

**Introduction: Links to the Science of Generosity**

Generosity is widely conceived of as private and personal. This letter of inquiry is about a form of public generosity that can be an essential and deeply practical part of justice: the decision, at the end of a civil war, to offer amnesty, mercy, to brutal perpetrators. In the United States, distributive justice in the form of public “benefits” for the masses is commonly “earned”; in our debates about punitive justice, mass offers of “amnesty” whether for undocumented immigrants, or Vietnam War resisters, are genuinely contentious. In other cultures also, public generosity does not prevail easily over the yearning for punishment. However, earlier research of mine (2003),<sup>1</sup> into the challenges in ending the violence in political struggles, indicates that choosing to seek merciful justice for war damage can be pivotal to establishing a new peace. In places as diverse as South Africa, the North of Ireland and Germany, justice in peacemaking entailed merciful acts: amnesty, after acknowledging the truth in South Africa; unconditional release of convicted “terrorists” in Belfast; and in Germany, strict limits on access even to the truth in the archives, lest vigilante justice derail the reintegration of the two parts of the country.

Details of the Request For Proposals which particularly resonate with merciful generosity include the idea that generosity is “not identical to pure altruism, since people can be authentically generous in part for reasons that serve their own interests.” Support for the amnesty provision in South Africa’s Truth and Reconciliation Commission recognized that white self-interest must be protected to enable a transfer of power to take place. The RFP’s statement that “to be generous was literally a way of saying ‘to belong to nobility,’ that generosity confers nobility on those who practice it” seems very close to the notion that the power to grant mercy is an indication of high status. Rwanda’s many victims include those who set aside retribution during the *Gacaca* (community-based hearings) and discovered thereby a chance to reclaim their dignity. The RFP also suggests that generosity has “the very practical enduring effect of increasing . . . justice in the world.” The refusal to punish, a common element of transitional justice critical to peacemaking, can well be described as state-sponsored generosity.

**Description of the research**

The research plan consists of six, structured case studies -- Ireland, South Africa, Rwanda, Chile, Argentina and the inter-German frontiers in the Cold War -- comparing public debates and decisions about amnesty in the settlement of their recent, armed, civil conflicts. While only Rwanda was widely defined as a “war,” Simone Weil, writing during World War II,<sup>2</sup> reminds us that in violent times, the weapons need only be aimed and loaded nearby for the imminence of death to pervade and deaden thought, if not life, all over. In each of the cases, the deaths and terror, disappearances and oppression were intense enough that, when peace finally emerged, the new freedom to move, to connect with people, to live without fear, to plan a future, represented a profound change in life experience. In all six places, in constructing the peace, generous political decisions were made in favor of amnesty and mercy over punishment, for life over death.

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<sup>1</sup> Meyer-Knapp Helena, *Dangerous Peacemaking*, Washington, Peace Maker Press, 2003

<sup>2</sup> *I Iliad as a Poem of Force*, Pendle Hill Pamphlet no. 91. Pendle Hill PA 1981

Together the six cases represent a variety of manifestations of state sponsored generosity. Each one will be analyzed for the Generosity Project's primary questions. Who -- what kinds of people with what civic functions -- advocates for or against amnesty, and what justifications do they offer? Generosity entails repudiating vices, and the rationale offered for amnesty will also reveal which vices, for example fear and hatred, are central. Amnesty was achieved in all six cases, so information is readily available about its social and individual consequences. This research focuses on the positive consequences promised while the decisions were made. It will also address, through the Chilean and Argentinean situations in which amnesty was later withdrawn, whether the passage of time alters the salience of generosity.

Existing judicial and religious theories of amnesty and mercy also suggest a number of questions which can further illuminate generosity: Does the offer of amnesty depend on perpetrators fulfilling preconditions --> does generosity have to be earned? Civil violence once officially condoned might now need to be forgiven --> Does a generous response result from changes in perspective on well known phenomena? Merciful justice can depend on intercession --> Is generosity instigated by intercession from religious leaders or others? Amnesty may become impossible when an outsider like the International Criminal Court takes over the post war process --> is generosity easier between those who know each other well? Throughout, the study examines both institutional systems which foster generosity and also the motives of specific individuals active in advocacy for and against generosity towards enemies.

### **Methodology**

My focus is on the public part of amnesty not on secret meetings. How did governments, the media, academics and ordinary citizens debate, explain and comment publicly on the justice issues in the context of the peace process? Each case presented its own challenges. South Africans feared that the Truth Commission would contaminate potential trial evidence for those not granted amnesty. All-pervasive violence in Rwanda and the total social penetration by the Stasi police of the former East Germany each instigated a national trauma where "perpetrators" represented perhaps a majority of the population. How can that many cases enter any formal process? The North of Ireland is an example not of the problem of whether to issue new indictments but of post-conviction prisoner release. Victims' families often suggested that this seriously compounded their grief. Chile and Argentina's decisions represent the unilateral decisions of a government leaving power to grant all of its members a blanket and permanent amnesty. Reservations about amnesty could only receive official recognition after the amnesty went into effect.

Two kinds of evidence underpin the findings: documents, and interviews. To determine which issues captured the public attention the work begins with media coverage of debates like the ones in South Africa and Germany, moving from there into legislative and academic sources to develop an understanding of the details of the salient issues. This work can be conducted using on-line electronic resources including Lexis/Nexis, and can be carried out in the United States. The outcome is a matrix of the key values and purposes associated with each amnesty decision, derived and validated using content analysis methodologies. In addition the analysis of the debates will generate the names of people onsite with whom deeper conversations seem particularly productive.

The document-based sources will be complemented by on-site symposia in each location with a 10-12 local, selected stake-holders from the law, the media and academic life to discuss their current perspective on the timing and justice of decisions made in the peace process. This is not a focus group but rather a seminar, based on an extensive preparatory questionnaire derived from the values matrix, an attempt to explore and consider the consequences of decisions made in the past. For dissemination I will work in collaboration with others in the Generosity Project, to enable this research to become part of a coherent whole in the field of generosity studies.

### **Significance**

I am a newcomer to generosity studies so I expect my understanding of this project's significance to grow and change. At this stage I would point to its focus on the political impetus for generosity and on the fact that this kind of generosity has public consequences across an entire society, which applies also, of course, to social welfare policies. Still, I gather that my focus on conflict reduction and peacemaking is unusual. Within the parameters of the Generosity Project, this comparative study offers varied manifestations of the same idea in distinctively different, international contexts. It will elucidate, also, the justifications for political generosity and its social consequences over a short and a longer time frame. Lastly, this project has an individual as well as a social dimension. Each grant of amnesty has potent personal consequences for the individual in a position to offer it, for the perpetrator who accepts it and for victims who are directly connected to the original destructive acts.

Applied to international relations in the real world, this work has particular significance for the International Criminal Court. Court procedure has moved justice after civil conflict decisively away from the merciful option, with perhaps negative consequences for the ending of wars, as in Sudan. This work suggests that, as in so many things, "the readiness is all." In the first phases of ending a civil war, further suffering can seem intolerable. At very least, perhaps the ICC should delay its interventions substantially. Perhaps only later can one consider whether punishments are warranted. The first task, as Archbishop Desmond Tutu knew so well, was learning to live together again, a task completely dependent on awakening generous impulses despite having lived through pain and conflict.