Political forgiveness' transformative potentials

Abstract

The aim of this paper is to contribute to the theoretical and empirical understandings of the role that political forgiveness plays in the post-conflict and post-authoritarian societies. The paper provides a discussion of the complexities of the concept of political forgiveness, and offers empirical examples that demonstrate the different capacities and potentials that political forgiveness has as a mode of social reconciliation and repair the past injustice. It argues that today, with the accumulation of experience in the practice of transitional justice, and the growing importance of human rights regime, considering of forgiveness through the accountability's lens is very timely and important. After the discussion of the contribution of forgiveness to societal reconstruction in the post-conflict and post-authoritarian societies, the paper focuses on the role of forgiveness as an essential part of justice and solidarity. By scrutinizing forgiveness' links with reconciliation and justice, the paper offers a comprehensive way to assess the nature of preconditions and the role of forgiveness in addressing the past injustice and overcoming divisions in post-conflict societies. Its discussion of empirical findings on the role that forgiveness opens up a debate about risks and costs involved in a policy of forgiveness in newly democratized countries.

Key words: forgiveness, justice, reconciliation, transitional justice, and human rights

Political forgiveness' transformative potential

Introduction

Forgiveness is not a modern idea, its healing power has been advocated for centuries, and until the last couple of decades it was typically centred within a theological context and associated with viewing forgiveness as a spiritual idea. Apart from being seen as a spiritual construct, often derived within a religious framework and never free of religious overtones, forgiveness was viewed as a very 'mysterious' faculty in which 'lies something irrational, something like a denial of what one still was a moment before' (Simmel 1950:117). Also today, despite the fact that forgiveness and apologies, as a result of the post-conflict and post-authoritarian societies' search for means of societal reconstruction, are part of their new political programmes and rituals, forgiveness remains a controversial and puzzling concept. The growth in the reliance on forgiveness and apologies, the trend which led Derrida (2001) to call our time 'the Age of Apology', Warner (2003) to see it as 'a sorry' culture and Griswold (2007) to label our culture as 'a culture of apology and forgiveness', means that talking about forgiveness as both an idea and policy is very timely and important.

Debates about the importance of forgiveness tend to focus on its role in assisting the post-conflict and post-authoritarian societies. However now, as many states search for strategies which can prevent conflicts, violence and revenge, the re-thinking of the importance of forgiveness as a one of solutions to contemporary problems is also relevant for a wider range of societies. Today it seems all more necessary to talk about

forgiveness as many recent trends, such as globalization, the increased inequalities, the problematization of multiculturalist solutions, and the emergence of the contradictions and conflicts connected with past resentments - all have valorized the importance of efforts to resolve the meaning of the lesson from history for the sake of our life in common (Derrida 2001). The growing demands for strategies for addressing problems of social solidarity in a contemporary globalized world, and the concerns about the radicalization have sharpened the focus on search for pragmatic attempts which can make possible our survival without a lapse back into the intensification of control and conflicts. Such a task requires a new kind of intellectual work and political education, part of which should be understanding difficulties, preconditions and potential of political forgiveness.

Ideally, political forgiveness should aim at freeing the injured party from the past in such a way as to promote a desirable future, to help shift in societal norms and provide a basis for political reconciliation and justice. Securing reconciliation and justice for past wrong doings has always been a difficult and extremely flawed exercise, with different understandings of the role of forgiveness being one of the factors complicating our responses to mass violence. Since our focus here is on forgiveness' transformative potentials, we are interested in forgiveness' capabilities to offer the victims a chance of re-establishing their rights, recover from the past injustice and to build a just future. Such a view hopes, as an Australian proposal to establish the National Apology Foundation to ensure that the apology remains in the national memory in future (*The Australian,* Jan 7, 2014, p.2) illustrates, that there is no tension between justice and forgiveness. The importance of forgiveness in this perspective is connected with the idea of forgiveness seen as giving back the victim -

by privileging the victim and ensuring that the deed itself is not forgotten - her dignity and increasing people's sense of justice (Ricoeur 2004:100). Since legal justice when left to its own devices could produce something too close to vengeance, and since 'vengeance is subject to law and legal institution' (Shriver 1995:16), 'the world of justice must always be humanized' with a help of forgiveness (Ricoeur 2004:100).

Forgiveness, apart from being linked to reconciliation, is also seen as one of the essential mechanisms securing societal reconciliation. According to this perspective, by being forward looking and turning its back on revenge, forgiveness can offer the possibility of creating bases for solidarity bonds which, following Deweyen formulation, can be seen as defining civil democracy (Emirbayer and Noble 2013). The importance of forgiveness in this perspective is connected with the idea that without forgiveness 'the past cannot return to its place as the past' (Ignatieff 1998:189), while with the help of forgiveness we can hope build up of 'the feeling of being connected to others, of being part of something larger than ourselves' (Alexander 2006: 13). In other words, when ensuring an appropriate to a given set of circumstances balance between the past and the future, forgiveness can build up the bases of democratic civil society.

Thus, it can be argued that forgiveness' transformative potentials are connected with its capability to build up the bases of civil society and its ability to enhance victims' sense of justice. Yet, as post-liberated and post-authoritarian societies, despite the pain and the cost induced, continue their search for societal reconstruction, it becomes clear that the forgiveness' links with justice and reconciliation are not that simple and

in a need of re-assessment. The forgiveness' capability to deliver justice and reconciliation is questioned on both the theoretical and the practical level. For instance, by referring to Kant, Hegel and Nietzsche's critique of forgiveness as a practice that cultivates resentment, it is claimed that forgiveness 'involves a wiping out of the crime, a making undone what has been done', and as such it is 'a matter of relinquishing the demands of justice' (North 1987:499). Writers commenting on the workings of various truth and reconciliation commissions worry that forgiveness may restore social relationships between divided groups but at the expense of victims' dignity and that it is not always successful in the establishment of post-conflict justice (Montiel 2000:100). For them political forgiveness is morally justified only if it is done in a way that securing justice for the past wrong and 'preserves the conditions for the possibility of universal respect for any person as a moral agent' (Babic 2000:90).

Our focus here is on political forgiveness, and there will therefore be no discussion of the psychological indignities associated with forgiving after a trauma or injustice has occurred. Yet, the potential impact and consequences of repressed resentments and unaddressed painful memories of the colonial past for maintaining reconciliation in the long term cannot be ignored as this type of violence was political and its aim was to dispossess people of their means of livelihood. Even though the limitation of space does not allow me to explore it in details, a quick look at Fanon's ideas, which were formulated in the context of French colonialism in Algeria and emphasizing the importance of the micro-political level of individual psychology in the process of liberation, will illustrate   intersections between critical psychology and postcolonial concerns. Although Fanon's concept of violence has been interpreted in various ways in the literature (Gibson 2003; Go 2013; Johnson 2013;

McGongegal 2009; Said 1993), we still can learn from his experience of treating the victims of torture that violence dehumanizes both oppressors and victims, colonizers and colonized. He was aware that violence can lead to both 'terribly reactionary results' and neurosis (Fanon 1959:24) and thought that the only one way out of the colonized's inferiority and the cycle of counter- violence and counter-terror, which merely reinforces the aggressiveness, is a true liberation which would allow people to create their own cultures. In other words, Fanon (1959:32) called for decolonization which would not lead to 'one barbarism replacing another' but would ensure radical change of consciousness, seen as a complex and slow process as the 'awakening of the whole of people will not come about all at once' (Fanon 1961:246).

Fanon's vision of a postcolonial state, which is rooted in his realization of the limited role of violence in liberation and his understanding of a need for a new humanism, does not include a call for forgiveness. To the contrary, Fanon's faith in 'utopian possibilities of collective struggle' (Johnson 2013:73) inspired anti-apartheid South African activities in the 1970s and this fact calls for a critical re-assessment of a need for and role of forgiveness in the situation of colonial experiences of violence, oppression and exploitation. At the same time 'Fanon's humanist faith in the agency'(Johnson 2013:73), his attempt to 'bind the European as well as the native together in a new non-adversarial community of awareness and anti-imperialism' (Said 1993:274) and his belief that at the end of colonialism both oppressor and victim would open themselves to to each another and show mutual respect and recognition to other (Go 2013:216), mean that Fanon's message is one of 'shared history, albeit one of enslavement, and of shared future that offers hope for creating new kinds of relationships' (McGonegal 2009:27).

If, according to Fanon, the process of change in the postcolonial era demands more than violence because violence is 'not sufficient for the development of national consciousness'(Gibson 2003:105), such a process does not necessarily exclude forgiveness as it, could help to restore the humanity and autonomy of oppressed without obscuring the colonial nature of the context. To fully grasp the transformative potential of forgiveness in the context of political and social repression, we should start with an understanding how the sense of deprivation, humiliation and the rage in such a situation produce violence. Yet, we should also acknowledge the limitation inherent in reactive violence in the subsequent period of decolonization. As Fanon (1961:310) argued, the challenge is to gain control of this anger, to explain it and channel it since otherwise it would not lead to the establishing total liberation 'that which concerns all sectors of the personality'. Fanon (1986:232) saw freedom as the constitutive principle of subjectivity as he wanted 'the world recognized with [him] the open door of very consciousness'. The fact that he associated freedom with humans' openness toward the future means that, while warning us against being ignorant of history, he also warned not to 'plead captivity to its consequences'(Sekyi-Otu: 2003). Although Fanon viewed decolonization as a violent process, he problematized violence and rejected the barbarity of a political program built on revenge, saying that such a program would make us slaves of the past (Gibson 2003; Go 2013). In short, even though we cannot be totally confident or optimistic about the transformative potential of forgiveness in postcolonial context, if we follow Fanon's account of means of liberation and like Fanon associated freedom with our temporality, forgiveness could be one of the escape routes from the past feelings of inferiority.

The postcolonial experience has not lent substance to visions of a more hopeful political forgiveness. Nonetheless its main message warns us against retreating to the position that justice and reconciliation are not possible after the horrors of colonialism. However, the analyses and empirical evidence of political forgiveness from the recent post-conflict/post-apartheid societies suggest that today, in the age of accountability with its underlying value system of human rights, we can be a more hopeful about the transformative potential of political forgiveness. Studies of transnational justice studies, while making us aware of the difficulties of translating the ideas of justice and reconciliation into action, demonstrate the growing recognition of forgiveness. Noticing the impact of forgiveness on the transparency of political systems, such studies have also been raising questions about the importance of forgiveness in the process of political transformation and its relevance for democracy. Recent investigations of political forgiveness, as situated between responsibility for the past and for the future and understood as a forward looking virtue which is opposed to revenge, offer us a more comprehensive way to assess the nature of the preconditions and the role of forgiveness in terms of solidarity and justice. The consideration of forgiveness through the accountability's lens allows forgiveness to be viewed as an essential part of justice and public morality and to scrutinize its capacity to settle 'past claims in such a way that the past does no longer legitimately haunt the future' (Digeser 2001:5). Thus, the aim of this paper is to analyse the theoretical and empirical examples of forgiveness, such as those that followed the end of apartheid in South Africa, post-genocide Rwanda and post-communist Eastern Europe, in order to evaluate the role of forgiveness, in harmony

with remembering, in building the future in which mutual trust and the rule of law prevail.

As even this short presentation of the views of the significance and nature of forgiveness illustrates, the recent debates and investigations of forgiveness has not yet produced a successful theory of its transformative potentials and adequate remedy to traumas inflicted by perpetrators of mass violence (Mamdani 2014; Montiel 2000). In other words, the field is full of controversies and unsolved definitional issues. Thus, the aim of this paper is to contribute to a debate on political forgiveness' transformative potential by analysing the theoretical ideas and empirical evidence of forgiveness' links with reconciliation and justice. We will start with some definitional issues and theoretical ideas on the power of forgiveness. It will be followed up by the examination of how post-conflict, post-apartheid and newly democratized societies have approached the issue of forgiveness, reconciliation and transitional justice in the context of the increased importance of human rights and accountability.

Delineating the field: political forgiveness

Political forgiveness, viewed as 'the process of healing the traumas of both victims and perpetrators after violence, providing a closure of the bad relation' (Galtung 2001:3-4), is a complicated process which is never achieved without a dialogue between parties effected and which involves large and diverse collectivities (Griswold 2007).The complexities and difficulties of acts of political forgiveness mean that its nature is qualitatively different from interpersonal forgiveness.

Although there is no yet a coherent account of political forgiveness, we know that in the case of political forgiveness, in contrast to the private realm in which interpersonal forgiveness takes place, the point of reference is the public space given to retrieve traumatic memories and the community within which the process of forgiving is initiated. While forgiveness at the interpersonal level is the process of the elimination of the victim's feelings of resentment, political forgiveness' success depends upon negotiations of some passions and feelings, which are not of the same nature and significance as strong emotions expressed by individuals involved in the private, one to one, process of forgiving. Political forgiveness, viewed as 'an act that joins moral truth, forbearance, empathy and commitment to repair a fractured human relation' (Shriver 1995:9), involves dealing with the issue of resentment and the problem of reestablishment of relations and is never achieved unilaterally, it depends on each party's truth telling in both an allocation of blame and an account of injury.

One of the most important aspect of forgiveness is that it always is conditional. This means that what makes forgiveness possible is its conditionality which is adopted for pragmatic or political reasons. Although Derrida (2001) claims that forgiveness worthy of the name is a pure and unconditional one and therefore impossible, according to Ricoeur (2004: 458), we should accept the 'impure' forgiveness' as even conditional forgiveness can repair fractured. The conditionality of forgiveness is connected with the existence of many prerequisites which to be met in order forgiveness to reintegrate divided and post-conflict societies. Among them, according to Griswold (2007:79), the essential are the recognition of shared fallibility and seeing forgiveness as depending on 'sympathy, understanding of the other and common humanity'. Yet, the most important factor behind the fact that forgiveness is

necessarily conditional is that it has to include the choice not to forgive. Taking into consideration that it is inappropriate for anyone to 'demand of victims of violence that they forgive', leads to an understanding that any policy of forgiveness requires the creation of conditions in which 'it is possible to forgive, to heal, but above all to reclaim one's human dignity'(Foley, quoted in Arthur 2002:151). Apart from this commonly accepted consideration for the victim's choice, which adds to the conditionality of forgiveness, forgiveness is also seen as being conditional because it is predicated on the expectation that the transgression will not be repeated (Ricoeur 2004; Digeser 2001; Griswold 2007). Furthermore, for forgiveness to be successfully achieved also requires the willingness of the victim to lower her desire for resentment and revenge, the readiness of the offender to take steps to qualify for forgiveness, the forgivablity of injury and is never achieved without a dialogue between parties effected (Griswold 2007). Additionally, since 'to judge and to forgive are but the two side of the same coin' (Arendt 1971:248), forgiveness is conditional as not everything can be forgiven since there are deeds such as the crimes against humanity, which are so grave that they break down all standards of judgment, and therefore they are unforgivable.

The forgiveness' capability to prevent the past to influence the present and the future is another of its most commonly acknowledged features. In this perspective, forgiveness is seen in contrast to revenge, which is viewed as being able not only to provoke other violent reactions and spiral out of control into a continuous circle of violence, but also making victims feel imprisoned by the past (Arendt1958:240). On the other hand, forgiveness which rejects forgetting can offer a ways of dealing with remembrance of a painful past and thus can be remedy for traumatic memories. The

past living in the present on resentment and revenge gives only support to hater, ensures repetitions of previous hostilities and fails to promote thinking about the future instead of the past. Forgiveness, in contrast to revenge, accepts the painful memories as the bases of a new future. Thus, forgiveness, as opposed to revenge, can be seen as one of measures which 'are likely to soothe the psychic wounds of history'(Olick 2007:31). Despite Nietzsche's advocacy of 'the force of forgetfulness' for making 'a room again for the new' (quoted in Kristeva 2001:231), it is forgiveness that does not aim to extinguish memory that offers a way out of past conflicts and traumas and promises a new beginning based on reciprocity, equality and opposed to domination (Arendt 1958). Forgiveness, by preventing the past from 'determining the possibilities of the present' (Arendt 1958:237), presents the opportunity to start afresh. In contrast to revenge, which confines capacity to act 'to one single deed from which we could never recover' (Arendt 1958:237), forgiveness 'gives memory a future' (Ricoeur 2004:480). By opening the possibility of 'freeing from the consequences of past wrongdoing both the one who forgives and the one who is forgiven' (Arendt 1958: 237), forgiveness it is one of the human faculties that make social change possible.

Such an understanding of forgiveness is cultivated by the ethics of memory perspective, which views forgiveness as able to achieve better results in addressing the problems of the traumatic past and as capable of turning the use of memory into a project of justice (Ricoeur 2004; Todorov 2009). By focusing on memory as 'a way of healing of guilt' and by giving 'memory a future' (Ricoeur 2004:458), this approach formulates the relationships between remembering and forgetting from the point of view of the public good and views forgiveness as facilitating reconciliation

and incorporating the past to form to the future. Understanding that the preoccupation with memory, as a basis for collective identity, could lead to dangerous consequences and that memory, as an essential component within ethno-national belonging, could also play an integrative role by promoting an inclusive political culture, the ethics of memory perspective focuses on to efforts to reconcile memory and forgetting with a help of the act of forgiveness.

As a result of the multidimensional nature of acts of forgiveness scholars differ in term of their conceptualization of the relationship between political forgiveness and reconciliation and between political forgiveness and justice. Of course, to some degree these differences of perspectives can be explained by the definitional matters. For example, Griswold's (2007:139) narrow definition of political forgiveness, which dissociates political forgiveness and sentiments, is rooted in his belief that it is 'quite unlikely that a single self-same sentiment (such as resentment, sorrow, regret) will animate all parties concerned'. On the other hand, Digeser (2001) argues that forgiveness, understood in this narrow, ideal sense as overcoming resentments, is almost unattainable in a political context. For him, the aim of political forgiveness, seen as a board concept, is the restoration or creation of 'civic friendship' (Digeser 2001:4). For other, for example Griswold (2007) and for Arendt (1958), forgiveness involves dealing with the issue of resentment. In this broader sense, political forgiveness, which occurs when 'a whole group of offended people cease their collective resentment and condemnation of another group that is perceived to have caused the social offence' (Montiel 2000:95), ought to create a culture of awareness of the impact of human rights, transform a conflict and build up credibility of and links between involved groups. On the other hand, viewing political forgiveness as

being 'not about clearing the victim's heart of resentment' (Digeser 2001:28),

assumes that sentiments are irrelevant to the success of political forgiveness, and

therefore for successful forgiveness there is no need for setting aside resentment.

 According to Digeser (2001:4), political forgiveness is an act that 'settles past claims

and invites   a restoration of a valued political relationship through the reinstatement

of civic and moral quality or of the status quo ante'. The success of political

forgiveness depends 'not on the sentiments that may motivate it but on whether one

lives up to the public rules that govern its practice' (Digeser 2001:24). In other words,

reconciliation does not necessarily require empathy and forgiveness, although it may

require that citizens publicly affirm their commitment to civic association with their

former enemies. In this view, since the decision whether to forgive is infused with

political implications and since there are other ways to bring justice and remove anger

and resentment, forgiveness is not a necessary condition for the process of

reconciliation.

Moreover, there are also some differences ways in which of the relationships between

political forgiveness and justice are conceptualized. According to Arendt (1958),

political forgiveness differs from justice and therefore cannot totally displace the

pursuit of justice but at the same time it is tied directly to justice as it enhances the

cause of justice by preparing groundwork for the renewal and harmony of human

community. In contrast, other writers negatively assess forgiveness' ability to offer

justice as they see the absence of punishment as an obstacle to justice and claim that

forgiveness, by the foregoing of punishment, creates 'a vacuum that can easily be

filled with potentially expulsive emotions of anger, bitterness and resentment with

detrimental effects for both victims and society at large'(Leyster 2000:187). In this

perspective, criminal trials are seen to be essential to restore the victims' honor, to facilitate their healing and provide them with closure (Fletcher and Weinstein 2002).

Whereas some scholars negatively evaluate forgiveness' ability to overcome authoritarian legacies in the judicial systems and enhance human rights culture (Babic 2000), others argue that forgiveness does need to take into consideration victims' retributive desires and that punishment is compatible with forgiveness (Shriver 1995).There are also voices claiming that forgetting and amnesty are mutually reinforcing (Schaap 2005), while some writers, for example, Primo Levi (1986:110), opt for justice but reject both revenge and forgiveness. In contrast, Paul Ricoeur (2004) sees - as we have already noticed - the role of forgiveness in both liberating the victim from the past traumas and in humanizing the system of justice. Nonetheless, Ricoeur (2004:489), despite his critique of amnesty as 'commanded forgetting' or as the institutionalized form of forgetting that can only produce a 'caricature of forgiveness', stills calls for 'rational use of forgetting' and taking forgiving seriously.

All theoretical discussions of forgiveness, together with terminological difficulties, mean that many questions about the nature and the attainability of political forgiveness are still left unanswered and there are still conflicting views about its relationships with justice and achieve a full reconciliation. Ideally, political forgiveness should provide a basis for political reconciliation and justice, and by honouring the memory of those who have suffered injustice at the hands of the political community, thus it should help societies to overcome, though not forget, the past. Yet, in reality the role of forgiveness in post-conflict societies has not always

met these expectations. Among the unfulfilled promises of political forgiveness which bring the biggest disappointment, apart from its failure to address past injustices, is its inability to achieve a full reconciliation. In what follows we will discuss to situations and factors detrimental for the forgiveness' relationship with reconciliation and justice.

Forgiveness: a guardian against divisions?

Although the main rationale for forgiveness in a political context is connected with the role of forgiveness in the process of reconciliation and in enhancing justice, for a long time political scientists, while not questioning an opportunity for reconciliation, did not consider 'forgiveness as an essential servant of justice or as indispensable in the initial formation of political associations' (Shriver 1995: 6). However, in the last several decades all newly democratic post-conflict societies have attempted to correct their democratic deficit by means of a reconcialtion process. To achieve this ultimate goal of reconciliation, these nations have been relying on a range of strategies, such as truth commissions, amnesties and apologies, which all recognize the persisting effects of past wrongs on the victims, and therefore are also strongly associated with the attempt to readdress the inflicted injustice. To date there have been more than 30 truth commissions as more than thirty post conflict, transitional and democratizing societies established formal bodies to investigate past wrongs for post-conflict situations and as countries as diverse as Chile, Argentina and Honduras founding ways to hold former officials accountable for offenses (Landman 2012:37-38). For example, between 1971-1998 at least 9 truth commissions were set up in various African countries, such as Zimbabwe, Uganda, Chad, Rwanda, and

Ethiopia, and 6 in other parts of the world, including Argentina, Chile, Uruguay, Guatemala, Haiti, Peru, and Sierra Lone, Bolivia, the Philippines, El Salvador (Christie 2000: 54-59).

 Aiming to promote reconciliation by simultaneously healing the victims' wounds, discovering historical truth and facilitating a national unity is a process full of challenges, hence, there is a growing interest in assessment of the new democracies' mechanisms and means to deal with their inherited violations of human rights (Todorov 2009:455). This task of evaluation has been taken by transitional justice studies which focus on judicial and non-judicial means employed by states and the international community to deal with a legacy of systematic human rights abuses (Flyvbjerg, Landman and Schram 2012). Within the transitional justice studies truth commissions are seen as 'vital means of establishing a link between a nation's traumatic past and its future, which must be examined within this "bridging function"'(Andrews 2003: 63). The transitional justice studies of post conflict countries in their discussion of truth commissions tend to embrace the Nuremberg model punishment and justice. However, this model, as it is 'backward looking, preoccupied with justice as punishment' and which prioritizes the victors' justice, does not really offer a lesson for translational justice policies which try to deliver justice and enhance democratic cultures (Mamdani 2014:8).

The applicability of the Nuremberg model is challenged by the examination of the main case of study within the transitional justice approach, that is, the South African transition. The dominant within the transitional justice studies view of South Africa's Truth and Reconciliation Commission (TRC) as being connected with 'influences

ranging from Nuremberg-style prosecutions to Latin American-style blanket

amnesties', is contested by Mamdani (2014:9). While rejecting the genealogy of the

TRC 'favored by the Transitional Justice industry', Mamdani (2014:9) points out that

that approach overlooks that the establishment of the TRC was not an independent

development. The establishment of TRC, according to him, was a result of the

political agreement secured by the Convention for a Democratic South Africa

(CODESA), a political negotiation between forces within the ruling National Party

and the ANC that let to the end the apartheid (Mamdani, 2014:12). CODESA needs

to be seen as setting the conditions of the TRC as it prevented social revolution,

crafted the basic elements of the South Africa, provided and the basis for an

alternative notion of justice and extreme violence, seen as political violence, issue

driven and having its own a political constituency (Mamdani 2014). Thus, it is 'not

the TRC but CODESA that provide the real alternative to Nuremberg' , while the

TRC was only 'a surrogate of Nuremberg' (Mamdani 2014:3,6).

While contesting the contemporary 'ideologization of the TRC' by   identifying it

with policy of 'immunity from prosecution in return for acknowledging the truth:

forgiveness in return for honest confession', Mamdani (2014:6) claims that the

essence of to the South African transition 'was not an exchange of amnesty for

truth, but amnesty for willingness to reform'. This alternative perspective grasps the

uniqueness of the South African transition as it offers an understanding of the post

apartheid transition as 'a pragmatic search for a second-best solution: a way out of a

cul-de-sac where military victory had evaded both sides, and criminal trials were out

of the question' (Mamdani 2013:34). Such an approach, by underlining the

importance of political prerequisites for the creation of conditions for seeking a

balance between the past and the future, makes it clear that one should not hope that the lesson from the South Africa can be 'turned into a universal applicable formula' (Mamdani 2014:8). Nonetheless, it does not mean that the evaluation of the TRC, by documenting the potential and limits of forgiveness, could not increase our knowledge relevant for ending conflicts and promoting reconciliation.

Although formally the TRC was not about forgiveness, the word forgiveness was not even mentioned in its mandate or names of its committees (Hamber 2009:157), Mandela and Archbishop Tutu's influence made forgiveness into 'a matter of patriotic duty' (Graybill 2002:176). They together shifted 'the moral debate away from retribution and towards a view of justice as emanating from truth made much more of reconciliation talk than any truth commission before it' (Wilson 2001: 133, 97) and framed the working of the TRC in terms of forgiveness. Opting for forgiveness, despite the fact that it is a highly idiosyncratic and not without flaws process, has left an important legacy: namely 'its language of compromise and pragmatism, for present-day conflicts in Africa' (Mamdani 2013:33). The TRC a remarkable and unparalleled process, as several empirical studies testified. For example, now 68 % of South African whites agree that apartheid committed atrocities (Hamber 2009:160). For many the TRC was a better forum for dealing with South Africa's past than the normal justice system as it did more to reconcile and heal than criminal prosecution (Todorov 2009). The TRC is praised for ensuring justice and respect for human dignity of the witnesses as 'it is not at all certain that Nuremberg-style prosecutions ensure more justice for victims' (Graybill 2002:67). Moreover, the TRC 'turned its back on revenge and gave the living a second chance' (Mamdani 2013:34). It prevented further conflicts and human rights

violations and also secured better understanding of the past (Minow 1998). The TRC, in contrast criminal trials which do not always succeed in break the circle of violence, they are not as good in establishing historical records and judicial outcomes cannot capture the complexity of history, has succeeded in achieving a peaceful coexistence.

The uniqueness of the South African transition, apart from the role of CODESA, also expresses itself in the existence of cultural and religious norms that acted as the catalysts of forgiveness. In order to understand South African politics of forgiveness a further consideration particualry must be given to religious actors and religious sensibilities. The idea of forgiveness as an important component of reconciliation was based on 'a Christian morality of forgiveness' (Graybill 2002:39) and *ubuntu*, the country's other cultural resources 'representing a romanticized version of the Africa community based on reciprocity, respect for human dignity, cohesion and solidarity'(Wilson 2001:9). Both the African philosophy of *ubuntu* and Christian ethics saw 'the forsaking of retribution as a healing and redemptive act and both made forgiveness near-compulsory' (Wilson 2001:131). The idea of *ubuntu*, which was utilised to promote forgiveness, integration, tolerance, compromise and reconciliation of a divided society, was championed by a Chair of the TRC, Desmond Tutu, who with President Mandela also provided the role models and leadership in granting the future of national unity in forgiveness.

The questioning the achievements of the TRC tends to start with an observation that this commission, 'given the amount of restitution, the nature of crimes, and the absence of punishment' could not achieve its goals of reconciliation and full justice

(Digeser 2001:69). It is argued that the South African TRC was weakened in its reconcialltion efforts by some narrowness of its mandate and simplifications of its assumptions about the working of forgiveness (Moose et al 2004; Hamber 2009; Graybill 2002). Mamdani (1996:4), in his critical evaluation of the TRC points out that by limiting its official agenda to individual acts of violence committed in the context of political conflict, the TRC model 'obscured the colonial nature of the South Africa context; the link between conquest and disposition, between racialized power and racialized privilege'. The TRC, by assuming, despite a lack of empirical evidence, that truth-telling necessarily brings healing and reconciliation, overlooked not only the link between perpetrator and beneficiary but also difficulties of the process of forgiveness. Questioning the adequacy of trauma language to grasp political violence, Hamber (2009: 22, 65), points out that psychology was integrated into social and political processes in a rather unsophisticated way, and that it resulted in the TRC's use of inadequate concepts to capture suffering or to comprehend the full extent of the impact of political violence. Some of other problems were connected with the fact that the TRC may have undermined the role of forgiveness in the process of healing 'by insufficiently addressing the profound complexity of the notion and experience of forgiveness'(Moose et al 2004:131). By linking confession to amnesty, the TRC 'individualized the victims and kept out of sight the beneficiaries of mass violations of human rights' (Mamdani 2014:17).

The TRC's approach to forgiveness also overlooked the fact that the victim's capacity for forgiveness is constrained by many factors, from psychological to economic ones. 'Thus, the TRC process may ultimately have left some victims, at best, struggling with the meaning of their suffering, or at worst, feeling that the

trauma they experienced was endured in vain and that the cause for which they struggled was a futile one' (Moose et al 2004: 134). Furthermore, often forgiveness advocated by TRC officials at hearings 'clashed with the retributive notions of justice routinely applied in local township and chiefs' court' (Wilson 2001:129). Moreover, in public hearings it was frequently forgotten that the act forgiveness is culturally specific and that individuals' choice or scope to forgive is mediated by their social standing and material conditions. Other research has found that healing was undermined by insufficient truth, lack of follow-up, difficult socio-economic living conditions, limited remorse shown by perpetrators and the unresolved question of compensations (Moosa et al 2004). Consequently, the admiration for Tutu's assertion that there is 'no future without forgiveness' is now frequently accompanied by an observation that while maybe forgiveness is a condition of reconciliation, reconciliation can only be accomplished by fully meeting the demands of justice.

Yet, even the writers who focus mainly on the TRC's flaws also see the TRC's merits. For example, Johnson (2009:285-300), who criticises the TRC for its departure from legal principle, its procedures for being 'dubious', and the whole TRC process for not really addressing South Africa's painful history, also stresses the TRC's positive achievements. According to him, the TRC's relative success is connected with two things. On the one hand, 'it allowed thousands of ordinary people to express their often painful experiences, bringing catharsis for many, and on the other hand it publicized many of the horrors of apartheid so that thereafter no one could possibly plead ignorance'(Johnson 2009:273). While introducing doubts about the role of policy intervention in promoting forgiveness, Johnson (2009) also shows

understanding that the negotiations, which were conducted with the aim of ending apartheid, involved necessary concessions on both sides, without which the transition could not have been achieved. Other critical voices point out that 'the real quid pro quo for these concessions was not transparency about the regime's murderous past but a comprehensive dismantling of legal apartheid and the introduction of electoral reforms that would pave the way for majority rule'(Mamdani 2013:34). Political forgiveness, on the one hand can help us to forge new relationships of trust and can prevent us from 'locking people into roles as victims or trapping them in feelings of unrelenting hatred' (Minow 1998:122) and, on the other hand, it can propagate the doctrine of collective guilt, fail to create a new culture of human rights and respect for the rule of law (Wilson 2001; Johnson 2009).

The assessments of the TRC's tend to stress its contribution to the creation of a record of the atrocities committed under apartheid, to breaking the silences of the past and to the increased awareness of suffering under apartheid. However, alongside of the common appreciation of the TRC's achievements, it is observed that the TRC 'was scarcely a radical project for social justice'(Mamdani 2013:34). Although the TRC crafted the basic narrative for the 'new South Africa' which had the important political effects, it also to 'put political lid on a public conversation about social justice in post-apartheid South Africa' (Mamdani 2014:21), and by the same token, has not provided a platform for reforms and stable bases for reconcialltion. In other words, the TRC shows us both the potential and limitations of forgiveness as the policy. Although its lesson is limited, among several recommendations regarding how future truth and reconciliation committees should work, the most important is that they should focus on the issue of equality, proportional retribution and procedural

fairness (Hamber 2009:159-162; Wilson 2001:223-230). In other words, reconciliation should be seen as a process that cannot be imposed and it should aim at developing a shared memory of the past, accountability and justice, a human rights culture and cooperative attitudes. Among catalysts of forgiveness, empowerment of survivors is one of the most important as it may enhance the conditions for forgiveness (Hamber 2009: 138).The TRC experience also shows that by allowing many voices, including perpetrators' public apology based on an acknowledgment of having injured the victim (Moosa et al 2004:132-134), the shared past can be re-constructed. The confessions of perpetrators, when providing some explanations of the origins of violence and contributing to the truth, may lead to a better understanding between divided groups and can promote reconciliation. 'Without public awareness of what actually happened, there is the danger that revisionist thinking might surface that denies the realities of the apartheid era' (Graybill 2002:172).

To enhance our understanding of the uniqueness of the TRC, its experience should be compared with workings of other commissions, trials and ways of dealing with past injustices. For example, the TRC can be compared with Rwanda's village trials, known as gacaca courts, which like the TRCA were products of accommodation between dominant political forces that took part in the transition. Although they were 'established for different purposes with different legal mandates and under the auspices of different authorities', the TRCA and Rwanda's trials shared 'a number common feature' (Landman 2012:38). Rwanda's gacaca courts, like the TRCA, often involved negotiations over the different roles for truth, justice and amnesty. By involving ordinary people who lived alongside local perpetrators, the gacaca

courts were successful in coming to terms with the particular crimes committed in local communities. While the TRC addressed atrocities on all sides, Rwanda's gacaca courts, which were held in public, encouraged perpetrators to seek forgiveness and offered defendants shorter sentences in exchange for confessing, concentrated only on the genocide against the Tutsis (Clark 2010). The gacaca courts, despite their relative success, are criticised for not meeting international legal standards (Human Rights Watch 2011). While the gacaca courts 'may have served as a first step', they 'did not manage to dispel distrust between many perpetrators and survivors' (Human Rights Watch 2011). Moreover, in Rwanda, like in South Africa, the promises of reparations and compensation from the state were not met.

The evaluation of the South African TRC and the other commissions has demonstrated that they are relatively successful in establishing some bases for reconciliation, a result if its rejection of revenge and offering the chance of creating bases for social reconstruction. While the shape of South African society is still uncertain, the TRC's impact upon communities' cohesion can not be overlooked (Minow 1998).Yet the South African transition is criticised for attempting to 'subordinate the logic of criminal justice to that of political justice' (Mamdani 2014:22) and not meeting many promises of political forgiveness, such as full restoration, repatriation and restitution, due to the conditional logic of political and economic negotiations. In other words, the most common flaw of political forgiveness is the failure to 'combine it successfully with the establishment of post-conflict justice' (Montiel 2000:100).

Forgiveness and justice

As international treaties, covenants, laws, international non-governmental organizations, international and national courts promote, institutionalize and enforce international justice norms, they are responsible for a process of diffusion of justice norms. This process, labelled by transnational justice scholars as 'justice cascade' , has been focused of many empirical studies concerned with the relationship between forgiveness and justice (Flyvbjerg, Landman and Schram 2012:8). These studies suggest 'that today few countries can transit from authoritarian rule or civil war without putting perpetrators of human rights violations or war crimes on trial'(Flyvbjerg, Landman and Schram 2012:8). They also discovered some rather unexpected trends. For example ,while until quite recently the transitional justice literature assumed that amnesties necessarily block improvements in human rights and democracy, new research challenges this conventional wisdom by pointing out that the continued use of amnesties does not negative consequences for democracy and human rights prospect (Olsen, Payne and Reiter 2012:206). The Transitional Justice Database Project, which utilized a cross–national database, demonstrate that forgiveness and amnesties should not be dismissed as they may contribute to advancing justice and improve democracy's prospects. Such transitional justice investigations bring to our attention that forgiveness in the context of mass abuses of human rights differs from other types of forgiveness as such a magnitude of insults carry a political and symbolic dimension. 'They project the existing power relationships in the oppressive regime into victims, who suffer their political and social status' and with perpetrators of political violence often enjoying impunity and showing no remorse, multiple inequalities between victims and perpetrators are not easy to address (David and Choi 2006:342).

Another surprising finding is that where mass abuse of human rights is involved, addressing the crime is politicized, nonetheless, forgiveness cannot be excluded from this process as it is necessary to involve all parties in discussions about the future(Olsen, Payne and Reiter 2012). This counter-intuitive statement is confirmed by the 'justice balanced approach' empirical evidence which show that a combination of trials and amnesties rather than trials alone, is more likely to bring improvements in democracy and human rights. Today, in the context of the diffusion of human rights and international justice norms throughout the world, all countries have 'an opportunity to develop value-rational transitional justice policies'(Olsen, Payne and Reiter 2012:206) and decide if policy of amnesty, hence indirectly also policy of forgiveness, is enough by itself, that is without the implementation of domestic and international justice, to deter further human rights violations. Olsen, Payne and Reiter's (2012:206) main conclusion is that 'transitional justice mechanisms – specifically trials and amnesties - complement each other to bring positive results for human rights and democracy'.

The 'justice cascade' assumptions are, however, contradicted by the empirical studies which show that countries emerging from authoritarian rules and civil wars continue to use amnesties, not trials, to deal with the violent past.

The third unexpected finding contradicts the 'justice cascade' assumption as it shows that countries emerging from authoritarian rules and civil wars continue to use amnesties, not trials, to deal with the violent past. The study demonstrates that the increase in the use of trials and truth commissions has not coincided with a corresponding decrease in the use of amnesties,, as 'the justice cascade' and the spread of global justice norms' approach claimed (Olsen, Payne and Reiter

2012:212).   Just the opposite, amnesties as a way to deal with past abuses of human

rights flourished/ With only one quarter of cases (22 transitions) relying a single

mechanism, it can be argued that 'amnesties, not trials or truth commissions,

constitute the most common single mechanisms, which was adopted in 9 transitions'

(Olsen, Payne and Reiter 2012:214). In short,   'amnesties and trials complement and

balance, rather than contradict, each other' , while truth commissions, when

combined with trials and amnesties, overcome their negative impact and contributed

to democracy and human rights (Olsen, Payne and Reiter 2012:206). Evidence from

empirical studies of post-authoritarian and post-conflict societies' ways of coping

with the legal, moral and practical difficulties connected with the choice between

trials, amnesties and truth commissions confirm the importance of forgiveness as part

of amnesties' processes in the early years of the transitions and that such policies

were more common solution in countries with economic problems as   such nations

are 'most likely to avoid trials and opt for the less expensive amnesty

mechanism'(Olsen, Payne and Reiter 2012:215).

 Similarly, the post-communist societies policies of confession, associated with

granting forgiveness, could be seen as 'a variable alternative to dismissal (from the

state employment) for countries that are poor in human resources and that cannot

afford to lose qualified personnel following a transition'(David and Choi

2012:1195). These countries' policies, adopted after the end of the Cold Wars to cope

with the legacy of their authoritarian past, also confirm the importance of forgiveness

as one of stability mechanisms during the early period of the transition. In their

attempts to address the issue of the past wrongdoings, the post- communist societies

initially opted for programmes to deal with the past injustice which may facilitate

'forgiveness because each of them uses different means - punishment, apologies, and empowerment – to arrive at forgiveness and each may have meaning for a different segment of victims' (David and Choi 2006:364). Policy makers in post-communist Eastern Europe , with time passing expanded a range of their policies of dealing with the past and coping with the legal, moral and practical difficulties connected with the choice between truth and justice, forgiving and forgetting. The final experience of the policy of forgiveness in East European post-authoritarian countries demonstrates that the way justice is defined and the decision regarding whose vision of the past is adopted depend wholly on who holds political power.

 In 1989, Mazowiecki, a Polish first post-communist PM, to keep dialogue alive and avoid trials, called for 'thick line' separating the past and the future. For his political opponents, the offer of forgiveness meant amnesia and impunity for Poland's former dictators and nomenclature. So despite Mazowiecki's forward looking vision of forgiveness as a strategy of stabilization and normalization, his policy did not work and very quickly attracted criticism for preserving intact the identity of the former communists. Soon the first Polish post-communist government's attempt to 'let bygones be bygones' in the name of reconciliation and transformation was plagued with politicized attempts to legalise additional methods of dealing with the wrongdoers (Misztal 2003). The failure of the Polish initial policy raised the issues of moral justice as it did not offer a continue confrontation with traumatic past, so people were asked to forgive before a reckoning with the past. Since this policy did not include any legal solution and calls for repentance, it intensified demands for criminal responsibility, which subsequently led to implemented of lustration policy ; that is the policy of screening the past of candidates for important positions which is

aimed primarily at eliminating from important public office those people who worked in or collaborated with the communist security forces (Misztal 2003: 151). This lustration law, passed after almost a decade long controversy and imposing a forced compromise , 'resembles the South African Truth and Reconciliation Commission; as amnesty was exchange for truth in South Africa, public offices were exchanged for truth in Poland' (David and Choi 2012:1177). Poland was not only one post-communist country which adopted the lustration law. Also Hungary and Romania did not rely on the traditional method of dismissal of compromised personnel, but deliberately developed alternative policy of lustration. Empirical study of the potential and consequences of different types of lustration methods used in post-communist Eastern Europe discovered that confession significantly increases citizens' trust in tainted officials, as people are willing to grant a second chance to wrongdoers who confessed and declared willingness to change (David and Choi 2012:1195). In the same vein as the research about the potential of the TRC in South Africa, David and Choi's (2012:1195) findings on confession suggest the 'possibility of employing individual-level experiences with confessions in order to buttress complicated macropolitical processes'.

Like post-communist societies of Eastern Europe, and unlike South Africa and many other post-conflict societies, Northern Irelands' peace process has not established a truth commission. The lack of comprehensive and holistic policies has created a vacuum. 'As a result, fundamental questions that are important to victims in both Nationalist and Unionist communities about *why* things were allowed to happen are left unanswered' (Lundy 2011:102; italics in the original). Yet, even as the absence of truth commission may have contributed to "'truth" seeping out anyway and in a

manner that is potentially destabilizing'(Lundy 2011:102), the experience of

Northern Ireland also suggests that 'the idea of a truth and reconciliation commission

should be approached ''with great cautions'''(Arthur 2004:75) when it is very

difficulty to categorize both victims and perpetrators (Brewer and Hayes 2011:77).

In such a situation where conceptions of victims and perpetrators are source of

divisions, it is difficult to determine the level of forgiveness acceptable for that

society. Brewer and Hayes's (2011:73 and 87) study, by showing 'that those who

claim a victimhood status are notably more likely than those who do not adopt a

partisan stance when identifying the main protagonists of the conflict', warns us

against 'using victims as the moral standard for determining the boundaries of

forgiveness'. The politics of forgiveness, utilized to overcome mutual distrust, was

 supported by local religious leaders, who, like Magee and Reid, 'understood that

definitive change occurs through restored relations, not simply the change of

individual attitudes' (Klocek 2008). They assisted 'their communities move through

a process of forgiveness', seen as a difficult, fluid process demanding downplaying a

search for the explanation for violence in the cultures of the groups (Klocek 2008).

In Northern Ireland, like in all countries where collective memory is an essential

component within ethno-national belonging and where the past is a source of ethnic

conflict, culture is the marker of the deep divisions and antagonisms among the

contending groups, with the communities in conflict seeking to protect their

respective national identity and symbols (McEvoy 2011:55). The political

transformation in Northern Ireland has accelerated the mobilization of cultural

polices aiming at changing groups' competing cultural expressions into a new

symbolic landscape. Since 'cultural expressions at the heart of ethnic will prove an

important case for the operation of post-conflict political system', the future will depend on how cultural contestations are managed (McEvoy 2011: 55).

Thus, the experience of Northern Ireland also brings to our attention that it is difficult to settle the boundaries of forgiveness because also of 'the difficulty of addressing cultural symbols in a situation of competing nationalisms' (McEvoy 2011:69). It also, like the experience of post-communist Eastern Europe, suggests that some policies, such as a truth and reconciliation commission, are not always available or easy options (David and Choi 2006; Misztal 2003). Yet, these countries' transitions also point out that in order to lay to rest the legacy of the past wrong doing, despite the fact that 'justice is more political in transitional situations than under normal circumstances'(Elster 1989: 16), forgiveness should be pursued as a matter for justice, not only as an instrumental political strategy. In the case of state crimes to reconcile political forgiveness with justice, as all the discussed examples, including the TRC and many truth commissions around the globe, demonstrate, requires that many additional political, material and symbolic conditions be met.

Conclusion: forgiveness in the age of accountability

As illustrated by the establishment and functioning of many truth commissions, apologies and amnesties around the globe, forgiveness has become the essential part of any search for pragmatic solutions to problems faced by the post-apartheid and post-conflict societies. The transitional justice studies of the processes of dealing with the past have resulted in the growing recognition of the importance of forgiveness in

the context of the increased significance of a human rights regime and the diffusion of global justice around the world. One of the basic principles of transitional justice is accountability which serves as 'a conceptual umbrella that covers various distinct ideas such as 'transparency, equity, democracy, efficiency, responsiveness, responsibility and integrity'(Mallinder and McEvoy 2011:107). Thus, the consideration of forgiveness through the accountability's lens can offer a more comprehensive way to assess the nature of preconditions and the role of forgiveness in terms of justice and solidarity.

Even though there are still many questions about the nature and the attainability of any type of forgiveness, it can be argued that experience of forgiveness can have a profound transformative effect upon people. The analysed examples of post-conflict societies suggest that the most important achievement of the recent trials and peace efforts has been connected with their effort to build trust and a future in which 'the rule of law prevails' (Arthur 2004:69). In the same vein, other empirical studies of national reconciliations after civil conflicts suggest 'that the step-by-step process of forgiveness can overcome the acute cooperation dilemma' (Long and Brecke 2003:115). Although the principle of forgiveness can be turned into a universal applicable formula, we can still assess the strategy of forgiveness in terms of its capacity to provide effective solutions to the problems of our disturbed society and if forgiveness can make our lives more just, democratic and cooperative, the cultivation of forgiveness should be a lesson in a civic education.

The cultivation of forgiveness, like cultivations of other appropriate for democratic society emotions which guard against divisions and injustice, needs to be a multi dimensional process. Firstly, as Nussbaum (2013: 3) argues, in order to develop 'compassion for loss, anger at injustice, the limiting of envy and disgust in favour of inclusive sympathy', we need charismatic leaders. The importance of great leaders in cultivating a forgiveness can be best illustrated by Mandela and Tutu's role in creating the image of the TRC on the national and international stage as connected with the issue of forgiveness. However, although unquestionably political and religious leaders have the important role to play in inspiring solidarity and trust, 'at the end of the day there has to be a sense of ownership'(Arthur 2002:146). While the leaders and the institutional mechanisms can deepen people's commitment, in the last instance it is people's involvement in the process of change which transforms a conflict. In Northern Ireland, with the Good Friday Agreement opening up politics to wider public, it has been the 'ordinary' person who, by moving beyond memory, played the important role in the peace process (Arthur 2002:146). Apart from macro and micro-processes of the formation of beliefs, the progression of securing justice for past wrongdoings has always involved local peacemakers which encouraged parties involved in violence to enter into a process of reconciliation. In short, all three levels, that is, the leadership and macro-level, middle range and individualized ways of truth recovery and forgiveness, are essential in the process of mediating conflicts and providing people with some measure of resolution and ability to deal with concepts of the future.

Thus, forgiveness, which is based on a balance between the past and the future that is appropriate to a given set of circumstances and which does not exchange amnesty

for truth, can increase the levels of solidarity, and therefore it can transform democratic potential available in civil society (Alexander 2006). The complexities, interdependencies and heterogeneity of ways for ensuring justice and producing institutional arrangements for a common life in post-conflict societies can only be understood by piecing-together their modes of institutions, power culture and means of control and communication. Yet while dismantling these complexities, we should not overlook the role of forgiveness, as an opposite of revenge and in harmony with remembering, as an essential part of justice and morality in public life.

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