

CONFRONTING EVIL
IN INTERNATIONAL
RELATIONS

Ethical Responses
to Problems of
Moral Agency

Edited by
Renée Jeffery



Confronting Evil in International Relations

Previous Publications

Hugo Grotius in International Thought (New York: Palgrave Macmillan, 2005).

Evil and International Relations: Human Suffering in an Age of Terror (New York: Palgrave Macmillan, 2007).

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Contents

Acknowledgments	vii
Notes on Contributors	ix
Part 1 The Problem of Evil in International Relations	
Introduction: Evil, Responsibility, and Response <i>Renée Jeffery</i>	3
1 Evil and the Problem of Responsibility <i>Renée Jeffery</i>	11
Part 2 Agency and Responsibility for Evil in International Relations	
2 Individual Agency and Responsibility for Atrocity <i>Kirsten Ainley</i>	37
3 Collective Evildoing <i>Arne Johan Vetlesen</i>	61
Part 3 Ethical Responses to Evil in International Relations	
4 Evil, Agency, and Punishment <i>Anthony F. Lang, Jr.</i>	89
5 Reconciliation: An Ethic for Responding to Evil in Global Politics <i>Daniel Philpott</i>	115
6 Avenging Evil: A Reconsideration <i>Ian Hall</i>	151
7 To Forgive the Unforgivable? Evil and the Ethics of Forgiveness in International Relations <i>Renée Jeffery</i>	179

vi • Contents	
Select Bibliography	213
Index	223

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Questions of “evil,” its meaning and manifestations in international politics, and the ethical challenges posed by its occurrence, have directed much of my research in recent years. While many, perhaps even most, people have questioned my sanity in taking on such a difficult, contentious, and in many ways unsavory subject, a number of valued colleagues from near and far have, nonetheless, sought to engage, on an intellectual and critical level, my ideas about evil as they have developed. In particular, I have benefited from conversations about this and other related subjects, as well as the support and collegiality of Kirsten Ainley, Judith Brett, Chris Brown, Ian Hall, and Tony Lang. During the initial stages of planning this collection of essays I was employed as a lecturer at La Trobe University in Melbourne. I am extremely grateful for the support and encouragement I received from a number of my colleagues there, including Gwenda Tavan, Tom Weber, Judith Brett, and Dennis Altmann. The latter stages of writing, editing, and compiling this book took place at the University of Adelaide, where I took up a lectureship in the School of History and Politics in 2007. I would also like to acknowledge the contribution of Toby Wahl at Palgrave Macmillan for his assistance in getting this project off the ground in the first place.

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specialisations and perspectives to what is a subject fraught with contention and controversy. I would like to thank each of them for their dedication to this project over the past two years and for their cooperation and professionalism in the final stages of putting the work together. On a personal note, I would also like to thank Ian for his unfailing support, encouragement, and intellectual engagement, both at home and at work.

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PART 1

The Problem of Evil in International Relations

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INTRODUCTION

Evil, Responsibility, and Response

Renée Jeffery

Evil is a reality in the world of international politics. Human affairs are all too frequently marked by atrocities of the most heinous nature, acts readily described as “evil” in international political thought and rhetoric. In particular, in the last decade of the twentieth century and early years of the twenty-first, the world witnessed a wave of humanitarian atrocities noted for their grotesque nature and magnitude. Foremost amongst these incidents stand the Rwandan genocide, the massacre at Srebrenica, the killing and mutilation of civilians in Sierra Leone, the Beslan school siege and, of course, the terrorist attacks that occurred on September 11, 2001, in New York, Washington D.C., and Pennsylvania, and later in the Indonesian holiday resort of Bali, the Spanish capital Madrid and, most recently, in London. These heinous acts not only shocked the conscience of humankind but prompted a renewed willingness to describe the very worst humanitarian atrocities in the most extreme moral terms; that is, to describe both the acts, and in some instances their perpetrators, not simply in terms of their criminality, but to designate them as “evil.”

Variouly employed to refer to both a range of specific atrocities, such as those previously noted,¹ along with their general forms—predominantly genocide, crimes against humanity, war crimes, and ethnic cleansing²—the use of the term “evil” reached a crescendo with the advent of “mass casualty terrorism” at the beginning of the twenty-first century.³ Most prominently, in his address to the nation on the evening of September 11, President Bush referred to evil four times, beginning his speech with the now famous words: “Today our nation saw evil, the very worst of human

nature.”⁴ In a similar manner, British Prime Minister Tony Blair described the September 11 attacks as “hideous and foul events . . . an act of wickedness for which there can be no justification” before describing both the specific act and the general phenomenon of terrorism as “evil.”⁵ Later, in his initial response to the July 7, 2005, attacks on the London transport system, Blair returned to this type of rhetoric, describing the bombing as “barbaric” before declaring at the Labor Party Conference just days later that it was driven by an “evil ideology.”⁶

Despite its recent popularity however, neither the incidence of evil nor human interest in its existence is a new phenomenon of the late-twentieth century or, indeed, the post–September 11 world. Human beings have been subjecting one another to the most atrocious acts of barbarity throughout their existence, leading many of the most prominent thinkers of the Western tradition to grapple with both the complexities of “evil” and the inevitable questions of moral agency and responsibility that are raised by its occurrence.⁷ Thinkers from Augustine to Kant and beyond have sought to ascertain the precise sense in which human beings can be held responsible for the evil they cause and, by extension, the extent to which they themselves can be characterized as “evil” individuals. It is also not the case that evil exists in greater magnitude in contemporary society, despite our heightened awareness of its effects in the age of advanced media and communications technology. For example, compare Dostoyevsky’s description in his late-nineteenth-century work *The Brothers Karamazov* of the Turks taking “pleasure in torturing children . . . cutting the unborn child from the mother’s womb, and tossing babies up in the air and catching them on the points of their bayonets,”⁸ with incidents of torture, mutilation, and protracted death described as a Nietzschean “festival of cruelty” in Jonathan Glover’s harrowing work, *Humanity: A Moral History of the Twentieth Century*,⁹ or indeed, the bloody horrors exacted with the humble machete in Rwanda and Sierra Leone in the 1990s. “Evil,” it seems, is a perennial feature of human relations.

Despite the continuing abundance and popularity of evil in human affairs, however, little consensus exists as to what it actually entails, how it is manifested in international relations, who can be held responsible for its occurrence, and, most critically of all, what the international community ought to do about it. As Charles T. Mathewes so aptly argues, “It is not only that there has been precious little serious sustained reflection on the problem of evil, what is worse is that we rarely realize this; indeed our intellectual energies seem to have been spent more on avoiding thought about evil than on confronting it.”¹⁰ “Evil” is an uncomfortable subject, and, in many ways, it ought to be. We turn

to the concept of evil to describe the very worst types of acts humans perpetrate against one another. Indeed, no other term seems quite so able to capture the extremes of moral depravity, undeserved suffering, and inexplicability that mark the most wanton atrocities enacted in human society. The discussion of “evil” thus requires us to confront human depravity and, in some senses, the very extremes of what it is to be human, in the starkest terms. The subject material of “evil” is, in its most basic form, human suffering inflicted at the hands of individuals and groups, both barbarous and ordinary, a reality faced on a regular basis, through no fault of their own, by individuals and societies alike. Confronting evil in international relations thus requires us to consider the general phenomenon of evil in the world along with its specific forms and manifestations without losing sight of the particular, the experiences of the individuals and societies who fall victim to the very worst human behavior.

With this in mind, this work seeks to confront evil as it is specifically manifested in international relations. In doing so, it addresses three sets of questions that broadly demarcate the main sections of the book. The first, addressed by Renée Jeffery in Chapter 1 and others throughout the work, is concerned with the meaning and significance of evil in international relations: How can competing claims about exactly what constitutes evil be resolved in a pluralist world? Are there elements that unite disparate conceptions of evil? How do proponents of different religious perspectives approach the problem of evil? Is it possible to derive a satisfactory secular understanding of the term? In addressing these questions, Jeffery argues that what unites almost all understandings of “evil” in religious and secular thought is the attempt to render incomprehensible suffering, generally thought to be undeserved by the victim, meaningful. In short, the concept of “evil” provides a response to the question of why people suffer when an obvious answer is not forthcoming. What follows is that what is often referred to as the “problem of evil” is not simply a theological problem but one of responsibility that affects both humans and deities alike. At the heart of the problem of evil is the question of how we assign responsibility for the undeserved suffering that blights the lives of so much of the world’s population, in theological terms to God, or in a secular philosophical sense to its human perpetrators.

The second set of questions therefore follow from the first and are primarily concerned with the relationship between moral agency and responsibility for evil acts. Indeed, international manifestations of evil present a raft of specific problems associated, not only with their very magnitude, but with the overlapping spheres of agency at play in the

international realm and, following from this, where responsibility, both for having committed evil acts and for responding to them, ought to lie. Large-scale evils of the magnitude of genocide, ethnic cleansing, and mass casualty terrorism are seldom perpetrated by individuals acting alone. Rather, individuals act in concert or collaboration with others, as members of groups, and even as representatives of states when committing the very worst humanitarian atrocities. The extent to which the individual moral agent ought to be held to account for actions undertaken in a collective context, acts they could not and perhaps even would not have perpetrated alone, remains a matter of debate in contemporary thought and gives rise to the following questions: Who (individuals, groups, states, institutions, or other entities) ought to be held responsible for evil acts in international affairs? Can individuals, states, and other collectives be considered equally responsible for evil in moral or in international legal terms? In legal and philosophical terms, addressing these questions requires, on a fundamental level, a consideration of what it means to be a moral agent and, following from that, how we assign responsibility for actions that take place on the international stage.

In addressing these questions, Chapters 2 and 3, by Kirsten Ainley and Arne Johan Vetlesen, respectively, seek to interrogate the relationship between individual and collective forms of agency and, by extension, how responsibility for evil acts ought to be attributed. In Chapter 2, Ainley details the rise of the individual as the dominant agent of moral and legal enquiry in twentieth-century thought. Her chapter is primarily concerned with the question of “why we assign responsibility for evil to ‘free’ individuals in contemporary international relations, and what the implications of this are” for the way in which we understand the relationships between evil, moral agency, and responsibility. Focusing in the first part of the chapter on the rise of the individual as a function of cosmopolitan liberalism and, following from that, the establishment of an international human rights regime and the development of international criminal law, Ainley turns in the second part of the chapter to critique this overtly individualist approach. In particular, she argues that “the concept of the ‘international’ individual agent on which” the development of international human rights and criminal law has been based “is highly problematic, because it ignores the enormous influence of social and environmental factors upon human actors.”¹¹ In Chapter 3, Arne Johan Vetlesen addresses the same problem of the relationship between individual and collective forms of agency from the perspective of the group. In doing so, he outlines the way in which individual members of groups responsible for perpetrating atrocities “self-destruct” their individual

moral agency. This may occur, he argues, as a function of the fact that “the individual perpetrator becomes engulfed in processes that so [diminish their] uniqueness qua individual autonomous agent, as to render it non-existent” in sociological terms, either as the result of what Randall Collins describes as a “forward panic” or, finally, according to Philip Zimbardo, because of the situation in which the individual finds themselves. Together, the chapters of Ainley and Vetlesen make it clear that although attributing responsibility, in either moral or legal terms, for evils committed in the international realm is extremely difficult, both individual and collective perpetrators of large-scale evils must be held to account for their actions.

Finally, incidents of evil in international relations also raise questions of how the international community ought to respond to such heinous acts. In recent years, much has been made of the response enacted by the United States of America and its allies to the evils of September 11 and the terrorist attacks that have followed. The so-called war on terror has inspired much scholarly debate that has been particularly concerned with the ethics of coalition actions in Afghanistan and Iraq. In particular, a significant number of thinkers have returned to the central precepts of the just war tradition to consider whether or not the United States and its allies possessed just cause in responding to the terrorist threat in the way they have, and to assess the justness of their actions in doing so. Thus, works by Michael Walzer, Jean Bethke Elshtain, Brian Orend, Alex J. Bellamy, and others have, in explicit ways, sought to apply the logic of the just war tradition to the war on terror, reaching various conclusions about the justness of the cause and conduct of the war.¹² Leaving aside the increasingly abundant just war tradition, the final part of this work is thus concerned with a set of questions associated with the ethics of responding to evil: What are the benefits and limitations of pursuing punishment in response to heinous crimes? Can reconciliation be an effective means of dealing with the aftermath of humanitarian atrocities? Is forgiveness possible on an international level? Is vengeance ever an appropriate response to evil? First, Anthony F. Lang Jr. provides a new and innovative assessment of a fairly conventional response to evil, that of punishment, while the subsequent chapters by Daniel Philpott, Renée Jeffery, and Ian Hall address responses that are progressively more unconventional in their orientation: reconciliation, vengeance, and forgiveness, respectively. Thus, in Chapter 4, Lang considers the justice of punishment as a response to evil. Also drawing on the problematic relationship between individual and group forms of agency, Lang extends discussion of this problem to the exacting of punishment for atrocities committed in the international

realm. At the heart of this problem, he identifies, is “the fact that certain crimes ascribed to individuals—such as aggression and genocide” and for which individuals can be punished in international law, “can only be committed by states.”¹³ As such, he argues that “the international system must include the means to punish both individuals and states, and perhaps even other agents.”¹⁴ In order to do this, however, we must rethink the relationship between evil, agency, responsibility, and, indeed, punishment, a task Lang takes on in his chapter. By clarifying this set of relationships, Lang argues, the international community will also be in a position to avoid what he identifies as the dual pitfalls of punishing the wrong agent for evils perpetrated and pursuing vengeance in response to evil.

In Chapter 5, Philpott considers the ethics of reconciliation as a response to evil in world politics. His chapter thus “outlines a general approach to the ethics of dealing with the past in political settings where colossal evil has taken place”¹⁵ such as El Salvador, Guatemala, Rwanda, and South Africa. Philpott argues that the “wounds of political injustice,” of which he identifies six basic types, are best addressed by pursuing a process of reconciliation based on an ethic of restorative, as opposed to retributive or pragmatic, justice. As a form of restorative justice, reconciliation, comprised of six particular practices (acknowledgement, reparations, restorative punishment, apology, forgiveness, and the establishment of institutions of social justice), not only seeks to address past wrongs in Philpott’s view, but to “restore an entire political community.”¹⁶

In Chapter 6, Hall considers a response to evil not ordinarily addressed in terms of ethics, that of vengeance. Revenge, it is often automatically assumed, is “immoral, unworthy, and inimical to virtuous conduct, as well as detrimental to social stability.”¹⁷ Without disregarding arguments that criticize the ethics of vengeance, Hall seeks to address the less comfortable and often neglected alternative perspective, that which considers revenge as a manifestation of justice, “the force that moves us, when confronted by evil, to restore the moral balance.” In doing so, he argues “first, that revenge may sometimes be a morally appropriate response to evil and, second, that even where alternative strategies are pursued, it is incumbent upon us to admit when and if revenge is the motive that lies behind our actions.”¹⁸

In the final chapter, Jeffery then turns to the ethics of forgiveness in international politics. Her chapter argues that contrary to the common assumption that it is not an appropriate response to evil, “forgiveness does, and indeed ought to have, a place in international politics”¹⁹ in a number of narrowly defined sets of circumstances: when complemented by an official justice process, such as punishment, or judicial pardon; when

no avenue of justice is available—that is, when there is no possibility of seeking punishment, reconciliation, or even revenge; and finally, when it provides the expedient means of reestablishing a harmonious, functioning political community and preventing further harms brought about by ongoing hostility and antagonism. In doing so, her chapter introduces the concept of forgiveness as the means according to which further evils may be avoided in the often-violent world of international affairs.

Notes

1. See Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will be Killed With Our Families* (London: Picador, 2000); Bill Berkeley, *The Graves Are Not Yet Full: Tribe and Power in the Heart of Africa* (New York: Basic Books, 2001); Carlos Santiago Nino, *Radical Evil on Trial: Reflecting on the Rwandan Genocide* (New Haven: Yale University Press, 1996); Graham Jones, “Srebrenica: ‘A triumph of evil,’” CNN, May 3, 2006, <http://www.cnn.com/2006/WORLD/europe/02/22/warcrimes.srebrenica/> (accessed March 23, 2007); Remarks by Ambassador Pierre Richard Prosper at the Tenth Anniversary Commemoration, Srebrenica, Bosnia and Herzegovina, July 11, 2005, Embassy of the United States of America, Belgrade, <http://belgrade.usembassy.gov/archives/press/2005/b050712.html> (accessed March 26, 2007); Albert Likhanov, “Against Evil—In the Name of Good,” 57th Conference of UN Associated NGOs, <http://www.un.org/dpi/ngosection/annualconfs/57/likhanov.pdf> (accessed March 26, 2007); United Nations Secretary General Kofi Annan, “Address to the United Nations General Assembly,” SG/SM7977, GA/9920, 1/10/2001, September 24, 2001, http://www.un.org/News/oss/sg/stories/statements_search_full.asp?statID=34 (accessed March 22, 2007).
2. See, for example, the use of “evil” in reference to genocide in the Brahimi Report of the United Nations, Report of the Panel on United Nations Peacekeeping Operations, A.55.305, S/2000/809, August 21, 2000, par. 50, http://www.un.org/peace/reports/peace_operations/ (accessed March 22, 2007)
3. On the first anniversary of September 11, the President of the United Nations General Assembly stated, “In our fight we must see terrorism for what it is, a global evil filled with hatred and extremism, an evil which threatens the common values and principles, as well as the diversity, of the entire civilized world.” General Assembly President, “Terrorism Is Our Irreconcilable Enemy,” 9/11/2002, GA/SM/289, September 12, 2002, <http://www.un.org/News/Press/docs/2002/GASM289.doc.htm> (accessed March 22, 2007).
4. George W. Bush, “Statement by the President in Address to the Nation,” September 11, 2001, <http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html> (accessed March 22, 2007).
5. Tony Blair, “International Terrorism and Attacks in the USA,” House of Commons, The United Kingdom Parliament, September 14, 2001, <http://www.publications.parliament.uk/pa/cm200203/cmhnsrd/vo010914/debtext/10914-01.htm> (accessed January 8, 2008); Tony Blair, “Coalition

- against International Terrorism,” House of Commons, The United Kingdom Parliament, October 4, 2001, http://www.publications.parliament.uk/cgi-bin/newhtml_hl?DB=semukparl&STEMMER=en&WORDS=blair%20%toni%coalition/.
6. Prime Minister Tony Blair, Statement from Gleneagles, July 7, 2005, <https://news.bbc.co.uk/1/hi/uk/4659953.stm> (accessed March 22, 2007); “Blair Speech on Terror” at the Labor Party National Conference, July 16, 2005, http://news.bbc.co.uk/2/hi/uk_news/4689363.stm (accessed March 22, 2007).
 7. Immanuel Kant, *Religion Within the Boundaries of Mere Reason*, trans. and ed. Allen Wood and George di Giovanni (Cambridge: Cambridge University Press, 1998); Gottfried Wilhelm von Leibniz, *Theodicy: Essays on the Goodness of God, the Freedom of Man, and the Origin of Evil*, trans. E. M. Huggard, ed. Austin Farrar (London: Routledge and Kegan Paul, 1952); David Hume, *Dialogues Concerning Natural Religion*, ed. Richard H. Poppin (Indianapolis: Hackett Publishing, 1980); Friedrich Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy for the Future*, trans. R. J. Hollingdale (Harmondsworth: Penguin, 1990); *On the Genealogy of Morals: A Polemic*, trans. Douglas Smith (Oxford: Oxford University Press, 1996). Of course, most famously of all, Augustine of Hippo devoted much of his life to the scholarly exploration of evil, his most prominent discussions of the subject being found in his *Confessions*, his less well-known *On Free Choice of the Will* and the veritable tome that is *The City of God against the Pagans. Confessions*, trans. R. D. Pine-Coffin (London: Penguin, 1961); *City of God against the Pagans*, trans. R. W. Dyson (Cambridge: Cambridge University Press, 1998).
 8. Fyodor Dostoyevsky, *The Brothers Karamazov* (London: Penguin, 1958), 243.
 9. Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Jonathan Cape, 1999), 31–32.
 10. Charles T. Mathewes, *Evil and the Augustinian Tradition* (Cambridge: Cambridge University Press, 2001), 21.
 11. Ainley, “Individual Agency and Responsibility for Atrocity,”
 12. Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004); Jean Bethke Elshtain, *Just War Against Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2003); Brian Orend, *The Morality of War* (Toronto: Broadview, 2006); Alex J. Bellamy, *Just Wars: From Cicero to Iraq* (Cambridge: Polity, 2006).
 13. Lang, “Evil, Agency and Punishment,”
 14. *Ibid.*
 15. Philpott, “Reconciliation,”
 16. *Ibid.*
 17. Hall, “Avenging Evil,”
 18. *Ibid.*
 19. Jeffery, “To Forgive the Unforgivable,”

CHAPTER 1

Evil and the Problem of Responsibility

Renée Jeffery

Despite its popularity in social and political discourse, both contemporary and historical, the very idea of “evil” is beset by several serious problems. The first, as hinted at in the introduction to this book, is that a lack of consensus surrounds the meaning of the term itself and, as a result, it is used in a range of vague, often incommensurable ways. In recent international thought, “evil” has thus been used to refer to a wide range of actors and events, from individuals such as Adolf Hitler, Pol Pot, and Osama bin Laden and groups such as the Nazi Party and Al Qaeda to events including the Holocaust, the Cambodian genocide, and the 9/11 terrorist attacks and even a type of malevolent supernatural force wreaking havoc on earth. However, as Joel Feinburg argues, while most of us have little difficulty in identifying a person or an action as evil, we “find it surprisingly difficult to explain what we are doing when we make and support such judgements.”¹ Indeed, the designation of an individual or their deeds as “evil” often takes place on an instinctual basis; that is, we claim to “just know” that someone or something is evil on account of our visceral reaction to them. Without discounting the validity of emotional responses to heinous acts, however, a number of contemporary thinkers have questioned the impact of so readily characterizing such individuals and events as “evil” on practices of moral reasoning and judgment. As Catherine Lu writes, “evil” is criticized for “obscur[ing] the moral complexity and ambiguity” of international affairs, for simplifying multifaceted decision-making processes, and for “prevent[ing] us from making sound rational and moral

deliberations and judgements.”² Similarly, Richard Bernstein argues that the all-too-easy resort to “evil” “represents an *abuse* of evil,” for, rather than challenging established notions of morality and immorality, it is “used to stifle *thinking*.”³ “Evil” is thus, at once, a term employed to represent, with great utility, the most extreme form of moral condemnation and an impediment to further moral judgment and thought.

The second major problem associated with the use of “evil” in international politics concerns the term’s religious connotations. As Gil Bailie argues, “the very word *evil* seems to stick in the throat of most of our rationalist commentators . . . it seems to [harken] back to a benighted age of superstition.”⁴ Indeed, as Peter Dews writes, “In the disenchanted and predominantly secularized West, the religious assumptions—however implicit—that gave the notion of evil its place in our thinking about the world, as the violation of a divinely sanctioned order, are no longer shared by the majority of people.”⁵

Thus, for many contemporary scholars, not only are the theological underpinnings of evil unpalatable, but the intellectual discussion of them is deemed to reside outside the bounds of acceptable scholarship. For them, evil must be addressed in wholly secular terms, if it is to be considered at all. However, while writers such as John Kekes argue that theological understandings of evil, of both the Christian and non-Christian varieties, bring with them false hope, others remain adamant that the concept of evil does not make sense outside the confines of a religious worldview.⁶ Indeed, despite Kekes’ protestations, it is an inescapable fact that the concept of evil is built on solidly theological foundations. However, this is not to say that evil is of little or no relevance to the secular world of international politics or that it cannot be conceived in secular terms. As Richard Bernstein notes, “It would be a serious mistake to think that the ‘problem of evil’ is exclusively a religious problem. Secular thinkers have raised similar questions. They too want to know how to make sense of a world in which evil seems to be so intractable.”⁷ Rather, it is to suggest that despite its applicability to the secular world, the concept of evil cannot be wholly divorced from its religious past.

With these issues in mind, this chapter is concerned with the meaning of evil in the history of predominantly Western international political and social thought. It addresses a range of ways in which “evil” has been commonly conceived and, in doing so, argues that despite variations in presentation and form, disparate conceptualizations of evil are marked by a common central concern. Indeed, what unites almost all understandings of “evil” in religious and secular thought is the attempt to render incomprehensible suffering meaningful. In short, the concept of “evil” provides a response to the question of why we suffer when an obvious

answer is not forthcoming. What follows from this is that despite its theistic origins, the so-called “problem of evil” is not simply a theological problem but one of responsibility that affects both humans and deities alike. At the heart of the problem of evil is the question of how we assign responsibility for the undeserved suffering that blights the lives of so much of the world’s population, in theological terms to God, or in a secular philosophical sense, to its human perpetrators.

Evil and Suffering

“Evil” is an “essentially contested concept.”⁸ A term with “no fixed meaning,”⁹ it is “difficult, even elusive, to define simply, for [it] comes in so many forms.”¹⁰ In English, the word “evil” is of Teutonic origin and is etymologically connected to the “concepts of *too much, exceeding due measure, [and] over limits.*”¹¹ In its traditional sense, “evil” denotes “the antithesis of good in all of its principal senses”¹² and is often equated with “ultimate depravity, corruption, or sinfulness.”¹³ Evil behavior is understood in this sense to reside outside the bounds of social acceptance; it is simply “beyond the pale.” To be “evil,” as David Pocock writes, is to be barely human, to exist on the margins of human society.¹⁴

In a weaker sense however, evil is conceived in terms of imperfection, the primordial defilement of that which is good,¹⁵ Hans Morgenthau viewing it in an Augustinian sense as the corruption of good.¹⁶ As David Parkin notes, this understanding of “evil” has not been confined to Western cultures but has appeared more generally in human society.¹⁷ For example, in the Balinese and Bantu languages “evil” is related to that which is “physically rotten, misshapen and ugly,”¹⁸ while the Piaroa Indians of Venezuela equate “good” with beauty and cleanliness and associate “evil” with dirt and ugliness.¹⁹ Similarly, in the Hebrew tradition, the word most often translated as “evil,” *raʿ*, from the root “to spoil,” primarily meant “worthlessness or uselessness, and by extension it came to mean bad, ugly or even sad.”²⁰ In the books of the Old Testament, “evil” is a term of moral judgment that usually describes the rebellious behavior of the Israelites. For example, the author of the book of Judges repeatedly writes that “the Israelites did evil in the eyes of the Lord,” usually by worshipping the Baals (Jdg 2:11). Thus, conceived in this sense, evil also refers to a deviation from the good, in this case the good prescriptions and commandments of the Hebrew God.

Meaningless Suffering

Aside from conceiving evil by reference to some notion of the good, orthodox definitions of evil also tend to associate the concept with harm or suffering, be it deserved, in the case of proponents of some theological persuasions,²¹ or undeserved, as it is more commonly viewed.²² Indeed, the centrality of suffering is common to most conceptions of evil available, including, as David Parkin notes, many of the anthropological forms he identifies: “Suffering,” he argues, “may be culturally defined, but is never lacking.”²³ Thus, as Clifford Geertz explains, “the so-called problem of evil is a matter of formulating in world-view terms the actual nature of the destructive forces within the self and outside of it, of interpreting murder, crop failure, sickness, earthquakes, poverty, and oppression in such a way that it is possible to come to some sort of terms with them.”²⁴ He continues to explain elsewhere that the problem of evil is “in essence the same sort of problem of or about bafflement and the problem of or about suffering.”²⁵ The problem is, as William Connolly writes, generally concerned with the “transposition of primordial experience of suffering into the theistic problem of evil,”²⁶ although this problem is not exclusively theistic in its view. Evil is the concept we turn to when we cannot find an answer to the question of why we suffer. Thus, the problem of evil *is*, in short, the problem of meaningless or undeserved suffering.

Two problems traditionally follow from the primordial experience of undeserved suffering. In theistic terms, theologians and philosophers have devoted a great deal of intellectual energy over many thousands of years to understanding why God, in its various forms, allows evil to exist in the world.²⁷ At the same time, however, thinkers have been equally perplexed by the question of why human beings deliberately commit evil acts: why is it that we knowingly inflict undeserved suffering upon one another? Though of significantly different orientation, these two questions are fundamentally questions of agency and responsibility. “Responsibility,” as J. R. Lucas explains, has etymological roots in the Latin word *respondeo*, meaning “I answer.” Thus, to be responsible for an action is to be “answerable . . . or accountable for it.”²⁸ As we will see both in this chapter and in those of Ainley and Lang, such notions of responsibility are variously related to the cognate concept of human moral agency, also to be discussed further in this chapter. However, leaving this complex set of relations aside for now, we can say that in both its religious and secular forms, the problem of evil is a problem of responsibility; in theological terms, the problem is whether or not God can be held accountable for the existence of evil in the world, while in secular terms the problem is that of

the extent to which human beings can be held to account for the evil they cause. These problems can be designated as the theological and moral problems of evil, respectively. Although in this work we are fundamentally concerned with addressing evil in secular terms, that is, in terms of human moral agency, it is worth first briefly discussing the theological accounts from which this problem emerged in Western thought.

The Theological Problem of Evil

The so-called *problem of evil* has traditionally been a specifically theological one concerned with the question of how to reconcile the existence of evil with the characterization of God, predominantly the Judeo-Christian God in this context, as benevolent, omniscient, and omnipotent.²⁹ Although the problem has been expressed in a range of forms, it was first formally articulated by Epicurus (341–270 BCE) as follows:

God either wishes to take away evils, and is unable; or He is able, and is unwilling; or He is neither willing nor able, or He is both willing and able. If He is willing and is unable, He is feeble, which is not in accordance with the character of God; if He is able and willing, He is envious, which is equally at variance with God; if He is neither willing nor able, He is both envious and feeble and, therefore not God; if He is both willing and able, which alone is suitable to God, from what source then are evils? Or why does He not remove them?³⁰

This set of dilemmas gave rise to the practice of theodicy (combining the Greek *theos*, God, with *dike*, righteousness),³¹ a term coined by Gottfried Wilhelm von Leibniz to designate the theoretical attempt to reconcile the goodness, and indeed existence, of God with the existence of evil, found in the “observable fact” of suffering in the world.³² As Kenneth Surin explains, explicitly connecting forms of suffering to the concept of evil, “in an identifiably Christian context, the ‘problem of evil’ arises (at least in part) when *particular* narratives of events of pain, dereliction, anguish, oppression, torture, humiliation, degradation, injustice, hunger, godforsakenness, and so on come into collision with the Christian community’s narratives, which are inextricably bound up with the redeeming reality of the triune God.”³³ That is, the problem of evil emerges from the suggestion that an all-good, all-knowing, and all-powerful God is responsible for the existence of evil on earth or is capable of preventing it and ought to do so or both. Practiced since at least 1400 BCE (the *Babylonian Theodicy* is the earliest known theodicy),³⁴ theodicy thus seeks

to uphold the righteousness of God (or, in the Babylonian case, the gods) by absolving him (or them) of responsibility for evil.³⁵

Throughout the history of theodicy, different thinkers have approached the problem of evil in various ways. For the Zoroastrians of the tenth century BCE and the Manichaeans of the third century CE, the problem of evil did not impinge upon the character of God. Rather, both sects resolved the problem by positing the existence of two rival forces, those of good and light, and darkness and evil (in Zoroastrianism, Ahura Mazda or Ohrmazd, and Angra Mainyu or Ahriman), which are “utterly and irreconcilably opposed to one another” and therefore exist in a state of perpetual conflict.³⁶ As Dhalla explained, Zoroastrianism, a religion that continues to attract a small number of followers in Iran, the Central Asian states of Uzbekistan and Tajikistan, and the Indian city of Mumbai, “is essentially militant.” It views evil as “the common enemy of Ahura Mazda” and “spurs man to fight it with all his being, body, mind, and spirit.”³⁷ What is more, this duality is not restricted to deity but is extended to include human beings. Dhalla wrote in this vein that “Man is a divided self, divided mind, divided will, and feels within him the conflict of two opposing natures. The one half of man’s being is always at war with his other half.”³⁸ Thus, even within themselves, individuals are implored to “fight on the side of the good against the evil.”³⁹

Manichaeism, devised by the Babylonian thinker Mani, appeared more than a thousand years after the teachings of Zoroaster (also known as Zarathustra) and borrowed elements of Zoroastrian, Gnostic, and Christian writings. As Alexander of Lycopolis wrote in his fourth-century treatise *Of the Manichaeans*: “[Mani] laid down two principles, God and Matter. God he called good, and matter he affirmed to be evil. But God excelled more in good than matter in evil. . . . On the side of God are ranged powers, like handmaids, all good; and likewise, on the side of matter are ranged other powers, all evil.”⁴⁰ Thus, for dualists of the Zoroastrian and Manichaean faiths, the problem of evil is not really a problem at all. Suffering does not, by their account, diminish the goodness of God, but is rather the manifestation of an evil force or forces operating in the world. Responsibility for evil thus lies not with a good God or force in the universe but with the dark and malevolent force that humans are called upon to fight.

However, Manichaean dualism came under sustained attack in later thought, first from the Montanist ascetic theologian Tertullian, and later from Augustine of Hippo. If God is an all-powerful being, Tertullian reasoned, the existence of another god powerful enough to rival him was impossible. This left the question of who or what could be held responsible for evil for, by eliminating the possibility of a malevolent force operating

in the world, responsibility would seem to fall to God. However, Tertullian argued that evil was not from God or even an independent power rival to God but originated from the sins of both humans and angels.⁴¹ In arguing that humans have “free power” over the choices they make and, as such, blame for the ills that befall humankind should be “imputed to [human individuals] and not to God,”⁴² he therefore provided the basis of what became known as the “free will defense,” the claim that evil is the result of human beings misusing the free will granted to them by God, most famously articulated by Augustine of Hippo (354–430).

Augustine was, as John Hick notes, “the greatest theodicyist of all.”⁴³ Common to a large number of the 117 books and pamphlets he composed is a distinct preoccupation with the problem of evil, one that directed much of his intellectual and spiritual life. However, it is in two that trace his turn from Manichaeism to Christianity, his popular *Confessions* and less well known *On the Free Choice of the Will*, that many of his most important discussions of evil are found. As Augustine wrote in his *Confessions*, indicating the extent of his machinations on the subject, “I eagerly inquired, ‘Whence is evil?’ What torments did my travailing heart then endure!”⁴⁴ Although the Manichaean faith satisfied his interest in this question for some nine years and saw him elevated to the position of auditor in the church, Augustine later converted to Christianity, ultimately becoming the Bishop of Hippo.

Augustine’s disillusionment with the Manichaean system at the time of his conversion to Christianity was multifaceted and saw, in addition to the publication of the works previously named, the composition of five other works that explicitly sought to refute the central tenets of Manichaeism.⁴⁵ In them, Augustine argued that dualist accounts of evil were heretical for presupposing the existence of a power to rival God, denying the omnipotence of God, and weakening the “logic of human responsibility to the point of enervation.”⁴⁶ As Augustine wrote in *Against the Fundamental Epistle of Manichaeus*, it is a “shocking and detestable profanity . . . [that] the wedge of darkness sunders . . . the very nature of God.”⁴⁷

Contrary to the Manichaean claim that evil is an independent force, Augustine argued that evil is “a name for nothing other than the absence of good,”⁴⁸ *privatio boni* (the privation of good), as Clement of Alexandria (c. 150–210) had done before him. As he explained in *The Enchiridion on Faith, Hope and Love*:

For what is that which we call evil but the absence of good? In the bodies of animals, disease and wounds mean nothing but the absence of health; for when a cure is effected, that does not mean that the evils which were present—namely, the diseases and wounds—go away from the body and dwell

elsewhere: they altogether cease to exist; for the wound or disease is not a substance, but a defect in the fleshly substance—the flesh itself being a substance, and therefore something good, of which those evils—that is, privations of the good which we call health—are accidents. Just in the same way, what are called vices in the soul are nothing but privations of natural good.⁴⁹

This conception of “evil as ontological privation” was essentially Platonic⁵⁰ and had previously appeared in a similar form in the work of the third-century neo-Platonist Plotinus (204–70 CE), to whom Augustine refers in his *Confessions*.⁵¹ Thus, following Plotinus’ claim that “where there is utter dearth, there we have Essential Evil, void of all share in Good,”⁵² Augustine argued that evil “has no nature of its own”⁵³ and, more than this, has no “substance at all,” for if it did, it would be good.⁵⁴

However, Augustine’s discussion of evil thus far left unanswered the crucial question of how it was possible that God’s good creation was susceptible to evil at all. In answer to this question, Augustine preserved the goodness of God and His creation by responding that humans “are not, like their Creator, supremely and unchangeably good . . . [but] their good may be diminished and increased.”⁵⁵ In particular, the good of the individual human being may be diminished as a result of their susceptibility to corruption, an argument Augustine explicitly directed toward the Manichaeans. Thus, in *Against the Fundamental Epistle of Manichaeus* Augustine argued that “evil is nothing else than corruption. . . . Different evils may, indeed, be called different names; but that which is the evil of all things in which any evil is perceptible is corruption.”⁵⁶ By arguing that evil is corruption and nothing is by nature corrupt, Augustine once again refuted the Manichaean claim that evil exists as an independent entity in constant conflict with good.

Thus, rather than blame God for the existence of evil, Augustine attributed its origins to “the wrong choices of free rational beings.”⁵⁷ Evil, conceived as the privation of good, is thus caused by “the defection of the will of a being who is mutably good from the Good which is immutable.”⁵⁸ It is the turning away of the will from the good that is, in its most fundamental form, sin. As Augustine explained in *Freedom of the Will*: “The will which turns from the unchangeable and common good and turns to its own private good or to anything exterior or inferior, sins.”⁵⁹ Against the Manichaean notion that sin is a manifestation of the “two souls” with which they believed individuals were endowed, Augustine argued that “sin is only from the will” and, as such, “takes place only by exercise of will.”⁶⁰ Sin, and by extension evil, are thus not the result of any external force or form but

rest wholly with the wills and decisions of individual human agents. What this ultimately meant was that Augustine did not conceive sin as the result of evil existing in the world, but rather argued that evil was *caused by sin*.⁶¹ By doing so, he thereby attempted to absolve God of all complicity in evil by attributing responsibility for it to human agents.

It seems then, that Augustine entertained dual notions of agency and responsibility in explaining the nature and origins of evil. Conceived as *privatio boni*, understandings of evil were accompanied by a weak sense of agency. That is, conceived as an absence rather than a presence, understandings of evil as the privation of good appear to preclude the possibility of individuals willingly choosing evil “for itself, for there is no ‘itself’ there to be chosen.”⁶² More simply, this view contends that it is not possible to choose an absence. This argument has been criticized for marginalizing or even eliminating the problem of evil through its denial of the active role of human agency within it. Evil, in this sense, occurs not through conscious will but through “a refusal to act . . . in loving affirmation of God’s creative will.”⁶³ As Augustine explained, “One should not try to find an efficient cause for a wrong choice. It is not a matter of efficiency, but of deficiency, as ‘the evil of mutable spirits arises from the evil choice itself,’ and that evil diminishes and corrupts the goodness of nature. And this evil choice consists solely in falling away from God and deserting him, a defection whose cause is deficient, in the sense of being wanting—for there is no cause.”⁶⁴ In this sense then, “evil action is in itself not action at all.”⁶⁵ However, Augustine maintained that it is an act of free will that turns from the good, which *chooses* not to act in the best possible way. Thus, “while evil acts are in themselves the absence of action . . . they are also ‘enacted’ wholly by us.”⁶⁶ As such, Augustine does seem to maintain some sense of human agency here, albeit a weak one.

At the end of the seventeenth and beginning of the eighteenth centuries however, the Manichaean dualist explanation for evil was enjoying resurgent popularity, largely at the hands of Pierre Bayle (1647–1706), whose immensely popular *Dictionnaire historique et critique* (Historical and Critical Dictionary) (1697) argued that Manichaeism provided the most plausible account of evil because it included elements of “happiness and suffering, wickedness and virtue” in its worldview.⁶⁷ In response to Bayle, Leibniz attempted to reestablish an Augustinian understanding of evil that was both monist in orientation and optimistic in outlook. Thus, Leibniz argued that evil did not diminish the goodness of God or his creation but that “all the evils in the world contribute, in ways which generally we cannot now trace, to the character of the whole as the best of all possible universes.”⁶⁸

He continued, “if the smallest evil that comes to pass in the world were missing in it, it would no longer be this world; which, nothing omitted and no allowance made, was found the best by the Creator who chose it.”⁶⁹ The problem of evil is therefore only *apparent* in the world because we are unable to see it in terms of its greater cosmic significance; if we could, we would understand how it contributes to the whole, which, being God’s creation, is absolutely good.

However, this reasoning did not speak to the cause of evil or, by extension, questions of responsibility for its occurrence, other than to diffuse blame from God. In order to address these issues Leibniz divided evil, as the Anglican thinker William King (1650–1729) and the Spanish scholastic Francisco Suarez had done before him,⁷⁰ into its metaphysical, physical (natural), and moral forms. In Leibniz’s view, metaphysical evil “consists in mere imperfection”; that is, it is a function of creation’s finitude and is thus not related to human actions.⁷¹ Physical evil, despite its apparently “natural” form, is often “a penalty owing to guilt” or the means to “prevent greater evils.”⁷² That is, Leibniz conceived physical evil as the “pain and suffering” that human beings experience as the penalty for moral evil, otherwise conceived as sin.⁷³ By presenting evil in this way, Leibniz was able to hold humans responsible for evil by arguing that they suffer precisely because they sin.

Although ostensibly theological or cosmological in orientation, each of these different approaches to the problem of evil sought to answer the far more human moral question of evil alongside the religious one: why do human beings knowingly commit evil? Indeed, it was a combination of these problems that originally sparked Augustine’s interest in the problem of evil. In his famous *Confessions*, Augustine recounted an incident from his adolescence in which he and some of his friends stole some pears. What later distressed him about this action was that his “desire was to enjoy not what I sought by stealing,” for the pears were “attractive in neither colour nor taste,” but “merely the excitement of thieving and the doing of what was wrong.”⁷⁴ This led Augustine to ask the moral question posed earlier. Significantly, however, Augustine and his followers, until at least the time of Leibniz, answered the moral problem of why human beings do what they know to be wrong, why they knowingly commit evil, by reference to the theological problem of evil. Human beings commit morally evil acts because their sinful human nature leads them to misuse the free will with which their all-good, all-powerful, all-knowing creator endowed them. By the middle of the eighteenth century however, many thinkers began to question whether an invariable connection could be said to exist between all

forms of evil and sin. In doing so, they paved the way for the moral problem of evil to be considered in isolation from its theological counterpart.

The Moral Problem of Evil

With the Lisbon earthquake of 1755, the Leibnizian view of evil was brought into serious question. Perhaps most famously, Voltaire's *Candide* ridiculed the idea that a world in which something as catastrophic as the Lisbon earthquake could happen was "the best of all possible worlds." "If this is the best of all possible worlds," Candide asked, "what are the others?"⁷⁵ More significant however, were criticisms leveled at Leibniz's Augustinian claim that suffering, even of the "physical" variety inflicted by a natural disaster, was the result of human sin. It simply did not follow that the pious population of Lisbon had brought this calamity upon itself. Two important developments in thought about the problem of evil thus emerged in response to the Lisbon earthquake. First, although most thinkers retained some sort of connection between sin and evil, it was no longer thought to be the case that the specific sins of particular individuals brought about the suffering they experienced. Rather, sin in general was responsible for suffering in general, thereby retaining only a loose connection between physical and moral evils. What followed, second, was the establishment of a firm distinction between natural and moral evils. Thus, in subsequent thought, the evil of natural disasters was viewed as being distinct from that caused by human moral agents. As Bruce Reichenbach explains in what are fairly conventional terms, natural evils include "all instances of suffering—mental or physical—which are caused by the unintentional actions of human agents or by non-human agents" and include diseases, natural disasters, and the unintended effects of human activities.⁷⁶ Moral evil, on the other hand, may be said to include "all instances of suffering—mental or physical—which are caused by the intentional and willful actions of human agents." That is, they are actions "for which human agents can be held morally blameworthy."⁷⁷

Although a number of earlier thinkers had sought to distinguish natural evils from moral ones, it was only with the work of Jean-Jacques Rousseau (1712–78) that their formal separation took place. What is more, in addressing the problem of evil in the way he did, Rousseau changed "the form of the problem itself."⁷⁸ As Susan Neiman writes, it was thus Rousseau who was first to "treat the problem of evil as a *philosophical* problem."⁷⁹ Rousseau argued, as many of his predecessors had done, that responsibility for evil could be attributed not to God, but to human agents. The first line

of *Émile* thus reads, “God makes all things good; man meddles with them and they become evil.”⁸⁰ The source of moral evil cannot be found “anywhere but in man, free, perfected, hence corrupted.”⁸¹ By specifying that “moral evil” is the product of human actions, Rousseau here drew an important distinction between moral and physical evils. Physical evils, conceived as natural disasters and the like, were, in Rousseau’s view, morally neutral on account of the fact that they are not the *direct* result of human actions.

Although Rousseau opened the way for the problem of evil to be considered in purely moral terms, it was with the work of Immanuel Kant that this finally took place. Kant’s 1791 essay *On the Failure of All Attempted Theodicies* is particularly instructive here. In it, Kant not only divorced himself from the form of Leibnizian reasoning to which he adhered earlier in his career but finally rejected all forms of theodicy. In particular, following David Hume’s empiricist approach to the problem of evil, Kant argued that the practice of theodicy cannot withstand scrutiny in what he termed the “tribunal of reason.”⁸² All theodicy, he argued, “must be an interpretation of nature and must show how God manifests the intentions of his will through it.”⁸³ However, both God’s intentions and how they are manifested in the world are inherently mysterious and for that reason he argued that “theodicy is not a task of science but is a matter of faith.”⁸⁴ Individuals can *believe* that despite the abundance of suffering in the world, a benevolent God exists, but they cannot *prove* the existence of this deity by observing an imperfect world.⁸⁵

Thus, in his later works, Kant discussed the problem of evil primarily in agent-centered terms. In particular, in his 1793 work *Religion Within the Boundaries of Mere Reason*, Kant introduced the highly influential concept of “radical evil” that was associated with his particular understanding of human moral agency. According to Kant, “we call a human being evil . . . not because he performs actions that are evil (contrary to the law), but because these are so constituted that they allow the inference of evil maxims in him.”⁸⁶ Human beings choose evil maxims because they are marked by a “propensity for evil” that exists in constant tension with the “original predisposition to good in human nature.”⁸⁷ Evil is therefore “*brought* by the human being *upon* himself.”⁸⁸ This, of course, allowed Kant to hold human beings wholly responsible for their own evil actions. “Radical evil,” rather than constituting an extreme form of evil, was therefore conceived as nothing more than “a *radical* innate *evil* in human nature” that is “not any the less brought upon us by ourselves.”⁸⁹ That is, even in a “radical” sense, human beings are wholly responsible for the evil they commit. Kant appears to be making a set of contradictory claims here, arguing on the

one hand that human beings are innately evil and on the other that they are wholly responsible for the evil acts they commit in the exercise of their free will. However, it is an innate *propensity* for evil that humans possess and, as such, it is not an unavoidable feature of human nature but a mere possibility. “Radical evil” is thus not a type of evil nor is it synonymous with natural inclinations.⁹⁰ It is similarly not “to be identified with any *intrinsic* defect or corruption of human reason” but is solely related “to the corruption of the will.”⁹¹ Thus, as Kant explained:

The human being must make or have made *himself* into whatever he is or should become in a moral sense, good or evil. These two [characters] must be an effect of his free power of choice. For otherwise they could not be imputed to him and, consequently, he could be neither *morally* good nor evil. If it is said, The human being is created good, this can only mean nothing more than: He has been created for the *good* and the original *predisposition* in him is good; the human being is not thereby good as such, but he brings it about that he becomes either good or evil.⁹²

Good and evil therefore “lie only in a rule made by the will [*Willkür*] for the use of its freedom, that is, in a maxim.”⁹³ The *Willkür*, as Bernstein writes, is “the name we give to the capacity to choose between alternatives” and is “neither *intrinsically* good nor *intrinsically* evil; rather, it is the capacity by which we freely choose good or evil maxims.”⁹⁴ Radical evil, as previously mentioned, is thus indelibly linked to a particular understanding of what it means to be a moral agent.

Evil and Agency

Underlying Kant’s notion of radical evil is a particular understanding of moral agency that explicitly connects evil actions with evil intentions and motivations. As introduced earlier, for Kant human agents possess the capacity to choose between alternatives, to make choices between good and evil actions. It thus follows that evil deeds presuppose evil motives and evil acts are committed by individuals who intentionally seek to bring about the harm they cause.⁹⁵ Thus, alongside the capacity for “deliberating over possible courses of action and their consequences,” moral agents also possess the capacity to act “on the basis of this deliberation.”⁹⁶ It is important to note, however, that not all human beings are moral agents, for “to say that an individual human being is a moral agent is to say that this individual has the capacity to both understand and respond to ethical reasoning. It is also to say that he or she can incur moral responsibilities.”⁹⁷ Thus human agents

who do not possess both of these capacities, for example, small children or the severely mentally ill, cannot be considered *moral* agents.

Moral evil is thus explicitly defined in terms of moral agency. Writers such as John Kekes commonly divide evil into its moral and nonmoral forms as follows:

Evil that is not caused by human agency is nonmoral, while evil caused by human agency may or may not be moral, depending on the answer to the difficult questions about the moral status of unchosen but evil-producing human actions. Thus, the distinction between moral and nonmoral evil can be said to rest on human agency being an indispensable condition of moral evil, while nonmoral evil involves human agency and may also involve some unchosen human acts.⁹⁸

Focusing on their moral form then, Claudia Card defines evils as “foreseeable intolerable harms produced by culpable wrongdoing,”⁹⁹ thereby combining the elements of moral agency and harm or suffering common to conceptualizations of evil.¹⁰⁰

Despite its prominence in some aspects of social and political thought however, the set of connections established between actions, intentions, and responsibility in Kantian-type accounts of moral agency have been brought into serious question. In particular, much of the thought that tried to make sense of the Holocaust not only challenged Kantian notions of moral agency but rejected “two centuries of modern assumptions about intention.”¹⁰¹ “After Auschwitz,” thinkers including Emmanuel Levinas, Hans Jonas, and Hannah Arendt argued that “both the meaning of evil and human responsibility” needed to be reconceived.¹⁰² No longer was it possible to suggest that the absence of evil intentions absolved the perpetrators of evil of responsibility for their actions, for many of the most notorious figures of the Holocaust did not exhibit explicitly evil intent. Nowhere was this more forcefully displayed than in the character of Adolph Eichmann, the subject of Hannah Arendt’s famous work *Eichmann in Jerusalem: A Report on the Banality of Evil*.¹⁰³

Captured from his hiding place in Argentina by the so-called “Nazi hunter,” Simon Wiesenthal, and brought to trial in Israel, it was hoped that Eichmann would come to represent the embodiment of the radical evil that had taken place during the Holocaust.¹⁰⁴ However, what he came to represent instead was one of the most significant shifts in thinking about evil and, in particular, its relationship to notions of human moral agency in the late-modern period. Indeed, for Arendt, and many others who attended the trial, what was most remarkable about the character

of Eichmann was just how ordinary he was. He was “neither perverted, nor sadistic” but was, and remained, “terribly and terrifyingly normal.”¹⁰⁵ The evil he committed was, as the now famous catchphrase goes, simply “banal.” Rather than being a monstrous individual, he was a fairly ordinary, white-collar bureaucrat who, in his understandable desire to advance his career, helped to perpetrate one of the most atrocious evils of human history. Indeed, Eichmann, described by Arendt as “the most important conveyer belt in the whole operation,”¹⁰⁶ was not personally responsible for the death of a single person but was rather the bureaucrat charged with ensuring the concentration camps received a steady flow of victims for forced labor and extermination. Thus, although Arendt confessed that “it would have been very comforting indeed to believe that Eichmann was a monster,”¹⁰⁷ she was faced with a very different type of man: “Eichmann was not Iago and not Macbeth, and nothing would have been farther from his mind than to determine, with Richard III ‘to prove a villain.’ Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all. . . . He *merely*, to put the matter colloquially, *never realized what he was doing*.”¹⁰⁸

Indeed, in entering his plea in response to each of the fifteen counts on which he was being tried, Eichmann stated: “Not guilty in the sense of the indictment.”¹⁰⁹ As Arendt explained, “the indictment implied not only that he had acted on purpose, which he did not deny, but out of base motives and in full knowledge of the criminal nature of his deed,”¹¹⁰ which he disputed.

The Eichmann trial therefore forced Arendt and others to rethink their understanding of the relationship between evil and the concepts of agency, intention, motivation, and responsibility. The evil committed by many perpetrators of the Holocaust was not driven by evil intentions or motivations but readily comprehensible motives not ordinarily associated with criminal behavior. What is more, despite his role in perpetrating suffering on a massive scale, it did not seem reasonable to argue that Eichmann had inflicted harm with explicit intent. What he intended was to execute his duties to the best of his ability, giving little or no thought to the broader consequences of doing so. Thus, as Arendt wrote in the epilogue to *Eichmann and Jerusalem*, among the broader issues raised by the Eichmann trial was that concerning the “assumption current in all modern legal systems that intent to do wrong is necessary for the commission of a crime. . . . Where this intent is absent, where, for what ever reasons, even reasons of moral insanity, the ability to distinguish between right and wrong is impaired, we feel no crime has been committed.”¹¹¹ The crime that

Eichmann committed was, he argued at his trial, “a crime only in retrospect,” and one for which he harbored no explicit intent.¹¹²

Eichmann’s crime thus gave rise to Arendt’s now commonplace phrase, the “banality of evil.” That the evil he committed was “banal” did not indicate that it was not severe, horrific, or even interesting; rather, Arendt simply sought to describe the individual that she saw before her at the trial. Arendt explained this some years later in “Thinking and Moral Considerations”: “Some years ago, reporting the trial of Eichmann in Jerusalem, I spoke of ‘the banality of evil’ and meant with this no theory or doctrine but something quite factual, the phenomenon of evil deeds, committed on a gigantic scale, which could not be traced to any particularity of wickedness, pathology, or ideological conviction in the doer, whose only personal distinction was a perhaps extraordinary shallowness. However monstrous the deeds were, the doer was neither monstrous nor demonic.”¹¹³

In describing Eichmann in these terms, Arendt’s work reflected two of the most significant shifts in thinking about evil in the modern period: first, the move from the notion that individual perpetrators of evil could themselves be evil to the idea that it is the action and *not* the individual that is described as evil; and second, recognition that perpetrators can be held responsible for their evil actions even in those instances, such as the case of Eichmann, where they harbor no specifically evil intent.

Arendt’s notion of the “banality of evil” unwittingly gave rise to a significant body of literature on the psychology and, in particular, social psychology of evil. Thus writers such as Fred E. Katz, Christopher Browning, and Ervin Staub began to write of the “extraordinary evil” of “ordinary people.”¹¹⁴ Explicitly deriving the starting point of his work *Ordinary People and Extraordinary Evil* from Arendt, Fred Katz argued that “even evil on an horrendous scale can be,” and most often is, “practiced by very ordinary sorts of persons.”¹¹⁵ Indeed, the finding that evil intent is not necessary for participation in evil acts opened up the possibility not simply that many evildoers are “ordinary people” with ordinary, comprehensible motives but that we are all capable of committing evil acts, a claim Arendt explicitly denied.¹¹⁶ Drawing on the highly influential psychological experiments of Stanley Milgram and Phillip Zimbardo that sought to explain the participation of ordinary individuals in atrocious acts, many thinkers extended the psychologists’ conclusions that human beings are “blindly obedient to authority” to atrocities committed in the international realm, particularly the Holocaust and the My Lai massacre during the Vietnam War.¹¹⁷ What emerged in response was what became known as the functionalist/intentionalist debate. On one side, functionalists,

such as Browning, Katz, and Staub, argued that the “ordinary” perpetrators of the Holocaust only committed atrocities as a function of their position in the military, police force, or other organizations. On the other hand, intentionalists, such as Daniel Goldhagen, who argued in his highly controversial work *Hitler’s Willing Executioners* that ordinary Germans, driven by wild anti-Semitism, willingly took part in the Nazis’ genocidal plan, responded with the counterclaim that these same individuals specifically intended to carry out the acts of which they were guilty.¹¹⁸

The functionalist/intentionalist debate raised important questions about the relationships between individual and collective forms of agency, and the concepts of human moral agency, intention, and responsibility. Thus proponents of both perspectives began, in different ways, to grapple with the fact that individuals do not perpetrate large-scale humanitarian atrocities alone but almost always do so as part of a group. Questions of intention and responsibility follow ineluctably. Intentionalists have interpreted all deliberate behavior directed toward a specific end as intended and hence something for which individual perpetrators can be held responsible, regardless of whether the individual intended the broader outcomes pursued by the group in which they act or whether they personally wanted to bring about the consequence their action produced. Thus, the fact that individuals, acting in groups, often end up perpetrating acts they would not have dreamed of enacting themselves is immaterial. Similarly, factors such as obedience to authority and the psychosocial dynamics of group behavior are considered irrelevant in assessing responsibility for individual actions. On the other hand, functionalists present a slightly less stringent notion of intention that seeks to accommodate the fact that individuals often commit actions when part of a group they would not enact as an individual acting alone and on their own behalf. For example, drawing on Milgram’s research, Christopher Browning details the process of “habituation” undergone by members of Reserve Police Battalion 101 in Poland during the Holocaust, from their initial physical revulsion at the tasks they were set, to proficiency, and even enjoyment in executing civilians.¹¹⁹ Ervin Staub similarly details a comparable process that took place among American soldiers during the Vietnam War in an attempt to explain why seemingly ordinary and by all accounts “good” individuals perpetrated atrocities such as the My Lai massacre.¹²⁰ Also drawing on the works of Milgram and Zimbardo, Ainley and Vetlesen both address these and other questions raised by the overlapping spheres of individual and collective agency at play in international politics in Chapters 2 and 3 respectively.

Conclusion

The “problem of evil,” in its various forms is, on a fundamental level, the problem of meaningless or undeserved suffering in the world. In its range of theological and secular manifestations, it follows a single basic structure: suffering only becomes a problem, the “problem of evil,” when it is coupled with another contradictory narrative. That narrative is invariably one that attempts to imbue what otherwise appears to be useless suffering, with meaning, whether it be psychological, theological, or otherwise. That meaning, in both religious and secular thought, has traditionally centered on notions of responsibility for evil. Thus the theological problem of evil has been primarily concerned with absolving God of all responsibility for the existence of evil on earth, while the secular or moral problem of evil has sought to address human responsibility for the infliction of undeserved suffering. The concept of moral evil, the evil most commonly discussed in international relations, therefore attempts to provide meaning for a range of particularly heinous acts by reference to the actions of the individual or individuals who perpetrate them. As we have seen in this chapter, however, the precise relationship between moral agency and responsibility is not a straightforward one. Individuals are, in some circumstances, held responsible for actions they did not directly intend or perpetrated as part of a collective. Precisely what makes an individual responsible for their actions is extremely unclear and open to significant debate. In this chapter I have thus only begun to touch upon the set of problems raised by the overlapping spheres of agency at play in the international realm and the problematic relationship between agency and responsibility in international ethics. These issues are taken up in more detail by Ainley, Vetlesen, and Lang in the following chapters of this book.

Notes

1. Joel Feinburg, *Problems at the Roots of Law* (Oxford: Oxford University Press, 2003), 144.
2. Catherine Lu, Editor’s Introduction, *International Relations* 18, no.4 (2004), 403.
3. Richard J. Bernstein, *The Abuse of Evil: The Corruption of Politics and Religion since 9/11* (Cambridge: Polity, 2005), 10–11.
4. Gil Bailie, “Two Thousand Years and No New God,” in *Destined for Evil? The Twentieth-Century Responses*, ed. Predrag Cicovacki (Rochester: University of Rochester Press, 2005), 20.

5. Peter Dews, "Disenchantment and the Persistence of Evil: Habermas, Jonas, Badiou," in *Modernity and the Problem of Evil*, ed. Alan Schrift (Bloomington: Indiana University Press, 2005), 51.
6. John Kekes, *Facing Evil* (Princeton, NJ: Princeton University Press, 1990), 12, 28. Gordon Graham, *Evil and Christian Ethics* (Cambridge: Cambridge University Press, 2001), 24. For Graham, this is a particular Christian view complete with angels, war in heaven, and the crafts and assaults of the Devil.
7. Bernstein, *The Abuse of Evil*, 3.
8. W. B. Gallie, "Essentially Contested Concepts," in *Philosophical and Historical Understanding* (New York: Schocken, 1968), 157–91.
9. Terrie Waddell, "Introduction" to *Cultural Expressions of Evil and Wickedness: Wrath, Sex and Crime* (Amsterdam: Rodopi, 2003), ix.
10. Frederick Sontag, "How Should Genocide Affect Philosophy?" in *Genocide and Human Rights: A Philosophical Guide*, ed. John K. Roth (Basingstoke, UK: Palgrave Macmillan, 2005), 29.
11. Neil Forsyth, "The Origin of Evil: Classical or Judeo-Christian?" *Perspectives on Evil and Human Wickedness* 1, no.1 (January 2002): 17.
12. Alan Macfarlane, "The root of all evil," in *The Anthropology of Evil*, ed. David Parkin (Oxford: Basil Blackwell, 1985), 57.
13. Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (Thousand Oakes: Sage, 1996), 174.
14. David Pocock, "Unruly Evil," in Parkin, *Anthropology of Evil*, 52.
15. Paul Ricoeur, *The Symbolism of Evil* (Boston: Beacon Press, 1967), 155.
16. Hans Morgenthau, "The Evil of Politics and the Ethics of Evil," *Ethics: An International Journal of Social, Political and Legal Philosophy* 56, no.1 (1945): 13.
17. This is not to say that different cultures do not conceive "evil" in different ways or that they do not view its meaning and significance in markedly distinct manners but rather to highlight that some commonalities exist.
18. David Parkin, "Introduction" to *Anthropology of Evil*, 7; Mark Hobart, "Is God Evil?" in Parkin, 187; David Parkin, "Entitling Evil: Muslims and non-Muslims in coastal Kenya," in Parkin, 226. As Parkin notes, the relationship between "evil" and physical deformity can be extreme; babies born in the breach position and those who cut their top teeth before the first two that usually appear on the bottom are often deemed "bad" children.
19. Joanna Overing, "There is no end of evil: The guilty innocents and their fallible god" in Parkin, 254.
20. Donald Taylor, "Theological thoughts about evil," in Parkin, 27.
21. Marilyn McCord Adams, "Redemptive Suffering: A Christian Approach to the Problem of Evil," in *Rationality, Religious Beliefs and Moral Commitment*, ed. R. Audi and W. J. Wainwright (Ithaca: Cornell University Press, 1986), 248–67.
22. John Kekes, *Facing Evil* (Princeton: Princeton University Press, 1990), 4.
23. Parkin, "Introduction," 23.

24. Clifford Geertz, "Ethos, World View, and the Analysis of Sacred Symbols," in *The Interpretation of Cultures* (New York: Basic Books, 1973), 130.
25. Clifford Geertz, "Religion as a Cultural System," in *Interpretation of Cultures*, 107–08.
26. William E. Connolly, *Identity/difference: Democratic Negotiations of Political Paradox* (Ithaca, NY: Cornell University Press, 1991), 2.
27. Ibid.
28. J. R. Lucas, *Responsibility* (Oxford: Clarendon Press, 1993), 5.
29. For a more detailed account of the theological and moral problems of evil, see Renée Jeffery, *Evil and International Relations: Human Suffering in an Age of Terror* (New York: Palgrave Macmillan, 2007).
30. Epicurus, quoted in Neil Forsyth, "The Origin of 'Evil': Classical or Judeo-Christian?" *Perspectives on Evil and Human Wickedness* 1, no.1 (January 2002): 20.
31. Joseph F. Kelly, *The Problem of Evil in the Western Tradition: From the Book of Job to Modern Genetics* (Collegeville, MN: Liturgical Press, 1989), 121.
32. Graham, *Evil and Christian Ethics*, 98.
33. Kenneth Surin, *Theology and the Problem of Evil* (Oxford: Basil Blackwell, 1986), 24.
34. See W. G. Lambert, *Babylonian Wisdom Literature* (Oxford: Oxford University Press, 1960). Although Churniss argues that the problem of evil did not emerge as an intellectual or spiritual concern until the rise of the mystery religions of the Greco-Roman world, the *Babylonian Theodicy* touches upon many of its most common themes and concerns. Harold D. Churniss, "The Sources of Evil According to Plato," *Proceedings of the American Philosophical Society* 98 (1954), 23.
35. As Marilyn McCord Adams writes, however, "in the modern period, David Hume started a trend of using such an argument from evil to give a positive disproof of divine existence." Marilyn McCord Adams, *Horrendous Evils and the Goodness of God* (Ithaca: Cornell University Press, 1999), 9. David Hume, *Dialogues Concerning Natural Religion*, 63; David O'Connor, *Hume on Religion* (London: Routledge, 2001), 163–91.
36. John Hick, *Evil and the God of Love* (New York: Harper and Row, 1966), 21.
37. Maneckji Nusservanji Dhalla, *History of Zoroastrianism* (New York: Oxford University Press, 1938), 85.
38. Ibid.
39. Hick, *Evil and the God of Love*, 31.
40. Alexander of Lycopolis, *Of the Manichaeans*, 2, <http://www.newadvent.org/fathers/0618.htm> (accessed October 27, 2004).
41. Jeffrey Burton Russell, *The Prince of Darkness* (Ithaca, NY: Cornell University Press, 1988), 57.
42. Tertullian, *Adversus Marcionem*, in *Tertullian: Adversus Marcionem*, ed. Ernest Evans (Oxford: Oxford University Press, 1972), II.6, 101.

43. John Hick, *Evil and the God of Love*. Presenting an alternative view, Charles T. Mathewes rejects this idea and writes that “Augustine’s privationist account is not so much a theodicy as it is an attempt to prevent theodicy questions from arising in the first place.” Charles T. Mathewes, *Evil and the Augustinian Tradition* (Cambridge: Cambridge University Press, 2001), 77.
44. Augustine of Hippo, *Confessions*, trans. R. S. Pine-Coffin (London: Penguin, 1961), VII.7, 143.
45. *De Daubus Animabus contra Manichaeos (Of Two Souls against Manichaeus)* (391 CE), *Contra Epistolam Manichaei quam Vacant Fundamenti (Against the Fundamental Epistle of Manichaeus)* (397 CE), *Acta Seu Disputatio contra Fortunatum Manichaeum (Acts or Disputation Against Fortunatus the Manichee)* (392 CE), *De Moribus Ecclesiae Catholicae (Of the Morals of the Catholic Church)* (388 CE) and, *De Moribus Manichaeorum (On the Morals of the Manichaeans)* (388 CE).
46. Connolly, *Identity/difference*, 3.
47. Augustine, quoted in Hick, 45.
48. Augustine, *City of God Against the Pagans*, ed. and trans. R. W. Dyson (Cambridge, UK: Cambridge University Press, 1998), XI.22, 477.
49. Augustine, *Enchiridion on Faith, Hope and Love*, trans. J. F. Shaw, <http://www.newadvent.org/fathers/1302.htm> (accessed October 27, 2004), I.11.
50. David Grumett, “Arendt, Augustine and Evil,” *The Heythrop Journal* XLI (2000), 156.
51. See Plotinus, *Six Enneades*, trans. Stephen Mackenna and B. S. Page, <https://ccat.upenn.edu/jod/texts/plotinus>.
52. *Ibid.*, I.8.5.
53. Augustine, *City of God*, XI.9, 461.
54. Augustine, *Enchiridion*, I.12.
55. Augustine, *Confessions*, I.12.
56. Augustine, *Against the Fundamental Epistle of Manichaeus, [Contra Epistolam Manichaei Quam Vacant Fundamenti]*, <http://www.newadvent.org/fathers/1405.htm> (accessed October 27, 2004), 35.39.
57. Hick, *Evil and the God of Love*, 65.
58. Augustine, *Freedom of the Will*, II.XVII.48.
59. *Ibid.*, II.IX.53.
60. Augustine, *Of Two Souls, [De Duabus Animabus contra Manichaeos]*, <http://www.newadvent.org/fathers/1403.htm> (accessed October 27, 2004), 10.14.
61. Kelly, *The Problem of Evil in the Western Tradition*, 54.
62. Mathewes, *Evil and the Augustinian Tradition*, 78.
63. *Ibid.*, 78.
64. Augustine quoted in Mathewes, 78.
65. Mathewes, *Ibid.*, 79.
66. *Ibid.*, 81.
67. Susan Neiman, *Evil in Modern Thought: An Alternative Philosophy of History* (Melbourne: Scribe, 2003), 20.

68. Gottfried Wilhelm von Leibniz, *Theodicy: Essays on the Goodness of God, the Freedom of Man, and the Origin of Evil*, trans. E. M. Huggard, ed. Austin Farrar (London: Routledge and Kegan Paul, 1952), 9, 128–29.
69. *Ibid.*
70. William King, *On the Origin of Evil*, trans. Edmund, Lord Bishop of Carlisle (London: Faulder, 1781), ix. The first Latin edition of this work was published in 1702, while an English version first appeared in 1731. Alfred J. Freddoso, “Suarez on God’s Causal Involvement in Sinful Acts,” in *The Problem of Evil in Early Modern Philosophy*, ed. Elmar J. Kremer and Michael J. Latzer (Toronto: University of Toronto Press, 2001), 10–11.
71. Leibniz, *Theodicy*, 21, 136.
72. *Ibid.* 23, 137.
73. *Ibid.*
74. Augustine, *Confessions*, II.iv (9), 29.
75. Voltaire, *Candide*, ed. Haydn Mason (London: Bristol Classical Press, 1995), 121.
76. Bruce Reichenbach, “Natural Evils and Natural Laws: A Theodicy for Natural Evils,” *International Philosophical Quarterly* 14, no. 2 (June 1976): 179.
77. *Ibid.*
78. Susan Neiman, “Metaphysics, Philosophy: Rousseau on the Problem of Evil,” in *Reclaiming the History of Ethics*, ed. Andrews Reath, Barbara Herman, and Christine M. Korsgaard (Cambridge: Cambridge University Press, 1997), 141.
79. Neiman, *Evil in Modern Thought*, 41.
80. Jean-Jacques Rousseau, *émile*, trans. Barbara Foxley (London: Dent, 1969), 5.
81. Jean-Jacques Rousseau, “Letter from J. J. Rousseau to M. de Voltaire, 18 August 1756” in *The Discourses and Other Early Political Writings*, ed. and trans. Victor Gourevitch (Cambridge: Cambridge University Press, 1997), 8, 234.
82. Immanuel Kant, *On the Failure of All Attempted Philosophical Theodicies* (1791), trans. Michael Despland, in *Kant on History and Religion* (Montreal: McGill-Queen’s University Press, 1973), 283.
83. *Ibid.*, 291.
84. *Ibid.*, 293.
85. Kelly, *The Problem of Evil*, 130.
86. Immanuel Kant, *Religion Within the Boundaries of Mere Reason*, trans. and ed. Allen Wood and George di Giovanni (Cambridge: Cambridge University Press, 1998), 6:20, 46.
87. *Ibid.*, 6:26, 50.
88. *Ibid.*, 6:29, 53.
89. *Ibid.*, 6:32, 56.
90. Richard Bernstein, *Radical Evil: A Philosophical Interrogation* (Cambridge: Polity, 2002), 20, 27.
91. *Ibid.*, 27.
92. Kant, *Religion Within the Boundaries of Mere Reason*, 6:44, 65.
93. Kant, quoted in Bernstein, *Radical Evil*, 13.

94. Ibid.
95. Bernstein, *Radical Evil*, 214.
96. Toni Erskine, "Making Sense of 'Responsibility' in International Relations: Key Questions and Concepts," in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (Basingstoke, UK: Palgrave Macmillan, 2003).
97. Ibid., 20.
98. John Kekes, *Facing Evil* (Princeton: Princeton University Press, 1990), 47.
99. Claudia Card, *The Atrocity Paradigm: A Theory of Evil* (Oxford: Oxford University Press, 2002), 3.
100. In Chapter 4, Tony Lang argues against this conceptualization of evil and the relationship between agency and responsibility within it.
101. Neiman, *Evil and Modern Thought*, 271.
102. Bernstein, *Radical Evil*, 4.
103. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963; Harmondsworth, UK: Penguin, 1994).
104. Fred E. Katz, *Ordinary People and Extraordinary Evil: A Report on the Beguilings of Evil* (Albany, NY: State University of New York Press, 1993), 19.
105. Arendt, *Eichmann in Jerusalem*, 276.
106. Ibid., 153.
107. Ibid., 276.
108. Ibid., 287.
109. Ibid., 21.
110. Ibid., 25.
111. Ibid., 277.
112. Ibid., 24.
113. Hannah Arendt, "Thinking and Moral Considerations: A Lecture," *Social Research* 38, no. 3 (1971): 417.
114. Katz, *Ordinary People and Extraordinary Evil*; Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (London: Penguin, 2001); Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989).
115. Katz, *Ordinary People and Extraordinary Evil*, 7.
116. Hannah Arendt, "On Hannah Arendt," in *Hannah Arendt: The Recovery of the Public World*, ed. Melvin A. Hill (New York: St. Martin's Press, 1979), 308.
117. Stanley Milgrim quoted in Inga Clendinnen, *Reading the Holocaust* (Melbourne: Text, 1998), 147; Stanley Milgram, *Obedience to Authority: An Experimental View* (London: Tavistock, 1974); Craig Haney, Curtis Banks, and Philip Zimbardo, "Interpersonal Dynamics in a Simulated Prison," *International Journal of Criminology and Penology* 1 (1983): 69–97.
118. Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage Books, 1997), 379.
119. Browning. *Ordinary Men*.
120. Staub, *The Roots of Evil*, 144.

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PART 2

*Agency and Responsibility for Evil
in International Relations*

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CHAPTER 2

Individual Agency and Responsibility for Atrocity

*Kirsten Ainley*¹

If only there were evil people somewhere insidiously committing evil deeds, and it were necessary only to separate them from the rest of us and destroy them. But the line dividing good and evil cuts through the heart of every human being . . . it is after all only because of the way things worked out that they were the executioners and we weren't.

—Alexander Solzhenitsyn, *The Gulag Archipelago*

There is a great deal of concern in contemporary international relations (IR) with evil individuals. Slobodan Milosevic was the “face of evil” for many until attention turned to Saddam Hussein, about whose acts of torture and mass killing George Bush stated: “If this is not evil, then evil has no meaning.”² Deeply unpleasant characters such as Idi Amin, Pol Pot, Charles Taylor, Ratko Mladic, Radovan Karadzic, Jean Kambanda, Josef Kony, and Osama bin Laden line up alongside these men as enemies of the good in late twentieth-century and early twenty-first-century life. They are held responsible for causing great and unjustified suffering to the innocent, for terrorizing or slaughtering entire populations, and for crimes against humanity on a grand scale. Despite the horrors of the Holocaust and the conviction that such despicable acts would never be allowed to happen again, evil seems once again to stalk the earth.

In this chapter I am concerned not with defining what evil is but with looking at how the label is used—in particular, why we assign responsibility for evil to “free” individuals in contemporary international

relations, and what the implications of this are. I will argue that seeking out supposedly rational, volitional individuals to hold responsible for atrocity is a corollary of the increasing focus on the individual, rather than the state, as the key agent in international politics. The individual is now seen by many as both the principal protagonist in bringing about evil and also the main victim of such acts. This view, which I will argue is a result of the rise of cosmopolitan liberalism, has led to the establishment of the human rights regime and to the development of international criminal law and a system of tribunals and courts to exercise such law. The International Criminal Court (ICC), which is just beginning to try its first cases, is seen by its supporters as the best way to deal with evil in the world and to ensure that the human rights of all individuals are upheld. However, developments such as the ICC are not as beneficial to international political practice as many of their supporters claim, for two principal reasons. First, the concept of the “international” individual agent on which they are based is highly problematic, because it ignores the enormous influence of social and environmental factors upon human actors. Second, there are significant negative implications of focusing only on those acts of “atrocity” that can be blamed on particular protagonists and using the term “evil” to describe these individuals. These implications include the legitimization of state violence through the categorization of all intolerable or “atrocious” violence as the action of deviant individuals, the temptation to understand conflict in dualist terms of “good” and “evil,” and a blindness toward instances of great suffering that cannot be framed as caused by intentional human action. The position also gives apparent support to the mistaken assumption that evil cannot be predicted or prevented, only punished after it has occurred. I will examine all of these implications toward the end of the chapter after I have looked in some detail at the emergence of the individual as the key actor in international relations.

The Rise of the Individual

The rise of the individual as an international agent has characterized post-1945 international relations and international political theory (IPT). In principle, individuals no longer need to rely on their state to protect their interests: a comprehensive system of human rights has been established that the individual can demand due not to her status as citizen of a particular state but due to her identity as a human being. Concern for individual suffering caused by grave human rights abuses has motivated wars—in Bosnia, Somalia, Kosovo and Iraq—as well as an abundance of law. There has been a marked shift in international political and legal discourse away

from assigning responsibility to states for extremes of political violence or atrocity and toward assigning responsibility—specifically criminal responsibility—to individuals. The most significant example of this shift is the establishment of the International Criminal Court, which is designed to prosecute individuals for acts held to be universally morally abhorrent. Yet focus on the individual in IR is relatively recent. In this section I will outline the twin roots of the new status afforded to individuals, liberalism and cosmopolitanism.

Cosmopolitanism is the older of these two doctrines, derived from the Greek *kosmopolites* or “citizen of the world.” The Stoics rejected the Aristotelian view that a person’s primary ethical identity was as a citizen of a particular polis and saw instead all humans as belonging or potentially belonging to a single moral community. This rejection of the significance of particularistic attachments defines cosmopolitan thought, which has developed and divided in a variety of ways in the two thousand years since the Stoics began to write. All strands of cosmopolitanism see the individual as the agent of concern, but they do not concur on what the individual is or what it means to focus ethics upon her. Liberalism, which developed in the European Enlightenment alongside a resurgent cosmopolitanism, provides the dominant mainstream interpretation of the individual in contemporary IPT, seeing her as volitional, rational, and autonomous, and it is these characteristics that are seen to justify both protecting the individual through a system of human rights and holding her responsible for the evil we observe in the contemporary world.

A central and defining characteristic of liberal philosophy is a conception of the person as a sovereign individual, a moral agent. Standard liberal accounts of agency see the individual as “possess[ing] internal powers and capacities, which, through their exercise, make her an *active* entity constantly intervening in the course of events ongoing around her.”³ An agent can cause changes in the world around her, but her actions are not themselves caused. She generates actions using her internal capacities of rationality and intentionality or will and thus acts freely and without interference as a sovereign body. Responsibility follows from free agency, as the agent is not forced to act in any particular way and could by implication act otherwise if she chose to do so. As her actions are voluntary, she can be held not just causally responsible but also morally responsible (subject to ascriptions of moral praise or blame) for the consequences of them. Liberal notions of free agency owe a great deal to the work of Kant, who saw the possession of reason as the differentiator between human beings and the natural world. Through reason, humans could transcend the laws of cause and effect and effectively become “uncaused causes.” “Our blame,” Kant argued, “is based on a law of

reason whereby we regard reason as a cause that irrespective of all . . . empirical conditions could have determined the agent to act otherwise.”⁴

The individual in liberalism is valued not just for her agency but for her perfectibility. Liberal ethics follow Mill in seeing individuality as a normative good, because “it is only the cultivation of individuality which produces, or can produce, well-developed human beings.”⁵ The human ideal can only be achieved on this view by effort on the part of the individual: the individual must be self-determining, and human life a project. It follows that the central concept and primary good promoted within liberal political theory is liberty or freedom, as the individual cannot hope to self-determine if her actions are constrained by a state.

The idea of rights, claimed to be grounded in natural law, arose in liberal political theory as a way to protect the individual from imposition by the state and to support the pursuit of her chosen ends by guaranteeing to her the widest possible range of freedoms. The primary role of the state in liberalism is to guarantee these rights to its citizens, and any obligation the individual has to the state rests on its success in doing this.

These three ideas—the individual, freedom and rights—have been tremendously influential in Western political practice. Yet despite the progress of liberalism as a domestic political philosophy in the eighteenth and nineteenth centuries, the international realm was still dominated by a “morality of states,” in which states were seen as the key actors.⁶ This morality of states “base[d] the principles of international ethics on the principle of state sovereignty” thus supported nonintervention in the affairs of other states on the basis of states’ rights to autonomy.⁷ By the twentieth century this view was being questioned, with its foundation on the principle of sovereignty found particularly problematic; it is in opposition to this view of international ethics that both liberal internationalism and cosmopolitan liberalism developed.

Liberal Internationalism and Cosmopolitan Liberalism

The first significant extension of liberalism beyond state borders came when British and American political theorists responded to the carnage of the First World War by proposing a liberal internationalist order. This program for peace was outlined most clearly within Wilson’s “Fourteen Points” speech, in which he advocated global support for sovereignty and national self-determination for all peoples under liberal, democratic, constitutional regimes; an international institutional structure that would manage international affairs through law rather than war; and the removal of all economic barriers to free trade. Wilson’s position was not a wholesale

rejection of the morality of states but an updating of it in line with the principles of liberalism that had taken hold in domestic societies. The liberal faith in progress and human perfectibility led theorists to believe that war could be eliminated, particularly through human rights, democracy, and free trade. Liberal internationalists thought that “states which treat their own citizens ethically and allow them meaningful participation in the political process are . . . less likely to behave aggressively internationally.”⁸ Where liberal internationalism differs from the cosmopolitan liberalism that followed it is in its conception of the rights of peoples rather than people. Liberal internationalists argued that the principal rights that we should be concerned with in international affairs are the rights of collectives—of peoples—to sovereignty and self-determination. They did support individual human rights but held that freedom was best served by guaranteeing to groups the space to determine their own national projects.

The collapse of the League of Nations and the rise of totalitarianism in the 1930s leading to the moral horrors of the Second World War forced liberal theorists to reconsider their beliefs. Some, such as E. H. Carr, turned to realism.⁹ They saw the liberal internationalist project as too ambitious—as utopian. Others—mostly activists and politicians such as Eleanor Roosevelt, rather than the liberal internationalist academics whose principles were now under attack—believed that their previous position, based as it was on only a partial reworking of the morality of states, was not ambitious enough. They rejected the state as a moral agent of concern entirely and set out an ethics centered on the individual. This new position marks the coming together of the cosmopolitan rejection of particularistic attachments and the liberal commitment to the absolute priority of the individual, and it can be seen most clearly in the post-Second World War focus on human rights. The concept of human rights was made concrete in the 1948 Universal Declaration, and the Preamble to the Declaration states that human rights should be protected by the rule of law. The human rights regime suggests that there are some actions, such as torture, slavery, and arbitrary detention, that are prohibited regardless of their status in domestic law and regardless of the official status of the perpetrator. Human rights are afforded to all human beings *qua* human beings and not due to their membership of any particular political community. The purpose of these rights is to guarantee to all individuals some basic protection from the actions of their states and, ideally, the freedom to formulate their own values and ideas of the good.

Evident here is the liberal conception of the individual as a volitional and normatively valuable agent who must be protected from arbitrary action from the state in order to be able to live according to her own goals and values. What cosmopolitanism brings to the picture is a new conception of the

ethical value of foreigners—those who live outside the boundaries of the liberal state. Brown distinguishes between pluralist liberals (analogous to pre-1945 liberal internationalists) and cosmopolitan liberals as follows: pluralist liberals regard the right to govern oneself—the right of self-determination—as one of the most basic and important rights, so they argue that the duties we have to our fellow citizens are qualitatively different from those we have toward the rest of the world. Cosmopolitan liberals see the identity every individual has as a citizen of the world (or simply as a human being) as prior to any national identity and therefore argue that normative action should be concerned to increase the political and civil rights of all people.¹⁰

Responsibility in Cosmopolitan Liberalism

The development of cosmopolitan liberalism in international political thought has done more than replace the state with the individual as the agent of concern. It has also altered views of responsibility in the international sphere. The principal feature of the cosmopolitan liberal view of responsibility is the legalization of the concept. Law plays a central role in liberal theory. The rule of law is judged to be the best way to safeguard the individual from the arbitrary action of states; it requires that government authority only be exercised in accordance with laws adopted through legitimate procedures. Liberalism in general sees law as an efficient and rational way to regulate relationships previously governed by violence—whether those relationships are between individuals, states and individuals, or states. Law is valued so highly by liberals because it is conceptualized as the apolitical expression of an objective moral code. Law is aligned with morality, so moral responsibility is defined and discharged through law. This is true particularly of criminal law: criminal behavior is seen as differing qualitatively from illegal behavior to the extent that it breaches societal moral codes, though contract and civil law are also underpinned by normative claims. Obedience to the law is all that is needed to satisfactorily fulfil one's moral responsibilities in a liberal polis.

This legal approach to ethics can be seen in the expansion of liberalism in both domestic and international realms. Liberalism values not just law but particular types of law, and so it has had significant effects upon legal frameworks and the construction of responsibility within them. Before I document the effect of liberalism on law beyond borders, I will outline its impact on domestic law.

Haney argues that the principal effect of the rise of liberalism in domestic polities was a move away from doctrines of collective responsibility to

doctrines where primary responsibility lay with individuals, with a new emphasis on individual autonomy and personal character or disposition. A person's legal situation "was no longer defined in terms of his place in a hierarchy of social status, but came to depend instead upon his personal efficiency and capability in a capitalist economy."¹¹ The principle of freedom of contract became paramount as relationships of social status were replaced by contractual relations. Parties to contracts were seen as free and autonomous under what became known as "will theory." As Haney explains, "will theory assumed that parties were equally capable of knowing what they wanted, of freely choosing the circumstances under which they would get it, and of expressing contractual agreements whose 'fairness' was a matter for the autonomous parties to decide themselves."¹²

The effect of liberalism on criminal law was also profound. The focus of such law changed from the punishment of sinners to the protection of property and of the rich from the poor. Criminal law in Western states came to reflect three key assumptions about human behaviour implied by the individualism which grounds liberalism, namely that: "1) individuals are the causal locus of behaviour; 2) socially problematic and illegal behaviour therefore arises from some defect in the individual persons who perform it; and, 3) such behaviour can be changed or eliminated only by effecting changes in the nature or characteristics of those persons."¹³ "The cardinal principle of criminal jurisprudence is that a crime is the act of a voluntary and responsible agent who chooses between the lawful and the unlawful."¹⁴ The doctrines of free will and individual responsibility are the foundations of contemporary Western criminal law, and it makes sense to focus any response to criminal activity on punishing or reforming individuals if the individual is seen as the causal locus of criminal behavior, the agent. Haney concludes that, in the nineteenth century, "the legal system, in harmony with widely held psychological theories about the causal primacy of individuals, acted to transform all structural problems into matters of moral depravity and personal shortcoming."¹⁵ This approach became institutionalized in the criminal justice and prison systems, and, despite great progress in social science and fundamental challenges to methodological individualism, remains embedded in both domestic and international criminal law.

The epistemological status of law itself also changed through the nineteenth century as economic life was transformed: law was increasingly viewed in secular, instrumental, and positivist terms. Laws were less about sin and more about controlling a constructed market place and protecting property—and as such, laws became divorced from social codes. Rather than being based on natural, or God's, law and expressing the moral values

of the community, laws became seen by critics of liberalism as constructed to facilitate the realization of individual desires and to support the distribution of economic and political power in society. This changing view of the foundations of law (from religious and natural to secular and contingent) caused a crisis of legitimacy for Western law, which was solved by re-founding law on the principal of (natural) reason and making the study of it a science. Law students were taught that law is objective and neutral and should be seen as entirely separate from politics (which is subjective, arbitrary, and value laden). Recasting law as founded on reason also had the effect of privileging the status of the judiciary. Walzer argues that, as liberalism is founded on an idea of natural rights, liberals tend to see philosophers and judges as having some special understanding of the relevant issues, so they assume that courts are the best places to define and protect rights.¹⁶ This assumption, and the institutional design and practice that are suggested by it, can be witnessed in the legalization of both domestic and international rights questions.

The appeal of liberalism in the West, along with the failure of the international community to manage its affairs peacefully by ascribing agency and responsibility only to states, has led to the increasing individualization and legalization of international relations as well as domestic politics. Cosmopolitan thinkers took the liberal focus on rights and law and wrote it large upon the global scene, which has resulted in significant changes to conceptions of responsibility in international relations. Gradually, through the twentieth century, individuals have gained both rights and responsibilities. They, rather than states, are now conceived as the causal locus of the behaviors that are of most concern in IR and these behaviors have therefore been written into international law as crimes. There has been a double movement of, first, the criminalization of international law, i.e. an increase in the amount of international law that is concerned with identifying and prosecuting criminal acts and, second, the internationalization of criminal law, i.e., the prosecution of those responsible for criminal acts above the level of the sovereign state. Whereas those who take a “morality of states,” liberal international, or communitarian view see obligation as being generated within states, cosmopolitan liberals appeal to a universal code of right and wrong in order to establish responsibility beyond national borders. They use law, the favored tool of liberalism, to establish and control these new structures of responsibility.

Prosecutions for human rights abuses are a recent innovation, but prosecutions for war crimes are not new. There are records of such trials dating back as far as Ancient Greece, but, until the twentieth century, suspected war criminals were tried under domestic law in national courts

(meaning, in practice, that the perpetrators were safe from prosecution if they held senior positions within the state). In 1872, Gustav Moynier, one of the founders of the International Committee of the Red Cross, called for the creation of a permanent international criminal court. The process of its creation took more than a hundred years, and, understandably given the liberal belief that law is preferable to violence as a method of managing relationships, most moves toward it coincided with the end of major conflicts.

During both the First and Second World Wars there were calls for the international prosecution of leaders of belligerent states for acts of aggression and gross violations of the laws of war. The 1919 Treaty of Versailles provided for an *ad hoc* international court to try the Kaiser and German military officials. No prosecutions ever took place as the Netherlands granted asylum for the Kaiser, and Germany refused to hand over suspects, but the demand marked a shift in thinking in favor of holding individuals internationally responsible for war crimes. During the Second World War an international criminal court was proposed, but rejected by the Allies who instead established *ad hoc* International Military Tribunals at Nuremberg and Tokyo. These tribunals began the process of the international criminalization of acts constituting serious human rights violations, rejected the principle of sovereign immunity, and began to see *individuals* as the relevant actors (and therefore hold them responsible) instead of states or groups.

Reports of ethnic cleansing in the former Yugoslavia led, in 1993, to the Security Council establishing the International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute such acts. A year later, the International Criminal Tribunal for Rwanda (ICTR) was established, this time in response to the massacre of an estimated 800,000 Tutsis and moderate Hutus, also as a subsidiary organ of the Security Council. The conflicts in former Yugoslavia and in Rwanda refocused attention on large-scale human rights violations during times of conflict, and they highlighted the significant practical difficulties encountered in setting up and running *ad hoc* tribunals, so showing the benefits that could be gained from a permanent international body dedicated to holding individuals responsible for human rights violations.

Momentum for such a body gathered, and in 1998 delegates from 160 states and a range of intergovernmental and nongovernmental organizations drew up the Rome Statute, which established an ICC with broad-ranging powers to prosecute acts of genocide, crimes against humanity, war crimes, and, potentially, aggression (although the Court will only have jurisdiction over crimes of aggression if a definition can be agreed upon, which looks

unlikely). Within the Court, the individual is of paramount importance. As well as the rights of individuals rather than “peoples” receiving most attention since 1945, individuals are also now being held responsible for international violence. International criminal law suggests that atrocious or “evil” acts in international relations are the direct responsibility of specific persons rather than states, and the ICC has been set up to prosecute those persons. Neither position nor action of state holds any relevance: the individual has replaced the state as the agent of concern in international criminal law.

The ICC is a significant achievement of cosmopolitan liberalism: the Court has the power to overrule the domestic legal systems of State Parties if it feels that offenses have not been adequately investigated or tried, and it is concerned to punish severe breaches of human rights regardless of the nationality or official position of perpetrators or victims.¹⁷ The offenses covered by the Rome Statute are judged to be wrong whether or not they are illegal within the domestic law that applies to the actors involved, and little regard is paid to sovereignty and borders. Through international criminal and human rights law, in particular the ICC, cosmopolitan liberals are able to promote their particular view of the correct roles of individual, state, and law. Frédéric Mégret notes that “probably no international legal institution better approximates the Kantian ideal-typical vision of a cosmopolitan-federation-of-states-in-the-making than the creation of a permanent international criminal court.”¹⁸

Cosmopolitan liberalism privileges the individual as an actor in IR and international criminal law as the method to control individuals. The rhetoric that accompanied the establishment of the ICC shows that individuals who do not conform to the new legal codes are viewed as evil—a point Kofi Annan has emphasized on a number of occasions:

Our time—this decade even—has shown us that man’s capacity for evil knows no limits. Genocide . . . is now a word of our time . . . a heinous reality that calls for a historic response.¹⁹

[The Court] gives concrete expression to Francis Bacon’s famous principle that not even the Sovereign can make “dispunishable” those crimes which are malum in se—evil in themselves, “as being against the Law of Nature.”²⁰

The best defense against evil will be a Court in which every country plays its part.²¹

The Court is an instrument of justice, not expediency. It can and must serve as a bulwark against evil.²²

Thus, the international prosecution of “evil” individuals after they have committed atrocities is now the dominant approach to controlling violence and promoting rights in international affairs.

The Limits of Cosmopolitan Liberalism

Supporters of the ICC regard the Court as a step along the path to global moral enlightenment, as the missing link in international human rights enforcement and as a powerful weapon in the fight against evil. However, the Court is premised on a highly problematic concept of the evil individual agent, which ascribes to the agent qualities of rationality, volition, and autonomy that are not observed in practice, particularly not at the international level, and which denies the importance of the social relationships and environments of individuals.

Cosmopolitan liberal ethics are grounded on a particular conception of agency: a supposedly neutral conception of the individual, sovereign or autonomous, rational and volitional by nature; an “uncaused cause.” However, there are significant problems with this model. First, it requires a dualism that is difficult, if not impossible, to sustain. To accept the model, we must see the “natural world” as a deterministic arena of cause and effect, but the human world as nonnatural, and characterized by volitional or intentional action outside the realm of causal laws. In some mysterious way, human beings must have the power to act, at times, outside the causal rules that govern the natural world.

Second, and more critical to the argument I wish to make here about evil, the model requires that agents have preferences and identities that are formed prior to social interaction and that any social attachments they have are freely chosen rather than in any way constitutive: i.e., that the self is “unencumbered.”²³ This position has been roundly criticized by communitarian theorists who argue that there is no such thing as the presocial agent—we achieve agency only through participation in social institutions and in the enactment of social roles.²⁴ The individual, in this view, cannot exist before society: our identities stem from our being embedded in social relations and from our psychological attachments to those close to us, and thus cannot be established prior to them.

The sovereign individuals of liberal theory behave independently, calculating costs and benefits in any situation and making decisions according to their personal preferences. However, we do not seem to behave as isolated individuals with any frequency. Pressures to conform and to obey lead to individuals behaving in surprising ways, often entirely in contradiction to the moral codes dominant in their communities. The

two most striking, well-known and ethically ambiguous psychological experiments to demonstrate this were carried out by Stanley Milgram and Philip Zimbardo et al.²⁵

Milgram designed and, beginning in 1961, carried out an experiment to investigate the Holocaust-inspired hypothesis that Germans were more obedient to authority and more likely to follow orders to carry out atrocities than other nationalities. He advertised for subjects in the United States from across the social strata (his original intention was to take the experiment to Germany having established a base-line low level of obedience in the United States) to take part in an experiment on learning. Each subject was required to administer electric shocks to another subject, up to a deadly level. The shocks were simulated rather than real, but the subjects did not know this. Psychiatrists predicted that less than 1 percent of subjects would shock up to the highest level. In fact, although many of the subjects displayed great anguish, 65 percent of them complied and shocked the learner up to 450 volts. Not one of the subjects stopped before 275 volts. Many attempted to refuse but continued after the experimenter asked them to do so or assured them that he would take full responsibility for any adverse consequences. Ninety-five percent of subjects continued the experiment up to 450 volts when they did not have to administer the shock personally, suggesting that when the subject shared responsibility for any harm caused, she was more disposed to continue contributing to that harm.

In 1971 Zimbardo designed a prison simulation experiment that put subjects into positions of authority within groups rather than subjecting them to it. As in the Milgram experiments, volunteers were recruited through advertisements in the local press, and half were allocated (via coin toss) the role of "prisoner," with the other half being "guards." The basement of Stanford University was converted into a mock prison, and on arrival at the prison, each prisoner was stripped, deloused, issued with a uniform printed with an identification number, and locked in a cell. The guards were given khaki uniforms, silver reflective sunglasses (to make eye contact impossible), clubs, whistles, handcuffs, and keys to the cells and the main gate. Their job was to maintain control of the prison. They were instructed that they could push the prisoners if they did not comply with orders quickly enough, but were not to use other forms of violence.

On the second day of the experiment, prisoners staged a revolt, which the guards crushed. After this, the guards became more aggressive each day, and the prisoners became more passive and dependent. Every guard, at some time during the experiment, behaved in an abusive, authoritarian way. They humiliated and dehumanized the prisoners to such an extent that five prisoners, one a day, had to be released prematurely, suffering from symptoms

such as uncontrollable crying, fits of rage, and severe depression. The experiment, designed to run for two weeks, was stopped after six days out of concern for the emotional health of the prisoners.

Zimbardo conducted the experiment to investigate the power of roles, rules, symbols, group identity, and situational validation of behavior entirely contrary to the moral code of ordinary individuals. The prison experiment demonstrated the ease with which people could be led to engage in atrocious acts by putting them in situations where they were deindividuated or felt anonymous, where they could displace the responsibility for the consequences of their actions onto others, or where they could conceptualize their victims in ways that made them less than human, as enemies or objects.

These two experiments demonstrate in the most dramatic way that if moral agency is characterized as the volitional action of autonomous and rational individuals, then very significant aspects of the social environments of actors are ignored. It seems that acting in a social context, particularly when one or more members of the social group hold a position of authority and the members can submerge their moral identities into the group, enables individuals to cast aside moral requirements that would usually constrain them as they fight or succumb to social pressures²⁶.

The findings of these studies tell us a great deal about evil actions in international relations. One of the biggest puzzles philosophers have faced when trying to understand events such as the Holocaust and the Rwandan genocide is why it is that so many “ordinary” people seem to contribute to the atrocities. In the conclusion to their study of the Holocaust, Kren and Rappoport state, “Our judgment is that the overwhelming majority of SS men, leaders as well as rank and file, would have easily passed all the psychiatric tests ordinarily given to US recruits or Kansas City policemen.”²⁷ The subjects in both the Milgram and Zimbardo experiments were also judged to fall within the “normal” range on the psychological profiling tests they completed.

There are two distinct (secular) views of evil in philosophical literature — “radical” and “banal” evil.²⁸ The first is developed from Augustinian and Kantian philosophy, seeing evil actions as carried out by evil individuals who know that the action is evil and choose to do it anyway. Such individuals are often described as “moral monsters.”²⁹ The second conception of evil is a result of the research that Hannah Arendt undertook on the trial of Adolf Eichmann, and posits that evil can result even if actors do not have evil motives.³⁰ Arendt argues that Eichmann effectively abdicated his autonomy, did not reflect upon the effects of his actions, and carried out the tasks he was ordered to do to the best of his ability as he was motivated by career advancement rather than any desire to contribute to the extermination of

Jews. He was thus a “moral idiot” rather than a “moral monster.”³¹ It is this view of evil as “banal” that many use to explain the participation of ordinary people in acts of great evil, but the psychological studies previously described, along with new work in the field of social psychology, should cause us to question whether such a clear distinction—between radical and banal evil—actually exists.

Arendt believed that people were more likely to replace their moral codes with habits and customs that permitted evil under the conditions of totalitarianism. However, the work of Milgram and Zimbardo suggests that “normal” people, acting in “normal” circumstances, can easily be led to engage in evil acts. Why is this? An interesting explanation can be found in the work of Barry Barnes, who, following Peter Strawson, argues that far from being autonomous agents, people are fundamentally vulnerable to each other and seek deference or approval by monitoring the response of others to actions that they take.³² He argues that people are motivated by attaining or retaining status in their social group and so engage in action likely to secure that status. If the norms or values of the group support action judged by outsiders to be atrocious, those within the group may still participate in it out of a desire for status. This dynamic calls into question both liberal assumptions about autonomous agency and the legalist conception of responsibility. Those acting may not intend the outcome of their actions, and those members of the group who do not explicitly contribute to the evil done may also have responsibility for facilitating it through upholding particular group values. This can be illustrated using the example of the violence that accompanied the breakdown of the former Yugoslavia.

Responsibility for the evil done during the breakdown spreads far beyond the fifty-three people convicted of crimes thus far at the ICTY. Virginia Held has looked at the responsibility of ethnic groups for ethnic conflict and concludes that such groups do bear moral responsibility in ethnic conflict, as it is attitude as well as action that contributes to atrocity.³³ Ethnic hatred is morally blameworthy because even though such hatred is rarely against the law (and may even be protected by laws of free speech), it significantly increases the risk that harm will occur as it generates a climate in which such harm is more acceptable. This view accords with the arguments made by Barnes: if members of a group foster a climate of ethnic hatred, then acts to harm the ethnic other may raise one’s status within the group and thereby bolster self-esteem. The group’s attitudes alter the environment in which the individual acts. If we share in the creation of or sustain such attitudes, then we share in the moral responsibility for the harm that results. Policies of ethnic violence, ethnic

cleansing, and genocide are only successful if popular opinion is mobilized behind them, as demonstrated in the former Yugoslavia. Following the dissolution of communism, the institutions that bound Yugoslavia together as a state disappeared, and political elites began to look for new power bases. Lacking organizing factors such as trade unions or political parties due to years of communist rule, dormant national identities were mobilized by political leaders in both Serbia and Croatia. These identities both created and reflected nationalist feeling. The leaders were certainly manipulative in their use of identity: Milosevic generated fear among Serbs living in Croatia and Bosnia that they would become a mistreated minority if these territories were allowed to self rule. However, Serbian communities allowed this fear to turn into ethnic hatred and continued to support the government that was generating the messages. Held therefore believes that Serbs as a group should take responsibility for Serbian atrocities in Bosnia and Kosovo as they were receptive to Milosevic's messages. One could add that Croatians should also be held responsible as they were equally as responsive to Tudjman's ultra-nationalist messages as the Serbs were to Milosevic. If their hate-speech had not found an audience, the political leaders would have stopped using it, but through the 1990s nationalist feeling grew to the point where campaigns of massive ethnic cleansing (including an estimated 700,000 Muslims "cleansed" from Serb-dominated areas of Bosnia and 800,000 Albanians from Kosovo by the Serbs, and 200,000 Serbs from Krajina by the Croatians) and atrocities including the establishment of detention and rape camps became politically possible. Ascribing agency and responsibility for these evils only to "moral monsters" such as Milosevic excuses the contributions made by many others. Even the instigators of evil are susceptible to social pressures and must respond to social signals to be successful in their plans, thus many more people are implicated in evil (and are in positions in which they could help to prevent evil) than the contemporary view of agency can acknowledge. The liberal emphasis on intentionality of agency and use of the law to confront evil means that many of those people who enabled atrocities by creating the social conditions that made them possible will escape unpunished as they cannot be shown to have intended particular harms.

This is particularly important at the level of "international" evil, as the Hitlers, bin Ladens, and Husseins of the world differ markedly from "domestic" evildoers such as Harold Shipman and John Wayne Gacey. Those who commit the atrocities we are concerned about in IR are not sociopathic loners: they are often prominent public figures whose perpetration of atrocious acts is either ignored or even actively supported

by their followers—not serial killers and pedophiles attempting to stay hidden in the shadows. Yet we treat them in the same way that we treat criminals in domestic law. Domestic criminal law concentrates on punishing individuals for breaching societal moral codes—for being “deviant,” for “conduct which does not follow the normal, aggregate patterns of behaviour.”³⁴ In other words, these individuals are seen as “extraordinary” people acting in “ordinary” times. Domestic criminal law, at least in theory, rests on a system of shared norms and values, which criminals deviate from. International criminal law and international crime are different in character. A common or universal morality is claimed to underlie the ICC, but no such morality can be observed in international practice, not even a common commitment to prevent genocide. The world sat by and watched almost a million people being massacred in Rwanda in 1994, and at the time of writing, four years into the crisis in Darfur, virtually nothing has been done by the international community to respond to the situation beyond making statements of disapproval and issuing two token indictments at the ICC. There is no universal moral code to which we can refer when confronted by evil, so people act according to more local codes. International crime also differs from domestic crime in that those involved in evil in IR are more likely to be ordinary people acting in extraordinary times than vice versa. Extraordinary circumstances such as conflict or state failure seem to elevate norms that promote stability or the safety of the group, so those who commit atrocities may be acting *according* to the values of their groups rather than deviating from them.

I do not wish to suggest here that we are all capable of being “the executioners,” in Solzhenitsyn’s words, that we all succumb inevitably to social pressure so can have no responsibility for any evil we contribute to, or that no relevant distinction can be made between those who seem to instigate evil and those who carry out the orders issued by the instigators. Rather, I am arguing that the view from the other end of the spectrum—that evil is carried out by moral monsters, volitional, deviant, individuals who operate outside the codes of their societies—is wrong, and has worrying implications.

Implications of the Individualistic View of Evil

Ascribing agency and responsibility for evil to intentional individuals in international relations has four important implications. The first two concern the types of harm that such a view focuses our attention upon. Seeing evil as individual deviance both legitimates action carried out by dominant actors in accordance with the prevailing values in the contemporary

international system and leads to many instances of suffering—those that appear to be “natural” or “structural”—being effectively ignored. The third implication of this view is that it tempts us to frame political action, in particular conflict, in simplistic terms of a fight between “good” and “evil,” and the final implication is that it leads us to believe that little or nothing can be done to prevent evil.

A key consequence of the development of the international criminal justice system has been to confer a level of legitimacy on violence that does not fall within the remit of the system, principally state violence or aggression (which is unlikely to ever be defined satisfactorily and so prosecutable under the Rome Statute):

By focussing on individual responsibility, criminal law reduces the perspective of the phenomenon to make it easier for the eye. . . . We are not discussing state responsibility, we are discussing criminal law. We are not really discussing a crime of aggression, we are busy discussing a rape or murder. We are not really discussing nuclear weapons, we are discussing machete knives used in Rwanda. We are not much discussing the immense environmental catastrophes caused by wars and the responsibility for them, we are discussing the compensation to be paid by an individual criminal to individual victims. Thereby the exercise which international criminal law induces is that of monopolizing violence as a legitimate tool of politics, and privatizing the responsibility and duty to compensate for the damages caused.³⁵

Yet the effects of the violence that is bracketed away from “atrocious” because it is carried out by states and permissible under the contemporary laws of war are much greater on human beings and the environment than the effects of the small number of crimes that the ICC will prosecute, and it is states that bring about the situations of conflict that facilitate the atrocities that the ICC seeks to prosecute. Martin Shaw has examined the relationship between the practice of war and that of genocide.³⁶ They are traditionally seen as distinct, with war portrayed as a legitimate activity of states: often necessary and sometimes noble. Shaw argues that genocide, by definition illegitimate and criminal, is actually a form of war, produced by the same forces within modern society that so frequently produce war: state power, economic organization, ideology, and the mobilization and participation of the population—it does not spring from the diabolical imagination of evil individuals. In the twentieth century, warfare “in the hands of the most advanced liberal states, repeatedly degenerated into little more than the deliberate mass slaughter, first of soldiers, then of civilian populations.”³⁷ These slaughters were not contrary to the social

practice of war but the inevitable and predictable consequence of it under modern conditions, according to Shaw. The argument here is not that war causes genocide. Rather, war (itself now enabled by industrial capitalism, the profits of which are often used to buy arms) makes it easier for leaders to extend “enemy” or “other” ideology and propaganda to include social groups rather than just armies and from there to widen the use of armed force to include targeting these groups as such. Other practices also contribute: Shaw sees the language of slaughter as embedded in culture and “indulged” in television and film, and the mass media as the “principal means whereby society is mobilised for killing.”³⁸ This is particularly visible when the media is state-controlled, as it was in Milosevic’s Serbia and in Rwanda before and during the 1994 genocide. Shaw does recognize an irony in conceptualizing genocide as a form of war: it is often only force that can stop such action (as the NATO support for the Croatian and Bosnian armies did in Bosnia, the NATO bombing did in Kosovo, and the energized RPF fighting did in Rwanda). Thus the practice of war may sometimes be legitimate, but its very existence provides the conditions of possibility for genocide, as individuals often react to situations of conflict by strengthening group bonds, and for some strengthening the self means weakening or destroying the “other.”

The second implication of the individualistic view of evil is that large-scale harms that cannot be explained as caused by the actions of volitional individuals tend to be ignored. Underlying cosmopolitan liberalism is an assumption that the world is naturally well ordered—that if everyone behaved according to liberal principles, suffering would largely cease. Harm results from “moral” evil—an aberration, brought about by monstrous individuals—not the normal workings of a liberal international system. This reflects the distinction made in philosophical writings between “natural” and “moral” evil. Moral evil is composed of “all instances of suffering—mental and physical—that are caused by the intentional and wilful actions of human agents (for which human agents can be held morally blameworthy).”³⁹ When the term evil is used in contemporary international relations it is overwhelmingly used to describe instances of moral evil. “Natural” or “structural” evils, such as extreme poverty, mass starvation, and the vast inequalities brought about by the normal workings of the global economy, as well as the death and environmental destruction caused by the normal workings of a militarized global political system, are not confronted as they are not seen as the result of intentional human agency, and they conflict with the liberal faith in the underlying order of the world. The commitment to ascribing responsibility to individuals through international law significantly constrains the notion of responsibility

that can be applied. Iris Marion Young argues that the most common contemporary conception of responsibility is the “liability model,” which “derives from legal reasoning to find guilt or fault for a harm.”⁴⁰ Under this view of responsibility, an agent is only responsible if her actions were both “causally connected to the circumstances for which responsibility is sought” and “voluntary and performed with adequate knowledge of the situation.”⁴¹ This standard of responsibility is necessary for the fair application of the law, given the severe penalties that can be imposed for acts found to contravene the criminal code and the general equation of responsibility with blame in liberal thought, but it serves to limit the states of affairs that can be included in liberal discourses of responsibility.

The reasons that natural or structural evils are discounted by the liberal international regime are political as well as philosophical. The human rights regime, central to combating evil in international relations, has little to say about economic abuse or hardship or about the extent to which economics influences war. The standard Western liberal governmental position has been to claim that free trade brings peace and so to impose neoliberal international economic policies and institutions onto weaker states. In general Western liberal theorists have privileged civil and political rights above social and economic rights and rejected the notion that the problem of global inequality should have a place in any discussion of human rights. This stems from the normative value placed on free trade and free markets within liberalism and is reflected in the Rome Statute of the ICC, the institution supposed to be the missing link in human rights enforcement: social and economic rights are barely covered. The Rome Statute states that it will prosecute the “most serious crimes of concern to the international community as a whole” (Article 5), and as the operation of international capitalism is not a crime committed by individuals, its effects are ruled out of the rights discourse.⁴² The effects of liberal economic policy on global poverty and economic inequality in particular are obscured by the attention directed toward moral evil and international crime.

Another, fairly well-documented, effect of the discourse of evil generally is that outlined by Friedrich Nietzsche, and later Carl Schmitt: using the concept of evil tempts us to see the world in a limited and dualistic way.⁴³ Anyone or anything that does not conform to our idea of the good, or that stands in the way of us achieving it, is labeled as evil. Fighting for good means opposing evil, and given that evil is so terrible, extraordinary measures are permitted to oppose it. According to Schmitt (himself a potential defendant in the Nuremberg war crimes trials, who was arrested and interrogated but released without charge), narrating others (Schmitt was referring to states, but the argument is just as relevant now the liberal focus

has moved to individuals in the international sphere) as morally wrong and, in particular, as an enemy of all humanity—as evil—can justify extremes of violence toward them, as such enemies must be defeated at any cost: “To confiscate the word humanity . . . probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and war can thereby be driven to the most extreme inhumanity.”⁴⁴ This argument is echoed today by those who accuse the United States of not respecting Iraqi lives in its action to discharge the responsibility it has assumed to rid Iraq of the evil of Saddam Hussein and his regime. Schmitt’s analysis of the dangers of war as a moral crusade, and his recognition that such wars are still political (“when a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent”), are important juxtapositions to the moral crusading of much cosmopolitan liberalism.⁴⁵

This tendency to understand conflict as between “good” and “evil” extends to the way that “atrocities” is defined and prosecuted. All acts of atrocity are not prosecuted: the decision over whether to hold a trial in any given situation is highly politically loaded. Power can prevent certain atrocities ever being tried, as it did after the Second World War. The Nuremberg trials effectively legitimized the mass bombings of civilians carried out by Allied forces in the Second World War, as these bombings were not tried, so they were not defined as war crimes or atrocities. War crimes trials tend to be biased in favor of dominant groups, as these groups are able to narrate their position as “good” (because it opposes “evil”) and can use trials of their enemies to enforce this view by excusing or drawing attention away from crimes committed by the prosecuting state as the crimes being tried are framed as being more serious: “As well as trying alleged war criminals, these trials serve as vindication of Western progress . . . they function as moral demarcations between the accused and the accuser, they avert attention from war crimes closer to home and, finally, they contain the message that the untried crimes are not of this magnitude or order.”⁴⁶ This point is well illustrated by the history of the Nuremberg Tribunal. On August 8, 1945, the Allies signed the London Charter, which established the tribunal to try German war criminals, apparently signaling their intention that international relations in the postwar era would be run according to the demands of international justice and basic human rights. Yet two days prior to the signing, the United States had dropped an atomic bomb on Hiroshima, killing an estimated 140,000 people (mostly civilians), and the day after the signing, they bombed Nagasaki, killing an estimated 74,000. Such was (and is) the power of the United

States to assert its position as fighting on the side of the good that these acts have never been assessed in any war crimes trial.

The final implication of the contemporary focus on evil individuals is that it suggests the prevention of evil is impossible. If we see agency as residing with volitional individuals, the conception of these individuals as “uncaused causes” makes atrocity impossible to predict (as unpredictability is inherent in the idea of free will). The ICC is a logical response to this liberal conception: if atrocity cannot be predicted, then it cannot be prevented. The way to respond to it must be post hoc legal prosecution and punishment. Yet social psychological studies suggest that evil actions are the result not just (and often not even) of the intentions of evil individuals, but also of situational and systemic factors that can be observed and the likely influence of which can be predicted. The generation of ethnic hatred and the deindividualization and dehumanization of intended victims regularly precede atrocity. Given that we know first how susceptible humans (particularly humans under severe stress) are to conform to dominant group values and to obey orders, and second that atrocity in international relations usually takes place against a background of conflict or war, it should not be difficult to predict when evil acts will occur. Prevention of these acts is likely to be complicated and costly, but acknowledging that these acts can be predicted—that they are more than the isolated acts of madmen—may increase pressure on powerful actors to intervene to reduce the likelihood of atrocity by removing some of the background conditions that appear to facilitate it.

Conclusion

Holding volitional individuals responsible for atrocity is such a deeply rooted notion in contemporary IR that it can be difficult to see that the position is both acutely flawed and has insidious effects. The great achievements of cosmopolitan liberalism—the human rights regime and the international criminal justice system, in particular the ICC—are intended to respond to evil and to eliminate it. In this chapter I have argued that the view of the individual at the heart of cosmopolitan liberalism does not accurately describe people as they behave in the world. Human beings, good and evil, are fundamentally social creatures, and we can only understand and seek to prevent evil actions by acknowledging this. If we ascribe responsibility for evil only to “moral monsters” and not to those people and situations who facilitate atrocity, our responses to evil will be misdirected, if attempted at all. Evils in international relations are rarely isolated, deviant acts; they are usually part of political programs that receive significant publicity and public support and are made possible by

the normal practices of the international system. The liberal philosophical analysis of the individual agent leads to much moralizing in the face of evil but little understanding and even less appropriate action.

Notes

1. I am grateful to Renee Jeffery and Chris Brown for comments and discussion on this chapter.
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5. John Stuart Mill, *On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 1991), 71.
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23. Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).
24. See in particular Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 1981); Sandel, *Liberalism and the Limits of Justice*; Charles Taylor, *Philosophical Papers 2: Philosophy and Human Sciences* (Cambridge, MA: Cambridge University Press, 1985); Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, MA: Harvard University Press, 1989).
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26. See Vetlesen, Chapter 3 of this work, for further discussion of these issues.
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40. Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 116–18.
41. *Ibid.*, 116.
42. Rome Statute of the International Criminal Court, Article 5.
43. Friedrich Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy for the Future* (Harmondsworth: Penguin, 1990); Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996).
44. Schmitt, *Ibid.*, 54.
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CHAPTER 3

Collective Evildoing

Arne Johan Vetlesen

Actors preparing to commit large-scale evils typically portray their victims as a mass, as being all alike. “Your group is your destiny”: this is the message perpetrators of collective evildoing convey to their targeted victims. This focus on group identities can be designated as the ontological thesis of this chapter and has become characteristic of ideology-driven aggression against groups of individuals, such as the Jews during the Holocaust. The central logic emanating from this ontological thesis is “One for all, all for one” as it claims to capture an essence in each part of the whole (species). There is nothing the concrete individual (exemplar) can do, drawing on his or her powers of intentionality, of forming thoughts and initiating action, that may alter this essence and its ascribed primacy. The primacy of ontologically conceived essence over individuality-based variation is a metaphysical claim, immune to any attempt to refute it.

A number of significant consequences follow. In particular, it follows that responsibility and guilt are denied any relevance in their conventional, meaning *individualistic*, sense. Indeed, we need to recognize that human agency as such is thoroughly collectivized. Categories of agency such as responsibility, guilt, and complicity are freed, as it were, from the particularity of individual agents. Once collectivized, human agency in all its moral as well as spatiotemporal dimensions is conceived of in such a way that the individual is compelled to answer for everything “his” group has done, does, or is alleged to be about to do. Collectivizing agency in the manner typical of genocidal ideologies is tantamount to obliterating the morally and legally crucial distinction between individual and group. For this reason, it creates a logic that severely undermines the enactment of law.

For law to be enacted, disaggregation is required to reinstall agency as a property of individuals as distinct from collectivities. As we shall see in this chapter, however, this fact should not cause us to overlook the undeniable *psychological* impact of groupthink, be it among victims or perpetrators. In medias res, as events unfold and evil is being committed, perpetrators, as well as victims, may have difficulties perceiving what is attributable to the group (“us”) as distinct from the individual (“I”). For the perpetrators, such immersion in groupthink may clearly be experienced as beneficial: it makes it psychologically easy, indeed almost irresistible, to participate in what the group (“we”) is in the process of doing to others.

That ideology-driven perpetrators systematically endeavor to dehumanize their victims, and that deindividuation is a core element of such dehumanization, is a well-established fact in research on collective evildoing. As indicated, in what follows I shall investigate how such processes of deindividuation are operative among *perpetrators*, as distinct from their victims. Hopefully, this shift will allow us to understand some paradoxes that are rarely exposed.

The Issue of Intragroup Individuality

Starting again from ideology, it would seem reasonable to assume that doctrines citing absence of individuality as a defining trait of the targeted group are eager to protect such individuality in the in-group as a value that *we* appreciate and help blossom, whereas *they* do not. The reasoning goes like this: They are all alike, and there is nothing they can do, as so many individual members of the group, to challenge or alter this likeness, since it is of an essentialist kind. By contrast, we are all individuals; indeed, our being so many genuine individuals marks a core difference between us and them; this difference is not normatively neutral; rather, it constitutes a reason for our being morally superior—superior in worth—as compared with the other group.

I am not making the claim that the ideologies at work, respectively, in the Nazi-led, or Milosevic-led, or Hutu-led assaults on the chosen enemy group make the common assertion that, whereas the victims are a mere mass of people, internally indistinguishable, the in-group represents a haven of individuality. But the fact that the contrast—again, a contrast meant to be normatively decisive, in the sense of justifying the wholesale elimination of the enemy—may not figure prominently in the rhetoric does not mean that it is not operative. Recall that the sine qua non of the logic of ideologies bent on the annihilation of the enemy is *contrast*. Its most elementary form is this: the traits that pertain most profoundly and

inalterably to the enemy, our radical others, are traits that do not pertain to us. As it is commonly expressed, to preserve our purity, we cannot allow ourselves to be in any way contaminated by the impurity stemming from our radical others. This contrast is of such a nature as to dictate the actions we need to take; it makes us into executioners, it defines who belongs where. If we embark on a campaign of annihilation of our enemy partly on grounds of the absence of individuality, of differences within that group, it follows—a *fortiori*—that our group must represent a negation, so as to prove the contrast, of that absence: we must be safeguards of intragroup difference.

To be sure, putting the point in such logical terms makes the issue appear exceedingly abstract. A more accessible way to make the point is this: perpetrators typically look upon their victims as perfectly exchangeable. Since not a single one of them (the victims) possesses intrinsic value, since all of them are placed outside a common human universe containing such rights and duties as follow from the possession of moral standing, the killing of one is wholly equivalent to the killing of another. Here you have the professor, there you have the ignorant infant, here the elderly man, there the little girl. It makes no difference: killing the one is no different—as far as moral status is concerned—from killing the other.

Such a radically anti-hierarchical stance—or if you will, radically egalitarian one, in the sense of denying differences *per se* and *in toto* as figuring within the group targeted for destruction—is precisely *not* applicable with regard to the in-group. Indeed, the Nazis in particular are known to have cultivated an elitist notion of worth. As ideologically stated, the elitism in question is double-faced: It is not only that one race (the Aryan) is more valuable than all others and that one of the other races is devoid of any value whatsoever (the Jews). It is also that some Nazis (individuals) are more worth than others; for example, the individuals fulfilling the criteria required for joining the SS, form an elite within the elite race; the loss of such an individual is a greater loss for the collective than that of the simple man in the street.

To repeat, perpetrators typically view their victims as perfectly exchangeable and interchangeable: one for all, all for one. Radical intra-group egalitarianism reigns, as far as the enemy group is concerned; it is the perfect egalitarianism of absence of worth and absence of individuality, of particularity. The ideologically asserted contrast to this operates on two dimensions: worth is ascribed to the in-group *qua* collective, and yet—significantly—some individuals within this group have more worth than others. How does the latter come about?

It appears that the two dimensions of value-ascription differ over the criteria employed. The group is ascribed worth on essentialist grounds, as

described earlier. The simple fact of *membership*—being born an Aryan—determines the worth of the individual. Since this worth has not been achieved or in any way earned by (individual) performance, it is not of the order of merit. Moreover, the worth in question is nonoptional, and since the individual commands no power to attain it, he or she likewise have no power to lose it. In short, entry as well as exit are nonavailable as consequences of human performance, of agency as such. Your group is your fate, period. This is the logical implication, and the psychological and moral message, of essentialism as used here.

But what about the second dimension of value-ascription alluded to, whereby some members of the group come to be regarded as more valuable—again, for the group as collective—than others? Can this be squared with the essentialism operative at strict group-level? Logically speaking, it cannot; pragmatically however, it can. There is the notion in Nazi ideology that it takes the strongest, the hardest, and the most altruistically minded to effectively protect the most vulnerable among the in-group: the SS as the hardened guard protecting Aryan women and children understood as the members of the group representing its future. The more vulnerable the manifestations of to-be-protected value, the more ruthless must be the stance toward the enemy that represents the threat against that essence—its purity as well as its continuation, and ultimately its sheer prospects for survival in an hostile environment.

Securitization

This is the reasoning behind what is currently known, in international relations theory, as *securitization*. The reasoning goes like this: A particular object, said to represent a peculiar essence, typically that defining of the in-group, is alleged to be in danger. The threat is alleged to come from a certain other group. The significance of the threatened object, or essence, is considered invaluable for the identity of the in-group; its protection therefore takes on unprecedented existential importance, which in turn necessitates as well as legitimizes the implementation of extraordinary means—including violence—to protect the object from attack and possible destruction. This in turn creates acceptance in the in-group for preemptive attack against the enemy, since the only alternative to attacking first is being attacked, which is precisely what the enemy in fact is preparing to do at this very moment. So there is not a minute to be lost; the danger to what is most dear to the group as such is imminent, and the sooner one launches a preemptive attack to avert destruction, the better. The aggression one is now prepared to initiate is wholly a matter of self-defense,

dictated by the imperative of survival. Nothing less is at stake. Those who are not with us are against us.

It will not escape the reader that securitization thus defined applies to more real-life cases than, say, Nazism or Stalinism. It applies to something as recent as President George W. Bush's offered rationale for attacking Iraq—recall the alleged links between Saddam Hussein and international terrorism of the kind responsible for the 9/11 attacks, attacking—according to Bush—the very essence of the American lifestyle: “our freedom.” The object or essence cited in order to set in motion the steps characteristic of securitization may vary: in one case, blood (race) may be cited; in a second, purity (ethnicity); in a third, national borders; in a fourth, freedom. The alleged mundane vulnerability of the object in question makes for its susceptibility to destruction from hostile outside forces, whence arises the need for vigorous acts of protection. Securitization is basically an operation of manipulation. Its chief aim is to create and amplify an atmosphere of fear in the population and to exploit that fear to secure approval for the introduction of extraordinary means to eliminate extraordinary threats. “Necessary” measures against the enemy are presented as equivalent to “morally justified” steps; no distinction, let alone contradiction, is allowed. Wars of aggression are accompanied by self-righteousness, making sure that perpetrators not see themselves as such but as the “real” victims instead.

Returning to my main argument, the significance of securitization consists, among other things, in the fact that it offers a rationale for why some members of the in-group are more equal than others, in Orwell's well-known sense: more important, hence superior in rank and in worth—in their value for the collective, that is to say. In the typical case, only a few chosen ones will qualify as suited to be in charge of the rhetoric-of-fear—driven measures of violent aggression that securitization is deployed to justify to the rest of the group, its vast majority. The criteria seen as apt to allow for this selection, the recruitment to the very top of the political and military ladder, cannot themselves be essentialist or radically egalitarian in the sense given earlier. On the contrary, they need to be of a meritocratic kind, allowing for the relevance of individual performance, the relevance of the fact that some members of the group act in ways deemed superior to those of others. As is well known from the historical record, charisma is a key differentiating feature in this respect; remove charisma from, say, Hitler the mass-rally speaker, and you remove his comparative asset over against all rivals, internally no less than externally. It is worthwhile noticing here that ideologies that take pains to present their worldview in general, and their portrait of the chosen enemy in particular, as science based and

hence as rational settle for undisguised irrational criteria when it comes to justifying the peculiar aptness, the mythical chosenness, of the leader (*Führer*). He is the one tolerated, even celebrated exception from the rule, the one whose idiosyncrasies only go to prove his suitability for his position, his never-to-be-copied ascendance from nobody and nowhere to the peak of earthly power; his uniqueness and hence irreplaceability.

Perpetrators Self-destruct Their Agency

We are now in a position to appreciate the first of the paradoxes I alluded to earlier. The claim I shall develop is that, in the course of actually carrying out the policies of aggression that ideological contentions about the exchangeability and interchangeability of the targeted victims serve to justify, individual perpetrators cannot help *giving up* their individuality—thus losing one of the very features cited to prove their normatively vital difference from the victims in the first place.

The paradox can be formulated in various ways. One is to say that in combating the threat posed by the enemy, hoping as it were to wipe out a collective and so a way of life where individuality is but an illusion, the individual perpetrator becomes engulfed in processes that so diminishes his uniqueness qua individual autonomous agent as to render it nonexistent. He becomes himself wholly exchangeable; he gets tied up in processes of dehumanization and deindividuation, leading him down a psychological avenue whose endpoint consists in him becoming anonymous to himself and to others; a nobody, as opposed to a distinct somebody in Hannah Arendt's sense of being capable of initiating action. An agent, according to Arendt, is someone whose unmistakable identity accompanies her every action, at least its early phases. Most crucially, to be an agent means to be capable of genuine spontaneity: to be a beginner. It involves having a capacity to begin something wholly novel whose repercussions in the wider world are unpredictable and irreversible; something whose newness attests to the profound uniqueness of its author.¹ By contrast, a participant in collective evildoing typically gets entangled in processes denying, and destroying, the characteristics Arendt sees as constitutive of agency. Such a perpetrator gets tied up in a process of moral degradation, call it self-degradation. In short, and to offer a second formulation, the paradox is that what one seeks to remove in the other so as to allow it to subsist in oneself ends up as what one removes in oneself in the very act of accomplishing its removal in the other. Overt outer aggression is not wholly overt, is not wholly outer; it is inner directed, too, albeit in covert and subtle ways. What I do against you I cannot, in the very act of doing it, help doing against myself as well. This

means—third formulation—that the closer I believe myself to come to reaching my original objective—wiping out something that disallows for difference, for individuality, for spontaneity and novelty in Arendt’s sense—the more I help undermine it.

Arendt is a sharp observer of how individuality is doubly a casualty of collective evildoing, of how it is effaced not only in the targeted victim but in the perpetrator as well.² The former instance of effacement is deliberate, in the sense of being part of the ideology inspiring the aggression. But what about the latter?

In speaking of a paradox arising here, I have hinted that the perpetrator who effaces his own individuality, his own sense of agency and Arendtian spontaneity, in the very act of carrying out the murder of individuals making up the enemy group does something that he did not intend to do. In that sense, the paradox worked is that of a contradiction: the perpetrator helps destroy what he set out to maintain. Far from demonstrating an absolute, a kind of black as against white, contrast between himself and his victim, the person who participates in mass murder brings about a resemblance between them: deindividuation, in the form of anonymity, prevails on both sides of the divide between killer and killed.

This prompts the following question: Might the stated objective of preserving for oneself—in as pure and unspoiled a version as possible—everything that is (per ideology and propaganda) denied to the victims itself be a piece of ideology? Might it be part of a delusion? In other words, how literally are we to take the assertion—or assurance—that individuals comprising a group and acting like a fused unit in everything they do against the enemy group do this while wanting—as so many distinct individual agents—to *retain* agency in an Arendtian, meaning individuality-affirming sense? Or might something quite opposite be closer to the truth? Namely, that taking part in this kind of violence provides a rare, even once-in-a-lifetime opportunity to forget oneself, to merge with a larger-than-oneself, nay, larger-than-life collective self, one conforming to the formula otherwise reserved for the enemy: one for all, all for one?

The “Forward Panic”: Implications for Agency

Sociologist Randall Collins has analyzed the dynamics of what he calls “a forward panic.”³ Foreign to Arendt’s preoccupation with the cognitive or purely intellectual prerequisites for participation in collective evildoing (leading her, most famously, to concluding that what Adolf Eichmann exhibited, utterly disastrously at that, was “sheer thoughtlessness”),⁴ the characteristics of a forward panic are predominantly psychological and

emotional. The sequence of such a panic is structured around increasing tension, striving toward a climax. When the opportunity arrives—say, when a village believed to be an enemy base is entered—the tension or fear that has built up (often for considerable time) comes out in an emotional rush: the perpetrators rush forward, overtaken by as well as reproducing an overpowering emotional rhythm, carrying them on to actions (atrocities) they would normally not contemplate doing, let alone approve, in a calm mood. Marine Lt. Philip Caputo gives an example from the Vietnam war worth quoting *in extenso*:

Then it happened. The platoon exploded. It was a collective emotional detonation of men who had been pushed to the extremity of endurance. I lost control of them and even of myself. Desperate to get to the hill, we rampaged through the rest of the village, whooping like savages, torching thatch huts, tossing grenades into the cement houses we could not burn. We did not feel anything. We were past feeling anything for ourselves, let alone for others. We shut our ears to the cries and pleas of the villagers. Most of the platoon had no idea of what they were doing. . . . Despite the evidence to the contrary, some of us had a difficult time believing that we were the ones who had caused all that destruction.⁵

The emotion of a forward panic, Collins explains, is a hot emotion: a situation of being highly aroused, steamed up. Further, it is an emotion that is rhythmic and strongly entraining. Individuals in the throes of a forward panic typically keep repeating their aggressive actions. Thus, “the illegal migrants are clubbed again and again by the highway patrol; Rodney King is repeatedly hit; Caputo’s marines torch one hut after another.” The emotion, Collins continues, “is flowing in self-reinforcing waves. The individual gets caught up in his or her own rhythm (which is structurally similar to becoming entrained in one’s own curding or crying).”⁶ All the emotional components released during the hot rush of an unopposed attack are cycling back upon themselves, in sum generating “a social atmosphere in which persons keep on doing what they are doing, over and over, though it may make no sense even as aggression.”⁷ As for the question of the specific *evil* nature of the violence thus unleashed, Collins notes that “a forward panic always has the look of an atrocity. It is patently unfair; the strong against the weak; the armed against the unarmed (or the disarmed); crowd against the individual or tiny grouplet.”⁸

In addition to the behavior of American forces in Vietnam, Collins cites the so-called “Rape of Nanking” in December 1937 as the most notorious instance of the dynamics at work in a forward panic. Nanking,

the Chinese capital, was seized by Japanese forces, and, as we have come to expect by now, Collins laconically observes that “once the order to kill prisoners had been given, the Japanese commanders had no more control over their troops.”⁹ The troops entered the situational zone that can be called a “moral holiday,” eventually killing about 300,000 persons. Importantly, and contrary to a common assumption, Collins notes that the violence unleashed here, although a highly emotional process, was not an uncontrollable frenzy. “Japanese soldiers,” he tells us, “did not go berserk, lashing out in all directions; they did not shoot each other, and they generally respected their own hierarchy.”¹⁰ The message is that the Japanese soldiers’ moral holiday has nothing to do with the triumph of chaos, be it emotional or moral. Rather, the moral holiday is the product of a peculiar situation, a situation where control remains to be exerted; a holiday that had its “implicit boundaries”; it was, says Collins, “a frenzy of destruction, but a targeted and delineated frenzy.”¹¹ There is no “anything goes” here. There are rules to be abided by, limits that are respected, demarcations that remain operative, such as the all-important one between friend and foe. The violence may appear uncontrollable, irrational, out of proportion, a matter of uncalled-for excess and overkill; indeed, the attack as such, in particular the urge to kill for the sake of killing that accompanies it, that spurs the participants to do more, always more, to excel in the art of killing, may appear to any sane observer as not only deeply immoral in all its aspects but as counterproductive and antiutilitarian as well, to allude to Arendt’s findings with respect to the terror of totalitarian regimes.¹² For all that, the violence witnessed in an instance like the rape of Nanking, the seemingly uncontrollable violence is like “roaring down a tunnel; but the tunnel has a place in social space, with a beginning and an ending in time, as well as walls outside of which it does not go.”¹³

Apart from this anchoring of the collective evildoing to its peculiar moral—as opposed to amoral, or morally neutral—time and space, its *unsuspended* anchoring to order, hierarchy, and demarcations, a second aspect in Collins’ analysis, is especially vital for my purposes. The fact is that Chinese troops greatly outnumbered the Japanese troops on the scene. This raises the obvious question, or should we say puzzle: Why didn’t the Chinese fight back? To be sure, a familiar question, dating at least back—in recent history of genocide—to Bruno Bettelheim’s much-criticized remark that “millions [of Jews], like lemmings, marched themselves to their own death.”¹⁴ Seeing that they are being slaughtered, why does a group of victims that greatly outnumber their physically present perpetrators not stand up and fight against them, with whatever means available? They have nothing to lose, right? Even if doomed to die, is it not better to

die following acts of resistance—however symbolic, however ineffective in the end—than to die passively, “like sheep,” as the cruel saying goes?

Collins raises this question, and the answer he gives will be no less—depressingly—familiar than the question. The key to his answer is provided by his observation that “the emotional mood is interactional; it is shared on both sides.”¹⁵ Recall that a forward panic arises in an atmosphere of total domination. Such domination is not solely, or primarily, a matter of numerics: the number of soldiers taking part on each side (Nanking), or the number of guards ordering the victims to enter the trains or to hurry up in the direction of the gas chambers (be they disguised as rest rooms and showers) (the Holocaust). What matters in the sense of determining what comes to unfold between the groups co-present on the scene of slaughter is not “rational,” is not conforming to run of the mill commonsensical reasoning. It is not a matter of counting the numbers, or the weapons, and calculating the plausible outcomes produced by choosing one option over its available alternatives. Rather, what matters is what kind of emotional and psychological situation is being created here; in a word, the *atmosphere* or *feel* experienced by those present. Thus Collins writes:

The victorious side feels ebullient, charged up; the losing side feels despairing, helpless, frozen, suffocated. These emotions circulate and reinforce each other: in a pair of loops within each body of loops—the victors pumping each other up into the frenzy of destruction, the losers demoralizing each other; and in a third loop connecting the two loops, in which the victors feed off the demoralization of the losers, and the losers are emotionally battered still further by the dominants. It is a process of asymmetrical entrainment.¹⁶

To sum up, the forward panic of one side, or group, is fed by the panic paralysis of the other.

What is not addressed in Collins’ analysis, though, is how and why it comes about that the one group is granted the status of the victor in the first place. The answer will vary with the particularities of the specific case under consideration, of course. We gather from Collins’ approach that the group *taking the initiative*, setting the sequence of intergroup interaction in motion, typically will prevail; and once *felt* to prevail, both by its own members and by those comprising the other group, the group seizing the initiative will enjoy the harvest of the self-reinforcing emotional dynamics thus unleashed, just as the group appearing as passive, as the object of attack, as unprepared and unorganized, as a loss about how to respond, will be forced on the defensive—whereby it itself becomes part

of the irresistibility of the forces unleashed, thus contributing to its own paralysis and hence defeat or, ultimately, wholesale destruction. In a word, everything in this interactional sequence seems to depend on the first move; on *who* makes it, and with what *air* of determination.

What I find most striking in Collins' analysis is the absence of signs of individuality on both sides of the divides between perpetrator and victim or victor and loser. The impression is that of thorough psychological regression, namely toward a state of *selflessness*. The distinct self, both laying claim to and enacting agency in an empathic, individuality-expressive sense (Arendt)—the self that is presupposed by the letter and the enactment of (criminal) law—is conspicuous by absence. It is as if such a self, the agential self, holding itself accountable and being held accountable by the outside world, is a self that has no purchase as it were once, and so long as, its physical bearer engages in group behavior of the kind witnessed in a forward panic. The normal agential self is abandoned the moment the types of actions characteristic of a forward panic is beginning to take place; this self is readopted once these actions have come to an end.

Stated like this, one gets the impression that the individual's sense of initiating action and of assuming responsibility for it, understood as *individual* responsibility, is dramatically affected by group-induced behavior: engaging wholeheartedly in the latter entails giving up on the former, on agency as commonsensically understood. That certainly sounds alarming. But the provocation is mitigated by the fact that what we observe in these cases—individuals taking part in group-specific behavior such as a forward panic—represent an exception to the rule. As we said, the moment that kind of exception-like, even extreme, behavior comes to a halt, the individual participant will return to his normal code of conduct and the normal agential self that goes with it. This is the sense in which Collins could quote Lt. Caputo's remark that the participants, looking back on the violence they committed, "had a difficult time believing that we were the ones who had caused all that destruction."¹⁷ What is thrown into sharp relief here is the shocking contrast between what people normally do, or are prepared to do, and what they in fact can be brought to do *under extraordinary circumstances*, a forward panic being a case in point.

What I am suggesting is that, for all the morally unpleasant drama of the behavior let loose under exception-like circumstances, it is reassuring to know that most of the time we do *not* behave like that. Most of the time, that is, we assume responsibility for what we do, as distinct individuals with our own convictions about right and wrong; autonomous individuals committed to codes of conduct we are not willing to compromise; and if we sometimes do, then it is only as an effect of

overwhelming pressure that allows us no independent stance, no effective resistance, and so forces us to abandon our sense of responsibility, indeed to become—if only for a brief period of time, for an hour or a day—*selfless*.

The Situationist Approach to Collective Action

The psychologist Philip Zimbardo, creator of the famous Stanford prison experiment, takes pains to rock the boat of reassurance. The behavior that people display when subject to group pressure is not, Zimbardo argues, the exception from the rule. Rather, such behavior—including unprovoked aggression and the killing of innocents—confronts us with a profound truth about our fundamental makeup as human agents. The heart of the matter is our vulnerability to social pressure. We are *never* exempted from the operations of the latter. It is not, as we would like to think, our disposition as emphatic individuals—our character, as taught by Aristotelian virtue ethics—that decides what kind of behavior will prevail, meaning what *I* will take part in doing against others. Rather than the participants involved in the situation deciding what behavior will prevail, the characteristics of the situation decide.

This is the essence of the *situationist* approach advocated by Zimbardo in his recent book *The Lucifer Effect: Understanding How Good People Turn Evil*. Based on a lifetime of designing and carrying out psychological experiments aimed to show how willing normal people are to inflict pain on others or to humiliate them or to refuse to help them in their obvious suffering, Zimbardo's situationist approach “preaches the lesson that any deed, good or evil, that any human being has ever done, you and I could also do—given the same situational forces.”¹⁸ Zimbardo takes this provocative thesis—he would say, research-based finding—to repudiate the commonsensical notion about the autonomous individual that I alluded to earlier. All the major Western institutions of medicine, education, law, religion, and psychiatry have helped create the stubborn “myth” that individuals are “always in control of their behaviour, act from free will and rational choice, and are thus personally responsible for any and all of their actions.”¹⁹ The “dispositionalists,” as Zimbardo calls his intellectual enemies, commit and help sustain the popular idea that the person counts for virtually everything when it comes to why someone does what he or she does, whereas situational factors are dismissed as a set of minimally important extrinsic circumstances. Urgently required today, insists Zimbardo, is making the move from motivational and personality determinants to the recognition, however unpleasant, of “the power of

the social context in influencing behaviour, criminal actions as well as moral ones.”²⁰

Zimbardo puts great emphasis on the fact that our personal identities are socially situated. People’s attitudes and behavior can be predicted more accurately from knowing a combination of “status” factors—a person’s ethnicity, social class, education, and religion, and where the person lives—than from knowing the person’s personality traits. The crucial message is that we often become who other people think we are; we become our situated identities. The ways in which this happens, and the existential depth and moral significance involved here, are not available to us by looking in from the outside. Zimbardo joins company with Collins in highlighting the utmost importance of the subjectively experienced atmosphere and “feel” defining of a certain social situation; that is, of being embedded within it and affected by the sentiments, thoughts, desires, and hopes triggered, and often ecstatically aroused, in such a situation due to its interpersonal dynamics, its self-reinforcing and self-fulfilling features, as something that is *lived* as opposed to merely observed or contemplated. We thus need to engage with this life word, this subjective, phenomenal level, so as to capture the “affective tone of the place, its nonverbal features, its emergent norms”; in short, everything that is part of the ego involvement and arousal of being a participant.²¹

I cannot go into the details of Zimbardo’s numerous experiments and the conclusions he draws from them. To put it simply, the experiments—very much in the tradition of Zimbardo’s friend and colleague Stanley Milgram—are so many meticulously designed variations over the one overarching theme: conformity. That this is so is brought out in, for example, neuroscientist Gregory Berns’ conclusion that “We like to think that seeing is believing, but the study’s findings show that seeing is believing what the group tells you to believe.”²² In line with this finding, Zimbardo argues that what pushes people across the boundary between good and evil is “the basic desire to be ‘in’ and not ‘out’: the basic need to belong, to be accepted by others, reinforced as it were by peer pressure and the fear of rejection, and channeled as far as actual behaviour is concerned by some authority claiming responsibility for whatever comes to pass, as well as assuring that—whatever the details—‘it will be worth it’ and in that sense justified.” These are the factors that combine to motivate people to conform with newly emergent norms that, depending on the specifics of the social situation at hand, motivate people to do things like becoming ruthless guards who abuse prisoners (to refer to the classic Stanford prison experiment, which remains the model for all the experiments Zimbardo has since then carried out)²³ or to administer

ever-increasing levels of shock to a group of persons designated “animals,” persons who until recently were your friends or colleagues and whom you have never contemplated hurting in any way. In psychological terms, presentation is everything, objective facts nothing. Put more precisely, what turns well-meaning, sympathetic, perfectly normal persons into guards, torturers, and killers in almost no time at all is the work of what Zimbardo refers to as “hostile imagination,” a psychological construction embedded deeply into the minds of recipients of propaganda that transforms certain others into “the enemy.”²⁴ Such images of the enemy exert tremendous transformative powers on the human psyche. There is an avenue from creating, and repeating again and again, stereotyped conceptions of “the other”—dehumanizing him, painting him as worthless, or as all-powerful, or as a monster, as someone posing a fundamental threat to our cherished values and beliefs—to what we saw securitization theory refer to as the “essence” or core identity of the in-group, so that the more precious and necessary for sheer survival, for remaining who one is (as collective more than as distinct individual), some highlighted feature is held to be, the more persuasively that feature is alleged to be in jeopardy, imminently at that, at the hands of the ready-to-attack enemy.

Part of Zimbardo’s attack on the dispositionalist approach to how good people turn evil is to argue that the long-favored “bad apple” metaphor be replaced by that of the “bad barrel.” For all-too-obvious, self-interested reasons, guardians of the System—be it the corporate one, or the military one, or the religious one—will persist in attaching the label of “bad boy” to the chosen few individuals who are typically given all the attention, hence all the blame and punishment, when something “goes seriously wrong,” as happened when Private Lynndie England was made the scapegoat for the abuse of prisoners in Abu Ghraib. When a president or a minister employs the metaphor of the bad apple, they perform the double trick of acquitting both themselves and the system they represent: they convey to the public that, essentially, the system is sound, and norms of conduct sane and ethical. Everything will revert to normal and be perfectly fine as soon as the few bad apples now detected and caught more or less *in flagrante delicto* are removed from the rank and file of the institution they belonged to. As we have seen, Zimbardo’s point is that the powers of influence and transformation work in the opposite direction: from outside to inside, from group to individual—in a word, from situation to personality. Transforming the ways in which individuals, precisely in their social and psychological capacity as group members craving acceptance from others and wanting to belong, come to perceive the world in general and certain “others” in particular entails transforming

their norms of conduct, their values, their morality; what was hitherto unthinkable (like torturing or killing others), becomes not only thinkable but acceptable as well, and so eminently *doable*. Change someone's perception, and you change their behavior.

There is no denying that Zimbardo builds an impressive case for his thesis. Even though the scholarly literature on evildoing has virtually exploded in the last couple of years (in the wake of Rwanda, Bosnia, and 9/11), one is hard put to find a volume more packed with presentation of experimental research and analysis of their conclusions than Zimbardo's book. He presents a life work on the study of human evildoing, especially as conducted in groups.

Let me put what I take to be Zimbardo's core teaching like this. The way individuals act as members of a group has everything to do with what characterizes the individual qua member of a group and nothing to do with what characterizes the individual qua individual. Or, more to the point, what essentially defines the individual is not that she is an individual but that she is a member of a group. Their groupishness is what determines how individuals are disposed to perceive the world and to act in it. If you know the norms and expectations upheld in the group qua collective, you know everything you need to know in order to predict how one of its single members will behave in a situation: the goal—or metagoal—of the behavior will be to make sure that it demonstrates loyalty to those norms and expectations. Such loyalty is demonstrated by readiness to conform: to perceive and to act like the others do. "The others" invariably form the majority, the individual a minority. The majority is more than the aggregate of the minorities (individual members); the norms and expectations exerting influence over each member both predate and outlast her. This helps lend a quality of transcendence, of unchallengeable authority, even magic, to the power possessed by the group norms in question. This power operates top-down, not bottom-up.

One is tempted to say that there cannot be more power to the group than what each member is prepared to attribute to it. Individuals are the authors, the psychological origin, of the authority emanating from the group—even though this authority is *experienced* as top-down, as forthcoming independently of the individuals it addresses, as both preexisting and surviving them. It seems magical precisely on grounds of this experiential—and presumably ontological—independence.

Does this manner of speaking represent an objection to Zimbardo's view? Not necessarily. Zimbardo's premise is that individuals will go to extremes in order to *belong* to the group, to be accepted as its full-blown member. Rejection, being excluded from the group, is the worst fate

thinkable. Hence people will do anything in their power to avoid it. Group membership provides safety, security, and identity; it helps the individual orient herself in an otherwise chaotic and even frightening world; it helps channel the energies, direct the objectives, and define the values—the dividing lines between what counts as “good” and what counts as “evil”—by which the individual lives. In a word, the group provides for its members what each member is unable to provide for herself alone yet cannot do without.

Rendering Evildoing Anonymous: A Critique of Zimbardo’s Approach

Among Zimbardo’s findings, the single most frightening one is that individuals show themselves willing to partake in behavior normally perceived as “evil”—as involving the willful infliction of pain on others—once the group’s demarcation of “good” and “evil” is altered. Since prohibitions against certain kinds of interpersonal behavior are entirely the making of the group, altering the specific content or circumstances of such prohibitions is likewise wholly carried out by the group; as always, the individual is first and foremost eager to conform to whatever norms prevail lest she lose her membership within the group. So, if old prohibitions against certain types of behavior against others are declared suspended, even to the point of what used to be seen as utterly wrong and condemnable being proclaimed as “good,” as desirable and legitimate, there should really be no surprise: such is the existential depth and the moral extension of the primacy of belongingness in the human individual’s life.

It appears that Zimbardo’s key finding echoes his famous colleague Stanley Milgram’s notion of “the agentic state”: namely, the state we enter when we see ourselves as merely carrying out another person’s—or the group’s—wishes. To Milgram, the propensity to enter the agentic state entails a readiness to disavow responsibility for one’s own doings; it reveals, observed Milgram, a “fatal flaw” in man that can only fill us with grave concern. Indeed, Milgram takes his own experiments to have demonstrated “the capacity for man to abandon his humanity, indeed, the inevitability that he does so, as he merges his unique personality into larger institutional structures.” In the long run, Milgram continues, this “fatal flaw” gives “our species only a modest chance of survival.”²⁵

Persuasive though it is, I find Zimbardo’s (and Milgram’s) position wanting. There is a tendency to render human evildoing anonymous; to reduce its manifestations to the workings of an elementary social-psychological mechanism, a mechanism that, as such and in its generality,

has nothing in particular to do with the specifics of human evildoing. This rendering is a story about how the same elementary mechanism—craving belongingness, fearing exclusion—plays out in so many different contexts and situations of interpersonal behavior, among them evildoing. The problem is that the explanation provided for evildoing is so general as to fail completely to match and to address the particularities of *this* behavior: evildoing. Zimbardo's answer to why we sometimes inflict pain on certain others (to the point of killing them) is, in both form and content, essentially the same answer he would give to questions like why we give each other presents on certain occasions or why we reciprocate favors—namely, that we do all the things mentioned here because our group tells us to do them; we conform to the expectations addressing us by courtesy of the group we belong to because we are disposed to let our continued group membership prevail over any other concern. What we term “morality,” the distinction between right and wrong, good and evil, is fundamentally a function of how the group dictates that its members assess situations and persons in the world, a function, we must presume, of how such normative distinctions need to be drawn if the group is to sustain itself in the sense of remaining one entity instead of disintegrating, falling apart into so many individuals.

So the lesson seems to be that the individual has every reason to fear his group—much like the infant, following psychoanalyst Melanie Klein, has every reason to fear his mother; to fear, that is to say, the all-important source of “good,” of care and nourishment, on which the infant, like it or not, is radically dependent to survive.²⁶ In short, we tend to fear *and thus to obey* sources of good outside ourselves; the more desperately we need such sources, the more effectively we are at their mercy. It is a relationship of power, and power at its most asymmetric, at that. The group can do without some individual member—but not the other way around.

Or so the received wisdom has it, a wisdom reconfirmed by Zimbardo. But the question needs to be asked: Why should not the group fear its individual member? Why should dependency—and so power—be a one-way affair, entirely and solely a one-way street?

To make headway here, I shall invoke some important insights from C. Fred Alford's book *Group Psychology and Political Theory*. Citing group analyst Wilfred Bion, Alford states that “man is a group animal at war with his own groupishness.”²⁷ The psychological service the group provides to each of its members has been put in terms of belongingness by Zimbardo. Alford's Bion-inspired point is that this service is not gratis. What happens is that the group demands as payment that the individual give up his uniqueness to the group; this means that he not express his

uniqueness in the group. In return for giving up, or at least holding back, keeping to himself, his distinct individuality, the individual is offered a group identity: acceptance as “one of us.” Alford emphasizes what is often overlooked, Zimbardo being no exception from the rule, namely, that this trade is no bargain. “The real threat to the individual,” insists Alford, “is his *own* group, the way in which it demands that the individual suppress his own unique individuality to be a member. It is this threat that is projected into the suitable target and fought there.”²⁸

The partly overlooked, partly tabooed truth, then, is that for the individual the real enemy is really his own group, or more specifically, the demands it makes on the individual in order to be—and remain—a member. The price for belonging, for the services provided in the form of having one’s membership confirmed, is the loss, or at least the hiding away, the denial, of anything that would prove one’s *difference* from the group. Of course, yet very significantly, what would betray one in this sense is anything that would mark one’s difference from other members of *the same group*. The all-important point is that the frustration and bad feelings created by this price of belonging require that there be suitable targets of externalization. Such targets are typically shared by the members of the group, saying to the individual: “Put your unintegrated and intolerable fear and hate into this group, that symbol. This will relieve your anxiety by allowing you to disown bad parts of yourself, while at the same time allowing you to bond more securely with the group that is us,” writes Alford, paraphrasing Vamik Volkan.²⁹ Without external enemies, shared targets, the group would fall apart into warring tribes or into so many separate anxiety-ridden individuals that the members would go crazy. Alford’s gloss on this is that “insanity may be defined as the individual’s inability to use shared targets of externalization.”³⁰

This implies that the hugely influential state-of-nature theorists—basically, the tradition inaugurated by Hobbes—gets it backward: the task is not to socialize individual men but to “individualize social men, to create individuals out of groupies.”³¹ Likewise, generations of communitarian thinkers invert the truth when they argue that separation and individuation—civil privatism—are too advanced in our culture, producing a plethora of social ills and a decline in solidarity and a fragmentation (privatization) in morals, allowing relativism, egoism, and cynicism to prevail. On the contrary, Alford argues, real separation and individuation are not advanced enough. The “freedom within the walls of one’s own house” lamented by, for example Robert Bellah, is not a freedom opposed to the group but simply “a way to be an isolated groupie, one who thinks like others without knowing them, probably the worst of both worlds.”³²

The territory we are entering here is that first explored by Alexis de Tocqueville. Describing America 150 years ago, Tocqueville seized upon the way in which individuals and conformity, seemingly so antithetical, go together in American life. He observed, “When the inhabitant of a democratic country comes to survey the totality of his fellows, and to place himself in contrast with so huge a body, he is instantly overwhelmed by the sense of his own insignificance and weakness.” Tocqueville went on to say that he knew no country in which “there is so little independence of mind and real freedom of discussion as in America.” The master who commands the individuals is increasingly anonymous, as is John Stuart Mill’s “tyranny of the majority.” This is a master who assures each individual, “You are free to think differently from me, and to retain your life, your property, and all that you possess; but you are henceforth a stranger among your people.”³³

This scenario leaves the individual doubly terrified: terrified of the group, of being absorbed by it, and of standing out from it. It creates anxiety, even the impulse of resistance, to be swallowed by one’s group, to fuse with it entirely, to have nothing left by which to identify oneself as an emphatic I, as this inexchangeable “this is *me*,” as distinct from all the other members of the group. Yet nonconformity comes with a price too expensive to embrace: the price of isolation and alienation, of being out in the cold, out of reach of the warmth from the communal fire, to allude to Durkheim’s famous metaphor in his book *The Suicide*.³⁴ Vulnerability is sought, handled by perceiving, feeling, thinking, behaving like everybody else; yet individuality is sought, retained in some minimal sense, by entertaining the illusion of thinking these thoughts and feeling these feelings—the thought and feelings of the group—“to myself and for myself,” making them “all me.”

Is there an antidote to this grim Tocquevillian diagnosis? Before answering, recall that the French thinker meant his diagnosis, the pervasiveness of conformity, to apply to a particular culture at a particular time. Though I cannot go into it here, we should note that the dominance of conformity over individuality is not postulated—and so not meant to be interpreted—*sub specie aeternitatis*. Rather, it is a sociological finding, as far as Tocqueville is concerned; it tells us something about social trends, something about intolerance of individuality, of standing apart, of deviating from what the majority commands and postulates as desirable behavior—hence raising the question whether there is perhaps greater tolerance of dissent-involving individuality in other cultures. This is a highly fascinating topic in its own right: Is there, for instance, a tight link between liberalism and conformity, one revealing liberalism’s praise of individuality à la Mill to be at best ambivalent? Is there a tight connection between, say, present-day

consumerism and conformity? Suffice it to observe here that Zimbardo fails to address the variable of culture in his analysis. Zimbardo, that is, proceeds as if the properties of the relationship between individuals and groups relevant for understanding the impact of conformity on evil-doing are properties that can be analyzed once and for all, paying no attention to the particularities of the cultural context in which the behavior under scrutiny is forthcoming.

Though clearly more attentive to the role of culture in determining the impact of pressure to conform with the group, Alford also to a large extent brackets this dimension. Speaking generally, Alford suggests that participation must cease to be seen, and treated by individual and group alike, as a good in itself, as the good to trump and if need be extinguish all others. The only participation that truly matters and that deserves commitment is “participation that allows and encourages the individual members to reclaim lost and alienated parts of themselves.” Individual differences must be valued for their own sake: “Not differences for the sake of differences but *individual* difference for the sake of individuals is what counts”³⁵ Groups are essentially about a tragedy, about the confrontation of two principles (Hegel), each of which is valid but cannot coexist. A conflict cum tragedy is carried out not merely within the group but within every member, “a conflict between the desire to be unique, autonomous, willful, and free and a desire to abandon oneself to the group, to become one with the group”³⁶ This is what group life is about: a conflict of tragic dimension to which there is no resolution. The conflict will not go away, it cannot be *aufgehoben*, but some ways of living with it are better than others. As we saw, the best way is this: participation of a kind that allows differences between individual group members to become manifest and to be met with approval by the group, thus encouraging each member to display (instead of holding back, hiding, denying, psychically killing) what is most precious *in herself to* the others, without needing to fear that exposing—giving—it will mean risking it, having it stolen or ridiculed or envied or rejected. The best a group can be is a collective where each member is encouraged to be *him- or herself* in the very acting out of being a group member; where what is bad and threatening is acknowledged to stem from within, not without; where responsibility likewise lies within, as does the solution; where paranoid projection, scapegoating, and the targeting of new (external) enemies portrayed as sources of badness are no longer needed, since the members of the group are encouraged to stop blaming others and start working on their own bad traits instead, thus giving rise to the feelings of guilt and the desire to make good, to facilitate reparation, that go with a mature sense of responsibility, of recognizing

that evil is not a property of some named “other” but much closer to home: a propensity part and parcel of one’s makeup as a human being, yet a propensity eminently malleable and manipulatable as far as its force, direction, and aims are concerned.

This, then, is what a group *can* be, what it *can* do for its members, provided (among other things) that it has a leader with enough honesty to tell its members the dark truths just listed, organized as they are around the core insight that “our main enemy today is our own bad traits” (to quote Alford, who quotes Vaclav Havel in his capacity as Czech President).³⁷ A tall order, to be sure, and perhaps a vision that is doomed to be nowhere realized, to be always an illusion. Indeed, the case against its realization appears overdetermined, especially if we are to believe Zimbardo’s and Milgram’s grim findings about the human propensity to give up individuality, to betray integrity and notions of responsibility and guilt once doing so strikes the individual as necessary to secure the metagoal among all human goals, that of continued belonging to one’s group. To achieve this, no price is deemed too high. The result is that one is willing to sacrifice the individuality of others—forming so many “suitable targets of externalization”³⁸—in the very act of sacrificing one’s own: sacrificing the former is the means to sacrificing the latter. It is the old formula once again, the formula that repeats itself endlessly and since time immemorial, it would seem: what I do against the other, I *uno actu* do against myself. I kill the other, meaning the group-defined and group-targeted other, so as to eliminate any trace of my own otherness vis-à-vis my group. Assurances to the contrary, insisting that I kill the external and “bad” otherness in order to safeguard the internal and “good” otherness is a deception, even if only self-deception. No, the truth of the matter is that the killing in question takes the form of two in blow.

But again, this need not be the last word. There are other alternatives, other ways to picture and organize the relationships between members and leader and between individual members. However, though important, this is not my main objection to Zimbardo’s analysis of “how good people turn evil”—namely, that such a transformation in behavior, in interpersonal conduct, reduces to the primacy—and of course, manipulability—of the craving to *belong*, with no cost deemed too high. As previously indicated, the mistake is to reduce evildoing to a function of obedience to authority, in effect resting the case with *what precisely* a figure of authority instructs others to do against others on a specific occasion.

Let me explain. Again, Alford points the way. In a provocative counterexplanation to Milgram’s interpretation of his own experimental findings, Alford invites us to reinterpret “the grotesque nervous laughter,

the giggling fits at the shock generator”: “What,” asks Alford, “if these men are giggling in embarrassed pleasure at being given permission to inflict pain and suffering on an innocent and vulnerable man? Milgram rejects this interpretation but offers no reason.”³⁹ The big unsaid in Milgram’s most shocking finding—that so many people were willing to administer severe electric shocks to the “pupils” at the receiving end and whose screams of pain could be heard—is the suggestion that “what the ‘teachers’ really want, what they long for, what satisfies, is permission to hurt someone.”⁴⁰

What Alford proposes is that evil be conceived as intimately connected with sadism. Evil in general and sadism in particular are about the relief sought in placing the sense of vulnerability and fear of dread onto another person, so as to be rid of it and able to control it “out there,” in the other. Evil is understood as the existentially motivated, deep-seated need to make external something—fear, dread, badness—that originated as internal yet feels intolerable *as* internal as long as it is wholly internal, wholly “me” and in that sense ineliminable, unfleecable. Psychological relief from existential burden is what is being sought. This disposes perfectly normal, nonpathological people to seize upon a group’s (or its leader’s) declaration that “look, *there* is the enemy, the source of all our afflictions, frustrations, and fears; by targeting this external enemy, by tracking down this group’s every single member, we will eliminate all that is experienced as bad and frightening in our lives.” Psychological relief is a make-believe, an invitation to act upon the belief—really an illusion—that what is found intolerable in human and social existence can be overcome by projecting it onto another. One can place one’s own vulnerability and mortality there as something thing-like, disposable and transportable, and, having placed it there, subject it to control, manipulating it according to one’s wishes and as proof of one’s vitality, of one’s capacity to do something that really makes a difference to someone else. In short, psychological relief is the illusion that one may successfully cancel out and flee what is in fact internal since deeply existential, all too human: existential givens such as dependency, vulnerability, mortality, the precariousness of interpersonal bonds, and existential loneliness—everything that makes us as humans susceptible to feelings of fear, powerlessness, and depression.

Although in his book *What Evil Means to Us* Alford directs his criticism at Milgram, I think that Zimbardo’s theory of how evildoing comes about follows so closely in the footsteps of his colleague Milgram as to constitute no less an apt target. Here I can do no more than hint at the essentials of Alford’s deliberately provocative alternative theory. Suffice it to say that Alford takes a tentative step toward connecting what may be termed “collective evil” with “individual evil”: he helps us recognize

how collective evildoing (organized top-down and sanctioned by some authority, be it a person or an institution or the state; the “System” in Zimbardo’s study) is carried out not by bypassing but by seizing upon and exploiting (channeling in the “right” direction, in the “right” measure) the motivation that is present in single individuals, resonating with deep existential concerns and conditions lived—and needing to be tackled—by every human being (what I referred to as the five existential givens).

Alford’s formula—“evil is pleasure in hurting and lack of remorse”—is partly denied, partly acknowledged in Zimbardo’s approach. Zimbardo denies the bit about “pleasure in hurting”; more accurately, he thinks he can do altogether without the element of *sadism*, understood as “the joy of having taken control of the experience of victimhood by inflecting it upon another,”⁴¹ to explain how good people turn evil. On the other hand, Zimbardo gladly acknowledges the bit about “lack of remorse,” since this is seen as wholly compatible with his (Milgram-echoing) findings about people’s readiness to disavow personal responsibility for any pain they commit against others in response to instructions to do so from some authority (be it the anonymous “System,” or what currently passes as “lawful action”).

Stated as provocatively, and crudely, as here, the bit about sadism will strike many a reader as purely speculative, or at least not a factor whose necessity is proved beyond doubt: How does Alford know better than Milgram the reasons why the executioners of severe shocks are giggling? But what would today qualify as scientific hard evidence to prove the motivational role of sadism in deliberate pain-inflicting behavior?

Conclusion

We shall not be able to settle this issue here. For my purposes, the importance of Alford’s provocation vis-à-vis the approach to evildoing advocated by Milgram and Zimbardo is that Alford provides something that I previously said is missing in the latter: psychological factors in the individuals partaking in collective (organized, authority-sanctioned, and in that sense controlled) evildoing, factors that provide an answer to why they are ready to make their active contribution to what is *specific* to the acts under scrutiny, namely acts of deliberate pain-infliction on certain others, deemed as “appropriate” targets, as “deserving” the suffering visited upon them, making it “legitimate,” the morally right thing to do. My complaint against Zimbardo is that he fails to engage head-on with these specifics; with the sort of motivational basis or existential resonance Alford points to when he refers to sadism, understood as providing relief

from aspects of human existence felt as unbearable, so unbearable *for me* that I am willing to let *you* bear it “for me” (vicariously), as it were. Though an illusion, or a shared grand delusion, in the sense that vulnerability and mortality can *never* be overcome in human existence (“givens” means real, what will not go away, however strongly one wishes them to do so), a frightening number of people—people like you and me—are ready to take the bait, to act upon the illusion that the more effectively I help eliminate “bad” others, the more effectively shall I overcome what is felt to be bad in my—or our collective—life. This being so, Zimbardo’s categories of explanation—stressing over and over again “the need to belong” and “the fear of exclusion”—are too broad and general to actually engage with the particularities of the behavior constituting what we call “evil-doing.” As I said, the implication is that, basically, the same factors are offered to explain the worst we can do to each other *and* the kinds of pleasant things we do (like reciprocating sympathy, or exchanging gifts). Remember that *evil* is a strong word: it occupies the extreme end of the spectrum of denotatives used to articulate what we find “worst” in the entire repertoire of human behavior; it is reserved for the acts we most strongly condemn. What is missing in Zimbardo, and for many of the same reasons in Milgram before him, is an analytic capacity to confront head-on the dimensions of human motivation that match the severity, even extremity, of the phenomenon we call evil: the evil that there is, is the evil that we *do*.

Notes

1. Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: University of Chicago Press, 1998), 177.
2. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace and Jovanovich, 1973), 405ff.
3. Randall Collins, “Micro-interactional Dynamics of Violent Atrocities,” in *Irish Journal of Sociology* 15, no. 1 (2002): 40–52.
4. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking press, 1963), 287.
5. Lt. Philip Caputo, quoted in Collins, “Micro-interactional dynamics,” 41
6. Collins, *Ibid.*, 44.
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*, 47.
10. *Ibid.*
11. *Ibid.*, 48.
12. Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1951), 460ff.

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14. Bruno Bettelheim, Foreword to Miklos Nyiszli, *Auschwitz* (London: Granada, 1971), 7.
15. Collins, "Micro-interactional dynamics," 48.
16. *Ibid.*
17. Caputo, quoted in Collins, *Ibid.*, 41.
18. Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007), 320.
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*, 322.
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23. Philip Zimbardo, "Interpersonal dynamics in a simulated prison," in *International Journal of Criminology and Penology* 1 (1973), 90.
24. Zimbardo, *The Lucifer Effect*, 11.
25. Stanley Milgram, *Obedience to Authority: An Experimental View* (London: Tavistock, 1974), 188.
26. Melanie Klein, *Envy and Gratitude and Other Works 1946–1963* (London: Virago, 1988), 174.
27. C. Fred Alford, *Group Psychology and Political Theory* (New Haven: Yale University Press, 1994), 40.
28. *Ibid.*, 42.
29. Vamik Volkan quoted in Alford, 41.
30. *Ibid.*, 41.
31. *Ibid.*, 112f.
32. *Ibid.*, 119.
33. Tocqueville, quoted in Alford, 117.
34. Emil Durkheim, *The Suicide* (London: Allen & Unwin, 1960), 70.
35. Alford, *Group Psychology*, 121.
36. *Ibid.*, 124.
37. *Ibid.*, 165.
38. *Ibid.*, 41.
39. C. Fred Alford, *What Evil Means to Us* (Ithaca: Cornell University Press, 1997), 26.
40. *Ibid.*
41. *Ibid.*, 27f.

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PART 3

*Ethical Responses to Evil in
International Relations*

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CHAPTER 4

Evil, Agency, and Punishment

Anthony F. Lang, Jr.¹

Is punishment the proper response to evil? This chapter argues that it is, but only if we rethink assumptions about agency and responsibility that inform our understandings of evil and punishment. Punishment can contribute to justice, but only if it rests within an institutional framework that clarifies the relationship between the overall order and the agents that constitute it. One of the problems with the current international order is that while punitive practices abound, they remain disconnected from each other and from the larger international political order. The current international system, for instance, includes collective security responses to violations of international norms, such as economic sanctions and even military actions, punitive responses directed at states. It also includes international criminal tribunals as institutions that can punish individuals who violate certain norms. But these punitive practices remain disconnected from each other and assume different things about the proper agent to be held responsible for certain actions.²

In this chapter, I draw on this critical reading of punitive practices to rethink punitive responses to evil at the global level. But responding to global evils can fall victim to two problems. One response is to eschew punishment in favor of vengeance. This response assumes that the agent that has committed an evil action is so far outside of our political realm that he cannot ever be reintegrated into it. Instead, that individual must be destroyed or removed from the political realm completely. This reaction can be found in certain American policies that resulted from the attacks of September 11, 2001. The war waged against Afghanistan was designed to destroy al-Qaeda and the political regime of the Taliban that supported

them.³ The individuals captured in that military engagement have been placed in facilities that are not prisons but something new, resulting in their being labeled “detainees” rather than prisoners of war. Instead of being treated as agents who committed crimes, the individuals supposedly involved in the attacks have been effectively removed from any legitimate political space. In other words, they are so evil they do not even deserve to be punished; they only deserve to be destroyed or forgotten. Those held at Guantanamo Bay are not being punished; they are in the process of being destroyed.

The other problem that can result when responding to global evil is a confusion about which agents ought to be punished. To conceptualize punishment as a response to evil, we need a better understanding of agency. This is even more difficult at the international level, where there are not simply many agents, but many kinds of agents: states, corporations, NGOs, international organizations, and individual people. Not all these agents have the same status in international affairs, with states having a privileged place. In the current international system, only individual persons can be punished through the recently constructed international criminal regime. This regime, with the International Criminal Court at the pinnacle, focuses punishment on individual leaders who have committed heinous acts in the context of internal and international conflict. But this regime occludes the fact that certain crimes ascribed to individuals—such as aggression and genocide—can only be committed by states. If this is the case, the international system must include the means to punish both individuals and states, and perhaps even other agents.⁴ By focusing on agency rather than intentions in describing certain actions as evil, we can better capture the way corporate agents commit evil.⁵

Both these problems, the problem of vengeance and the problem of which agent to punish, result from confusions about agency and responsibility at the global level. This chapter then does not describe specific punishments for evil but rather suggests how to rethink agency and responsibility as they relate to punishing global evil. In so clarifying punishment at the global level, we can avoid the twin dangers of vengeance and punishing the wrong agent. When we understand more clearly the relationship between punishment, responsibility and agency, we see that only a certain kind of punishment, one that relates the evil committed to the construction of the global public sphere, will lead to a more just response to evil.

Defining Punishment

Punishment is the infliction of harm in response to a violation of a norm or rule. Punishment differs from vengeance by the fact that it is an infliction of harm *in response to a violation of a norm or rule*; vengeance would be an infliction of harm undertaken in response to a single individual suffering harm. For an infliction of harm to count as punishment it must be intended to support, in some way, a general rule of behavior for a society. This is why criminal trials differ from civil trials in Anglo-American law; in a criminal trial, the prosecutor is the state, which, although an individual has been harmed by the crime, sees it as a violation of its norms and rules and so deems punishment necessary to uphold those rules and norms.

Some definitions of punishment assume that it must be undertaken by an “authority.” They spring from the desire to avoid the use of force by powerful individuals in a state of nature. This concern is a valid one, but ensuring that there exists a single sovereign authority will not necessarily prevent this problem—indeed, sovereign authority figures can abuse the practice of punishment as much as powerful individuals. Instead, what is required is an institutional structure that is legitimate, grounded in a clearly defined set of rules that fairly adjudicates about which agents can be punished. Especially in a political system that is formally anarchic (as the current international system is), punishment can take place as long as it arises from an institutional framework.

The overriding purpose of punishment is twofold: return the community to the balance that existed prior to the violation of the norm, and prevent such violations in the future. But the decision to inflict harm in order to halt that violation is a contestable practice, since the infliction of harm is “something we regard as morally prohibited under normal circumstances.”⁶ Much of the philosophical literature, then, has been devoted to justifying this practice with deterrence and retribution having been offered as the primary justifications.⁷

Deterrence is the idea that pushing agents who violate norms will prevent future violations will be prevented. Deterrence can be either specific or general: If it is specific, it is an attempt to deter a particular agent from violating the same norm again. If it is general, it is an attempt to deter others from violating the law by using the individual case as an example. Punishment premised on deterrence is largely unconcerned with the welfare or character of the agent being harmed. Instead, the practice aims to alter the agent’s behavior and to demonstrate a larger point to the community. Deterrence can be evaluated in terms of whether or not the same crimes continue to occur. If they do, the deterrence approach

may not be working; if they do not, one would have a reason, though not a conclusive one, for thinking that deterrence does work. The general deterrent justification arises from a utilitarian philosophy in that it seeks to justify punishment on the basis of its contribution to a greater good for the entire society.

Retribution as the justification for punishment is more difficult to capture. It is, perhaps, the most commonsense notion of punishment. As one author suggests, it is the “idea that wrongdoers should be ‘paid back’ for their wicked deeds.”⁸ This idea considers both the community and the criminal. It seeks to restore a sense of balance to a community by punishing wrongdoers. It differs from deterrence in not seeking to use the agent to teach a larger lesson. Retributive punishment respects the moral autonomy of the agent more than does punishment aimed at deterrence. Retribution assumes that the agent is not a tool to be used to teach a community a lesson (deterrence); instead, an agent is presumed to be morally autonomous and therefore responsible for his or her actions.

The philosophical literature on punishment has sought to develop these justifications, especially in combination with each other. Critics of the general deterrent or utilitarian justification have argued that, according to this justification, there is no need to actually punish the agent who committed the crime. Instead, a utilitarian justification could lead to the punishment of random individuals whenever a norm is violated.⁹ A related problem is that a utilitarian or deterrent punishment, while actually focusing on the individual agent who committed the violation, might engage in excessive forms of violence to make the point. For example, one might execute individuals for jaywalking according to an extreme form of utilitarianism or deterrence.¹⁰ Others have leveled important criticisms at the retributive model. While retribution might address the problems raised by the utilitarian model—that is, it can better connect the agent to the violation—critics have suggested that it “confuses the irrational thirst for vengeance with a rational ground for punishment.”¹¹

These debates continue among both theorists and policy makers.¹² While public discourse oscillates among these different justifications in different domestic political contexts, rarely are these concepts addressed at the international level. Certainly, the idea of deterrence is commonplace among theorists of international relations. At the same time, its invocation in strategic debates rarely conceptualizes it as a form of punishment. Retribution is perhaps the most commonly invoked justification for punishing at the international level, usually in uses of force. Retributive justifications, usually verging on the vengeful, have been an important part of the discourse surrounding war. One study of public opinion attitudes

in the United States links support for the death penalty with support for retributive uses of military force.¹³

The lack of direct reference to these justifications for punishment at the global level does not mean they are not operative in different contexts. In other words, what makes certain actions punitive or not is precisely the discourse of justification that seeks to link them to prevention of harm for the community as a whole. So, when activists invoke “ending impunity” by bringing Sudanese militia members before the ICC, they are drawing upon deterrent and retributive logics. When American soldiers carry with them flags from New York City in the prosecution of the war on terror in Afghanistan, they are engaging in retributive actions. When economic sanctions were imposed on Iraq during the 1990s, especially when they were targeted at leaderships rather than whole communities, a deterrent logic was at work.

The important point for this chapter is that punishment is not simply about lashing out at evil or destroying those who commit evil. Punishment needs to rectify a community problem, the just situation that was violated by the agent that committed the evil. In the case of an evil action, as opposed to a simple crime, this is particularly difficult—evil agents are seen to be outside of the boundaries of the political and moral community, for their actions have moved them beyond the pale. The response to such individuals can quickly become destructive and vengeful, for if the goal of punishment is the construction of a just society, simply removing the offending individual is one option. But if we consider the individual who committed the evil to be not inherently evil but only to have committed an evil action, that individual may be productively punished and reintegrated back into the community. This is not to make an argument for rehabilitating individuals who commit evils, although it leaves open the space for such alternatives. Rather, the assumption here is that whatever punitive sanctions are imposed on the offending agent must lead to the construction of an order that once included the agent who committed the violation. If the agent wishes to remain part of that society, punitive responses must at least leave that possibility open. To clarify how punishment might accomplish this task means rethinking evil and agency, to which the next few sections are devoted.

Defining Evil

Claudia Card defines evil as “foreseeable intolerable harms produced by culpable wrongdoing.”¹⁴ Card’s definition provides a useful starting point. First, it emphasizes the distinction between bad actions and evil ones—evil

actions produce harms that are intolerable, ones that go beyond being simply unfortunate or uncomfortable. Intolerable, of course, has a subjective dimension to it, but it sets a high standard for the type of harm that counts as evil.¹⁵ The other adjective describing harm, foreseeable, emphasizes that evil actions are not accidents, but must be intended in some way. It might not be the case that the agent intends to do evil, but the agent certainly intends to do the particular action. Finally, the concept of harm suggests that evil is something inflicted on other persons, who can suffer harm, rather than on nature or physical implements.¹⁶

The second part of Card's definition emphasizes the role of the agent in its use of the phrase "culpable wrongdoing." Card argues that the idea of culpability results from considering both the perspective of the victim and the perpetrator. By defining evil in terms of harm, the definition Card employs avoids debates among psychologists about how to "explain" evil, which arose from the horrors of twentieth-century holocausts.¹⁷ To be culpable one does not even need to intend to do evil—in "fact, no one intends to do evil, but people do intend to do certain things that result in intolerable harms.

Card employs her conception of evil to critically assess not only individual behaviors but also institutional structures, some obvious (rape in wartime) and some not so obvious (marriage as an institution). Her arguments about institutions and legal structures being evil may seem to diverge from her definition, in that it would be hard to find a single agent that is culpable. According to Card, evil can result from the actions of large numbers of people, culminating in an institution that should be labeled as evil. Such an understanding allows us to distribute responsibility in various ways across individuals.

I want to contest two dimensions of Card's definition in ways that will shape the remainder of this chapter. First, Card's understanding of evil locates its origins in the intentions and motives of agents.¹⁸ Even when she expands her notion of agency to include institutions (corporate agency), her focus on intentions leads to ascriptions of responsibility. Card's argument that evil requires responsible agents, and that responsibility is located in the intentions, motives, and/or will of the agent reflects a broader set of assumptions in late modern culture about politics, including international politics. Because I am writing a chapter about punishment as a means to respond to evil, one might assume that I would share this assumption that evil actions require a responsible agent, for what logic is there to punishment if individuals are not held responsible for the actions? I do accept the centrality of agency and responsibility in punishment, but I want to argue

here that the assumption that responsibility is located unproblematically in the will needs to be more critically assessed.

Second, Card's conception of evil, while including institutional evils, could be synonymous with "very bad." While her idea of intolerable harm does distinguish the idea to some extent, it does not seem to capture the concept of evil as it is commonly deployed today. Evil seems to be somehow about a harm done to large numbers of people. At the same time, to reduce evil to a basic utilitarian calculus also does not seem quite right. What would be the number at which a large number of murders become truly evil? This calculation exercise does not map well on to our common sense conception of evil. One response, which I will pursue later in this chapter, is to define evil as a harm done to the political sphere through the infliction of intolerable harm on individual people. In other words, for an act to be truly evil, politically evil, it needs to not only result in harm to individuals but harm to the political sphere as well. As a result, evil can be defined as the culpable infliction of intolerable harm on individuals that results in a destruction of the political sphere. As will become clear later in this chapter, this definition draws heavily on the political philosophy of Hannah Arendt, whose ideas about agency and responsibility provide a means to conceptualize punitive responses to evil.¹⁹

Evil and Responsibility

Card argues that evil actions must result from the intended actions of a perpetrator. This suggests a connection between evil actions and responsible agents. Treatments of responsibility from an analytic philosophy perspective focus on questions of free will, determinism, and intentionality.²⁰ These debates revolve around the dilemma that if, as modern science suggests, our desires and actions can be reduced to biological factors, responsibility will be meaningless. This, in fact, was the same problem encountered by theologians who struggled with the existence of an omnipotent deity. The core problem for both modern science and medieval theology is that if our actions can be attributed to a source outside of ourselves, then assigning us responsibility for those actions does not make sense.

One innovative attempt to get past this dilemma comes from the philosopher Peter Strawson. Strawson argues that rather than seek to answer whether or not individuals have a free will, we need to understand how responsibility functions *in spite* of the existence of free will.²¹ He begins by identifying the pessimist and optimist as two sides in the debate over free will and determinism. The pessimist believes that because there is no free will there is no such thing as responsibility, and our

entire structure of ethics collapses. The optimist believes that even if there is no free will, responsibility is still an important concept and should not be abandoned. He adopts an optimist view and presents an argument as to why it does not matter whether or not free will and/or determinism exist. It does not matter because of what he calls a key “commonplace” that philosophers have tended to ignore:

The central commonplace that I want to insist on is the very great importance that we attach to the attitudes and intentions toward us of other human beings, and the great extent to which our personal feelings and reactions depend upon, or involve, our beliefs about these attitudes and assumptions.²²

Those attitudes, beliefs, and reactions to others are in a fundamental way dependent on the assumption that individuals can be held responsible for what they do. For example, if I assume that my wife loves me, it matters a great deal to me that the actions that constitute our relationship can be in some sense attributed to her and not to some outside force. Without that assumption, my life would lose a great deal of its meaning. Strawson calls this an example of the “non-detached” feelings that are essential for life: attitudes like gratitude, resentment, forgiveness, love, and hurt feelings. All these attitudes and feelings rely on the fact that they are attributable to fully responsible agents. Without that concept of responsibility—the connection between persons and their actions and attitudes—the entire structure of our personal, social, legal, and even political interactions would simply collapse for want of meaning. In other words, without the concept of responsibility, the communities within which we live and act would simply make no sense.

Strawson’s essay is not on agency directly, but on responsibility. Underlying his argument, however, is the assumption that individuals should be considered agents capable of formulating and undertaking plans of action for which they can be held responsible. Rather than a metaphysical determination of whether or not our lives are controlled by outside (or internal, according to psychologists) factors, Strawson’s article points us to the importance of our assumption that individuals are connected to actions in a morally significant way.

One can see how this function of responsibility would be even more central for our social world when it comes to actions that are evil, rather than simply morally wrong. If the determination that my wife loves me is central to my understanding of the world in which I live, the determination that someone is responsible for the genocides of the twentieth century seems even more central to making sense of life. In fact, the

need for responsibility often goes beyond what are normally considered to be human actions, sometimes stretching to natural disasters as well. Consider, for instance, the tsunami that struck Southeast Asia in 2004. It was horrific in its results, leaving thousands dead, along with the destruction of vast regions. Yet, it is difficult to describe the tsunami as evil, for there was no responsible agent that undertook such destruction.²³

The response to the tsunami, however, suggests the human need to see such events resulting from the actions of someone who can be described as responsible. At one level, there were attempts to blame governments and individuals for the failure to properly prepare for the tsunami, leading to critiques of the inequality in distribution of warning systems among the rich and poor states of the Asia-Pacific region. Blame was also placed on those who govern certain states for their failure to wisely use the wealth that had been given to them for such purposes.

The search for a responsible agent, however, did not remain only in the human realm. For those coming from monotheistic religious traditions, the tsunami needed to be reconciled with the most powerful agent, God. Certain Islamic groups in Indonesia argued that the tsunami resulted from the justice of Allah being wreaked upon a community that had not been living in accordance with Islamic teachings. Christians in distant lands (such as Scotland) heard sermons in which ministers and priests sought to align their belief in a loving God, yet one who is all powerful, with the devastation that resulted from the tsunami.

Challenges of Responsibility

The human condition seems to require some notion of responsibility to make sense of the world around us. If we are to comprehend evil, this need seems even more apparent. At the same time, when individuals are held responsible for evil, and not just for bad actions, the desire for vengeance arises. While the human condition needs to link the individual to evil through a discourse of responsibility, that link can lead to labeling the individual perpetrator as evil, a label that justifies not just a punitive but a vengeful response. Such responses are not oriented toward achieving justice or reintegrating the individual back into society but to destroying the evil individual and cleansing the community of a disease.

This tendency toward vengeance and destruction of evil is heightened when the individual who is responsible for the evil action is outside the domestic political community. In other words, a foreigner who commits evil is even more liable to a vengeful response than a fellow member of a community. Consider, for instance, the response of the U.S. polity to

the attacks of 9/11. By locating the responsibility for the attacks outside of the American political community, the Bush administration has been able to employ the language of war and destruction in its response. As noted earlier, those held at Guantanamo Bay are not being punished, they are being held so that they can be used to obtain information. When they have been drained of all their information, they can be destroyed or forgotten (a form of destruction in the political sphere).

One of the clearest articulations of the dangers of locating responsibility for evil in the will, intentions, and motives of individuals comes from the political theory of William Connolly. In *Identity/Difference*, Connolly explores the ways in which formulations of responsibility structure the late modern response to evil. The book seems to be building upon, but radically diverging from the Strawsonian point about the importance of evil; indeed, the first chapter of the book is entitled “Freedom and Resentment.”²⁴ In a chapter entitled “Responsibility for Evil,” Connolly confronts the themes I am exploring here. He begins by noting that while responsibility has had different resonances across different cultural contexts (using the Homeric notion as an alternative), nevertheless a version of it seems to structure much of our reactions to evil. For Connolly, unlike for Strawson, this commonplace is not something to be celebrated, but something that may contain within in the problem of evil:

Perhaps standards of responsibility are both indispensable to social practice and productive of injustices within it. Perhaps because every society demands some such standards, a problem of evil resides within any social practice that fulfils this demand relentlessly.²⁵

Connolly argues that the demand for responsibility represents a kind of moral calculus that prevents any act of evil from slipping away unaccounted for. In our attempts to locate all evil in structures of responsibility, Connolly suggests that we force individuals into particular identities that do not accurately capture them.

An example of this process at the international level is the crime of aggression. The crime of aggression was a central element of the Nuremberg Trials.²⁶ But the crime of aggression cannot really be committed by an individual; aggressive war is something that can only be undertaken by a state with a military. Of course, in some countries that are run by dictators it may be easier to locate responsibility in a single individual who could be tried. But, if a semi-democratic or democratic state waged an aggressive war, would it make sense to argue that specific individuals are responsible? One need only consider the responsibility of the American

public for the war against Iraq—a case in which the U.S. Congress voted to support the Bush administration and public opinion polls strongly favored military action in the fall of 2002—to see that a democracy might really be better held responsible than particular leaders. Reality overflows the demands of responsibility.

I find Connolly's critique of responsibility quite persuasive, for it reveals how responsibility is a constructed concept and how its construction does not always lead to justice. At the same time, I do not want to abandon responsibility in this chapter because I think it can provide an important means through which punishment can function, a response to evil that, as I noted in the introduction, can prevent vengeance and hostility from being the only response. Indeed, Connolly's concern about the ways in which a discourse of responsibility leads to forcing individuals into particular boxes is exactly the kind of move I think punishment can help us avoid. This might seem ironic to argue, for one of the concerns motivating Connolly's argument is the need to punish, something he draws from Nietzsche, whose critique of punishment is well known.²⁷ While I would not suggest that we can avoid the ways in which identity and difference structure our ethical and political engagements, I would suggest that punishment properly conceived can avoid some of its worst excesses. The way in which this conception can become clear is if we focus more on agency than on intentionality in understanding evil.

So, while the practice of linking individuals to evil actions reflects the human need for responsibility and moral meaning, it also can lead to dangerous outcomes, especially when the actions are truly evil and occur at the international level. The need for an alternative response to global evil is thus more pressing than responses to normal crimes or domestic evils. I want to argue that the most helpful response is a punitive one, for punishment is not the same as vengeance. Before developing this idea of punishing evil, however, it is important to develop a conception of agency that prevents the individual from becoming evil.²⁸

Evil and Agency

How can we avoid turning individuals into evil beings but hold on to the idea of responsibility for evil? One way to do this is turn to the concept of agency on both the moral and the political levels. What does it mean to be an agent? At its core, agency is the capacity to change the world. This capacity, however, is not simply a physical characteristic; a hurricane changes the world, but we do not conventionally describe a hurricane as having agency. Rather, agency connects the physical capacity to change with either

an analytical or evaluative dimension. The predominant understandings of agency in the social sciences tend to focus on the relationship between agents and structures. The question driving these debates is whether or not behavior can be explained as the result of properties internal to the units within a system or the properties of the system as a whole.

While causal agency is important for a basic conception of responsibility (i.e., I can really only be responsible for what I have actually caused), two other forms of agency are necessary to consider for an understanding of punishing evil: moral and political agency. Moral agency is the capacity of an individual to formulate strategies either in conformity with a set of rules or in pursuit of some good. This mode of agency is related to the idea of free will.

Debates about free will and determinism have long been a central concern of philosophers and theologians. As noted earlier in the discussion of Strawson's work, the concern of those focusing on free will and determinism arises either from science or the existence of a divinity. In Christian theology, for instance, there has long been a debate about free will, agency, and evil. Augustine of Hippo, writing in the fifth century, provides one of the most important contributions to this debate. I want to briefly consider his contribution to debates about evil and agency because Augustine's arguments demonstrate how some strands in the Christian tradition locate evil in individuals. Also, because Augustine wrote about war and violence and has continued to influence scholars to this day on questions of international politics, understanding his views about evil and agency might reveal strains in the late modern approach to understanding evil at the global level.²⁹

It has been noted that the question of evil formed a central part of Augustine's reflections during his lifetime of scholarship.³⁰ The topic appears throughout his writings but is most directly addressed in his work on free will. Augustine later wrote that he undertook the writing of *De Libero Arbitrio Voluntatis* to "explore and discuss the problem of evil," particularly in response to the Manichean claim that there existed two divine beings, a good and evil one.³¹ Augustine's response to this issue is one that has framed Christian discourse about evil: "A wicked will is the cause of evil."³²

Augustine's emphasis on the will differentiated him from many of his predecessors. As one commentator suggests, for Augustine, "the will, not the intellect, is human essence."³³ The will allows the human person to pursue the good in various ways. But some of those pursuits will lead to evil, for the human condition is such that it can easily be distorted by what people think to be important rather than what is truly important.

Lust, *libido*, is the desire for things that are temporal, things that lead the human person away from the eternal goods.³⁴ Reason points the individual to the eternal rather than the temporal. When reason is master of the human person, she is “well-ordered.”³⁵ The wise mind then rules desires, allowing the human person to pursue the eternal, i.e., God.

The mind, however, is oriented to the eternal not just through the sheer force of logic. Rather, the will is that which directs the individual to begin a search for the eternal: “We have established, moreover, that what each man chooses to pursue and to love lies in his own will, and that the mind cannot be deposed from the citadel of mastery or from right order by anything except the will.”³⁶ The will is not the same as desire, as seen in the fact that all people desire to be happy, but true happiness only comes through the will pursuing eternal goods rather than temporal ones.³⁷ The will is what enables choice, and it is those choices that determine the good or evil of the human person. In the *Confessions*, Augustine reiterates this point, putting it in the context of his own discovery of the Christian faith and rejection of the Manicheans (who believed that evil was an actual substance, a kind of competing god): “And when I asked myself what wickedness was, I saw that it was not a substance but pervasion of the will when it turns aside from you, O God, who are the supreme substance and veers toward things of the lowest order, being bowelled alive and becoming inflated with desire for things outside itself.”³⁸

Augustine’s account of evil and the will does not correspond precisely to our modern understandings of agency and ethics. Explanations of behavior on the basis of the will seem oddly out of place in an age when psychology and the social sciences promise us explanations in purely material terms. Yet, Augustine’s formulations do point to an important point: human beings do not consciously pursue evil. What they pursue is a good, but a limited good, what Augustine identifies as a temporal good rather than an eternal one. We need not accept the entire structure of divine law and the Christian religion to appreciate Augustine’s insight that individuals act to achieve goods, but that those goods, because of their limited nature, may produce outcomes that are wrong and even evil.

Although individuals pursue a good in their actions, because their actions are ultimately connected to their will and nothing else, evil is located decisively in the individual. This means that while an agent may not intend to commit evil, over time the will becomes progressively disordered such that it cannot be redeemed except through the grace of God. Because only the grace of God can rescue the evil will, punishment can do nothing to change the will. Instead, the individual is left open

to destruction if he does not turn away from evil. There is no rehabilitation for Augustine.

For Augustine, then, evil is located in the will, although it is a will that does not purposively pursue evil. Connolly sees Augustine as an important source for late modern conceptions of evil and responsibility. Starting with *Identity/Difference* and extending through a number of his more recent texts, Connolly presents Augustine as the prime example of a theorist who needed to explain evil through human action. In Augustine's case, that move was necessary to avoid attributing evil to an omnibenevolent God, a need that has shaped a great deal of theological ethics (at least within the Judeo-Christian tradition). Connolly calls this heritage of Augustine the "Augustinian Imperative," one that he believes can be found in many modern secular ethical constructs.³⁹ The imperative is that by looking in to oneself we can find both perversion and the potential for conversion. This move from evil to good in the self, one that Augustine traced in the *Confessions*, reveals the resonance between the internal moral self (the will) and the external moral order. For Connolly, Augustine's linkage of the inside and outside creates a secure identity for the self but at the same time leads to the condemnation of the other.

I agree with Connolly on the dangers of Augustine's focus on the will. At the same time, however, I think Augustine's idea that no one pursues evil in every action suggests a way to avoid the condemnatory outcomes against which Connolly is warning. One way to avoid the "Augustinian Imperative" is to turn to an alternative conception of agency, one that does not derive solely from the will. I call this alternative political agency, and it is not a topic that has received much attention but is, I would argue, central for the determination of punishment in response to global evil.

Political Agency

Political agency is the status of individuals in a community as being able to participate in the life of that community. That status sometimes results from an official body conferring it, such as in determinations of citizenship. At the same time, political agency does not stop with that official conferment. Rather, it must be continually reinscribed by the engagement in the political, by working with and sometimes against others in the political community. Agency then results not just from the actions of others giving one an official status but from one's own political activity.

This idea of political agency is drawn from Hannah Arendt's *The Human Condition*.⁴⁰ Arendt argues in this book that the active life, or *vita activa*,

can be divided into three realms: labor, work, and action. Labor is that which we do to stay alive, the daily activities that provide food, clothes, and shelter. Work is that activity that results in goods that outlive us; creations of buildings, art, and crafts that are not consumed but remain after individual human lives pass away. Because labor creates goods that we consume, it is only through work that the material objectivity of human existence is created.

The final category is action. Action is the most important realm in terms of politics, for action is that human activity in which human persons reveal themselves in moments of interactions with others. It is the way in which we assert who we are, in which we create ourselves by presenting ourselves in public. Politics, which provides the constructed stage of a parliament or town meeting, provides the paradigmatic instance of moments in which the human person can be revealed. Arendt develops this concept of action in an engagement with Greek and Roman philosophers who sought to define the realm of the political. That realm, combining a Homeric agonal spirit with an Aristotelian notion of speech as the quintessentially human characteristic, results in a public space that allows for competition and conflict.

According to Arendt, the public realm is the place where “everybody had to constantly distinguish himself from all others, to show through unique deeds or achievements that he was best of all.”⁴¹ Indeed, it is this ability to act publicly that defines the human person: “A life without speech and without action, on the other hand—and this is the only way of life that in earnest has renounced all appearance and all vanity in the biblical sense of the word—is literally dead to the world; it has ceased to be a human life because it is no longer lived among men. . . . With word and deed we insert ourselves into the human world and this insertion is like a second birth, in which we confirm and take upon ourselves the naked fact of our original physical appearance.”⁴² Public political action puts us into the world and reveals the ‘who’ of our existence in a way that no other practice can.

Furthermore, since Arendt believes that political action is a public presentation of the self, there must be a community to whom this presentation is made. She notes that action occurs within a “web of human relationships,” a place composed both of other people acting and speaking and of the “common world” that surrounds and anchors human interaction: “Most words and deeds are about some worldly objective reality in addition to being a disclosure of the acting and speaking self.”⁴³ Politics thus requires a public realm, one composed of fellow humans with an agreed-upon equality, not one of merit but one of agency.

Arendt's conception of political agency shapes, in part, her conception of political evil. Her most popular contribution to our understanding of evil comes from her reportage on the trial of Adolph Eichmann, published as *Eichmann in Jerusalem*.⁴⁴ In that book, she coined the phrase the "banality of evil" to argue that Eichmann's crime was not rooted in some demonic will but rather in the pursuit of the most banal of motivations, his personal advancement. Banality, however, should not be understood to mean that the crimes committed were anything less than horrific; rather, banal is used to describe, in part, Eichmann's motives as simplistic. Instead of his motives or intentions as the defining element of what constituted his evil, it was his actions, his deeds.

Patrick Hayden has explored Arendt's understanding of evil in relation to a wide range of issues, including genocide and global poverty.⁴⁵ Hayden clarifies Arendt's conception of evil and connects it to the theme of political agency, by identifying the importance of the evil of making humans superfluous in Arendt's philosophy. As Hayden notes,

The logic of superfluity is not merely to kill people, but to completely dehumanise them, to strip them of all dignity, and to deny that they are anything more than manipulable and expendable matter. The core of Arendt's conception of political evil as a tragic feature of modernity is, then, that it "has to do with the following phenomenon: making human beings as human beings superfluous." For Arendt, the horrifying characteristic of political evil in late modernity is the fact that it can be "committed on a gigantic scale" on the basis of the most mundane, petty and all-too-human motivations. For this reason, the modern evil of making humanity superfluous is not only political in nature, it is also banal.⁴⁶

Hayden develops this concept in an analysis of global poverty, pointing out how evil cannot be reduced to an individual demonic agent, but instead to the social and political constructs that structure our world.

I take from Hayden's analysis the importance of understanding political evil as intimately connected to political agency. For me, this means that individuals do commit evil, but their evil is, in part, the destruction of a political sphere that allows the free celebration of agency and difference. While Hayden is focused on how to link this concept of evil with the existence of global poverty, I would argue that the dehumanization of individuals that makes global poverty possible is the destruction of a political space within which individuals can assert themselves as unique and worthwhile persons.

This connects to another dimension of Arendt's thought, her idea of political responsibility.⁴⁷ In a colloquium sponsored by the American Philosophical Association in 1968, Arendt presented an argument concerning collective responsibility. She begins by distinguishing between guilt and responsibility: "Guilt, unlike responsibility, always singles out; it is strictly personal."⁴⁸ But while guilt is individual, responsibility can be corporate. She notes that for collective responsibility to make sense, two conditions must apply: "I must be held responsible for something I have not done, and the reason for my responsibility must be my membership in a group (a collective), which no voluntary act of mine can dissolve, that is, a membership which is utterly unlike a business partnership which I can dissolve at will."⁴⁹ Collective responsibility applies most clearly, according to this conception, in cases where individuals are held responsible for what their governments do. The context of her argument (she was responding to a paper that was not reprinted in this collection) seems to be an attempt to locate the responsibility of individuals who do not support the actions of their government but who are being held responsible for that government's actions.

Arendt takes this point even further, however. Rather than simply stating that collective responsibility is possible in these situations, she argues that simply by living in the current world, one in which we are automatically bound up in a community, we can never avoid responsibility for the actions of our states. To clarify this, she notes that only refugees are innocent of this collective responsibility, precisely because they are outside the boundaries of any community. Arendt claims that political nonparticipation, as a sign of political protest, does not alleviate this responsibility. Simply by the fact that we live in a community, we are responsible for its collective actions: "This vicarious responsibility for things we have not done, this taking upon ourselves the consequences for things we are entirely innocent of, is the price we pay for the fact that we live our lives not by ourselves but among our fellow men, and that the faculty of action which, after all, is the political faculty par excellence, can be actualized only in one of the many and manifold forms of human community."⁵⁰

Political responsibility here connects with political agency. Rather than moral agency that seeks to connect the agent with the will, political agency and responsibility connect the individual to a wider realm, one in which the human person is celebrated in all her individuality. While it may seem strange to create a collective notion of responsibility when Arendt is so concerned with individuality, her concept of responsibility

is about agency, not about an internal will producing morally or legally correct outcomes, i.e., Connolly's Augustinian Imperative. Instead, it is a responsibility that arises from an understanding that each action produces the political sphere anew. Because of the emphasis she places on the ways in which agency constructs the public sphere, Arendt's conception of responsibility arises from that participation. If the public sphere is that place where no person is made superfluous, but every person has the opportunity to enact themselves and contribute the creation of that sphere through their deeds, acts that destroy that space will redound on all of us who have acted and continue to act in that space. Constructing and sustaining the public sphere is a joint exercise, and when that sphere is closed down or parts of are destroyed permanently, we all become responsible.

At one level, this agonal notion of political agency seems close to the Augustinian conception of the will. As an assertion of a "self" political agency would seem to be clearly connected to willful action. This model of politics, however, is not about connecting an interior will with an exterior set of norms, for the Arendtian political community is one that is constantly re-created by the actions of a diverse set of individuals. Its agonism might lead to conflict and the distancing of otherness, but by leaving space open for all to engage in the public sphere it celebrates differences rather than labels them as evil. So it is an alternative agency to that found in Augustine, which Connolly finds so objectionable.⁵¹

Responsibility for Evil

How does this connect back to evil and punishment? In our normal ethical and legal discourse, those who commit evil actions deserve punishment ultimately because they are responsible for their actions. Their responsibility arises from their will, a will that is uncovered in criminal investigations and trial procedures. The purpose of these processes is to make concrete exactly what Connolly describes as the Augustinian Imperative—the linking of the interior will with an exterior moral and legal code that ensures equivalence between badness and justice. But, as Connolly also points out, the reality of the world overflows those equivalences, revealing individuals whose guilt cannot be found in their will but is the result of their position in a world that cannot accept them. Arendt's conception of political agency suggests that what is more important to understand is the constructed space in which determinations of guilt and innocence are played out.

What does this mean? It means that not only should individuals be held responsible for their failures to live up to a moral or even legal code,

individuals should be held responsible for failing to understand their political role and for failing to engage in the political sphere in a way that shapes it for others. The concept of a role could be one way in which responsibility is shaped, although assuming that roles are static notions derived from biology or some naturalistic hierarchy would run counter to Arendt's idea that the political sphere is constantly recreated by the interventions of individual agents.⁵²

If roles are important in determinations of responsibility, an individual in a position of being able to decisively shape political outcomes should be held to a different standard than a mere functionary. This is not to avoid the responsibility of individual agents, but it is to acknowledge something that war crimes structures incorporate into their very essence: that responsibility derives in large part from the role one has in a structure.

This point is especially important when considering responsibility for evil. Most of us will not have the chance to commit actions that are evil because we simply do not have the power to engage in actions that cause the level of harm identified as evil. Those who can commit evil are those who can control others and can shape the public sphere. Most egregious of all is when individuals who were in such positions seek to deny their role, such as Eichmann or Slobodan Milosevic. They argued that they should not be held responsible, not necessarily because they were following orders but because they failed to understand how their actions shaped a public sphere in such a way as to eliminate plurality, one of the essential elements of the public.⁵³

Political agency, then, provides an alternative way to see responsibility. Rather than the moral responsibility that arises from an Augustinian Imperative, one that locates moral and legal fault in a disordered will, a conception of political responsibility locates the agent in a social and political construct for which he is in part responsible. Determinations of responsibility, then, arise from a determination of the role of that individual in constructing the political sphere. When it comes to evil actions, the destruction of the political sphere, which is undertaken by destroying groups and individuals in ways that make those groups superfluous requires a response. The final section suggests how a punitive response might work in response to evils that destroy the public sphere.

Evil and Punishment

Can people be punished for failing to understand their role in the public sphere? Normally, no. This chapter is not seeking to redefine punishment *tout court*. Instead, it is seeking to provide some way in which

punishment might be used in response to political evils. If those who commit evil are to be punished, then they need to be located in a political sphere. Rather than a criminal trial that establishes whether or not they intended to violate a particular provision of an international legal regime, the purpose of the trial must be to establish their place in a political framework, a *res publica* that they helped to shape by their political actions.

The purpose of such a punishment, then, would be retributive rather than deterrent and/or rehabilitative. This might sound close to vengeance, but it is important to note that retribution is not the same as vengeance. Why should punishing evil be retributive? The other two purposes of punishment would be deterrent and rehabilitative. Neither, however, would be an appropriate response to political evil. A deterrent response treats the individual to be punished as a tool to teach the rest of the political community how not to act. In so doing, it denies the unique humanity and agency of individuals. As a result, a deterrent punishment does not seem appropriate in response to evil.⁵⁴

A rehabilitative purpose behind punishment is also problematic, for related albeit different reasons. Rehabilitation assumes that the will can be reshaped through a process of education and discipline. Michel Foucault's analysis of punitive practices in the modern period provides an incisive critique of rehabilitation.⁵⁵ The problem with these forms of punishment is that they deny that individuals have a place in a political society and that they are, instead, a pliant will that can be shaped by careful management and reconstruction. Such an approach denies the prior political agency that they embodied.

If the purpose of such punishment is to reconstruct the political sphere away from the horrors of the evil that had been inflicted upon it, punishment must be consciously about reconstructing the political community. It cannot really be about warning those in the community not to commit such actions in the future, for truly evil actions are rather rare in politics. Instead, it will be oriented toward recreating a political sphere that is just and whole. This also suggests that punishing evil might go along with other responses to evil, those that are similarly oriented toward the community and not toward the reconstruction of the one who has committed the evil or, importantly, toward satisfying the demands of revenge of those who have been harmed. This again is important to distinguish punishment from vengeance. If punishment is about giving satisfaction to the harmed, then it will not be oriented toward the community as a whole. Instead, it must be oriented toward restructuring the public sphere in new ways.

What would such punishment look like? I do not have specific suggestions on specific punishments but only want to make some broad conceptual points that need to be taken into account when developing punitive responses to evil. First, the private nature of punishment, the hiding of the criminal away from the public eye in a prison, would seem to run counter to this conception. This is not to reintroduce the public spectacle of punishment that Foucault so graphically illustrates in the opening pages of *Discipline and Punish*. Rather, it is to suggest that forms of punishment need to be more public and directed toward reconstructing the public sphere. This might mean public descriptions of the crimes committed. This comes close to public confessions, which I would resist, although I cannot imagine other practical formulations of this point. The public nature of an evil act must be matched by a public punishment.

Second, punishment must be oriented toward a recreation of the public sphere. This means that the punitive response should draw upon the skills of the perpetrator in somehow reconstructing the public sphere. Again, I am not sure how this would look, but it seems important to somehow force the perpetrator of evil to play a role in recreating the public sphere anew. This, importantly, would not be to create the exact same sphere that had been destroyed, for such an action would not be possible. Instead, it must involve a part for the individual in constructing a public sphere that respects the plurality of human existence.

Third, and finally, this suggests that it might make sense to punish collectives. Many of the most egregious acts of evil can really only be accomplished by corporate entities. Corporations are, of course, constituted by individual people who make decisions and who should be held responsible. Corporate entities do things, something scholars of international relations know assume quite often without thinking critically about it. Much of the literature on understanding the state as a person, however, draws from sociology rather than from philosophy or even law, which has led to the construction of an amoral state agent that cannot really be understood as capable of committing crimes.⁵⁶

There is a large body of literature that explores the responsibility of collectives, literature that draws upon philosophical analogies of the will and the internal structure of corporate entities.⁵⁷ Indeed, my own work in this area draws upon this same literature.⁵⁸ However, the point being made here is slightly different. Punishing corporate entities in response to political evil would decisively reshape the public sphere by reconstituting its parts. Indeed, this might be a more important punitive response than punishing individuals.

Let me emphasize here that this does not mean inflicting physical harm on individuals who are not important elements in the political collective. It might mean, however, inflicting “harm” of a sense on the political structure that has created the evil outcome. This might mean, for instance, engaging in lustration of political structures in order to radically revise them.⁵⁹ It might mean a radical dismemberment of nationalistic symbols and structures that have created forms of exclusionary violence. And it might mean putting on trial and punishing individuals who led or decisively shaped such political communities.

Conclusion

Admittedly, these suggestions do not provide the most concrete means for punishing evil. What I have tried to do in this chapter, however, is suggest some alternative ways of seeing punishment as a response to evil by shifting our focus away from moral responsibility and toward political responsibility. While these are not necessarily suggestions that can be taken up by the next UN commission that responds to a genocide, they might help citizens of powerful countries rethink their role in creating political evil and how they might refashion the political sphere in response.

Notes

1. This chapter has benefited greatly from close readings by and conversations with Renée Jeffery, Ben Ardit, and Patrick Hayden.
2. I explain these issues in more depth in *Punishment, Justice and International Relations* (London: Routledge, 2008).
3. For a discussion of the war as punitive, see Anthony F Lang Jr., “Punitive Intervention: Enforcing Justice or Generating Conflict?” in *Just War Theory: A Reappraisal*, ed. Mark Evans (Edinburgh: Edinburgh University Press, 2005), 50–70.
4. I explore this point more fully in “Crime and Punishment: Holding States Accountable,” *Ethics & International Affairs* 21, no. 2 (2007): 239–57.
5. As will become clear below, my conception of agency differs from those accounts that link intentionality to agency.
6. A. John Simmons, Introduction to *Punishment: A Philosophy and Public Affairs Reader*, ed. A. John Simmons (Princeton: Princeton University Press, 1993): viii.
7. The literature on punishment is vast. Comprehensive edited collections of philosophical arguments about punishment include H. B. Acton, ed., *The Philosophy of Punishment: A Collection of Papers* (London: Macmillan, 1969); Antony Duff, *Punishment* (Brookfield, VT: Aldershot Publishers, 1993); and

- A. John Simmons, ed., *Punishment: A Philosophy and Public Affairs Reader* (Princeton, NJ: Princeton University Press, 1995). Single-authored philosophical accounts of punishment from which I have benefited include C. L. Ten, *Crime, Guilt and Punishment: A Philosophical Introduction* (Oxford: Clarendon Press, 1987); John Braithwaite and Philip Petit, *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Clarendon Press, 1990); and Matt Matravers, *Justice and Punishment: The Rationale of Coercion* (Oxford: Oxford University Press, 2000). As a historical and social practice, sociologists and historians have also explored punishment in some depth; the most famous such account is Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Pantheon, 1977). For two accounts focusing on the United States and punishment, see Thomas L. Dumm, *Democracy and Punishment: Disciplinary Origins of the US* (Madison: University of Wisconsin Press, 1987); and Mark Kann, *Punishment, Prisons and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005).
8. James Rachels, "Punishment and Desert," in Hugh LaFollette, ed., *Ethics in Practice: An Anthology*, 2nd ed. (Oxford: Blackwell, 2002): 468.
 9. Jeffrie Murphy has made this point in various places; see, for example, "Marxism and Retribution," in Simmons, *Punishment: A Philosophy and Public Affairs Reader*, 3–29.
 10. See Alan Goldman "The Paradox of Punishment" in Simmons, *Punishment*, 30–46, for an attempt to address the problem of excessive punishment.
 11. See A. John Simmons, Introduction to Simmons, *Punishment*, viii.
 12. See John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Clarendon, 1990) for an analysis of the public policy debate as it relates to some of these philosophical issues.
 13. Peter Liberman, "An Eye for an Eye: Public Support for War against Evildoers" *International Organization* 60 (Summer 2006): 687–722.
 14. Claudia Card, *The Atrocity Paradigm: A Theory of Evil* (Oxford: Oxford University Press, 2002), 3.
 15. *Ibid.*, 16
 16. An environmental philosophy of evil might expand the definition to include harm to animals, plants, and the ecosystem more broadly defined. I do not take this position in this paper, although the argument I make would not necessarily rule it out.
 17. Card, *The Atrocity Paradigm*, 10.
 18. *Ibid.*, 20–22.
 19. This chapter does not provide an "Arendtian" conception of punishment, for I do not know what such a conception would be; I am not aware of Arendt exploring the concept of punishment in any length in her works. Instead, I am using Arendt's ideas of responsibility and agency to develop a punitive response to evil.
 20. For a sample of debate from this perspective, see John Martin Fischer, ed., *Moral Responsibility* (Ithaca: Cornell University Press, 1986).

21. Peter Strawson, "Freedom and Resentment," in *Perspectives on Moral Responsibility*, ed. John Martin Fischer and Mark Ravizza. (Ithaca: Cornell University Press, 1993), 45–66 [originally from *Proceedings of the British Academy* 48 (1962): 1–25]. Strawson's argument is not without some controversy among philosophers; see the essays following Strawson's in the Fischer and Ravizza book.
22. Strawson, 48
23. Of course, some would consider this to be a natural evil, which is not the focus of analysis in this book. The point, however, is that there seems to be a need to turn such evils into intentional actions, suggesting the link between intentionally and evil.
24. Although this debt to Strawson is not acknowledged by Connolly in this text, my guess is that he has read this essay by Strawson and perhaps explored it in an earlier work.
25. William Connolly, *Identity/difference: Democratic Negotiations of Political Paradox* (Ithaca: Cornell University Press, 1991), 96.
26. It is also one of the crimes that can be tried before the International Criminal Court (ICC), but not yet; the Rome Charter stipulates that until the international community properly defines aggression, no such trials can take place.
27. Connolly does not borrow uncritically from Nietzsche, however; see *Identity/difference*, 184–97.
28. There is an alternative argument that one might develop, that individuals truly commit evil with the intention to do so; for one version of this, see Peter French, "Unchosen Evil and Moral Responsibility," in *War Crimes and Collective Wrongdoing: A Reader*, ed. Aleksander Jokic (Oxford: Blackwell Publishers, 2001), 29–47. Interestingly, French argues here that while some individuals are truly "moral monsters," it is often their location in a particular culture that constructs them in this way. My response is an Augustinian one, which I develop below; that is, no one truly pursues evil, but they pursue the good in a disordered way. This is not to lessen the evil that results with the rather innocuous sounding "disordered." Rather, the point is that no one wants to do evil; they want to do something that results in evil.
29. There is no way to locate the impact of Augustine on current international thinking within a footnote. Perhaps the most important influence has been on the realist school of thought, through the mediation of Reinhold Niebuhr. See Reinhold Niebuhr, *Christian Realism and Political Problems* (London: Faber and Faber, 1954) for essays that explore the importance of Augustinian thought to international politics. A more recent use of Augustine comes from Jean Bethke Elshtain in her book on the just war tradition and the war on terror, *Just War on Terror: The Burden of American Power in a Violent World* (New York: Basic Books, 2003).
30. G. R. Evans, *Augustine on Evil* (Cambridge: Cambridge University Press, 1982).

31. Augustine, *On Free Choice of the Will*, trans. Anna S. Benjamin and L. H. Hackstaff (New York: Macmillian, 1964 [395]), 151.
32. Augustine, *On Free Choice of the Will*, III:17, 126.
33. Wallace Matson, *A New History of Philosophy: Ancient and Medieval* (San Diego: Harcourt, Brace, Jovanovich: 1987), 197.
34. Augustine, *On Free Choice of the Will*, I:3.
35. *Ibid.*, I:7,18.
36. *Ibid.*, I:16,33.
37. *Ibid.*, I:14
38. Augustine, *Confessions*, trans. and introd. R. S. Pine-Coffin (New York: Penguin Classics 1961), VII:16,150.
39. William Connolly, *The Augustinian Imperative: A Reflection on the Politics of Morality, New Edition* (Lanham, MD: Rowman and Littlefield, 2002).
40. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).
41. Arendt, *The Human Condition*, 41.
42. *Ibid.*, 176.
43. *Ibid.*, 182.
44. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil, Revised and Enlarged Edition* (New York: Penguin Publishers, 1964).
45. See Patrick Hayden, "Superfluous Humanity: An Arendtian Perspective on the Political Evil of Global Poverty," *Millennium* 35, no. 2 (2007): 279–300; and Patrick Hayden, *Political Evil in a Global Age: An Arendtian Perspective* (London: Routledge, 2008).
46. Hayden, "Superfluous Humanity," 5.
47. The following paragraphs are drawn from the Anthony F. Lang Jr. and John Williams, "Conclusion," in *Hannah Arendt and International Relations: Reading Across the Lines*, ed. Anthony F. Lang Jr. and John Williams (New York: Palgrave, 2005).
48. Hannah Arendt, "Collective Responsibility," in *Responsibility and Judgment*, ed. and intro. Jerome Kohn (New York: Schocken Books, 2003), 147.
49. *Ibid.*, 149.
50. *Ibid.*, 157–58.
51. This is not argue that Arendt is somehow opposed to Augustinian thought; after all, she wrote her doctoral dissertation on Augustine's notion of *caritas*; see Hannah Arendt, *Love and St. Augustine*, ed. Joanna Vecchiarelli Scott and Judith Chelius Stark (Chicago: University of Chicago Press, 1997). Rather, the point I am making is that Arendt's conception of political agency stands in stark contrast to the Augustinian emphasis on a will struggling to locate itself in relation to an eternal law. Instead, Arendt, at least in *The Human Condition*, suggests a form of action that is more attuned to political difference and newness.
52. For a different version of responsibility that parallels some of my arguments here, see Marion Smiley, *Moral Responsibility and the Boundaries of Community*:

Power and Accountability from a Pragmatic Point of View (Chicago: University of Chicago Press, 1992).

53. Arendt, *Eichmann in Jerusalem*, 278–79.
54. This is not to deny that there may be deterrent outcomes from a retributive punishment. Rather, the point here is that to make deterrence the primary reason for punishment will shape punitive practices such that they use people as tools rather than respect their humanity.
55. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Pantheon Books, 1977). Of course, Foucault is making a much wider critique of punishment and also the disciplinary society within which modern notions of punishment make sense. I would argue that rehabilitative justifications for punishment provide the primary target for Foucault's critique, however, in that he is concerned with the ways in which society and punishment constructs individuals in particular ways.
56. See, for instance, Patrick T. Jackson, et al., "The State as a Person," *Review of International Studies* 30, no.2 (2004): 255–316.
57. See, for instance, Larry May with Stacey Hoffman, *Collective Responsibility* (Lanham, MD: Rowman & Littlefield, 1991).
58. Lang, "Crime and Punishment."
59. See Jens Meierhenrich, "The Ethics of Lustration," *Ethics & International Affairs* 20, no.1 (2006): 99–120.

CHAPTER 5

Reconciliation

An Ethic for Responding to Evil in Global Politics

Daniel Philpott

All across the world, over the past generation, a historically remarkable number of societies have surfaced from pasts denominated in commas and zeroes: a genocide in Rwanda that killed 800,000, a civil war in the former Yugoslavia that took 200,000, a regime in South Africa whose human rights violations are documented at 21,000, a civil war in Guatemala with over 55,000 violations. Even in settings where death and physical wounds are rare by comparison, other violations measured in exponents: Were they stood upright, the files that the East German secret police kept on its citizens would stretch 121 miles.

An equally remarkable number of societies have sought to face these pasts. They have resettled refugees, executed dictators, conducted trials, sought and delivered humanitarian aid, staged truth commissions, sought foreign investment, hosted international peacekeeping operations, practiced apology, disarmed and demobilized military units, ratified new constitutions, delivered reparations, created judicial institutions, practiced forgiveness, monitored ceasefires, and conducted elections. Outsiders, too, have taken an interest in these efforts. Between 1987 and 1994, a “UN Revolution” multiplied by several times the scope and scale of UN operations aimed at achieving and maintaining settlements to civil wars and rebuilding in their wake.¹ Though the revolution was slowed by debacles in Bosnia and Somalia, the UN continues its strong involvement in the alleviation of domestic conflicts. In 2005, it formed a Peacebuilding Commission to advise and develop strategies for postconflict reconstruction. The U.S. Department of Defense, Department of State, and Agency for International Development,

as well as the World Bank have all made postconflict reconstruction a top priority, too.

These recent efforts to address past political evil are in good part practical and the analyses they evoke empirical: What works best? But people on the scene of these efforts, as well as outsiders, also bring up justice: “[Some people] say that offering amnesty helps the truth come out. But I don’t believe that knowing alone makes you happy. Once you know who did it, you want the next thing—you want justice!” protested Mhleli Mxenge, the brother of Griffiths Mxenge, a human rights lawyer who was brutally assassinated by the counterinsurgency unit of the South African apartheid government.² “Years of terror and death have displaced and reduced the majority of Guatemalans to fear and silence. *Truth* is the primary word, the serious and mature action that makes it possible for us to break this cycle of death and violence and to open ourselves to a future of hope and light for all,” articulated Bishop Juan Gerardi upon presenting the report of the Recovery of Historical Memory Project in Guatemala City on April 24, 1998, two days before he was assassinated.³ East German political activist Bärbel Bohley held that opening the files of the *Stasi*, or East German secret police, was “critical.” How else, she argued, “can we get the lies . . . out of our public life? Unsparing accountability is the point of departure for responsible political action.”⁴ Though they differ over what justice involves, inhabitants of evil’s dusty aftermath again and again speak as if justice matters. Even the pragmatist, who may agree with Cambodian Prime Minister Hun Sen’s recommendation that “we should dig a hole and bury the past,” implicitly appeals to justice: establishing the rule of law in a new regime trumps ambitious remedial efforts.

Reflecting upon such arguments, scholars have theorized about justice in the wake of its massive despoliation. Ought negotiators to forego the prosecution of war criminals in order to secure their assent to a peace settlement? Are conditional amnesties justifiable? If so, under what conditions? What sort of punishment is required for perpetrators of human rights violations? What are the respective roles of international and domestic actors in prosecuting war criminals? May leaders apologize on behalf of entire nations? Are reparations owed to representatives of past generations? Who owes them? How much is owed? Can states practice forgiveness? May outside states or international organizations exercise sovereign prerogatives in helping societies to rebuild? May they intervene through military force to help secure a peace?

While many have addressed such questions, though, few have thought holistically about the ethics of facing past evil. Nothing is available resembling, say, the ethic produced by the just war tradition. Developed

over centuries in the West, resonating in several cultural traditions, the just war ethic ingeniously derives from philosophical roots a set of integrated guidelines that governs a wide range of questions of war and that has succeeded in becoming institutionalized in international law, taught in military academies, invoked in trials and truth commissions, and appealed to in political debates, even if its standards are still too seldom heeded in practice.⁵ Although notions of justice for dealing with past political evil also have ancient pedigrees, a similarly integrated ethic for contemporary recovering states remains at a comparatively early stage. Whether one will ever succeed in commanding the consensus and influence of the just war ethic is an open question, one whose answer surely depends on the long-term conversation of a community of scholars.

This chapter joins this conversation. It outlines a general approach to the ethics of dealing with the past in political settings where colossal evil has taken place.⁶ Its orienting concept is one that has emerged from the fitful proceedings of recent years but also has ancient roots: reconciliation. The term is eponymous for truth commissions in Chile, South Africa, Sierra Leone, and Peru and arises often in the discourse of scholars, analysts, and political actors elsewhere. It is disproportionately advanced by religious leaders but is far from their sole preserve. But reconciliation is also hotly debated, in its meaning as much as its merits. One of the first tasks of the essay, then, is to distinguish what is meant by it here and how it differs from other approaches to dealing with the past. Next comes the core of the ethic, the concept of restorative justice. In the setting of politics, the ethic is realized through six component practices: acknowledgement, reparations, restorative punishment, apology, forgiveness, and the building of just social institutions. The argument will of necessity touch briefly on many issues whose justification, explanation, and application require far more attention than can be offered here. It is rather the central features of the ethic that are conveyed.

Evil in Global Politics

The evil that states typically confront takes the form of political injustices—either unjust deeds that agents of the state or opposition forces carry out in the name of political ends, or unjust laws and structures. Such political evil is usually systemic, occurring on a large scale and in some way affecting nearly everyone in a society. But exactly which sort of acts and structures are injustices? In seeking authoritative standards, negotiators and designers of truth commissions, trials, and reparations over the past generation have returned, again and again, as if to an oracle, to norms

defining human rights and the laws of war that are embedded in the United Nations Charter, the Universal Declaration of Human Rights, and numerous other international conventions and covenants. Legal pride of place belongs to the triptych of crimes with which the Nuremberg Trials charged Nazi war criminals: crimes against peace, or military aggression; war crimes, especially the deliberate killing of civilians within military operations; and crimes against humanity, involving the violent persecution of a body of people, nationals or nonnationals, during or outside of times of war. Genocide and torture also enjoy a strong pedigree and appear often in transitional justice. International criminal tribunals have recently incorporated rape. Efforts to redress the past also take up crimes that do not involve mass atrocity but rather the systematic violation of political and civil rights, as well as economic injustices.

Intuitively, efforts to deal with past evil begin when the evils themselves end: democracy has replaced authoritarianism; a peace settlement has been achieved. In fact, the timing is not always so neat. Even during a war or opposition struggle, partisans will incorporate postconflict justice into their strategies and mediators into their proposals. Sometimes practices of justice occur years after the evils have ended. It was not until 2002, for instance, that exhumations of mass graves from the Spanish Civil War of the 1930s began to take place. Still, efforts to address evils are usually concentrated most highly in the decade or so after they come to an end.

The circumstances for redressing the past vary as well. As intimated, two common contemporary contexts are democratization and the aftermath of civil war. Samuel Huntington has documented a “Third Wave” of democratization between 1974 and 1989 involving some thirty countries in Eastern Europe, Latin America, Africa, and East Asia. The trend has continued, with Freedom House reporting that the number of “free” countries has increased by another thirteen from 1989 to 2004.⁷ With the wave of democratization has come a wave of transitional justice efforts. A spate of civil war settlements—in Northern Ireland, Yugoslavia, East Timor, Rwanda, and elsewhere—has also brought with it a host of efforts to confront crimes committed during these wars.⁸

Efforts to address past injustices between states are not as common since civil wars have vastly outnumbered interstate wars since World War II.⁹ Still, there are important examples. The punitive reparations imposed upon Germany in the settlement of World War I and the Allied powers’ trials of German and Japanese leaders after World War II are standard chapters in international relations textbooks. Less well known are the continued efforts of Germany to address its Nazi past in its relationships to other nations and to individual Jewish victims. The aftermath of

intervention is another relevant interstate context. Interventions in Iraq and Afghanistan—arguably the biggest dilemmas of U.S. foreign policy since the end of the Cold War—have brought trials in Iraq, proposals for truth commissions in both countries, and vigorous debates about how to deal with overthrown regimes. Finally, the many countries where the United States or other wealthy democracies seek to promote democracy or economic development are at least potential sites for efforts to redress past injustices.

Today, in the variety of settings where politics addresses the past, it is the traditional approaches of trials and the vetting of officials for past complicity to which countries often turn. Even punitive justice, though, has witnessed innovation. International criminal tribunals, the first since the Nuremberg trials, were created in the 1990s for the conflicts in Yugoslavia and Rwanda and permanently institutionalized in an International Criminal Court in 1998. Some countries, like Sierra Leone and East Timor, developed “hybrid courts” combining domestic and international actors. Even more innovative are nonpunitive approaches. Since 1974 over thirty countries have adopted truth commissions, leading some analysts to discern an emergent international regime.¹⁰ Reparations are a “growing trend” in global politics, according to one expert.¹¹ Apologies, too, have become common—political scientist Barry O’Neill accumulated a database of 121 “apology incidents” in an interstate context from 1980 to 1995.¹² Their twin practice, forgiveness, is far less common in public contexts, though it has appeared in the political discourse of South Africa, El Salvador, Northern Ireland, Guatemala, and Chile, among other places. Along with these official measures, civil society organizations—NGOs, religious actors, and civic leaders—have encouraged reconciliation initiatives, memorials, educational reforms, community-building activities and many other measures to address the past. All such practices that make up this recent outburst of rectificatory politics are the subject of ethical inquiry.

Dealing with the Past in Leading Ethical Traditions

“Realism is our dominant theory,” writes Michael W. Doyle.¹³ So, ethical reflection must consider the Realist claim that political responses to the past are but reflections of power. Beginning with Thucydides, revived in Machiavelli and Hobbes, continuing through twentieth-century voices like E. H. Carr, Reinhold Niebuhr, Hans Morgenthau, George Kennan, Kenneth Waltz, and John Mearsheimer, the Realist tradition is united by

common core commitments: states in an anarchical system live in a predicament of “self-help” in which they must safeguard their own security; their common end is relative power, denominated in the means to fight war; this predicament and these pursuits are not likely to be mitigated by international law, norms, institutions, or the character of domestic regimes. Afforded little freedom of action, states ought to pursue a “morality of the national interest” that respects moderation and stability. States committed to more concrete moral norms cannot expect to meet with success.¹⁴ From these commitments, a realist account of how states deal with the past is easily derived. The underlying logic is that by which Thucydides described the punitive justice that Athens imposed upon Melos: “The strong do what they can and the weak suffer what they must.”¹⁵ Justice will always be victors’ justice. The wise victor will pursue the version that best preserves security.

A Realist approach to the past, though, encounters shortcomings. The most common forum for addressing past injustices between states, war crimes tribunals, cannot be explained as mere reflections of power, argues political scientist Gary Bass. “If a war crimes tribunal is victors’ justice,” he claims, “it makes a difference who the victors are.”¹⁶ It is liberal regimes that pursue this form of justice, based on their principle of legalism—the rule of law, retribution through trials governed by fair procedure and due process. All bona fide tribunals have been pursued by liberal regimes, none by illiberal regimes. True, liberals will not always prefer tribunals. They will argue over trials at the ends of particular wars and arrive at different solutions in different wars: contrast the United States’ support for the Nuremberg and Tokyo trials after World War II with its opposition to trying Germans at the end of World War I. But this very flexibility underlines that power alone does not determine outcomes. Even Realists themselves will disagree over tribunals. Hans Morgenthau and George Kennan favored summary executions of Nazis at the end of World War II, while Henry Kissinger commended a general policy of avoiding tribunals to secure peace. To be sure, power and interest will not cease to matter. Liberal states have always been selective in prosecuting their enemies’ war crimes in overwhelming proportion to their own citizens’. But the relevance of domestic ideas and regimes reveals that states have far more freedom of action than Realism allows and thus undermines one of the key arguments behind the morality of the national interest.¹⁷

Because of their stress on anarchy, most Realists do not expect the brutal competition for power to pervade domestic politics, where a sovereign regime can enforce the rule of law. Their theory therefore has little to say about today’s political efforts to address the past except, say, in

Afghanistan and Iraq. Some Realists, though, including Machiavelli and Morgenthau, envision power thoroughly penetrating domestic politics as well, where it can shape justice in the wake of democratic transitions and the settlement of civil wars.¹⁸ In a Realist spirit, Samuel Huntington argues that in a democratic transition, the character of victors' justice—namely, whether or not trials occur—depends on the thoroughness of the victory: If the old regime exercises power in the transition, it will be able to prevent trials; if it is overthrown, then the new regime is likely to try its leaders.¹⁹ Though Huntington does not extend his explanation to truth commissions, a like-spirited argument could construe them as loser's justice, the product of the regnant power of the former regime, especially when they involve amnesties. The same kind of argument extends to civil wars, explaining trials as the result of clear military victory and truth commissions as the fruit of a negotiated settlement.²⁰

Like Realism, domestic power explanations do not entirely negate freedom of action or obviate ethical counsel. But such explanations do point to constraints upon choices, ones to which several of the past generation's institutions for justice indeed conform. In transitions and settlements in Argentina, Rwanda, Greece, and Germany, a decisive defeat of a regime corresponded to trials, and in Romania, to swift executions, while in several cases, a negotiated transition or settlement resulted in a truth commission or amnesty, including El Salvador, Poland, South Africa, Peru, Northern Ireland, Guatemala, Chile, and Mozambique. But, like Realism, the domestic power explanation does not account for many cases. Even sites of trials leave ambiguity. In Argentina, the convictions of five top junta leaders were overturned in a presidential pardon, while in Rwanda, the role of the UN in staging trials raises doubts about the victor's role in the justice. In other cases where new regimes decisively took power, no trials occurred at all, as in Brazil, or a far weaker practice of lustration resulted, as in Czechoslovakia. In some cases, trials occurred even in the absence of a sharp victory, as in East Timor, Yugoslavia, and in Chile a decade after the fall of Pinochet. In still other cases, a truth commission was actually a product of victors' justice, including Germany, Argentina, and Brazil. Finally, Sierra Leone, East Timor, Germany, and Argentina were "hybrid" cases that combined trials and truth commissions, confounding any sharp prediction of power. In most of these cases, it was international actors like the United Nations or international criminal tribunals or domestic actors like unions, parties, and churches that produced forms of justice that diverged from power's prediction.

Ultimately, the argument for a richer set of ethics than the counsels of stability and moderation that emanate from Realism and its cousins rests not on empirical claims about power's nature and effects but on

independent grounds. But attention to the limits of power's explanatory ability helps to address one objection to such ethics.

The liberal tradition, rooted in the Enlightenment and persisting strongly into the present day, roots political ethics in individual rights, liberties, equality, democracy, constitutionalism, and international law and is at least cautiously optimistic that these values can be realized.²¹ For the politics of the past, it offers both a vision of the kind of regime that authoritarian or civil war-torn states can aspire to, as well as theories of criminal punishment, including retributivist and utilitarian ones. The ethic outlined in this chapter profits from these ideas, posing human rights as a standard for past injustices and future regimes and endorsing at least some of retributivism's claims. But as shall be argued, liberalism fails to address an array of wounds that past injustices leave and to prescribe a range of measures that can address them. A yet richer set of ethics is needed.

A third leading ethical tradition in global politics is the just war tradition. Its Western version, rooted in the Christian natural law tradition, is also widely shared among global cultures and endorsed by at least the Kantian, though generally not the utilitarian, strand of the liberal tradition. Again, it has become incorporated into international law. But while it offers sophisticated criteria for judging going to war and conducting a war, apart from some recent exceptions, the tradition has little to say about the justice of restoring societies after a war.²² Given that the pioneers of the ethic like Augustine and Aquinas thought that the purpose of a just war is to establish just peace, more attention to what measures justly deal with the past once the fighting has stopped is needed.

The Wounds of Political Injustice

An ethic for dealing with past evil begins by asking how this evil wounds people and societies. Exactly what is being restored? Echoing the commitments of both the liberal and the just war tradition, the ethic here appeals to international law—human rights and the laws of war—in defining political evil. But the norms that define evil do not alone describe the wounds that evil leaves. There are at least six forms of these wounds, six respects in which political injustices diminish the human flourishing of those who are involved in them. Together, they depict the complex social affliction that the ethic must confront.

The first, most basic, form of wound is a breakdown of the legal guarantee of the basic rights of victims of political injustices. Such a failure is entailed in every political injustice, by definition. But it also points to a dimension of a just political order that a political injustice violates:

the status of every citizen as the subject of the law, a status that is itself an aspect of human flourishing.

The second form of wound comprises the wide range of harms to the victim's very person, in body and soul, in the most basic aspects of her flourishing, that political injustices bring about. These include death; the death of loved ones; permanent injury from torture or assault; grief, humiliation, trauma, loss of wealth and livelihood; the defilement of one's race, ethnicity, religion, nationality, or gender; sexual violation; the conquest and subordination of one's community; the taking of one's land; and many other diminishment of human flourishing.

Ignorance of the source and circumstances of the injustice is the third dimension of woundedness. Professed most commonly by relatives of the missing and the dead, it compounds the harm itself: "If they can just show us the bones of my child, where did they leave the bones of my child?" asks the mother of one missing South African political activist.²³

Reciprocating this ignorance is a fourth kind of wound, a lack of acknowledgment of victims' suffering on the part of members of the community. These members have a duty not just to refrain from violating rights but to recognize these rights and the dignity of the people that they protect.

The fifth dimension of woundedness is what may be called the "standing victory" of the perpetrator's injustice. In the wake of this injustice, by which he violates the victim as a bearer of rights and the community whose role it is to recognize and uphold these rights, what remains is the ongoing triumph of his expression of evil, which persists victorious and unchallenged.

As is sometimes true for a discharging cannon, a political injustice not only wounds its victim but also recoils back to wound the perpetrator. Evil injures the soul of the wrongdoer, as Socrates avers in Plato's *Gorgias*, and by disintegrating the acting self from the true moral self, it wounds psychologically and spiritually. The sixth form of wound is the injury that an evil brings on the person of the wrongdoer.

Each of these six wounds of political injustice is in itself a harm worthy of redress since it was suffered at the hands of the political order. These may be called "primary wounds." But there is also a secondary, derivative sense in which wounds harm—by leading citizens to judgments and actions that involve further injustices like aggression and war crimes or that withhold crucial legitimacy from fledgling political orders based on the bona fide rule of law. Memories of the injustices behind their wounds lead to emotions of resentment, hatred, revenge, and fear toward the persons and communities that inflicted them, which then lead to judgments for

retaliation, preemptive military strikes, and disregard for human rights and the laws of war, which then elicit actions like massacre, genocide, international aggression, and torture that multiply wounds and undermine the possibility of a just political order, sometimes for generations at a time.²⁴ Names like Rwanda, Northern Ireland, Bosnia, Kosovo, the Basque Country, Iraq, Israel and Palestine, Kashmir, Nanking, and many others confirm the dynamic. Because a central goal of an ethic for addressing the past is a state where rights are guaranteed or a relationship between states based on respect for the law of nations, these derivative judgments and actions are quite important. They may be called “secondary wounds.”

An Ethic of Restorative Justice

Reflection upon the past generation’s global wave of efforts to deal with the wounds of injustice on a grand scale has yielded a palette of competing conceptions of justice: retributivist approaches focus on accountability and punishment for perpetrators of gross human rights violations; pragmatic conceptions advocate whatever works best in achieving a just and stable regime or peace settlement; others adopt reconciliation as their central ordering concept. Even advocates of reconciliation, the conception advanced here, hold competing versions of the concept, differing especially over its relationship to justice.²⁵

In its most ancient meanings, expressed in the Abrahamic religious traditions, for instance, reconciliation broadly connotes “restoration of right relationship.” Best approximating this meaning today is what is called restorative justice. Arising first as an approach to criminal justice in the 1970s, it was applied to political orders most famously by Archbishop Desmond Tutu as chair of South Africa’s Truth and Reconciliation Commission (TRC). Typically, it stresses a few common themes: crime is primarily a rupture of relationship between offender and victim and between victim and community; response to crime ought to be oriented toward repairing these relationships and the several dimensions of injury and harm that they leave behind; such repair ought to involve the active participation of victims, offenders, and members of the community.²⁶

It is outside of modern Western conceptions of justice that restorative justice finds its strongest expression. Scholars of Judaism, Christianity, and Islam have found warrant for reconciliation and restorative justice in their respective scriptures, particularly in usages of justice that connote a state of righteousness that God restores unto humanity after it falls into sin and injustice, in articulations of mercy as a virtue of restoration, and in practices that promote restorative justice like forgiveness and “restorative

punishment.”²⁷ Other traditions, too, contain rich rituals and teachings of reconciliation and restorative justice: native tribes in North America and New Zealand, the ubuntu tradition of sub-Saharan Africa, and traditional Arab Muslim cultures that contain rituals of *sulh* (settlement) and *musalaha* (reconciliation).²⁸ Providing deep grounding for restorative justice, religious traditions, concepts, and language ought to be welcomed into national debates about dealing with the past wherever they take place. It is important, though, that an ethic of reconciliation also be articulated in secular language, as it is here.²⁹ Among populations who are of different faiths or are divided between religious and secular perspectives, and where constitutions themselves are written in exclusively secular terms, secular language can help to achieve an “overlapping consensus” that gives practices of reconciliation and restorative justice the legitimacy that they require to succeed in the difficult politics of addressing the past.

Every conception of reconciliation or restorative justice reveals its distinct character through how it answers the questions, What is being restored? And what is the ideal toward which that restoration aims? Some advocates of restorative justice propose as their ideal the concept of *shalom* found in Jewish scripture, a comprehensive condition of righteousness. By contrast, the present ethic is bounded, proposing a subset of *shalom*: right relationship in the political order or respected citizenship based on human rights, and right relationship between political orders or respect for international law.

But if it has boundaries, political reconciliation retains something of *shalom*'s comprehensiveness. It recognizes the multiplicity of wounds that political injustices create; the multiple bonds and obligations that they dis sever among victims, offenders, other members of a political community, and the state itself; and the potential for these wounds to redound in judgments and actions that injure political orders. The ethic echoes restorative justice, too, in responding to this broad array of wounds with a mirroring set of practices that aim to restore people and relationships with regard to the many distinct ways in which they have been diminished. Again, these practices include acknowledgment, reparations, restorative punishment, apology, forgiveness, and the building of just institutions. The intrinsic value of the restorations that they aim to bring about is the first justification for an ethic of reconciliation. These restorations may be called “primary restorations.” They aspire to transform the injury, the ignorance, the hatred, the disorder, the indifference, the resentments, and the many other diminishments that political injustices create into a condition of comparatively greater human flourishing: this is a good in itself.

Such restorations can then harvest additional fruit—transformations in people’s judgments about the character of the political community—that, multiplied and accumulated, can serve as a kind of “social capital” that furthers the wider project of restoring political orders and relationships between political orders following war and dictatorship.³⁰ These transformations of judgment about the political order and their social benefits are the second justification for the ethic and may be called “secondary restorations.” When victims gain recognition, reparations, apology, restoration of their basic rights, and a nullification of the message that the perpetrator’s injustice communicated, when perpetrators come to feel remorse and to witness the nullification of their own message, and when members of the community become aware of the crimes that took place during the war or the dictatorship and of the present regime’s commitment to deal with them, all of these parties, through all of these practices, are more likely to bequeath legitimacy upon a new regime based on basic rights and thus fortify its stability and longevity. Members of estranged states, factions, ethnic groups, and ideological parties will also be more willing to place the trust in one another—to believe in one another’s reliability and become vulnerable to one another—that is essential to respected citizenship, democratic deliberation, a stable peace between states, and the contracts and exchanges that are required for economic growth.³¹ All members of a state are more likely to look upon themselves as a common people, or nation, which in turn makes greater cooperation possible in political, economic, and cultural endeavors.³²

Both justifications correspond to respects in which political reconciliation conducts its restorative work. The ethic can now be stated as a definition: *As a conception of justice, political reconciliation entails the will to restore the full spectrum of wounds that political injustices cause and the full array of parties that political injustices involve—victims, offenders, members of the community, and the state—to a state of right relationship in the political order. It comprises six practices—acknowledgment, reparations, restorative punishment, apology, forgiveness, and institutions of social justice—that aim to restore each party in the distinct respect in which the injustice wounded it. Cumulatively, political reconciliation seeks to restore an entire political community, or a relationship between political communities, to a condition of respected citizenship, the rule of law, legitimacy, and trust.*

Embedded in this ethic is a distinctive answer to the question, In the aftermath of colossal injustices, to what sort of peace may societies aspire? Many conflict specialists would answer “negative peace”—a negotiated cease fire, a peace accord, a simple military victory, an end to authoritarian

suppressions—or else the slightly more ambitious “sovereign peace” or “Hobbesian peace,” where a single authority within a territory holds a monopoly on violence. Such a cessation of violence itself can be a “momentous achievement,” philosopher David Crocker insists.³³ A more expansive vision is a “positive peace” that aspires to replace war or dictatorship with the rule of law—institutions that make, enforce, and judge law, fairly consistently, and reliably. A positive peace of human rights and democracy motivated the global wave of states that left behind communism and military dictatorship over the past generation; it also animated the “UN Revolution.” Positive peace, it is argued, not only effects justice but even helps to secure negative peace, creating a sense of legitimacy that helps ceasefires to last and sovereignty to remain intact.

The present ethic affirms all of these aspirations, incorporating them into its sixth practice, the building of just institutions. But it also views them as insufficient. Alone, they do little to “deal with the past.” They lack measures to address a whole range of particular wounds of political injustice whose diminishment, injuries, disorders, and fractures persist over time. An ethic of political reconciliation insists that the practices that address this layer of wounds are also ones of justice and ought to be included in a just peace. This layer of peace indeed may be crucial to the success of its less ambitious alternatives. In fact, negative and positive peace are only seemingly less ambitious, for they themselves may well be more difficult to achieve if the past is not dealt with. Unhealed memories of past wounds of political injustice lead to emotions of hatred, resentment, revenge, lamentation, and resignation, which in turn lead to judgments and actions that are hostile or destructive toward political orders. Practices of reconciliation, though, may create social capital that sustains not only cease-fires, but also the rule of law, democracy, and prosperity.

The Practices

It is the six practices that then enact reconciliation as a conception of justice in the political order. Each is a particular kind of activity—acknowledging, forgiving, and so on—that restores one or more wounds in a particular respect, corresponding to the parties and the forms of wounds that it seeks to restore. Each is then subject to a corresponding set of ethical standards that explains how, by whom, and under what circumstances the activity may be conducted justly.

Reflecting the multiples wounds of injustice, the practices are multiple, too, complementing and completing one another and weaving together.

Each effects reconciliation uniquely and irreplaceably. A surfeit of one cannot make up for a deficit of another. Were one of them absent, so would be an important dimension of the justice of reconciliation. Sometimes, one practice is a response to the other's call. Apology, for instance, itself invites forgiveness. Restorative punishment, when it is based on a restorative justification of punishment, invites the wrongdoer to remorse and apology. Forgiveness, when it occurs without a previous apology, often calls for such an apology. Even if one practice does not beckon another, it may still affect another. In several countries, for instance, victims have testified that public acknowledgment of their suffering helped them to look up on wrongdoers as fellow citizens and sometimes even to drop their demand for retribution. Other times, one practice will contain what another lacks. Restorative punishment, for instance, calls the wrongdoer to answer for his deeds in a way that none of the other practices does.

Ethical dilemmas, too, are involved in each one of the practices and in balancing the practices against one another. A fully developed holistic ethic would sort through these dilemmas in detail. Only a framework is possible here—one that points to how each practice is carried out in politics, specifies which wounds of injustice it aims to restore, and identifies, though does not solve, the ethical dilemmas that it involves.

Acknowledgment

Recall that the woundedness of those who have suffered torture, imprisonment, the loss of loved ones, or political injustice in any of its forms includes a lack of recognition by the surrounding community, sometimes compounded by victims' own ignorance of the circumstances of their suffering. The practice of acknowledgment offers victims knowledge and recognition and communities the opportunity to confer this knowledge and recognition.

Among public forums, it is the truth commission that most directly and thoroughly undertakes acknowledgment. Through investigating the injustices of a previous political order, taking the testimony of victims, in some cases holding public hearings, and in almost all cases publishing an authoritative account of its country's injustices, a truth commission represents the political community in acknowledging victims. Over the past generation, more than thirty truth commissions have taken place around the world.³⁴ Other public forums provide acknowledgment as well: burials, commemorations, monuments, and museums. A less formal, but potentially powerful, forum of acknowledgment is public deliberation. Political scientist David Art has documented how in Germany a public

debate over the Nazi past during the 1980s established an enduring “culture of contrition” in which Germans acknowledged their responsibility and sorrow for the Holocaust. Obviously, such a public conversation could not recognize or restore victims, although it may have contributed to deeper trust from their descendants in Israel. More importantly, it involved the community in a collective affirmation of a responsibility to remember.³⁵

In part, acknowledgment is knowledge—victims’ suffering comes to light. But it is more: members of the community recognize and name injustices, express empathy, and, where possible, endorse the restoration of victims’ human rights.³⁶ Accounts of truth commissions and public commemorations from all over the world convey testimonies of victims being restored through these practices. In some cases, acknowledgment leads them to relinquish their enmity toward the political order and, at times, even their perpetrator. El Salvadoran Truth Commissioner Thomas Buergenthal reports that something like such a restoration happened in that country’s truth commission:

Many of the people who came to the Commission to tell what happened to them or to their relatives and friends had not done so before. For some, ten years or more had gone by in silence and pent-up anger. Finally, someone listened to them, and there would be a record of what they had endured. They came by the thousands, still afraid and not a little skeptical, and they talked, many for the first time. One could not listen to them without recognizing that the mere act of telling what had happened was a healing emotional release and that they were more interested in recounting their story and being heard than in retribution. It is as if they felt some shame that they had not dared to speak out before, and, now that they had done so, they could go home and focus on the future less encumbered by the past.³⁷

Not all victims, of course, will experience such restoration through acknowledgment. Nor will acknowledgment usually achieve long term therapeutic healing. Rather, it accomplishes one important dimension of restoration—the public recognition of suffering inflicted in the name of the political order. By contrast, civil society initiatives carry the freedom and flexibility to effect healing that is more personal and perduring, though they cannot convey the public dimension of acknowledgment.

Acknowledgment may affect wrongdoers, too, an example of how one practice can encourage another practice of political reconciliation. Its restoration of victims publicly communicates an annulment of their “message of victory” and can sometimes act as a form of censure—both steps in restorative punishment. The information revealed in a truth commission

can also assist in trials, as it can in determining reparations. In some cases, the exposure of a victim's plight will further a wrongdoer's remorse and apology. Insofar as acknowledgment leads victims, wrongdoers, and the community to reject the old order and bestow legitimacy on the new, it also helps to build just social institutions.

Acknowledgment invites all of the same parties to transform their memories—not to forget, but to remember the past anew, as restored. But some critics have asked whether remembering really restores. Might it not also reopen wounds, raise false expectations, or ignite revenge? Others have questioned whether, in seeking restoration through acknowledgment, public institutions are meddling in matters of the heart where they are ill suited. Still others ask if official records of the past disrespect the plurality of memory, amounting to an Orwellian imposition of an authoritative “truth” that suppresses disagreement over the past.³⁸

Given the emphasis of the practices on restoring the wounds of political injustice, one of the most important questions for acknowledgement is, how can acknowledgment be practiced so as best to promote authentic restoration among victims, members of the community, and to some extent, wrongdoers? Much depends on how well a given political forum fosters direct and personal participation by these parties. At one extreme, a victim might receive only a brief mention, or worse, be counted only as a number, in a truth commission report—an airing of her plight, but one that is weak in its personalism. At the more positive end of the spectrum is the report of the Recovery of Historical Memory Project (REMHI), the truth commission that the Guatemalan Catholic Church created to document this country's human rights violations, the worst of which occurred between 1965–68 and 1978–83. The Church mobilized seven hundred “animadores,” or volunteers, from eleven dioceses to take the testimonies of victims across the country over a period of three years. REMHI was especially dexterous in reaching remote rural areas where most of the worst atrocities took place. The result was *Nunca Mas (Never Again)*, a report that documented 14,291 incidents of human rights and humanitarian law violations involving 52,427 victims, high figures for any truth commission. Not only were testimonies extensive, though, they were conducted so as to bring public acknowledgment and voice to the suffering of victims. Interviewers were trained as “agents of reconciliation,” taught not simply to record factual information but to support victims emotionally, psychologically, and spiritually.³⁹

Another ethical concern is political balance. If a forum clearly favors one side of a conflict, either through the composition of its officials or through the array of its participants, it will lose legitimacy. The Gacaca

courts of Rwanda—in part, an effort to bring restorative justice to Genocidaires and their victims through traditional open-air village courts—for instance, have been criticized widely for a strong bias in selecting Hutu defendants to the large exclusion of Tutsis, the ethnic group now in power.⁴⁰ Acknowledgment sometimes involves difficult legal and security issues such as the protection of victims, witnesses, officials, and alleged wrongdoers. Is it justifiable to secure testimony for a public report in exchange for anonymity, especially that of wrongdoers who might otherwise be exposed? When the testimony of wrongdoers is made public, does this undermine the possibility of their fair trial, if this is also to take place? What considerations of due process must be respected? These questions about acknowledgment, an ethic of reconciliation must confront.

Reparations

The practice of reparations is similar in spirit. Their primary purpose is to restore victims—those present or representatives of the dead—and they involve communities in the restoration. Victims might be or have been members of the state whose government committed a political injustice or of another state whom that government attacked. Like acknowledgment, reparations involve the community's recognition of victims' suffering and an endorsement of their citizenship, and they sometimes lead victims to forego enmity. The difference is that reparations take a material form. Through monetary payments, mental and physical health services, and the like, they seek to alleviate still another dimension of victims' woundedness—the brute harm that they have suffered. As all thoughtful proponents of reparations point out, this harm can never be reversed, especially when it involves the loss of loved ones or permanent injury. In fact, the purpose of reparations is not first and foremost to approximate the condition of victims prior to their suffering. Rather, like acknowledgment, they stress the community's communication to the victim. Indeed, reparations are most effective when they are accompanied by explicit acknowledgment and apology. J. D. Bindenagel, the U.S. diplomat who, in the 1990s, helped to negotiate a settlement with Germany that would compensate victims of forced labor and slavery during the Holocaust, recounts that it was only an apology from the German president, Johannes Rau, and a commitment to establish a curriculum for Holocaust education in European schools that enabled many victims to look at the reparations as something other than “blood money” designed to purchase their silence.⁴¹

It is a public authority that determines reparations—a national government, a national court, and occasionally an international court.

Governments and sometimes perpetrators themselves pay reparations to victims of a previous regime, as posttransition regimes did to victims of Pinochet's Chile and Communist Czechoslovakia, to victims of the same regime under previous leaders, as the United States did to representatives of Japanese-Americans whom it interned during World War II, or to victims now living under a foreign regime, as did Germany to Israel after World War II. In several cases, reparations were not forthcoming until long after the event to which they are addressed. Germany's reparations to victims of slavery and forced labor during the Holocaust did not come until the late 1990s.⁴² Across the globe, reparations are an increasingly common practice for redressing the past.

It is in the determination of reparations that the most difficult ethical questions arise. Who is entitled to them? This is easiest when the victims are alive. A difficult question that other practices of reconciliation also face is whether and how to perform restorative justice toward the dead. Should a government compensate current descendants of victims or members of their community? If so, is this because they would be better off now were it not for the quondam injustice? Or is it because they are the most appropriate recipients of a communication of contrition? Determining which descendants or members are entitled to such reparations is itself tricky, as is deciding who speaks for them. Difficult, too, is determining what kind and what degree of reparations are appropriate, especially when they involve issues of restoring property that was once expropriated from victims but has since changed owners, perhaps numerous times. All of these questions are ones that beg for consensual standards as the practice of reparations becomes more widespread.⁴³

Restorative Punishment

The practice of punishment may seem like an odd visitor in an ethic of reconciliation. In country after country, debates about the past pit reconciliation and mercy against punishment and restorative justice against retributive justice. Retributive justice, often unfairly portrayed as the preserve of the recklessly vengeful, is the rallying philosophy of the global human rights community, which insists that the rule of law demands accountability in the form of punishment.⁴⁴ In its classical version, retributivism holds that wrongdoers deserve to be punished in proportion to their deeds, usually through fines or imprisonment, always following a fair trial. The rationale behind desert, in turn, is that a wrong deed requires the restoration of a balance—a society's fair proportion of rights and responsibilities, a metaphysical equilibrium, or a tally between rights

and wrongs in the mind of God. Although retributivism is not the only prominent justification for punishment—others include deterrence, defense, and rehabilitation—it is most often portrayed as being at odds with reconciliation.

An ethic of reconciliation, though, need not eliminate punishment but can incorporate it. It affirms several aspects of retributive justice: that a wrongdoer deserves proportionate punishment for his crime, that punishment involves suffering, and that punishment ought to be determined through the due process of law. But an ethic of reconciliation also differs from retributivism in crucial ways, yielding a distinctly different justification for punishment.

In “restorative punishment,” as it may be called, punishment is deserved not because some sort of societal or cosmic balance demands to be restored but because persons and their relationships in the political order or between political orders need to be restored. Punishment is justified as a communication to the wrongdoer by the community—one that conveys its censure to him for violating its foundational values and invites him to recognize the injustice of his deed, repent, and apologize. Its “hard treatment” of imprisonment or other forms of deprivation is needed to communicate the gravity of the offense. The validity of this justification, though, does not depend on the probability that a wrongdoer will in fact undergo the transformation that punishment seeks. Even if few did, the punishment would still serve as a penance through which the community’s communication takes place. But this message always invites restoration.⁴⁵

For societies with troubled pasts, such a restorative justification yields a broader array of punishments than strictly proportional fines and imprisonment, ones that effect transformations along a variety of dimensions, that involve a variety of parties, and that are complementary—not contradictory—to other practices like acknowledgment and even forgiveness. For masterminds of war crimes, crimes against humanity, and other egregious violations of international law, only imprisonment can communicate the gravity of their offense, just as the human rights community demands. Both Chile and West Germany (with respect to the Nazis) are examples of countries that have imprisoned large numbers of public officials who have committed war crimes. In other cases, like the Czech Republic and unified Germany (with respect to the German Democratic Republic) public officials have pursued “lustration” policies that bar criminal public officials from holding office for a period of time in the new democratic regime. Public forums that emphasize shaming and restoration, though, might provide a more broadly restorative form

of punishment for perpetrators of lesser crimes and could even form a portion of the worst violators' punishment. Here, wrongdoers must listen to the testimony of victims, a unique form of acknowledgment that may also spur repentance, the community becomes an active onlooker, and the offender is invited to be reincorporated into the community. Such forums can include national truth commissions but also more local rituals and institutions. Some countries like Sierra Leone, East Timor, and Germany have indeed pursued a combination of imprisonment and the punishment of public exposure.

Ethical reasoning on issues surrounding punishment follows from this approach. One of the thorniest of these is amnesty for perpetrators, which transitional governments are often under great pressure to provide. Does amnesty "trade off" justice for peace or for other restorative practices? Given the ethic's stress on deserved punishment, in whatever form it takes, it cannot endorse blanket amnesty. If blanket amnesty should ever be justified as a means of ending a bloody civil war, it could only be seen as a great shortcoming, a sizable trade-off of justice. A conditional amnesty, like that of the South African TRC, that foregoes imprisonment in exchange for a public confession might be more justifiable insofar as it achieves restorative punishment while also bringing about other practices. In the instance of top perpetrators, though, this combination arguably sacrifices too much justice.

Other questions remain: How well does "lustration" effect just punishment? How can due process standards be guaranteed? How should present orders based on the rule of law deal with human rights violations that were not illegal under the positive law of the regime under which they were committed? None of these questions can be answered without a treatment of the classical issue of responsibility for mass evil. Master strategizing, complying with orders, standing by while others commit evil—what sort of culpability is implied in each? A fully developed ethic would incorporate positions on all of these issues.

Apology

The wrongdoer also stands at the center of the practice of apology. In openly expressing sorrow for his political injustice and assuming responsibility for it, he advances his transformation from being one who remains committed to the message of domination embedded in his act of political violence to becoming one who has rejected this message. Apology restores his own soul and wills the restoration of the victim, whose wound is sustained by his own refusal. If expressed publicly, it can also

answer the community's censure and bolster its values. Apology also involves an appeal for forgiveness, another restorative practice. Because it does not cancel out or mitigate deserved punishment, it does not conflict with restorative punishment. Rather, the wrongdoer might even choose to embrace the penance of punishment as an expression of this apology, in which case the two practices, apology and punishment, become grafted together.

Apology can be practiced by an individual or by a leader speaking in the name of a nation or political organization.⁴⁶ Here arises one of the central dilemmas of the practice: Can groups commit evil? I argue that they can, or at least that leaders who are authorized to act in the name of the group can. So, too, then, can a leader—or a subsequent leader representing the same collectivity—apologize for evil. But a leader of a group cannot supplant the prerogative of individuals to endorse or refuse that apology, individuals who, after all, may have opposed or refused to cooperate with the evil or simply want to withhold their contrition. Both leader and individual, then, exercise a proper apology.

Forgiveness

Forgiveness is the most dramatic, unexpected, and to many critics, troubling of the practices, the one that most defies “politics as usual”—the quotidian exercise of constitutional rights and application of just punishment to criminals, practices whose achievement is alone a great victory for Sundered societies. It is striking because it is exercised, sometimes even initiated, by the victim and because she seeks no revenge or even retribution despite that fact that her dignity has been violated and that her anger is justifiable. Politically, it is the rarest of the practices. South Africa's Nelson Mandela is perhaps the only head of state to have undertaken it.⁴⁷ In other cases, heads of state will not practice it themselves but commend it to their followers, as President Patricio Aylwin of Chile did. Religious and other civil society leaders advocate it more regularly. A forgotten example is Pope Benedict XV's commendation of forgiveness to the nations of Europe following the First World War. Victims of political injustices also perform forgiveness more commonly than do politicians, but it is difficult to say how often. A rough, but perhaps the best, indicator of the practice is the presence of a discourse of forgiveness and reconciliation like the ones that existed in South Africa, Chile, El Salvador, East Timor, Guatemala, Rwanda, Sierra Leone, Bosnia, Northern Ireland, Poland, and Germany.

Forgiveness is also the most criticized of the practices: Its detractors say that it condones evil, it forgets evil, it cravenly surrenders dignity

and self-respect, it accommodates injustice, it disempowers victims, it foregoes just retribution, and it is improperly advocated and practiced by governments.⁴⁸ The criticisms are important; in concept and practice, forgiveness does at times fit these descriptions. But whether the criticisms negate forgiveness per se or whether they accent aspects of the bad practice of forgiveness is another question. Forgiveness has also found numerous defenders, some of whom articulate an ethic for its practice in politics.⁴⁹ This is the view of the present ethic.

Given the strength of the objections, an ethics of political forgiveness best begins with an account of what it is not. Because authentic forgiveness explicitly names and condemns evil, it does not condone it. Indeed, accused perpetrators sometimes object to being forgiven because they deny that they have done wrong. Both the forgiveness and the denial would be unintelligible were it not the case that forgiveness begins with condemnation. Similarly, forgiveness does not involve forgetting evil. It presupposes precisely a remembrance of it, though it then seeks to transform this memory. Nor does forgiveness involve acquiescence to unjust acts, structures, or conditions. The victim who practices forgiveness is in no way required to return to a condition where she is vulnerable to violence or another sort of mistreatment; she may always exercise her right to protect herself. Indeed, forgiveness will often only partially achieve reconciliation, falling short of full restoration of relationship.

What does forgiveness involve and achieve, then? Of all the practices, it is the one that depends most distinctly on a restorative logic. Forgiveness is an act of benevolence through which a victim of wrongdoing relinquishes his justifiable anger against the wrongdoer along with all claims that the wrongdoer owes him something for his deed. But forgiveness is more than a cancellation; it is also a construction. He invites the perpetrator of injustice to apologize, undertake penance and reparation, and to enter into a new kind of relationship. The character of this relationship depends on the context. In the political order, it will be one of respected citizenship. There is little that the victim gains from forgiveness aside from the transformations that it may bring. Most important is the transformation of the emotions of resentment and anger that he holds against the perpetrator and perhaps the political order, and the judgments through which he endorses these emotions. Such judgments are justifiable ones, reflecting a right assessment of a moral wrong. But there is also a sense in which anger can become a wound for a victim. As both ordinary experience and psychologists relate, it can be corrosive, disempowering, debilitating, and even, spiritually, physically, mentally, and emotionally paralyzing. In forgiving, a victim does not easily

or automatically dispense with these emotions. But he makes a judgment that involves a will to relinquish them, a judgment that can then indeed help to transform the emotions. Forgiveness also restores the agency of the victim, who heretofore has been only the object of another's injustice. It enables him to become a definer of moral and political reality and a contributor to restorative justice.

Nothing in this restorative logic denies the difficulty of forgiveness, especially when large-scale political injustices are involved. Forgiveness is a staged process, one that first involves identifying and coming to terms with the character, extent, and effects of evil and then coming to a psychological readiness to forego anger. Some victims will take years to reach this readiness, or may never. Because of the inward character of this staged process, it should not be pressured by others, including political leaders, and a victim's right to embrace or refuse forgiveness ought always to be respected. As Margaret Holmgren has argued, it is better to think of forgiveness as a virtue than as an obligation.⁵⁰

The task of an ethic of political reconciliation is to situate this moral logic of forgiveness in the political realm. Who practices it? Toward whom? On behalf of whom?

Forgiveness practiced by leaders on behalf of wronged groups is still largely speculative since it has occurred so rarely. Yet, a practice of forgiveness can be envisioned whose moral logic parallels that of apology, one exercised by a leader with legitimate authority to speak for a group, but also one that leaves individual members free to decide whether to endorse this apology. And again, forgiveness can be practiced by individual victims toward those who have inflicted political injustices on them.

The biggest objection to this political practice will come from retributivists. Not only is the emotion of anger justified, they argue, but it demands a corresponding action, one of retribution. This may be performed by the state, in accordance with law, but it must be performed nonetheless in order to restore the dignity of victims and the larger balance of rights and wrongs. Forgiveness, which foregoes owed claims, runs counter to punishment, which requires a paying up.

But in the present ethic of political reconciliation, the practice of forgiveness is not contradictory to punishment, which is also a practice and which incorporates the core insights of retributivism. But the chief justification for punishment is a restorative one—it communicates a message to the wrongdoer and to the community that annuls the wrongdoer's standing victory and that invites the wrongdoer to repentance and apology. Because both have restorative justifications, forgiveness and punishment are compatible in principle. Their compatibility in practice

depends on a specification of respective roles. A political leader who has the authority to speak for a certain group of victims, even a political leader who has become a head of state, can forgive on behalf of this group. But the state, and even the same political leader acting on behalf of the state, also properly administers punishment through trials and imprisonment or some other measure. Because accountability carries a restorative justification—the need to communicate a message through hard treatment—and because it does not demand punishment in order to right a balance, make up for a wrong, or pay what is due, both the state and victims can, at the same time, forgive. In a sense, the state is playing two roles. In forgiving, its leader foregoes anger, revenge, and future hostility toward a perpetrator or another collective people who committed injustices against her own and invites this individual or people to a relationship of restored respect for individual rights or international law. But individual perpetrators still must face the restorative punishment through which the standing victory of their injustice is expressed. Likewise, victims of political injustices can forgive perpetrators insofar as their own relationship with them is concerned but still endorse the punishment that perpetrators receive at the hands of the state.

If this scenario shows how forgiveness and punishment may be compatible, it may still seem speculative, especially since it is practiced so rarely. But something much like it occurred in South Africa under the leadership of Nelson Mandela. After being released from jail in 1990 and elected president in 1994, Mandela forgave apartheid leaders through several prominent public gestures: he invited his jailer to his inauguration; he attended tea with Betsy Verwoerd, the widow of a former apartheid prime minister who was assassinated in 1966; he carried out numerous other gestures of forbearance toward former leaders and supporters of apartheid, and he spoke explicitly and often of forgiveness.⁵¹ In none of these acts did Mandela explicitly forgive on behalf of others. But given his position as the enormously prestigious leader of the African National Congress and then as President, his acts carried an undeniable symbolic significance. In performing forgiveness, he commended forgiveness to his followers in the anti-apartheid movement and indeed to the entire nation. Just as political leaders apologize for collectives, he would have been justified had he forgiven more explicitly on behalf of the collective victims of apartheid, though each individual's choice to endorse or to reject this forgiveness must always be respected. At the same time, though, under the details of the conditional amnesty for apartheid leaders, those who did not confess their deeds were to be prosecuted. As the executive of the state, Mandela could properly pursue this prosecution. That few of these

prosecutions took place, largely for political, administrative, and economic reasons, does not refute the fact that the two logics were pursued simultaneously. In a few cases, apartheid leaders were in fact prosecuted and imprisoned. If the argument here is correct, then the two logics were compatible.

Other questions remain. Can victims forgive people who are not present? Can they forgive on behalf of the dead? Ought forgiveness to follow apology and restitution or can it also precede them? An answer to all of these issues will be integral to a defense of this surprising and controversial practice.

Institutions of Social Justice

Even when they are combined, even if they were to be fully achieved, the earlier five practices alone will fall short of achieving right relationships in the political order. What they do not include is the establishment of a just regime, or relationship between regimes, based on human rights, the rule of law, and a fair distribution of economic goods. These values appear elsewhere in the ethic as the standards that define political injustices. But their actual establishment in law and institutions is also itself a practice of restorative justice—the sixth practice. It restores an important kind of wound—the lack of protection of human dignity through law.

How these institutions and laws are established is a task of considerable complexity to which the present analysis does not contribute insight. It involves several activities that are characteristic of peacebuilding: in many cases, first ending the fighting through mediation, peace negotiations, and conflict resolution, but also demobilizing armed factions, settling refugees, monitoring elections, and the many other activities that are involved in building just and stable institutions. The task here is rather to identify two dilemmas that arise from this practice.

The first arises in settings where reconciliation is practiced, and perhaps even declared achieved, without an end to injustice. In 1986, when the struggle against apartheid was still in full force in South Africa, a group of black theologians penned the *Kairos Document*, in which they accused fellow theologians of stressing reconciliation and esteem for the enemy over the struggle for justice. Militants fighting for self-determination in Kashmir and Northern Ireland have protested that forgiveness of their oppressors amounts to relinquishing freedom. Does liberation, then, supplant, or must it precede, other practices of reconciliation? Because it insists that reconciliation must include the achievement of human rights and the rule of law, the present ethic

allows both a just war according to the criteria of the just war tradition and in some cases a just revolution where an egregiously unjust regime rules. War, here, is in fact a restorative act. Though in many political settings, reconciliation's promoters equate it with the irenicism of settlement, holistic reconciliation must bring about the institutions and laws that guard basic human rights. Whether it involves self-determination is a more complicated question whose answer depends on exactly what an ethic of self-determination allows and requires and on how its standards are applied to particular cases.⁵²

The second dilemma is one where a settlement to a conflict is achieved and an intention to build the rule of law is embraced, but at the expense of another practice of reconciliation: accountability. Achieving a settlement to a long and bloody civil war, the logic runs, requires the agreement of the leader of a military faction who himself is responsible for terrible war crimes. The dilemma has arisen in Bosnia and Kosovo, where UN-supported international criminal tribunals have demanded the apprehension and trial of war criminals, and in Uganda, where a standing International Criminal Court has sought the same. Because the ethic of reconciliation developed here is committed to peace, the building of the rule of law, and prosecution for top war criminals alike, it may not deliver systematic criteria for the resolution of this dilemma. Yet, the choice between accountability and other desiderata of justice is not necessarily so stark. A negotiator may well forego the demand for prosecution in order to achieve a settlement to a war but at the same time insist that he has no power to grant a blanket amnesty. Strengthened international norms of prosecution will help him to do this. Other parties, subsequent national governments, or international institutions might then seek to bring the war criminal to trial, perhaps at a later time. In national governments where independent courts are established, prosecutions that are foregone at the time of negotiation may become possible in the long run through legal means. Two years after General Augusto Pinochet's departure from power in Chile in 1988, for instance, the Chilean Supreme Court upheld a 1978 amnesty law for military leaders. Over subsequent years, however, a series of court decisions allowed a substantial number of prosecutions to take place.

Conclusion

Each of the practices at least partially repairs wounds of political injustice through corresponding political responses. The partiality of this repair warrants emphasis. Many victims will never be publicly acknowledged;

some who are will not find that acknowledgment restorative. Few perpetrators will face trial or meaningful censure; many will remain stalwart. Many members of political communities will remain indifferent to the past. As Realism reminds us, whether practices take place and how they take place will depend in part on the relative power of those who influence the politics of the past. It remains the case, though, that each one of the practices, except, perhaps for political forgiveness, has taken place on a wide scale across the globe; in some countries, several have taken place.

These restorations, it has been argued, are of two sorts. Primarily, the practices directly restore, at least partially, wounds as they are inflicted and experienced by victims, perpetrators, members of the political community, and agents of the state. The respects in which the six practices restore are summarized in Table 5.1.

Secondarily, the practices help to restore political orders and relationships between political orders by creating “social capital”: legitimacy, trust, and national loyalty. A dramatic example of this wider effect lies in the country whose past political injustices are arguably unrivaled for their combination of scale and systematic intentionality: the Federal Republic of Germany.⁵³ Through repeated expressions of contrition and remorse, and an honest recounting of the facts of the Holocaust on the part of German presidents from Theodor Heuss in the 1950s to Richard von Weizsäcker and his famous speech of contrition in 1985, through to Johannes Rau in the 1990s, as well as by chancellors and opposition leaders, through curricula that commend this stance to children, and, at least since the 1980s, through memorials for victims, the Federal Republic has practiced acknowledgment. Beginning with a restitution payment of \$1 billion to Israel in 1953, Germany has paid out a total of some \$50 billion to victims in reparations over the course of its history. Although accountability through trials and lustration sharply slowed down following the first set of Nuremberg trials of 1945–46 and the amnesty laws passed by the Bundestag between 1949 and 1954, over the course of the four decades between May 8, 1945 and the mid-1980s, the Federal Republic accused 90,921 persons of war crimes or crimes against humanity and convicted 6,479 of these. Though it has been criticized for allowing thousands of Nazi war criminals to be unpunished, it remains the case that these numbers far exceed those of other countries where mass killing has taken place.⁵⁴ Presidents and chancellors have also voiced official apology, the most dramatic being Chancellor Willy Brandt’s 1970 “*Kniefall*” at the Warsaw Monument commemorating the Jewish ghetto uprising of 1943. The Federal Republic has established and maintained a constitution that is a model for the rule of law. While the

Table 5.1 The Practices and How They Restore

<i>Practices</i>	<i>Dimensions of Woundedness Addressed</i>	<i>Primary Restoration (does not include social capital)</i>
Acknowledgment	Ignorance of source and circumstance of wounds	Victim overcomes ignorance of suffering through learning of its circumstances
	Lack of recognition of victim's suffering	Victim receives recognition of suffering from official representative of political community and members of the community
	Lack of recognition of victim's suffering	Community overcomes ignorance of victim's suffering, recognizes it, and exercises empathy
	Lack of citizenship rights	Victim receives recognition of restored status as a citizen
Reparations	Harm to the person of the victim (multidimensional)	Victim's brute harm is (partially) alleviated by material provisions from political community
	Ignorance of source and circumstance of wounds	Community overcomes ignorance of victim's suffering, recognizes it, and exercises empathy
	Lack of recognition of victim's suffering	Victim receives recognition of suffering from official representative of political community and members of the community
	Lack of citizenship rights	Victim is acknowledged as full citizen with full rights.
Restorative Punishment	"Standing victory" of the wrongdoer's injustice	Community communicates censure through punishment
	Harm to the person of the wrongdoer	Wrongdoer undergoes punishment as expression of penance for political injustice
	Harm to the person of the wrongdoer	In some cases, wrongdoer comes to remorse, disavows "message of domination."
	Ignorance of source and circumstance of wounds	At least in certain modes of accountability, victim overcomes ignorance of suffering and/or receives acknowledgment from members of the community

Table 5.1 (continued)

<i>Practices</i>	<i>Dimensions of Woundedness Addressed</i>	<i>Primary Restoration (does not include social capital)</i>
Apology	“Standing victory” of the wrongdoer’s injustice	Wrongdoer apologizes to victim, renouncing political injustice
	*Harm to the person of the wrongdoer Lack of recognition of victim’s suffering	Victim receives recognition of suffering from the wrongdoer and, if public, from members of the community
Forgiveness	“Standing victory” of the wrongdoer’s injustice	Victim names and counters standing victory of wrongdoer through own communication
	Harm to the person of the wrongdoer	Victim invites restoration of wrongdoer through wrongdoer’s own remorse and apology
	Harm to the person of the victim (treated solely as object through political injustice)	Victim is empowered in agency through forgiveness
Building Just Social Institutions	Lack of citizenship rights	Community creates laws and institutions guaranteed by state that establish and enforce basic rights according the rule of law
	Harm to the person of the victim (economic)	Community, through state, establishes policies and institutions that promote just economic policies

Federal Republic has experienced few acts of forgiveness in response to its measures, attributable perhaps to the enormosity of its crimes or to a Jewish tradition that forgiveness can only come from victims, neither has forgiveness been totally absent. In 1966, the Polish Catholic Bishops, among them Archbishop Karol Wojtyła of Krakow, the future John Paul II, forgave Germans for any sins committed against Poles and asked for reciprocal forgiveness.

In all of these practices can be found inconsistencies as well as the motives and constraints that arise from partisan politics, the international strategic environment, and the like. But cumulatively, over time, Germany’s posture has produced lasting results: war between Germany and its neighbors, France and Poland, is unthinkable; Germany enjoys an

enduring “special relationship” with Israel; and the polling power of right-wing parties in Germany ranks among the lowest in Europe.⁵⁵ David Art shows that in Austria, by contrast, where a tradition of acknowledging the past competes with a “victim narrative” that attributes responsibility for the Holocaust to a few extreme leaders who hijacked the nation, numerous ex-Nazis have held high positions of power while right-wing parties poll the strongest in Western Europe.⁵⁶ A vivid contrast is found, too, in Japan, which, in comparison to Germany, has done little to acknowledge or repair its history of conquest and cruelty against China and Korea in the 1930s and 1940s and now experiences great tension with both states. These outcomes in these countries, too, are attributable in part to numerous political and cultural factors. But what this brief comparison suggests is that the practices of reconciliation, in addition to the “primary restorations” that they effect in the lives and persons of victims, perpetrators, and members of the community, can bring about further restorations on the social level that can steer the fate of nations and make an enduring difference in international systems.

Notes

1. Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton, NJ: Princeton University Press, 2006), 6–7.
2. Mark Gevisser, “The Witnesses,” *New York Times Magazine*, June 22, 1997, quoted in Amy Gutmann and Dennis Thompson, “The Moral Foundations of Truth Commissions,” in *Truth v. Justice: The Morality of Truth Commissions*. ed. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 26.
3. Recovery of Historical Memory Project (REMHI), *Guatemala: Never Again!* (Maryknoll, NY: Orbis Books, 1999), xxv.
4. Quoted in Anne Sa’adah, *Germany’s Second Chance: Truth, Justice, and Democratization* (Cambridge, MA: Harvard University Press, 1998), 67.
5. On the development of the just war tradition, see James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton, NJ: Princeton University Press, 1981). Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977) is among the most widely cited contemporary texts of the just war tradition.
6. The present outline presents a general framework for ethics derived from a larger work in progress, *Just and Unjust Peace: An Ethic of Political Reconciliation*, ms.
7. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991); Freedom House Press Release, *Russia Downgraded to “Not Free”* (Washington, DC: Freedom House, 2004); and Freedom House, *Freedom in the World 2005: The Annual*

Survey of Political Rights and Civil Liberties (Washington, DC: Freedom House, 2005). The exact number of countries that have become democracies during the last generation, though, is disputed. Democracy theorist Larry Diamond estimates that between 1974 and 1996, between 36 and 77 states became democracies, depending on how one counts democratization exactly. See Larry Diamond, "Is the Third Wave of Democratization Over? An Empirical Assessment," Working Paper #236, Kellogg Institute, University of Notre Dame, March 1997.

8. Between 1989 and 2004, more civil wars were ended through negotiation than in the previous two centuries. United Nations, *A More Secure World: Our Shared Responsibility*. Report of the High-level Panel on Threats, Challenges and Change, 34.
9. From 1900 to 1941, 80 percent of all wars were interstate. But from 1945 to 1976, 85 percent of all wars took place on the territory of a single state and were oriented toward internal issues. Doyle and Sambanis, *Making War*, 11.
10. See Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001).
11. Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000), 317.
12. Barry O'Neill, *Honor, Symbols, and War* (Ann Arbor, MI: University of Michigan Press, 1999), 178–82.
13. Michael Doyle, *Ways of War and Peace* (New York: W. W. Norton, 1997), 41.
14. *Ibid.*, 41–201; Michael Joseph Smith, *Realist Thought From Weber to Kissinger* (Baton Rouge, LA: Louisiana State Press, 1986).
15. Thucydides, *The Peloponnesian War*, rev. and intro. T. E. Wick (New York, NY: Random House, 1982), 351.
16. Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000), 18.
17. *Ibid.*, 8, 10, 19, 20.
18. Doyle calls these realists "fundamentalists." See Doyle, *Ways of War and Peace*, 93–110.
19. Huntington, *The Third Wave*, 211–31. Generally, though, Huntington is not a straight Realist and certainly not a power determinist. His long career of writings contain both realist and liberal elements and a rich appreciation for the role of ideas, culture, and notions of justice. This portion of *The Third Wave* is considered here only because it provides a vivid example of how power differentials can explain the approaches to justice that states adopt in the wake of democratic transitions.
20. Jack Snyder and Leslie Vinjamuri, though their focus is on the effects, not the causes, of truth commissions and trials, nevertheless offer such an explanation at least for truth commissions. See Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28, no. 3 (2003/2004): 31.

21. On the liberal tradition, see Michael Joseph Smith, "Liberalism and International Reform," in *Traditions of International Ethics*, ed. Terry Nardin and David R. Mapel (Cambridge, UK: Cambridge University Press, 1992).
22. See Brian Orend, "Justice after War," *Ethics and International Affairs* 16, no. 1 (2002): 43–56; Gary J. Bass, "Jus Post Bellum," *Philosophy and Public Affairs* 32, no. 4 (2004): 384–412; and Celestino Migliore, Statement to the United Nations 59th session of the General Assembly, New York, May 9, 2005.
23. Brandon Hamber and Richard A. Wilson, "Symbolic Closure Through Memory, Reparation and Revenge in Post-Conflict Societies," *Journal of Human Rights* 1, no. 1 (2002): 40.
24. On the role of emotions in ethnic conflict, see Roger D. Peterson, *Understanding Ethnic Violence: Fear, Hatred, and Resentment in Twentieth-Century Eastern Europe* (Cambridge, UK: Cambridge University Press, 2002).
25. See, for instance, David A. Crocker, "Retribution and Reconciliation," *Philosophy and Public Policy* 20, no. 1 (2000); Miroslav Volf, "Forgiveness, Reconciliation, and Justice: A Theological Contribution to a More Peaceful Social Environment," *Millennium* 29, no. 3 (2000); John W. De Gruchy, *Reconciliation: Restoring Justice* (Fortress Press, 2003); Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice," in Rotberg and Thompson, *Truth v. Justice*; Trudy Govier, *Forgiveness and Revenge* (London, UK: Routledge, 2002).
26. Leading works on restorative justice include Howard Zehr, "Restorative Justice: The Concept," *Corrections Today* 59, no. 7 (1997); Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999); Kathleen Daly, "Revisiting the Relationship Between Retributive and Restorative Justice," in *Restorative Justice: From Philosophy to Practice*, ed. Heather Strang and John Braithwaite (Aldershot, UK: Dartmouth, 2000); Wesley Cragg, *The Practice of Punishment: Toward a Theory of Restorative Justice* (New York, NY: Routledge, 1992).
27. Mohammed Abu-Nimer, *Reconciliation, Justice, and Coexistence* (Lanham, MD: Lexington, 2001); Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford, UK: Oxford University Press, 2000); Abdulaziz Abdulhussein Sachedina, *The Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2001), 102–31; Christopher D. Marshall, *Beyond Retribution: A New Testament Vision For Justice, Crime and Punishment* (Grand Rapids, MI: Eerdmans, 2001); De Gruchy, *Reconciliation*.
28. On the latter, see George E. Irani and Nathan C. Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," *Arab Studies Quarterly* 20, no. 4 (1998).
29. In other writings, I seek to draw out to a much greater extent the basis of reconciliation in religious faith. See, for instance, Brian Cox and Daniel Philpott, "Faith-Based Diplomacy: An Ancient Idea Newly Emergent," *The Review of Faith and International Affairs* 1, no. 2 (Fall 2003); and Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation*, ms.

30. Although several scholars have offered definitions of *social capital*, my own understanding is closest to Robert D. Putnam's definition: "the collective value of all 'social networks' and the inclinations that arise from these networks to do things for each other." In Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York, NY: Simon and Schuster, 2000). Here, the inclinations that arise are ones that lead people to recognize the citizenship of previously estranged others and to profess greater loyalty to the political order.
31. On trust, see Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: The Free Press, 1995).
32. On nationalism as a collective good, see, for example, David Miller, *On Nationality* (Oxford, UK: Clarendon, 1995); and Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993).
33. David A. Crocker, "Retribution and Reconciliation," *Philosophy and Public Policy* 20, no. 1 (2000): 6.
34. See Hayner, *Unspeakable Truths*.
35. David Art, *The Politics of the Nazi Past in Germany and Austria* (Cambridge, UK: Cambridge University Press, 2006), 1–100.
36. See André Du Toit, "The Moral Foundations of the South African TRC: Truth As Acknowledgment and Justice As Recognition," in Rotberg and Thompson (Princeton, NJ: Princeton University Press, 2000).
37. Thomas Buergenthal, "The United Nations Truth Commission for El Salvador," in *Transitional Justice: A Decade of Debate and Experience*, vol. 1, ed. Neil J. Kritz (Washington, DC: United States Institute of Peace, 1995), 292, 321.
38. Timothy Garton Ash, "True Confessions," *The New York Review of Books* 44 (July 17, 1997).
39. REMHI, xxiii–xxix; Paul Jeffrey, *Recovering Memory: Guatemalan Churches and the Challenge of Peacemaking* (Uppsala, Sweden: Life & Peace Institute, 1998), 51; Michael Hayes and David Tombs, *Truth and Memory: The Church and Human Rights in El Salvador and Guatemala* (Leominster, UK: Gracewing, 2001), 34, 107, 125.
40. Allison Corey and Sandra Joireman, "Retributive Justice: The *Gacaca* Courts in Rwanda," *African Affairs* 103 (2004): 86–88.
41. J. D. Bindenagel, "Justice, Apology, Reconciliation and the German Foundation: 'Remembrance, Responsibility, and the Future,'" in *Taking Wrongs Seriously: Apologies and Reconciliation*, ed. Elazar Barkan and Alexander Karn (Stanford, CA: Stanford University Press, 2006). Author interview with Bindenagel, June 30, 2006.
42. Bindenagel, "Justice, Apology, Reconciliation."
43. On the ethics of reconciliation, see Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W. W. Norton, 2000); Jeremy Waldron, "Superseding Historical Injustice," *Ethics* 103, no. 6 (1992); John Torpey, *Making Whole What Has Been Smashed: On Reparations Politics* (Cambridge, MA: Harvard University Press, 2006).

44. See Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *Yale Law Journal* 100, no. 8 (1991); Naomi Roht Arriaza, *Impunity and Human Rights in International Law and Practice* (Oxford, UK: Oxford University Press, 1995).
45. In developing this view of punishment, I have been influenced by the writings of Herbert Morris, "The Paternalistic Theory of Punishment," in *Punishment and Rehabilitation*, ed. Jeffrie Murphy (Belmont, CA: Wadsworth, 1985); Jean Hampton, "The Moral Education Theory of Punishment," *Philosophy and Public Affairs* (Summer 1984): 245–73; R. A. Duff, *Punishment, Communication, and Community* (New York, NY: Oxford University Press, 2001).
46. On collective apologies, see Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford, CA: Stanford University Press, 1991).
47. See Govier, *Forgiveness and Revenge*, 68–72.
48. For a skeptical view, see Jeffrie G. Murphy, "Forgiveness and Resentment," *Midwest Studies in Philosophy* 7 (1982): 503–16. Murphy has since become more favorable, though his advocacy of forgiveness is still qualified. For a skeptical view of forgiveness in politics in the context of the South Africa Truth and Reconciliation Commission, see Rajeev Bhargava, "Restoring Decency to Barbaric Societies," in Rotberg and Thompson (Princeton, NJ: Princeton University Press, 2000), 61.
49. See Volf, "Forgiveness, Reconciliation, and Justice"; Peter Digeser, *Political Forgiveness* (Ithaca, NY: Cornell University Press, 2001); Donald W. Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995); L. Gregory Jones, *Embodying Forgiveness* (Grand Rapids, MI: Eerdmans, 1993); Mark Amstutz, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (Lanham, MD: Rowman and Littlefield, 2005).
50. Margaret R. Holmgren, "Forgiveness and the Intrinsic Value of Persons," *American Philosophical Quarterly* 30 (1993): 350–51.
51. Trudy Govier, *Forgiveness and Revenge* (London, UK: Routledge, 2002), 68–71.
52. For a range of perspectives on the justice of self-determination, see Margaret Moore ed., *National Self-Determination and Secession* (Oxford, UK: Oxford University Press, 1998).
53. See, generally, Norbert Frei, *Adenauer's Germany and the Nazi Past* (New York, NY: Columbia University Press, 2002); Jeffrey Herf, *Divided Memories: The Nazi Past in the Two Germanies* (Cambridge, MA: Harvard University Press, 1997); David Art, *Politics of the Nazi Past*. A recent paper by Thomas U. Berger focuses on the political and social forces behind countries' policies toward the past. See his "A Model Penitent? German Historical Memory and Foreign Policy in Comparative Perspective," presented at the Annual Convention of the International Studies Association, San Diego, California, March 23, 2006. See also a recent dissertation on inter-state reconciliation that contrasts German-Polish relations with Japanese-Chinese relations: Yinan He, "Overcoming Shadows of the Past: Post-Conflict Interstate Reconciliation in East Asia and Europe," PhD diss., Massachusetts Institute of Technology, 2004. On the

Germany-Asia comparison, see also Karl Kaiser, "European History 101 for Japan and China." *Internationale Politik* (Summer 2006), 90–97.

54. The numbers are in Herf, *Divided Memories*, 335. Herf generally takes the view that these prosecutions were inadequate when one takes into consideration the scale of the Nazi's crimes and the numbers of those involved. He points out that over 80 percent of these convictions occurred between 1945 and 1951, when Germany was under Allied occupation. Herf's argument has much validity. Still, in comparative perspective, punishment in Germany has been extensive.
55. Art, *Politics of the Nazi Past*, 6.
56. *Ibid.*, 101–44, 176–95.

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CHAPTER 6

Avenging Evil

A Reconsideration

Ian Hall¹

“Why should wrath be mute and fury dumb?”

—Aaron, in Shakespeare, *Titus Andronicus*²

In response to evil we are usually enjoined to “stay the hand of vengeance,” to pursue instead forgiveness, reconciliation, truth-telling, due legal process, and punishment.³ The prevailing view is that revenge is immoral, unworthy, and inimical to virtuous conduct, as well as detrimental to social stability. Both the desire for vengeance and the indulgence of that desire are, in other words, “evils” in themselves. Yet however much we may agree that “law,” as Francis Bacon declared, “ought . . . weed it out,” we are simultaneously confronted with the idea that an act of revenge—however “wild” it is—can nonetheless be an act of “justice.”⁴ Revenge can right a wrong or punish a crime. Revenge is a possible, if unpalatable, response to evil—however uncomfortable that idea may make us—and one that I argue in this chapter may be justified, in certain circumstances, in moral terms. We should acknowledge, as Bacon did, that for all its failings, there is nevertheless a “tolerable sort of revenge . . . for those wrongs which there is no law to remedy.”⁵ Indeed, we should go further, and recognize that the desire for vengeance might well lie at the very root of our sense of justice, as the force that moves us, when confronted by evil, to act to restore the moral balance between right and wrong.

In the epilogue to her famous account of Adolf Eichmann’s trial in Jerusalem, Hannah Arendt made a plea for candor about the underlying motives for his capture, conviction and execution:

We refuse, and consider as barbaric, the propositions “that a great crime offends nature, so that the very earth cries out for vengeance; that evil

violates a natural harmony which only retribution can restore; that a wronged collectivity owes a duty to the moral order to punish a criminal” (Yosal Rogat). And yet I think it is undeniable that it was precisely on the ground of these long-forgotten propositions that Eichmann was brought to justice to begin with, and that they were, in fact, the supreme justification for the death penalty. Because he had been implicated and had played a central role in an enterprise whose open purpose was to eliminate forever certain “races” from the surface of the earth, he had to be eliminated.⁶

Arendt wished that the judges had been honest, that they had ‘dared’ to tell Eichmann, “just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and should not inhabit the world—we find that no one, that is, no member of the human race, can be expected to want to share the earth with you. That is the reason, and the only reason, you must hang.”⁷

As Posner has argued, Arendt’s conclusion amounted to saying, “Don’t pretend that Eichmann broke the law; admit that the motivation for the trial was revenge.”⁸ And it was no less just for that. While Arendt maintained, I suggest, that justice ideally demands “seclusion” and “sorrow,” it could nevertheless be done, and was done in Eichmann’s case, in anger.⁹

To some, this interpretation might sit at odds with Arendt’s moral philosophy, at least as expressed in *The Human Condition* (1958). There she argued that, as Suzanne Duvall Jacobitti puts it, “two moral principles emerged from the activity of politics itself: the keeping of promises and the forgiving of transgressions.” Forgiveness was “essential” in politics if cycles of violence, driven by the desire for revenge, were to be avoided.¹⁰ Like punishment, Arendt argued, “forgiveness put an end to something that without interference could go on endlessly.”¹¹ For many commentators on Arendt’s work, this view is taken to be definitive of her position on vengeance, ruling out the possibility—which I suggest is real—that when she was confronted by Eichmann’s trial some three years after the publication of *The Human Condition*, she changed her mind on that very question. The evidence for this conclusion is patchy, but I argue it is persuasive. We know, for instance, that Arendt wrote *Eichmann in Jerusalem* in what she described to a friend as a “curious state of euphoria”—that she found the trial personally cathartic, even satisfying.¹² And for all the many criticisms Arendt made of the “irregularities and abnormalities” of Eichmann’s trial, we must account for the fact that she never once criticized the outcome.¹³

The case against execution might not have been “a very promising case to fight,” but it was no less controversial than Arendt’s dissection of what she perceived as role of some Jewish leaders in facilitating the Holocaust.¹⁴ She concluded that “justice was . . . seriously impaired” by the court “not coming to grips” with the problems of victors’ justice, defining “crimes against humanity,” and gaining a “clear recognition of the new criminal who commits this crime.”¹⁵ She criticized the emotionally charged rhetorical excesses of the prosecution and, indeed, those in the Supreme Court’s judgment on Eichmann’s appeal.¹⁶ She raised an eyebrow, as it were, at the “extraordinary” “speed with which the death sentence was carried out.”¹⁷ But she opposed Martin Buber’s argument that it was a “mistake of historical dimensions,” partly because it “oddly echoed Eichmann’s own views on the matter,” Arendt wrote, and partly because it was akin to the “cheap sentimentality” of young Germans’ “hysterical outbreaks of guilt feelings.”¹⁸

Arendt did, of course, argue against the suggestion that Eichmann, rather than being kidnapped and brought to trial, might have simply been killed by Israeli agents. Her view of this is intriguing, as much for her argument about Eichmann’s ultimate fate as about the kidnapping itself and for the case made in the remainder of this present chapter: “This course of action was frequently mentioned in the debates on the case and, somewhat oddly, was recommended most fervently by those who were most shocked by the kidnapping. *The notion was not beyond merit, because the facts of the case were beyond dispute*, but those who proposed it forgot that he who takes the law into his own hands will render a service to justice only if he is willing to transform the situation in such a way that the law can again operate and his act can, at least posthumously, be validated.”¹⁹

Arendt proceeded then to give two examples, both pertinent to what follows. The first concerns Shalom Schwartzbard, who killed a Ukrainian, Simon Petlyura, responsible for the pogroms in the Russian civil war, and the second, “the Armenian Tehlirian” who killed Talaat Bey, an individual complicit in the mass killings of Armenians in Turkey during the First World War. Arendt suggested both acts were justified, implying again that the crimes of the victims were “beyond dispute” and stating that because both avengers had subsequently surrendered to police and been tried, they had “validated” their acts by reinforcing the due processes of law. She noted, with a hint of approval, that “both men were acquitted.”²⁰

What Arendt did in the Eichmann book, in other words, is open a space—one not previously present in her moral philosophy—for just and justifiable vengeance. Indeed, it suggested that revenge may be a (or even

the) proper response to those “radical evils” that she had earlier thought “we can neither punish nor forgive” and that therefore could meet with no human response.²¹ I want here to examine this argument in more detail—to pick up, as were, the loose ends of Arendt’s argument. I will suggest that, in circumstances in which we are faced with “radical evil” or “evils” and in which those evils cannot be punished because a society or societies may lack the institutions or even the will to judge and punish an evildoer, revenge might be justified. There are times, I argue, when forgiveness and reconciliation may not be appropriate, because they may represent an abrogation of our responsibilities to uphold a basic sense of justice—the “moral order” itself—and defend the weak from the predations of the strong. In such circumstances, which can and do sometimes pertain, it may be that vengeance is the sole means of pursuing justice, of rebalancing the scales between good and evil, and of creating conditions in which a better legal—as opposed to moral—order might be attained. I argue, too, that, in such circumstances, we would do better to admit and express our desire for revenge than to disguise or suppress it, as we are commonly asked to do. “Wrath” should not be “mute” and “fury dumb”: the desire for vengeance should at least be given voice, if not always indulged.²²

The Nature of Revenge

“Retribution is mine, said the Lord” is one thing. “Revenge is mine, said the Lord” would be more alarming.

—Gerry Wallace²³

It is no straightforward task to define revenge or to distinguish it from the related concepts of retribution, retaliation, reprisal, and self-defense. The last notion perhaps differs the most clearly, at least in theory: an act of self-defense “neither entails nor it is entailed by revenge,” since it is possible that one can “vigorously ward off a blow” without any vengeful intent.²⁴ The ways in which revenge differs from the other ideas, however, are more difficult to discern. Reprisal can be set apart if it is subjected to a strict reading—referring to an act or acts performed in times of war that have a particular (though not always accepted) meaning in international humanitarian law. In that legal context, “reprisal” is understood as the infliction of an injury normally proportionate to, or in excess of, a prior injury done, sometimes involving an act not normally considered lawful in war, which is committed solely with the intention of coercing an errant adversary to fulfil its obligations to the law of war.²⁵ Like self-defense,

reprisal is therefore “reactive,” though like revenge, it is more calculated.²⁶ It is also this latter quality, Gerry Wallace thinks, which separates retaliation from revenge—whereas the first may be spontaneous, as with self-defense, the latter involves “exaction.” Revenge and retribution are “exacted,” in his view, rather than simply performed.²⁷

It is this relationship between revenge and retribution, indeed, that has most preoccupied philosophers and legal theorists, some of whom are eager to defend, and others to discredit, retributive systems of punishment. For those in favor, as John Rawls summarized the position, “it is morally fitting that a person who does wrong should suffer in proportion to his guilt, and the severity of the appropriate punishment depends upon the depravity of the act.”²⁸ Because both acts of revenge and acts of retribution could be justified in such terms, retributivists, like Robert Nozick, have been keen to differentiate the two in more detail in order to bolster their case. The most obvious difference, they argue, is that while retribution can be visited by someone with, as Nozick puts it, “no special or personal tie to the victim of the wrong,” revenge is personal.²⁹ Retribution, in other words, “can be pursued disinterestedly.”³⁰

This distinction leads to a second set of differences, concerning the emotions or the state of mind of those carrying out retribution or revenge. Whereas revenge is passionate, the retributivists argue, driven most obviously by anger or resentment, retribution “may be taken more in sorrow than in anger.”³¹ Acts of retribution and revenge may (or merely appear to) elicit different emotional responses; for Nozick, indeed, “revenge must be *enjoyable*, while retribution need not be.” This last point is, however, ighly contentious, as Nigel Walker points out, since even “Nozick himself concedes that there can be pleasure in seeing justice done.”³²

The clearest and commonest distinction drawn between revenge and retribution relates to its wider significance, namely that “avengers are not committed to similar retaliation for all similar resentments, whereas retributionists are upholding a principle that dictates similar punishments in similar circumstances.”³³ This Kantian argument holds not that acts of revenge might not be carried out in defense of a general rule, but rather only that they might or need not be—and that it is this potential inconsistency that renders vengeance distinct, and for Kant and Nozick, immoral.

Revenge, then, may be said to be passionate, in the sense of being motivated by anger or resentment, but not insofar as it is often plotted, in a rational or at least deliberate manner. It consists of an act or acts designed to cause harm to the perceived evildoer normally proportionate to the prior injury done, though “overpayment” and indeed “underpayment” sometimes result. It is commonly personal, because it is a response

to injuries done to the avenger or to those for whom they care, but this is not always the case. It is better, as we shall see, to describe it as “not disinterested,” perhaps, for we could not rule in theory out the possibility, for example, of a state avenging an injury done to a citizen, even if that citizen was not personally known to the relevant representatives of the state. Lastly, acts of revenge need not necessarily uphold general rules, though, in practice, as we shall see, they sometimes do.

Staying the Hand

The least indulgence of the passion for revenge is a very deadly sin.

—C. S. Lewis³⁴

Despite such dire warnings, we tend to be somewhat contrary in our attitudes to revenge. On the one hand, it is a staple of art, drama, fiction and film. We are entertained and moved by tales of vengeance, sympathize with the wronged and vengeful, are angered by the wrongdoer who has escaped his or her just deserts, and satisfied when they finally meet justice, even if that is at the hands of an angry, resentful avenger. On the other, however, these stories commonly contain dire warnings of the effects of vengeful feeling and conduct. In Aeschylus’ *Orestia* plays, for instance, the house of Atreus is torn apart by the blind lust for vengeance. To avenge the abduction of Helen, Agamemnon attacks Priam’s Troy, but to succeed he must first sacrifice his daughter to appease the gods. Her death is in turn avenged by Agamemnon’s own wife, provoking the wrath of their son. Whether or not Aeschylus intended his tale as a warning to Athenians to avoid succumbing to their own fratricidal tendencies, the central message of the plays seems clear: only by curbing the demand for vengeance can a stable and peaceful society be established. At their end, the Furies pray that “the good Greek soil never drinks the blood of Greeks / shed in an orgy of reprisal life for life.”³⁵

Against Aeschylus’ plea, however, we must set the many tales of revenge that present vengeful acts in a more positive light, as justifiable responses to gross evils. Ridley Scott’s pseudo-historical epic *Gladiator* (2000), for instance, tells the story of Maximus (played by Russell Crowe), a loyal general in the service of Marcus Aurelius who is betrayed and nearly killed by his enemies, escapes, and eventually returns to Rome as a celebrated fighter in the arena. At the dramatic climax of the film, Maximus confronts the villainous Commodus—parricide, usurper of the imperial throne and murderer of Maximus’ own family. Commanded to give his name, the gladiator unmask himself to declare:

My name is Maximus Decimus Meridius, Commander of the armies of North, General of the Felix Legions, loyal servant to the true Emperor, Marcus Aurelius, father to a murdered son, husband to a murdered wife, and I will have my vengeance in this life or the next.³⁶

Given the extent of the injustice Maximus has suffered, sympathy with both the man and his cause is unavoidable—the audience is bound to share his desire for revenge.

Yet even here there is a degree of ambivalence. To reinforce his status as hero and moral superior of his adversary, Maximus is endowed in the film with additional, political (rather than personal) motives. When he kills Commodus, it is an act of tyrannicide as much as of revenge, intended to fulfil an earlier promise to Marcus Aurelius to restore the liberty of Rome and the Republic and to deliver the people from bad government. Even in *Gladiator*, revenge in itself is no cause for celebration. The film reinforces a familiar message: that while the desire for vengeance may be understandable, even justifiable, to indulge in a private act of revenge is wrong. When Maximus kills Commodus, he slays a tyrant who happens to be a personal foe, not a foe who happens to be a tyrant. His revenge is justified on political, rather than simply private, grounds.³⁷

Literature and film, of course, simply dramatize commonly held moral arguments against revenge, blending them to differing degrees. Four arguments are especially prominent. The first concerns the social consequences of acts of vengeance. In *Orestia*, or Shakespeare's equally bloody *Titus Andronicus*, the moral of the tale is that "attack and counterattack," as Trudy Govier puts it, "produces cycles of violence."³⁸ To avenge an injury, in other words, is simply to invite further, probably far worse, injury, and so on. Arendt pointed to this argument in *The Human Condition*, combining it, as is often the case, with the argument that only forgiveness can bring about "freedom" from what she called the "relentless automatism of the action process, which by itself need never come to an end."³⁹

The second argument, which can take both Christian and secular forms, concerns character or human nature. It maintains that the emotions that prompt acts of vengeance are themselves wrong, that anger, resentment, vindictiveness, and hatred are undesirable and unbecoming for good character or psychological well-being. In Bacon's view, "in taking revenge, a man is but even with his enemy; but in passing it over, his is superior; for it is a prince's part to pardon."⁴⁰ Or, in the view of some contemporary psychologists, the holding of grudges is "to embrace suffering, weakness, and distress as part of one's identity," thus to "relinquish important possibilities for happiness."⁴¹

These arguments are closely linked to a third. Not only is “the least indulgence of the passion for revenge . . . a very deadly sin,” as C. S. Lewis maintained, it may well also involve the enjoyment of the sufferings of those whose crimes we avenge.⁴² It is for this reason that Kant thought we ought to curb our most violent emotions, for, as Govier summarizes his position, “it is despicable and malevolent to take satisfaction in bringing suffering to others.”⁴³ This assertion leads to the fourth and final argument against revenge, which concerns its effect upon the avenger. The ways in which a passion for vengeance can harm us is, of course, another familiar trope of fiction and film—above all, of Alexandre Dumas’ *The Count of Monte Cristo*. Unjustly accused and wrongfully imprisoned, separated from his first love, the Count is tormented by his longing for revenge, as well as his knowledge that these crimes will never properly be repaid by any means, still less by human justice.⁴⁴ He declares: “In return for a slow, deep, infinite, eternal pain, I should return as nearly as possible a pain equivalent to the one inflicted on me,” heedless of the warning that “the one who pours himself a cup of vengeance is likely to drink a bitter draught.”⁴⁵

Freeing the Hand

The idea that justice requires emotional detachment, a kind of purity suited ultimately only to angels, ideal observers, and the original founders of society has blinded us to the fact that justice arises from and requires such feelings as resentment, jealousy, and envy as well as empathy and compassion.

—Robert Solomon⁴⁶

Each of the arguments just examined—that revenge merely begets revenge, that both the passion for vengeance and satisfaction at the suffering of others is unbecoming the good character, and that vengeful feelings harm the putative avenger—are influential and powerful, but none of them are necessarily incontrovertible. In challenging them, philosophers have most often turned to an approach to moral thinking that flourished before Immanuel Kant: the “theory of moral sentiments.” The question to be asked concerning our “negative” emotions, on this view, is not how might they be curbed, but what purpose do they serve?

For Adam Smith, one of the greatest of the moral sentiment theorists, anger and resentment have positive value because they move us to act to right perceived wrongs and to punish those who have inflicted injury upon us. “Mankind,” he wrote, “have a very strong sense of the injuries that are done to another”: “We detest Iago as much as we esteem Othello; and delight as much in the punishment of the one, as we are grieved at the

distress of the other.”⁴⁷ Moreover these supposedly negative emotions protect our self-respect, for, as Smith argued,

a person becomes contemptible who tamely sits still and submits to insults, without attempting either to repel or to revenge them. We cannot [as observers] enter into his indifference and insensibility: we call his behaviour mean-spiritedness, and are as really provoked by it as by the insolence of his adversary. . . . [The mob] cry to him with fury, to defend, or to revenge himself. If his indignation rouses at last, they heartily applaud, and sympathize with it. It enlivens their own indignation against his enemy, whom they rejoice to see him attack in his turn, and are as really gratified by his revenge, provided it is not immoderate, as if the injury had been done to themselves.⁴⁸

Without our negative emotions, in other words, justice might never be done. Even Kant, for all his other criticisms of moral sentiment theory, acknowledged this: “One who makes himself into a worm cannot help if people step on him.”⁴⁹ For both Smith and Kant, indifference to injury fosters servility, a lack of self-respect, and respect for one’s rights—even, perhaps, for the moral order itself.

Thus, “not to feel vengeance,” Robert Solomon has suggested, “may . . . be not a sign of virtue but a symptom of callousness and withdrawal, a diminished sense of self and an amoral attitude to the world.”⁵⁰ Vengeful feelings may not, as the critics argue, be wrong in themselves or unbefitting the good person—it is, many would agree, entirely right to be angry when faced with injustice. It may be sinful, as C. S. Lewis thought it was, to indulge the passion for revenge, or indeed, as Adam Smith argued, there may be “something disagreeable in the passions themselves,”⁵¹ but it is equally morally wrong to feel nothing at all.

The moral sentiment theorists have been concerned too with how we ought to feel about the punishment of the evildoer. Smith, for one, implies that it is right to feel satisfaction and even joy at the punishment of others—when it comes to punishment, he wrote, even the “indifferent spectator” should “rejoice to see [it] executed.”⁵² “Resentment,” he wrote, referring both to the resentment of the victim and the wider audience, “cannot be fully gratified, unless the offender is not only made to grieve in his turn, but to grieve for that particular wrong which we have suffered.”⁵³

Later writers are more circumspect on this question, perhaps because they are reluctant to appeal to “propriety,” which Smith thought kept excessive passion in check.⁵⁴ Solomon argues that whether emotional satisfaction at the suffering of another is right or wrong depends on context: it would be wrong to enjoy the suffering of innocents, but perhaps not

that of the guilty. After all, he suggests, “vengeance is not just the desire to harm, but the desire to harm for a reason, and a reason of a very particular sort.”⁵⁵ “There can be no proper motive,” Smith argued, “for hurting our neighbour, there can be no incitement to do evil to another, which mankind will go along with, except that just indignation for evil which that other has done to us.”⁵⁶ Moreover, the act of vengeance need not harm in the same way as the original injury. Satisfaction may not entail the exact repayment of evil for evil—eye for eye, tooth for tooth. For Jeffrie Murphy, “just getting the person in a situation in which one has the *power* to inflict harm may be satisfying enough, and that may itself be the revenge.”⁵⁷

These qualifications, it seems fair to say, do not address the problem of whether the enjoyment of suffering is *per se* right or wrong, nor do they cope well with the other criticism that indulging the passion for revenge damages the avenger. The first objection, however, is susceptible to the argument that the enjoyment of suffering and the satisfaction of revenge are, in principle, separable. Would an act of revenge be justifiable if no suffering was inflicted? Would it be justifiable if suffering was inflicted but no enjoyment was had by the avenger? In such circumstances, the infliction of psychological damage on oneself, as the putative avenger, might be avoided. Yet even if damage was done, one could argue that the obligation to right a gross evil—even by “wild justice”—outweighs the strains the avenger might experience as a consequence. Adam Smith agreed that “hatred and anger are the greatest poison to the happiness of a good mind,” but that made all the more important the need for justice to be done.⁵⁸ Like Bacon, a just vengeance was, at the margins, possible: “If we yield to the dictates of revenge,” he argued, “it is with reluctance, from necessity, and in consequence of great and repeated provocations.” Then, he thought, “it may be admitted to be even generous and noble.”⁵⁹

The fourth well-worn argument against revenge—that the pursuit of vengeance is detrimental to social order—has met with a more robust reply from the moral sentiment theorists. Their response is straightforward: without the desire for revenge, without the resentment we feel when evils go unpunished, there would in reality be no possibility of lasting social order. “Justice,” wrote Adam Smith, “is the main pillar that upholds the whole edifice.” He went on: “In order to enforce the observation of justice, therefore, Nature has implanted in the human breast that consciousness of ill-desert, those terrors of merited punishment which attend upon its violation, as the great safe-guards of the association of mankind, to protect the weak, to curb the violent, and to chastise the guilty.”⁶⁰ Our “alarm” at injustice moves us to address it, “by gentle and fair means” if possible, or “by force and violence” if necessary.⁶¹ Social order is upheld, not undermined, by our resentment and by our desire for that evils be punished and, perhaps more

importantly, by the knowledge evildoers have of the punishment that will be inflicted upon them for their crimes. Revenge, in other words, is a potent general deterrent, even after vengeful passions have been institutionalized into impersonal systems of justice.⁶²

Revenge-as-deterrent works in two ways—one similar to the deterrence involved in conventional modes of punishment and another kind of deterrence peculiar to revenge itself.⁶³ Most obviously, it deters those contemplating an evil act simply because they are more likely to refrain from committing it if they fear that vengeance might result. Less obviously, perhaps, this knowledge of revenge-to-come deters “overpayment”—vengeance that goes beyond mere repayment. This latter aspect is all too frequently overlooked. While it may be true in theory that, as Richard Posner argues, “there can be no assurance that a pure system of retaliation or revenge would result in the imposition of optimal penalties,”⁶⁴ in practice, as I shall argue, arguably near-optimal outcomes can result. Robert Solomon thus contends that revenge actually has natural limits—what he characterizes as in-built standards of satisfaction—which, once met, end the episode of injustice and punishment. The “dangers and destructiveness of vengeance,” he suggests, are “much overblown . . . [just as] its importance for a sense of one’s own self-esteem and integrity [is] ignored.”⁶⁵

There is some empirical evidence to support this position. Christopher Boehm’s iconic anthropological study of nineteenth-century Montenegro, for example, confirms some of Solomon’s contentions. That society, Boehm shows, had no formally constituted police force, judiciary, or penal system. Instead, the practice of *osveta* or “blood revenge” served as a means of maintaining social order, deterring acts such as gratuitous insult, theft, marital infidelity, and even outright murder with the threat of vengeance against the wrongdoer and their immediate male relatives. *Osveta* provided a system of “legal ‘self-help.’” It was conducted in full public view, “with honor at stake and rules to be followed.” Those bound to participate—principally the adult men most closely related to the wrongdoer and the injured—had two goals, one private and one public: first, to restore the balance of justice and, with it, their family’s honor; and second, to “keep the conflict within limits.” Both were equally important, as the community was acutely aware of the need for any feud to “not get out of hand and turn into an all-out war between people in the community or between people in adjacent communities.”⁶⁶

Boehm’s case appears to confirm the reasons offered by the moral sentiment theorists for looking more kindly on vengeance. The practice of *osveta* did indeed serve as a rudimentary form of justice, upholding a moral order that underpinned social stability. Without it, unjust acts might have gone undeterred and, if committed, unpunished. Furthermore, the

acts of revenge required and permitted by *osveta* indeed had natural limits. As one of the men interviewed by Boehm explained: “*Osveta*, that means . . . a kind of spiritual fulfilment. You have killed my son, so I killed yours: I have taken revenge for that, so I now sit peacefully in my chair.”⁶⁷ There was no necessary reason why a “cycle of violence” should emerge, except by “overpayment,” which was itself deterred by the threat of reprisal and the sanction of the community’s moral opprobrium. There were, of course, costs associated with *osveta*, which Boehm does not disguise. Both the social expectation that adult males should avenge an injury and the general threat of violence they experienced did impose physical stresses and psychological strains. Moreover, violence and reprisal did, at times, break the “natural” bounds and lead to highly destructive intra- or inter-communal conflict.

Boehm’s case study of is particular interest in the present context because of the parallels between the kind of society he described, with its “primitive” legal mechanism of *osveta*, and the contemporary international system, with its rudimentary means of maintaining order between states and pursuing a modicum of justice. That system is analogous, as some scholars of international politics have long suggested, not so much to a “state of nature,” as Hobbes supposed, but to a society of sorts, albeit a society without a police force or courts. This international society has a set of “laws” and rudimentary enforcement mechanisms, consisting of crude sanctions, war principal among them. In his *Politics among Nations*, Hans Morgenthau drew a parallel between these two kinds of society, each with their ‘primitive’ mechanisms for upholding basic norms, arguing: “International law is a primitive type of law resembling the kind of law that prevails in certain preliterate societies, such as Australian Aborigines and the Yurok of northern California. It is a primitive type of law primarily because it is almost completely decentralised law.”⁶⁸ Just as the threat of blood revenge, exacted by any male and indeed some female members of a wronged family, helped deter crime in nineteenth Montenegro restrained, so the threat of war, waged by one state or a coalition of states, deters any one power from flouting the rules of international society. Provided that power is distributed in the system in such a manner as to create a rudimentary balance, a “general deterrent against violations of international law” would thus exist.⁶⁹

None of this is to say, of course, that war is necessarily or even often motivated by revenge—rather, I want to suggest at this point only that war and revenge systems, like that in nineteenth century Montenegro, perform similar or analogous functions in their respective societies. In practice, however, they do have a complex relationship, which is the subject of the next section.

War, Vengeance, and Evil

The empire would have been small indeed, if neighbouring peoples had been peaceable, had always acted with justice, and had never provoked attack by any wrong-doing.

—St. Augustine⁷⁰

One need not agree with Augustine's interpretation of the rise of the Roman Empire to acknowledge that the dominant understanding of war in the West is that it is, in essence, an instrument of justice as much as an instrument of policy.⁷¹ Few rulers, even in the modern period, have gone to war with the declared aim of simply acquiring glory, wealth, or territory—most supplemented, at the very least, their justification for war with an attempt to demonstrate that their enemy was guilty of a prior injustice, worthy of punishment. Indeed, medieval Christians, in the manner of Augustine and the ancient Israelites,⁷² were prone to go so far as to claim that victory in war was a demonstration of the superior righteousness of their cause. To their minds, war was nothing short of a trial by ordeal. A major theme of Bede's *Ecclesiastical History* (731 CE), for instance, is the manner in which men, though in great adversity and "small in numbers," could be "strengthened by their faith in Christ" and brought to unexpected victory.⁷³

While the notion that victory signified righteousness has faded in the modern period, the notion that war can be an instrument of justice, as well as policy, has persisted in contemporary international society. For Hedley Bull, "war is a means of enforcing international law, of preserving the balance of power, and, arguably, of promoting changes in the law generally regarded as just."⁷⁴ The idea that war constitutes a proper means for addressing injustices committed by states is enshrined in the United Nations Charter's guarantee of the right of self-defense, in the Security Council's right to sanction with force those who threaten international peace and security, and in contemporary doctrines of humanitarian intervention.⁷⁵ The use of armed force, by a wronged party or indeed by states in similar positions to Adam Smith's spectators, sharing, at a lesser intensity, the resentment of the victim, is one of the primary means by which justice may be sought in international society.

It is tempting to argue that, given the existence of what Bull called the "institution" of war in international society, and given its utility as a means for punishing evils like armed aggression or mass murder, there is no need to discuss the more particular, less limited, and (perhaps) strictly personal practice of revenge. War, like law or diplomacy, may serve to

obviate the need for vengeance, institutionalizing the demand for justice that the passion for revenge underpins.⁷⁶ War, it could also be suggested, may indeed be preferable, both instrumentally and morally, despite its obvious shortcomings. It is, after all, regulated by an elaborate set of customary and positive law, limited and controlled—at least in theory. War is not equivalent, despite what Hobbes might have thought, to a state of “anarchy,”⁷⁷ and it is far less “wild” than straightforward acts of vengeance.

Moreover, the proposition that war in international society supplants the role of vengeance in “primitive society” may, at first glance, be confirmed by empirical evidence. There are very few instances of states or peoples taking actions in modern international politics that are interpreted as motivated purely by the desire for vengeance. The declared justifications for particular wars normally appeal to other grounds—from straightforward self-defense to the defense of the rights of others. Scholarly interpretations of the causes of wars tend to concentrate on interests, especially material interests, in explaining the outbreaks of particular conflicts. Revenge, it would seem, plays little part in contemporary international society, even in moving states to go to war.

There are, however, a few cases that contradict that view. I want here to consider two—one real and one hypothetical. The first has attracted much recent attention, not least from Steven Spielberg: the Israeli response to the massacre of its athletes at the Munich Olympics by the Palestinian organization Black September.⁷⁸ The second hypothetical case considers revenge as a possible response to one of the greatest evils that might be committed in international society: the launching of an indiscriminate nuclear attack.

Terror and Revenge

How many things are requisite to render the gratification of resentment completely agreeable, and to make the spectator thoroughly sympathize with our revenge?

—Adam Smith⁷⁹

During the ancient Olympic Games, as Simon Reeve has pointed out, a truce bound the competitors that warned them that anyone who entered Olympia “by force of arms” committed an “offence against Gods” and that anyone who failed to “avenge” such a “misdeed” was “equally guilty” in their eyes.⁸⁰ Modern competitors, of course, are bound by no such rule, even when, like eleven members of the Israeli team at the Munich Olympics of 1972, they become the targets of political violence. Taken

hostage by members of Black September, who demanded the release of 234 Palestinian prisoners, as well as those of Andreas Baader and Ulrike Meinhof, two Israelis died in the initial stages of the attack. The remaining nine hostages were killed during the horribly botched rescue effort and subsequent gun battle at a nearby airfield between the terrorists and German authorities. Three members of Black September survived and were taken into German custody, but they were later released by the German government in the following month, exchanged for the crew and passengers of a hijacked Lufthansa jet.

In the days that followed the Munich massacre, Israeli politicians and media clamored for revenge. The Interior Minister Yosef Burg predicted that “the hands of Israel will know what to do,” which an editorial in *Ma’ariv* called a “stocktaking” with the terrorists. In response, the Prime Minister, Golda Meir, promised the public, “We will smite them wherever they may be.”⁸¹ The initial response consisted of a series of military actions. Three days after the attack, Israeli aircraft bombed Palestinian bases in Syria and Lebanon; eight days after that, they launched a short-lived ground invasion of southern Lebanon, destroying 130 houses of suspected militants. The following month, there was a change of tack, with Israeli agents sending letter bombs to two leading Palestinians, Mustafa Awadh Adu Zeid in Libya and Abu Khalil in Algiers, injuring both men. At the same time, according to Simon Reeve, the Israeli government and security services were considering a further option. General Aharon Yariv, head of Israeli Defense Force intelligence, advised that Israel should “do for [i.e. kill] the leaders of Black September . . . eliminate the leaders of Black September, as much as possible, or as many as possible.”⁸²

Golda Meir, for her part, appears initially to have refused even to consider this plan, at least until the release of the three surviving hostage-takers at the end of October 1972. Israel had not been consulted about that deal, negotiated between the German government and Palestinian militants. Moreover, it has been alleged by a number of sources, including Hans-Dietrich Genscher, later German Foreign Minister, that there had been collusion between the authorities and the hijackers of the Lufthansa plane, helping to create a pretext that would allow it to release its three inconvenient prisoners and thereby ward off further terrorist attacks on its territory.⁸³ Reeve argues that this deal, treated with great suspicion by the Israelis, was the “final straw” for Meir.⁸⁴

In her memoirs, Meir related that she had “literally been physically sickened” by the massacre itself and by what she perceived to be the craven actions, in its aftermath, of certain unnamed Western states bent on

appeasing its perpetrators.⁸⁵ In private, she is reported as having told “Avner,” an Israeli agent,

Once again, Jews were being ambushed and slaughtered all over the world, simply because they wanted a home. She talked about innocent airline passengers and crew members being murdered in Athens, in Zurich, in Lod. Just like thirty years ago, she said, Jews had been tied up, blindfolded and massacred on German soil . . . The Jews were alone, as they always had been. Others, at best, were making pious noises. No one would defend them. It was up to the Jews to defend themselves.

This account has not been verified,⁸⁷ but its key elements fit with the general tone of Meir’s public speeches. To the Knesset, at around the same time, she said, “Wherever a plot is being woven, wherever people are planning to murder Jews and Israelis—this is where we need to strike.”⁸⁸ To the Pope, in January 1973, she was just as frank: “Now we had a state of our own, we were through forever with being ‘at the mercy’ of others.”⁸⁹

Although never officially confirmed, Meir seems at this point to have authorized a covert operation to kill not just those who had participated in the Munich attack but all of those Israel deemed responsible for its planning, funding and support.⁹⁰ In effect, this meant targeting the entire leadership of Black September—some twenty to thirty-five individuals. In the years that followed, thirteen of these men were shot or killed by bombs, all outside the borders of Israel. According to Aaron Klein, each was marked for assassination after a secret process of indictment and trial, with the Head of the Mossad as prosecutor, and the Prime Minister and other cabinet ministers acting judges.⁹¹

The existing fragmentary evidence relating to these killings indicates that the Israelis understood them to constitute acts of revenge. Klein rightly states that “it is likely that the word ‘revenge’ is not mentioned anywhere in the archives of government, Mossad, Shabak, and Military Intelligence documents,”⁹² but the idea is prominent in the recollections of the protagonists. When interviewed by Reeve, General Yariv mixed two justifications for the killings, a classic amoral, “political realist” argument and a moral appeal to the *lex talionis*: “We had to make them stop, and there was no other way. . . . We are not very proud about it. But it was a question of sheer necessary. We had to go back to the old biblical rule of an eye for an eye. . . . We had no other choice and it worked. Is it morally acceptable? One can debate that question. Is it politically vital? It was.”⁹³ “Avner,” the presumed Mossad assassin interviewed by Jonas, and the hero of Spielberg’s film, conceived the arguments in very similar terms.

The primary justification, he argued, was “what the philosophers call equal retaliation—the idea that the proper way to punish evildoers is to visit upon them the very evil they’ve done to others.” Israel, he went on, “embraced, implemented and perfected this principle—not merely for the sake of vengeance, but as a means of survival.”⁹⁴ Israel resorted to revenge, in other words, partly because its leaders, in the aftermath of the Munich massacre, demanded justice be done and partly because it perceived that it could not be done by any other means, given the willingness of European states to deal with Black September and the protection the United States is alleged to have provided to some of its members.⁹⁵ This combination of moral outrage and adverse circumstance underpinned its vengeance.

There are grounds to think, as Arendt did with respect to Eichmann, that Israel’s revenge was indeed justified, best understood as one of those exceptional, liminal cases reluctantly approved by Bacon or Smith. Israel had no legal right to kidnap, try, and execute Eichmann, as Arendt took such pains to show, but they nevertheless had a moral right—indeed, an obligation—to avenge the evil for which he was unquestionably responsible. Similarly, it had no right to do the same to the surviving members of Black September who had murdered, purely on the basis of their nationality, Israeli citizens. In an ideal world, they, like Eichmann, would have been arrested, charged and tried for their crimes in an international court. But no such court existed in 1972, and no international court for trying “terrorist” offenses exists today.⁹⁶ Moreover, even if it had existed, it is questionable whether the case would have been heard; in the main, as Golda Meir observed, “other governments surrendered to the demands of the terrorists, put planes at their disposal and released them from gaol.”⁹⁷ The diplomatic circumstances were not conducive to a just outcome, a fair trial, and adequate punishment. The strongest actors in the international system, the United States and the European states, were unwilling even to detain those responsible; indeed, in some cases, they were eager to work with them in their own interests.

Justice, in other words, was not to be obtained in any other way. Israel was acting in the context of a society—international society—that has a system of justice analogous to the “primitive” system of nineteenth-century Montenegro, lacking police, formal courts, and due legal process. Self-help is the last resort in such a society, if cooperation cannot be assured. In this particular case, outright war—the conventional means for responding to an injury—was neither proportionate nor desirable, in terms of Israel’s precarious security. Its adversaries were, in any case, not a state but a dispersed group of individuals. The only alternative courses of action were acquiescence, which, apart from its obvious shortcomings as a political

policy in a democracy and as a military strategy, was morally problematic, or, perhaps, Eichmann-like kidnappings and trials. I will return to these issues in the conclusion.

Nuclear Revenge

When the impossible became possible it became the unpunishable, unforgiveable absolute evil which could no longer be understood or explained by the evil motives of self-interest, greed, covetousness, resentment, lust for power, and cowardice; and which therefore anger could not revenge, love could not endure, friendship could not forgive.

—Hannah Arendt⁹⁸

By the time Arendt applied the term “radical evil” to describe what motivated the creation of the “corpse factories and holes of oblivion” of Nazi and Soviet totalitarianism, another “impossibility” was becoming possible: the prospect of the near-instant annihilation of a considerable proportion of humanity with the use of nuclear weapons. Indeed, it is arguable whether a nuclear “first strike” by a state would better fit Arendt’s definition of the term, with its deprivation of agency and choice from all but the tiny political elite in control of the weapons. The nuclear “balance of terror” does seem to represent a “system in which all men become equally superfluous”—Arendt’s description of the totalitarian death camps.⁹⁹ There can be in any case no doubt that a deliberate and indiscriminate nuclear attack would constitute a great and gross evil. The problem is how to respond.

The early theorists of nuclear deterrence—notably Thomas Schelling—were frank about what the possible responses and what they might involve. In a convoluted but perceptive passage about nuclear strategy in *Arms and Influence* (1966), he wrote, “We have a Department of *Defense* but emphasize *retaliation*—‘to return evil for evil’ (synonyms: requital, reprisal, revenge, vengeance, retribution).”¹⁰⁰ He went on, “If an enemy bombs a city, by design or by carelessness, we usually bomb his if we can. In the excitement and fatigue of warfare, revenge is one of the few satisfactions that can be savored; and justice can often be construed to demand the enemy’s punishment, even when it is delivered with more enthusiasm than justice demands.”¹⁰¹

Schelling appreciated that nuclear weapons had little military utility—they cannot reasonably be used to conquer territory, because their use would destroy almost everything of value.¹⁰² Their usefulness instead resides in the threat they pose and in the pain they would in all probability inflict on

one's opponents, which he called the "power to hurt," but which is normally referred to by strategists as the power to administer "punishment."

The similarity in the languages used by strategists and ethicists is in this context instructive. Although Schelling often held that strategy and ethics were separate and separable domains, the terms he used to describe a nuclear response to a first strike were hardly "value-free." What he implied, willingly or not, by his insistence that nuclear weapons lacked military utility and by his equation of retaliation and reprisal and revenge, was that a counterstrike was, in the end, not a strategic but a moral act. It would constitute a repaying of "evil for evil," not an attempt to "win" a war that, in any meaningful sense, could not be won. A nuclear response would be revenge on the widest imaginable scale—the killing of tens of millions to rebalance the scales.

Recognition of this moral reality has led the franker strategists, like Fred Iklé, to refer to strategic nuclear weapons as "revenge forces," as opposed to tactical weapons, which are understood to have some military utility.¹⁰³ Iklé's analysis of the implications, however, stopped at that point; nuclear vengeance was an "irrational act" that could not serve the "national interest," and as such, he implied, it fell outside the strategists' purview.¹⁰⁴ One might expect ethicists to pick up at this point, but, in general, the issue has been avoided. For George Kennan, it was not worthy of analysis: "I have no sympathy," he declared in mid-1976, "with the man who demands an eye for an eye in a nuclear attack."¹⁰⁵ David Fisher, who quoted this judgment, concludes that "retaliation" was "morally very dubious" and "would hark back to a pre-Testament morality of revenge."¹⁰⁶ Similarly, John Finnis, Joseph Boyle, and Germain Grisez recognized that retaliation would constitute an "act of revenge," but argued that it could not "serve any . . . good purpose."¹⁰⁷

This dismissal of nuclear revenge is, I want to argue, not as straightforward as it may appear at first glance. What I want to consider, given the foregoing discussion, is whether such an act would be or could be morally justifiable. In so doing, there are a few problems to be faced. First, there is very little discussion of the topic in the academic literature. Thinking about the unthinkable, as Herman Kahn put it,¹⁰⁸ is clearly difficult to do. Second, where there is discussion, it has tended to be confined within the bounds of the "just war tradition," which is derived from Christian doctrine, with its own particular form of moral reasoning.

For "just war" thinkers, the use of nuclear weapons against civilian targets, indeed even the threat of their use, cannot be justified in any circumstances. It would violate the prohibition on direct and intentional

attacks on noncombatants. The “deliberate killing of the innocent,” as Robert Tucker has observed, is “the evil that may never be done or threatened, whatever good may be thought to come.”¹⁰⁹ Moreover, by their very nature, the use of nuclear weapons would violate the supplementary principle of proportionality. “Given the perspective of *justum bellum*,” Tucker continues, “it is wicked to wage indiscriminate warfare, even in retaliation for indiscriminate warfare.”¹¹⁰ For just war thinkers, then, neither the first nor the second use of nuclear weapons can be deemed to have moral justification.

For Michael Walzer, in his *Just and Unjust Wars* (1977), these arguments have settled the issue. “Nuclear war,” he declared, “is and will remain morally unacceptable, and there is no case for rehabilitation.”¹¹¹ His book, however, did leave the door ajar to some reconsideration. Elsewhere in his argument, Walzer examined in detail—and cast some doubt upon—two pivotal issues: noncombatant immunity and innocence. One of the problems he identified with the first concept was that while in theory and in practice civilians are not “legitimate military targets,” “they are . . . political and economic targets once the war is over; that is, they are the victims of military occupation, political reconstruction, and the exaction of reparative payments.”¹¹² In practice, in other words, civilians are not merely the unintended victims of military action, they are also the intended subjects of postwar sanctions. Furthermore, civilians are often to be found in such circumstances because they are deemed to bear some responsibility for the outbreak and conduct of war. Reparations, for example, are a form of “collective punishment”—we accept that they are sometimes due to the victims of war, and though sometimes we have problems determining who should pay, it is commonly the case that the defeated are taxed, if not otherwise expropriated, to do so.¹¹³

This discussion leads Walzer to think again about the “question of responsibility,” especially for the “crime of aggression,” noting that “though responsibility is always personal and particular, moral life is always collective in character.” His particular concern is democratic responsibility, and in the discussion Walzer makes use of a principle derived from Glenn Gray—which he calls “Gray’s principle”: “The greater the possibility of free action in the communal sphere, the greater the degree of guilt for evil deeds done in the name of everyone.”¹¹⁴ In almost all types of regimes, he notes, there is a possibility of acting to prevent evil deeds and to do good ones, though clearly in democracies the scope is wider. At this point, however, Walzer departed from the argument to turn to a rather tortured discussion of the American people’s responsibility for Vietnam.

Gray's principle is intriguing for what it suggests about how we might think about possible responses to the evil of an indiscriminate nuclear attack. First, even if the attack was launched from an authoritarian, nondemocratic state, we can argue that the citizenry bears some responsibility for the act—that it is not, strictly speaking, wholly innocent. We can reasonably assume, in most cases, that they had foreknowledge of their state's possession of nuclear weapons and the intention of their leaders to use them—this would be true, for instance, even of the Soviet Union. If that people have not taken steps to prevent their leaders from committing a gross evil, it is possible to suggest that they collectively bear some responsibility for that evil. Just as Mill argued that the “only test possessing real value, of a people's having become fit for popular institutions” is their willingness to “brave labour and danger for their liberation,” it is arguably the case that one test of a people's culpability in a great crime is its collective efforts to stop it being committed.¹¹⁵

Second, it flows from Gray's principle that if a people may be deemed responsible for an evil by virtue of their participation in the political process, they can be held to account, and, if necessary and possible, punished if that process results in an evil being committed. The blanket protection of noncombatants applies only in circumstances where they are innocent—this being the sole reason, in the just war tradition and in the laws of war, why they are afforded protection. Just as the partisan forgoes the protection of the Geneva Conventions when they engage in hostilities under the cover of their civilian status, so too, one might argue, the citizen forgoes protected status when they vote, as it were, to commit an evil act such as an indiscriminate nuclear attack. The question, then, is not *whether* they should be made accountable and punished, but *how*.

In the context of my hypothetical case, it is inconceivable that the evil-doer will be subjected to due legal process and punishment, barring a popular overthrow of the responsible leaders by a disgusted citizenry and their handover to their enemies or an international court. Similarly, it is hard to imagine how the near-instantaneous mass-murder of millions of people could be forgiven—it would, I think, constitute a radical evil, in Arendt's terms, an act for which it is impossible to conceive a motive. Given that a trial is unlikely and forgiveness is unimaginable, what then ought to be the response? To merely condemn or to passively acquiesce, I suggest, is not enough: they disarm the victim and concerned spectators, and both have a duty to see some form of justice done. It would be too late to exercise the right of self-defense; too little to seek some kind of restitution by diplomatic or legal means. Conventional war—the traditional means of seeking

justice and restitution in international society—would be an impossibility, and diplomatic dealing with such an adversary would be unconscionable. Revenge is, in this context, a fair more tempting and, perhaps, more justifiable prospect than is it is often acknowledged to be.

Conclusion

On the horizon of every discussion of the moral prohibition in politics there beckons the maxim, *Fiat justitia et pereat mundus*.

—Martin Wight¹¹⁶

The idea of nuclear-armed revenge poses in stark terms the problems that bedevil not just the ethics of vengeance but all possible ethical responses to evil. The great crimes of the twentieth century, and the great challenges that were posed to anyone who sought to bring their perpetrators to justice, persuaded many to all but abandon the task, to eschew the pursuit of right and settle instead for uneasy security. The political realists were struck, as was Martin Wight, by the thought that, after 1945, if not before, “it has been possible to imagine that the price of justice may literally be the ruin of the world.”¹¹⁷ Arendt’s remarks about Eichmann, about the “long-forgotten propositions” that some crimes were so great as to demand a rebalancing of the moral order, if necessary by taking life, bring this problem into focus.¹¹⁸ If the greatest evils require such a response, at what cost should justice be done?

Some have suggested that Arendt conceived of Eichmann’s punishment as lustration, as a ritual purification.¹¹⁹ I have argued, rather, that she thought of it and indeed approved of it as straightforward, honest vengeance—not an eye for an eye, admittedly, because no punishment could truly fit Eichmann’s crime, but vengeance nonetheless. Arendt had reasons, I have tried to show, for thinking her desire for revenge and Israel’s response justified: both operated to uphold the moral order, even if, arguably, they undermined the legal and diplomatic orders. Israel had no right to kidnap or to try Eichmann, but they were morally justified in doing so; indeed, to have not done so would have been detrimental to the cause of justice.

Similarly, not to have brought to account the perpetrators of the Munich massacre would hardly, to put it in Adam Smith’s terms, elicited the sympathy of the disinterested spectator. Israel’s actions in taking revenge may not have brought emotional comfort to the victims’ family and may have widened the “cycle of violence” in which it was already trapped, but they satisfied at least some of Smith’s criteria for just revenge.¹²⁰ There was, as far

as we can judge, real “reluctance” in Golda Meir’s decision to proceed with the campaign; there was, given both European and American responses, “necessity,” and there can be little doubt that the killings in Munich were part of a chain of “great and repeated provocations.”¹²¹

Such is the concentration on the problems of emotion and overpayment in critiques of revenge; we sometimes forget the dangers of callousness and underpayment, of justice going undone and balance not restored. Our vengeful passions are the nagging reminders of those demands to be honestly declared, if not always to be acted upon. It may be, however, that there are, as Arendt suggested, some “radical evils” that not only cannot be punished or forgiven but also cannot be avenged. The imaginable horror of nuclear war is one such evil. There are, I have argued, more grounds on which to justify a response in kind than are usually acknowledged. Yet even if one had evidence of the culpability of leaders, soldiers, and citizenry, a nuclear revenge seems beyond the moral pale. There are evils that can be repaid with evil, but perhaps radical evils cannot.

Notes

1. The first versions of this chapter were written during a semester spent as a Fellow of the Institute for Advanced Study at La Trobe University. I would like to thank Renée Jeffery for her invitation, the staff of the Institute for their hospitality, and the Carnegie Trust for the Universities of Scotland for their financial support.
2. William Shakespeare, *Titus Andronicus* (London: Penguin, 2005), V.3:183, 103.
3. Gary Jonathan Ross, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000).
4. Francis Bacon, “Of Revenge,” in *Essays, Advancement of Learning, New Atlantis, and Other Pieces*, ed. Richard Foster Jones (New York: Odyssey Press, 1937), 13. The full quotation reads: “Revenge is a form of wild justice, which the more man’s nature runs to, the more ought law to weed it out.”
5. *Ibid.*, 14.
6. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, rev. ed. (Harmondsworth: Penguin, 1994), 277.
7. *Ibid.*, 279.
8. Eric A. Posner, “Political Trials in Domestic and International Law,” *Duke Law Journal* 55 (2005): 137.
9. Arendt, *Eichmann*, 6.
10. Suzanne Duvall Jacobitti, “The Public, the Private, the Moral: Hannah Arendt and Political Morality,” *International Political Science Review* 12, no. 2 (1991): 287.

11. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 241. Whether this is a fair characterization of revenge will be considered in the next section.
12. Arendt, quoted in Amos Elon, "The Excommunication of Hannah Arendt," *World Policy Journal* 23, no.4 (2006): 94.
13. Arendt, *Eichmann*, 253.
14. On the reception of the book in general, see Elon, "Excommunication," 93–102.
15. Arendt, *Eichmann*, 274.
16. *Ibid.*, 260, 249.
17. *Ibid.*, 250.
18. *Ibid.*, 251.
19. *Ibid.*, 265.
20. *Ibid.*, 266.
21. Arendt, *Human Condition*, 241.
22. It should be admitted that I have taken the quote from *Titus Andronicus*, with which this chapter begins, somewhat out of context. It is spoken by the villain of the play, Aaron, who revels in its bloody climax despite the imminence of his own execution. The moral of the tragedy, of course, is that vengeance unleashed wreaks horrible destruction. I will discuss this point later.
23. Gerry Wallace, "Wild Justice," *Philosophy* 70, no. 273 (1995): 368.
24. *Ibid.*, 365.
25. Reprisal therefore refers to acts that would normally be considered unlawful but that are designed to compel an enemy that had earlier committed an unlawful act to resume its observance of its legal obligations. In customary law, a reprisal must adhere to the principles of last resort and proportionality, be limited in scope, and be executed only after due notice has been given. The Geneva Conventions forbid reprisals against protected persons (civilians or wounded, sick, or captured belligerents), buildings and equipment, even if the other party has committed an unlawful act, prohibitions extended by the first Additional Protocol of 1977. The silence of the second Protocol on the subject, however, could be interpreted as giving continued tacit approval to reprisals against legitimate military targets. See Françoise J. Hampson, "Belligerent Reprisals and the 1977 Protocols to the Geneva Conventions of 1949," *International and Comparative Law Quarterly* 37, no. 4 (1988): 818–43.
26. It should be observed that Arendt thought revenge itself to be reactive—or, at least, implied this in *The Human Condition*. Revenge, she wrote, "acts in the form of re-acting against an original trespassing" and "is the natural, automatic reaction to transgression" (240, 241). This view is argued against in what follows.
27. Wallace, "Wild Justice," 367.
28. John Rawls, "Two Concepts of Rules," *The Philosophical Review* 64 (1955): 4–5. Rawls opposed the retributivist view to the utilitarian, which holds that

- punishment is justifiable only if it “can be shown to promote effectively the interest of society” (5).
29. Quoted in Nigel Walker, “Nozick’s Revenge,” *Philosophy* 70 (1995): 581.
 30. Wallace, “Wild Justice,” 367.
 31. Ibid. There is an echo here of Arendt, *Eichmann*, 6.
 32. Walker, “Nozick’s Revenge,” 581.
 33. Ibid.
 34. Quoted in Charles K. B. Barton, *Getting Even: Revenge as a Form of Justice* (Chicago: Open Court Publishing, 2000), 2.
 35. Aeschylus, “The Eumenides,” in *The Oresteia*, trans. Robert Fagles (London: Penguin, 1979), paragraphs 989–1000, 274.
 36. *Gladiator* (Universal Pictures, 2000).
 37. In the final scene, after Maximus’s death, Lucilla declares: “Is Rome worth one good man’s life? We believed it once. Make us believe it again. He was a soldier of Rome. Honor him.”
 38. Trudy Govier, *A Delicate Balance: What Philosophy Can Tell Us About Terrorism* (New York: Basic Books, 2004), 48.
 39. Arendt, *Human Condition*, 241.
 40. Bacon, “Of Revenge,” 13.
 41. Roy F. Baumeister, Julie Juola Exline, and Kristin L. Sommer, “The Victim Role, Grudge Theory, and Two Dimensions of Forgiveness,” in *Dimensions of Forgiveness: Psychological Research and Theological Perspectives*, ed. Everett L. Worthington, Jr. (Philadelphia & London: The Templeton Foundation Press, 1998), 98.
 42. Quoted in Barton, *Getting Even*, 2.
 43. Govier, *Delicate Balance*, 13.
 44. The Count argues: “If a man had murdered your father, your mother, your mistress, or any of those beings who, when they are torn from your heart, leave an eternal void and a wound that can never be staunched, and if he had subjected them to unspeakable torture and endless torment, would you consider that society had accorded you sufficient reparation just because the blade of the guillotine had travelled between the base of the murderer’s occipital and trapezius muscles, and because the person who had caused you to feel years of moral suffering had experienced a few seconds of physical pain?” Alexandre Dumas, *The Count of Monte Cristo* (London: Penguin, 2003), 384.
 45. Ibid., 385. The Count is in conversation with Baron Franz d’Epinay.
 46. Robert Solomon, *A Passion for Justice: Emotions and the Origins of the Social Contract* (Lanham, MD: Rowman & Littlefield, 1995), 35.
 47. Adam Smith, *The Theory of Moral Sentiments* (Indianapolis: Liberty Fund, 1976), 34.
 48. Ibid., 34–35.
 49. Quoted in Jeffrie Murphy, *Getting Even: Forgiveness and its Limits* (New York: Oxford University Press, 2005), 20.

50. Solomon, *Passion for Justice*, 41.
51. Smith, *Theory of Moral Sentiments*, 35.
52. *Ibid.*, 24.
53. *Ibid.*, 69.
54. Smith argued: “The furious behavior of an angry man is more likely to exasperate us against himself than against his enemies” (*Ibid.*, 11).
55. Solomon, *Passion for Justice*, 275.
56. Smith, *Theory of Moral Sentiments*, 82.
57. Murphy, *Getting Even*, 25.
58. Smith, *of Moral Sentiments*, 37.
59. *Ibid.*, 38. See also Smith’s observation that “revenge . . . the excess of resentment, appears to be the most detestable of all the passions, and is the object of horror and indignation of every body. And as in the way in which this passion commonly discovers itself among mankind, it is excessive a hundred times for once it is moderate. . . . Nature, however, even in the present depraved state of mankind, does not seem to have dealt so unkindly with us as to have endowed us with any principle which is wholly and in every respect evil, or which, in no degree and in no direction, can be the proper object of praise and approbation” (77).
60. *Ibid.*, 86.
61. *Ibid.*, 88.
62. The expression “general deterrent” is used deliberately in this context and is drawn from notion of “general deterrence” that exists in International Relations and especially in nuclear strategy. See Lawrence Freedman, *Deterrence* (Cambridge: Polity, 2004), 40–42.
63. The relationship between vengeance and punishment, which obviously can also serve as a deterrent, lies outside the scope of this paper.
64. Richard A. Posner, “Retribution and Related Concepts of Punishment,” *Journal of Legal Studies* 9, no.1 (1981): 82.
65. Solomon, *Passion for Justice*, 285.
66. Christopher Boehm, *Blood Revenge: The Enactment and Management of Conflict in Montenegro and other Tribal Societies* (University Park, PA: University of Pennsylvania Press, 1987), 173.
67. Boehm, *Blood Revenge*, 54.
68. Hans Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 6th ed. (New York: McGraw Hill, 1993), 255.
69. *Ibid.*, 256.
70. St. Augustine, *City of God*, trans. Henry Bettenson (Harmondsworth: Penguin, 1972), IV:15, 154.
71. It was, of course, Carl von Clausewitz who argued that war was—or rather should be seen as—an instrument of policy. See his *On War*, ed. Anatol Rapaport (Harmondsworth: Penguin, 1982), 410.
72. See Susan Niditch, *War in the Hebrew Bible: A Study in the Ethics of Violence* (New York: Oxford University Press, 1995).

73. The victories of the Northumbrian kings Edwin and Oswald were testaments to their faith and a demonstration of the wickedness of enemies more powerful in arms. See Bede, *The Ecclesiastical History of the English People*, ed. Judith McClure and Roger Collins (Oxford: Oxford University Press, 1994), II:12–14 (on Edwin), III:1–2 (on Oswald).
74. Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* 3rd ed. (Basingstoke, UK: Palgrave, 2002), 181.
75. For one recent view of these debates, see Alex Bellamy, *Just Wars: From Cicero to Iraq* (Cambridge: Polity, 2006).
76. The notion that war should be treated as an “institution” of international society is characteristic of English school writing in the field. Hedley Bull identified five institutions: the balance of power, international law, diplomacy, war, and the concept of “great powers.” See his *Anarchical Society*, chapters 5–9.
77. This was the essence of Rousseau’s complaint about Hobbes’ characterization of war. See his “The State of War,” in *The Social Contract and Other Late Political Writings* (Cambridge: Cambridge University Press, 1997), especially 162–67.
78. Spielberg’s film *Munich* (2005) is based (loosely) upon a controversial book by George Jonas, *Vengeance* (London: Harper Perennial, 2006).
79. Smith, *Theory of Moral Sentiments*, 38.
80. Simon Reeve, *One Day in September: The Full Story of the 1972 Munich Olympics Massacre and the Israeli Revenge Operation ‘Wrath of God’* (London: Faber & Faber, 2005), 182.
81. Quoted in Reeve, *Ibid.*, 180.
82. Quoted in Reeve, *Ibid.*, 181.
83. Reeve, *Ibid.*, 183–86.
84. *Ibid.*, 187.
85. Golda Meir, *My Life* (London: Weidenfeld & Nicolson, 1975), 335.
86. Jonas, *Vengeance*, 69.
87. On the debate over Israel’s response to the Munich killings, and especially over the reliability of George Jonas’s book, see Michael Rubner’s book review in *Middle East Policy* 13:2 (2006), 176–84.
88. Quoted in Aaron Klein, *Striking Back: The 1972 Munich Olympics Massacre and Israel’s deadly response* (Melbourne: Scribe, 2006), 106.
89. Meir, *My Life*, 342.
90. Journalists have given this operation the dramatic code name “Wrath of God.” Reeve, for his part, reports that it was called “Operation Grapes of Wrath.”
91. Klein, *Striking Back*, 107.
92. *Ibid.*
93. Reeve, *One Day in September*, 190.
94. “Avner,” “Foreword to the 2005 Edition,” in Jonas, *Vengeance*, xiii.
95. According to Reeve, the Central Intelligence Agency (CIA) made at least two attempts to recruit Ali Hassan Salameh, the “glamorous” and charismatic “Red Prince,” a possible successor to Yasser Arafat—one before Munich and one after (p. 222).

96. The International Criminal Court, created by the Rome Statute of 1998, can try only crimes against humanity, genocide, war crimes, and, technically, the crime of aggression.
97. Meir, *My Life*, 335.
98. Hannah Arendt, *The Origins of Totalitarianism*, new ed. (New York: Harcourt, 1994), 459.
99. *Ibid.*
100. Thomas C. Schelling, *Arms and Influence* (New Haven: Yale University Press, 1966), 7.
101. *Ibid.*, 9.
102. *Ibid.*, 7.
103. Fred Charles Iklé, "Nuclear Strategy: Can there be a Happy Ending?" *Foreign Affairs* 63, no. 3 (1985): 813.
104. *Ibid.*, 820.
105. Quoted in David Fisher, *Morality and the Bomb: An Ethical Assessment of Nuclear Deterrence* (London: Croon Helm, 1985), 112.
106. *Ibid.*, 111.
107. John Finnis, Joseph M. Boyle, and Germain Grisez, *Nuclear Deterrence, Morality and Realism* (Oxford: Clarendon, 1987), 299.
108. Herman Kahn, *Thinking about the Unthinkable* (New York: Horizon, 1962).
109. Robert W. Tucker, "Morality and Deterrence," *Ethics* 95 (1985): 464. See also Finnis, Boyle, and Grisez, *Nuclear Deterrence*, 300.
110. Tucker, "Morality and Deterrence," 469.
111. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (London: Allen Lane, 1977), 283.
112. *Ibid.*, 296–97.
113. *Ibid.*, 297.
114. *Ibid.*, 298.
115. John Stuart Mill, *A Few Words on Non-Intervention* (London: Libertarian Alliance, n.d.), 6, <http://www.libertarian.co.uk/lapubs/forep/forep008.pdf> (accessed 28 August 2007)
116. Martin Wight, "Western Values in International Relations," in *Diplomatic Investigations: Essays in the Theory of International Politics*, ed. Herbert Butterfield and Martin Wight (London: Allen & Unwin, 1966), 129.
117. *Ibid.*, 130.
118. Arendt, *Eichmann*, 277.
119. Lawrence Douglas, "The Saddam Hussein Hanging: A Spectacle of Vengeance," *The Jurist Forum*, <http://jurist.law.pitt.edu/forumy/2007/01/saddam-hussein-hanging-spectacle-of.php> (accessed 28 August 2007).
120. The views of the families and the wider context of Middle East violence are discussed in Reeve, *One Day in September*, 281–99.
121. Smith, *Theory of Moral Sentiments*, 38.

CHAPTER 7

To Forgive the Unforgivable?

Evil and the Ethics of Forgiveness in International Relations

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Forgiving is difficult. The very idea of it can be offensive after horrible events like the Holocaust, the genocide in Rwanda, or the genocidal violence in Tibet. Even to people outside the victim group, the idea that survivors should forgive following genocide is an affront, an anathema. It is inconceivable to them and incomprehensible how victims or anyone else would or should forgive the perpetrators. . . . Nonetheless, forgiving is necessary and desirable. It paves the way for reconciliation and furthers healing, thereby making a better future possible.

—Ervin Staub and Laurie Anne Pearlman¹

September 20, 2005, marked the death of Simon Wiesenthal (b.1908). An internationally renowned Holocaust survivor, the so-called “Nazi hunter” is most famous for founding the Jewish Historical Documentation Center through the auspices of which he brought more than eleven hundred Nazi war criminals, the most famous of which was Adolph Eichmann, to trial for their actions during the Holocaust. As world leaders and Holocaust survivors gathered in Israel for Wiesenthal’s memorial service, all heralding his great achievements and regaling the numerous honors bestowed upon him during his lifetime,² a survivor of Joseph Mengele’s notorious “twin studies” released a surprising statement. In it, Eva Mozes Kor called for an end to the sort of vengeance that was, in her view, disguised as justice in the pursuance and prosecution of war criminals, and called for victims of the Holocaust to forgive their tormentors. This was despite the fact that Wiesenthal made it clear on several occasions that he was not “motivated by a sense of revenge” but by a desire to see justice served.³ Kor was ten years old when she and her sister Miriam first came into contact

with the “Angel of Death” in the Auschwitz concentration camp. Of the approximately three thousand twins selected for Mengele’s students, Kor and her sister were among only two hundred to survive the horrific experiments he conducted upon them. Despite the brutality with which she was treated and the death of her sister in 1993 from an illness brought about by Mengele’s experiments, Kor wrote in an open letter to the torturer she believed to be alive and living in the United States: “I would like to talk to you about what happened at Auschwitz. Most of all, I want to tell you that I forgive you for what you have done.”⁴

What made Kor’s statement particularly significant was not just the understandable controversy it sparked amongst Holocaust survivors, their descendents, and members of the community at large, many of whom argued that it would be simply immoral to forgive the “unforgivable” acts of the Nazis. Rather, Kor’s statement also went straight to the heart of a problem that Wiesenthal himself had publicly struggled with, a problem that formed the basis of his famous work *The Sunflower: On the Possibility and Limits of Forgiveness*.⁵ Indeed, by responding to Wiesenthal’s death by calling on fellow survivors to offer their captors forgiveness, Kor brought the question of forgiveness and its appropriateness as a response to serious humanitarian atrocities, such as the Holocaust, to the fore once more.

In the immediate aftermath of large-scale evils, forgiveness is rarely afforded serious consideration in international politics. While calls for justice, punishment, and even vengeance abound, forgiveness is ordinarily dismissed as a weak, inappropriate, subservient, and unreasonable response to wrongs committed in the past. Most commonly conceived as an activity confined to the interpersonal realm, forgiveness has often been seen as “synonymous with personal piety” and thus of little relevance to the realms of politics, both domestic and international.⁶ Although few address the subject in explicit terms, it is also generally assumed that forgiveness lies outside the bounds of “reality” in international relations. So-called realist theorists of international relations, it is sometimes said, “scoff at the idea of fractious peoples’ reaching beyond their group interests and horizons” to embrace the essential “transcendent quality of social forgiveness.”⁷ Realists, it is thus commonly thought, argue that states prefer to “negotiate these interests rationally,” thereby precluding the very possibility of the assumed irrational and emotional practice of forgiveness.⁸ What is more, because of its distinctly religious foundations, forgiveness is also considered unacceptable in much of the supposedly secular world of international politics. Indeed, as Hannah Arendt noted in *The Human Condition*, despite its transformative power in human society, the value of forgiveness is often underestimated precisely because of its religious

underpinnings.⁹ “The discoverer of the role of forgiveness in the realm of human affairs,” she wrote, “was Jesus of Nazareth” thereby firmly associating forgiveness with Christianity.¹⁰ Of course, in making this claim, Arendt overlooked the fact that forgiveness is not a concept exclusive to Christian thought but also appears in different forms in both the Jewish and Islamic traditions. As Rodney L. Petersen writes of Arendt’s claim, “Whether this is *quite* true, or true in only a particular way given the attention all religions pay to forgiveness at some level, does not detract from the insight it raises.”¹¹

Contrary to these assumptions and arguments however, forgiveness does, and indeed ought to have, a place in international politics. As Donald W. Shriver argues, despite its origins in the interpersonal realm, a “new home” has begun to emerge for forgiveness in the “sociopolitical realm.”¹² Thus, while forgiveness remains a “highly personal” practice, “it is also deeply social,”¹³ with “families, groups, societies, states, and the international community” finding themselves in need of its transformative power.¹⁴ As Eva Mozes Kor’s decision to forgive a personal wrong committed in the context of a far broader set of atrocities illustrates, forgiveness at the international level faces the challenging task of negotiating a pathway between individual, societal, and, indeed, international forms of the practice. Similarly, claims that calls for forgiveness are simply unrealistic in the self-interested world of international politics also prove to be unfounded in some circumstances. Forgiveness, as we will see in this chapter, is very often driven by political necessity and can be conceived as an expedient practice within politics, rather than one that stands outside the political realm. Finally, for Arendt, the fact that forgiveness was discovered “in a religious context and articulated . . . in religious language is no reason to take it any less seriously in a strictly secular sense.”¹⁵ As such, this chapter focuses on the secular application of forgiveness but without discarding its theological foundations.

With these issues in mind, this chapter argues that, although it is a practice mired in controversy, forgiveness may constitute an appropriate response to evil in three specific types of cases; when complemented by an official justice process, such as punishment, or judicial pardon, forgiveness may provide an effective way for the individual victims of wrongs to complete the healing process; second, when no avenue of justice is available—that is, when there is no possibility of seeking punishment, reconciliation, or even revenge—forgiveness may be the best way to allow victims of serious wrongs to achieve some sort of closure to their experience; and finally, in the realm of politics, both domestic and international, forgiveness may be a necessity, the most expedient means of reestablishing

a harmonious, functioning political community and preventing further harms brought about by ongoing hostility and antagonism.

The Sunflower

Between 1941 and 1945 Wiesenthal was imprisoned by the Nazis, first in the concentration camp of Janowoska, and later in Buchenwald and Mauthausen. In the first part of *The Sunflower*, Wiesenthal famously recounted a particular experience he had during his time in the concentration camps that became the centerpiece of his machinations on the question of forgiveness. The story he told was of a Nazi officer who, on his deathbed, sought a Jew to whom he could confess his involvement in an horrendous atrocity earlier in the war. Wiesenthal was the nameless Jew brought to the man's bedside to hear his confession and offer his forgiveness. As Wiesenthal recounts, along with his associates, the SS man had been responsible for forcing more than two hundred Jews, mainly old men, women and children, into a house before setting it alight with petrol and hand grenades.¹⁶ As the dying man told: "In the long nights while I have been waiting for death, time and time again I have longed to talk about it to a Jew and beg forgiveness from him."¹⁷ Wiesenthal left the dying man's room without uttering a word, without offering the forgiveness the SS man so desperately sought.

Wiesenthal's decision not to forgive the dying man was one that continued to trouble him more than thirty years after the event. Thus, in 1976 he published *The Sunflower*, in which he not only retold the story of the dying SS man, but asked a number of writers, theologians, and fellow survivors what they would have done in the same situation. In his position, would they have granted the dying Nazi officer forgiveness? Although the responses included were extremely varied, in the theological climate of the time, the different answers to Wiesenthal's question provided by Christian and Jewish writers was seen as the most significant aspect of the work. Further discussion of Wiesenthal's dilemma therefore focused on the fact that most Jewish respondents supported Wiesenthal's decision, while most Christians did not.¹⁸

In 1998 a new edition of *The Sunflower* was published and included, along with ten of the original responses, forty-three new reflections. Amongst those who contributed to the work were writers, scholars, Holocaust survivors, and public figures as eminent as Jean Améry, Robert McAfee Brown, Edward Flannery, Eva Fleischner, Abraham Heschel, Lawrence L. Langer, Primo Levi, Herbert Marcuse, Joshua Rubenstein, Tzvetan Todorov, Desmond Tutu, and the Dalai Lama. As with the first edition of the work,

their responses varied greatly in both sentiment and in their assessment of the scenario they were asked to consider, although, with a wider variety of contributors, they were not quite as clearly divided along religious lines. However, before considering their arguments for and against forgiveness, it is necessary to first investigate in some detail what forgiveness actually entails.

Forgiveness

Despite the fact that most of us have some sort of general sense of what it means to forgive someone, little consensus exists as to what forgiveness actually entails. Indeed, as McCullough, Pargament, and Thoresen's psychological study of forgiveness suggests, this very lack of consensus has served to hamper serious research into the practice.¹⁹ Reflecting the variety of understandings of forgiveness on offer, the *Oxford English Dictionary* provides several definitions of the term ranging from "to give up, cease to harbour (resentment, wrath)," or to "give up one's resolve (to do something)."²⁰ Despite the multitude of different ways in which it is commonly conceived, however, both theoretical and practical treatments of forgiveness are marked by three recurring themes: the opposition of forgiveness and revenge, the conceptualization of forgiveness as the overcoming of resentment, and the notion that forgiveness entails the final step in the process of reconciliation by which a right relationship is reestablished between the victims and perpetrators of wrongs.

In the first sense in which it is commonly understood, forgiveness is conceived as a counterpoint to revenge. In this vein, M. E. McCullough defines forgiveness as "a presocial change in the motivations to avoid or to seek revenge against a transgressor,"²¹ while Bole, Christiansen, and Hennemeyer conceive it as forbearance, "tolerance and restraint in the face of provocation," from revenge.²² In South African Archbishop Desmond Tutu's view, it can thus be understood as "waiving one's right to revenge," "abandoning your right to pay back the perpetrator in his own coin" although, as we will see shortly, many find fault in this succinct definition.²³ In a similar manner however, Hannah Arendt also understood forgiveness as "the exact opposite of vengeance."²⁴ Although both are responses to an original injury or wrong, where vengeance can commit both victims and perpetrators of wrongs to ongoing processes of retaliation, forgiveness "attempts to put an end to something that without interference could go on endlessly."²⁵ Thus, for Arendt, whose work will be discussed in more detail later in the chapter, forgiveness provides the possibility of "redemption from the predicament of irreversibility—of being unable to undo what one has done."²⁶

The juxtaposition of forgiveness and revenge evident in Arendt's work has indeed become commonplace in much of the academic literature on both subjects.²⁷

The second theme recurrent in the conceptualization of forgiveness is most forcefully represented in contemporary literature by Govier's definition of forgiveness as "a process of overcoming attitudes of resentment and anger that may persist when one has been injured by wrongdoing."²⁸ As we will see shortly, "overcoming resentment" stands at the center of many writers' understandings of what it means to forgive. Following from this, but focusing more directly on the third theme, forgiveness is also conceived as part of the reestablishment of a right relationship between the victim of a wrong and the perpetrator of that wrong. It is, in short, part of a wider process of reconciliation, Robert C. Roberts going so far as to suggest that "the teleology of forgiveness is reconciliation."²⁹ Thus, for writers such as Frank Retief who focus on the relational aspect of resentment, forgiveness is part of a process that allows individuals to redress the undesirable relationship that is formed between them and someone who has wronged them, a relationship often marked by anger and resentment.³⁰ Importantly however, "although forgiveness can often lead to *reconciliation* between the offender and his victim, it need not necessarily do so." As Solomon Schimmel writes, "the victim," for example, though "willing to forgive in the sense of forgoing the right to punish the offender or to have others punish him, and in the sense of dissipating his hatred or anger toward the offender, might not want to re-establish any intimate or even close relationship with him."³¹ At the same time, as Philpott's chapter and Rodney Petersen make clear, forgiveness is not the only component of reconciliation but stands alongside a number of others including truth and justice.³²

Combining elements of all three definitions, Robert D. Enright and The Human Development Study Group conceive forgiveness as "a willingness to abandon one's right to resentment, condemnation and subtle revenge toward an offender who acts unjustly, while fostering the undeserved qualities of compassion, generosity, and even love toward him or her."³³ What Enright and Schimmel seem to have in common here is the idea that foregoing punishment is a key component of forgiveness. However, as we will see later in this chapter, by combining forgiveness with justice, either in the form of punishment or judicial pardon, it is possible to condemn the wrong a perpetrator commits *and* forgive them at the same time. Despite their differences however, central to all three notions of forgiveness is the concept of resentment.

Resentment

As Trudy Govier explains, resentment is what we feel when we have been wronged. It is a “partial emotion” that is directed at either the person who has wronged us, the action they undertook that resulted in our harm, or both.³⁴ Govier’s understanding of resentment accords well with Jean Hampton’s older, though more nuanced understanding of it:

Resentment is an emotion which reflects [the victim’s] judgement that the harmful treatment they experienced should not have been intentionally inflicted on them by their assailants insofar as it is *not* appropriate given their value and rank. Hence it presupposes that they have experienced treatment they take to be demeaning and therefore wrong. But not all demeaning treatments are resented; one resents only *culpable wrongdoings*—demeaning actions for which their agents can be not only held responsible but also *blamed*.³⁵

As such, resentment is intimately connected to notions of moral agency and, following from that, responsibility. Although, as we will see shortly, forgiveness cannot be *simply* defined as the overcoming of this sense of resentment in Hampton’s view, for Govier “forgiveness *requires* the overcoming of resentment.”³⁶

The connection forged between forgiveness and resentment in the works of Govier, Murphy and Hampton, and others is one that is most commonly attributed to the eighteenth-century Bishop Joseph Butler. As Jeffrie Murphy writes, “Forgiveness, Bishop Butler teaches, is the fore-swearing of resentment—the resolute overcoming of anger and hatred that are naturally directed toward a person who has done an unjustified and non-excused moral injury.”³⁷ However, as Paul Newberry makes clear in his 1726 *Fifteen Sermons Preached at the Rolls Chapel*, Butler made an important distinction between “hasty and sudden” resentment that is “generally (and naturally) the result of sudden hurt or violence,” and “settled and deliberate” resentment that “is properly (and again naturally) directed toward those who have been ‘in a moral sense injurious either to ourselves or others.’”³⁸ This second type of resentment is what Jean Hampton describes as being “an idea-ridden response,” a response that “is more than an instinctive rage following an attack.”³⁹ Both forms of resentment, we must be careful to note, are natural and proper responses to injury. Indeed, there is certainly a sense in which resentment is rightly conceived in this manner as fulfilling a sort of protective role in the face of harm. As Newberry notes, and Murphy fails to acknowledge, in his sermon on forgiveness, Butler referred only to the second type of resentment he identified, “settled and deliberate resentment.”⁴⁰ By doing so, Butler was able to argue

that forgiveness is not justified in all circumstances but that “emotions of resentment and indignation are both . . . proper emotional responses to wrongdoing” when enacted to protect the individual from possible further harm.⁴¹ This conceptualization of forgiveness has important implications for the criticisms leveled at it by writers such as Jeffrie Murphy who, as Ian Hall discusses in his chapter, base their arguments against the practice on the idea that resentment can be a positive and useful emotion.

However, as many writers note, forgiveness is not just about feelings and emotions. For R. S. Downie, forgiveness is not just an emotional response or verbal utterance but entails a “performative act.” It is thus “not satisfactory to say that the mere uttering of the words ‘I forgive you’ constitutes forgiveness. The uttering of these words or their equivalent, is certainly not sufficient to constitute forgiveness. Unless the words are accompanied by the appropriate behavior we shall see that A has not really forgiven B.”⁴²

Forgiveness is therefore more than simply uttering the words “I forgive you”; it requires the forgiver to actually *do* something. By most accounts, in order to forgive, the forgiver must overcome the feelings of resentment they once held. However, continuing in this vein, Hampton quite rightly notes that this entails more than a simply psychological change of heart. For example, she writes that if “a victim overcame resentment towards his wrongdoer for moral reasons (e.g. because he believed that festering resentment affected his ability to respond lovingly to other human beings), yet sustained the belief (held soberly, and not in anger) that his wrongdoer was a terrible person and one with whom he should not associate, we would not say that he had forgiven his wrongdoer, only that he was no longer angry at her.”⁴³ That is, in order to have properly forgiven the wrongdoer, the victim’s change of heart must be manifested in a change in behavior toward the wrongdoer. Although they are conceived as separate activities that contribute to the practice of forgiveness in Hampton’s work, Schimmel views these practices as two distinct types of forgiveness: “internal forgiveness,” which refers “to a victim’s feelings and attitudes toward the perpetrator” and “interpersonal forgiveness,” which “refers to something the victim does or says to the perpetrator, directly or indirectly.”⁴⁴ It may, therefore, be useful to say that each of Schimmel’s types amount to forms of partial forgiveness, while Hampton identifies a more complete practice.

Who Forgives?

The question of who has the right to forgive raises an important set of subsidiary questions about whether forgiveness is the exclusive domain of individuals or whether groups can forgive, whether forgiveness can take place on a unilateral basis without the repentance of the wrongdoer, or whether it is possible to forgive on behalf of others. These questions, as we will see, are particularly pertinent to the practice of forgiveness in international politics.

Common (Bilateral) Forgiveness

The most common form of forgiveness is what might be termed “bilateral forgiveness.” Bilateral forgiveness, as Trudy Govier explains, is “grounded on the wrongdoer’s acknowledgement of wrongdoing.” It is bilateral in the sense that the “offender and the victim agree that what was done was wrong” and proceed from that starting point, the offender offering an apology and promise of repentance and the victim offering forgiveness.⁴⁵ Importantly, bilateral forgiveness can be distinguished from mutual forgiveness, forgiveness that starts from an acknowledgement that wrongs have been perpetrated by both parties. As Govier writes, notions of mutual forgiveness are important because they “transcend what is often a simplistic dichotomy between the victim and the offender.”⁴⁶ This is particularly cogent to discussions of forgiveness in international relations where, as we well know, conflicts are sometimes marked by such moral complexity that no one party can be considered wholly innocent.

Common bilateral and mutual forms of forgiveness generally require not only the overcoming of resentment but the restoration of a relationship between the two people involved. This understanding of forgiveness clearly presupposes the acknowledgement of wrongdoing on the part of the perpetrator(s). However, as we well know, not all perpetrators of harms, from minor insults to crimes against humanity, are willing to admit that their actions were wrong. By extension, very few, if any, of these individuals will make an explicit commitment to repent of their deeds—these deeds may, by the passing of time, cease to occur, but that is something entirely different to actively repenting of them. Indeed, Eva Kor certainly did not receive an acknowledgement of wrongdoing from Joseph Mengele. However, as we have seen, she offered her tormentor forgiveness anyway. This then raises the important question of whether or not unilateral forgiveness is possible; that is, whether forgiveness is possible in those circumstances in

which the perpetrator of a wrong will not or cannot (perhaps because they are no longer living) acknowledge their deeds and seek repentance.

Unilateral Forgiveness

For Margaret Holmgren, unilateral forgiveness is an entirely appropriate activity to be undertaken by those who have been harmed in some way. In particular, she writes that “the appropriateness of forgiveness has nothing to do with the actions, attitudes, or position of the wrongdoer.” Rather, forgiveness depends, in her view, “on the internal preparation of the person who forgives.”⁴⁷ Thus unilateral forgiveness, understood as the process by which a wronged individual overcomes resentment, is both ethically and psychologically based. As Holmgren writes, “Forgiveness is always appropriate as the culmination of the victim’s process of healing in response to a wrong that has been done, regardless of whether the wrongdoer repents or not.”⁴⁸ This process is described as “unilateral” because “it focuses strictly on the beliefs, feelings, attitudes and decisions of the victim.”⁴⁹ Thus, although the perpetrator of a wrong may play a role in the healing process, “it does not *depend* on any particular response on the part of the wrongdoer.”⁵⁰ Thus the wrongdoer might express remorse, seek repentance, defiantly refuse to acknowledge their wrongdoing, or respond with complete indifference; whichever of these responses they choose, the healing and forgiving process remains the domain of the victim.

However, for many, the idea of unilateral forgiveness is extremely controversial. For many people, scholars and ordinary citizens alike, forgiveness requires repentance. Many theologians of both Christian and Jewish persuasions also maintain that forgiveness, at least in the true sense of the word, cannot proceed without an admission of guilt. Indeed, as one of the victims of the South African Truth and Reconciliation Commission argued, “you cannot make peace with somebody who does not come to you and tell you what he has done.”⁵¹ However, contrary to this view, Desmond Tutu has argued that although “a confession is a very great help to the one who wants to forgive . . . it is not absolutely indispensable.”⁵² The reason for this, he continues, is that “if the victim could only forgive when the culprit confessed, then the victim would be locked into the culprit’s whim, locked into victimhood, whatever her own attitude or intention.” That, he says, “would be palpably unjust.”⁵³ Indeed, if forgiveness is viewed as either the counterpoint to revenge or, alternatively, in its more common form as the overcoming of resentment, it would seem somewhat absurd to place the perpetrator in such a commanding role in the process. It thus

seems that although bilateral or mutual forgiveness is a preferable, perhaps more productive form of forgiveness, respect for the victim of a wrong as a person dictates that we must permit unilateral forgiveness as the means according to which they can overcome resentment and reestablish a positive sense of self-worth.

Although discussions of individual forgiveness are pertinent to international relations, however, the question of who forgives is made much more complicated in the international sphere by the overlapping spheres of agency at play. Indeed, in the international system individuals act both as individuals and as members of groups, and groups take on the mantle of agents in and of themselves. This is not to say that group agency is not a reality in “domestic” society but is merely to suggest that owing to the complexities of human interactions on the international level, it is more pronounced there than anywhere else.

Group Forgiveness?

The question of whether or not groups can forgive centers around the more fundamental question of whether or not groups can have moral agency. As Toni Erskine explains, this is a somewhat contentious issue as the human individual is commonly viewed as being the paradigmatic moral agent. However, this is not to suggest that all individuals are moral agents, for, as she explains, “to say that an individual human being is a moral agent is to say that this individual has the capacity to both understand and respond to ethical reasoning. It is also to say that he or she can incur moral responsibilities.”⁵⁴ For “moral individualists,” the collective form of moral agency presupposed by notions of group, institutional, or state agency is simply impossible. Individualists argue that individual human beings “and not states or corporations [or other groups], are the basic units of ethical reasoning.”⁵⁵ As Nina Jørgensen writes, the old “adage that ‘guns don’t kill people, people kill people’ raises the same issue.” It would, she rightly argues, be “ridiculous to prosecute a tangible object such as a gun for manslaughter.”⁵⁶ For moral, or as she describes them, “methodological individualists,” the same applies to the group; though a tangible entity, it simply makes no sense to hold the group responsible for its actions.

Despite these individualist sentiments, however, in both legal and philosophical thought group agency is considered a possibility. Thus corporate law recognizes two forms of corporate liability, the first based on notions of identification, and the second on imputation.⁵⁷ Although she acknowledges that the application of principles of corporate liability to international affairs is problematic Jørgensen does not rule out the

possibility that such forms of responsibility can be appropriately identified in the international realm. Putting legal arguments aside but still focusing on corporate responsibility, Erskine seeks to devise a model of “institutional moral agency” in which “*the group itself is the agent.*”⁵⁸ Relying on Peter French’s *Collective and Corporate Responsibility*, Erskine argues that what French calls “conglomerate collectivities” can be considered moral agents on account of the fact that they are able to deliberate over moral decisions and are capable of unified purposive action.

By extension, there is therefore no reason to suggest that groups that possess moral agency are not capable of forgiveness. In particular, if we return briefly to the three understandings of forgiveness outlined earlier, it becomes clear that a group that possesses the ability to deliberate over moral decisions and to affect purposive action constitutive of moral agency must be capable of avoiding vengeance, overcoming resentment, and reestablishing a right relationship with a wrongdoer.⁵⁹ Indeed, Berel Lang argues that corporate forgiveness is a possibility,⁶⁰ while the central premise of Mark Amstutz’s work *The Healing of Nations: The Promise and Limits of Political Forgiveness* is the idea that forgiveness can help to heal entire nations.⁶¹ In his work, *An Ethic for Enemies*, Donald Shriver seeks to cultivate a specifically collective form of forgiveness, the form of forgiveness that is most readily applicable in the political context. He writes that “forgiveness in a political context . . . is an act that joins moral truth, forbearance, empathy, and commitment to repair a fractured human relation.” Considered together, these elements call for “a collective turning from the past.”⁶² For Shriver, one of the major shortcomings of most contemporary Western approaches to ethics is that they rely too heavily on individualized notions of guilt, responsibility, and, indeed, forgiveness.⁶³ As Shriver and others have argued, “for forgiveness to become truly social, it must get over ‘the hump of the individual’” that currently constrains it.⁶⁴ Indeed, as Ainley argues in her chapter of this book, the individualization of responsibility is a relatively recent phenomenon that fails to take into adequate consideration many collective aspects of international life.

Despite coming to the, admittedly contentious, conclusion that groups are capable of forgiveness, notions of collective or corporate responsibility raise the further question of whether or not it is possible to forgive on behalf of others.

Forgiveness on Behalf of Others

As previously mentioned, for many of the respondents to Wiesenthal’s dilemma, forgiveness is the exclusive prerogative of the victim of a wrongful

act. As Solomon Schimmel explains, “Most of the Jews felt that only the victim of a crime has the right to forgive the perpetrator and that in the absence of repentance as defined in the Jewish tradition, which includes remorse, confession, apology, and reparation, there is no *obligation* to forgive.”⁶⁵ If we consider, in purely secular terms, the definitions of forgiveness discussed earlier, it would indeed seem to be the case that only the victim of a wrongful act can forgive its perpetrator. Whichever way we look at forgiveness—as a turning away from vengeance, as the overcoming of resentment, or as part of the reestablishment of a right relationship—it makes little sense to suggest that anyone other than the victim can offer forgiveness. An individual cannot alter an emotional response or reestablish a productive relationship on behalf of someone else. In this vein, Erich Loewy wrote in his contribution to *The Sunflower*, “Of course, Wiesenthal could not forgive the SS man: no one can forgive others something that has not been done to them directly.”⁶⁶

As previously mentioned however, on the opposing side are those who argue that respect for individual persons, including those who have perpetrated horrendous acts, requires that we offer forgiveness in response to sincere repentance. Thus, most Christian respondents to Wiesenthal’s dilemma “felt that a third party could forgive a sinner, especially if he has confessed and expressed remorse for his deeds, even if he hasn’t made reparations or apologized to his victim, and that Christian love mandates forgiveness by a victim, even where the perpetrator hasn’t repented.”⁶⁷ Similarly, others maintain that in endeavoring to avoid ongoing cycles of revenge, one can offer forgiveness on behalf of others. Indeed, the actions of some statesmen and women in recent years would seem to suggest that forgiveness is possible on behalf of others at least in rhetorical, and hence partial, terms. As Bole, Christiansen, and Hennemeyer note, “by definition, agents of corporate forgiveness act as representatives of a community” when offering or requesting forgiveness.⁶⁸ Indeed, leaders of governments and other officials are routinely expected to do things on behalf of the people they represent, including, it seems, offering repentance and seeking forgiveness.⁶⁹

For example, in 2000, the German President, Johannes Rau made the following statement asking for forgiveness: “I pay tribute to all those who were subjected to slave and forced labour under German rule, and in the name of the German people beg forgiveness.”⁷⁰ In 2005, the German Chancellor Gerhard Schroeder apologized to Russia for suffering inflicted by the Germans during World War II. In his speech, Schroeder said: “Today we ask for forgiveness for what Germans inflicted in Germany’s name on the Russian people and other peoples.”⁷¹ Similarly, in 2001,

the President of Poland, Aleksander Kwasniewski, along with a group of Polish bishops “apologized for a massacre of Jews in 1941.”⁷² Examples such as these beg the question that if meaningful (and, of course, that is the operative word here) apologies can be made on behalf of others and, more than that, forgiveness can be sought on behalf of others, then why should the granting of forgiveness be treated any differently?

A more direct example of forgiveness on behalf of others took place between Germany and Namibia in 2004. On the 100th anniversary of the Battle of Waterberg at which between 45,000 and 65,000 members of the Herero tribe were killed by German colonial forces, the German Development Minister, Heidemarie Wiczeorek-Zeul publicly acknowledged Germany’s “historical, political, moral, and ethical responsibility and guilt” for what had happened. “Blinded by colonial delusion,” she said, Germans brought “violence, discrimination, racism and destruction” to Namibia. In particular, she apologized for the German military commander Lothar von Trotha’s call to “wipe [the Herero tribe] out with rivers of blood,” a policy that today would surely be recognized as genocide. “In the name of our common Lord,” she asked the Namibian people “for [their] forgiveness.”⁷³ Although he did not offer forgiveness in explicit terms, Namibia’s Minister of Lands, Hifikepunye Pohamba “accepted the apology ‘in the name of the Namibian people.’”⁷⁴ At the same time, in a gesture of mutual reconciliation, the Herero Bishop Kameeta acknowledged wrongdoing on the part of his people: “We recall with tears the victims of our ancestors. Today we should make right what was made wrong a hundred years ago.”⁷⁵

Arguments in favor of forgiveness on behalf of others are however, in the minority, both in academic literature on the subject and in popular writings and thought. For example, Dostoyevsky’s tirade against forgiveness would seem to reflect a more common sentiment:

I do not want a mother to embrace the torturer who had her child torn to pieces by his dogs! She has no right to forgive him! If she likes, she can forgive him for herself, she can forgive the torturer for the immeasurable suffering he has inflicted upon her as a mother; but she has no right to forgive him for the suffering of her tortured child. She has no right to forgive the torturer for that, even if her child were to forgive him!⁷⁶

Thus, Dostoyevsky seems to firmly adhere to the view that no one, not even the “secondary victims” of a harmful act, can forgive that act on behalf of the victim. This poses problems for the direct descendants of people who have suffered unjustly at the hands of others. However, as Dostoyevsky

also argues, it is possible for those indirectly harmed by a wrongful act to forgive *their own suffering*. Indeed, as Donald Shriver writes, we must recognize “the ripples that flow out from initial victims to their literal kin to their political kin and then to their moral kin,” rather than pursue an exclusively and excessively individualist approach.⁷⁷ Of course, the further away from the initial wrong we move, the more irrelevant and disrespectful forgiveness offered by someone other than the victim of the wrong seems. It thus appears that if we view forgiveness as the overcoming of resentment, anyone who feels resentment caused by an act is in a position to forgive the person who perpetrated the resentment-causing act. However, *what* the forgiver is in a position to forgive as a secondary or tertiary victim is limited to their own suffering and cannot legitimately extend to the wrong perpetrated against the primary victim of the act. Again, this widens the scope of forgiveness but does not allow for forgiveness on behalf of others.

In response to these problems, we might therefore want to say that although forgiveness is generally the preserve of the individual who has been wronged, there may be certain circumstances in which it is ethically justifiable for another individual, particularly if acting in a representative capacity, to offer forgiveness on their behalf.

Forgiveness in Politics

The place of forgiveness in politics was raised by Max Weber in a lecture delivered in Munich toward the end of World War I that later became the basis for his famous essay “Politics as a Vocation.” “A nation forgives,” Weber argued, “if its interests have been damaged, but no nation forgives if its honor has been offended by a bigoted self-righteousness.”⁷⁸ With this Weber, along with most other political philosophers of the twentieth century, argued that forgiveness did not have a place in politics.⁷⁹ Contrary to Weber, and as mentioned earlier however, Hannah Arendt argued in *The Human Condition* that forgiveness is necessary for the redemption of politics. As Arendt explained, what she called the *vita activa* can be divided into three fundamental human activities; labor, work, and action. “Work,” in this scheme, is the way in which “the *animal laborans* could be redeemed from its predicament of imprisonment in the ever-recurring cycle of the life process, of being forever subject to the necessity of labor and consumption, only through the mobilization of another human capacity, the capacity for making, fabricating, and producing of *homo faber*, who as a toolmaker not only eases the pain and trouble of laboring but erects a world of durability.”⁸⁰ As Andrew

Schaap explains, “public action and speech, in turn, redeem human life from the meaninglessness generated by the instrumentality of work by “producing stories in terms of which we make sense of the world.”⁸¹ What “saves man” in each of these scenarios, Arendt argued, “is something altogether different; it comes from the outside—not, to be sure, outside of man, but outside of each of the respective activities.”⁸²

However, the “case of action and action’s predicaments” is, in Arendt’s view, “altogether different” from that of the *animal laborans* or *homo faber*. And, of course, it is within the realm of action that we find politics. Thus, while labor and work both have higher order activities that they can appeal to redeem themselves, politics does not; that is, there is no further activity that politics can appeal to make amends for the irreversible consequences of action. According to Arendt, the “remedy against the irreversibility and unpredictability of the process started by acting does not arise out of another and possibly higher faculty, but is one of the potentialities of action itself.”⁸³ Thus, politics must find redemption within itself. Arendt suggests that there are two activities that facilitate this redemption of politics, forgiving and making promises. While forgiveness brings “possible redemption from the predicament . . . of being unable to undo what one has done though one did not, and could not, have known what he was doing,” the making of promises offers redemption from the unpredictability and “chaotic uncertainty of the future.”⁸⁴ Together, these activities make possible “relationships between men” and, by extension, the activity of politics itself.⁸⁵ Arendt even goes so far as to argue that “in the absence of a mutual willingness to forgive, politics would not be possible in the first place.”⁸⁶ For she writes that “without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences for ever.”⁸⁷ In this, forgiveness might be viewed as a necessity in the realm of politics.

In international politics, the necessity of forgiveness is often posed in even starker terms. Forgiveness, it seems, is often a general prerequisite for the resumption of normal relations between states in the international system after a period of conflict. Ongoing hostility and resentment result in protracted periods of instability that can, in some circumstances, be detrimental to the parties involved or even the international system as a whole. Instances of forgiveness, implicit and explicit, borne of necessity in the aftermath of international evils, are not difficult to find. The most obvious examples involve the rehabilitation of Germany and Japan into

the international community after the Second World War. Although not expressed in explicit terms, the status of both of these states as good international citizens in contemporary politics suggests that they have both been forgiven for atrocities committed during the war. To have allowed Germany and Japan to remain rogue states, cast out from normal diplomatic relations, would have left the international system even more perilously unstable after 1945 than it already was. However, the necessity of forgiveness in international politics is played out in even more explicit terms in cases where a significant power imbalance exists between the perpetrator and victim of a wrong. For example, Poland's decision to forgive Russia for atrocities committed during the Second World War may be viewed as an act of political expediency necessitated by Poland's subordinate power status. More pertinent, however, has been the gradual thawing of relations between South Korea and Japan in recent years. Indeed, it was not until 1998 that South Korea's Kim Dae Jung forgave Japan for thirty-five years of colonial rule. However, what drove this act of forgiveness was not simply a determination to overcome the resentment felt by South Korea toward Japan, but the necessity of uniting against the "common threat of North Korea."⁸⁸ Thus, in this case, political necessity was the fundamental driving force and ultimate determinant of South Korea's decision to forgive Japan.

Forgiveness, Resentment, and Revenge

The conceptualization of forgiveness as a necessity in politics is not exclusively an Arendtian view but is shared more generally by advocates of the practice. Forgiveness, in this sense, is viewed as the essential means of escaping the cycle of revenge. Revenge, it is commonly assumed, "can generate a never-ending violent cycle, trapping both sides in a dynamic of blow and response, eventually destroying all those involved."⁸⁹ In the international sphere, an escalating cycle of revenge commits hostile actors to, at best, ongoing conflict or, at worst, in the case of nuclear war, mutual annihilation. However, as Nir Eisikovits argues, "forgiveness is not the only way to quell the desire for revenge. We can steer clear of revenge without forgiving."⁹⁰ Rather than forgive wrongdoers, he maintains, victims of wrongs may pursue official processes of justice, to be discussed shortly. However, this does not mean that forgiveness is not one way of avoiding the cycle of revenge. Rather, it merely seeks to highlight the fact that it may stand alongside a range of other responses that also allow victims and perpetrators to avoid escalating rounds of vengeance. Furthermore, as we will see shortly, it is certainly the case that forgiveness can be usefully

coupled with justice and, indeed, it is generally in instances in which this takes place that it has its greatest force.

What arguments such as those of Arendt and Eisikovits rest on is an assumption that vengeance and, indeed, the cycles of violence it can precipitate, are undesirable or even unethical responses to evil. Indeed, as Ian Hall argues in his chapter of this book, vengeance may, in fact, constitute an ethical response to evil in certain, limited types of circumstances. Perhaps the most prominent proponent or defender of vengeance is Jeffrie Murphy. For Murphy, “righteous hatred and revenge” are the normal sentiments of “typical, decent, mentally healthy people” when confronted with certain forms of harm.⁹¹ They are, in short, what help us to retain a sense of self-esteem or self-worth in the face of attack and what protect us from further harm. This argument is, of course, intimately related to those surrounding the conceptualization of forgiveness as the overcoming of resentment.

Most arguments in favor of forgiveness that focus on the overcoming of resentment appeal to its long-term negative effects. Resentment, as Trudy Govier writes, “may expand to produce an ongoing anger and negativity based on a painful and personalized sense that the world is an unjust place.”⁹² It is, in this sense, a “backward looking disposition, trapping those suffering from it in their pasts.”⁹³ Forgiveness in this sense may have a therapeutic benefit largely devoid of moral sentiments and thus appears as a “strategy to help” the victim of a wrong “overcome anger that is detrimental to [their] well-being and to that of others whom [their] anger affects adversely.”⁹⁴ Although a burgeoning literature has appeared on the benefits of therapeutic forgiveness in recent years, Murphy warns of the proliferation of “cheap and shallow chatter about forgiveness—some of it coming from high political officials and some coming from the kind of psychobabble often found in self-help and recovery books.”⁹⁵ However, this does not mean that we must discard all therapeutic uses of forgiveness but rather that we must recognize that, although beneficial in some circumstances, the practice is not always the panacea to all the ills suffered by the victims of serious wrongs.

On a broader social level, forgiveness may allow societies to move “beyond sterile situations of mutual condemnation” to function more effectively.⁹⁶ As Desmond Tutu wrote in favor of the forgiveness-oriented approach taken by the South African Truth and Reconciliation Commission, although retributive justice could well have been pursued in response to the manifold evils committed during the apartheid era, it may also have left “South Africa lying in ashes—a truly Pyrrhic victory if ever there was one.”⁹⁷ As the title of his popular work makes clear,

without forgiveness there simply could be no future for South Africa. Thus, forgiveness does not simply have a place in politics as the means according to which actors overcome resentment or avoid revenge. Rather, it is sometimes conceived as the most effective means by which wrongs can be overlooked and “left in the past” in order to restore social harmony within political communities. Although not technically synonymous with forgiveness, this is what effectively takes place when perpetrators of violence are granted amnesties. That is, amnesties are often granted not on the grounds that they are just but because they are politically expedient. Herein lies the basis of one of the most stringently held arguments against forgiveness in politics.

Forgiving, Forgetting, and Excusing

To recap, the definition of forgiveness I provided earlier maintained that in order to have properly forgiven a wrongdoer, the victim’s change of heart must be manifested in a change in behavior toward the wrongdoer. That is, simply uttering the words “I forgive you” is not sufficient. However, this prescription raises what Aurel Kolnai has described as the “paradox of forgiveness.”⁹⁸ That is, “performative forgiveness,” defined earlier in terms of both a change of heart and a favorable change of behavior toward the perpetrator of a wrong, is just about impossible to distinguish from condonation as the practices involved are essentially identical. Although many writers, including Desmond Tutu, maintain that “forgiveness does not mean condoning what has been done,” Kolnai’s paradox demonstrates that the precise distinction between forgiving and condoning is not immediately obvious. The problem with this, as Kolnai argues, is that condonation is “in its graver forms . . . not only undignified and self-soiling, but also unfair.”⁹⁹ It is, in this sense, antithetical to what we ordinarily understand to constitute forgiveness. Thus, in order to practically distinguish between forgiveness and condonation, “one needs to determine how it is possible for one who has been wronged to forgive *something* in the wrongdoer, that is, to absolve genuine and subsisting guilt in him, without that practice becoming, to all intents and purposes, a condonation of his immoral action or the immoral character traits he has displayed in performing the action.”¹⁰⁰ In practical terms, it is just this sort of outcome that some truth and reconciliation commissions attempt to facilitate. By requiring individuals to truthfully confess their guilty actions before they are forgiven, such commissions attempt to circumvent claims that by choosing not to punish perpetrators of terrible crimes they implicitly end up condoning their actions.

A second problem surrounding the practice of forgiveness is the commonplace association of the concept of forgiving with that of forgetting. Thus although many writers protest that “to forget is not to forgive and to forgive is not to forget,” on the ground that “if you totally forget that you were once hurt by someone you can’t forgive them,”¹⁰¹ the popularity of the cliché, “to forgive and forget” seems to suggest that the association remains firm in the eyes of many. As Desmond Tutu has countered, “in forgiving, people are not being asked to forget. On the contrary, it is *important* to remember, so that we should not let such atrocities happen again.”¹⁰² Similarly, as Peter Krapp argues, “forgiveness neither presupposes nor ends in forgetting: on the contrary, it presupposes a lively recollection of injustice.”¹⁰³ Indeed, he continues: “Forgiveness conjures up the past to the extent of making it present again, repeating the injury, opening the wound, so that its full extent may indeed be forgiven.”¹⁰⁴

As Stephen J. Pope has recently suggested, the assumed and inaccurate relationship between forgiving and forgetting has been unwittingly exacerbated by the decision of some truth commissions, particularly that which took place in El Salvador, to offer perpetrators of serious crimes amnesties. As Pope points out, the very “notion of amnesty reinforces forgetting—indeed, one meaning of the Greek term ‘amnestia’ is forgetfulness.”¹⁰⁵ In the El Salvadoran case at least, this may not be an unfortunate coincidence. In 1991, a Commission on the Truth for El Salvador was established. It identified “40 individuals connected to the armed forces who had been involved in committing crimes against humanity” including the murder of six Jesuit priests, one of whom was the Rector of the Central American University.¹⁰⁶ However, the President of El Salvador, Alfredo Christiani, rejected the findings of the Commission’s report on the grounds that it “did not respond to the wishes of the majority of Salvadorans who seek to forgive and forget everything having to do with that very sorrowful past.” He announced prior to the passing of the Amnesty Act, which “conferred unconditional amnesty to any individual (including guerillas) who perpetrated politically motivated crimes prior to 27 October 1987” that the “Salvadoran people needed ‘to forgive and forget this painful past.’”¹⁰⁷ “What is important now,” he said, is “to erase, eliminate and forget everything in the past.”¹⁰⁸ As the then Jesuit Rector of the University of Central America in San Salvador, Jose Maria Tojeira suggested, the term “amnesty” could perhaps have been replaced by the less problematic term “pardon.”¹⁰⁹ As it did in the South African Truth and Reconciliation Commission, the notion of a legal pardon would allow recognition that a crime had been committed, while releasing the “transgressor from the legal penalty normally exacted for

his or her crime.”¹¹⁰ When coupled with forgiveness, the notion of “pardon” could help to establish the idea that forgiving does not entail either condoning or forgetting. However, in the El Salvadoran case, the “truth for pardon” suggestion “was never adopted.”¹¹¹ In this case, as in others, amnesty was, as Geoffrey Robertson has argued, “excused as an exercise in *realpolitik*, a crude accommodation which avowedly subordinates justice to political expediency.”¹¹² If we turn now to the problem of forgiveness in international politics, the problem of amnesty becomes even more marked.

Forgiveness and Amnesty in International Politics

The association of forgiveness with amnesty or, in Kolnai’s terms, implicit condonation, is particularly problematic in the international realm. In particular, what might be understood as the domestic problem takes on a new dimension when considered at the international level. That new dimension is derived, in part, from the obligations that states in the international realm have to prosecute certain types of crimes. As Robertson writes, the problem of amnesty for international law and politics was raised by the terms of the cease-fire agreement concluded in Sierra Leone in 1999. Under the terms of the agreement, the parties involved sought an

amnesty that would cover all crimes committed by the combatants on either side of the conflict. There was to be an absolute and free pardon for all “combatants and collaborators” who were to suffer “no official or judicial action” for *anything* done in the pursuit of their objectives, which were alleged by the Special Court for Sierra Leone prosecutor to include mass mutilation, mass murder and some of the worst butchery seen on the continent of Africa.¹¹³

Although a United Nations representative was present and signed the agreement, he noted that “the United Nations interprets that the amnesty shall not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international law.”¹¹⁴ In doing so, he argued that states are not in a position to offer amnesties for these international crimes; rather, they are obliged, under international law, to prosecute their perpetrators.

In a similar manner, in the late 1980s and early 90s, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights sought to pass judgments on amnesties granted in Honduras, Argentina, Uruguay, El Salvador, and Chile. In the initial case, that of Honduras heard in 1988, the court concluded that a state has “a legal duty to take reasonable steps to prevent human rights violations and to use the means at its

disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose appropriate punishment and to ensure the victims adequate compensation.”¹¹⁵

However, as Paul van Zyl notes, it did not “define what it considered to be ‘appropriate punishment’” and, perhaps more significantly, refrained “from calling for the criminal prosecution of those responsible for disappearances.”¹¹⁶ Four years later, however, the Commission condemned the Uruguayan attempt to “close a painful chapter in their history” as “contrary to the obligation to investigate and punish human rights violations.”¹¹⁷ It ruled that “the present amnesty law, as applied in these cases, by foreclosing the possibility of judicial relief in cases of murder, inhumane treatment and absence of judicial guarantees, denies the fundamental nature of most basic human rights. It eliminates perhaps the single most effective means of enforcing such rights, the trial and punishment of offenders.”¹¹⁸

However, in both the Uruguayan and Argentinean cases the Commission “failed to recommend . . . that perpetrators of human rights violations be prosecuted or punished.”¹¹⁹ It was thus only in the El Salvadoran and later Chilean cases that explicit recommendations came to “identify all the victims and those responsible, and submit the latter to justice in order to establish their responsibility, so that they can receive the sanctions demanded by such serious actions.”¹²⁰

These and other decisions culminated in a 1998 ruling by the Hague Tribunal Trial Chamber that domestic amnesties “would not be accorded international legal recognition.”¹²¹ This of course begs the question of whether or not forgiveness, when applied to the most serious international crimes, often described as “evil,” is also a violation of international responsibilities. Is it the case, then, that such crimes are simply “unforgivable”?

The Unforgivable?

On an international legal level, it is certainly the case that some crimes are simply unforgivable. As Robertson writes, “crimes against humanity are, by definition, unforgivable.”¹²² Thus, “states which pardon torturers before trials have taken place are in breach of their international obligations to bring perpetrators of crimes against humanity to justice.”¹²³ Similarly, Douglass W. Cassel Jr. argues that “we cannot give individual countries, any more than we could give individual victims, the right to waive justice when the interests of the world community are at stake.”¹²⁴ Indeed, Cassel goes so far as to argue that even the conditional amnesties granted by the South African Truth and Reconciliation Commission that required full

disclosure of crimes committed went beyond the legal powers of the state with regard to crimes against humanity. Although Robertson's and Cassel's arguments are well founded, they are presented exclusively in international legal terms and address the obligations states have in response to the criminal behavior of individuals. Thus both argue that the obligation of the state before international law is to prosecute the perpetrators of crimes against humanity rather than offer them amnesty or forgiveness. States, by extension, cannot legally offer forgiveness for acts deemed "evil" committed by individuals in international affairs, whether they occur within their territorial boundaries or elsewhere.¹²⁵ However, this argument, rather than taking the capabilities of states to prosecute and punish perpetrators of crimes against humanity into consideration, simply assumes that all postconflict societies are in a position to fulfil their international obligations. Indeed, as van Zyl argues, "it is futile and perhaps even counterproductive to impose obligations on states, that they cannot fulfil or can fulfil only at a great cost."¹²⁶ This, in essence, was reflected in the findings of the Inter-American Commission, that in most cases "recommended punishment only when it was reasonably confident that a state could fulfil this obligation."¹²⁷ Despite generally approving of this capability oriented approach, however van Zyl does contend that the Commission's reasoning was flawed. Thus, in order to protect the integrity of judicial processes and, indeed, international law itself, the Commission ought, in his view, to have reaffirmed "the general obligation [to prosecute and punish] and then articulate the circumstances under which a party may legitimately fail to comply," thereby leaving the onus of proof with the noncompliant state.¹²⁸

However, these arguments do not address how the victims of evil themselves might respond to what has happened to them. That is, they do not address the question of whether or not the individual victim can forgive what the state or international community must punish. In order to answer that question, however, we need to first consider in practical, psychological, and moral terms, whether atrocities deemed evil can in fact be forgiven or whether they are, on some fundamental level, unforgivable.

In Hannah Arendt's view, "absolute evil," the "radical evil" epitomized by the Nazi concentration camps, cannot be forgiven or punished. "Radical evil," in Arendt's view, seeks to render human beings superfluous. In the concentration camps this was achieved by killing the juridical person in man, murdering the moral person in man, and destroying individuality by eliminating spontaneity and denying victims meaningful choice (recall the story of the mother who was forced to choose which of her

children would be killed).¹²⁹ In short, this form of radical evil removes the realm of action and, to a less important extent, work, from the *vita activa*. As discussed earlier, in Arendt's view, forgiveness takes place specifically within the realm of action and is therefore at complete odds with radical evil. Thus, Arendt concluded that the attempt to "eradicate the concept of the human being," demonstrated most clearly in the concentration camps, is logically unforgivable. Interestingly however, Desmond Tutu provides a counterargument to this form of Arendtian reasoning. For him, it is precisely *because* both the victim and perpetrator of evil are dehumanized by the act that it ought to be forgiven. Forgiveness, in Tutu's view, is part of what reestablishes the humanity of the individuals involved. It is, in this sense, not just an altruistic act on the part of the victims but is ultimately "the best form of self-interest."¹³⁰

Alternatively, as Trudy Govier explains, "a person or deed" may be considered "unforgivable if it is psychologically impossible for anyone to forgive him, or it."¹³¹ Thus, if none of the victims of a particular evil can bring themselves to forgive the perpetrators for the harm they inflicted, then that evil is, in technical terms, unforgivable. However, this is not an absolute characterization so long as it remains *possible* that someone could forgive the action or the actor responsible for it.

More interesting and ultimately important however, is the question of whether or not there are some acts and, by extension, the perpetrators of those acts that *ought* not to be forgiven? That is, should we conceive some acts as being so evil that they are unforgivable? Several of the respondents to Wiesenthal's dilemma answered this question with a resounding yes, pointing to the Holocaust as the most prominent example of such an act. Thus Lawrence Langer wrote,

The mass murder of European Jewry is an unforgivable crime. By his own description, the SS man provides the details: Jewish men, women and children and herded into a building, hand grenades are thrown in, setting it on fire; the SS men then shot Jews—including little children—trying to escape the flames through exits or by jumping from windows. Can one repent such a monstrous deed? I do not see how. The real test of the SS man's spiritual integrity came at the moment he received the order to shoot. At that instant he was still a morally free man [assuming he had not taken part in earlier crimes]. By agreeing to shoot instead of deferring to a higher authority and disobeying the order, he failed the test and permanently cut himself off from the possibility of forgiveness. This may not be true for other crimes—but the mass murder of European Jewry is not an ordinary crime.¹³²

Langer's argument returns us to an important set of questions about the relationship between forgiveness and repentance, touched on earlier: does forgiveness require repentance, does repentance mandate forgiveness, and is it even possible to sincerely repent of a deed as heinous as participation in mass murder or genocide? Are unrepented wrongs essentially unforgivable? Thinkers within different religious traditions provide divergent answers to these questions. As Peter Haas concludes in his exploration of Moses Maimonides' thought, there is "no mechanism in Jewish law for extending forgiveness to perpetrators who did not, and now cannot, repent."¹³³ Thus, in Jewish thought, as reflected by Jewish contributions to *The Sunflower*, forgiveness requires repentance. As A. Cohen explains in *Everyman's Talmud*, Judaism teaches that "two attitudes are fundamental for community harmony."¹³⁴ The first is that "people must be willing to admit that they have done something wrong and ask pardon for it" while the second maintains that it is "the duty of the aggrieved party to accept the apology when made to him and not nurse his grievance."¹³⁵ Although he acknowledges that just as not all Jewish thinkers "teach that repentance must always be a prerequisite to forgiveness . . . not all Christian mentors teach that forgiveness should be granted in the absence of repentance," Solomon Schimmel contrasts the Jewish position with the Christian theology of radical forgiveness.¹³⁶ Radical forgiveness conceives forgiveness as an act of grace to be afforded "even to the undeserving and not-yet-repentant" and therefore does not require either a confession of guilt or active repentance.¹³⁷ Although repentance is not generally considered an essential prerequisite for forgiveness in Christian thought, many Christian theologians caution against the "cheap" appeal to grace that Dietrich Bonhoeffer warned against that often accompanies radical forms of forgiveness.¹³⁸ However, putting theological approaches aside for a moment, even within secular circles it is widely accepted that "sincere *repentance* on the part of the wrongdoer" can be a "great help" in achieving forgiveness.¹³⁹ Interestingly, the forgiveness of many acts in international politics is preceded by expressions of remorse and acts of repentance. For example, when Japan asked Singapore for forgiveness on the fifty-fifth anniversary of its takeover, it did so by first offering a prayer of repentance.

However, the question remains as to whether or not even all acts repented of can and ought to be forgiven. For many Christian thinkers, all acts, other than the unforgivable sin, can be forgiven. However, for others, some acts are simply so heinous that even in the face of sincere repentance they remain unforgivable. In particular, the sentiment that the Holocaust is unforgivable is a relatively common one amongst Holocaust survivors and their descendants. Thus, Rabbi Joseph Telushkin argues:

The difference between forgiving 97 percent of evil acts that are atoned for, versus forgiving them all, is significant. The killing and torture of innocent people is an *ultimate evil*, and the only ones who can grant forgiveness are, by virtue of their deaths, incapable of doing so. This Nazi wanted to die with a clean, or at least cleaner, conscience. What had he done to entitle himself to such a privilege?¹⁴⁰

However, there are three reasons why we might want to argue that no action can be deemed unforgivable. The first is that the designation of an act and its perpetrator as irredeemably bad not only serves to demonize the perpetrators of certain wrongs but creates a Manichaeian or semi-Manichaeian view of ethics. That is, when some acts are designated as “unforgivable,” a rigid separation between good and evil is created that “often proves to be heartless” and ultimately puts an end to all further moral judgment.¹⁴¹ Second, if we are to take a victim-centered approach to responding to evil, then it may not be appropriate to deem some acts “unforgivable.” Indeed, for the victims of some horrific atrocities, to forgive the unforgivable may not be simply desirable, but a personal necessity. Individuals may need to forgive to overcome resentment and lingering anger or to avoid the feeling vengeance or the enacting of revenge. This certainly seems to be the case for Eva Mozes Kor, a woman who, despite never receiving an admission of guilt or apology for the torture she was subjected to, needed to forgive Joseph Mengele for what he had done. For her, the international legal position of forgiveness was immaterial. It was a personal act. In saying this, however, we must be careful not to imply that all acts are forgivable and must therefore be forgiven by their victims. Finally, forgiveness may be a political necessity undertaken to prevent further harms. Enacted within political communities it may help to reestablish a harmonious functioning political community, while between states it may benefit the entire international community.

Conclusion

Questions of forgiveness remain at the margins of scholarship and thought about international relations and, in particular, responses to atrocities in the international sphere. For many, the concept’s religious underpinnings are simply unpalatable; in the increasingly secularized world of academic thought, concepts with overtly theistic foundations such as forgiveness are often deemed to reside outside the realm of acceptable intellectual inquiry. However, as I have demonstrated in this chapter, forgiveness has found a range of applications in the secular world of international politics.

However, for some, the fact that forgiveness does have a place in international politics is not what is important; what is, is whether or not it *ought* to have a place. Thus, different writers argue, from a range of different perspectives, which some crimes are, either by definition or in moral or legal terms, simply unforgivable. However, the categorization of some acts as “unforgivable” has serious implications for the victims of evil. By deeming some acts “unforgivable,” are we suggesting that the victims of serious wrongs must not forgive the perpetrators of wrongs in any circumstances? This would be palpably unjust, for it would leave the innocent victim forever trapped in a life path initiated by the wrong done to them and marked by ongoing, personally destructive patterns of resentment and anger. In the international sphere, to preclude forgiveness as a response to wrongs committed between states may leave victims and perpetrators of wrongs, and indeed, the entire international system vulnerable to instability and further harm.

Rather, I would like to suggest that there are three specific, and narrowly conceived, sets of circumstances in which it may be permissible, although not obligatory, for the victims of wrongs to forgive the perpetrators of those wrongs when considered on the individual level. First, overcoming Geoffrey Robertson and others’ objections to forgiveness on legal and moral grounds, forgiveness may be appropriate when complemented by an official justice process. Thus, forgiveness offered by individual victims may accompany punishment meted out by the state or the international community or, alternatively, legal pardon granted *after* a trial has taken place.¹⁴² In this circumstance, forgiveness does not become an alternative to justice but rather seeks to complement it by allowing the victims of wrongs to complete the healing process if, and only if, this is what they desire. In this we see a firm distinction between the responses of individuals, states, and the international community to serious wrongs. It allows “individuals to forgo the punishment due to someone who has deeply harmed them” while requiring the state to pursue justice and uphold the law.¹⁴³ Second, forgiveness may also be an appropriate response to evil on the part of its victims when no official avenue of justice is available, perhaps because the perpetrator of that wrong is dead or because the state in which the wrong was committed is not capable of prosecuting and punishing the perpetrator. Where it is not possible to punish wrongdoers, be reconciled to them or, indeed, exact vengeance upon them, unilateral forgiveness may be the best way to allow victims of serious wrongs to achieve some sort of closure to their experience. At the same time, the practice of forgiveness may, in fact, bring with it “a tacit affirmation of justice” for, as Miroslav Volf writes, “forgiveness always entails blame.”¹⁴⁴ Finally, notwithstanding the international legal obligations of states to prosecute the perpetrators of crimes against

humanity, there are good moral reasons for arguing that forgiveness may be the most expedient way for states and, indeed, members of the international community, to reestablish productive and healthy relationships, to overcome resentment and hostility, overcome the desire for revenge, and prevent further harms. Forgiveness may, in short, be the ultimate means of preventing past evils from encroaching on hopeful and peaceful possibilities for the future.

Notes

1. Ervin Staub and Laurie Anne Pearlman, "Healing, Reconciliation, and Forgiving after Genocide and Other Collective Violence," in *Forgiveness and Reconciliation: Religion, Public Policy and Conflict Transformation*, ed. Raymond G. Helmick and Rodney L. Petersen (Philadelphia: Templeton Foundation Press, 2001), 207.
2. Wiesenthal was awarded the "Commander of the Order of Orange" in the Netherlands, the "Commendatore della Repubblica" in Italy, a gold medal for humanitarian work by the U.S. Congress, the Jerusalem Medal in Israel, and sixteen honorary doctorates. The Simon Wiesenthal Centers in Los Angeles, New York, Miami, Toronto and Jerusalem are named in his honor.
3. Simon Wiesenthal, quoted in Adam Bernstein, "Nazi Hunter Simon Wiesenthal Dies at 96," *Washington Post*, September 20, 2005, <https://www.washingtonpost.com/wp-dyn/content/article/2005/09/20/AR2005092000201.html> (accessed September 25, 2005).
4. Eva Mozes Kor, "I want to tell you I forgive you for what you have done," *The Age* (Melbourne), October 1, 2005, 11. Despite Kor's suspicion, it is widely accepted that Mengele drowned in Brazil in 1979.
5. Simon Wiesenthal, *The Sunflower: On the Possibility and Limits of Forgiveness* (New York: Schocken Books, 1998).
6. Theodore McCarrick, foreword to William Bole, Drew Christiansen, and Robert T. Hennemeyer, *Forgiveness in International Politics: An Alternative Road to Peace* (Washington, DC: United States Conference of Catholic Bishops, 2004), ix.
7. William Bole, Drew Christiansen, and Robert T. Hennemeyer, *Forgiveness in International Politics: An Alternative Road to Peace* (Washington, DC: United States Conference of Catholic Bishops, 2004), 2.
8. *Ibid.*
9. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1989), 243.
10. *Ibid.*, 238.
11. Rodney L. Petersen, "A Theology of Forgiveness: Terminology, Rhetoric, and the Dialectic of Interfaith Relationships," in Helmick and Petersen, *Forgiveness and Reconciliation*, 3.

12. Donald Shriver, quoted in McCarrick "Foreword," ix.
13. Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 76.
14. Pope John Paul II, "No Peace without Justice, No Justice without Forgiveness," 2002 World Day of Peace Message, January 1, 2002, <http://www.vatican.va/> (accessed July 3, 2006).
15. Arendt, *The Human Condition*, 238.
16. Wiesenthal, *The Sunflower*, 42–43.
17. *Ibid.*, 54.
18. This is discussed in more detail later in the chapter.
19. M. E. McCullough, K. I. Pargament, and C. E. Thoresen, "The psychology of forgiveness," in *Forgiveness: Theory, research and practice*, ed. M. E. McCullough, K. I. Pargament, and C. E. Thoresen (New York: The Guildford Press, 2000), 1–14.
20. *Oxford English Dictionary*, s. v. "forgiveness," <http://www.oed.com/>.
21. M. E. McCullough, "Forgiveness as human strength: Theory, measurement, and links to well-being," *Journal of Social and Clinical Psychology* 19 (2002): 44.
22. Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 41, 47.
23. Desmond Tutu, quoted in Jeffrie Murphy, *Getting Even: Forgiveness and its Limits* (Oxford: Oxford University Press, 2003), 15; Desmond Tutu, *No Future Without Forgiveness* (New York: Image, 1999), 272.
24. Arendt, *The Human Condition*, 240.
25. *Ibid.*, 240–41.
26. *Ibid.*, 237.
27. For example, Trudy Govier's recent work on the subject is titled *Forgiveness and Revenge*, and although it is titled *Forgiveness and Mercy*, Jeffrie G. Murphy and Jean Hampton's work is posed as a debate that considers the relative merits of forgiveness and revenge. Trudy Govier, *Forgiveness and Revenge* (London: Routledge, 2002); Jeffrie G. Murphy and Jean Hampton, eds., *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1998).
28. Govier, *Forgiveness and Revenge*, viii.
29. Robert C. Roberts, "Forgivingness," *American Philosophical Quarterly* 32, no.4 (October 1995): 289–306.
30. Frank Retief, *Tragedy to Triumph: A Christian Response to Trials and Suffering* (Cape Town: Nelson, 1994), 154.
31. Solomon Schimmel, *Wounds Not Healed by Time: The Power of Repentance and Forgiveness* (New York: Oxford University Press, 2004), 32.
32. Petersen, "A Theology of Forgiveness," 13.
33. Robert D. Enright and The Human Development Study Group, "Counseling within the Forgiveness Triad: On Forgiving, Receiving Forgiveness, and Self-Forgiveness," *Counseling and Values* (January 1996): 107–26, quoted in Schimmel, *Wounds Not Healed by Time*, 45.
34. Govier, *Forgiveness and Revenge*, 50–51. Everett L. Worthington lists a number of other emotions alongside resentment in this context including "bitterness,

- hatred, hostility, residual anger, and residual fear, which together make up” what he terms “unforgiveness.” Everett L. Worthington Jr., “Unforgiveness, Forgiveness, and Reconciliation and Their Implications for Societal Interventions,” in Helmick and Petersen (eds.), *Forgiveness and Reconciliation*, 173.
35. Jean Hampton, “Forgiveness, resentment and hatred,” in *Forgiveness and Mercy*, Murphy and Hampton, 54–55.
 36. Govier, *Forgiveness and Revenge*, 50. Emphasis mine.
 37. Jeffrie Murphy, “Forgiveness and resentment,” in *Forgiveness and Mercy*, Murphy and Hampton, 15.
 38. Bishop Butler, quoted in Paul A. Newberry, “Joseph Butler on Forgiveness: A Presupposed Theory of Emotion,” *Journal of the History of Ideas* 26, no.2 (2001): 233; see Joseph Butler, *Fifteen Sermons Preached at the Rolls Chapel* (London: n.p., 1726); the sermons are included in *The Works of Bishop Butler*, ed. J. H. Bernard, 2 vols. (London: n.p., 1900).
 39. Hampton, “Forgiveness, resentment and hatred,” 154.
 40. Newberry, “Joseph Butler on Forgiveness,” 235.
 41. *Ibid.*, 236.
 42. R. S. Downie, “Forgiveness,” *The Philosophical Quarterly* 15, No. 59 (1965): 131.
 43. Hampton, “Forgiveness, resentment and hatred,” 36.
 44. Schimmel, *Wounds Not Healed By Time*, 43.
 45. Govier, *Forgiveness and Revenge*, 46.
 46. *Ibid.*, 49.
 47. Margaret Holmgren, “Forgiveness and the Intrinsic Value of Persons,” *American Philosophical Quarterly* 30 (1990), 342.
 48. *Ibid.*, 341.
 49. *Ibid.*, 345.
 50. *Ibid.* emphasis mine.
 51. Truth and Reconciliation Commission of South Africa report (Cape Town: Juta, 1998), quoted in Govier, *Forgiveness and Revenge*, 72.
 52. Tutu, *No Future Without Forgiveness*, 220.
 53. *Ibid.*
 54. Toni Erskine, “Assigning Responsibilities to Institutional Moral Agents: The Case of States and ‘Quasi-States,’” in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (Basingstoke, UK: Palgrave Macmillan, 2003), 20.
 55. *Ibid.*, 21.
 56. Nina H. B. Jørgensen, *The Responsibility of States for International Crimes* (Oxford: Oxford University Press, 2000), 73.
 57. *Ibid.*, 75.
 58. Erskine, “Assigning Responsibility to Institutional Moral Agents,” 22.
 59. See also Larry May, *The Morality of Groups* (Notre Dame, IN: University of Notre Dame Press, 1987).
 60. Berel Lang, “Forgiveness,” *American Philosophical Quarterly* 31 (1994): 105–15.

61. Mark R. Amstutz, *The Promise and Limits of Political Forgiveness* (Lanham: Rowman and Littlefield, 2005).
62. Donald W. Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995), 9. Anticipating the sorts of criticisms likely to be leveled at his argument, Shriver continues by asking whether whole nations can repent or forgive. Unfortunately, however, as Govier points out, he “never really answers his own questions” (p. 81) but rather recounts a number of interesting historical stories that illustrate group forgiveness without demonstrating that it is technically possible.
63. *Ibid.*, 113.
64. Shriver, quoted in Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 77.
65. Schimmel, *Wounds Not Healed By Time*, 8.
66. Erich H. Loewy, quoted in Wiesenthal *The Sunflower*, 205.
67. Schimmel, *Wounds Not Healed by Time*, 8.
68. Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 66.
69. Shriver, quoted in Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 77.
70. Johannes Rau, quoted in Clyde Haberman, “Putting Price on Holocaust? Not Even Close,” *New York Times*, August 3, 2004, <http://www.genocidewatch.org/JusticePuttingPriceonHolocaust3August2004.htm> (accessed July 1, 2007).
71. Gerhard Schroeder, quoted in “Schroeder asks for Russian Forgiveness for World War II,” *People’s Online Daily*, May 9, 2005, http://english.people.com.cn/200505/09/eng20050509_184140.html (accessed July 1, 2007).
72. Ellis Cose, *Bone to Pick: Of Forgiveness, Reconciliation, Reparation and Revenge* (New York: Atria Books, 2004), 17.
73. Heidemarie Wieczorek-Zeul, quoted in “Germany Asks Namibians for Forgiveness,” *Deutsche Welle*, August 14, 2004, <http://www.dw-world.de/dw/article/o,1564,1298060,00.html> (accessed July 1, 2007).
74. Hifikepunye Pohamba, quoted in “Germany Asks Namibians for Forgiveness.”
75. Bishop Kameeta, quoted in “Germany Asks Namibians for Forgiveness.”
76. Fyodor Dostoyevsky, *The Brothers Karamazov* (London: Penguin, 1958), 287.
77. Shriver, *An Ethic for Enemies*, 113.
78. Max Weber, “Politik als Beruf [Politics as a Vocation],” in *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. Wright Mills (Oxford: Oxford University Press, 1958), 118.
79. Donald W. Shriver, “Forgiveness: A Bridge across Abysses of Revenge,” in Helmick and Petersen, 152.
80. Arendt, *The Human Condition*, 236.
81. Andrew Schaap, “Forgiveness, Reconciliation and Transitional Justice,” in *Hannah Arendt and International Relations: Readings Across the Lines*, ed. Anthony F. Lang Jr. and John Williams (New York: Palgrave Macmillan, 2005), 67.
82. Arendt, *The Human Condition*, 236.
83. *Ibid.*, 236–37.

84. Ibid., 237.
85. Ibid.
86. Schaap, "Forgiveness, Reconciliation and Transitional Justice," 68.
87. Arendt, *The Human Condition*, 237.
88. "S. Korea's Kim offers forgiveness in Japan speech," CNN, October 8, 1998, <http://www.cnn.com/WORLD/asiapdf.9810,08/korea.japan.02> (accessed July 1, 2007).
89. Nir Eisikovits, "Forget forgiveness: On the benefits of sympathy for political reconciliation," *Theoria* 52, no.1 (December 2004), 33.
90. Ibid.
91. Jeffrie Murphy, "Getting Even: The Role of the Victim," in *Punishment and Rehabilitation*, ed. Jeffrie Murphy (Belmont: Wadsworth, 1995).
92. Govier, *Forgiveness and Revenge*, 51.
93. Eisikovits, "Forget forgiveness," 34.
94. Schimmel, *Wounds Not Healed By Time*, 73.
95. Murphy, *Getting Even*, 37.
96. Pope John Paul II, quoted in Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 76.
97. Tutu, *No Future without Forgiveness*, 23.
98. Aurel Kolnai, "Forgiveness," *Proceedings of the Aristotelian Society* (1973–74): 91–106.
99. Ibid., 96.
100. Hampton, "Forgiveness, resentment and hatred," 42.
101. Schimmel, *Wounds Not Healed By Time*, 48.
102. Tutu, *No Future Without Forgiveness*, 219.
103. Peter Krapp, "Amnesty: Between an Ethics of Forgiveness and the Politics of Forgetting," *German Law Journal* 6, no.1 (2005): 191.
104. Ibid., 192.
105. Stephen J. Pope, "The convergence of forgiveness and justice: lessons from El Salvador," *Theological Studies* 64, no. 3 (December 2003): 824.
106. Ibid.
107. Alfredo Christiani, quoted in Pope, 815.
108. Ibid.
109. Pope, "The convergence of forgiveness and justice," 823.
110. Ibid.
111. Ibid.
112. Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, 3rd ed. (London: Penguin, 2006), 319.
113. Ibid., 302.
114. Ibid.
115. Inter-American Court of Human Rights, quoted in Paul van Zyl, "Justice Without Punishment: Guaranteeing Human Rights in Transitional Societies," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation*

- Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (London: Zed Books, 2000), 48.
116. van Zyl, "Justice Without Punishment," 48.
117. Inter-American Commission on Human Rights, quoted in Robertson, *Crimes Against Humanity*, 306.
118. Quoted in Robertson, *Crimes Against Humanity*, 306.
119. van Zyl, "Justice Without Punishment," 48.
120. Quoted in van Zyl, 48–49.
121. Quoted in Robertson, *Crimes Against Humanity*, 307.
122. Robertson, *Crimes Against Humanity*, 327.
123. *Ibid.*, 305.
124. Douglass W. Cassel Jr., quoted in Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 94.
125. Of course, as mentioned above, relations between states do not fall under the remit of international criminal law and as such, the basis on which states may decide to forgive one another for wrongs committed is entirely different to the treatment of individuals.
126. van Zyl, "Justice Without Punishment," 49.
127. *Ibid.*
128. *Ibid.*, 50.
129. Hannah Arendt, "The Concentration Camps," *Partisan Review* 15, no. 7 (1948): 751.
130. Tutu, *No Future Without Forgiveness*, 31.
131. Govier, *Forgiveness and Revenge*, 101.
132. Lawrence Langer, quoted in Wiesenthal, *The Sunflower*, 187.
133. Peter Haas, "Forgiveness, Reconciliation, and Jewish Memory After Auschwitz," in *After-Words: Post-Holocaust Struggles with Forgiveness, Reconciliation, Justice*, ed. David Patterson and John K. Roth (Seattle: University of Washington Press, 2004), 14.
134. A. Cohen, quoted in Richard Harries, *After the Evil: Christianity and Judaism in the Shadow of the Holocaust* (Oxford: Oxford University Press, 2003), 68.
135. Cohen and ARN XL1 in Harries, 68.
136. Schimmel, *Wounds Not Healed By Time*, 83.
137. *Ibid.*, 64.
138. Dietrich Bonhoeffer, *The Cost of Discipleship*, trans. R. H. Fuller (New York: Macmillan, 1963).
139. Murphy, *Getting Even*, 35.
140. Joseph Telushkin, quoted in Wiesenthal, *The Sunflower*, 263–64.
141. Didier Pollefeft, "Forgiveness after the Holocaust," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (London: Zed Books, 2000), 56.
142. Miroslav Volf questions the viability of the "first justice, then reconciliation" approach as being "impossible to carry out," of questionable desirability, and not

always able to “create communion between victims and perpetrators.” Miroslav Volf, “Forgiveness, Reconciliation, and Justice: A Christian Contribution to a More Peaceful Social Environment” in Helmick and Petersen, *Forgiveness and Reconciliation*, 38, 39, 40.

143. Shriver quoted in Bole, Christiansen, and Hennemeyer, *Forgiveness in International Politics*, 99.
144. Volf, “Forgiveness, Reconciliation and Justice,” 45.

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Index

- Abu Ghraib, 74
Abu-Nimer, Mohammed, 146
acknowledgment, 8, 117, 126, 128–31,
142, 190, 190
Adams, Marilyn McCord, 29, 30
admission, 190
Aeschylus, 156, 175
Afghanistan, 7, 89, 119, 121
agency, 15, 19, 23, 66, 89, 90, 94, 96,
99, 101, 191
and evil, 99–102
causal, 100
collective, 6, 7, 27, 61–84, 191, 192
individual, 6, 7, 37, 41, 52, 17,
37–58, 191
moral, 5, 6, 23, 24, 25, 100, 187,
192
political, 102–6
state, 41
Alexander of Lycopolis, 30
Alford, C. Fred, 77, 78, 80, 81–83, 85
Al Qaeda, 11, 89
Améry, Jean, 189
Amin, Idi, 37
amnesty, 116, 134, 140, 199–202
Amstutz, Mark, 148, 192, 210
Annan, Kofi, 9, 46, 59
apology, 8, 117, 119, 125, 126, 128,
134–35, 137, 143, 189, 194, 206
Aquinas, Thomas, 122
Arendt, Hannah, 24, 25, 26, 33, 49–50,
59, 66, 67, 69, 84, 95, 102–5,
111, 113, 151, 152, 153, 154,
157, 167, 168, 172, 174, 175,
178, 179, 182, 183, 185, 195–96,
198, 203–4, 208, 109, 211, 212
Argentina, 201, 202
Aristotle, 39
Armenia, 153
Art, David, 128, 143, 147, 148, 149
Ash, Timothy Garton, 147
Augustine of Hippo, 4, 10, 16, 17, 18,
19, 20, 31, 49, 100–102, 112,
113, 122, 163, 177
Babylonian Theodicy, 16, 30
Bacon, Francis, 151, 157, 167, 173, 175
Bailie, Gil, 12, 28
Bali bombing, 3
banality of evil, 24, 25, 26, 49, 104
Barkan, Elazar, 145, 147
Barnes, Barry, 50, 58, 59
Barton, Charles, K. B., 175
Bass, Gary, 120, 145
Baumeister, Roy, 175
Bayle, Pierre, 19
Bede, 163, 177
Bellah, Robert, 78
Bellamy, Alex J., 7, 10, 177
Beltelhem, Bruno, 69, 85
Benhabib, Seyla, 29
Berkeley, Bill, 9
Berns, Gregory, 73
Bernstein, Richard, 12, 28, 29, 32, 59,
208
Bindenagel, J. D., 131, 147
Bion, Wilfred, 77
Black September, 164–68

- Blair, Tony, 4, 9, 10
 blame, 39
 Boehm, Christopher, 161, 162, 176, 177
 Bole, William, 185, 193, 208, 209, 211, 212
 Bonhoeffer, Dietrich, 205, 213
 Bosnia, 38, 51, 54, 115, 124, 135, 140
 Boyle, Joseph, 170
 Brahimi Report, 9
 Braithwaite, John, 111
 Brazil, 121
 Brown, Chris, 42, 59
 Brown, Robert McAfee, 184
 Browning, Christopher, 26, 27, 33
 Buber, Martin, 153
 Buergethal, Thomas, 147
 Bull, Hedley, 163, 164, 177
 Burchill, Scott, 57
 Bush, George W., 3, 9, 37, 58, 65, 98
 Butler, Joseph, 187, 210
- Cambodia, 11, 116
 Card, Claudia, 24, 33, 93, 94, 95, 111
 Carr, E. H., 41, 58, 119
 Cassel, Douglass, W., 202, 213
 Chile, 117, 119, 121, 132, 133, 140, 201, 202
 Christiani, Alfredo, 200, 212
 Clement of Alexandria, 17
 Cohen, A., 205, 213
 Collins, Randall, 7, 67–71, 84–85
 confession, 190
 Connolly, William, 14, 30, 31, 98–99, 101, 102, 105, 106, 112, 113
 Corey, Allison, 147
 corruption, 18
 Cose, Ellis, 211
 cosmopolitanism, 39
 cosmopolitan liberalism, 40–52
 limits of, 47–52
 responsibility in, 42–47
 Cox, Brian, 146
 crime, 124
 crimes against humanity, 3, 37, 45, 133, 202, 203
 criminal law,
 domestic, 52
 Croatia, 51, 54
 Crocker, David, 127, 146, 147
 culpability, 94
 Czechoslovakia, 121, 132, 133
- Dalai Lama, 184
 Darfur, 52
 dehumanization, 62
 Denham, Paul, 60
 deterrence, 91–92
 Dews, Peter, 12, 28
 Dhalla, Maneckji Nusservanji, 16, 30
 Diamond, Larry, 144–45
 Digeser, Peter, 148
 discrimination, 170
 Dostoyevsky, Fyodor, 4, 10, 194, 195, 211
 Douglas, Lawrence, 179
 Downie, R. S., 188, 210
 Doyle, Michael W., 119, 144, 145
 dualism, 16, 17, 38
 Dumas, Alexandre, 158, 176
 Durkheim, Emile, 79, 85
 Du Toit, André, 147
- East Timor, 118, 119, 121, 134, 135
 Eichmann, Adolf, 24, 25, 26, 49, 67, 103, 151, 152, 153, 167, 172, 173
 Eisikovits, Nir, 197, 198, 212
 El Salvador, 8, 119, 121, 129, 135, 200–201, 202
 Elshstain, Jean Bethke, 7, 10, 112
 Enright, Robert, 186, 209
 Epicurus, 15, 30
 Erskine, Toni, 33, 191, 192, 210
 ethnic cleansing, 3, 50–51
 ethnic hatred, 50
 Evans, G. R., 112
- Feinburg, Joel, 11, 28
 Finnis, John, 170
 Fischer, John Martin, 111
 Fisher, David, 169
 Flannery, Edward, 184

- Fleischner, Eva, 184
 forgetting, 200
 forgiveness, 7, 8, 9, 96, 117, 119, 124,
 126, 128, 135–39, 143, 151, 152,
 154, 157, 181–208
 bilateral, 189
 corporate, 193
 on behalf of others, 193–95
 unilateral, 190, 207
 Forsyth, Neil, 29, 30
 forward panic, 67–72
 Foucault, Michel, 114
 freedom, 40
 free will, 43, 95, 96, 100, 101, 102, 106
 French, Peter, 112
 Fukuyama, Francis, 147
 functionalist/intentionalist debate, 26,
 27
- Gallie, W. B., 29
 Garey, John Wayne, 51
 Geertz, Clifford, 14, 30
 Geneva Conventions, 174
 genocide, 3, 45, 51, 53, 54, 96, 115,
 118
 Germany, 45, 118, 121, 128, 129,
 131, 132, 134, 135, 141–43, 165,
 193–94, 197
 Geviser, Mark, 144
Gladiator, 156–57
 Glover, Jonathan, 4, 10
 Goldhagen, David, 27, 33
 Goldman, Alan, 111
 good, 13, 14, 17
 Gourevitch, Philip, 9
 Govier, Trudy, 148, 157, 158, 175, 186,
 187, 189, 204, 209, 210, 211,
 212, 213
 Graham, Gordon, 29, 30
 Gray's Principle, 171
 Greece, 121
 groupthink, 62
 Guantanamo Bay, 90
 Guatemala, 8, 115, 118, 119, 121, 130,
 135
 guilt, 61, 104–5, 106, 190, 206
- Haas, Peter, 205, 213
 Hamber, Brandon, 146
 Hampton, Jean, 187, 188, 209, 210
 Haney, Craig, 42–43, 58
 Harries, Richard, 213
 Hayden, Patrick, 104, 113
 Hayner, Priscilla, 145, 147
 Held, Virginia, 60
 Heschel, Abraham, 184
 Hick, John, 17, 30, 31
 Hiroshima, 56
 Hitler, Adolf, 11, 51, 65
 Hobbes, Thomas, 78, 119, 162, 164,
 177
 Holmgren, Margaret, 137, 148, 190,
 210
 Holocaust, 11, 24, 26, 37, 49, 129,
 131, 181, 182, 205
 human rights, 38, 41, 44, 45, 122, 124,
 129, 201, 202
 Hume, David, 22
 Honduras, 201
 Huntington, Samuel, 118, 121, 144,
 145
 Hussein, Saddam, 51, 56, 65
- ideology, 62
 Iklé, Fred Charles, 169, 178
 individualism, 40, 47–48, 61–62
 individuality, 66, 71, 77, 78
 intention, 25, 26, 27, 51, 54, 61, 94,
 95, 96, 98
 Inter-American Commission on Human
 Rights, 201, 202, 203, 213
 Inter-American Court of Human
 Rights, 201, 212
 International Committee of the Red
 Cross (ICRC), 45
 International Criminal Court, 38, 39,
 45–47, 52, 53, 55, 57, 90, 93,
 112, 119, 140
 International Criminal Tribunal for
 Rwanda, 45
 International Criminal Tribunal for the
 former Yugoslavia, 45

- Iraq, 7, 38, 98, 119, 121, 124
 Israel, 124

 Jackson, Patrick, 114
 Jacobitti, Susan Duvall, 152, 174
 Japan, 118, 187, 205
 Jeffery, Renée, 30, 60
 Johnson, James Turner, 144
 Joireman, Sandra, 147
 Jonas, George, 177
 Jonas, Hans, 24
 Jones, Gregory L. 148
 Jørgensen, Nina, 191, 210
 Jung, Kim Dae, 197
 justice, 7, 116, 120, 121, 151, 153,
 160, 183, 197, 198, 207
 just war tradition, 7, 116–17, 170

 Kahn, Herman, 170, 178
 Kambanda, Jean, 37
 Kant, Immanuel, 4, 10, 22, 23, 32, 39,
 49, 57, 122, 155, 158, 159
 Karadzic, Radovan, 37
 Kashmir, 124, 139
 Katz, Fred E., 26, 27, 33
 Kekes, John, 12, 24, 28, 29, 32, 59
 Kelly, Joseph F., 30, 31
 Kennan, George, 119, 120, 169
 King, William, 20, 52
 Klein, Aaron, 166–67, 177, 178
 Klein, Melanie 77, 85
 Kolnai, Aurel, 199, 201, 212
 Kony, Josef, 37
 Kor, Eva Mozes, 181, 182, 189, 206,
 208
 Kosovo, 38, 51, 124, 140
 Krapp, Peter, 200, 212
 Kren, George M., 49, 59
 Kwasniewski, Aleksander, 194

 Laden, Osama bin, 11, 37, 51
 Lambert, W. G., 30
 Lang, Anthony F. Jr., 110
 Lang, Berel, 192, 210
 Langer, Lawrence, 184, 204, 213

 law, 42–44, 61, 62, 151, 162
 criminal, 42–44
 laws of war, 45
 League of Nations, 41
 Lebanon, 165
 Leibniz, Gottfried Wilhelm, 10, 15, 19,
 20, 21, 32
 Levi, Primo, 184
 Levinas, Emmanuel, 24
 Lewis, C. S., 156, 158, 159
 liberal internationalism, 40–42
 liberalism, 39, 40, 122
 Liberman, Peter, 111
 Libya, 165
 Loewy, Erich, 193, 211
 London bombing, 3, 4
 Lu, Catherine, 11, 28
 Lucas, J. R., 15, 30

 Macfarlane, Alan, 29
 Machiavelli, Niccolo, 119, 121
 MacIntyre, Alasdair, 59
 Mandela, Nelson, 135, 138
 Manichaeism, 16, 17, 18, 19, 100,
 206
 Marcuse, Herbert, 184
 Mathewes, Charles T., 4, 10, 31
 Matson, Wallace, 112
 May, Larry, 114, 210
 McCarrick, Theodore, 208
 McCullough, M. E., 185, 209
 Mearsheimer, John, 119
 Mégret, Frédéric, 46, 58
 Meierhenrich, Jens, 114
 Meir, Golda, 165, 166, 167, 173, 177,
 178
 Mengele, Joseph, 181, 182, 189, 206
 Milgram, Stanley, 26, 27, 48, 49, 50,
 59, 70, 81–85
 Mill, John Stuart, 40, 57, 79, 171, 178
 Milosevic, Slobodan, 37, 51, 54, 62
 Mladic, Ratko, 37
 Montenegro, 161, 162, 163, 168
 moral agency, 39
 moral evil, 54
 moral sentiment theory, 158–59

- Morgenthau, Hans, 13, 29, 119, 120, 121, 162, 177
 Mossad, 166, 167
 motives, 94
 Moynier, Gustav, 45
 Mozambique, 121
 Murphy, Jeffrie, 111, 148, 160, 176, 187, 198, 209, 210, 212
 Mxenge, Griffiths, 116

 Namibia, 194
 Nanking, Rape of, 68–69, 124
 Nardin, Terry, 57
 national interest, 120
 natural evil, 54, 112
 natural law, 40, 122
 Nazis, 62, 63, 65
 necessity, 183, 196, 197
 Neiman, Susan, 21, 32, 59
 Netherlands, 45
 Newberry, Paul, 187, 210
 Niditch, Susan, 177
 Niebuhr, Reinhold, 112, 119
 Nietzsche, Friedrich, 4, 10, 55, 60, 99, 112
 Nino, Carlos Santiago, 9
 North Atlantic Treaty Organization (NATO), 54
 Northern Ireland, 118, 119, 121, 124, 135, 139
 North Korea, 197
 Nozick, Robert, 155, 175
 nuclear deterrence, 168–72
 Nuremberg Trials, 45, 56, 98, 118, 120

 O'Neill, Barry, 119
 Orend, Brian, 7, 10, 145
 Orwell, George, 65
 Overing, Joanna, 29

 Palestine, 124
 pardon, 121, 200, 201, 202, 205
 Parkin, David, 13, 14, 29
 peace, 126, 127
 Pearlman, Laurie Ann, 208

 Peru, 117, 121
 Petersen, Rodney L., 183, 186, 208
 Peterson, Roger D., 146
 Pettit, Philip, 111
 Philpott, Daniel, 146
 Pinochet, Augusto, 121, 132, 140
 Plato, 18, 123
 Plotinus, 18
 Pocock, David, 13, 29
 Pohamba, Hifikepunye, 194, 211
 Poland, 135, 194, 197
 Pollefeyt, Didier, 213
 Pol Pot, 11, 37
 Pope, Stephen J., 200, 212
 Posner, Eric A., 152, 174
 Posner, Richard A., 176
 privation thesis, 17, 18, 19
 problem of evil, 14, 21, 28
 moral, 21–23
 theological, 14, 15–21
 punishment, 7, 8, 89–110, 125, 138, 151, 172, 183, 186, 202
 as deterrent, 108
 as rehabilitation, 108
 corporate, 109
 definition of, 91–93
 justification of, 92
 restorative, 8, 117, 126, 128, 132–34, 137, 142
 retributive, 108, 122
 Putnam, Robert D., 146

 Rachels, James, 111
 radical evil, 22, 23, 24, 49, 168, 203
 Ralph, J., 58
 Rau, Johannes, 131, 193, 211
 Rawls, John, 155, 175
 realism, 119–20
 reason, 39–40, 100–101
 reconciliation, 7, 8, 115–44, 151, 154, 183
 and forgiveness 185, 186
 Reeve, Simon, 165, 166, 177, 178, 179
 Reichenbach, Bruce, 21, 32, 60
 remorse, 190
 Rengger, Nicholas, 60

- reparation, 8, 117, 118, 119, 126,
 131–32, 142, 170
 repentance, 189, 190, 193, 204–5
 reprisal, 154, 155
 resentment, 96, 123, 155, 159–60, 185,
 186, 187–88, 190, 191, 196, 198,
 207, 209
 response, 6
 responsibility, 3–9, 11–28, 15, 25, 27,
 89, 90, 94, 95, 96, 97, 98, 102,
 191
 collective, 42, 49, 105, 109, 171
 criminal, 39
 for evil, 5, 6, 16, 19, 106–7
 individual, 39, 43, 44, 46, 49, 50,
 52, 54, 55, 57, 61, 71
 moral, 23, 42, 187
 political, 105–6
 state, 39
 restorative justice, 124, 125, 126
 retaliation, 124, 154, 155
 Retief, Frank, 186, 209
 retribution, 92, 108, 154, 155
 revenge, 8, 123, 151–73, 183
 and forgiveness, 185, 190, 197, 198
 as deterrent, 161–62
 nature of, 154–56
 Ricoeur, Paul, 29
 rights, 40, 41
 Roberts, Robert C., 186, 209
 Robertson, Geoffrey, 201, 202, 207,
 212, 213
 Romania, 121
 Roosevelt, Eleanor, 41
 Ross, Gary Jonathan, 173
 Rousseau, Jean-Jacques, 21, 22, 32
 Rubenstein, Joshua, 184
 Russell, Jeffrey Burton, 30
 Russia, 194, 197
 Rwanda, 3, 4, 8, 45, 49, 52, 54, 115,
 118, 119, 121, 124, 130–31, 135

 Sa'adah, Anne, 144
 Sandel, Michael, 59
 Schaap, Andrew, 196, 211
 Schelling, Thomas, 168–69, 178

 Schimmel, Solomon, 186, 188, 193,
 209, 210, 212
 Schmitt, Carl, 55–56, 60
 Schroeder, Gerhard, 194, 211
 Schwartzbard, Shalom, 153
 securitization, 64–66
 self-defense, 154, 155
 self-determination, 41
 September 11, 3, 4, 7, 9, 11, 89, 97
 Serbia, 51, 54
 Shakespeare, 173
 Shaw, Martin, 53–54, 60
 Shipman, Harold, 51
 Shriver, Donald, 148, 183, 192, 195,
 208, 211, 214
 Sierra Leone, 3, 4, 117, 119, 121, 134,
 135, 201
 Simmons, A. John, 110
 Simpson, Gerry, 60
 sin, 13, 17, 18, 19, 21, 205
 Singapore, 205
 Smiley, Marion, 113
 Smith, Adam, 159, 160, 164, 165, 167,
 173, 176, 179
 Smith, Michael Joseph, 145
 Snyder, Jack, 145
 social justice, 126, 139–40, 143
 Socrates, 123
 Solomon, Robert, 158, 159, 160, 161,
 176
 Solzhenitsyn, Alexander, 37, 52
 Somalia, 38, 115
 Sontag, Frederick, 29
 South Africa, 8, 115, 116, 119, 121,
 135, 139
 South African Truth and Reconciliation
 Commission, 124, 134, 190, 199,
 200, 202
 South Korea, 197
 sovereignty, 41
 Srebrenica, 3
 Staub, Ervin, 26, 27, 33, 208
 Stoics, 39
 Strawson, Peter, 50, 95–96, 98, 111,
 112
 Suarez, Francisco, 20, 32

- suffering, 12, 13, 14, 15, 21, 37, 53,
123, 129, 195
 meaningless, 14–15, 28
 undeserved, 5, 15
- Surin, Kenneth, 15, 30
- Syria, 165
- Tallgren, Immi, 60
- Taylor, Charles, 37, 59
- Taylor, Donald, 29
- Telushkin, Joseph, 205, 213
- terrorism, 3, 4, 7, 9, 165
- Tertullian, 16, 17, 30
- theodicy, 15, 16, 22
- Thucydides, 119, 120, 145
- Tocqueville, Alexis de, 79
- Todorov, Tzvetan, 189
- Tokyo Tribunal, 45, 120
- truth, 130, 151
- truth commissions, 117, 121, 128, 129
- tsunami, 97
- Tucker, Robert, 170, 178
- Tutu, Desmond, 124, 184, 185, 190,
198, 199, 200, 204, 209, 210,
212, 213
- United Nations, 115, 118, 121, 163,
201
- Universal Declaration of Human Rights,
41, 118
- Uruguay, 201, 202
- vengeance, 7, 8, 89, 97, 99, 151–79,
181
- Vietnam War, 68
- Vinjamuri, Leslie, 145
- Volf, Miroslav, 146, 148, 207, 213, 214
- Volkan, Vamik, 78, 85
- Voltaire, 21, 32
- Waddell, Terrie, 29
- Walker, Nigel, 155
- Wallace, Gerry, 155, 174
- Waltz, Kenneth, 114
- Walzer, Michael, 7, 20, 44, 57, 58, 144,
170, 171, 178
- war, 164
- war crimes, 3, 44, 45, 118, 123, 133,
140
- Weber, Max, 195, 211
- Wieczorek-Zeul, Heidemarie, 194, 211
- Wiesenthal, Simon, 24, 181, 182, 184,
193, 208, 109, 211, 213
- Wight, Martin, 172, 178
- will theory, 43
- Wilson, Richard A., 146
- Wilson, Woodrow, 40–41
- World Bank, 116
- Worthington, Everett L., 209
- Young, Iris Marion, 55, 60
- Yugoslavia, 45, 50, 51, 115, 118, 119
- Zehr, Howard, 146
- Zimbardo, Philip, 7, 26, 33, 48–49, 50,
59, 72–74, 78, 80–85
- Zoroastrianism, 16
- Zyl, Paul van, 202, 203, 212, 213