greek conception of politics was limited) to include relations ‘between foreign and dissimilar nations.’” On this account, as Jacques Tamineaux puts it, law is the “institution of a relationship between conflictual sides of a pluralistic interaction.”⁸¹

Just as promising might help to *delimit* a space for politics across and between political communities this suggests that a readiness to forgive might help to *sustain* such an international space in-between. Importantly, however, whereas a state such as Germany may make reconciliation a goal of foreign policy and has the authority to offer such things as reparation, restitution and apology in pursuit of this end,⁸² no state can possess a corresponding authority to forgive on behalf of its citizens (whether dead or alive). Nevertheless, the readiness of individuals to extend forgiveness across and between territorial borders may be crucial in sustaining an international space in-between members of communities that have perpetrated political violence against each other as, for instance, in the former Yugoslavia.

Finally, what role might the international community play in promoting reconciliation in transitional societies? And to what extent, might the role of third parties play in encouraging or discouraging the readiness to forgive among ordinary citizens divided by past wrongs? David Crocker argues persuasively that “international civil societies (and international regimes) can promote transitional justice by providing domestic groups and democratically elected governments with such things as material resources, relevant tools,

international legitimacy and moral support.”⁸³ Moreover, groups within international civil society can promote a culture of universal human rights within a transitional society by appealing to internationally recognized norms and conventions. Similarly, Juan Mendez has stressed the positive role that international tribunals and the ICC can potentially play in promoting reconciliation “in its truest form” by preventing amnesty from being passed off as forgiveness.⁸⁴ Yet, similarly “too much or the wrong kind of international response to a country’s past rights violations can do more harm than good for democratization and transitional justice.”⁸⁵ Efforts by third parties to bring perpetrators to justice can erode the democratic legitimacy of a society’s efforts to reckon with past wrongs. Consequently, as Brad Roth argues, the insistence by international actors on the prosecution of human rights violators may actually serve to curtail the space for politics that a readiness to forgive helps to sustain, if such an attempt fails to “take account of the moral ambiguities that attend unmediated civil and inter-communal conflict.”⁸⁶

¹ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958): 245-246.

² *The Human Condition*, 190.

³ *The Human Condition*, 237.

⁴ See Andrew Rigby, *Justice and Reconciliation: After the Violence* (Boulder: Lynne Rienner Publishers, 2001).

⁵ See David Crocker, “Transitional Justice and International Civil Society: Toward a Normative Framework,” *Constellations* 5(4): 492-517.

⁶ See Christopher Bennet, “Is amnesty a collective act of forgiveness?,” *Contemporary Political Theory* 2, 1 (2003): 67-76; Jacques Derrida, *On Cosmopolitanism and Forgiveness* (London and New York: Routledge, 2001); Peter Digeser, *Political Forgiveness* (Ithaca: Cornell University Press, 2001); Jean Bethke Elshtain, “Politics and Forgiveness” in N Biggar (ed) *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Washington, D.C.: Georgetown University Press, 2001); Trudy Govier, *Forgiveness and Revenge*. London: Routledge, 2001; Claire Moon, “Prelapsarian State: Forgiveness and Reconciliation in Transitional Justice”, *International Journal for the Semiotics of Law* 3 (2004); Donald Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995) and Erenesto Verdeja, “Derrida and the Impossibility of Forgiveness”, *Contemporary Political Theory* 3 (2004): 23-47.

⁷ See Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York & London: Routledge, 2002); Samuel Huntington, *The Third Wave: Democratisation in the Twentieth Century*. (Norman: University of Oklahoma Press, 1991); Neil J. Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes. Volume I: General Consideration* (Washington D.C.: United States Institute of Peace Press, 1995); Martha Minnow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press 1998); Ruti Teitel, *Transitional Justice* (Oxford and New York: Oxford University Press, 2000).

⁸ Efforts to reckon with state wrongs, though, have not been confined to new democracies, which must tread lightly in their justice-seeking measures for fear of a military coup or return to civil war. In many mature democracies, the memory of offence continues to be a source of grievance for a section of the population and presents a legitimization crisis for the state.

⁹ Hayner, *Unspeakable Truths*, 161.

¹⁰ This has been most prominent in *Ethics & International Affairs*. See David Crocker “Reckoning with Past Wrongs: A Normative Framework,” *Ethics & International Affairs* (1999) 13: 43-64; Susan Dwyer, “Reconciliation for Realists” *Ethics & International Affairs* 13 (1999): 81-98; Lyn Graybill “South Africa’s Truth and Reconciliation Commission: Ethical and Theological Perspectives” *Ethics & International Affairs* 12 (1998): 43-62; David Little “A Different Kind of Justice: Dealing with Human Rights Violations in Transitional Societies” *Ethics & International Affairs* 13 (1999): 65-80; Margaret Popkin & Nehal Bhuta “Latin American Amnesties in Comparative Perspective: Can the Past be Buried?” *Ethics & International Affairs* 13 (1999): 99-116; Juan Mendez “National Reconciliation, Transitional Justice and the International Court of Justice” *Ethics & International Affairs* 15, 1 (2001): 25-44; and Brad R. Roth “Peaceful Transition and Retrospective Justice: Some Reservations (A Response to Juan Mendez)” *Ethics & International Affairs* 15, 1 (2001): 45-50.

¹¹ In this account I am primarily concerned with the possibility of politics between ‘ordinary citizens’ who remain divided by the memory of past wrongs rather than that between perpetrators of human rights violations and their victims.

¹² Some of the material included in this chapter was previously published in ‘Political Grounds for Forgiveness’, *Contemporary Political Theory* 2: 77-87.

¹³ Jean Hampton, “Forgiveness, Resentment and Hatred” in J. Murphy and J. Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988): 38.

¹⁴ Jeffrie Murphy “Forgiveness and Resentment” in J. Murphy and J. Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988): 14-34.

¹⁵ As Pamela Hieronymi puts it, “Resentment affirms what the act denies - its wrongness and the victim’s worth. And so, in a way, resentment is a fight response. It fights the meaning of the past event, affirming its wrongness and the moral significance of the victim and the wrongdoer”; “Articulating an Uncompromising Forgiveness” *Philosophy and Phenomenological Research* 62, 3 (2001): 547.

¹⁶ Murphy, “Forgiveness and Resentment”, 15.

¹⁷ Aurel Kolnai, “Forgiveness” in *Ethics, Value and Reality* (London: The Athlone Press, 1977): 215-216.

¹⁸ David Novitz, “Forgiveness and Self-respect” *Philosophy and Phenomenological Research* 58, 2 (1998): 306-307.

¹⁹ Murphy, “Forgiveness and Resentment”, 24.

²⁰ “Forgiveness, Resentment and Hatred”, 36-37.

²¹ Joanna North, “Wrongdoing and Forgiveness” *Philosophy* 62 (1987): 505.

²² Kolnai, “Forgiveness”, 217.

²³ Kolnai, “Forgiveness”, 233.

²⁴ Franz Fanon, *The Wretched of the Earth* (London: MacGibbon and Kee, 1965): 53.

²⁵ Murphy, “Forgiveness and Resentment”, 11.

²⁶ Albert Memmi, *The Colonizer and the Colonized* (London: Earthscan Publications, 1990): 78-79.

²⁷ Novitz, “Forgiveness and Self-Respect”, 305.

²⁸ Graham Little, *The Public Emotions: From Mourning to Hope* (Sydney: ABC Books, 2001): 142.

²⁹ “Forgiveness and Self-respect”, 309.

³⁰ Cheshire Calhoun, “Changing One’s Heart” *Ethics* 103 (1992): 96.

³¹ Indeed, in her account of ‘reconciliation for realists’, Susan Dwyer suggests that the “core notion is that of bringing apparently incompatible descriptions into narrative equilibrium.” I have some reservations about what I take to be Dwyer’s undue optimism about the possibility of “narrative incorporation”. However, I am generally sympathetic to the account of reconciliation she argues in favor of, which, I think, is not only compatible with but supports the political conception of forgiveness developed here; Dwyer, “Reconciliation for Realists”, 88-89.

³² Arendt, *The Human Condition*, 243.

³³ Max Weber, “Politics as a Vocation” in *From Max Weber*, translated by H. H. Gerth and W. Mills (London: Routledge & Kegan Paul, 1948): 116.

³⁴ Digeser rejects this view; see *Political Forgiveness*, 177.

³⁵ See Digeser, *Political Forgiveness*, 21-23. Since politics is construed as a means through which actors pursue goals, talk of forgiveness can only obfuscate the material interests that are really at stake in political conflict. By keeping one eye fixed on the past, concern with forgiveness and guilt distracts attention from the future with which the political actor is properly concerned. For the realist, the past has only marginal political importance in relation to the immediate clash of interests and might as well be forgotten in order to concentrate our attention more thoroughly on shaping the future; Weber, *From Max Weber*, 198.

³⁶ Bert van Roermund, “Never Again,” Paper presented at the colloquium on *Law, Time and Reconciliation*, Centre for Law and Society, University of Edinburgh, May 15-16, 2002.

³⁷ Digeser, *Political Forgiveness*, 17f.

³⁸ For, although it may be laudable to strive to overcome resentment towards others in our private lives, we stretch the bonds of ordinary human sentiment too far in seeking to extend such generosity to those with whom we lack sustained emotional contact and whose values seem alien to our own. Moreover, it may be too intrusive, given the difficulty of properly discerning how people feel in the public sphere, for political forgiveness to require a change of heart in the person wronged.

³⁹ Kant, for instance, was ‘suspicious of philanthropy, mercy and forgiveness in their efforts to limit justice’ While ‘fellow feeling is a duty’ for Kant, he insists that it ‘should not be allowed to dilute the demands of morality and justice’ (Booth 2001: 783).

⁴⁰ Jacques Derrida, *On Cosmopolitanism and Forgiveness* (London and New York: Routledge, 2001). Derrida departs fundamentally from Arendt in understanding forgiveness as entirely extraneous to politics; see p. 59f. However, while real enough, this departure is based in part on a misunderstanding since Arendt does not equate politics with a juridical order as Derrida implies but similarly seeks to articulate forgiveness in relation to the ideal of non-sovereign freedom.

⁴¹ Derrida, *On Cosmopolitanism and Forgiveness*, 34-35 – emphases in the original. I think Derrida overstates this paradox by identifying unconditional forgiveness with the unforgivable rather than simply the undeservingness of those who need forgiveness. But the paradox remains real nonetheless. For critical discussions of Derrida’s essay see Claire Moon, “Prelapsarian State” and Ernesto Verdeja “Derrida and the Impossibility of Forgiveness.”

⁴² Digeser, *Political Forgiveness*, 43-55; 186-191.

⁴³ Digeser, *Political Forgiveness*, 55-59.

⁴⁴ As Brad Roth observes, “Reconciliation cannot always presuppose or await a shared moral understanding; frequently enough, it requires an agreement to disagree, even about fundamental principles,” Roth, “Peaceful Transition and Retrospective Justice: Some Reservations”, 46.

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- ⁴⁵ Arendt, *The Human Condition*, 237.
- ⁴⁶ Arendt, *The Human Condition*, 237.
- ⁴⁷ Hieronymi, "Articulating an Uncompromising Forgiveness", 546.
- ⁴⁸ Arendt, *The Human Condition*, 241.
- ⁴⁹ Hieronymi, "Articulating and Uncompromising Forgiveness", 550.
- ⁵⁰ Jean Hampton, "The Retributive Idea" in Murphy and Hampton *Forgiveness and Mercy*, 129; see also Herbert Morris, *On Guilt and Innocence: Essays in Legal Philosophy and Moral Psychology* (Berkeley: University of California Press, 1976): 126-127.
- ⁵¹ Memmi, *The Colonizer and the Colonized*, 109. In refusing colonialism, the colonizer lives the contradiction of renouncing its values while benefiting from its privileges. Yet in accepting colonialism, he accepts himself as a "non-legitimate privileged person...a usurper" and thus accepts the "blame implied by that role"; Memmi, *The Colonizer and the Colonized* 118, 117. In seeking to legitimate his position he is driven to demonstrate his superiority further and so only depends his guilt.
- ⁵² For an analysis of Arendt's (and Jasper's) work on collective responsibility and its significance for political reconciliation see Andrew Schaap, "Guilty Subjects and Political Responsibility: Jaspers, Arendt and the Resonance of the 'German question' in Politics of Reconciliation," *Political Studies* 49, 4 (2001): 749-766. For a more recent articulation of an Arendtian account of political responsibility in contrast to that suggested by Giorgio Agamben see my 'Assuming Responsibility in the Hope of Reconciliation', *borderlands e-journal* 3, 1 (2004), <http://www.borderlandsejournal.adelaide.edu.au/issues/vol3no1.html>.
- ⁵³ Elshtain, "Politics and Forgiveness", 43.
- ⁵⁴ I am indebted to Zenon Bankowski for pointing out how forgiving sometimes involves suspending judgement. I think this is what Arendt is getting at when she looks for non-theological terms for forgiveness as dismissing or releasing the other. Similarly, she prefers trespassing, missing, failing and going astray to 'sinning' and changing one's mind, returning, retracing one's steps to "repenting"; Arendt, *The Human Condition*, 240, n. 78.
- ⁵⁵ See Hannah Arendt, *Lectures on Kant's Political Philosophy* (edited and with an interpretive essay by Ronald Beiner) (Chicago: University of Chicago Press, 1982): 22-27.
- ⁵⁶ See especially Arendt, *The Human Condition*, 50-57.
- ⁵⁷ Hannah Arendt, *Men in Dark Times* (New York and London: Harcourt Brace and Co., 1968): 81.
- ⁵⁸ Bert van Roermund, "Rubbing Off and Rubbing On: The Grammar of Reconciliation" in E Christodoulidis & S Veitch (eds.) *Lette's Law: Justice, Law and Ethics in Reconciliation* (Oxford & Portland: Hart Publishing, 2001): 182-183.
- ⁵⁹ Van Roermund, "Rubbing Off and Rubbing On", 183.
- ⁶⁰ Arendt, *Men in Dark Times*, 248.
- ⁶¹ See Graham Little, *The Public Emotions* (Sydney: ABC Books, 1999): 194-196.
- ⁶² Arendt, *The Human Condition*, 241.
- ⁶³ In their introduction to Derrida's essay, Simon Critchley and Richard Kearney, write that Derridean politics involves the "negotiation between the unconditional and the conditional, between the absolute and the relative, between the universal and the particular"; Derrida, *On Cosmopolitanism and Forgiveness*, xi. Indeed, Derrida (p. 45, emphasis in original) writes that it is "between these two poles [the conditional and the unconditional], *irreconcilable but indissociable*, that decisions and responsibilities are to be taken." Insofar as Derrida does conceive political forgiveness in these terms, he comes close to the Arendtian conception of forgiveness defended here. However, as Ernesto Verdeja points out, Derrida privileges the unconditional and disparages the conditional throughout his essay, in opposing a forgiveness based on pure love to one conceived in relation to the fallen realm of politics; Verdeja, "Derrida and the Impossibility of Forgiveness" 27-28. Following Arendt, by contrast, the demand to forgive derives from a love that transcends the political realm nor from a juridical order on which politics is predicated. Rather, politics and political forgiveness, are undertaken in what Gillian Rose calls the 'broken middle' between law and love, without privileging one over the other but constantly negotiating their competing demands according to the circumstances of action; see Zenon Bankowski, "Remorse and Reconciliation," paper presented at the colloquium on *Law, Time and Reconciliation*, Centre for Law and Society, University of Edinburgh, May.15-16, 2002.
- ⁶⁴ Van Roermund, "Never Again".
- ⁶⁵ Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1977): 5f.
- ⁶⁶ Pablo de Grief, "Trial and Punishment: Pardon and Oblivion," *Philosophy and Social Criticism* 22, 3 (1996): 105.
- ⁶⁷ Van Roermund, "Rubbing Off and Rubbing On", 178.
- ⁶⁸ Hampton, "The Retributive Idea", 134.
- ⁶⁹ Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999)
- ⁷⁰ Cited in Johnny de Lange, "The Historical Context, Legal Origins and Philosophical Foundations of the South African Truth and Reconciliation Commission" in C. Villa-Vicencio & W. Verwoerd, eds. *Looking Back Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa* (London: Zed Books, 2000): 21. The indigenous concept of *ubuntu* (according to which people should be friendly, hospitable, magnanimous, compassionate, open, and non-envious) was often referred to in South Africa to lend further legitimacy to the Christian ideal of reconciliation.
- ⁷¹ Crocker distinguishes retribution from revenge on six grounds: 1) retribution addresses a wrong whereas we may seek revenge on our enemy in response to a slight or unintended injury; 2) retribution is constrained, proportionate to the wrong perpetrated, whereas revenge tends to be insatiable, limited neither by prudence nor a sense of just desert; 3) retribution is impersonal and impartial, imposed by a third party, whereas revenge is sought directly by an interested party who is aggrieved by the wrong; 4) retribution takes no satisfaction in seeing the other brought low (beyond the pleasure of seeing justice done) whereas revenge is "sweet"; 5) retribution is principled - it is committed to upholding a general rule or norm rather than being a response only to this particular injury; 6) retribution rejects collective guilt - it can only be dealt to

individuals who are directly responsible for their own actions (or inactions). By contrast, a vengeful attitude tends to impute blame collectively and we may exact revenge on an enemy by harming his (innocent) fellow group members; David Crocker, "Retribution and Reconciliation," Institute for Philosophy and Public Policy, University of Maryland, Winter-Spring Report 2000, Available HTTP: <http://www.puaf.umd.edu/IPPP/Winter-Spring00/> (accessed 30 June 2004).

⁷² Christopher Bennett "'Is amnesty a collective act of forgiveness?" *Contemporary Political Theory* 2, 1 (2003): 67-76.

⁷³ Christopher Bennett "The Varieties of Retributive Experience," *The Philosophical Quarterly* 52, 207 (2002): 145-163.

⁷⁴ Van Roermund, "Rubbing Off and Rubbing On", 179-183.

⁷⁵ Scott Veitch, "The Legal Politics of Amnesty" in Christodoulidis and Veitch, eds., *Lethe's Law*, 39.

⁷⁶ Veitch, "The Legal Politics of Amnesty", 40.

⁷⁷ Elshtain, "Politics and Forgiveness", 53.

⁷⁸ Arendt, *The Human Condition*, 246.

⁷⁹ Hannah Arendt, *On Revolution* (New York: Penguin Books, 1990): 188.

⁸⁰ Jacques Tamineaux, "Athens and Rome" in Dana Villa, ed., *The Cambridge Companion to Hannah Arendt* (Cambridge: Cambridge University Press, 2000): 176.

⁸¹ Arendt cited in Tamineaux, "Athens and Rome", 177. Indeed, the *res publica* was itself the outcome of war between the patricians and plebeians, 'whose internal strife was concluded through the famous laws of the Twelve Tables' (OR: 188). Moreover, the foundation myth of Rome was based on Virgil's reversal of the Homeric epic of the sacking of Troy according to which the 'end of the war is not victory and departure for one side, extermination and slavery and utter destruction for the others, but 'both nations, unconquered, join treaty forever under equal laws' [Virgil] and settle down together' (OR: 209).

⁸² See L. G. Feldman, "The Principle and Practice of 'Reconciliation' in German Foreign Policy: Relations with France, Israel, Poland and the Czech Republic," *International Affairs* 75, 2 (1999): 333-356.

⁸³ Crocker, "Transitional Justice and International Civil Society", 512.

⁸⁴ Mendez, "National Reconciliation, Transitional Justice, and the International Criminal Court", 44.

⁸⁵ Crocker, "Transitional Justice and International Civil Society", 513.

⁸⁶ Roth, "Peaceful Transition and Retrospective Justice: Some Reservations", 48.

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Author/s:

Schaap, Andrew

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