

The Order of Truth and the Order of Society

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1. Rather than abandon ourselves to a limitless discussion of the meaning of truth from a scientific, moral, philosophical, or aesthetic point of view, let us immediately inquire into the *function* of truth. For in terms of function, all forms of the truth resemble each other. We always expect certain results from the truth: that it will transform the unknown into the known; that it will clear up a mystery; that it will prove or disprove a hypothesis. It is here that the judge — who demands of both witnesses and accused that they swear to tell "the truth, the whole truth, and nothing but the truth" — meets the theologian, the scientist, the philosopher, and the moralist. All share the expectation that the truth will help them to know an object that has heretofore been either partly or totally unknown.

2. Where evil is concerned, knowledge of the truth may have different effects. It may bring about scandal, shame, or pain; it may help to lessen the evil, or even to erase it; or it may reveal errors, ignorance, and lies — that is, it may reestablish the events of the past in their actual historic development.

In recent times we have experienced all these and other effects of truth. An example of truth-as-scandal: the impact of confessions made by the French General Paul Aussaresses in March 2001 concerning tortures committed by the French army in Algeria. These confessions unleashed a chain of reactions, notably on the part of the president of France. An example of the second case, truth-as-pardon: Pope John Paul II's remarks of May 5, 2001, to the Greek Orthodox Church, in which he recognized the wrongs inflicted by the Catholic Church on the Orthodox Church. Truth-as-pardon might also be called "truth-as- repentance," or, as the pope called it, a "purification of memory," and it consists of three phases: the deed, the admission of regret (in marked contrast to the admission of satisfaction or pride), and the possibility of pardon. The third case — still drawing on contemporary experience — is exemplified by recent discoveries in the United States of truths about crimes. In a number of cases, years after trial and verdict, DNA analysis has proven that a rape could not have been committed by the man who has been found guilty and sentenced to prison for it. The discovery of such a truth puts the facts back into their real, objective context by removing an erroneous opinion from them. This is an example of what I call "the truth of the truth."

3. Before considering the actual experience of commissions convened in the name of "truth and reconciliation," I would like to make a few observations about the truth in the spheres of ethics and politics.

I. Truth in the Sphere of Ethics

4. To recognize the truth of an act, an offense, or a transgression is to seek to reestablish harmony and appeasement — as much within the internal order of conscience as within the external order of law. Simply to recognize the truth is a cathartic act that at the same time relieves the conscience, purges the social relationship of its misfortunes, and soothes the memory.

5. This concept can be found at the heart of all religions, where truth takes the form of repentance and confession. Repentance is an act of self-abasement through which the believer, in admitting the truth of his sinful acts, recognizes an offense against God — recognizes that he has either transgres-

sed God's law or wronged his neighbor. The New Testament parable of the Pharisee and the tax collector ends with the claim that "every one that exalted himself shall be abased; and he that humbleth himself shall be exalted" (Luke 18:14). The individual abases himself in the act of repentance.

For the offender the recognition of the crime is equivalent to self-accusation. Through this gesture of humility he loses face, reveals his shame, and calls on God as a witness. Apostasy and perfidy are pardoned. We read in the Old Testament book of Jeremiah, "Only acknowledge thine iniquity" (Jeremiah 3:13), and "Return, ye backsliding children, and I will heal your backslidings" (3:22).

Here, to admit a sin is to express the truth. Again in Jeremiah we read, "We lie down in our shame, and our confusion covereth us: for we have sinned against the Lord our God" (3:25). The admission is directed simultaneously toward the conscience of the sinner (which it tends to free through regret) and that of the victim, from whom pardon is being sought: pardon — or at least nonvengeance; forgetting — or at least the appearance of forgetting; and the acceptance of the fact itself, without other consequences.

The New Testament parable of the Prodigal Son gives clear expression to this idea of pardon. Having sinned against his father, the son receives honor and recompense when he admits his error. Dead, he returns to life. Through the truth a lost harmony is regained.

6. Repentance, in religious values, may in fact have the purpose of blocking vengeance, whether that vengeance be unleashed by God or man. Repentance assuages God's fury, but it can serve to block the penal process as well: According to Islam, the Koran frequently affirms that punishment is suspended by repentance, on the condition that it be sincere. This is the case for adultery, theft, unnatural sexuality, and rebellion.

7. Conditions and degrees establish the difference between authentic repentance, which is covered by pardon, and inauthentic repentance, which is not. The first must be characterized by sincerity and disinterestedness. This is, at the same time, relative. No act of repentance can be fully disinterested, since it necessarily arrives at a positive result, be it pardon, an assuaged conscience, or the rehabilitation of esteem. It always arrives at some sort of interest.

Inauthentic repentance obviously comes in many forms. It may come late — may not come, for example, until the final stages of life, on the deathbed. So the Koran informs us, "Repentance to Allah is only for those who do evil in ignorance, then turn to Allah soon, so these it is to whom Allah turns mercifully, and Allah is Everknowing, Wise. And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: Surely now I repent" (4:17-18).

Repentance also loses its authenticity when it is performed under constraint, or out of purely material interest. Islam, for example, dictates the cruelest punishments for banditry but makes exception for those who repent before they are captured and delivered to the authorities. A fortiori, it is the same with hypocritical repentance, which is merely given in order to win the pity or mercy of the victim or judge, and is made with a view toward escaping or at least softening punishment.

8. The value of repentance also depends on the gravity of the wrong committed and on the intensity of the violation. The path toward repentance is much easier for an involuntary wrong than for a voluntary one, just as it is easier for a light or indirect wrong than for an intense or direct one. According to the Gospel of Luke, when Christ arrived at the place called Golgotha to be crucified he prayed that God pardon his assassins. These men certainly acted voluntarily, but, he said, were blinded by their ignorance: "Father, forgive them; for they know not what they do" (Luke 23:34).

9. Repentance — through which one seeks to obtain divine mercy or the pardon of another person, to relieve one's own conscience, or to repair a wrong — may be accepted or rejected. The Koran, for example, affirms, "Surely, those who disbelieve after their believing, then increase in unbelief, their repentance shall not be accepted, and these are they that go astray" (3:90). In the most serious cases, then, repentance cannot be received.

10. Repentance thus depends on two elements. The first concerns material facts: the public recognition of the event that produced the wrong, whatever that wrong's nature — an offense against life, an offense against the integrity of the body, a material loss, emotional suffering, or other wrongs. Repentance is the objective admission of a concrete fact and an individual's acceptance of responsibility for the act.

The second element regards intention, which is invisible and will thus always remain relatively secret. Effectively there can only be relative signs by which we can make judgments about intentions: the moment of repentance, the guilty person's situation and condition, his or her physical expression of regret (through tears, sobs, timbre of voice, and spontaneity of speech and gesture), his or her future conduct. Of course these signs, in the hands an actor, may become a means of supplementing lies and falsehoods. Our acceptance of penitence is thus founded on a presumption of trust, which we know in advance to be both fragile and uncertain.

Two truths are therefore essential to the act of repentance: the truth of facts and the truth of intention, which is sincerity. Both of these truths are involved in confession, particularly in the Catholic rite of confession, which consists of the sincere admission of wrongs and transgressions to the confessor and constitutes the sacrament of penance, also called the sacrament of reconciliation. Penance is one of the seven sacraments of Catholic doctrine (the others being baptism, the Eucharist, the anointing of the sick, confirmation, holy orders, and matrimony). In Catholicism, confession consists of an admission entrusted to a priest so that the pardon of the Church in Christ's name may be received. The sacrament's key principles are truth and reconciliation. Here the truth has a dimension of absolution, of expiation. In religion as in morality, the truth serves to reconstitute the link or promise that has been broken, the trust that has been betrayed, the order that has been disrupted. In doing so it blocks the usual consequences of a criminal act, which are of a vindictive character. The effect of absolution is that it reestablishes harmony and reconciliation between God and the faithful.

In the largest sense, the religious sphere's presuppositions about repentance are to be found in the moral sphere and in the political and even the legal spheres as well.

11. In the ethical sphere, the telling of the truth erases the destructive traces of dishonesty, betrayal, injury, aggression, or inaction. Through the recognition of a crime, its attribution to the guilty party, and that person's sincere expression of regret, a reestablishment of the moral order takes place. Finally the wrong is redressed by bringing about a role reversal between the offender and the offended: The dominator puts himself in the position of the dominated. He delivers himself into the hands of the offended, to whom he offers the "good role" of moral magistrate, the role of bringing about the final victory of the good and just. The offended party becomes a judge. The sentence that is his to impose consists of either granting or refusing to grant pardon. In the first case the moral order is recovered through the return of lost esteem. In the second case the offender finds himself imprisoned in his own bad conscience.

In the legal sphere, the telling of the truth does not in fact erase the punishment, since punishment in the modern penal system extends beyond the personal situation between aggressor and aggress-

sed. Penitence can nonetheless soften the punishment by inspiring clemency on the part of the judge or of the victim. It is already clear, then, that the order of truth and the order of law operate according to two different sets of logic, since the act of repentance does not block the judicial process of punishment. Contrary to what happens in the religious and moral spheres, in the legal sphere some sort of punishment will be pronounced, regardless of the admission of guilt and repentance. It is with this example drawn from law that we enter the world of politics.

II. Truth in the Sphere of Politics

12. Within the political sphere the order of truth and the order of society find themselves in total opposition.

The order of truth, as has been shown, is founded on moral honesty and relative disinterestedness. It is per se opposed to the domination and manipulation of others. It does not use others as a means to an end; it puts a stop to the moral disorder in which the passions and instincts overcome the virtues. The order of truth enables us to choose with wisdom, faith, and confidence in a way that conforms to superior and tangible values, without regard to the play of interests. Within the order of truth, pure philosophy is not only possible but necessary. Political philosophy, on the other hand, is something completely different, since it inserts itself into a complex play of contradictory interests that must coexist with one another: order and freedom; the whole and the particular; the individual and society. These interests are not purely spiritual, moral, or symbolic, as in the religious and moral spheres. Rather, they are tangible, material, or economic, or are connected to the exercise of power and the authority of the state, which insert themselves directly into the social fabric.

13. The principle of politics is above all to prevent anarchy and avoid the disorder brought about by man's natural tendency toward the absolute affirmation of his own ego.

In the abundant analysis that political philosophy has dedicated to the human ego, authors have generally presented pessimistic views of the natural condition of man. The Muslim theologian Ghazali (eleventh to twelfth century), in several of his works of political theology, describes mankind as animated by cruelty (*sab'ia*), deceitfulness (*shaitaniya*), bestiality (*bahimiya*), and the will to dominate (*rububiya*). The great thirteenth-century North African historian Ibn Khaldoun characterized man as disposed toward aggression and misdeeds, both of which lead to anarchy. The seventeenth-century English philosopher Thomas Hobbes held that, in nature, the human passions, desires, and instincts all lead to war — the war of man against man. It is a law of nature that men will "endeavor to destroy or subdue one another."¹

14. Social constraint springs from this natural state. A coercive, superior force is an indispensable means of holding humans together. Ibn Khaldoun analyzed this force, which he called *Wazi'*, in a way that recognized both its material dimension, insofar as it is a physical force, and its moral dimension, insofar as it is a symbolic force. Ghazali called it *Shawka* (which means, literally, the needle, the point, and, by extension, power). Hobbes elevated it to the level of the sublime: "The only way to erect such a common power ... is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills by plurality of voices unto one will. ... This is the generation of that great *Leviathan*, or rather, to speak more reverently, of that 'mortal god' to which we owe ... our peace and defense."² This quality became known in the West as sovereignty.

15. Constraint alone is insufficient to hold the multitude, and it is on this level that the political order separates itself completely from the moral order and the truth ceases altogether to be a part of its

raison d'être. It was of course the illustrious Italian thinker Machiavelli who showed, in *The Prince* (c. 1505), that the order of truth, in its moral sense, corresponds in no way to the order of politics. This is not the place to trace the origins of Machiavelli's theories, except to draw from them what is pertinent to our subject. Thus he asserts that "all armed prophets have conquered, and the unarmed ones have been destroyed" (chapter VI), that "to slay fellow-citizens, to deceive friends, to be without faith, without mercy, without religion ... may gain empire" (chapter VIII), that "a prince, so long as he keeps his subjects united and loyal, ought not to mind the reproach of cruelty" (chapter XVII), that "he need not make himself uneasy at incurring a reproach for those vices without which the state can only be saved with difficulty" (chapter XV), that he "ought to take care not to misuse this clemency" (chapter XVII), that he "ought to have a mind ready to turn itself accordingly as the winds and variations of fortune force it" (chapter VIII), that he must possess both the force of a lion and the cunning of a fox, and that he must know how to employ religious sentiment for his own ends.³

Indeed, this is how power is exercised nearly everywhere on earth. Hypocrisy, intrigue, espionage, false appearances, and the like are not sins in politics unless they involve errors of calculation or tactics that may provoke greater damage. The political motto is "The end justifies the means." These means may very well include sacrificing the truth.

16. There are several ways of sacrificing truth to politics. The truth may be manipulated, contradicted, countered, travestied; people may be silent about the truth, and those who tell the truth may be intimidated, imprisoned, assassinated; the sacrifice of truth may take the form of disinformation, propaganda, and pure invention. The most radical form, as we shall see, is the act of masking the past. Indeed, memory and peace are not always compatible with one another. There are circumstances in which truth must be buried in the act of forgetting.

17. All this shows quite clearly that the order of society — its political order, which is the most essential order, in that it permits all the other orders to function normally — is situated at the antipode of the logic of truth. Politics has the goal of preserving peace and public order, without which nothing is possible. Sometimes in politics it is better not to tell the truth. If theologians occasionally allow pious fibs, what of political tacticians? Would any politician maintain that one should always tell the truth? If war is the pursuit of politics by other means (the inverse of which is also true), any military strategist who held to the motto "The truth, the whole truth, and nothing but the truth" would be a strategist of singular uselessness. War tactics and ruses are the pious fibs of the military. But such lies are small compared to the tactical ruses that take place within politics itself.

18. It is not only in war and peace that the truth may be, even ought to be, suppressed. There are also cases in the civil, religious, and moral spheres that call on the duty of silence. This is the realm of professional secrecy and the duty of confidentiality, be it bank, medical, and legal secrecy, the discretion of the notary, or the judge's right to confidential council. In religion, confession stops at the portal of the confessional. In all of these cases truth exists but is not to be made public. It is the publicity of the truth that is forbidden.

A deferential treatment of truth thus exists. The imperative of the truth is not absolute. It may come into conflict with superior interests that deserve respect and protection: the interests of victims, the interests of families, the interest of social order. Equally it may come up against such protected rights as the rights to privacy, family, and correspondence, or the right to the protection of home and property.

One example of the fundamental conflict between truth and other rights and interests is the case of the International Committee of the Red Cross (ICRC). In the course of exercising its humanitarian

mission, the Red Cross often finds itself the keeper of many cruel and painful secrets concerning such acts of barbarism as torture, rape, and other forms of degrading or inhuman treatment. The proper unfolding of penal justice would require that the ICRC testify, providing proof of the guilt of those responsible. Before the International Criminal Tribunal for the Former Yugoslavia, however, the ICRC petitioned that it be released from the duty to testify. It won its claim. Indeed, to report the truth of what it saw and heard could seriously damage the organization's humanitarian mission and bring about a loss of its credibility.

19. In politics the truth may do damage. Sometimes the obligation to remember must cede to the imperatives of peace, order, and security. In the case of civil conflicts, a thorough knowledge of the truth may awaken sadness and tears, may prevent time from bringing about forgetting, and may block the quieting of emotions. Time needs silence in order to bring about forgetting. Truth may keep alive or even reanimate the thirst for vengeance, thus preventing the return of confidence and calm, both of which require a dose of silence in order to affirm themselves. The duty of memory (which I will address presently) very much depends on place and circumstance. When it is used too vigorously it is likely to aggravate suffering. In the latter case the right to know is not essential, but the duty to forget is, unless one is willing to perpetuate the pain.

III. Truth and Reconciliation

20. The truth commissions established in Argentina (1983), Chile (1991), El Salvador (1993), Haiti (1995), South Africa (1995), and Guatemala (1996) have not had identical results and did not have the same meaning.

One point they all share, however, is that they sought to learn the truth about the past, to free memory. In each case their inquiries consisted of investigations of serious and systematic attacks on universal values committed by former ruling parties. These values include: the right to life, liberty, security of person, dignity, and equality — racial equality in particular. The commissions share the common aim of removing the gag of silence about the facts of the past. This goal conforms to what Louis Joinet, in his report to the 55th Session of the United Nations Commission on Human Rights (1999), called "the right to know." For victims, as we have seen, the right to know is the starting point for reparation. The human rights scholar Nancy Thede writes, "These public, visible acknowledgements of what happened appear to be essential elements of reconciliation. By publicly recognizing the victims, they are symbolically restituted to the status of bona fide citizenship. Their past struggle, suffering, sacrifice, is recognized as a real part of history."⁴

21. The unveiling of truth, even in cases where responsible parties are not designated by name, is nonetheless the beginning of the condemnation of the guilty. Thede continues, "it is perhaps most important [indeed I would say it is equally important] to ensure the institutionalization of memory rather than to attempt to redress the situation through judicial resource."⁵ Thus the institutionalization of memory is the point that all truth commissions have in common. The political interest dictates a revelation of past events. The interest of justice seeks to prevent crime from enjoying a supplemental privilege: complicit silence. Truth may in this way become an instrument for punishment. The following can be read in the report of the national truth commission that was established in Haiti: "Reconciliation can only come into play after the truth has been established. ... Amnesty cannot for all that lead to withholding the truth or legalizing impunity. ... A state ruled by law must in no way sanction impunity."⁶ Even if the traditional judicial process is halted by amnesty, the truth encompasses the two elements of the process (without formalizing or radicalizing them): the denunciation of the guilty through admission and shame, and the reparation of the victim. In this respect it is necessary

to rethink the path toward civil peace taken by the government of Algeria, where amnesty is granted to any and all terrorists who turn in their arms. In this case impunity is total. The truth is masked in the interest of peace. Many people continue to hold that this is too high a price to pay, even for peace — particularly since peace is still a long way off.

22. Beyond this common point of liberating memory, the truth commissions of different nations barely resemble one another. Some have an international character (El Salvador), others are mixed (Haiti), and others are entirely national (South Africa). Some have functioned in tandem with judicial tribunals (as in Argentina and Chile) while others are totally independent — in fact have specifically attempted to avoid setting the judicial process in motion. Some have been charged with launching general inquiries without naming names (Chile) while others have faced the task of hearing testimony and the admissions of those responsible (South Africa). Finally, some have had relative success while others have encountered only failure.

23. The experience of South Africa's Truth and Reconciliation Commission is of exemplary value. In that country the exploitation and violence had lasted for so long, and had been undertaken on such a vast scale, that to encompass all the responsibilities was quite infeasible on a purely jurisdictional level. The process in this case bore a strong resemblance to the act of repentance; it was perhaps no accident that it was a priest, Archbishop Desmond Tutu, who presided over the commission. The religious origins of repentance are clear enough. Peace constitutes the sacred in politics. The South African Commission was based on the following points:

The institutionalization of the process in order to bring out the truth about thirtythree years of apartheid.

- The nonjurisdictional character and capacity of the institution.
- The voluntary recognition of the truth on the part of the guilty, and their acknowledgment of the deeds for which they were responsible (self-accusation).
- The openness of such recognition. (All sessions were public.)
- The suspension, through amnesty and immunity, of normal punishment for politically motivated crimes. More than 7,000 people petitioned for amnesty.
- The redressing of wrongs suffered by victims and their healing. More than 2,400 victims testified before the Commission, which in 1998 counted some 21,000 victims.

The goal of the process was to bring about appeasement. The bet made was that the truth about these many past sufferings, and about the tearing of the social fabric, would prepare the way for reconciliation — that is, for a possible future. In the light that these inquiries and reports have shed on South Africa's situation, however, we have seen that the process does not always really alleviate the suffering and frustration of the victims. Many close relatives of disappeared young people could be heard objecting that neither Nelson Mandela nor Archbishop Tutu had been forced to experience similar losses in their own families.

24. In fact, all truth and reconciliation commissions — because of their deep involvement with politics and its limitations — are founded on compromise. Short of destroying all of society, the parties involved realize that no one among them can benefit from a total victory. The oppressor realizes that he has lost the war and accepts repentance. The oppressed knows that total justice is dangerous and is prepared to grant pardon. Mandela said, "I was in chains, as you were in chains. I was set free, as you were set free. Therefore, if I can pardon my oppressors, so, too, can you."

25. Truth and Reconciliation commissions seem to bring the order of truth into harmony with the order of society. This result is both unexpected and astonishing, since the two spheres have such

contradictory requirements.

We should nonetheless see very clearly that, in this case, neither repentance nor pardon has the real authenticity that it would have in the purely ethical realm. Political interest animates the entire process. Here, order and reconciliation become categorical imperatives. If good intentions and righteous conscience accompany the process of pacification, all the better. Machiavelli never wrote that politics and ethics were mutually exclusive. What counts, however, in these extremely complex operations of pacification through truth is not the rectitude of conscience but the final result: that society be appeased, and that peace be reinstated without recourse to violence, even legal or judicial violence. The infernal cycle of violence and counterviolence (however legitimate) must be stopped.

And so truth here becomes — paradoxically — the instrument of politics. The order of truth and the order of society join here to transform the negative character of the past, with its caravan of pain, injustice, and humiliation, into a possible and better future.

26. A purist might say that truth in the service of peace is not the real truth; that it is still a lie. To this we must respond that nothing in our humanity is thoroughly pure — nor is it thoroughly impure. The person who imagines that humanity can be completely purged of lies, violence, and the capacity for destruction is naive; just as the person who, convinced of humanity's incurability, would abandon it to its fate without making the slightest effort on its behalf is resigned and cowardly. Man is not permitted to hope. Religions have installed God and posited the immortality of the soul in order to help compensate for this deficit of hope. But this does not mean that giving up in any form is tolerable. To give up is tantamount to likening humankind to an animal or vegetable, lacking freedom, creativity, and grandeur. Moral action is the homage we pay to our intelligence. This is my definition of humanism.

Translated from the French by Miranda Robbins

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