

# A Finer Balance: An Essay on the Possibility of Reconciliation

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## Introduction

I begin this address with a simple reflection on the key words in the title of this symposium: truth, justice, reconciliation. They mean a great deal to me intellectually and emotionally, and they are always accompanied by question marks: is there any such thing as truth, will there ever be a just society, may we dare hope for reconciliation? Like all great concepts, the words are too full of meaning to admit of any certitude. The title goes further, speaking of "experiments with truth," "transitional justice," and "processes of truth and reconciliation." These phrases in turn contain food for thought, especially for Indians. It was Mahatma Gandhi, after all, one of the greatest figures of the past century, who coined that germ of a Brahmasutra, "experiments with truth," as his unique contribution to ethical philosophy. In its own way the concept challenges the epistemological authoritarianism of market liberalism, Leninism, and the monoliths of identity, while also — in conjunction with the concept of *ahimsa* — suggesting an alternative to the nihilist ethics of postmodernity. The concept of transitional justice is also one to which Indian experience speaks in a special way. Our transitions are different from the stark changes in South Africa and Germany — yet they remain as painful. We are in perpetual states of temperamental, cultural, geopolitical, and economic transition. Our social space is suspended between tradition and modernity, we exist as a people made up of communities and also as a democratic nation-state of individual citizens, our economy lies poised between regulation and the lack of it, our cultural and religious psyche does not know what to preserve and what to forget. Our notions of justice veer between a hierarchical sensibility that calibrates punishment according to the status of wrongdoers and a jurisprudence that theoretically considers all citizens equal before the law. We know we are in transition. The only problem is that we don't know where the transition is headed.

The practice of reconciliation, too, is something we desperately need to learn. Vast areas of the sub-continent have remained under martial law for decades. The number of orphans in the Kashmir valley runs into the tens of thousands. Violence and terror have acquired a seamless trajectory. Communal and ethnic hatreds lurk beneath the surface of everyday life. The glorification of "masculine" virtue is a national pastime. Yet we Indians prefer to cling to our favorite symbolized grievances than to take the smallest steps toward comprehension and resolution.

## The Threads of an Argument

The logic of my argument will base itself on the recognition that truth, justice, and reconciliation are sorely needed; that because they mean so many things to so many people, we must adopt certain rules of restraint and nonviolence while we live and discover what they are; that a society whose leaders do not adhere to such rules, or have an equivocal stance to political violence, is headed for self-destruction; that democracy and human equality are relatively youthful concepts in the Asian polity — and even globally; that the extension of these principles to the world economy is still not acceptable to those who occupy that economy's commanding heights; that destitution and oppression are still the common experience of millions of people, and that while this situation lasts, the preservation of democracy is crucial to the fulfillment of modest aspirations; that reconciliation is only possible

between equals, and cannot even be attempted when various conflicting parties humiliate and stifle one another; that a properly functional judicial system is crucial to social stability; and that judges, like the rest of us, are mere mortals, and that the public sense of justice and fair play has therefore to be sustained by a social ethos and enlightened public opinion.

## "Violence"

Systems of gross inequity are held together by and depend upon violence. This condition is true both within and outside India; the brutality of the age, and the volume of human energy and resources devoted to armaments, police, and paramilitaries, are indicators of its iniquitous character. The substitution of police methods for an institutional and social ethic in resolving conflict demonstrates the poverty of liberal theory. For example, the invention of a uniform, commercial "common sense of the market" is a manifestation of epistemic violence, one of those "universals" that postmodernism prefers to ignore.

The word "violence" itself has become tinged with euphemism, obscuring the reality of knives cutting through flesh, of warm blood on the pavement, of children screaming, of pain, fear, and agony.<sup>1</sup> Yes, violence is unfortunate, we say, but what of those horrific things that happen in the name of honor, glory, and revenge? The language of vengeance and glory reminds me of the double peg of rum that soldiers and sailors of the colonial state would imbibe before going into battle — it deadened their nerves to prepare them for a journey into hell. The ruling elites of South Asia have long been accustomed to the use of incendiary language in the pursuit of power.

What are the psychic roots of the normalization of brutality? One of them, certainly, is the appeal of victimhood. One effect of identity politics is the conversion of all Jews, Muslims, Hindus, etc., into the permanent theoretical victims of their enemies. Victims become interchangeable with culprits — as Hans Magnus Enzensberger points out, the notion of the "innocent victim" is rendered meaningless in a situation such as that in the former Yugoslavia.<sup>2</sup> Women widowed by one atrocity picket the roads to prevent medical supplies from reaching the survivors of another atrocity. Young men take up arms to do unto others what others have done unto them. And how do we define the child soldiers who are filling the ranks of the paramilitaries from Sri Lanka to Liberia — are they victims or criminals? We have to accept the uncomfortable truth that the ubiquitous language of brutality has pushed victims and perpetrators together into a seamless whole. Not only are things of terror conceived in moments of beauty, but terror is the site to which its victims return as terrorists, having rendered, in their fervid imagination, vengeance itself into an aesthetic. We are confronted with incipient fascism, the doctrine of revenge elevated to ideological status. Do we not know its consequences? In daily life, despite a patina of civility and regulation, we occupy a space on the edge of barbarism. Every now and then we get a glimpse of the abyss: the schools of modern America, the killing fields of Yugoslavia, the wasteland on the West Bank, the prisons of Brazil, the streets of Soweto, the mind of the Taliban. And here in South Asia we keep victimhood as a talisman of identity, thus ensuring that we shall never be far from that edge.

Civil society is currently riven with the debate over state violations of human rights versus similar violations by the "militants" who supposedly represent oppressed people, minorities, etc. Parochial movements also cover a wide spectrum, having their own moderate and extremist fringes, which use each other with pragmatic cynicism. We invest much political energy in constructing cultural-ethnic identity as the quintessential historical Subject. Some of us even justify extreme forms of violence in the name of the oppressed. We transfer and preserve our most brutal impulses onto the boundary zone provided by identity. (That is why we are so addicted to boundaries.) Yet when we are faced

with the consequences of our actions — which evoke further brutality — we claim protection under the banner of universal human rights. We employ exclusive language in the search for power and appeal to an inclusive category when we need breathing space. This ethical opportunism appears in the language of statehood as well as of resistance: remember that many of today's states are run by yesterday's rebels. The tactical and unreflective approach to violence in the language of resistance is symptomatic of the ideological reach of pragmatism. Indeed the similarity of the approaches to this question across the political spectrum demonstrates a hegemony of oppression without which patriarchy and exploitation would be impossible. Violence tends to blur political distinctions — note the contemporary ideological fuzziness and blurring of distinctions between right and left. It also leads inevitably toward depoliticization, as armed bodies emerge that specialize in killing and the brutal momentum of retribution.

## Society's Need for Critical Theory

A dismissive attitude toward theoretical reasoning, its representation as the esoteric activity of elitist individuals, and its negative juxtaposition to so-called activism are popular with many social and political activists, including those in the burgeoning "NGO [nongovernmental organization] sector." This attitude generates cynicism, frustration, and fragmentation. Whether we like it or not, humans are fated to try to make sense of their environment. Faced with severe social crises, we have no option but to examine systems and causes. It is not enough to seek explanations that reduce everything to "human nature." We have to engage with the issue of structure.

Let us begin with the logic of democracy, an idea and practice linked to the concept of identity. The "rule of the people" presupposes that we know who "the people" are, even before we speak of their right to "self-determination." Democracy presupposes definitions of the "self," then, and of the ideologically defined boundaries of "the people." This issue is related to the birth of the nation state and to the notion of sovereignty. Identity is an ideological construction and therefore a matter of political power and class interest. The slogan that the Kashmiris have a right to "self-determination," for example, implies that their identity is self-evident. The moment the issue of the identity of Ladakhis or Dogras is brought into the argument, the latent authoritarianism of unilateral definitions becomes evident. We also need to distinguish between various streams of identity: religious, ethnic, linguistic, and so on.

The exploitation of labor has always been linked to identity, whether with African slaves on American cotton plantations, Tamil tea harvesters in Sri Lanka, the Irish builders of Britain's railroads, or the thousands of Indian indentured laborers, mostly of the so-called "low castes," who were sent all over British Empire to work on plantations. Identity has also played a crucial role in extraeconomic oppression, serving to intensify the exploitive process. Yet political mobilization around categories whose usage fluctuates between legal, ideological, and rhetorical definitions only creates confusion. The problem is whether these definitions are used in an inclusive or exclusive manner: discussions of identity combined with the experience of labor, or in opposition to systematic humiliation, can help build bridges between all oppressed people, but an exclusive usage can create division and bitterness instead. Identity is also subject to the logic of internal fragmentation, as more identities are generated within the confines of the community being constructed. We may also note that those who speak the language of "minority rights" often ignore the rights of minorities *within* the minorities, or for that matter the rights of individuals. In its exclusivist form, by attaching virtue and vice to entire communities, identity politics enables India's elite to erode the rights and status of the individual citizen and thereby subvert Indian democracy. When the legal system condones communal violence, for example, it becomes clear that not all of us enjoy equal protection under the law.

Take the issue of citizenship. Is this an abstraction that needs to be done away with, and replaced by a collection of identities? The institution of citizenship is constantly undermined by the "ragged edges of reality," but cannot be consigned to the dustbin — particularly when it is under attack from social forces that find democracy inconvenient. Economic and social injustice incessantly undermines the legal, political form of equality. Citizenship cannot remain unscathed by social stigma and economic servitude. Nevertheless, legal equality should not be seen as an abstract category imposed upon "traditional" communities, but as a toehold that the poor can use to actualize social democracy. Democratic constitutional rights are one of the platforms from which the working poor may defend themselves and improve their living and working conditions. Coalitions of exclusive identity cannot accomplish this goal, for they are oriented toward symbolic rather than substantive attainments. Insofar as they accentuate authoritarian tendencies in the polity, they might even undermine the rights of free speech, association, and peaceful agitation. No economy can function for a day without a working class, but if we judge from the language of today's politics, labor as a category has ceased to exist, except as a "factor of production." This is an indicator of the profoundly conservative ethos that was generated throughout the world during the last decade of the twentieth century. I have no doubt that it will change.

Critical social theory must engage with this question, and also with the possibility of a democratic division of labor at global and local levels — of an economy that is not left to the supposedly benevolent hidden hand of "market forces." What of the phenomena of informality and lack of regulation that are characteristic of the Indian economy? The dominant discourses of Indian economic nationalism have always boasted about the cheapness of Indian labor. Why is this a matter of pride? The control of mindless consumerism is one thing, but the cheapness of labor in India is achieved under the threat of destitution. Would not a more humane standard of life and work for the nation's nearly 400 million casual and agrarian workers and their families create a massive surge in patterns of demand and a boom for the capitalist economy? Why does this not happen, why does the regulation of labor conditions come so low on the list of priorities for Indian planners? I suggest that they are satisfied by the self-regulatory mechanisms that are already in place, and that go by the name of tradition, convention, and caste. From the standpoint of those who work, these phenomena offer nothing but a structure of physical intimidation, lubricated by the customary prejudices of caste society. Prejudices against the poor are now taken for granted, so that slums and pollution are dealt with not by improving salaries, working conditions, and housing but by throwing the poor out of the city precincts. Social Darwinism has taken the place of social theory.

Symptoms of degeneration are there for all to see. The lack of accountability has become pervasive, and is manifested as a decline of professionalism in many middle-class occupations. Elements of the medical fraternity appear to have completely forgotten the Hippocratic oath. There are lengthy lists of policemen who have been indicted by commissions of inquiry into communal riots only to end up being rewarded with promotions. It is no secret that the majority of civil service applicants these days select customs or revenue (income tax) as their first choice out of a possible twenty-four professions. With due respect to those of my former colleagues who have devoted themselves to maintaining academic standards, I must say that rampant absenteeism in the teaching profession has contributed greatly to the abysmal state of university education. Massive scandals periodically shake the world of banking and the stock markets. The political class has plumbed the depths of cynicism and criminality, but the common understanding of corruption reduces its causes to flaws in individual character and its scope to monetary matters alone.

There is much to be said on this matter. To start with, among the dictionary meanings of corruption, the one I find most relevant to this argument defines it as the "perversion from fidelity." However, I believe that the use of this word must also extend to the perversion of political and judicial instituti-

ons. Filling the atmosphere with communal hatred, inciting violence for political ends, suborning the loyalty of the police and military, pouring contempt upon the rule of law, treating some citizens as less worthy to live than others, remaining in public office while facing criminal proceedings — these phenomena, too, are symptoms of corruption. They are part of a systemic malaise, the locus of which is the subversion of democracy for the fulfillment of privileged interests. The common definition of corruption detracts from these broader issues, including, most importantly, the need to consider the lack of regulation as a systemic problem, not an individual one.<sup>3</sup>

There is another burning issue that could do with critical reflection. For many years, the Indian secular tradition tended to treat communalism (which I understand as the Indian version of fascism) as a collection of discrete, religiously oriented ideologies, some less dangerous than others. This was a massive analytic failure, one that strengthened the incipient fascist tendencies on the rampage in India today. Historically fascism based itself on a fabricated and exclusive ethnic identity. In India, however, the multifariousness of ethnic differentiation gave fascism a segmented character, which proved its greatest strength. Communalism was always *one phenomenon with different manifestations, rather than an arithmetic total of Hindu, Muslim, Sikh, and other communalisms*. Its self-sustaining tendency derived precisely from this discrete structure, with each reproducing the other. We need to remove ourselves from its compartmentlike appearance and concentrate on its generic uniformity. Indian fascism's ideological method defines democracy in arithmetic rather than institutional terms, despises democratic values, and favors hate-filled ethnic mobilization over the requirements of civic order and criminal justice. It uses so-called traditional values to express a fear of women and a hostility to gender equality; it also glorifies violence as a "masculine" virtue. Once we have comprehended the fundamental unity of all communalisms, we may understand that the Partition of India in 1947 was the achievement of Indian rather than Hindu or Muslim communalism. Vinayak Damaodar Savarkar was as much a believer in the Two Nation theory as Mohammad Ali Jinnah.

Finally, we urgently need an understanding of political conservatism. The conservative world view is not blindly opposed to things foreign, despite its sanctification of the domestic scene to the level of virtue; it is inconsistent in this regard. Technology is acceptable as long as it may be bent to the needs of state violence. Thus pragmatism shows itself a natural adjunct of conservatism. Nor is it opposed to violence, even of the extrajudicial variety. It is important to stress that *today's Indian and South Asian elite is quite amenable to the pragmatic deployment of political violence*, just as long as this violence is not directed at their economic privileges. Narratives of hurt religious sentiment, racial victimization, and thwarted imperialist destiny are the means by which the high and the mighty seek legitimation for extrajudicial violence.

## **The Perils of Absolute Truth**

A major problem is the appeal of the notion of Absolute Truth. The idea that this or that "revealed truth" is the last word in perfection encourages a state of mind incompatible with intellectual growth and the democracy of the intellect, which to my mind are major markers of social progress. It is also conducive to authoritarianism and violence, emanating from both the state and its opponents. Among the many reasons for the eclipse of Soviet socialism was its paranoid stance toward ideas, its tendency to control and suppress the rich Russian intellectual heritage. Communist systems became akin to the structures of medieval Catholicism. Mixed with traditions of tsarist absolutism and caesaro-papism (the confluence of state power with religious authority), it became its own worst enemy. Hegel's "cunning of reason" stood the first Marxist state on its head. The sin of hubris — in this case of the left — brought nemesis on Russia, as it will on all those who claim that infallible knowledge gives them the right to commit irrevocable deeds. This includes the neoconservative currents that

seek to hegemonize race, religion, sentiment, and identity in order to perform a demolition job on democracy. No, it is better to accept the tentative nature of truth, and to strengthen our search with restraint of body and spirit.

The latest avatar of epistemological absolutism in India is the elevated status of sentiment in popular and political discourse. (*Hamari bhavnaon ko thes pahunchi hai* — "our feelings have been hurt" — is our most popular Hindi phrase.) The practitioners of wounded sentiment have attained political power in recent years, and the country is agog with their success. Sundry politicians have busied themselves excavating things and matters to which to attach their outrage. The most significant consequence of this trend is the justification that self-appointed guardians of morality have obtained for violence and defiance of law, for cultural policing, book-burning, and the intimidation of artists and creative work in general. Film screenings have been disrupted, writers and painters threatened and beaten up, academic work and speculation subjected to the promise of dire consequences. These tendencies have their resonance in the realm of the mind. By valorizing particularity, fragmentation, and multiplicity in an imbalanced manner and at the cost of the quest for wholeness, the so-called postmodern sensibility has contributed to the erosion of moral values and the rise of ethical nihilism.

Truth is the whole, said Hegel, and this for me is another reminder of the need for balance. But the balance that is akin to truth is not merely the weighing of equal amounts, an artificial and abstract middle ground of vacuous neutrality. It is based rather on an acknowledgment of the multifarious nature of historical experience, the recognition of complexity, and a capacity to exercise judgment. But to judge one has to possess a standard of judgment, one that holds good in practical terms, even after the acceptance of difference. That practical standard can only be nonviolence. This truth engenders growth in human wisdom, and the transcendence rather than the negation of the past. This is what stares us in the face, but we are too cowardly to recognize it, for fear of losing face, losing innocence. Is it so difficult for left-wing intellectuals to acknowledge that horrible crimes were committed in the name of workers' liberation? For nationalists to see the evil that their nation is capable of? Revanchist forms of history-writing are asserting themselves the world over, from Germany to Japan, Russia to Britain. Justifications are produced for colonialism, imperial conquest, and even racism. Having overcome the paranoia of the Cold War, the Western world is inventing novel reasons for keeping the military-industrial complex in business. Today in India we have a government bent on replacing historical thought altogether, save for a litany of complaints about invaders invariably represented as Muslim. We are dangerously close to elevating communal prejudice to the level of state ideology. In Pakistan, on the other hand, history lessons begin with the arrival of Islam; the ideological foundation of the state is focused on an animus toward India and Hindus, and on the impossibility of coexistence. If the very structures of power are so dependent upon animosity, how may we hope for reconciliation?

## Justice and the Judiciary

It is difficult to speak of the system of justice without a sense of despair. Indian justice does not have much to do with the truth these days. A notorious case of caste prejudice causing a miscarriage of justice is that of Bhanwari Bai, a village-level social worker or *sathin* in Rajasthan, who was employed under the Women's Development Program for implementing official policy on female empowerment. This included the prevention of child marriage and female infanticide, the protection of rape victims, and issues in health and education. On September 22, 1992, Bhanwari was gang-raped in the presence of her husband (who was severely beaten) by five upper-caste men incensed by her campaign against child marriage. The dilatory tactics of the police in response to her complaints were a personal ordeal, but the 1997 judgment of the court acquitting the rapists caused dismay among women's

organizations. The judge averred that since no Indian rustic would stand by while his wife was raped, the complainant must have lied. He added that being "upper-caste" the alleged offenders could not have touched a "low-caste" woman, much less raped her. Cases of the molestation of "low-caste" women by "upper-caste" men are legion in India — yet this made no difference to the learned judge.

In November 1984 there took place one of the most shameful events in the history of independent India: thousands of law-abiding citizens who happened to be Sikhs were brutally murdered by mobs supposedly acting in spontaneous outrage at the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards. Several leading Congress politicians were among those named by witnesses (mainly Sikh women). It took years for the first reports to be filed and years more for cases to be brought to trial. The procedure became subject to intrigue and manipulation, with several of the accused being let off on procedural grounds, such as the late filing of complaints — this although the judges were empowered to condone these delays in light of the trauma that these women had undergone. Twelve commissions of inquiry into various aspects of this pogrom (euphemistically named the "November riots") have had their say — the latest is still at work. The first of these, the Ranganath Mishra Commission, severely indicted the police for deliberately omitting the names of influential persons while filing complaints, dropping serious allegations, and pursuing investigations in a perfunctory manner. Needless to say, all of the senior politicians involved in these events have been acquitted. There have been a handful of convictions of less privileged individuals. Since there is no witness protection program in India, the families of underprivileged victims of violence have no way of resisting intimidation. Some of these politicians have been readmitted into the Congress Party and will doubtless be campaigning in the next elections in the name of secularism and national unity. To date the Indian Parliament has not had the courage of conscience to pass a resolution condemning the mass murder of Indian citizens and condoling the surviving families. Our criminal justice system has enabled the guilty of 1984 to get away with mass murder.

On September 28, 1991, Shankar Guha Niyogi, beloved leader of the most influential autonomous workers' union in the country, was murdered in his sleep. His was a nonviolent movement, popular with many contract laborers and miners and irksome to the capitalists and liquor contractors of the area around the Bhilai steel plant. A dramatic trial resulted in the conviction of three prominent industrialists and their accomplices for murder — the first case of capitalists being jailed for killing a union activist. The Jabalpur High Court has since struck down the conviction. The case is in appeal before the Supreme Court.

In December 1992, the Babri Mosque in Ayodhya was destroyed in an act of mob frenzy, the culmination of a campaign for its "removal" by the leaders of the main party in the current ruling dispensation, the Bharatiya Janata Party (BJP). Hundreds of citizens perished in the (certainly foreseeable) riots that followed all over the country, including Bombay. Leaders of the various organizations that participated in the event have since then both claimed and disclaimed responsibility, depending on where and to whom they have spoken. The claims of logic and public morality have been subjected to verbal calisthenics bordering on art: the mosque was not really a mosque (although the whole point of the campaign was that Emperor Babar had erected a mosque upon the ruins of a demolished temple), it was a "disputed structure," and had really become a temple in 1949, when idols miraculously appeared inside it (in which case the accused actually demolished a temple); it was not demolished at all but blown up by a bomb; and so on. The criminal case against the forty-nine leaders of the BJP and its familial organizations has not yet been brought to trial, the framing of charges has been delayed for years, and the latest development is the suspension of charges against some of the (most distinguished) accused by the Lucknow High Court on account of a technicality. These persons include the Union Home Minister and the Union Human Resources Development Minister. The technicality is unlikely to be rectified as the state government is controlled by the BJP. Meanwhi-

le the Hindu priest looking after the idols in the "disputed structure" was allegedly murdered, and nothing much is remembered of him except that he had opposed the entire campaign. On April 30, 2000, Subhash Bhushan Sath, an official from Uttar Pradesh, the state where the demolition took place, boarded a train carrying documents vital to the Ayodhya case. He was to deliver these to the Liberhan Commission, which was inquiring into the events surrounding the demolition. As the train neared Delhi, the man was allegedly pushed out of the train, and told the police so in a dying declaration. He also revealed that his luggage contained important files — but the documents had mysteriously disappeared. I doubt that the truth of this episode will ever be known. I hope I am wrong, but I also doubt that the accused will ever face trial, let alone be punished.

In January 1996 a young female law student, Priyadarshini Mattoo, was raped and murdered in her flat. The accused was a fellow-student who had been stalking her for months. He also happened to be the son of an inspectorgeneral of police. Written complaints had been filed against him, and Mattoo had been given police protection. The accused had been observed at the scene of the crime shortly before the murder. Despite overwhelming evidence — stalking, making telephone threats, shouting at Mattoo in public — he was acquitted on December 3, 1999, because of "lapses" by the prosecution. In fact the judge suspected that the prosecution had deliberately tried to weaken its own case. He faulted the Central Bureau of Investigation for not following procedure, for hiding evidence such as a fingerprint report, for fabricating evidence in favor of the accused. He speculated that "the CBI during trial knowingly acted in this manner to favor the accused." He recorded the attempt by the Delhi police "to assist the accused during investigation and also during trial. ... [Their doings] suggest that the rule of law is not meant for those who enforce the law nor for their near relatives." Nevertheless, the judge came to an astounding conclusion: "Though I know [the accused] is the man who committed the crime, I acquit him, giving him the benefit of the doubt."<sup>4</sup> What a record for the police! A young woman goes to them for help, is raped and killed while under their protection, the principal suspect is the son of a senior policeman, and he is acquitted. Another case of a young man killing a young woman in a fit of rage is in progress while I write — the Jessica Lal case. Those interested may observe the course of Indian justice: the young man and his associates have powerful connections, prosecution witnesses are turning hostile, and we may rest assured that some mystery will envelop the stark evidence. Who then killed Priyadarshini Mattoo? Did Jessica Lal drop dead of her own accord? Who knows? Who cares?

There are thousands of cases of miscarriages of justice in India. One may praise the honesty of the judge in the Mattoo case, but lay citizens might well ask him — if he was convinced of the suspect's guilt, why did he acquit him? Certainly there are magistrates and judges who perform their functions with commitment. However, in all good conscience I must ask my fellow citizens — are not judges part of society, and susceptible to human failings? Are they not accountable before the Constitution and provisions of law? May not the citizenry criticize the decisions of the courts when these are found wanting in truth? I believe the courts are an institution larger than and not reducible to the persons occupying them. Is it not possible, then, hypothetically, that a judge, too, is capable of contempt of court? And is it not true that dereliction of duty in law-enforcement agencies will contribute to public anger, frustration, and conflict? Is it really possible for the criminal justice system to effectively pursue a case wherein the Union Home Minister himself is a prime accused? The structural defects are glaring; the low status and lack of autonomy of the offices of public prosecution, the absence of witness protection, and the susceptibility of police investigations to political interference are high on the list.

India is undergoing massive economic transformations, and these changes are already causing disputes in matters of labor rights, protected tribal lands, and shady deals and contracts. The poorer clas



ses of India will have absolutely no recourse left if the courts fail them. If the system of justice does not improve drastically we shall move further from any chances at social stability and reconciliation.

## The Conditions of Reconciliation

In a brilliant novel entitled *Der Vorleser* (The reader), published in Germany in 1995, Bernhard Schlink tells a story of a teenage boy who has a secret love affair with a woman in her thirties.<sup>5</sup> The woman mysteriously disappears, only to reappear when she is put on trial for being a guard in an SS slave-labor camp. Accused of the murder of Jewish prisoners, she is sentenced on the basis of a report that she herself claims to have written. The protagonist realizes, however, that she cannot have written the report, since he knows one of her secrets — that she is illiterate. But he keeps silent. During her long years in prison, he sends her books on tape, and over the years she learns to read. She makes a small bequest to a Jewish foundation in atonement for her role as a cog in the wheel of the Nazi system. In the end she commits suicide, the day before the protagonist is to bring her out into the normal world. *Der Vorleser* leaves us wondering about the meaning of guilt, remorse, punishment, and redemption.

Many of our favorite symbols and fables are attached to a grievance, either artificially or intrinsically. It would seem that the very act of self-definition conjures up injured innocence and righteous grief. How may we deal with this situation? The papacy may see fit to apologize to the ghost of Galileo five centuries after his incarceration, and to the Greek Orthodox Church eight centuries after the sack of Byzantium. But how far can we go along this road? Who will apologize to whom for the Inquisition, colonialism, fascism, and war? Ought we, on the other hand, to sit quiet when the current generation of Japanese children are taught that the Japanese occupation of East Asia in the 1930s was an act of altruism? That only Hindus suffered the loss and violence of Partition? That only Muslims did? What is the proper balance between remembering and forgetting?

Let me try and answer this. Reconciliation is neither the perpetual nurturing of grievance nor the cultivation of amnesia. It requires transcendence, which implies preservation as well as negation (as in rising above, leaving behind). It does not require us to be neurotic — rather, it is the cure for collective neuroses and emotional indigestion. Nor does it deny that humans are nostalgic beings attached to their history. Reconciliation is a decision based upon an acknowledgment of the truth as far as we may know it. (The "final" truth of anything will always remain elusive, but may we not commit ourselves to searching for, experimenting with, the truth?) It is also the repudiation of collective guilt: the descendants of racists are not responsible for racism. Reconciliation, however, cannot be based upon a denial or manipulation of the facts. May we claim, for example, that there was no such thing as the Holocaust, or that the fire-bombing of Dresden and the atom-bombing of Hiroshima were simple military necessities? The last issue of *Time* magazine in 1999 summed up the history of the twentieth century as a victory of "free minds and free markets over fascism and communism." Along with William Clinton's essay in the same issue, it represented the Allied victory in World War II as an American one, completely ignoring the role of the Red Army and the life sacrifice of 20 million Soviet citizens, compared to less than 300,000 Americans. Is this kind of megalomania conducive to a reconciliation between peoples?

Can we say that Stalinist purges and terror were a pure invention of the imperialists, that the Red Army committed no atrocities in Central Europe in 1944, that the United States committed no war crimes during the Vietnam War, that the Pakistan Army never massacred civilians in Bangladesh, that the Indian Army has committed no atrocities in the Northeast and Kashmir, that China has an unblemished human rights record in Tibet (not to mention Tiananmen Square), that the Rashtriya Swayam-

sevak Sangh (RSS) and its "family" had no intention of destroying the Babri Mosque, that no temples were ever destroyed by medieval Muslim rulers? Can we insist that the United Nations in 1948 gave Israel the right to expand its borders forever, create settlements, and impede the emergence of a Palestinian state, or that Hitler had the right idea about "purging the country of the semitic races"? (This is the opinion of the ideological forefathers of India's ruling party, the Bharatiya Janata Party. Israeli citizens may not be aware that their closest admirers in India include people who believe in the ideals and methods of Hitler.<sup>6</sup>) Can we claim all these things and still expect sweetness and light all round? Individuals are free to adopt such views, but danger looms when they are incorporated into common sense. Historical knowledge must be pursued with respect, balance, and freedom from the fear of cultural and intellectual policing of whatever variety. This can only be done by treating both its fortunate and its evil moments as part of a common heritage, by transcending the attachment to particularity that makes us deny the hateful things done by some of our ideological or ethnic ancestors.

There can never be any peace and reconciliation without the adoption of nonviolence on the part of the resisters and the acceptance (without resort to state terror) of the loss of privilege on the part of the powerful. Reconciliation is only possible between equals — equals in spirit if not substance. The very act of reconciliation elevates the dignity of the parties concerned, and establishes their basic humanity. But has the spirit of democracy truly pervaded the political ethos of the world? The British prime minister of a few years back could scarcely conceal her sympathy for apartheid. Throughout the decades of the Cold War, the Western world treated racism as a kind of counterpoint to communism (our scoundrels versus theirs). The current U.S. Supreme Court recently decided that the right to vote and be counted was less important than the fulfillment of formal procedures. Hierarchy and caste prejudice still overshadow the implementation of justice in India. Until this fundamental illiberality is discarded by those who command power and substance in the modern world, there can be no reconciliation. *Is it not true that the very question of a truth and reconciliation commission only arose after the acceptance of adult suffrage by the rulers of South Africa?* It is only when we recognize the dignity of our interlocutors that we may begin the psychic task of healing. Such recognition must be founded upon truth, for truth liberates. The great among us are those whom every effort to humiliate leaves unscarred. Their dignity is unimpeachable — they are always equal in spirit, even when they are held in chains. Who can forget Nelson Mandela, who left behind twenty-seven years of incarceration without a trace of bitterness in his soul?

## Truth and Solitude

We are fated to face some life crises solely as individuals. This is a commonplace. But there are some whose solitude in extremis will reverberate through the centuries. Jesus Christ, we are told, was one such. His life work is historically unverifiable, but it is a moving and passionate story. And the truth of it still eludes us. ("What is truth?" asked jesting Pilate, and would not wait for an answer.) Gandhi was another solitary seeker after truth; the man known as the Mahatma had a premonition of his assassination, and made a lonely decision to face it without state protection, in order to deliver his final message. What must have passed through his mind when he saw a young man shoot him at point-blank range? Generations will remember the loneliness of these singular individuals, as if to compensate them for not sharing their agony when they needed solace as mere mortals. This posthumous respect lightens the conscience of the living: to surround the sacrifice of a great soul with a crowd of memories becalms us somehow. Our collective remembrance enters the realm of public conscience, of the civic ethos, and acts as a lever of restraint — and of reconciliation. These were extraordinary human beings, whose lives were antidotes to the rampaging disease of injustice on a monumental scale.

Let us remember, too, the millions of ordinary heroes and heroines in the past century. I think of the soldiers of opposing armies who saved each other in the trenches of the Great War of 1914-18, a phenomenon then named fraternization. (With what gentle yet striking irony did nature mark the bloodshed by placing red poppies in the mud of the battlefields.) History also reminds me of Russian women in the late 1940s who rebuilt a devastated country and wept at the rare sight of young men; the victims and survivors of the Holocaust; the thousands of men and women in India during Partition who retained their humanity when everyone around them was conscious only of community allegiance.

What of those whose solitude is not leavened but exacerbated by time, whose pain is of no consequence because they were neither prophets nor leaders, because they left no footprints on the sands of history? When all is said and done and I look back upon the violent century just gone by, I am burdened with the memory of a man whom posterity has rewarded with erasure but whose sacrifice (when we remember him) challenges us with profound and disturbing reflections. I do not know what practical lesson to draw from it. All I can do is pay homage to the unknown artisan named Johann Georg Elser, whose monumental courage and love of humanity was and is enough to redeem the conscience of the German people, the honor of the German working class, and to contribute to the reconciliation of the German present with the German past. I shall tell his story in the appendix below.

In truth, Indians need justice and reconciliation to cross our bridges. How long shall we remain suspended in transition? When will Hindus and Muslims tire of stereotypical images of one another and perceive the ambivalent character of all human beings and cultures? When will our ritually "pure" elite recognize caste prejudice as a barrier to social growth and human development? When will we stop murdering little girls in the womb and in infancy because the stupid masculinity of our great culture obscures the oneness of the human race? Let us strive for the finer balance, the balance between the need for acknowledgment and the need to transcend what has been acknowledged, between the requirements of social order and the necessity of human dignity, between the continuity of institutions and the urgency of transformation, between the anger of resistance and the compassion without which resistance only generates further oppression. It is that balance alone that may strengthen a feasible version of transitional justice. Justice is too important to be left to the judges. It is nothing less than a matter of human survival.

## **Appendix: In Memory of the True Antagonist**

On July 20, 1994, a syndicated article from Hamburg, entitled "Hitler Escaped Assassination by a Few Inches," was published in India.<sup>7</sup> It was written in memory of Colonel von Stauffenberg, who carried out the ill-fated bomb attack on Hitler at his eastern headquarters in 1944. This aristocratic officer was indeed a brave man, whose actions demonstrated the intense dismay that Hitler's regime had caused within the German army. But the statement that von Stauffenberg's attempt "was the closest anyone in Nazi Germany ever came to assassinating the fanatical dictator" is not true. Stauffenberg is justly remembered, but another German has been erased from the literature of resistance, although his plan came within minutes of saving the world from the horror of World War II. It was a more meaningful plan than that of the conservative opposition, which was activated only when faced with military annihilation.

That other German was Johann Georg Elser (1903-45), a man who had trained in carpentry and metalwork, become a cabinet-maker in 1922, and then worked in clock factories through the 1920s. In 1928 Elser joined a Communist-led trade union, as well as a front organization for it called the *Rot-*

*frontkämpferbund* (RFK), but he had little interest in ideological matters, attending few meetings and spending more of his time flirting and playing music with a patriotic dance band. After Hitler became chancellor, in 1933, Elser's political contacts ceased altogether. In 1936 he took up employment in an armaments factory. In the fall of 1938, some months after the annexation of Austria and just before the Munich conference, this unknown man made the remarkable decision to assassinate Hitler. His resolve stiffened after the vivisection of Czechoslovakia: he knew that the Nazis were driving Europe toward war.

Working alone, Elser began stealing explosives from his factory. Learning that Hitler was due to address the Nazi old guard on November 8, the anniversary of the failed putsch of 1923, in the Munich beer hall called the Bürgerbräukeller, he attended the occasion and observed the Führer's movements. He then decided to plant a time bomb in a pillar near the speaker's rostrum. In March 1939, shortly after the Nazis annexed what remained of Czechoslovakia, Elser left his job and returned to Munich with his life savings of 400 marks. He acquainted himself with the beer hall and took up residence at his parents' home in Königsbrunn. Confiding only in his father, he worked briefly in a stone quarry, augmenting both his knowledge and his stock of explosives. Beginning in May 1939 he designed his device, and in August he rented cheap accommodations in Munich.

On August 5, 1939, Elser began implementing his plan. Each evening he would eat dinner at the Bürgerbräukeller, hide in a storeroom until the beer hall closed, then emerge to work into the night on the pillar inside which he would plant his bomb. He worked like this for more than thirty days, constructing a hollow space of eighty square centimeters with a small hinged door, neatly fitted to avoid detection. The space was lined with tin, to prevent accidental damage should a nail be driven into it, and with cork, to muffle the sound of the clocks that would detonate the bomb. Elser used two clocks, to make doubly sure the device would not fail. He carried the rubble out in his hands every night, and because he was working on his knees, they became septic. On Monday, November 6, 1939, he set the mechanism to explode at 9:20 P.M. on the coming Wednesday. Down to his last ten marks, he took thirty marks from his sister in Stuttgart, inspected the device on Tuesday, and then proceeded to Constance, on the Swiss border.

Hitler appeared on Wednesday, but cut his speech to less than an hour, ending it before 9:10 and leaving immediately thereafter. The bomb exploded at 9:20, killing a waitress and six members of the Nazi party and injuring about sixty people. A gap of less than ten minutes had saved Hitler and sealed the world's fate. Examined by customs officials at the Swiss frontier, Elser was found to be carrying a postcard of the Bürgerbräukeller, notes on munitions factories, and his old RFK membership card. This was his one mistake, motivated, perhaps, by sentiment. It was to cost him his life. He was detained on suspicion of being a spy and sent to Munich. Meanwhile the Gestapo had launched a manhunt for the unknown bomber. On November 13, after learning that the device had been planted at floor level, the head of the investigation asked to see Elser's knees. He confessed after fourteen hours of interrogation.

Hitler himself, and Himmler, the head of the Gestapo, refused to believe the confession. On November 9, two British secret agents had been arrested near the Dutch border. The Nazis were keen to use the bomb episode for anti-British war propaganda. Moreover, it was politically damaging for them to admit that a German worker had planned and executed such a coup. Elser was subjected to another prolonged interrogation in Berlin, by which time his family had been rounded up. Despite brutal torture, he refused to doctor the truth, which was that he had acted alone. He implicated no one else. To give credence to a "British plot" to be fabricated in a trial the Nazis planned to hold after their victory, he was kept alive for the duration of the war as Hitler's "special prisoner." When defeat stared them in the face, he was shot by guards on April 9, 1945.

In Elser's presence, reported the Gestapo, "one completely forgot that one was in the presence of a satanic monster."<sup>8</sup> Coming from such a source, the comment is testimony to the ordinariness of this man. In his book *The Führer and the People*, the Czech litterateur J. P. Stern writes that to find Hitler's true antagonist "we must look for a Nobody like himself, one who, sharing his social experience, yet lived and died on the other side of the moral fence."<sup>9</sup> (We must thank this professor for giving Elser his due place in the historical record.) Elser had the stubbornness to refuse to salute the swastika, and to leave rooms when Hitler's speeches were being broadcast, yet his motivations remained unintellectual. For him, doing something meant doing something with his hands.

Elser broke down under torture, saying that if his plan had not succeeded it was because it was not meant to succeed. May we blame a man in his desperate position for trying to survive? We also learn from the archive that he had begun attending church during the months before November 1939, making no distinction between Catholic and Protestant churches. He had prayed more in order to feel more composed, and had convinced himself that he would go to heaven "if I have had the chance to prove by my further life that I intended good. By my deed I wanted to prevent even worse bloodshed."<sup>10</sup> Stauffenberg had his comrades. Elser had no one. This inconspicuous man chose to act for decency, justice, and humanity, and into his deed he put the soul of the meticulous German artisan. As Stern says, the fact that he trusted no one is a discredit not to him but to the world he lived in. That few know of his existence today is a comment on our own times. Let us salute the memory of Johann Georg Elser, the little man with the great heart.

*Dilip Simeon. A Finer Balance: An Essay on the Possibility of Reconciliation. In: Okwui Enwezor, Carlos Basualdo, Ute Meta Bauer, Susanne Ghez, Sarat Maharaj, Mark Nash, Octavio Zaya (ed.): Experiments with Truth. Documenta11\_Platform2. Hatje Cantz Verlag, Ostfildern-Ruit. 2002, pp. 135-153.*

## References

- 1 I am indebted to Professor Namwar Singh for this insight.
- 2 Hans Magnus Enzensberger, *Civil Wars: From L.A. to Bosnia* (New York: New Press, 1994), pp. 49-51.
- 3 This ideological beguilement in matters of intense public concern is not confined to India. It has been suggested that "the taking of bribes by government officials in [East European] countries can be viewed with equanimity to the extent that it at least indicates an understanding of how market forces operate in a liberal economic environment." *Transparency International Newsletter*, September 1996, quoted in Harry Shutt, *The Trouble with Capitalism: An Enquiry into the Causes of Global Economic Failure* (London and New York: Zed Books, 1998), p. 168.
- 4 Judgment of the Additional Sessions Judge, Delhi, December 3, 1999, cited in the national press on December 4, 1999.
- 5 Bernard Schlink, *Der Vorleser*, 1995, Eng. trans. as *The Reader*, trans. Carol Brown Janeway (New York: Pantheon, 1997).
- 6 M. S. Golwalkar, Sarsanghchaalak or Supreme Leader of the RSS (the parent body and controlling authority of the Bharatiya Janata Party) from 1940 to 1973, believed that "Germany shocked the

world by purging the country of the semitic races — the Jews. Race pride at its highest has been manifested here. Germany has also shown how well-nigh impossible it is for Races [sic] and cultures, having differences going to the root, to be assimilated into one united whole, a good lesson for us in Hindusthan to learn and profit by." Quoted in Christophe Jaffrelot, *The Hindu Nationalist Movement in India* (New Delhi: Viking-Penguin India, 1996), p. 55. In the Indian context "semitic races" denoted Muslims, whom Golwalkar considered congenitally antinational, along with Christians and Communists. Schools run by the RSS still teach the "positive side" of Nazism.

**7** The Pioneer, New Delhi, July 20, 1994.

**8** J. P. Stern, *Hitler: The Führer and the People* (London: Fontana Press, 1990), p. 126.

**9** Ibid., p. 123.

**10** Ibid., p. 131.