

NOMOS
LXV

RECONCILIATION AND REPAIR

Edited by
Melissa Schwartzberg
and Eric Beerbohm

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LXV *Reconciliation and Repair* 2023

NOMOS LXV

Yearbook of the American Society for Political and Legal Philosophy

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NEW YORK UNIVERSITY PRESS • *New York*

NEW YORK UNIVERSITY PRESS

New York

www.nyupress.org

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References to Internet websites (URLs) were accurate at the time of writing. Neither the author nor New York University Press is responsible for URLs that may have expired or changed since the manuscript was prepared.

Please contact the Library of Congress for Cataloging-in-Publication data.

ISBN: 9781479822553 (hardback)

ISBN: 9781479822591 (library ebook)

ISBN: 9781479822560 (consumer ebook)

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Manufactured in the United States of America

10 9 8 7 6 5 4 3 2 1

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PREFACE

MELISSA SCHWARTZBERG

This volume of NOMOS—the sixty-fifth in the series—emerged from papers and commentaries given at the 2020 annual meeting of the American Society for Political and Legal Philosophy (ASPLP). Though the conference was scheduled to take place at Cardozo Law School in New York City, because of the COVID-19 pandemic, it instead became a Zoom webinar hosted by the Princeton University Center for Human Values on September 25, 2020. Our topic, “Reconciliation and Repair: Mending Frayed Civic Bonds,” was selected by the Society’s membership.

The ASPLP conference consisted of three panels, representing the traditional three contributing disciplines: political science, philosophy, and law. The first panel featured Linda Radzik, who presented the paper from the field of philosophy, “The Role of the Public in Public Apologies.” Martha Minow (law) and Burke Hendrix (political science) provided commentaries. The second panel, from the field of law, featured Roy Brooks’s paper, “Framing Redress Discourse.” Desmond Jagmohan (politics) and Colleen Murphy (philosophy) served as commentators. The final panel featured Catherine Lu’s from the field of political science, “Reconciliation as Non-Alienation,” with commentaries from Saira Mohamed (law) and Ryan Preston-Roedder (philosophy). This volume includes revised papers and commentaries from all the participants. Eric Beerbohm and I are grateful to all the authors and to Sam Boren Reast for his editorial assistance and his excellent work on the index.

I would like to thank the editors and production team at New York University Press, particularly Ilene Kalish, Alexia Traganas, and Sonia Tsuruoka, for their help throughout the production of this volume. On behalf of the ASPLP, I would also like to express our gratitude to the Press for its ongoing support both for the NOMOS series and for the tradition of interdisciplinary scholarship that it

represents. The ASPLP is also grateful for subventions from Brown University, Duke University, New York University, Princeton University, and Stanford University in support of this and future NOMOS volumes.

Finally, I would like to thank the members of the ASPLP council who shepherded this volume—President Stephen Macedo, Vice Presidents Derrick Darby and Yasmin Dawood, at-large members Michael Blake, Ekow Yankah, Tommie Shelby, Sarah Song, and Immediate Past President and Secretary-Treasurer James Fleming—for their support and guidance.

Reconciliation and Repair is my seventh and final volume as editor or co-editor of NOMOS. It has been a pleasure and an honor to serve in this role. From my experience co-editing this volume with Eric Beerbohm, I know NOMOS will be in excellent hands.

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INTRODUCTION

MELISSA SCHWARTZBERG AND ERIC BEERBOHM

The full title of this volume is *Reconciliation and Repair (Following the Fraying of Civic Bonds)*. Chosen in 2018 for the 2020 conference, the topic sought to respond to deep challenges to social cohesion, such as those presented by the Unite the Right rally in Charlottesville. Yet civic bonds have not merely frayed in the intervening years but torn, as the COVID-19 pandemic and searing disagreement about appropriate remedies have riven societies. The challenge of mustering a global response to the pandemic, exacerbated by the rise of authoritarianism, has further strained the fragile connections among the world community, sharpening disparities in terms of coronavirus outcomes as well as other forms of basic well-being and political rights. Can we possibly repair our communities, whether local or global? The chapters of this volume grapple with the demands of reconciliation.

The first section of the volume, “Reconciliation After Alienation,” analyzes the concept of reconciliation by closely studying the contexts of historical wrongs of colonialism and of ongoing state and structural oppression. In “Reconciliation as Non-Alienation: The Politics of Being at Home in the World,” Catherine Lu argues that we should understand reconciliation as a response to the alienation generated by unjust or oppressive contexts. For Lu, alienation in politics constitutes the loss of the ability to see oneself as a self-realizing agent who is able to create a home in the world. Although Lu is sensitive to critiques of reconciliation as illusory or domesticating responses to profound historical injustices, she argues that if reconciliation is instead understood as a means of

transforming the social and political structures that inhibit flourishing, it can be emancipatory.

In her chapter, "Reconciliation and the Military," Saira Mohamed draws on Lu's concept of non-alienation and structural reconciliation as a potential framework to address American service members' experience of betrayal on the part of their leadership. Mohamed argues that service members are too often represented as mere instruments of the state, denying their status as human agents and as subject to exploitation and oppression by their government. Mohamed highlights in particular the stationing of the military at protests in Lafayette Square and the orders to participate in the US torture program under the war on terror as sources of moral injury for service members. These harms call for reconciliation, insofar as they enable members of the armed services an opportunity to recognize soldiers as persons with agency apart from the state, and because of the threat alienation poses to military discipline and cohesion.

In "Sources of Shame, Images of Home," a response to Lu's chapter, Ryan Preston-Roedder cautions that the project of reconciliation can threaten privileged agents' self-understanding, their own sense of being home in the world. As such, marginalized agents may find that their efforts at reconciliation, through reparatory dialogue, are hampered by the privileged. Preston-Roedder argues that Black American communities mitigated their alienation from the social world from within, through transformation in their own narratives and conceptions of home, without engagement with White Americans, though the persistence of injustice inhibited their ability to truly flourish. Drawing on James Baldwin, who called upon Black Americans to exhibit love for White Americans even when they respond with shame and fear to confrontation with their society's racism, Preston-Roedder notes the exceptionally demanding quality of the conception of reconciliation, even if justified.

The second section of the book, "Reparations for Racial Injustice," focuses specifically on Black reparations for slavery and Jim Crow. Roy L. Brooks's chapter, "Framing Redress Discourse," begins by distinguishing two models of redress for atrocities: a tort model and an atonement model. He defends the atonement model against the tort model as appropriately aiming at forward-looking reconciliation, which he argues requires both apology and

reparation. Brooks then distinguishes among four theories of racial progress: traditionalism (racial neutrality); reformism (racial integration); critical race theory (social transformation); and limited solidarity (Black solidarity). He argues that the choice among these theories should drive the approach to redress for slavery, and that ultimately the country itself will need to debate the merits of these approaches.

Desmond Jaggmohan draws on Brooks's framework to raise concerns about the reconciliation view in his chapter, "Reparations without Reconciliation." Like Brooks, he defends reparations, but argues that the framework of atonement and forgiveness may demand too much of victims and be incompatible with the angry responses of many Whites to racial progress. To support these arguments, Jaggmohan turns to nineteenth-century liberal egalitarians, who sought to provide freedpeople with land and a home for compensation and as a safeguard against domination, and to Black nationalists, who sought property and the development of a Black economy as a means of security against White anger and vengeance. Restitution for slavery and Jim Crow must ultimately aim at increasing the power and dignity of African Americans. At its core, reparation entails compensation for wrongs, and should not be tied to the broader aim of societal reconciliation or redemption.

In "Transitional Justice and Redress for Racial Injustice," Colleen Murphy argues that a third model, "transitional justice," should be added to the tort and atonement models. In cases in which societal transformation is required—because wrongdoing has been normalized, and pervasive structural inequality obtains—transitional justice is required. The conditions are ripe, Murphy suggests, because the United States faces a moment of serious existential uncertainty, in which efforts at structural reform and accountability for perpetrators of normalized violence against Black people confront predictable backlash. Transitional justice also adds to reparations and apology three additional parameters for redress: truth, institutional reform, and memorializations.

The specific dynamics of public apologies constitute the third section of the book, "Public Apologies as Moral Repair." In "The Role of the Public in Public Apologies," Linda Radzik characterizes reconciliation as the normalization of relationships harmed or threatened by wrongdoing. Reconciliation is a form of moral

repair, and apologies, including public apologies, can be valuable means to that end. Radzik is especially interested in cases in which public apologies are intentionally performed in front of third parties, people who are neither victims nor wrongdoers. Although there are some permissible roles for third parties—such as in cases in which third parties may have standing to serve as proxies for victims—other cases, notably those of passive witnesses, may pose significant issues of desert, proportionality, and authority to punish. The instability in third-party roles may produce “mission creep,” in which the public plays active roles that may not be appropriate.

In “The Public Chorus and Public Apologies,” a comment on Radzik’s chapter, Martha Minow characterizes the role of the public in such apologies as akin to the Greek chorus, providing both possibilities for advice, consolation, and judgment, as well as theatrical spectacle. Public audiences may also play a key role in restorative justice efforts, insofar as such efforts tend to implicate larger communities beyond wrongdoers and victims, enabling deeper, structural issues to come to the fore. They can turn what might be dismissed as mere media spectacles into transformative moments of public meaning-making.

Finally, in his chapter, “Apology, Accusation, and Punishment/Harm: Audiences as Multipliers,” Burke A. Hendrix examines how social media audiences in particular might inflict undue suffering, and disproportionate punishment, on apologizers. Hendrix defends cases in which audiences seek to generate feelings of guilt and productive shame in their targets, while resisting attempts to nonproductively humiliate except in cases in which there are reasons to believe the wrongdoer will evade consequences for wrongdoing. Yet even in those cases where retributive justice against wrongdoers who are unlikely to be punished may seem appropriate, reasonable questions about the merits of the accusation, flawed heuristics, and clamorous audiences may lead to punitive humiliation. This in turn may lead to cycles of counter-punishment and counter-humiliation. As such, Hendrix argues that encouraging audiences online to distinguish between productive shame and humiliation, potentially through markers and hashtags, might prove a beneficial strategy.

PART I

RECONCILIATION AFTER
ALIENATION

1

RECONCILIATION AS NON-ALIENATION

THE POLITICS OF BEING AT HOME IN THE WORLD

CATHERINE LU

How could you explain that four hundred years in a place didn't make it a home?

—Saidiya Hartman, *Lose Your Mother*

We feel that one of the things taken from many Indigenous Peoples through colonization, perhaps even, I would argue, the most important thing was our ability to dream for ourselves.

—Cindy Blackstock, quoted in *Reclaiming Power and Place*

[I]t is the colonized man who wants to move forward, and the colonizer who holds things back.

—Aimé Césaire, *Discourse on Colonialism*

The killing of George Floyd on May 25, 2020, sparked hundreds of protests in America, and across the world, against structural anti-Black racism and police violence.¹ Demands for justice for Floyd, as well as for hundreds of other victims of racist and state-sponsored violence, have come from human rights organizations such as Amnesty International,² as well as many other grassroots initiatives, from online petitions to street murals to mass protests.³ In conjunction with demands for individual accountability of the police officers involved, there have been calls for police forces as

well as various levels of government in the United States to address systemic or structural racism.⁴ Such demands for corrective interactional, institutional, and structural justice have been part of the Black Lives Matter Movement, now a global social force dedicated to countering state-sanctioned violence and anti-Black racism, in order to promote “freedom and justice for Black people and, by extension, all people.”⁵

A steady companion to such calls for justice are pleas for reconciliation.⁶ Pope Francis implored “the national reconciliation and peace for which we yearn.”⁷ Scholars and journalists have also advocated the creation of truth and reconciliation commissions.⁸ The district attorneys of San Francisco, Philadelphia, and Boston announced in July 2020 the launch of “Truth, Justice, and Reconciliation” commissions to address structural racism and police brutality in the criminal justice system, although there have been no news reports of progress toward their establishment in the two years following the announcement.⁹ While the US House Judiciary Committee held a historic vote on H.R. 40 in April 2021, approving a bill to create a commission to examine appropriate remedies for the “lingering negative effects of the institution of slavery” in the United States, some American cities are embarking on reparations commissions that aim to address a wide range of race-based structural inequities in the areas of property and commerce, health care, education, and employment, as well as criminal justice.¹⁰

The political discourse of reconciliation has been salient in Canada since the mid-2000s. A 2006 court-mandated settlement of one of the largest class action suits in Canadian history included compensation to Indian Residential School survivors, as well as funds to assist their psychological healing, and for various commemorative activities.¹¹ The settlement also instituted the Truth and Reconciliation Commission (TRC) of Canada to hear survivor testimonies and to provide a comprehensive accounting of the historic wrongs of the residential school system. In addition to its final report in 2015, the TRC of Canada issued 94 Calls to Action, calling on state agencies and civil society organizations to address a variety of social, political, and economic injustices and inequities in contemporary state policies, practices, as well as social structures.¹² The 2019 Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls established that the

heightened vulnerability of Indigenous women and girls, as well as of 2SLGBTQIA people,¹³ to violence amounts to race-, identity-, and gender-based genocide. The report also called on police services to establish “an independent, special investigation unit for the investigation of incidents of failures to investigate, police misconduct, and all forms of discriminatory practices and mistreatment of Indigenous peoples within their police service.”¹⁴

In the summer of 2021, the unfinished work of the TRC became apparent upon the discovery of more than 1,300 unmarked potential burial sites of children in plots next to residential schools.¹⁵ The 2015 TRC report had estimated 4,000–6,000 deaths of children from the Indian Residential School system, and its Calls to Action (numbers 71–76) included calls to federal, provincial, and municipal governments to work with churches and Indigenous groups to locate and identify missing and deceased residential schoolchildren, inform families, provide appropriate commemoration, and protect sites where residential schoolchildren are buried. According to the former Chair of the TRC, and Senator, Murray Sinclair, the number of dead children may be close to 15,000–25,000; the higher number would represent one out of six children who attended the Indian Residential School system.¹⁶ The grim revelations from a long century of a genocidal assimilationist education system have forced deeper public grappling with how far Canadians are from a true acknowledgment of the toll of settler colonialism. They have also led to renewed demands for greater accountability of governments, and of the Catholic Church, to allow public access to their residential school records, as well as to increase other reparative measures, including reforming contemporary child welfare policies.¹⁷

According to Sheryl Lightfoot, Indigenous peoples have embarked on the process of reconciliation because it requires from states “a credible commitment to change its future power relations and give up a certain degree of real, material, and political power in exchange for a new, renegotiated, more just and legitimate relationship with Indigenous peoples.”¹⁸ In addition, police forces,¹⁹ churches, universities, the arts, and many other professional and civic communities have engaged in various projects of reconciliation aimed at improving relations between Indigenous and non-Indigenous peoples.

While those who have been or are oppressed have engaged with the politics of reconciliation with structural transformation in view, others, including states and dominant groups, have also engaged with discourses of reconciliation, but often in ways that aim to dampen exposed social divides, blunt accountability, and/or forestall structural change. For example, in response to the assault on the US Capitol on January 6, 2021, by far-right groups and supporters of former US President Donald Trump who refused to acknowledge his electoral defeat, both Trump and then President-elect Joe Biden called for “healing” and “reconciliation.”²⁰

Many are, understandably, skeptical about reconciliation as a political project, or uncertain what value it can have. Why should anyone, especially those who are victimized and oppressed, as well as their allies, care about reconciliation? What value does reconciliation have that is distinct from justice? Especially in cases of clear wrongdoing, why not just focus on justice as accountability of the wrongdoers?

In my work, I have argued that whereas justice refers to tasks related to remedying various kinds of injustices, reconciliation should be understood as responding to various kinds of alienation implicated in or produced by unjust or dominating contexts.²¹ I draw on German critical theorist Rahel Jaeggi’s conception of alienation, which refers to experiences of disconnection, disruption, or distortion in “the structure of human relations to self and world” and “the relations agents have to themselves, to their own actions, and to the social and natural worlds.” Alienation is a “particular form of the loss of freedom” that involves “a relation of disturbed or inhibited appropriation of world and self.” Successful appropriation by an agent “can be explicated as the capacity to make the life one leads, or what one wills and does, one’s own; as the capacity to identify with oneself and with what one does; in other words, as the ability to realize oneself in what one does.”²² Alienation can thus be understood as an undermining or inhibition of an agent’s appropriative agency that renders them incapable of seeing themselves as a self-realizing agent in the social world.²³ Alienated agents cannot be at home in the world.

When understood as a response to alienation so understood, the work of reconciliation is not the same as fulfilling the demands of justice. Reconciliation work is normatively important, however,

because addressing alienation may provide or strengthen the motivational bases for agents to do justice, or redress injustice, at all, as well as shape the ways they pursue justice, and even how they conceive of the subjects and demands of justice. The work of reconciliation is fundamental to addressing agents' motivations to realize the transformation of social/political identities, practices, and conditions in ways that support collective efforts to create mutually affirmable and affirmed social/political orders and relations for the flourishing of non-alienated agents. I aim in this contribution to elaborate on how we should understand this call for reconciliation as non-alienation, and on that basis, show why reconciliation as a moral/political project cannot and should not be so easily relinquished.

In the following section, I provide an account of the historical context of contemporary reconciliation politics in order to explain the roots of skepticism. In contexts of political transition prompted by the end of civil wars, authoritarian regimes, or regimes of racial oppression, new regimes engaged in reconciliation processes to account for the crimes of past regimes as a way to mark or establish major political and ideological shifts. Commissions focused on past or historic injustice came to be adopted in established democracies not undergoing regime change, as a way to acknowledge past injustices and address their contemporary legacies. This focus on historic wrongs, however, has been inadequate in many contemporary democratic contexts. Highlighting the continuity between historic wrongs and contemporary structural injustice leads to different ways to think about the project of reconciliation. I then provide my account of reconciliation that is grounded in a regulative political ideal of non-alienation, and explain how it can aid our understanding and assessment of the politics of reconciliation as focused on "being at home in the world." I assert that this view of reconciliation should lead to a more critical acknowledgment and examination of the modern state as constituting a source of structural alienation for a variety of groups that have experienced or continue to experience statist and (settler) colonial subjugation. In combination with racial hierarchy, I argue that statist structural alienation has precipitated existential alienation for those in positions of structural indignity.

I move on to explore the challenge of disalienation as a struggle to resist and dismantle alienating subjectivities produced in

dominating and oppressive social conditions. Disalienation politics, evident in contemporary social and political conflicts over public memory, statues, institutions, cultural practices, and public spaces, have the potential to provoke painful self-reflection as a way to stimulate the motivational resources of agents to pursue or support social and structural change. Conservative reactions to such politics, however, buttress more extreme right-wing ideologies and movements that aim to forestall this transformative potential and perpetuate structural injustice and domination. At the same time, I argue that the cultivation of non-alienated agency requires reconciliation to be an open-ended ongoing process, rather than one characterized by “closure” or a predetermined endpoint or end-state. There is not one path, but there are plural paths to non-alienation; reconciliation as non-alienation cannot presume or produce a final endpoint or closure, but points to ongoing, transformative projects of self-realization in changing structural contexts.

In the conclusion, I address the concern that reconciliation as non-alienation is an illusory or infeasible political ideal, given that contemporary conditions of structural injustice and alienation do not afford room for non-alienated agency. I also explore whether in some conditions, pursuing non-alienation as a regulative political ideal can precipitate irreconciliation. While it is true that the regulative ideal of non-alienation may close off possibilities for some forms of interactional reconciliation, I conclude that the struggle for non-alienation can open space for alternative, transformed, and more emancipated dreams of reconciliation.

HISTORICAL CONTEXT

The contemporary politics of reconciliation emerged in the 1990s as structural changes in regional and international orders precipitated significant regime transitions in Latin America, Africa, Asia, and central and eastern Europe. In the aftermath of violent conflict, authoritarianism, and oppression that ended with peace settlements or regime changes, societies struggled to build new institutions and transform political practices in ways that would avoid a repetition or return to a problematic past. In the “transitional justice”²⁴ literature that developed to study and assess these struggles, reconciliation came to enjoy as much prominence as justice as

an organizing normative purpose and framework for these efforts. While its relationship with justice was contested, reconciliation took on the normative task of repairing damaged relationships in order to achieve a morally acceptable transition of power, despite not applying the standard mechanisms of justice for wrongdoing, such as criminal trials that yield punishment of wrongdoers. The ideal of political reconciliation thus signified “moral ambition within political constraints.”²⁵ The 1994 Truth and Reconciliation Commission of South Africa became the model for reconciliation processes that aimed to respond to political injustices and wrongdoing as part of a political transition from a racially oppressive state and divided society to a democratic human rights-respecting regime of multi-racial equality.²⁶

From a historical perspective, one could understand the globalization of the political discourse of reconciliation and transitional justice—their embeddedness in the United Nations as well as their promotion by powerful states and global civil society organizations—as a completion of a centrist-liberal narrative arc of the history of the twentieth century. That narrative concentrates on World War II, the war against Nazi Germany, and the judgment at Nuremberg, as effecting the repudiation of White supremacy, right-wing nationalism, and authoritarian militarism, and their replacement by human rights-respecting, liberal democratic nation-states with sovereign equality as the defining markers of the progressive endpoint of postwar reconciliation and transitional justice. In the postwar liberal international order, especially during the Cold War, the fact that defeating Nazi Germany required an alliance of capitalist (United States), communist (Soviet Union), and imperial (Great Britain) powers, none of which were stalwart promoters of racial equality, social justice, or disarmament, was relatively obscured. According to historian Nikolai Koposov, the memory of the Holocaust was central to the reconstruction of Western Europe, and later, the European Union, as a unifying symbol of a shared history of moral transgression and repentance. Creating a “common European memory centered on the memory of the Holocaust” was “a means of integrating Europe, combating racism, and averting national and ethnic conflicts.”²⁷ In this historical narrative, the collapse of the Soviet empire in the 1990s, involving the fall of authoritarian communist regimes in eastern and central Europe, and the

end of apartheid in South Africa—the last remaining formal system of racial oppression at the international level—demonstrated the steady progress of a liberal international order and implied the inexorable global triumph of capitalist liberal democracy that could promise freedom and justice for all.

As Barry Buzan and George Lawson have noted, however, this progressive narrative obscured the racism, authoritarianism, and militarism that were integral to the development of Western-colonial international society.²⁸ Perhaps not surprisingly, then, the idea of reconciliation as a political project in transitional contexts of postconflict or regime change came to motivate activists seeking recognition, reparations, and structural transformation within contemporary Western and liberal democratic states. In the United States, the Greensboro Truth and Reconciliation Commission (1999–2006), examining events that led to the death of five people during an anti-Ku Klux Klan protest in 1979, was the first application of the South African model to racial injustice in that country, “designed to examine and learn from a divisive event in Greensboro’s past in order to build the foundation for a more unified future.”²⁹ Ronald W. Walters compared the cases of the United States and South Africa in his book, *The Price of Racial Reconciliation*, arguing for the applicability of the framework of reconciliation for racial oppression, a political project that is imperative for “the survival of the democratic idea” in America.³⁰

Initially, the rationale for embarking on reconciliation projects was to acknowledge historic injustices, such as the Indian Residential school system in Canada, or the 1979 incident in Greensboro, to compensate survivors, and to close the books on past injustice. In contexts of regime transitions, truth and reconciliation commissions operated to expose the truth of past injustice as a way to forge a new regime’s identity as no longer continuous with that unjust past. Such an approach typically also involves implicitly a claim that an injustice is past or has passed, and is no longer present, continuing, or being reproduced. There was another truth, however, that commissions so mandated potentially displaced, which is the ongoing reproduction of oppressive and dominating practices, conditions, and relations in contemporary social structures.

The temporal limitation of reconciliation processes, understood as a form of achieving closure for past injustices, without much

scrutiny of the present ongoing reproduction of injustice, was a defect even in contexts of regime change such as post-apartheid South Africa. Indeed, protests against police brutality sparked by the killing of George Floyd extended to South Africa.³¹ In settler colonial contexts, such reconciliation processes can distort or obscure contemporary social realities by historicizing injustices, and run into the danger of serving to maintain the status quo of “neocolonial affirmation.”³² According to Rauna Kuokkanen, discussing the recent contemporary efforts of Nordic states to embark on reconciliation processes with the Sámi people, “The process in the past 3 years leading toward establishing a truth and reconciliation commission shows no sign of a departure from the assimilationist policies. Therefore, the Sámi may well be reconciled into a contemporary injustice as the consequence of the TRC in Finland. As settler colonial policy making, reconciliation then represents a continuation and extension of the colonial order, subtly entrenching existing injustice and reaffirming and legitimating state control.”³³

Indeed, Glen Coulthard has criticized the project of reconciliation as an “individual and collective process of overcoming the subsequent *legacy* of past abuse, not the abusive colonial structure itself.”³⁴ Instead of ushering in major social and political transformations, reconciliation seemed to mirror historical colonial practices, in which Indigenous peoples were forced or defrauded into signing treaties of friendship and protection with European colonizers. While reconciliation in interpersonal relations is often characterized as transformative of the social relations between agents, the critique of the discourse and politics of reconciliation is that they are employed or engaged in by states and dominant groups precisely to deny or forestall a transformative politics of redress.

There is, thus, much skepticism and criticism about reconciliation as a moral/political project.³⁵ Skeptics wonder whether the ideal of social harmony or unity underlying the concept of reconciliation is not just myth and illusion, whether major historic political or social injustices can ever be repaired, and whether reconciliation processes can ever transform, rather than merely reflect, the structure of power relations in which its agents are embedded. Critics of the politics of reconciliation reveal its tendency to yield reactionary political programs, especially when reconciliation

strategies focus on a depoliticized, medicalized notion of individual psychological healing from traumatic experiences, or function to pressure the politically weak to accommodate evil and injustice in the name of national or civic unity, or focus too narrowly or superficially on repairing relations between victims and perpetrators, while leaving unexamined the structural sources of their alienating interactions.³⁶ Given these defects, reconciliation hardly seems to be a moral/political ideal.

If we take these challenges seriously, we may conclude that it would be better to forgo reconciliation as a necessary or constructive demand in moral and political life. The struggle against the pervasive injustices in our world would be more successful if reconciliation were no longer a part of the normative and political discourse. In my work, I have been sympathetic with these criticisms, and I acknowledge that there is great value in exposing the neocolonial, domestication, or legitimization functions of reconciliation discourse and practice in contemporary politics. Those involved in contemporary political struggles are wise to be cautious when engaging in reconciliation projects devised by states or their various agencies, from parliaments to police forces.

At the same time, I think there are compelling reasons to engage with this common discourse in a critical but constructive fashion. First, it is important to reveal what has been normatively deficient in contemporary ideas, discourses, and practices of reconciliation, and second, it is constructive to provide an alternative, more normatively and politically cogent reconstruction of the ideal, so that agents can reorient their understanding of the normative and political purpose of reconciliation practices, and hopefully transform them in more emancipatory directions.³⁷ This task is predicated on the assumption that there is nothing intrinsic to the concept of reconciliation (just as there is nothing intrinsic to the concept of justice or freedom) that renders it inevitably regressive, rather than emancipatory.

In my work, I have argued that we should think about both justice and reconciliation in structural terms, and not only as qualities of interactional relationships. We should be more concerned about the structures that mediate identities, institutions, social positions, interactions, and conditions, making some more vulnerable to victimization or harms and burdens, while enabling others to have