

What Can a Political Form of Reconciliation Look Like in Divided Societies?

The Deliberative “Right to Justification” and Agonistic Democracy

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► **Abstract:** Deliberative and agonistic democrats have conceived of political reconciliation and its pursuit in different forms. In this article, I explore how insight can be derived from key tenets of both strands of democratic theory in the struggle to achieve political reconciliation in war-torn or divided contexts. Rather than subsume disagreement or straitjacket it in processes of “rational” deliberation, I propose contingent, open-ended, but inclusive contestation to achieve political reconciliation. This article explores how the deliberative “right to justification,” set out by critical theorist Rainer Forst, can be put to work in an agonistic politics of reconciliation. I want to show that deliberation over the right to justification and the corollary duty to justify constitute conjoined means of consensus-seeking that can be contingent and fluid and can account for entrenched relations of power and inequality—two dynamics that deliberative theorists have been accused of deflecting or obscuring.

► **Keywords:** agonism, deliberation, politics, reconciliation, rights-claiming

Achieving reconciliation in societies emerging from a history of violence rooted in the denial, oppression, or forceful assimilation of minorities requires a type of political settlement. Rather than symbolic, moral, or faith-based reconciliation alone, a *political* reconciliation between former adversaries can invoke a reckoning with the past and a way to recognize, rather than subsume, difference. In deeply divided contexts, political reconciliation has been elusive and often conditional, tensely poised between a fragile peace and the threat of resurgent violence. Prescriptions for how to overcome such problems have proliferated from the perspectives of deliberative democratic theory on one hand, and critical accounts



offered by the agonistic democratic viewpoint on the other. Post-conflict contexts constitute valuable exploratory sites where the core assumptions of both deliberative and agonistic perspectives are tested to their theoretical and practical limits.

The long-standing assumption that deliberation, in some form, enhances democracy is being interrogated by recent theoretical scholarship, which critically contemplates the nature of the relationship between democracy and deliberation (Scudder 2021). A related assumption in the peace-building scholarship, even if not always spelled out as such, is that deliberative democracy is the gold standard for postconflict states where democratic institutions have suffered injury (Paris 2004). Deliberation and rationally produced consensus are viewed as necessary conditions for the restoration of democracy after authoritarian rule or during a transition to a democratic future. But in war-torn, war-fatigued, or divided societies, surely there are myriad, unexpected challenges that require different prescriptions even as democracy remains the end goal. By drawing on some of the fundamental elements of both strands of democratic theory, I outline here how it may be possible to approach the task of a reconciliation that is a political one. By political reconciliation, I mean one that confronts rather than subsumes difference and disagreement; one that goes farther than symbolic or religious apology or amnesia and, following Chantal Mouffe, recognizes a level of antagonism that is “inherent in human relations” (2000: 15).

To do so, I propose considering how democratic deliberation, as a guiding principle and practice, can accommodate political conflict while also acknowledging that political conflict is an ineradicable part of democratic life. I argue that it can do so to the extent that it adopts elements of the agonistics’ tragic view of the world and the ineradicability of political conflict as a reality of democratic life. Crucially, both deliberative and agonistic democratic models are applicable in the context of postconflict societies. To marry elements of both models, I explore how the deliberative “right to justification,” set out by critical theorist Rainer Forst (2014), can be put to work in a politics of reconciliation. I want to show that deliberation over the right to justification and the duty to justify constitute conjoined means consensus-seeking but can do so in ways that are contingent, fluid, and sensitive to entrenched relations of power and inequality – two dynamics that deliberative theorists have been accused of deflecting or obscuring.

Admittedly, this constitutes a modest step in the wider exploration of how the tensions between deliberative and agonistic readings of democracy may be reconciled, if at all. To be clear, I am not taking up the task of arguing against deliberation (Sanders 1997). Rather, I set out to

show how the basic right to justification and the corollary duty to justify (deliberative means) can be remodeled to contribute toward an agonistic political reconciliation in complex, messy, nonlinear contexts. The point is to render a theory of political reconciliation more relevant to its practice while informing the practice with key theoretical insights from two manifestations of democratic theory. What I propose here stretches the boundaries of the original Forstian regime of justification by suggesting that it can be usefully applied in complex and protracted cases of division, and adapted to meet the needs of transitioning, conflict-prone, or postconflict societies. These are cases where the legacy of violence has left such gross violations of personal and collective rights that reconciliation has become an empty concept. Rendering reconciliation meaningful runs through adopting the agonistic view of the ineradicability of conflict and the ever-present reality of pluralism in public life. In what follows, I try to make a case for why the right to justification is especially important in the wake of war and armed conflict, where public trust in state institutions is low and the social contract has been broken.

What is at stake in bringing these two literatures in democratic theory into conversation with one another? The ideas and principles defended by scholars and practitioners working from a deliberative democratic perspective have been well rehearsed through decades of scholarship and across a range of democratic experiments in the West as well as the Global South. Liberal democracies are, theoretically at least, informed by ideas around representation, participation, and the pursuit of some form of consensus and follow the idea that decision-making should be the product of reasonable discussion among citizens. Agonism is a lesser explored strand of democratic theory, and its manifestation in public political life has been less directly experienced. Agonism is not necessarily the counterpart or remedy to deliberative democratic models, but I take it up here because its central claims throw up a series of concise questions about deliberation itself. Agonistic democracy, with its openness to the possibility of positive disagreement, can be better suited to address complex ethnic, religious, and nationalist conflicts. At the same time, in my view, the normative, theoretical, and practical contributions of deliberative democracy mean that it speaks to the needs of large pluralistic societies. While the content, rules, and form of deliberation should be open to debate, the emphasis on speech, communication, and discourse between citizens is useful in cases of historical and ongoing wrongdoing and prejudice where dialogue between diverse rights claimants has broken down. By applying a wider lens that considers tenets of both perspectives—the empirically tested deliberative model that foregrounds participation in pluralistic societies and the theoretically innovative

agonistic one – the promise of a practicable, creative, problem-oriented approach can emerge – one that can remedy the shortcomings of existing models of political reconciliation in postconflict states, many of which focus on symbolic, ritualistic, or apolitical measures such as apology or forgiveness, that do not address entrenched power dynamics or their injustices.

At the outset, it is imperative to address the question of whether the goal of political reconciliation is suitable, useful, or desirable by those societies who are either (1) emerging from the experience of armed conflict, civil war, or a multisided or internationalized war and/or (2) enduring ongoing or reemergent forms of material or social dislocation, discrimination, or disenfranchisement as a result of ongoing state practices of exclusion or denial. The point belabored here is that to work, members of society need to “buy in” to the idea that reconciliation will promote a new collective “we” that is inclusive and representative. This kind of reconciliation, as this article argues, can be possible through political practices of rights-claiming, justification, and reason-giving. Reconciliation should be imagined not as a substitute or a replacement for the recognition and practice of political rights but as a process that is contingent on the political. Second, the approach developed here is sensitive to the reality that for many societies in need of, or aspiring to, political reconciliation, injustice, dispossession, or discrimination are not experiences buried in the past – indeed, there is no linear progression from “conflict” to “postconflict” or to “peacetime.” While today’s injustices have often evolved from past wrongs, they are not limited to the annals of history. Rather, they multiply, manifest, and reemerge in cruel iterations in contemporary politics in new and lasting ways that limit the agency, life opportunities, and basic human rights of persons and communities in many parts of the world. This includes, to name a few cases, the denial of the rights of Aboriginal communities in settler-colonial states (Bentley 2019; Coulthard 2014), enduring discrimination and state violence stemming from contemporary racialized politics in the United States, and the racialization of minority ethnic and religious groups in the Middle East and North Africa.

First, I outline the challenges that both (a) divided societies (at the empirical level) and (b) agonistic theories of democracy (at the conceptual level) throw up for general assumptions held by theories of deliberative democracy. Then, I lay out the main features of my conception of political reconciliation by showing how Forst’s theory on the right to justification can accommodate the challenges encountered by deliberative and agonistic accounts. In this section, I define and explore the parameters of my proposed approach, identifying conditions, communities, or identity

claims that may not be suitable for the model of political reconciliation set out here. Finally, I discuss how insights from the deliberative and agonistic accounts – imagined as the ongoing practices that flow from the right to justification as a means of political conflict – can help overcome some of the core challenges confronted by postconflict societies seeking reconciliation.

Deliberative Assumptions and the Agonistic Challenge

The important body of work arising from agonistic theory (Gursozlu 2009; Hirsch 2012; Mouffe 2000; Schaap 2004, 2005, 2006; Verdeja 2008) has given occasion to rethink and challenge some of the key assumptions held by models of deliberative democracy, particularly with regard to the latter's shortcomings in accommodating disagreement and difference in postconflict or transitional societies.¹ Scholars subscribing to deliberative or discourse theoretical accounts and agonistic democrats have conceived of political reconciliation and sought to contribute to its achievement in some form. As a starting point, it is useful to briefly sketch out the main features of the divergence between the deliberative and agonistic perspectives, particularly on the consensus-conflict axis, to contemplate to what extent a stark dichotomy in fact exists.

The forerunning area of disagreement concerns the desired end goal of democratic pursuit, that of moralistic or practical consensus. Agonistic critics argue that deliberative consensus is far too often incongruent with the harsh empirical realities salient in societies tormented by a history of political violence or are indeed not what “ordinary citizens” desire at all (Sanders 1997: 348) in the wake of armed conflict. Agonists find the preoccupation with consensus unfairly constraining because it favors a certain type of “rational” communication. Mouffe, notably, has opposed the view that arrival at a rational consensus is the necessary ends of political deliberation and argues that “every consensus exists as a temporary result of a provisional hegemony, as a stabilization of power, and that it always entails some form of exclusion” (2000: 27). Similarly, Patchen Markell succinctly synthesized the core objection raised by critics – one voiced not only from the agonistic viewpoint – that Habermas’s consensus-oriented conception of the public sphere runs the risk that “speech which seeks to challenge agreements, to reintroduce a plurality of opinion into the public sphere, or to give voice to perspectives that cannot be acknowledged within the rules of discourse that govern a given public will be delegitimated and discouraged”(1997: 387–388). In this view, the criterion of consensus is seen as a paternalistic imposition or an anti-political moment

that stifles political contestation. It is also tinged, I would argue, by tones of elite privilege, racial hierarchies, ableism, and heteronormative norms.

In contrast, most agonistic democrats would agree with Andrew Schaap's assertion that it would be wrong to assume that political reconciliation means "harmony or consensus according to which discord and antagonism would be stilled once and for all" and instead presents reconciliation as politics as a way of "framing a potentially agonistic clash of world views within the context of a community that is 'not yet.'" Thus, reconciliation is not the end; consensus will never be absolute, and nor should it be (2005: 4). Rather than fetishizing the *end* of deliberation as a moment of universal or final consensus, agonists tend to reinforce the inherent value of the contestatory *means* of politics, which take place within a space envisioned by agonistic reconciliation theorists as one that acknowledges the ongoing nature of political engagement in the pursuit of an evolving "we" that is always still in the making.

Mouffe (2000) has been a vocal advocate of agonism against deliberative democracy, questioning what happens at the limits of reason, where passion and belief can, and often do, overpower and overrun rational discourse. But critics have pointed out how Mouffe remains unclear on the question of the need for some sort of eventual agreement among participants to a dispute, and for constructing an account that implicitly relies on the very deliberative presuppositions it claims to reject (Knops 2012). Eva Erman, for example, has drawn attention to the agonistic posture's ambiguity on the thorny question of consensus, criticizing it "for being implied but not spelled out" (2009: 1041). Unsatisfied with Mouffe's attempt to accommodate a revised or "thin" notion of consensus as one that is "conflictual," Erman defends discourse theory against the agonist alternative because "it embraces the idea that deliberation is constitutive of conflict." (For an account of how passions and desires can play a role in deliberative processes, see Krause 2008.) Trying to dispel the perception that deliberation cannot attend to pluralism, Andrew Knops argues: "Deliberation does not aim for consensus *tout court*. Rather, it aims for a consensus that represents the settled, reasoned agreement of as many as possible and that embodies their interests to the greatest extent. For this reason, deliberation shares with agonism the goal of giving maximum voice to different positions" (2012: 164).

Most deliberative democrats, however, concede that consensus is not always possible and that an outcome-based approach distracts from the value of the deliberative process itself, which can have transformative impact on the understanding of the Self and the Other. Amy Gutmann and Dennis Thompson have recognized "that politics cannot be purged of moral conflict, [and deliberative democracy] seeks a common view on how

citizens should publicly deliberate when they fundamentally disagree” (1996: 93). Furthermore, they have acknowledged that consensus remains “open to challenge in the future” (2004: 7). While the literature has tended to overstate the opposition between deliberative and agonistic accounts about consensus, it is possible to see how consensus is desirable but not necessarily the end all from the point of view of both perspectives. The deliberative exchange of reasons is valuable in a postconflict or transitioning society for its own sake as contributing to the adoption of democratic practices – even in the absence of an absolute, irreproachable moment of consensus. In parallel, the agonistic challenge to the assumption that conflict needs to be removed from the equation in any postconflict settlement in the name of consensus meets the real-world needs of identity groups who are beginning to open up to political, nonviolent struggle.

A second but closely related dimension of the debate between deliberative and agonistic theories involves the applicability of the substantive requirement of reciprocity and the intertwined norm of mutual respect in societies grappling with deep differences. For example, Gutmann and Thompson require actors to act in line with a certain “moral psychology” that is tolerant of criticism and open to critical reasoning, and based on the precondition of reciprocity by all sides. Gutmann and Thompson (1996: 81) link reciprocity to mutual respect. Similarly, Lynn Sanders treats mutual respect as a prerequisite of deliberation (1997: 348). This kind of reciprocity-first argument has come under scrutiny for obscuring relations of power that systematically undermine mutual respect.² For example, James Bohman, has called Gutmann and Thompson’s criterion of reciprocity exclusionary in the sense that “it violates the principle of political egalitarianism” by excluding certain reasons from public deliberation on account of their unreasonableness (2003: 117). While affirming the desirability of the normative criterion of reciprocity in consolidated democracies, the problems with its application in societies where structural inequalities are a salient feature of political association need to be seriously accounted for. The presumption of a preexisting community that takes for granted mutual respect as a precondition at the outset of any form of deliberation is problematic. Rather, its emergence should be recognized as a possible but not inevitable outcome of discursive interaction. Placing reciprocity as a precondition for deliberation to even begin often fails in societies divided by a history of political violence where, following John Dryzek, “mutual acceptance of reasonableness is exactly what is lacking” (2005: 219).

From the agonistic perspective, the kind of preestablished or transcendent criteria raised by deliberative democrats as part of a process of democratic will formation acts as a constraint on the constitutive power of democratic action. As Mark Wenman explains, such expectations are

“incommensurate with a tragic view of the world, where reciprocity is necessarily limited and conditional and human conflict is understood as an ineliminable feature of human relations” (2013: 84). Difference theorists have also focused on how intergroup inequalities make it difficult to apply the norm of reciprocity in the day to day of *doing* politics because some members of the political community are on an unequal footing as a consequence of inherited or structural relations of subordinating or coercive power. In other words, the demand of reciprocity implicitly can end up denying “the difference, or basic asymmetry, of subjects” (Young: 1990: 231). Iris Marion Young notably observed that “where group difference is socially significant for issues of conflict, domination, or advantage, equal respect may not imply treating everyone in the same way” (2004: 80–81). Similarly, Lori Watson maintains, “the injustice on this account is, we might say, the failure of reciprocity. As a member of a subordinated group, one does not stand before one’s co-citizens as free and equal” (2007: 109).

For example, a dominant identity group can claim authority to decide the physical setting of where the deliberative process will take place, assign or prohibit access to certain rights claimants, and dictate the forms of permissible communication and what counts as “rational” reason-giving. The point is that in divided societies emerging from political violence sparked by one’s self-asserted claim to “difference,” varying degrees of inequality that undermine the assumption of equal respect or moral worth are already built into any deliberative space, even before the process of deliberation has a chance to begin. In such cases, the relational position of actors, particularly members of oppressed or subordinated social groups – whether women; the LGBTQ community; ethnic, sectarian, or linguistic groups – vis-à-vis the dominant group and assumptions about reciprocity and mutual respect must be critically scrutinized.

Some deliberative theorists have responded to criticism that the deliberative account either neglects or insufficiently accounts for real-world constraints to the norm of reciprocity. Alison Kadlec and Will Friedman have directly engaged with the question of power in deliberative democracy, arguing that “mutual respect is developed *through*, rather than prior to, deliberation” (2007:16). Erman acknowledges that when ethical discussions fail, the culprit could be “impediments that prevent their getting started, most commonly unequal power relations.” She locates the solution back in the deliberative project itself, suggesting that “participants in intersubjective communication have the tools to recognize these impediments and perhaps try to do something about them in order to improve the possibility of reaching understanding or a reason-based substantive compromise of some sort” (2009: 1055). I will come back to this defense later in relation to Forst’s ideas on the right to justification.

The agonistic reading of political reconciliation presents a substantive challenge to deliberative models, particularly in the context of divided societies. Agonist theorists generally emphasize how processes of reconciliation are political rather than exclusively “historical, reparative, and retrospective” (Bashir 2012: 128). From this perspective, while reconciliation entails a rightful concern with historical injustices arising from the harms of nonrecognition, it can also usefully accommodate the daunting task of (re)building the terms of a future political community out of the ashes of a postcolonial or postconflict society. This involves engaging with the political, and in a related sense, constitutional potential of reconciliation that rests on the forward gaze and future we-making potential of reconciliation. Schaap envisions political reconciliation as rendering “available a space for politics within which citizens divided by the memories of past wrongs could debate and contest the terms of their political association” (2004: 17). As Schaap and Paul Muldoon have observed, “reconciliation processes tend to be of an agonistic nature precisely because they open up a space of contestation and disagreement” (2011: 182).

Where agonistic democratic accounts suffer is in their limited acknowledgment of the actual existence of reason-giving and mechanics of deliberation even amid the seemingly irrational politics of postconflict societies (for a useful discussion, see Dryzek 2005). There are important exceptions, such as Verdeja’s acknowledgment that “reconciliation rests on the possibility of discussion, deliberation and, in short, politics” (2009: 181). But generally, despite the appeal of unfettered and “vibrant clash of democratic political positions” (Mouffe 2000: 16), the agonistic viewpoint is criticized as simply too hard to apply to real-world conditions where division and entrenched identity-based differences prevail. The risk of perpetually open-ended contestation is not seen as conducive in a post-conflict context where antagonisms can flare up unexpectedly and reignite a cycle of violence.

Exemplifying the agonistic democratic perspective, Wenman has acknowledged that although “the relationship between contemporary agonism and the broader framework of liberal democracy isn’t straightforward,” agonistic theorists are “alike in their broad commitment to the traditions and practices of liberal democratic constitutionalism” (2013: 15–16). Wenman finds that despite differences, there is a “certain proximity between agonistic democracy and the more mainstream perspectives, which is often overlooked by supporters and critics of agonistic democracy alike” (15). While Wenman himself objects to “mov[ing] too quickly to situate the *agon* within the horizon of liberal democracy,” he provides an account of an “explicit endorsement” by the agonistic democrats of liberal democratic institutions and practices (16).

Of course, notable objections have been raised against attempts to fuse deliberative and agonistic approaches; for example, scholars have insisted on their fundamental incommensurability and the troubling implication that combining them would amount to co-option (Gursozlu 2009; Schaap 2006). Working against the portrait of a stark opposition between deliberative and agonistic accounts, however, others have defended their complementarity or the possibility of some form of integration between the two visions of democracy. For example, warning against a “false dichotomy,” Markell makes a case for the compatibility between the Habermasian public sphere and “the sort of agonistic and contestatory speech and action,” with which his critics have been concerned (1997: 388). By critically engaging with Habermas’s conceptions of agreement, consensus, or understanding, Markell argues that “on Habermas’s account of discursive democracy, a legitimate democratic system is not only compatible with agonistic action but actually requires it.” Dryzek has helped illuminate the advantage of an integrated approach in societies faced with the “toughest kinds of political issues, the mutually contradictory assertions of identity that define a divided society” (2005: 219). Acknowledging a host of criticisms from the agonistic and consociationalist perspectives, he argues that discursive democracy can be redeemed if it learns to adopt, develop, and practice elements from both.

These kinds of arguments are useful because they reveal how engaging in the debate between deliberative and agonist interpretations of democracy can summon new ways of addressing entrenched disagreement in conflict-ridden societies. Rather than advocate either deliberative or agonistic at the expense of the other, tracing the convergence of shared commitments contained in both accounts can constitute the basis for a kind of political reconciliation where participants can renegotiate, modify, or reassess their reasons and underlying needs – but within a tangible horizon. In what follows, I try to show the relevance of Forst’s idea of the right to justification to such a politics of reconciliation and demonstrate how it can accommodate the challenges encountered by deliberative and, to an extent, agonistic perspectives by providing an account of the intersection between individual communicative/justificatory and contestatory/transformational action.

The Deliberative Right to Justification in an Agonistic Account of Political Reconciliation

For Forst, the right to justification is driven by a “fundamental impulse” against forms of injustice that expresses the desire to “no longer be

oppressed, harassed, or have one's claims and basic right to justification ignored" (2014: 2). Inherent to the Forstian right to justification is agency: the action of *seeking* justified and justifiable reasons. Following Axel Honneth, Forst interprets the struggle for justification as "a deep "grammar" of social conflict and emancipatory movements" (124). As such, the desire to be recognized as an agent with a right to justification was and continues to be a "central driving force in social conflicts" (123–124). An outcome of the exercise of the right to justification is "justificatory authority," meaning a type of authority that is rooted in and driven by political practices of justification (4), where at stake are the tightly interwoven "right to justification" and the "duty of justification." Power exists between persons within a discursive "space of reasons or of justifications" where agents "exert influence over each other by bringing others to do something" through various discursive practices (9).

A politics of reconciliation that can be applied to real-world cases will ideally adopt a relational perspective that acknowledges and calls into question the context and relations of power in which different actors are embedded. In fact, both the deliberative and agonistic accounts generally share the view that political reconciliation is a useful project to the extent that it safeguards the political agency of individuals as equals in action. I suggest this concern with the freedom to exercise individual agency is the bedrock of a model for a workable political reconciliation and constitutes a key shared commitment between both the deliberative and agonistic accounts. For example, this is implicit in Forst's account of discursivity, where he treats the individual primarily as "an agent of justification, that is, in one's dignity as a being who can ask for and give justifications." When persons are seen as "subjects of justification ... they appear as active beings, not as passive entities to be acted upon, or as needy or suffering beings" (4). Mouffe advocates a relational perspective also, one where actors locked in confrontation come to acknowledge one another not as enemies but as adversaries, or as "somebody whose ideas we combat but whose right to defend those ideas we do not put into question" (2000: 25). Displaying a similar concern with questions of identity and relations of power, Ernesto Verdeja argues that reconciliation is "achieved when previous, conflict-era identities no longer operate as the primary cleavages in politics, and thus citizens acquire new identities that cut across earlier fault lines." Verdeja sketches out a normative model of reconciliation for transitional societies that "refers to a condition of mutual respect among former enemies, which requires the reciprocal recognition of the moral worth and dignity of others" (2012: 3–4).

Political reconciliation becomes meaningful to the extent that power relations between dominant groups (often presumed a priori as reasonable

and rational) and oppressed identity groups can be transformed into democratic relations enacted between persons in their capacity as rights claimants and duty bearers through the process of discursive rights-based contestation. This framing of state-citizen relations suggests a horizontal relationship that rests on an equal right of all individuals to justification and to act publicly and politically in the exercise of such a right. In this way, the right to justification can be seen as a mode of action that privileges acts of speaking and acting and aligns with what Schaap has termed the building blocks of “the will to live together” (2005: 77). That deliberative accounts generally assume that the requirement of mutual respect is already and always fulfilled as a precondition to embark on deliberation is problematic – in the real world, it is often not. But reframing relations as those shaped by the rights claimant and duty bearer means that respect is built into encounters *as they happen* and is reinforced through the course of mutual exchange. It also means that duty bearers must work toward respect, and not necessarily have it attributed to them owing to power, affiliation, status, or rank in preexisting hierarchies.

It is important to pause and consider the limitations of this account of political reconciliation. Acknowledging conditions in which rights claimants and duty bearers may withhold consent to such a process of justification, or be unable to take up justificatory action, helps set the parameters of this approach, and perhaps begin to imagine steps to broaden its breadth and reach to better address difference through contextual modification or adaptation. For example, there may be power dynamics in divided societies that do not lend themselves to reason-giving at all. It is possible to imagine some scenarios where this may be the case. The rights of persons with cognitive or intellectual differences may not be addressed through practices or institutions of mutual justification. Infants and young children who experience iterations of violence, trauma, or oppression cannot be expected to competently engage in justificatory practices. At the same time, ostracized, racialized, and/or colonized groups might choose to reject mutual justification, seeking instead reparations or apology for historical wrongdoing, the restoration of ancestral land and artifacts, as a precondition before reconciliatory deliberation may commence. The underlying limitation in such instances concerns how to fulfill liberal democratic principles such as consent, reciprocity, representation, and accountability.³

It may be possible to address some of these limitations by putting in place measures to elect representatives for vulnerable or disadvantaged groups who may practice justificatory action and act in their best interest. A neutral, third-party arbiter could ensure that the rights claims of such persons or groups are safeguarded through principles of

fair representation and transparency. However, this will likely lend itself to questions of voice and representative authority, but these may be accommodated by mutually agreed on principles that inform and animate practices of discursive justificatory action. It is vital to address such constraints and work through them as part of a creative, contextual, and inclusive process that recognizes the legacy of historical wrongdoing, as well as contemporary forms of discrimination. This recognition may go a long way in summoning willful participation in practices of justification by those persons or communities that feel oppressed or alienated by prevailing power structures.

While acknowledging its limitations in certain contexts, it remains possible to imagine how Forst's view of the individual and their agency as a subject of justification can facilitate the renegotiation of political relations away from those of oppression, thereby making political reconciliation conceived here possible. The emergence of such new postconflict era identities can take shape through practices of intersubjective discursive justification that flow from Forst's "fundamental impulse." Treated as a discursive practice of political justification, rights claiming can play a role in the process of political reconciliation by bridging the past and the present, serving not only as the remedy for a historical hurt, but also constituting a demand for the legitimation of one's right to participate, to contest as need be, and ultimately "to be as one is" and still engage within the political that defines and redefines the State. Right claiming arising from the basic right to justification can facilitate a *political* reconciliation that values the practice of exchanging reasons without necessarily anticipating or demanding a final consensus.

Furthermore, the exercise of the right to justification may result in mutual respect between individuals as they come to recognize one another's right to justification by virtue of their humanity in the course of their encounters with one another in a Forstian noncoercive "space of intersubjective justification." But setting up mutual respect as either a precondition for engagement or as a symbolic marker of the success of reconciliation puts the process itself at risk. The process around the right to justification can reframe and remold existing structural power relations that exclude some at the expense of others, and that deny an individual's autonomy as a social and moral equal being. When imagined in these terms, it becomes easier to see how the deliberative concern with mutual engagement and the agonistic concern with keeping open possibilities for adversarial contestation can intersect in a shared space.

I anticipate the agonistic objection that the right to justification should be the target of the same critique of the reciprocity requirement that I raised earlier against models of deliberative democracy. Namely,

that the procedures or institutional setting within which the right to justification is exercised is presupposed by ethico-political, transcendent principles or a form of apolitical consensus. Echoing Wenman's critique of deliberative democracy, the right to justification may be faulted for reproducing "a determinant set of rational principles" that are anathema to the tragic view of the world and constitutive plurality (2013: 29). Indeed, Forst's discursive reasons do need to be "reciprocal to ensure symmetry in the consideration of various interests and points of view" and to ensure that no affected person is excluded" (Olson 2013: 363). I concede that Forst's reliance on the norm of reciprocity, if applied uncritically, is problematic because it runs the risk of ignoring the "silent" and prohibitive structural inequalities that skew the conditions of full reciprocity in favor of hegemonic actors, such as those identifying with the state and its affiliated political or economic elites, or otherwise unrepresentative group that claims superiority over laborers, workers, the disenfranchised, or disadvantaged. Even when exchanging reasons in defense of a claim to remedy the status of ethnic, linguistic, or religious group, the criteria of reciprocity can be undermined or circumvented by an asymmetrical relationship between a dominant group and a subaltern one.

In response, I would argue that Forst's right to justification contains within its own theoretical limits the potential of altering structural inequalities that frustrate the fulfilment of full reciprocity. The right to justification, and the corollary duty to justify actions or norms that bind others, can call into question entrenched dominant/oppressed relations. By safeguarding the right to public political presence of historically subordinated identities, a process governed by the right to justification can facilitate political reconciliation that flows from an individual's equal right to act as a reason giver and a person worthy of being given justifications. In other words, it can help redefine a new category of relations as those between rights holders and duty bearers. Seen as a *right* to justification, the mutual exchange of reasons can be reimagined as constituting a type of discourse that encourages the "vibrant clash of views" that agonists value; and that makes possible in the first place engagement between a plurality of views that would otherwise evade a moment of encounter with one another. I do not see the right to justification as merely another deliberative principle that a polity must be blindly subjected to. Rather – and perhaps in a move that takes us beyond Forst – it can act as a rights-based instrument through which political conflict can be exercised, with the understanding that it will always be open to debate and new ways of its expression discovered. Justificatory discourse can create flexible scripts for political conflict to be enacted and set the stage for playing out agonistic pluralism and conflict, not its erasure. Under circumstances that are

rife with mutual distrust and the breakdown of discussion, this perspective should not necessarily constrain or subordinate but rather provide a space for the contingent, open-ended, political conflict. An organic question that arises here asks why powerholders would subject themselves to this new category of justificatory relations at all. I argue that the answer lies at least partially in the terms and conditions of the postconflict moment, a historically significant time in the evolution of the state and society that is pregnant with possibility. Power holders or their aspirants seek popular legitimacy during the transition from preconflict era authoritarian rule or illiberalism. Such legitimacy – formal and informal, domestic and international – can be vital for the survival of a postconflict political and social settlement and is an important incentive that may encourage actors to participate in the practice of political reconciliation.

A second line of noteworthy and a related critique has to do with the relationship between justification and power. This is an area where deliberative models often fall short, after all. Amy Allen suggests that Forst places too much emphasis on the emancipatory potential of justification without addressing the pitfalls of power and subordination – what she calls the subordinating power of justification. Allen persuasively points out how justification can serve as an act of hegemonic power, specifically how “certain conceptions of practical reason and practices of justification can and do serve to entrench, rationalize and legitimate relations of domination” (2014: 81). Indeed, as I discuss earlier, it is important to analyze and address historically specific forms of oppression that preclude the actuality of mutual respect in transitional societies and the relations of power that can be deeply embedded in justificatory discourse. But the possibility that power can seep into the language of justification does not invalidate the constructive role that the right to justification in postconflict societies can play, where in fact political justification, deliberation, and practices of reason-giving are desperately needed at the moment of foundation of a new legal and political order. The recognition of a right to justification can challenge and resist established forms of coercive political power – often enforced through the backing of juridical and social norms – through a (re)generative form of political energy. This possibility of the constructive power of justification affirms the ways in which a marginalized community can contest, reframe, and reconstitute the terms of its association with the state. In transitional societies, the right to justification should not be understood as being limited to formal forums of deliberation. Rather, it can be manifested in other ways, such as through the deliberative and nondeliberative spaces of civil society, as pro-peace activism or creative means to draw attention to, and disrupt, systems of institutional injustice.

Bringing the Debate to Bear on the Goal of Political Reconciliation

The aim in this final section is to show how the debate between deliberative and agonistic democracy raises important questions about how to conceive political reconciliation, as well as point to some implications for policy. Several obstacles frustrate the possibility of reconciliation in a range of postconflict states such as Colombia, Sri Lanka or Turkey, but working on the basis of a right to justification can help move in the direction of a kind of reconciliation that is borne *in the action* of deliberation and agonistic, ongoing contestation. This action, in turn, can trigger a justificatory power that is able to challenge entrenched, subordinating power relations that were determinants of conflict to begin with.

The proclamation and persistence of a hegemonic, exclusionary definition of the “nation” or the “state” can be divisive in societies that grapple with complex differences, where, as Dryzek explains, one identity group believes that its own position “can only be validated or, worse, constituted by suppression of another side” (2005: 219). The following sketches out some possible ways out of this impasse.

First, framing the public deliberative process as being anchored in and animated by a right to justification can serve as a basis for legitimating the *political* inclusion of deviant, unconventional, oppositional, or seemingly “nonrational” claims. Claims labeled “unreasonable” or subversive by state institutions, such as language rights for minorities or political autonomy demands, nevertheless tend to persist in the public sphere despite censor or the threat of violence and can carry mobilizational potential. One could argue that by providing a set of reasons for its nonrecognition, the government authority already meets Forst’s requirement of justification – regardless of whether the claimants find the reasons agreeable or not. But is the requirement actually met? I argue that it is not.

The problem is not just that the ruling class of states can fail to provide justifications for their policy decisions but also that the reasons/justifications aired publicly for the nonrecognition of group cultural rights, for example, are of the sort Forst describes as “rigid, encrusted justification narratives” that risk slipping into a form of rule-based domination where counter or alternative justifications become unfeasible (2014: 103). Nationalistic, nationalizing, military-bureaucratic, or securitized discourses have generally served as a discursive framework through which states deploy numerous rhetorical devices to justify practices of nonrecognition toward the claims of minorities.

Furthermore, political encounters between the state and minorities are, more often than not, positioned on historical, social, and economic

hierarchies. The state's prerogative tends to favor preserving the status quo ante. The moral, discursive, and physical spaces where political encounters of mutual justifications can be aired are structured by a relational inequality. But this only underscores the need for a practicable right to justification and the duty to justify; it does not have to signal its futility.

Allowing citizens – as agents of justification – to publicly exchange reasons can reveal motivating needs behind their positions. The injunction to see the other as an adversary, in this view, can become performable in a practical setting by treating the adversary as someone with a right to justification and a duty to justify (Forst 2014: 49–52). The right to justification can serve as a broad canvas that can be filled through the public and mutual sharing of reasons that are broadly understood to include even those claims that are borne out of “passions.” Victim testimonials, nonviolent acts of collective citizen protest, and public demands articulated through civil society and social media can be construed as sites where reasons are expressed and reveal the actual needs behind their expression. This exercise of the right to assert, contest, and deliberate around an “unreasonable” or “irrational” claim represents the kind of agency that can serve as the foundation of a type of new identity that transcends previous conflict-era ones and can serve as the basis of political reconciliation – which, in turn, contributes to the development of democratic principles, practices, and institutions that can safeguard against groups resorting to armed factionalism or violence.

Second, subjecting the rights claim to public justificatory deliberation rather than elite-level, closed-door negotiations is likely to decrease the likelihood that those who are disgruntled by the terms of the agreement will support a return to violence. By normalizing the existence of disagreement, even on divisive issues like group differentiated rights, an approach informed by agonistic commitments can help decriminalize acts of dissent that are deemed by dominant group to be a threat to their interpretation of public order. An eventual agreement, whether achieved through constitutional reform or parliamentary debate, can be facilitated *through* a process of mutually discursive justification, and not in the absence of it. In this way, deliberation can lead to de-escalation of tensions. Practically speaking, states can employ several resources and methods to this end. They can opt to permit parliamentary deliberation around a minority or disadvantaged group's claims for autonomy, decentralization, devolution, or other claims in the interest of political reconciliation. Another is to permit spontaneous, creative participatory forums of deliberation outside the purview of the state that can provide a broad range of participants with diverse voices the opportunity to justify their views and assert the same demand for justification on others.

Third, permitting deliberation around ways to limit the centralizing tendencies of the state apparatus can bring into relief the substantive agonistic assertion that another way of imagining political association is possible. This is in keeping with the agonist's desire to trust the ambiguous, fluid, and contingent ebb and flow of political life and allow citizens to self-define the terms of their relationship to the state. The kind of difficult deliberation that is indeed the "stuff" of political conflict supports the agonistic view of the reality of human plurality, the ineradicability of political contestation, and its openness to calling up untried ways to achieve constitutional justice. A process of administrative decentralization can be interpreted as a project that seeks to reorient power relations between the state, its citizens, and communities. The agonistic perspective highlights how political rights claims invoke a rival legal order, stemming from the proven impossibility of mediating such claims in an existing legal order that is the very source and cause of such claims to be asserted in the first place.

Conclusion

An approach that harnesses key insights from both deliberative and agonistic accounts can contribute to the making of a specifically *political* reconciliation – meaning one that is open to contestation and disagreement, rather than one that evades difference through romanticized or stylized forms of religiously-sanctioned forgiveness or promise of fraternal love. The demands that deliberation stakes out, such as consensus, reciprocity, and mutual respect, can be impossible to meet even in consolidated democratic systems, much less in conflict-ridden societies with memories of violence among former enemies. However, the deliberative perspective already allows for public and political contestation, and the Forstian right to justification plays a meaningful part in this framework. The agonistic emphasis on the ineradicability of conflict and the ever-present reality of pluralism can be accommodated by a right to justification if it is interpreted and rendered in a broader sense than even Forst imagined.

The confrontation between competing conceptions of the national "We" does not necessarily preclude the possibility of political reconciliation. Rather, the absence of the duty to justify the asserted identity of the state and its peoples to those that have been historically excluded from its definition can frustrate the process of political reconciliation in contexts where ethnic and linguistic identities carry a political meaning. Even when the possibility of a practical consensus is missing, this practice of reciprocal justification *in action* represents the embodiment of an

ideal and a commitment to a future community that is not forced to live within the shadow of perpetual violence. Reconciliation understood as a political ethos and practice that ensures that the wronged and marginalized have an equal say in how the future of the state and always still contingent “we” is constituted may better accommodate the reality of conflict and conflicting views in the real world.

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► NOTES

1. I borrow Verdeja’s (2008: 208) useful definition of transitional democracies as “nations emerging from a recent history of violence or authoritarian rule and moving in a broadly positive, liberal democratic normative direction.”
2. For a critique of Gutmann and Thompson’s concern with reciprocity and consensus, particularly in their endorsement of truth commissions, see Schaap (2006).
3. I would like to express my gratitude for the anonymous reviewer for raising this important point about the limitations inherent to the needs and rights of certain vulnerable or wronged persons and communities.

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