

RESPONSIBILITY AND RESPONSIVENESS

RESPONSABILIDAD Y SENSIBILIZACIÓN

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Abstract: In contexts where the reconciliation of previously contending parties is a goal, the terms ‘victims’ and ‘perpetrators’ can be polarizing and counter-productive. There is a need for a more nuanced framework that goes beyond primary levels of involvement. For ‘victims,’ this point is well recognized. Secondly involved are family members and other close affiliates of the harmed person, while the tertiary level is that of community members harmed individually or collectively. For ‘perpetrators,’ the extension of involvement from primary to secondary and tertiary levels is less often discussed. An analogous framework of primary, secondary and tertiary participation or “perpetrators” is developed, based on degrees of causal and moral responsibility for actions committed in a violent political conflict. The additional roles of bystanders and beneficiaries are also clarified. The framework furthermore extends the meaning of responsibility beyond causal responsibility to include a counterpart account of forward-looking ability to respond or ‘response-ability.’ The article concludes with responses to a series of possible objections to this more complex framework regarding responsibility.

Keywords: Responsibility, perpetrators, bystanders, beneficiaries.

Resumen: En contextos en los que la reconciliación es una meta entre partes que estaban previamente en contienda, los términos ‘víctimas’ y ‘victimarios’ pueden ser polarizantes y contra-intuitivos. Por esta razón, existe la necesidad de un marco más adecuado que vaya más allá de los niveles primarios de vínculo entre partes en conflicto. Para las ‘víctimas’ este es un hecho conocido. Cabe recordar que en el vínculo de segundo orden se encuentran miembros de la familia u otros cercanos a la persona dañada, mientras que un tercer nivel está compuesto por los miembros de la comunidad dañados individual o colectivamente por el conflicto. En torno a la idea de ‘victimarios’,

la extensión del vínculo desde un nivel primario a uno secundario y luego terciario se discute menos en la literatura. Aquí se desarrolla un marco análogo para nivel de participación primaria, secundaria y terciaria de 'victimarios', basado en grados de responsabilidad causal y moral respecto de acciones cometidas en un conflicto político violento. Los roles adicionales de observadores y beneficiarios también son clarificados en este marco. Este trabajo además extiende el significado de responsabilidad más allá de lo causal para incluir la perspectiva de la contraparte en tanto 'habilidad de respuesta'. Este artículo concluye con una respuesta a una serie de objeciones posibles a este marco más complejo en relación con la responsabilidad.

Palabras clave: Responsabilidad, victimarios, observadores, beneficiarios.

1. Introduction

IN CONTEXTS WHERE the reconciliation of previously contending parties is a goal, the terms 'victims' and 'perpetrators' can be polarizing and counter-productive. A nuanced understanding of responsibility for acts undertaken in a political conflict can help to avoid simplistic labelling and scapegoating. Although we may think initially in terms simply of 'victims' and 'perpetrators' in these conflicts, a more complex framework acknowledges the roles of further persons involved at secondary and tertiary levels. For 'victims,' this point is well recognized: secondarily involved are family members and other close affiliates of the harmed person, while the tertiary level is that of community members harmed individually or collectively.

For 'perpetrators,' the extension of involvement from primary to secondary and tertiary levels is less often discussed. However, an analogous framework can be developed, based on degrees of causal and moral responsibility for actions committed in a violent political conflict. Our sense of responsibility can be extended further by moving beyond causal responsibility to a counterpart account of forward-looking ability to respond or 'response-ability.'

2. Persons Harmed in Political Contexts

Persons harmed are normally referred to as victims, on the presumption that they have not brought about harm to themselves and are suffering from it. When we think of victims, we tend to think first of those killed, maimed, tortured or injured in a violent conflict. In apartheid South Africa, for instance, a victim might be a black community leader arrested for helping to organize a community demonstration and tortured in jail. Many such

persons were, in fact, killed in jail and never seen again by their family members. Steve Biko was one such person; he experienced beating and torture by the apartheid police and was ultimately killed. Clearly Biko was a primary victim in the struggle against apartheid.

It would be a mistake, however, to think that the harm done in a violent act stops with primary victims. For example, a primary victim (V1) might be the breadwinner and sole source of support for children, a wife, and aging parents. In addition to their grief and sorrow, these family members are harmed economically and socially by the death of their loved one. Many never recover. Steve Biko left a wife and children, as have many others primary victims. Those directly harmed nearly always have relatives and close friends who are greatly affected by the harm done to them. These relatives and friends can be called secondary victims (V2), or persons secondarily harmed by acts in the violent conflict. The harm done to the primary victim significantly affects them through their relationships to him or her.

Nor is that the end of the story. Harm does not end with the circle of family and close friends. Communities are significantly harmed too. With such a person as Steve Biko, the talents and energies of such a leader were not easily replaceable if, indeed, they were replaceable at all. There was a loss to black Africans in South Africa. As individuals and collectively black South Africans were adversely affected by Biko's death – and by those of other leaders and activists. Thus in such cases there is a category of tertiary victims (V3), the social group or broader community that has suffered a loss. Community harm may begin with a sense of vulnerability and fear, when individuals within the community are victimized. If, for example, an activist is beaten and killed because he is an activist, other activists will fear similar consequences.

Fear may spread through ethnicity. For example, if a merchant is attacked because he is Asian and thus conspicuous in an African community, other Asians in the community will likely to feel apprehensive and insecure because of the attack on him. The reasoning used is straightforward enough: 'this person was attacked because he is Asian; I am Asian; thus I might be attacked too.' Clearly, there is emotional damage in such a case and limitations on movement, wellbeing, economic activities, and opportunities are likely to result.

In an analogous way, it is sometimes said that all women are in an extended sense victims of rape. That is, the harmful effects of rape on women extend beyond the primary category of women who have themselves been raped or immediately threatened by it, and further beyond the category of family and friends of those primary victims. The crime of rape is fearful to

any woman, and many women are carefully instructed to limit their movements and activities so as to avoid it. They may restrict themselves severely – avoiding for instance, any walk alone after dark. A woman assaulted is the “primary victim” of a rape; her family and close friends are “secondary victims”. But her entire community and, in fact, the class of women in general are “tertiary victims” of her rape and other rapes. These attacks provide immediate and fearful evidence of the vulnerability of women and give credence to their fears and the felt need to limit their activities in ways that severely restrict their freedom.

The Australian government’s 1997 report *Bringing Them Home* provides many vivid and tragic illustrations of these levels of victimhood. When an aboriginal or mixed-race child was forcibly removed from parents, as was a common practice for much of the twentieth century in Australia, that child was the primary, or direct victim of the removal. Consequences included emotional trauma, cultural denigration and, in many cases, physical and sexual abuse of the child. Obviously in these cases the parents from whom the child was taken were also victims, as were other relatives. And the entire Aboriginal community was a victim too. *Bringing Them Home* stated the point this way: “When a child was forcibly removed that child’s entire community lost, often permanently, its chance to perpetuate itself in that child. The Inquiry has concluded that this was a primary objective of forcible removals and is the reason why they amount to genocide.”¹

The report cites international legal principles of reparation, compiled by the international legal scholar Van Boven. Those principles state that persons affected by severe human rights violations or by violations of international humanitarian law are entitled to reparation: “Reparation may be claimed individually and where appropriate collectively by the direct victims, the immediate family, dependent, or other persons or groups of persons connected with the direct victims.”²

When we think of the damage resulting from severe political conflict, we tend to think first of the primary victims, those who are immediately and directly harmed. Harm is often very serious in this first circle, but it does not remain there. To be sure, primary victims are harmed; many die and many who survive never recover from physical or emotional damage that result from the attack. Harm broadens out from a single act to have important, often lasting effects on others who are affiliated through family,

¹ *Bringing Them Home*, accessed through the Internet, February 26, 2004.

² *Bringing Them Home*, accessed through the Internet, February 26, 2004, appendix on the Van Boven principles.

friendship, group or community membership. It extends to family, friends, and the broader community.³

3. Political Wrongs: The Causal Context

At least three levels of participation in political conflict can be distinguished.⁴

The primary agents of violence, called here P1's, are those persons who engage in intense combat 'on the ground' or who are intimately involved with such acts in a leadership role. Acts such as killing, maiming, and abducting are characteristic deeds carried out in the course of a political conflict in which physical force is being used. A primary agent might intimidate community members into complying with political orders; manufacture and deliver a bomb; plant an explosive in a garbage can; assault or abduct someone; burn a bus, and so on and so forth. In most contexts, such acts are committed intentionally and voluntarily. Another primary agent might plan, organize, and order such acts, finance them, or recruit persons to perform them; clearly these actions are characteristically deliberate and uncoerced.

Primary agents as thus explained are the persons we tend to think of when we use the term 'perpetrator.' From a legal perspective, it is usually these persons who are charged and convicted for acts committed in a political struggle. Persons who are found to have knowingly and intentionally committed such acts may serve long jail terms. In the Northern Ireland situation, for example, politically motivated ex-prisoners on both the Republican and Loyalist sides were participants in a conflict at this level. We refer to them here as P1's.

Secondary perpetrators in a violent conflict, called here P2's, are those who support P1's in a fairly immediate context of their actions. They may, for example, provide food and shelter or such means as explosive materials, ammunition, get-away cars, and other resources. Through writing and speeches, they may provide ideological or religious resources. They may

³ This is not always the case. For example, a child might be attacked and slightly wounded and not disturbed too much, since she did not really understand what was happening while at the same time her mother, who was not directly attacked and was thus a secondary victim, was extremely disturbed and remained fearful for months after the event. Primary, secondary and tertiary victimhood are discussed in Govier and Verwoerd (2002). The notions are applied to the September 11 attacks on the United States in Govier (2002). See also Govier (2006).

⁴ The suggestion that as well as primary, secondary, and tertiary victims, there might be primary, secondary, and tertiary perpetrators was initially put to us by Karl Tomm, Faculty of Medicine, University of Calgary. Our development of this framework also greatly benefitted from discussions with Alistair Little (see also Little and Scott, 2009).

provide administrative resources such as a network soliciting donations to support primary activities, computer resources, credit cards, or false passports. Presuming that such supportive acts are knowing and intentional, it is clear that the causal support given by the agents establishes a moral responsibility as well. In legal language, such persons may be said to “aid and abet” primary participants.

It is crucial here to understand that group culture supports and makes possible the context in which violent acts are undertaken within a political struggle. Many people who are not primary or secondary participants in a political conflict contribute to the antagonistic cultural patterns underlying it.⁵ Tertiary participants, called here P3's, may be called tertiary perpetrators. They are less immediately involved with carrying out and supporting particular actions. However their contributions are no less deliberate and no less essential from a causal point of view.⁶ The support of many persons in a broader politically committed community makes actions on the ground possible – even though these persons do not themselves directly commit such actions or aid and abet them in a close way. Tertiary perpetrators support their side in the conflict and are complicit with its conduct in many ways – by participating in antagonistic discourse, making financial contributions, supporting educational and religious programs of a sectarian or divisive nature, privately cheering deaths on ‘the other side,’ or simply being silent when hatred and violence are advocated and undertaken within their community or group. They maintain customs, discourse, and practices that support the antagonistic divisions underlying the violent conflict.

Many people at higher and lower ranks of organizational and social hierarchies share the causal responsibility for the acts of violence committed in an intense political conflict. Those acts do not result solely from the undertakings of intentional actions of leaders and agents at the primary level. In virtue of their causal role and their intentional, uncoerced support, tertiary agents share moral responsibility for the acts of primary and secondary agents in a political conflict.

In discussions of causal and moral responsibility for acts committed during violent political struggles, there has been discussion of two categories of persons apart from primary perpetrators. These two categories are *bystanders*

⁵ A similar analysis of shared responsibility is given in Liechty and Clegg (2001).

⁶ By ‘acts of violence’ in this essay, we mean acts of physical violence such as the assault, physical torture, battery, wounding, killing of persons; we also include severe cases of property violence such as the destruction of homes, buildings, bridges, and roads. We do not include minor acts of property violence such as writing graffiti on fences. Nor do we, in this account, consider psychological, structural, or verbal violence.

and *beneficiaries*. Neither category overlaps exactly with the categories of participation we have defined here.

The negative significance of some *bystander* roles is vividly illustrated by one of Giotto's paintings in the Arena Chapel, in Padua, Italy. There, in the centre of a series of paintings depicting vices such as anger, envy, and pride, one finds Giotto's portrait of how injustice looks to victims. The face of Injustice has a cold male profile of a ruler that looks to the right. Around him is a gate in ruin. The trees surrounding him are rooted in soil where there is a theft, a rape and a murder. The scene is watched by two soldiers. They do nothing. Neither does the ruler (Shklar, 1992: 46-47). The soldiers could have intervened but do not and thus may be accused of supporting the injustice, by their failure to act.

The political philosopher Judith Shklar drew on this disturbing image to develop the notion of "passive injustice." According to Shklar, *passive injustice* means that unjust persons are not only those committing unjust acts, but also persons who "shut their eyes to the injustice that prevails in their midst", those who ignore the claims of victims of injustice, and those who are "morally deaf and dissociated." On this account, "when we do not report crimes...when we tolerate political corruption, and when we silently accept laws that we regard as unjust, unwise or cruel", we are involved in passive injustice (Shklar, 1992: 48-49). Shklar assumes that those who stand by and do not act could have done something to change the injustices. Insofar as they do not, such persons are bystanders in a morally negative sense.

Shklar's reflections on the passive injustice of some persons who fail to intervene so as to prevent unjust acts bring to the fore a strongly negative sense of bystanderhood. Giotto's painting reminds us that rulers and soldiers may become bystanders. Many persons in the context of a conflict can be described as bystanders in this negative sense, if they *have the potential to make a difference to suffering but choose to close their moral eyes and ears* – in other words, if they choose to be indifferent.

While this strongly negative sense of being a bystander applies to some persons in contexts of conflict, one also needs to recognize that there is a more neutral sense in which a person can be a bystander.⁷ Some persons are

⁷ In ordinary language, the word "bystander" seems to have a neutral meaning. In a context such as a car accident, for example, persons on the street would normally be described as bystanders. If you are a bystander in the sense that you are standing there when car A hits car B, there is no implication of guilt, complicity, or failure to aid. If, by contrast, you were to witness a severe beating when driver A got out and attacked driver B, and you failed to intervene, though you were physically fit and able to do so with relatively little risk to yourself, or even to call the police, you would be a bystander in the negative sense of '*merely standing by*.' In this second

bystanders in the neutral sense: they do not take part in the conflict and have no obligation to do so. They are neither tertiary participants nor bystanders in any negative sense. Consider, as an example of a bystander who is neutral in this sense, the case of a Chinese person resident in Northern Ireland and not affiliated with any Protestant or Catholic party to the conflict. As an 'outsider' to the Troubles, his lack of involvement or even indifference would be far less significant than that of a normally able person who is an 'insider' who better understands the conflict. By not opposing what is done by 'his side' in the conflict, a Protestant or Catholic person in Northern Ireland can plausibly be argued to support it. Such comments need qualification by reference to context and circumstances, however. For example, if the 'insider' were to be frail, poor, and elderly and, by contrast, the Chinese resident were to be a wealthy businessman, one could contest the contrast being drawn here. One might, for example, argue that a prosperous businessman has a significant *capacity* to act so as to positively affect the conflict and that even if he arrived in Northern Ireland as a foreigner identified with neither side, once he is located in the community and benefitting from it, he has obligations to it. On these grounds, even though he is a bystander outside both the contending groups, one could maintain that he *should* try to respond to what is going on around him. What the obligations of various bystanders are is a question requiring further explanation. We can at least agree, though, that not all bystanders are bystanders in the negative sense explained by Shklar and just described here.

Nevertheless, it remains true that bystanders with the capacity to intervene constructively may be claimed to be culpable for their non-action, if they fail to act. That is not to say, however, that they have taken on any role as participants. By definition, whether culpable or not, bystanders are not tertiary participants; they are not tertiary perpetrators. In a logical sense, the roles of 'bystander' and 'tertiary participant' are distinct in the strong sense that these roles are mutually exclusive.⁸

The role of tertiary perpetrator, P3, is defined with reference to the *causal context* of actions and, through their intentional and voluntarily assumed

case, you would bear some guilt for your failure to act. In discussions of political complicity and attendant responsibility (as, for instance, in post-apartheid discussion in South Africa) the negative sense of "bystander" is often assumed as a basis for discussion.

⁸ If one were to assume that *failure to act* amounts to *support*, one could then argue that all those who are bystanders in the negative sense should be counted as tertiary participants and (in this sense) should not be regarded as bystanders at all. One might indeed argue for that assumption; however, we do not do that here.

causal roles, the *moral responsibility* people share for the actions that they undertake or do not undertake. The role of *beneficiary* is differently defined, in terms of the benefits that may flow from actions. There is a difference in time frame so far as roles of participants and beneficiaries are concerned. Clearly, the causes of an action precede it, whereas its benefits accrue after it. This temporal difference makes it clear that the roles of *beneficiary* and *tertiary participant* are not identical.

Clearly, the role ‘*beneficiary*’ needs to be distinguished from that of ‘*participant*’. This distinction holds even in contexts where some participants live into the aftermath and became beneficiaries of their own actions. Such people can be said to occupy several roles: when the wrongs were committed they were participants and in their aftermath, they are beneficiaries.⁹ Many persons living today in such countries as Canada, the United States, and Australia may be said to be *beneficiaries* of the fact that white settlers took land from indigenous peoples in the nineteenth century. Those who shared responsibility for the actions and processes of colonization were participating agents at the primary, secondary and tertiary levels. It is they, people of the nineteenth century, who share bear causal and moral responsibility for the injustices of the settlement process. Obviously, present-day people did not causally participate in any take-over of the lands of indigenous peoples, although we are beneficiaries of it. If we consider the responsibilities of present-day people who are beneficiaries of past wrongs, what is at issue is not our participation (causally) in the commission of those wrongs, but rather our responses and moral responsibilities in their aftermath. To explore this matter further, it is useful to consider the notion of response-ability.

4. Responsibility and the Ability to Respond

Anthony Duff distinguishes prospective and retrospective responsibility, saying that prospective responsibilities concerns matters that are ‘up to us’ to attend to, due to *roles* we have assumed in life, whereas retrospective responsibility is our moral or legal accountability for what we have done or failed to do.¹⁰ ‘Response-ability’ is a forward looking, or *prospective* type of

⁹ It is often assumed that the role of beneficiary carries with it special obligations to moral repair, even though beneficiaries as such bear no moral responsibility for having committed the wrongs. This assumption, and its implications, need to be explored. However, we cannot pursue that topic here. The point here is that the role of beneficiary differs from that of participant.

¹⁰ In the case of response-ability, as considered here, one voluntarily assumes the role from which responsibilities would flow.

responsibility that needs to be distinguished from moral responsibility based on intended causal contribution, which is backward-looking, or *retrospective*.

Considering examples from outside the political domain may help to clarify the contrast between prospective and retrospective responsibility. Suppose Fred tells Jim to shoot Michael, and Jim does it. Then Fred and Jim have killed Michael. Their intentional actions have caused Michael's death, and they share causal (retrospective, or backward-looking) moral responsibility for killing him. They are the ones who did it, the perpetrators of this act. As such their moral responsibility is clear. In the aftermath of Michael's death, we can also inquire about any obligations to respond to the situation in which he is dead. At this point, we are looking to what can be done to improve a situation, and associated with moral repair. We are inquiring into forward-looking responsibility. Suppose, for example, that Michael is survived by four dependent children. We can ask who will take care of these children. Who will assume the role of their guardian and care-taker? This question is a forward-looking one which concerns prospective responsibility. It is a question distinct from questions about of causal and moral responsibility for the killing.¹¹

Suppose that Jim's mother, Elizabeth, were to take on this role, care-taker for Michael's children. She might choose to do this due to her familial affiliation with Jim and a sense of affiliation with him and his moral responsibility for bringing tragedy to these children. Unless Elizabeth encouraged the killing (and we are assuming this was not the case), she is not morally responsible for Michael's death. If she assumes the role of care-taker for Michael's children, she has taken on a role which gives her responsibilities in the prospective sense.

To consider another possibility, suppose that Susan, Michael's first wife and not the mother of his children, were to inherit Michael's money. In such a case, Susan would thus become a kind of *beneficiary* of the murder. She would be an inadvertent beneficiary. Now Susan might voluntarily take on the responsibility for Michael's children in the belief that her status as beneficiary of the murder gave her a powerful reason to do that. She would then accept and acquire prospective responsibilities, which is not to say that she would bear any retrospective responsibility for the murder.

¹¹ The fact that backward-looking responsibility is central in legal contexts is understandable but may be unhelpful for our understanding of reconciliation processes, in which there is a need to look forward and accept opportunities, based on one's ability to respond and engage in processes of moral repair.

We can highlight the distinction between retrospective moral responsibility and prospective responsibility by thinking of ‘response-ability’ (ability to respond) in cases where people may take on roles giving them responsibilities. Clearly, much work in the area of reconstruction and reconciliation will fall into this category. Tasks of peacebuilding, reparation, and reconciliation come *after* violence and oppression, not before it, so notions of forward-looking responsibility are highly relevant in this context of aftermath. This content, in which one may *accept responsibility*, should be distinguished, logically and temporally, from the contexts in which people are causally and morally responsible for *committing* acts of violence. (That is not, of course, to deny that what people believe to be obligations and appropriate roles may be connected to their moral and causal participation in wrongs committed during the conflict.)

In many cases, a P1 participant is in an especially good position to initiate gestures of moral repair. Acknowledgement, apology, and restitution from this person are likely to have a special, and intense, symbolic meaning for persons harmed. Thus primary perpetrators could be in the first rank of those responding in the aftermath – assuming that they have a capacity to do so. If they do accept this kind of response-ability, such perpetrators can play a valuable role outside that of perpetration; they can play a responding role. They may often fail to do so; they may be unwilling (still believing that what they did was justified) or unable (due to being in prison or injured or dead).

An example illustrating both the potential and the difficulties of response by a P1 is that of Brian Mitchell, in South Africa. In the 1980’s Mitchell was the Station Commander of the Hanover Police Station, near Pietermaritzburg – an area characterised by intense conflict between state security forces and supporters of the African National Congress. In December, 1988, at his orders, eleven people were killed in what later came to be known as ‘the Trust Feed Massacre.’ In 1992, Brian Mitchell was charged and sentenced to ‘death 11 times over.’ That sentence was later commuted to one of life imprisonment. In 1997, Mitchell was given amnesty by South Africa’s Truth and Reconciliation Commission. During his amnesty hearing, Mitchell expressed remorse, asked the Trust Feed Community to forgive him, and pledged to help to reconstruct “the community he had polarised and harmed through his clandestine operations.” Thabane Nyoka, a community leader whose own mother was killed in the massacre, said “I have forgiven him and accepted it. I wanted to hear him apologise and ask the community for forgiveness.” This forgiveness, Mitchell said, “opened up the doors for me to enter the community.” Mitchell was a perpetrator and, in the aftermath of the struggle over apartheid, became a responder. He arranged meetings

with community representatives who said they were willing to work with him and establish a relationship characterized by good will and forgiveness. Despite this promising beginning, five years later there were few results. Mitchell's efforts had been hampered by employment difficulties and inadequate financial resources. Some years later, however, these efforts continued and were taken seriously by the community.¹²

In some contexts, family members or other affiliated persons assume responsibility for moral repair in the aftermath of acts committed by other people. In assuming such roles, they need not have played any role as participants - as in the imagined cases of Elizabeth and Susan. One real example of this type is David Kaczynski, who is the brother of Ted Kaczynski, the so-called American Unabomber.¹³ Ted, the 'Unabomber,' had written anti-technological and anti-modernist tracts threatening harm to computer companies and their employees. David Kaczynski alerted the police when he spotted content very similar to ideas that he had heard Ted express. Ted Kaczynski was arrested, charged, and convicted. At this point David Kaczynski was response-able and accepted responsibility for initiating processes of moral repair; he apologized to surviving victims of his brother's acts and undertook to build relationships with them.

Many people feel a need to respond constructively in the aftermath of acts that they did not themselves commit but with which they take themselves to be closely associated or affiliated. They may identify with agents of harm as family members, members of the same collectivity, or for some other reason. Responding, and being response-able in this forward-looking sense, connected to moral repair, is logically distinct from being responsible in the backward-looking sense of having committed the harmful acts, or having assisted in committing them. As brother of Ted, David did not manufacture or purchase explosives, support Ted's hateful invective or causally contribute to his violent anti-technological campaign in any way; he did not share moral responsibility for committing the wrongs of the Unabomber. David shared Ted's family background and surname, felt an affiliation and response-ability in the context of Ted's acts based in part on his relationship to Ted, saw an opportunity to respond, and did that. He voluntarily took on a commitment to do what he could to apologize to victims and establish positive relationships with them. While the Unabomber's acts could not be undone or annulled, and in many cases, physical injuries to victims left

¹² This case is described in du Toit (2003: 36–42).

¹³ This case is discussed in more detail in Govier (2002).

them permanently damaged, David Kaczynski believed that it was nevertheless possible for him to do something constructive in the aftermath. He acted on this conviction.¹⁴ In all likelihood, the fact of his surname gave his interventions a special symbolic significance.

Such persons as David Kaczynski are responding in the aftermath of a harmful act, based on their close affiliation with its agents. They identify with the participants, or with the act itself, due to an actual or perceived affiliation. This affiliation may be close, as in the case of a family member sharing the same name -- or it may be less intimate. Affiliation with an agent of harm need not be based on a sense of having been a beneficiary, as this case illustrates. David did not benefit from Ted's crimes.

Some persons accept responsibility on the basis of their affiliations with groups or nation. We can call this an R3 role. Kathy Hogman, a young Canadian church minister, launched an intense study campaign in a Port Alberni, British Columbia church, and initiated a process of reconciliation with First Nations members of her congregation. Hogman helped to work out an apology for wrongs committed in residential schools in that area, at a time when she was not yet born. Her ability to respond, and her conviction that she should respond, came from her identification with one of the churches that had shared responsibility for permitting sexual and other abuse in the schools.¹⁵ Another example is that of an individual German-Canadian man who felt the need to apologize to a Jewish acquaintance living in Holland for the gross wrongs of the Holocaust -- even though he was born in Canada of German parents, was barely a child when the wrongs were committed and never lived in Germany.¹⁶

In such cases, persons take on prospective responsibility in the absence of retrospective responsibility. Due to their sense of social identity, such people believe themselves to have a special role in responding to the events in question, feel a special commitment, and act accordingly.

¹⁴ We are aware that this case is not a typical instance of *political* violence because the Unabomber acted alone. (However, his objections to modern technology can be said to be, in a broad sense, political.) The case is cited here to illustrate how one family member can take on a kind of responsibility (which we call response-ability) for the violent acts of another.

¹⁵ Kathy Hogman, Interview by Trudy Govier, Port Alberni, B.C., March, 1999.

¹⁶ There seem to be many such cases. For example, an American woman originally from Singapore described to us her surprise and embarrassment when individual Japanese persons apologized fervently to her for atrocities in south-east Asia, committed by Japan during World War II. Neither she nor the persons who apologized were alive at the time. And yet these people felt a need, as Japanese, to dissociate themselves from acts committed by their country.

As described here, such acceptance of prospective responsibility is morally optional. In many contexts it is *supererogatory*, meaning that it is beyond the call of duty. However, this claim requires some qualification. The responding person who is also a primary perpetrator or a beneficiary (albeit an involuntary one) may be in a special position. Another special case is that of a close affiliation strongly suggested by a conspicuous link such as a shared distinctive name. In such cases, persons associated with victims are like to assume that the affiliated person condones the wrongs against them – unless he does something to disavow them. For example, a person who is a descendant, and bears the name of, a political leader later judged to have perpetrated war crimes or crimes against humanity could readily be assumed to *approve* of the actions of his family member unless he did something to disavow those actions. If he did nothing to clarify his stance, people might assume that he supports it on the basis of family loyalty and, for that reason, feel offended or threatened by his presence. If such a person made no response in the aftermath, doing nothing to indicate that he disavowed the actions affiliated with his family name, he could easily give the impression that he approved of them. In that way, without disavowal such a person would risk himself further harming victims and their affiliates. His failure to disavow would likely be interpreted by victims and others as a lack of acknowledgement of wrongdoing. It could be deemed a form of *second wounding* (imposing insult in the wake of injury) stimulating a sense of distrust and insecurity. Clearly, it is important for one associated in this way with perpetrator's to clarify his stance. If we assume that there is an obligation not to harm others when one can readily avoid doing so, the implication here is that there is an obligation, in such a case, to act so as to dissociate oneself from the wrongs committed. Becoming *response-able*, taking on prospective responsibilities, in such a context would be a striking way to do that.

Of course many who take on roles in an aftermath have no connection, retrospectively, with the wrongdoing. Third parties often engage in reconciliation processes even though they are outsiders, bystanders in the neutral sense, not at any level participants in the original conflict, and not beneficiaries of it. They are simply concerned and interested outsiders seeking to participate in reconstruction. They assume roles giving them prospective responsibilities.

Although the roles of *victim* (person harmed), *perpetrator* (agent of harm), and *response-able* agent are distinct, the same person or group can often occupy more than one such role. Consider, for instance, the case of the congregation of St. James Church (Anglican) in South Africa. The church

suffered a devastating attack by APLA militants.¹⁷ In this instance, persons who had been in the roles primary, secondary and tertiary *victims* accepted a forward-looking responsibility for moral repair, on the grounds that they had been beneficiaries of wrongs prior to an attack on themselves and, in addition, tertiary *participants or perpetrators* on their 'own side,' supporting unjust practices. Reflecting on the attack, members of the congregation felt that as individuals and collectively they had been complicit with the system of apartheid and shared responsibility for it. Accordingly, they sought to do something to acknowledge the damage of apartheid and assist the many poor black people, within their own Church of England, who remained impoverished after the apartheid system was abolished. They raised R500,000 (US \$100, 000) in donations, stating that the money was not charity but amounted, rather, to a form of symbolic restitution.¹⁸ In this case, the same people played the roles of victim, participant, and responder.

5. Considering Objections to this Account

In an effort to clarify and defend our account, we explain and discuss some of the objections that may be raised against it.

1. *'Victims and perpetrators seem to become morally equivalent in this account. And yet any moral equivalence here would be incorrect from a moral perspective. In addition, it would be psychologically and politically unacceptable because it would frustrate and alienate victims, whose interests should be paramount in any context of aftermath and reconciliation.'*

In the immediate context in which a harmful act is committed there is a clear distinction between the agent who commits it and the person who is harmed as a result. In the context simply of *this act*, the agent who is active and is commonly said to be the perpetrator is causally responsible for imposing harm and (assuming intention and capacity to control his actions) is morally responsible for what he did. The victim who is harmed is innocent of any wrongdoing and is, typically, passive. This contrast, in the context of that single act, is of course a highly significant moral contrast, and it should not be erased. The roles of victim and perpetrator are distinct

¹⁷ APLA (Azanian Peoples Liberation Army) was the military wing of the Pan Africanist Congress (PAC), one of the liberation movements engaged in the struggle against apartheid.

¹⁸ See du Toit (2003: 41–45).

and in the context of this act, insofar as one person is occupying one role, the other is occupying the other, there is no blurring. What we are saying here is that one should not extrapolate from V/P roles *in an individual act* to more general claims about 'victim' and 'perpetrator' roles *in the conflict as a whole, in its aftermath or (as would seem sometimes to be done) in all of future life*.¹⁹ In other words, people may occupy a victim or a perpetrator role in one important context without being exhaustively described as occupiers of that role and it only.

2. *'This account could be exploited to very bad effect. It could, for instance, be interpreted to imply such a broad sense of responsibility that everyone on one side of a conflict would become, in effect, a combatant and as such a morally suitable target for attack. This account would undermine the highly significant distinction between combatants and non-combatants, which is fundamental both in Just War Theory and in international humanitarian law. There are too many perpetrators here. In undermining this key distinction, this account could legitimate such morally appalling tactics as terrorism and military attacks on civilians. On this analysis, everyone seems to become a legitimate target, because everyone is participating in the violence against the other side.'*

First of all, it is incorrect to say that, on this account, 'everyone' is participating in the violence. Young children, persons opposing the conflict and acts of violence within it, those who seek to mediate, and neutral bystanders do *not* count as responsible participants on this analysis. Secondly, in extending the notion of backward-looking responsibility through P2 and P3, we do not seek to legitimate punitive sanctions (military or legal) to all those who qualify as P2 or P3. That many persons within a community engaged in a violent conflict knowingly make causal contributions to its waging of that conflict are matters of fact. That they share moral responsibility for actions undertaken is an elementary inference from those facts. That they may be killed or maimed on those grounds would be a further claim (moral, perhaps also legal), and we are *not* making or endorsing that claim. We are *not* advocating or endorsing any idea that capital punishment may be imposed on all P2's and P3's.

¹⁹ One might say that to make such an extrapolation is to generalize too hastily from one situation and context to many others. Another way of interpreting the error would be to understand it as faulty reasoning from a part to a whole, i.e. as committing the logical mistake of Fallacy of Composition.

3. *'This analysis commits and supports the fallacy of guilt by association; in the account of participation, people are being held accountable for things they never did.'*

So far as causal responsibility is concerned, people are not regarded as causally responsible for acts they did not commit. They are said to share causal responsibility for acts committed by others on the grounds that they have, themselves, causally contributed to those acts by providing support for them. They are said to be morally responsible for acting wrongly if, and only if, their causal role was knowingly and intentionally assumed. Moral responsibility and causal responsibility are still tied together. Our point is that many people are involved in different ways, and they provide many different kinds of support. In our account, prospective responsibility is distinguished from retrospective moral responsibility. Persons associated with participants in a context may voluntarily assume roles prescribing prospective responsibilities even though, retrospectively, they bear no responsibility. The point is *not* that such persons are guilty, much less that they are guilty purely by association.

4. *'The agency of primary agents, commonly known as 'perpetrators,' is not taken seriously here. Perpetrators' responsibility for their own choices and actions is made to disappear in a maze of complexity, wherein the contributions of others are over-emphasized.'*

We would deny this contention. The fact that, in the causal background, we find persons in addition to P1 does *not* imply that P1 bears no moral responsibility for his action. It remains true in most cases (barring insanity or extremes of physical or psychological coercion)²⁰ that P1 is an agent who is aware of what he is doing and has some choices to make. Even given the context of action (as constructed by persons in P2 and P3 roles), the P1 agent might have contested orders, avoided killing, or run away from the scene. When he acted intentionally and what he did was wrong, he can be judged morally responsible for it. The agency of a P1 in that regard is thus not denied in our account.²¹

²⁰ These are seen in the case of persons abducted into militias as young children and drugged before being sent off to commit atrocities as, tragically, happened in the civil war in Sierra Leone and in northern Uganda, where the agents of abduction were members of the Lord's Resistance Army.

²¹ The choice of individual agents is also emphasized by Baumeister (1997). That choice is possible is illustrated by the fact that there have been persons, notably persons who have intended acts of suicide terrorism, who have changed their minds at the last minute and run away from the scene of the intended violence. Highly relevant to the issue of individual power of choice is a further book by Baumeister and Tierney (2011).

5. *‘The threshold of violence is highly significant and needs to be taken with the utmost seriousness. Yet its significance seems to be disregarded in this account. P1 agents actually commit or commission illegal, violent, or otherwise threatening acts; in this role, they are importantly distinguished from P2 and P3 agents, who by contrast play various supportive roles with regard to those acts and are engaged in non-violent activities. P1’s truly are more threatening and fearful agents of conflict. If they have a special stigma attached to them in virtue of the label “perpetrator”, that stigma is deserved: they have urged and organized such acts, or have directly carried them out. The “perpetrator” label is genuinely significant: to take it back is to engage in denial, whitewash and euphemism.’*

This objection raises profoundly important issues about the significance of physical violence. Through their immediate threat to physical security, acts of direct physical violence are deeply disturbing, shattering in ways that few other acts are shattering. Our need for physical security is profound and its centrality should not be denied. It is not that being silent or failing to act in a context of injustice is deemed here to be as serious as killing or maiming. When they are violent, the acts of P1 participants are almost certain to be more shocking, physically and psychologically, than the acts of P2 and P3 participants. In their overall harmfulness, these roles may be as significant as the others. Given broader participation supporting violent acts, the special stigmatisation of P1 agents is simplistic, unfair, and counterproductive so far as reconciliation processes are concerned.²²

6. Conclusion

We are offering here what we understand to be a nuanced framework for understanding different levels of being harmed and of contributing to harm during violent political conflict, as well as different levels of ability to respond constructively in the aftermath of the conflict. Despite some potential for confusion, we argue that this kind of framework is far more appropriate to processes of reconciliation than the destructive tendency to overemphasize the roles of those directly harmed (‘victims’) or those in the frontline of political violence (‘perpetrators’) and to see victims and perpetrators as mutually exclusive groups. An obvious and very important implication of our framework is that in political conflict there is typically

²² We reserve the detailed exploration of this topic for another occasion.

an overlapping of roles in harming and being harmed. Some persons who have been harmed and are regarded by themselves and others as victims, having been placed in the 'victim' role, *also* share responsibility for harms imposed by their own group and in that sense can be seen to occupy the 'perpetrator' role as well.

These multiple ways in which roles of being harmed, of participating in harming, and of responding to harm may overlap, highlight the need for *mutuality* in processes of moral repair. Given overlaps between roles it becomes necessary to accompany demands for accountability with a willingness to acknowledge shared responsibility; to combine calls for apology and forgiveness by others, with a willingness to show remorse, make amends, and overcome bitterness oneself. Mutuality does *not* imply cancellation of wrongs, nor equation of wrongdoing. It does reveal the need for a sensitivity to the different ways in which different parties to the conflict have harmed each other.

An appreciation of overlapping roles should thus introduce a healthy dose of moral *humility*, which should enhance attempts to build or rebuild sustainable co-operative relationships in the aftermath of serious political conflict. The recognition of the complexity of responsibility in political conflict should lead us away from polarization and moral arrogance and towards a sense of response-ability that is not grounded on polarized thinking about 'victims' and 'perpetrators'.

It should be stressed that the framework proposed here is not intended to question the need for individual responsibility and legal accountability of those involved directly in politically motivated harming. What we argue against is an exclusive focus on the responsibility of certain individuals, a focus which may amount to unfair and counterproductive scapegoating. What we warn against is too much dependence on the backward-looking individualistic focus of criminal justice systems in response to political violence.

If one is serious about reconciliation in the aftermath of violent political conflict, then one needs to appreciate not only different layers of victimhood, but also the accompanying levels of causal responsibility for harming. And if a society really wants to deal effectively with a past of painful conflict, then an important step is to expand its sense of responsibility beyond shared backward-looking responsibility. Instead of seeing responsibility merely as a heavy burden, to be avoided if possible, we urge an embrace of the forward-looking creative, relationship building potential offered by 'response-ability'.

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