TIME OF DELIBERATION AND SPACE OF POWER: ATHENS AND ROME, THE FIRST CONFLICT

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Abstract

The conflict between Greece and Rome is one of modern history's first international conflicts. Writing in the second century AD, Ælius Aristides views it as a discursive, linguistic and rhetorical conflict. Essentially, it can even be described as a conflict between silence and rhetoric. Rome, unique voice of Empire, is, in being a complying, fine-tuned orchestra, even more silent– and may be seen as prefiguring our contemporary notion of consensus and our version of globalisation? Athens talks, debates, and retains the notion of the political as continuous creation of dissent. Hence Athens – or rhetoric – is victorious even when conquered.

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The conflict between Greece and Rome is, in a manner of speaking, the first international conflict of history. The way in which this conflict took place has often been described as a relationship between military might, *imperium romanum,* and the power of civilisation, Greek *paideia*. It is known that although vanquished, Greece conquered her conqueror: Greek culture, with its poets and philosophers, was "imitated," or to be more specific, reinvented and adapted by every *vir bonus dicendi peritus* – for instance Horace, but also Cicero, Lucretius, Virgil, Seneca or Quintilian, who all contributed to the glory and domination of Rome.

The *pax romana,* in fact, reduced all to silence and silence itself is an integral part of the conflict I am about to describe. One of the most interesting approaches and interpretations of this conflict, as a conflict about the uses of language, the uses of deliberation, and the game played by the genius of the Greek and Latin mother tongues, underscores the fact that this conflict is utterly about language and rhetoric. The best way to approach it is to look into how the great Sophist Ælius Aristides conceives it.

Ælius Aristides (117-189 AD), a Greek from Asia Minor who lived under Roman rule at the time of Antoninus and Marcus Aurelius, delivered a great number of orations at a variety of occasions. Most of them have been preserved. Although it is common practise among philologists to divide this sizeable and largely unanalysed body of work into three parts, of interest to philosophers and historians alike, these parts must be treated as a whole.

First of all, the *Sacred Tales*, a sort of personal diary, exceptional in its kind, relate how hypochondriac Ælius talks about his minor and more serious ailments and convalescence. They are called *Sacred Tales* because Ælius wrote them while sitting under the gates of Asklepios in Pergamon, sleeping, dreaming, taking baths and also deliberating in order to support through language the healing process.[1]

The second part deals with his orations on rhetoric, and in particular his highly remarkable *Against Plato, in defence of rhetoric* in which he pitches Plato against Plato, the *Gorgias* against the *Phaedrus,* all this in order to highlight Plato's role as "the father and teacher of orators" (p. 465): wildly but still respectfully ironic, Ælius brings Plato back into the realm of rhetoric, "like a slave on the run" (p. 463).[2]

The third aspect of his work, which is of specific interest to us, is how, Ælius, as a political orator, intervenes in conflicts between different cities. In particular, he is known as the author of two famed panegyrics, the *Panathenaic Oration* and the *Roman Oration*.[3] The two orations are a contrapunctic analysis of a language of power and a language of culture, Latin and Greek, a way to keep silent and to act, and a way to speak in order to talk further.

Politics, as it was practised in every Greek city at the time of Ælius, is effectively described by the three oratorical modes explained by Aristotle – praise, advice and judicial. As Pierre Vidal-Naquet put it (1984, post face), politics gave way to "political-fiction" linked to an inflation of rhetoric in schools, compensating the real political impotence of the Empire's subjects. The directors of these schools called themselves "sophists" and, their students excelled at *meletai*, declamation exercises on anachronical topics. André Boulanger, whose greatest achievement was to expel preconceived wisdom, nevertheless emphasises the extraordinary development undergone by "epideictic [praise and blame] genres, which, under the Empire, assumed the first place and gave Sophists an official position" (Boulanger 1923/

1968, 340).[4] With regard to the Greeks' ceremonial genre, *ad ostentatione* in Latin, literally "for show," Quintilian notes "Roman custom had made use of it even in public life"(Quintilian 1921-22 III, VII paragraph 2): hence, under the Empire, rhetoric of praise replaces deliberative rhetoric, for all (serious) intents and (non-innocent) purposes.

Ælius the orator is the only one to my knowledge, who delivered a speech praising Rome and another praising Athens. Here is how Boulanger introduces the praise declamations: "Attention must be paid to those two famed panegyrics which, in Ælius' works, undoubtedly have the most sophisticated thinking" (Boulanger 1923/1968, 347). Yet, in conclusion of his analysis of the *Panathenaic Oration*, he writes: "[It is] a vast collection of all the common places which, for centuries, had encumbered ceremonial rhetoric and school speeches (p. 369). … The *Panathenaic Oration,* devoid of any originality, is otherwise of no great interest. ... In sum, if the *Panathenaic* admired by rhetoricians of later centuries is the triumph of the art of sophistry it is also its downfall" (p. 372). One would have noticed the quaint ambiguity of the middle sentence.

From a rhetorical point of view and that of a rhetoric taught by Sophists, it is apparent how Ælius' work offers, with some risk, the possibility of a signal reassessment: I believe that, in this instance, sophistry produces an effect of enhanced lucidity both at a philosophical (a reflective anti-Platonism) and political level. These two orations – at least when viewed in combination – fulfil the paradoxical criteria of a praise speech: at once the perpetuation, protection of value judgements regarding "future objections" and modification or creation of values that will determine – in this instance up to this very day – our perception of something we call Rome and something we call Athens[5].

"The whole exordium is a mere rattle of words," says Boulanger (348): my own interest lies in what are the modalities of the "rattle," in an exordium aimed at capturing the attention (*captatio benevolentiæ*) of both worlds.

One world, "the Ruling Power": Rome's invention, Rome's "brainwave" (*eurêma*) lies in "the science of government" (*to arkhein eidenai*) with which the Greeks are not familiar (*R.* 51). Another world, "the Civilising Power": Athens is the "source (*arkhê*) of nourishment that are sciences and speeches" (*A.* 2). To be prince (*arkhein*) is opposed to being the principle (*arkhê*) or put differently, Rome governs space whereas Athens frames time.

Let us, first of all, briefly employ paraphrase in order to bring together the paramount elements the space called Rome contains, Rome, that is the world. Rome is, so he begins, "like snow": wherever one stands, it is all around you (*R.* 7). One cannot speak of her like of other cities, "she is here" (*entautha estêken*, *R.* 9), as she has no assigned boundaries, no more than the ocean has any (*R.* 10). This is why one can visit the entire world *or* this single city, inasmuch as she is like the workshop and market of the whole world (*R.* 11). In short, "whatever one does not see here neither did nor does exist" (*R.* 13): Rome is Being. With Rome, the Parmedian sphere equates physically the terrestrial globe, there are no longer any limits. Ramparts from now on no longer circumvent cities but power itself and those ramparts are no longer actual walls but men, the legions that become co-terminus with the limits of the globe itself (*R.* 84). This is how Rome's praise is conveyed to the Romans themselves by means of promulgating Roman values.

Ælius, however, by using other metaphors contends that this world is akin to a "well tended enclosure" (*aulos ekkekatharmenos*, *R.* 30) and the earth to a "pleasure garden" (*paradeisos sugkekosmethai*, *R.* 99). If Zeus, in terms of physics, transformed chaos into cosmos, Rome in terms of politics, turned chaos into cosmos by expelling *stasis*, that is civil war. Rome has "established order in the *oikumenê*," (*anakekosmisthai tên oikoumenên*, *R.* 98). The "*oikoumenê*," the civilised world, has shrunk down to the size of an *oikos*, a homestead (*R.* 102), or even a courtyard or a garden. Rome is the world, but the world is minuscule.

The same inversion appears in the context of Rome's relationship with *logos*, and by way of consequence in the panegyric itself. Indeed, the shift from global level and power vested in the public, to the confines of a private household cripples *logos*, and literally, reduces it to "idiocy."

Initially, Ælius proclaims that Rome loathes deliberation and exposes the flaws of her omnipotence: "For it is she," he says, "who first proved that rhetoric cannot fulfil all functions" (*R.* 6). In her case, not only is the panegyric bound to fail but even the simple nomination: there can be no *horos* (spatial "limit" and logical "definition") of Rome, given that no lookout point allows "to put together the seven hills under the name of one city" (*R.* 6).

Hence, Rome remains mute even when she is noisy. Like a "well tended enclosure," already quoted, "the whole inhabited world utters a single sound, far more accurate than a choir's" (*khôrou akribesteron hen phteggetai*, *R.* 30). The monody for which Aristotle, in the *Politics*, accuses Plato spreads across the globe in a totalitarian manner, accompanied by a new kind of terror—Ælius, considered as a flatterer, nonetheless does not hesitate to spell it out. As he tells us, the chorus pitches the same key and holds it, everyone follows the cues, in a world where a mere "plucking of a chord" suffices. The choir-master-emperor governs by fear (*phobos*), and "country and race all in one, obey in silence (*hupakouei siôpêi*)" (*R.* 31). The model is, of course, the army itself, a "permanent chorus" (*R.* 87).

It becomes evident at this point how, with Ælius, we have already shifted from shared Roman values to the Greek invention of Rome.

Faced with the fact that Rome has no limitation, Athens geographically defines itself as an infinitely reduced space, the virtual space of a single point. Athens, placed at the core of the centre that Greece represents, is indeed symbolised by the Acropolis (*A.* 15). It is comparable to the way in which its own temperate climate refers to the point of neither too much nor too little: the right measure of current weather. This infinitesimal space is nothing else than the representation of time as originating power. First and foremost, Athens is the "first country of man" (*A.* 25). Whereas Rome takes up all space, Athens takes up all the time: it is expressed in the myth of her autochthonous origins ("she finds her origin in herself," *A.* 26), a myth now raised to a superior level and applied to the very relationship between Athens and Rome. Romans, as the *Roman Oration* states, are the Greeks' "foster fathers," (*R.* 96) but Greeks, argues the *Panathenaic*, are the foster fathers of the foster fathers, "fathers' fathers" (*A.* 1).

Athens' relationship to *logos* is symmetrically inverse to Rome's. In the case of Athens, which provides us with all our discursive nourishments, there is straight away, a perfect "rational" adequacy, if you want, between the panegyric and the object of the panegyric: "For the expression of thanks for oratory delivered by means of oratory not only is fair in itself but also first of all confirms the name given to this

kind of speech. For it alone is, to be precise, 'the use of fair speech'—*eulogos*"(*A.* 2). Put differently, if the panegyric of Athens comprises the very essence of panegyric, this is due to it essentially being a panegyric of *logos* itself. Man's birthplace is nothing else but the birthplace of *logos*, as *logos* stands for Greek language and Greek is Attic: "Athens has created a non-mixed and pure *phonę*, which does not hurt and sets the example to all conversation among Greeks" (*pasês tês hellenikês homilias*, *A.* 14). Within Athens then, discursiveness and inter-discursiveness, speech, tongue and idiom are all but one. Beyond doubt, this is the sole veritable universality we encounter, and it is not a spatial but an ever logical one: "All without exception speak the unique *phônê* common to that race and, thanks to you, the *oikoumenê* has become homophonic" (*A.* 226). Set against the imperialist monody with its silencing effect, the homophony of a highly contagious consensus effectively broadens public life, given that all other languages – in comparison with Greek, which has become the definition and criterion for education and culture (*horos tina paideias*, *A.* 227) – are a mere "childish babble" (*A.* 227). Greek being the only language which is always adapted to public life, is the one that causes a lack of interest in other languages: "In tune with all the solemn festivals, all assemblies and all councils, the Greek language presides over time and place, and to everyone is always equally fitting" (*A.* 227). *Ho logos kai hê polis*: the last words of the panegyric seal the equivalence between the Greek language and the political, *logos* and *polis*.

Hence, when the world is mute it is spatial and Roman. When the world talks, however, it is temporal and Athenian. Rome guarantees unicity of uniformity, which establishes an undifferentiated space: "Now indeed it is possible for Hellene or non-Hellene, ... to travel wherever he will, easily, just as if passing from fatherland to fatherland. … for security it suffices to be a Roman citizen, or rather to be one of those united under your hegemony" (*A.* 100).

Everybody, however has two native countries. Rome is the physical home country, but Athens is the logical home country watching out that, from one generation to the next, over time, the like-mindedness that will allow to converse with each other is preserved. Ælius is not to be accused any longer – in a rather Platonic manner – of being a mere flatterer, a "collaborator." For, while his *Roman Oration* exposes Roman values, he abolishes them at the same time with the use of ever missing Athenian values. Athens' values are undeniably extolled: Athens talks and once defeated, Athens takes action solely by means of talking. This is the culmination of a sophistic approach to politics. The mute space opposed to the time of discourse is according to Ælius Aristides the proper way, highly rhetorical, to evaluate the conflict between Greece and Rome and, ultimately, to give speech the last word.

Notes:

1. Kindly refer to my chapter on discourse as *pharmakon* (Cassin 2000, 110-113).

2 .I follow the most recent edition of this text, namely Carolus Allison Behr's. All references made here are based on the Lenz-Behr edition (1976-1980). The 1978, short of the critical apparatus, is nearly identical to the one published in 1973 and served as the basis for the first translation into English suggested by Behr, of which only the first volume has been published). A revised translation of a text that was barely modified but comprises more extensive notes can be found in Behr (1986).

3. *The Roman Oration* and the *Panathenaic Oration* have been translated and commented by

Oliver (1968) and were given splendid titles, "The Ruling Power" and "The Civilizing Power," respectively, before more recently being translated by Behr (1981 and 1986). It is important to point out that interpreters do not agree on the date: the two speeches delivered at the same time (in 155 AD, during the second of Aristides' journeys to Rome), or do they mark the beginning and the end of his career—in short, was Aristides playing a double game, was he a hypocrite or was he smitten with patriotic remorse? I refer to the *Panathenaic Oration* as *A.* followed by the paragraph, and the *Roman Oration* as *R*. also followed by the paragraph. Translations are original to this essay (Editor).

4. For a more recent and comprehensive view, see Bowersock 1969.

5. I will touch some conclusions drawn from Nicole Loraux's work (1981 and 1986) on at least two levels: on the level of eulogy in general, as it can be found at the heart of the dialectic between history and fiction: "Il se pourrait bien en effet que, célébrant une cité conforme à leur désir, les Athéniens aient systématiquement élaboré, pour leur propre usage et à l'intention de la postérité, cette figure d'eux-mẹmes qui a informé et informe encore, de façon plus ou moins sournoise toute l'histoire d'Athènes" (1981, 13); "a certain idea that the city wishes to have of itself emerges, beyond the needs of the present: within this orthodoxy of an official speech, there is a certain gap between Athens and Athens" (1986, 14); the original French and the translation are at variance (Editor's note) – and on the level of perception of Aristides' *Panathenaic* as the achievement of such a movement towards fictionalisation which ousts what remains of history, spatial-temporal limitation in the funeral oratory given by Pericles and produced our common place of Hellenism (1981, 260-265).

Translated from French by Nathalie Bucher.

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AN AFRICAN ASSERTION? THE QUESTION OF RECONCILIATION'S PLACE IN A TIME OF EMERGENCY

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Abstract

In the last decade, the idea and practice of reconciliation has come to play an important, if not central, role in the international discourse of nation - building and democratisation. This development marks an African assertion in terms of international relations. Focused primarily on the South African transition from apartheid to non-racial democracy, this essay reflects on reconciliation's current global currency, the ways in which it has complicated standing norms of political subjectivity and international law, and how the rhetorical operativity of reconciliation may stand in significant opposition to the logic of emergency that increasingly defines the west's approach to international "relations."

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The question of Africa. For Hegel, there was no question. Like so many contemporary (academic) tourists, the philosopher saw cause to "travel" south with baggage that both relieved him of inquiry's burden and encouraged a timely departure, after which there was no reason to return or even look back.[1] In his *Lectures on the Philosophy of World History*, Hegel made the claim explicitly, concluding that as Africa had "no history in the true sense of the word" and "no movement or development of its own," the continent "need not be mentioned again" (Hegel 1980, 190). Existing only in "the land to the south of the Sahara desert" and with neither standing nor role in the "real theatre of world history," the area named "Africa proper" was claimed to be "enmeshed in the natural spirit" that left it lacking "any integral ingredient of culture" (*Bildung*). On Hegel's reading, Africa thus offered no cause for (additional) words (pp. 173, 190).

What can we say about the question of Hegel's Africa? Addressed to "a continent enclosed within itself" and peoples alleged to exist in a "state of innocence" that fostered a complete "contempt for man," the case appears totalising. On Hegel's word, given that African life "consists of a succession of contingent happenings and surprises" and absent the "potential" of slavery, "history is in fact out of the question"(pp. 176, 178, 182). Long ignored, the scandal of this position has been constituted variously. Leading Hegel into the dock of the very court in which he stood as a colonialist and misjudged Africa, Robert Bernasconi has traced the contradictions and inaccuracies of Hegel's "image of Africa" and argued that its (false) appearances combined to provide a "potent justification for the exploitation of the continent"(1998, 62). For Olufemi Taiwo, Hegel's malicious libel masked the depth of Africa's diverse philosophical-cultural tradition and legitimised its misrecognition, a timeless exclusion and ahistorical distortion that continues to rationalise the denial of Africa's full membership in the "concert of humanity" (1998, 8).[2] Today, the cost of this dismissal is underscored in Romeo Dallaire's comments about the west's unwillingness to act in the days leading up to the Rwandan genocide, a moment in which the lives of human beings were deemed not to "count" (2004).[3]

With the proclamation that it was impervious to subjectivity, Hegel figured the African as a "series of subjects that destroy one another" and then reduced it to the actions of "Negro hordes" which vacillate between a "revolting barbarity" and the capacity for peaceful "mildness" (1980, 176). Using this description as evidence of a limited and "immediate existence," he claimed that the African had yet to make a "distinction between himself and his essential universality" and then concluded that this lack of experience of opposition and division, left the African without the capacity to respect others, a shortfall in which the "inner universality" with which Hegel characterised the African's "sensuous will" precluded the work of constitution, the "formation of ethical relationships of an essentially universal content" (p. 185). Thusly, Africa is foreclosed from the theatre of world history, the "sole purpose" of which is to "create a situation" in which the poles of Spirit and the individual subject are "absolutely and truly reconciled" (p. 198).

At a moment when pronouncements about the "end of history" have only the ring of bad infinity, there is a significant irony in this pronouncement. Over the course of the last decade, it is Africa that has defended reconciliation's value and performed something of its potential. This is not to suggest either that the continent has accepted Hegel's blow or sought to accommodate his racism. Rather, the last decade has seen a marked concern for reconciliation in Africa, particularly as it

has been used to redress something of the colonial history in which Hegel participated. Drawing heavily from the South African case, my aim here is to briefly examine how this assertion of reconciliation has implicated itself in international attempts to theorise and promote nation building, democratisation, and the protection of human rights. From an argument as to how reconciliation cannot be reduced to the work undertaken (or inspired) by the much studied South African Truth and Reconciliation Commission, I contend that the idea and practice of reconciliation is a rhetorical discourse that has complicated standing (globalist) assumptions about political subjectivity and the burdens of international law. While this suggests that reconciliation does have a role to play in understanding some forms of historical division and conflict, the essay closes with a somewhat stronger claim, a reflection on how the potential of reconciliation may hold important insights into understanding and challenging the state of emergency that has come to govern if not dictate certain aspects of international relations in the west. Much less and yet something more than a means of transcendence, the process of reconciliation may mark an important opposition to an (extra) legal constellation that strives to supplant the capacity for expression with a silencing violence.

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The word spreads. After a meeting with UN Secretary General Kofi Annan in August 2004, Iraq's new Human Rights Minister, Bakhtiar Amin, held a press conference at which he announced his intention to create a Truth and Reconciliation Commission, a body to be "modeled on the experiences of post-apartheid South Africa" and rooted in the assumption that "confessions and pardons would be a way to strengthen the feeling of national unity."[4] Shortly after the publication of several volumes on the dynamics of reconciliation in South Africa (Salazar 2004), *Le Monde* editorialised that several of the concepts which underwrote the country's transition might serve the international community in its ongoing attempt to build peace in the Middle East. In Greensboro, North Carolina, a community still divided from the wounds of the struggle for civil rights has looked to the South African case as a model for a reconciliation process designed to investigate the past and plot a way forward. Along with others, these examples point to the fact that reconciliation is no longer an idea associated only with the terms of liberation theology and the impunity that attended select political transitions in Latin America. Today, the question of reconciliation's power and value is a global question.[5]

More than any other, South Africa's turn from apartheid has been held up as evidence of reconciliation's power and a basic indicator of its value for countries struggling to overcome legacies of deep division. Indeed, the conciliatory form of South Africa's democratisation has played a key role in moving the concept of reconciliation from the margin to the centre of debates over how conflict-torn societies can redress the costs of violence, support democratisation, and promote the protection of human rights. More than once, Nelson Mandela has been called abroad to work his reconciling "magic," a form of conflict resolution that has produced both tangible success and some doubts about the generalisability of the South African experience. In the west, audiences continue to be fascinated by Desmond Tutu's account of South Africa's transformation, a turn that the Archbishop emeritus has frequently cast as a miracle, an unprecedented gift of peace and a moment in

which citizens have undertaken a process of forgiveness that has left the world "open mouthed at the revelation of such nobility of spirit" (Tutu 2004; 1999).

Far and away, however, it is the "unique experiment" that Tutu led which has made the deepest and most lasting impression. Celebrated, investigated, criticised, and increasingly copied, South Africa's Truth and Reconciliation Commission (TRC) is now very much the *sine qua non* of the country's transition, a body that has been held up as a "central tenet to the reconstruction of South African society" and increasingly perceived as a lynchpin in the process of ending apartheid (Stanley 2001). Created in 1996, nearly two years after Nelson Mandela's election, the Commission's founding legislation charged its three constitutive committees – Human Rights Violations, Amnesty, and Reparations and Rehabilitation – to "promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past."[6] Initially authorised to work for a mere 18 months, a tenure that was extended and extended again such that parts of the process were not completed until 2003, the TRC was handed a vital and clearly insurmountable task, a set of goals, expectations, and obstacles that both (unduly) raised the hopes of some citizens and made plain that the Commission could indeed promote but not accomplish reconciliation. Reflecting on its charge to "complete as full a picture as possible" of gross violations of human rights between 1960 and 1993, the Commission's 1999 Final Report underscored that the body's work focused heavily on discovering and creating an understanding of South Africa's history – uncovering the truth of past violence, allowing citizens to recount their experiences, establishing accountability for the crimes of apartheid and the excesses of struggle, restoring the well-being of individuals through a recognition of "untold suffering," allowing admitted perpetrators to "come to terms with their past," preventing amnesia, and taking steps to ensure that the past would not compromise the future (1999, 49).

While not the first body of its kind and despite significant disagreement over its ultimate success, South Africa's TRC now represents something of a benchmark for those seeking to bridge the deep divisions that complicate and frequently thwart nation-building. In fact, the last years have seen both a significant rise in calls for truth and reconciliation processes and a number of concrete attempts to model the South African Commission's mandate and structure.[7] It remains to be seen whether this imitation serves. More important is the fact that the attention paid to the South African experience has consistently neglected if not masked the fact that reconciliation – as both a concept and practice – has long played a central and contested role in South African politics. An icon of reconciliation and proof that Camus was not entirely correct when he claimed that "twenty-seven years in prison do not, in fact, produce a very conciliatory form of intelligence," Nelson Mandela has repeatedly stressed the significance of this history. For example, at the beginning of Parliament's 1999 debate over the TRC's Final Report, the former president set the matter on a larger stage when he claimed that:

> *[W]e need to remind ourselves that the quest for reconciliation was the fundamental objective of the people's struggle, to set up a government based on the will of the people, and to build a South Africa which, indeed, belongs to all. The quest for reconciliation was the spur that gave life to our difficult negotiations process and the agreements that emerged from it.*

There is little nostalgia in this plea to remember. For reconciliation's "friendly settlement," General Jan Smuts' wrote to Lord Milner in the wake of the Anglo-Boer War. In the years of struggle, the idea of reconciliation served South African churches as a rallying cry against the injustice of an apartheid system that was itself rationalised on the grounds of a reconciliation to come. For the present, however, the call for reconciliation was defended as a concrete way to gather and channel the energy of resistance. In the late 1980s, as the country reached a point of *stasis* that marked the precipice of endless civil war, both Mandela and then President FW de Klerk made detailed and explicit appeals for reconciliation, claims about the need for parties to find common ground. For their efforts, both were initially accused of betraying their constituents, a charge that continues to echo. Nevertheless, reconciliation grounded and indeed underwrote crucial elements of the negotiated revolution that unfolded between 1990 and 1994. With little reason to trust their "racist" and "terrorist" counterparts, negotiators from the African National Congress and National Party began the talks that ended apartheid under the banner of reconciliation. With progress and breakdown, the practice of reconciliation was employed to define a process and norm of "sufficient consensus," a formal-pragmatic mode of decision-making that pushed negotiations forward and which contributed directly to the reconciliation that was announced in the country's 1993 Interim Constitution. Including a controversial amnesty, this achievement did not fate the creation of the TRC but opened space for political debate over the question of whether and how to deal with the past.[8]

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The Truth and Reconciliation Commission is one, and perhaps even one small piece of the reconciliation puzzle in South Africa. Facilitated by the western media, its conflation with the whole has obscured the Commission's controversial development, ignored reconciliation's conceptual complexity, and covered over its historical depth. Thus, while it has become a topic of international interest, there are several senses of reconciliation's operativity and significance that have remained out of view.

(1) The idea and practice of reconciliation rests on a rhetorical architecture, a discourse (about discourse) that has circulated behind, through, and from the South African transition and the work undertaken by its TRC. Neither a generic form of conflict resolution nor the achievement of a discrete state of peace, reconciliation is both a calling for rhetorical argumentation at the apparent limits of speech and a form of rhetorical activity dedicated to the invention of platforms for collective (inter)action. In the South African case, the work of reconciliation has expressed the need and cultivated the ground for speaking, a form of publicity that intransitively turned rationales for violence toward a set of shared oppositions that composed the referent with which committed enemies entered into dialogue. Convened between 1990 and the start of all-out constitutional negotiations in 1992, the South African "talks about talks" were defined by participants as a process of reconciliation dedicated to bracketing historical justifications for animosity in the name of learning that "no one in the room had horns" and opening space for meta-debate over how to design effective and appropriate norms of negotiation. After the first of these meetings, Mandela took pains to underscore that such work did not come with an assurance of success but that the talk supported by reconciliation

offered a potential to address and redress "the terrible tradition of a 'dialogue' between master and servant which we have to overcome"(quoted in Davis 1990, 6-7). In these terms, reconciliation's power appeared through a call to constitute the basis for productive debate from within a legacy of speech's violent distortion.

Inside and outside (South) Africa, the rhetorical character of reconciliation is an object of puzzlement and subject of advocacy. Seen in places such as Rwanda, Burundi, Indonesia, and Cambodia, the professed appeal of the South African reconciliation process is most apparent in conflict situations defined by a historical *stasis*, a set of "deep divisions" that render declarations of "victory" implausible and which demand that all sides find shared reasons to undertake the extended and difficult process of "learning to live together."[9] While dismissed by some as naïve, Jonathan Van Antwerpen has traced something of how such work in South Africa has undergone a "transnational diffusion," the dissemination of a discourse (model) through a set of individuals and nongovernmental "moral entrepreneurs" that have borrowed from and questioned the South African process in order to promote reconciliation initiatives abroad and contribute to debate over its viability in particular (post) conflict situations (2005).[10] While it remains difficult to assess the precise power exercised by these organisations, their role in the internationalisation of reconciliation has fed controversy over its relative risks. Foremost, the role of reconciliation in the South African transition has done little to answer persistent questions about its precise nature. What is reconciliation? What work is assumed in its concept? When is its practice appropriate?

Troubled by how reconciliation might intersect or exclude "various cultural and political traditions" and concerned by "the use of the term in [the] recent political language of post-war marketing," delegates at a 2004 UNHCR-sponsored meeting struggled to no certain resolution with the problem of how to explain the term and delineate contextually sensitive criteria for its use (UNHCR 2004, viii)[11] In the last years, the significance of reconciliation's (terminological) ambiguity has been underscored by Robert Mugabe's rejection of the Lancaster House agreement and its explicit concern for post-independence reconciliation in Zimbabwe. While some have suggested that the spirit of reconciliation in Zimbabwe was just so much mere rhetoric, the South African case – at least so far – presents the international community with the question of whether it is willing and able to embrace the idea that some modes of speech do indeed count as transformative deeds.[12] At a larger level, the controversy that surrounds reconciliation rests heavily on whether its increasingly internationalised discourse contains a clear account of its political and historical presuppositions, that is, the way in which it defines the precise occasion for reconciliation, attributes the need for select parties to engage in reconciliation, and assesses the relative success of formal and informal reconciliation initiatives. In fundamental ways, these ambiguities are a reflection of the dense and frequently ignored interplay between the South African TRC and the performance of reconciliation that preceded its creation. Thus, at one level, the international community's focus on the Commission has helped cement the impression that reconciliation is best understood through the lens of forgiveness, an equation that both divests reconciliation of significant (historical) content and worries legal realists. At a second level, the attention paid to the TRC has heightened concerns over what is entailed in an open-ended process or promotion of reconciliation. The promise of

a new beginning, reconciliation may both devolve to an endlessly deferred hope, an abstract potential that not only resembles but replicates the very colonial logic that it claims to overcome, and trade-off with efforts to redress economic inequality and the redistribution of material resources.

(2) Against the (globalist) defence of liberalism, the concept of reconciliation appears to offer an important (re)interpretation and performance of political subjectivity (Bourdieu 1998). In South Africa, this challenge has deep and sometimes twisted roots. Supported by a language movement and underwritten by an altogether convenient theology of reconciliation, Afrikaner nationalism split identity's difference when, with one hand, it defended communalism as an antidote to the colonising allure of the western (British) city and its (alienating) promise of individual autonomy and, with the other, mustered a racist "undecidable" identitarian logic to explain and defend the "self-actualising potential" of separate development (Norval 1996). For its part, the African National Congress' historical commitment to reconciliation has played out within a commitment to non-racial democracy that has variously rejected liberalism's "hypocritical neutrality" and selectively appropriated its commitment to human rights. When read together, the conceptual arcs of these two nationalist positions have led Antjie Krog to wonder just "how little *ubuntu* communism and Boere socialism differ from one another"(2003, 118).

The point is controversial but crucial. In the context of South Africa's "colonialism of a special type" and its "negotiated revolution," the idea of reconciliation has appeared under the communal sign of *ubuntu*, a concept that variously connotes a group of people, a community, a shared political system or philosophy, and a collective way of life.[13] Perhaps most frequently, *ubuntu* expresses the idea that "people are people through other people" (*ungamntu ngabanye abantu* or *umntu ngumntu ngabanye abantu*). Bonganjalo Gobo, for instance, has traced the idea through both the Old and New Testament's consideration of "corporate personality," arguing that *ubuntu* expresses a form of belongingness and a mode of solidarity.[14] In an ontological sense, *ubuntu* binds past and future being such that there is simply no such *thing* as solitary existence. Noting its implications for the nature and definition of human identity, Manas Buthelezi has argued that *ubuntu*'s potential is a wholeness of life within a present that refuses the distinction between past realism and future idealism. On this view, the time of *ubuntu* is a moment in which to turn the alienation of individual autonomy sponsored by e(x)ternal law toward a recovery of identity *through* communal participation and a love that "suffers selflessly for others" (Gobo 1974, 69).

Defended vigorously by Desmond Tutu, the idea of *ubuntu* was used to explain and justify reconciliation's role in the transition from apartheid and the agenda pursued by the TRC. In both situations, appeals for *ubuntu* surrounded and shaped the reconciliation-oriented talks given to dismantling apartheid's "middle wall of partition" through a recognition of that diversity which "undergirds and leads to unity and interdependence"(Tutu in Battle 1997, 42, 59). Put differently, reconciliation called for an exchange of identity for identification, a form of political subjectivity and human interaction that set the creation of "delicate networks of interdependence" over the demands of the sovereign liberal subject. Literally and metaphorically, reconciliation stood before the law, a practice that demanded good faith

over precedent such that all parties were seen to risk their (given) sense of self (interest) in the name of entering into relation. A tangible feature of the Multi-Party Negotiating Process (MPNP), this *ethos* was heralded in the Interim Constitution's post-amble, a document that spurred debate over whether to create the TRC and how it might serve to inaugurate a struggle for recognition in which the demands of (liberal) identity formation were balanced against the need to break from the identitarian premises of apartheid.[15] While it was not always able to walk this line, the Commission's attempt to promote reconciliation did contain a form of subjectivation that stood in significant opposition to the liberalism's presuppositions and its vision of how to actualise justice.

(3) Reconciliation is now an embedded and contested norm of international law. During the 1995 debate over the South African TRC's creation, then Minister of Justice, Dullah Omar, claimed that the Commission's work was dedicated to "building a future for South Africans" and maintained that if the body's mandate produced "a conflict between what the international community is saying and what is in the interests of the people of South Africa then I think that we will have to live with that kind of conflict" (Omar 1995, 55). Evidence that there was indeed a conflict and that many South African's took reconciliation to be a "home-grown" practice, Omar's remarks followed from pointed questions about the legality and morality of the post-apartheid government's decision to provide amnesty to those perpetrators of gross human rights violations who made a full disclosure of their "acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past."[16] In public hearings, a number of groups expressed their objection to this proposal. For its part, Amnesty International argued that the TRC's charge to accept and adjudicate amnesty applications "allowed too much immunity" and claimed that it could not support "any process which does not allow for the full prosecution of human rights violations."[17] At odds with the motivating assumption that the transition from apartheid would be slowed if not compromised by "Nuremberg-style" trials, this criticism was soon set within the larger frame of international law's apparent prohibition on indemnity for those guilty of crimes against humanity and a domestic court case in which relatives of several prominent victims averred that the provision of amnesty violated their constitutional right to seek redress in the courts.[18]

While the international legal status of amnesty remains unsettled, its role in the formal promotion of reconciliation is increasingly recognised as a legitimate and acceptable end. In part, this shift has followed from perceptions that the South African TRC's commitment to a norm of publicity corrected some of the basic shortcomings that attended the work of early truth commissions in Latin and South America. Too, there is an increasing recognition that formal trials are not always possible or effective ways of healing deep division. A noted international jurist, Richard Goldstone, for instance, has argued that the aftermath of mass atrocity brings a set of problems that cannot all be redressed in court (2000). The point is highlighted by the current situation in Rwanda, a country that continues to struggle with the aftermath of the 1994 genocide and which has implemented a tiered system of prosecutions that includes both an international tribunal and the use of local gacaca courts, community-based forums that aim to provide both accountability and an opportunity for perpetrators to begin the work of reintegration. This

turn from a strictly retributive to a restorative form of justice is one that played a crucial role in the South African experience and marks a continued source of dispute within the international community.[19]

There is little doubt that reconciliation has taken a place at the international table. Holding a power that helps to both explain and perform the work of political transition, particularly in those situations that mark the limit of realism, reconciliation has appeared as a viable way to promote democratisation and the protection of human rights. At the same time, however, the gift of reconciliation's words has also rendered it out of place, a relational good whose promise of repair holds the risk of infinite deferral and an opportunity for restoration that skirts if not evades the law's commitment to justice in the wake of atrocity. While itself a reason for reconciliation's international currency, this tension that inheres within reconciliation's potential lends it the quality of a pharmakon, an exceptional practice whose constitutive words hold the capacity to both heal and harm the body politic. Read one way, this ambivalence has been interpreted to mean that reconciliation is best conceived as one tool among many in the larger conflict resolution box, a practice that redresses an exceptional form of violence and which has emerged from a South African political culture that has long struggled with the question cum accusation that it is an exception to the rest of the continent. Read another way, reconciliation's call for discourse marks an exception to the violence with which many now struggle, an identitarian logic and law that demands relational reconstitution. In this sense, Africa's assertion of reconciliation marks not just an additional resource for international actors but a potentially radical way to engage with another form of international relations, a state of emergency (exception) that now pervades and defines much of the west.

* * *

A state of emergency has become normal in some quarters, a self-perpetuating expression of the proclamation that endowed law with the capacity to manage and sustain a "middle hour" of grief, a moment in which history was refused in the name of a "unity [that] is a kinship of grief" and justice began a steady devolution into the quest for security. Inside the United States and on the international stage that it audaciously claims to manage, the call to sacrifice issued on 14 September 2001 has proven just if not more decisive than the events to which they "replied." The actuality of the emergency's logic now extends well beyond the Executive Order with which it was inaugurated and the eulogy in which it was rationalised.[20] Today, it includes the *deterrence* of political debate, the degradation of human beings through the practice of indefinite detention, the near outright collapse of the burden to provide reasons for "representative" actions, and the altogether cynical conflation of natural disaster and international politics.[21] The allure and scope of this logic is proliferating. A repudiation of international norms designed to prevent the amassing of dictatorial power, it is a form of violence that once led the *South African Journal on Human Rights* to editorialise that citizens faced the danger of a "psychological acclimatisation" in which the misrecognition of "abnormality as normality" would "undermine the chances for struggle and real political change" (1988). In the midst of emergency, contingency is conceived only as a threat to be exploited, a reason for deploying unwarranted power.

There has been significant discussion of the nature of the emergency that is now woven into the governing fabric of the current American administration and the ways in which it has shaped Washington's view of foreign policy and the validity of international legal norms. For some, including Shirin Ebadi, the 2003 Nobel Peace Prize Laureate, the terms of the emergency are reflected in the way that "some states have violated the universal principles and laws of human rights by using the catastrophe of 11 September and the war on international terrorism as a pretext." Taking stock of this pretext, Couze Venn's reading of the emergency figures the "middle hour" in which it was announced as an exceptional moment that saw the performance of a sovereign exception in the name of closing debate over the "relation between the law and the ethical"(2002, 127). In such a time, one characterised by a demand for speed that outruns the capacity for reflection, Judith Butler has argued that the emergency appears as:

> *[a] law that is no law, a court that is no court, a process that is no process. The state of emergency returns the operation of power from a set of laws (juridical) to a set of rules (governmental), and the rules reinstate sovereign power: rules that are not binding by virtue of established law or modes of legitimation, but fully discretionary, even arbitrary, wielded by officials who interpret them unilaterally and decide the condition and form of their invocation* (2004, 62).

More and less than an authoritarian gesture, the logic of emergency renders law's precedent nostalgic and deems accountability a risk. Relying partly on the controversial position advanced by Carl Schmitt, Giorgio Agamben contends that the state of exception's structure entails "being outside, and yet belonging," a condition in which "the sovereign stands outside of the normally valid juridical order, and yet belongs to it …"(2005, 35). A displacement of law's force such that it no longer has reference to reality, the emergency unfolds (in) an "anomic space" which affords the sovereign with an opportunity to situate its "order" outside the realm (of law) that it claims to (con)serve. While Arundhati Roy has characterised this undecidable logic of "sovereign indecision" as an "algebra of infinite justice," it might also be grasped in terms of physics: at the express cost of choice, the emergency posits and defends a need for the action (-reaction) of endless violence, a suspension of law dedicated to its own (perpetually deferred) return.

As the state of emergency signals the demise and then tactical reformation of sovereign power, it closes the grounds for speech with edicts that figure "human action without relation to the norm" (Agamben 2005, 60). While cast by some as a moment in which the citizen is "struck dumb," Agamben's closer reading suggests that the sovereign's exception sets the signifier to float, a detachment that endows *logos* with a capacity to inflict and sustain "mystical violence." Relying on Walter Benjamin's "Critique of Violence," a position that distinguishes between a mystical violence that exercises "bloody power over mere life for its own sake" and a divine violence which holds "pure power over all life for the sake of the living," this loss of the word leads Agamben to oppose the emergency with a call for that "studious play" which holds the potential for a world in which good "cannot be appropriated or made juridical"(Agamben 2005, 64).[22] The difficulty, however, is how to put this play into play, a question that leads back to whether Benjamin's call to create a "real state of exception" hinges at least partly on the "indirect solution" of an "unalloyed means of agreement," a mode of speech that is "inaccessible to vio-

lence" to the degree that it refuses the law's (instrumentalising) form and contains "no (contractual) sanction for lying" (Benjamin 1996; Benjamin 2003, 392).[23]

With the appearance of this potential, we are not far from the assertion of reconciliation. Consider first a history that mitigates Butler's claim that the state of emergency's governmentality is a "new configuration of power." Beginning in 1985 and ending only shortly before the commencement of the talks about talks in 1990, the state of emergency in South Africa was both rule and reality. Yet, it was from within the state's literal and figurative attempt to radicalise the undecidable logic of its founding premise and complete the "ban" on its opposition that religious and political leaders found the traction needed to make a case for reconciliation. From the English-speaking church came a reading of the "signs of the times" that demanded renewed attention to reconciliation and its power to name the evil of apartheid's law in a manner that funded collective opposition to its false and unjust promise of unity *as* difference. Under the banner of reconciliation, this turn from "doing what the law says" to "saying what the law does" echoed into the crucible of politics when preliminary negotiations were rooted in the assumption that both sides of the conflict shared a need to bracket their own legal-historical principles in order to open a space for interaction. While controversial, this gesture proved decisive and was radicalised at the constitutional bargaining table as parties agreed to proceed through a reconciling spirit of good faith, a form of communicative interaction that not only set aside precedent but refused the jurisdiction of its contractual logic.[24]

The lesson that may follow from the historical relationship which appears between the logic of emergency and calls for reconciliation in South Africa is not that either holds the power to (dialectically) unravel the other. The claim that states of exception foreclose the possibility of reconciliation is just as fanciful as abstract calls for those divided by and within emergency to reconcile *with* one another. More interesting is that these events are related through an opposition over where to locate the potential of the word and how to gather its sovereign or constitutive power. In the midst of emergency, the decision to advocate reconciliation appears not just naïve but duplicitous, a turn from sanctioned values in the name of speaking with a given enemy. The provocation of this charge is one of reconciliation's greatest strengths. The accusation of "selling-out the cause" is one step towards the exposure of the bare life that abides within and follows from obedience to ahistorical necessity, a duty that defers accountability for violence in a manner that renders its promise of freedom hollow. Thus, the criticism of reconciliation represents an interruption in the cycle of emergency to the degree that it rests on and sets forth a concrete norm of justice, a benchmark that can no longer be left to float but whose deployment serves as a basis to question the discrepancy between the emergency's announced rationale and its effects.

When it comes from those committed to sustaining an emergency, the refusal of reconciliation opens a space for immanent critique, a moment in which to see and question the law's attempt to ground its violence outside of itself. On the other side and equally important, the risking of self-interest that attends the advocacy of reconciliation inaugurates an *ethos* that names the emergency as an unacceptable limit on expression. When this refusal is directed to the law, reconciliation opens a space in which to undertake the work of (re)constitution, a quasi-revolutionary act that stands before precedent in order expose the violence that attends the sover-

eign's invention. *This does not mean that reconciliation is without violence.* To the contrary, its constitutive sacrifice is the question of how to simultaneously perform and account for the cost of making history anew. Constellating ethics, politics, and justice, reconciliation is inside and outside the law in the wrong way.[25] Its potential is a struggle for recognition, a potential to recover a sense of metaphor that has no place in the undecidable logic of emergency. Far less than a state, reconciliation's words may thus be given to the everyday that is the human (Blanchot 1987, 17).

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In his early theological writings, Hegel defended reconciliation as a call to (re)turn to life in that moment when it appears hostile to itself. Convened then by a "causality of fate" and opposed to the (external) power of law's form, reconciliation is an event that holds the potential for reconstituting human interaction from within the midst of endless violence (Hegel 1948, 231-37).[26] The difficulty is whether Hegel later attributed this very fate to Africa through a decree that demanded nothing less than a ban on the potential for speaking of Africa in relation. Nevertheless, there may well be an African claim to reconciliation, an assertion and practice that has both captured something of the world's imagination and begun to (re)shape global politics and the terms of international law.[27] A mode of power that underscores why democracies may consolidate only at the cost of cultivating the constitutive potential of transition, this reconciliation is neither monolithic nor uncontroversial. It is also a good that has productively complicated international assumptions and norms about how to begin anew in the wake of atrocity. Within its call, reconciliation's naming of atrocity and injustice does not have to culminate in forgiveness to matter. This lesser power is something that appears only as we resist the temptation to reduce reconciliation to TRC-style bodies. In their risk, reconciliation's words open a time and space in which to question and then turn the logic of emergency against itself, a rhetorical turn in which the opportunity to forge unity *in* difference is a relation for the present, a productive opposition that takes significant exception to the idea that the work of becoming is best understood as a threat.

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Notes:

1. Examples of this attitude are plentiful. For one particularly condescending example, a work that at times rationalises travel to Africa after the attack on the World Trade Center on the grounds of needing to see "just how bad things can actually be," consider Theroux (2004). For an antidote that includes a useful discussion of how modernist philosophy underwrote the colonial aspirations of early international law, see Lindqvist 1996.

2. For Taiwo, the exorcism has been hampered by the tendency to twist (back) "African reality" through a "supreme and overarching" metaphysics of difference. Mbembe (2004) has offered a similar diagnosis, one that includes a warning about the dangerous nostalgia that attends the attempt to reauthenticate (tribalise) African experience.

3. This comports with Caroline Rooney's claim (2000, 166, 176) that Hegel's was a "will to an oblivion of 'African realities,'" an attitude and domination that rendered Africa "unthinkable" and reduced human beings to "man-animals."

4. While premature and likely a mask for deeper problems, Stover (2005) suggests that Amin's proposal is not an insignificant feature of the political landscape in Iraq.

5. Given reconciliation's significant Christian roots, it remains to be seen and may be well worth considering whether international interest in reconciliation can be understood through the lens of what Derrida called "globalatinisation" (1998).

6. (*Promotion of National Unity and Reconciliation Act* 1995). The first to move into the public eye, the Human Rights Violations Committee was tasked to both investigate the extent and nature of gross human rights violations between 1960 and 1994 and hear testimony from their victims, a process that was deemed crucial to restoring "the human and civil dignity" of those subjected to apartheid-era violence. Not unrelated but with significant independence from the rest of the Commission, the Amnesty Committee was mandated to hear and adjudicate amnesty applications from those prepared to make a "full disclosure" of the crimes committed in the name of supporting or ending apartheid, at least insofar as such acts and omissions constituted gross violations of human rights. Less well defined and empowered, the Reparations and Rehabilitation Committee was charged to create recommendations for an effective reparations policy, one that would help "prevent the future violations of human rights" and assist other government bodies dedicated to overcoming apartheid's legacy of material inequality.

7. This effort has been most evident in Sierra Leone, where several of the commissioners from South Africa's TRC led the effort to create the country's commission. Kessal (2005) offers an important but selective analysis of the Commission's work.

8. In far greater detail, I have elsewhere addressed this pre-TRC history of reconciliation in South Africa (Doxtader 2001).

9. With thanks, I borrow this phrase from Charles Villa-Vicencio.

10. Also see the work done on this matter by the International Center for Transitional Justice 2004.

11. For other reflections on how to best define reconciliation, see Prager and Govier 2003.

12. For a number of different accounts of this limit, see Raftopoulos and Savage 2005.

13. For treatments of *ubuntu* and its various philosophical, cultural, and political meanings see Mogobe Ramose 2002, Wiredu 1997, Shutte 2001, and Broodryk 2002.

14. Also see Gobo (1974, 67). More and perhaps a bit less than a western form of communitarianism, Gobo's view had significant ontological implications. A mode and means of creating time, *ubuntu* held a sense of kinship in which "everybody is related to everybody else" within a "unique relationship that extends vertically to include the departed and those yet to be born."

15. Andre du Toit (2000) has offered an extensive argument as to how recognition was built into the premise of the South African TRC.

16. Quoted in the *Promotion of National Unity and Reconciliation Act* (Act 34 of 1995). For a fuller treatment of the development of the amnesty controversy and how it was built into the TRC see Villa-Vicencio and Erik Doxtader 2003. Claims about the homegrown quality of reconciliation in South Africa present two larger questions, one concerning how the concept was (and was not) redefined within the context of black theology in the 1970s and 80s, the other to do with the precise status of South Africa on the continent.

17. Quoted in Holkeboer (2004, 150). Also see Amnesty International 1995.

18. For what is perhaps the seminal case against convening trials in the aftermath of apartheid, see Asmal 1996. For a more general but contrasting perspective, see Roht-Arriaza 1990. For a comparative analysis that considers the South African case in light of the mandate of the International Criminal Court, see Bennun 2003. In the South African context, see the Constitutional Court's judgment in re *AZAPO, Biko, Mxenge, Riberio v. The President of South Africa, The Government of South Africa, The Minister of Justice, The Minister of Safety and Security, The Chairperson of the Truth and Reconciliation Commission.*

19. Compare Villa-Vicencio 2004 and Wilson 2001.

20. Here, I refer to the Executive Order and address that were respectively registered and delivered on 14 September 2001 by American President George W. Bush. At a basic level, the two texts interlock, particularly as they work to compose an ahistorical case for the "necessity" of action. The relation between the documents is underscored all the more by Giorgio Agamben's observation (2005, 68) that the "suspension of law" which defines an emergency has long been a feature of state funerals.

21. This was evident in George Bush's remarks in the aftermath of the hurricane that devastated New Orleans, an argument as to how the future prevention of such destruction was best aligned with the task of preparing for and preventing terrorism.

22. Derrida's (1992) is a crucial and critical reading of Benjamin's distinction between mythic and divine forms of violence.

23. Agamben (2005, 61-3) strongly hints at this connection as he devotes significant attention to the question of what Benjamin meant by a "pure" form of agreement, a mode of expression that holds a communicability without ends and offers an opportunity to both expose and depose the law's violence.

24. For the most explicit evidence of this refusal, see Eloff 1993.

25. This deviation is wholly evident in the post-amble of the 1993 South African Interim Constitution, a text that conditions the enabling of the constitution's promise on a process of reconciliation that falls outside of its jurisdiction.

26. Elsewhere, I have considered Hegel's early view of reconciliation in greater detail that I am able to provide here (Doxtader 2003).

27. The pun here is not insignificant given its rebuttal of Hegel's diagnosis. See African National Congress 1943.

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