

Professor Weiler, ladies and gentlemen:

It is a privilege to have been invited to deliver this inaugural Annual Lecture on Transitional Justice. I wish to begin by expressing my sincere thanks to the organizers, the New York University and the International Center for Transitional Justice for this invitation.

Twenty years have elapsed since the establishment of the Argentinean National Commission on Disappeared Persons, a truth commission created by President Alfonsín soon after that country returned to constitutional government following a period of military rule which left a legacy of thousands upon thousands of victims of the State-sponsored equivalent of Cain's crime – to kill and deny.

Starting with the process of democratic recovery in Argentina, a whole new field of theory and practice has developed internationally. It is known in political science terminology as “transition to democracy”, while human rights practitioners and thinkers have labeled this field as “truth, justice and reconciliation”, the “fight against impunity” or “transitional justice”.

In this occasion, rather than reviewing in any detail the leading national experiences which have contributed to shape this field, I propose to reflect, with the benefit of hindsight, on

some key issues of transitional justice from the standpoint of political ethics. Nevertheless, before doing so, a recapitulation of the field's main traits is in order.

The concept of transition to democracy connotes a process of **political** change aimed at building a democratic system where none which is worth the name has previously existed, or at politically restoring or reconstructing a democracy that has been destroyed by dictatorship or civil war; whereas the phrases "transitional justice" or "truth, justice and reconciliation" refer mainly to the **moral and legal** imperative to address, as an integral component of the process of democratic construction or reconstruction, the legacy of massive human rights violations and war crimes which so often accompany the phenomena of political polarization, the absence of the rule of law and the breakdown of democratic rule.

Certainly, the goal to build or rebuild a just society in the wake of tyranny or on the ashes of civil war is hardly a newly felt need in modern times. After all, the Gettysburg Address rings so rightful and edifying not only for its unequalled pithy eloquence but chiefly because it represents a solemn, resolute moral call, in full view of a still smoldering human tragedy, for a new birth of the democratic ideals that inspired the nation's fathers.

Yet, while the need is an old one, it was not until the nineteen eighties that a succession of individual countries as well as an international body of public opinion began to feel duty-bound to take action to address this need and to produce ethical and legal principles, as well as political criteria to guide such action. I will argue, later on, that as a result, a novel area

of political ethics is being developed. It is the ethics for a particular time in the life-cycle of political systems -- the time that follows the storm, the post emergency time.

For formerly democratic countries, such historical moment may be seen as a time of rebirth, of political, and indeed moral, re-foundation or reconstruction. Concerning nations which undergo a political transition towards a democratic form of rule which they have hardly known before (as it was the case, in recent years, of South Africa, El Salvador or several European countries emerging from communist rule) it may be more appropriate to characterize this post emergency period as a foundational, rather than re-foundational time.

Twenty years ago, as the Cold War framework was dissolving, many countries began to settle old internal conflicts or to move away from dictatorship and towards democratic rule. Starting in the mid eighties and throughout the nineties, newly elected governments in countries of Latin America, Africa, Central Europe and even the Far East were confronted with the task of building a just, sustainable democracy and bringing a divided nation together while attempting to mete out justice and to heal the open wounds of the recent past. Thus, the issues of transition to democracy and transitional justice gained momentum, worldwide. This process has continued to the present day in many countries, seemingly unabated by the post - September 11 climate.

These new governments have faced daunting political constraints. For instance, in several countries those who once ruled as dictators, or the former warring factions who confronted each other in an internal armed conflict, have remained as forces to be reckoned with, long after the holding of democratic elections or the negotiation of a peace agreement; in others,

ethnic or religious divisions which were at the roots of political strife and civil warfare, made national unity and accountability for past crimes more difficult to achieve; in former communist countries, truth and accountability was muddled by the wholly pervasive character of the previous regime; in the Far East, Timor-Leste has to face the geopolitical inevitability of having as a neighbor its powerful former colonial oppressor... In short, virtually every country attempting to overcome a past of human rights violations or war crimes offers material for a fresh case study as to the political difficulties involved in the process.

In parallel to these **political** realities, the **moral and legal** imperatives that ought to be realized by a policy of transitional justice were being articulated by civil society organizations and human rights advocates working in countries undergoing a transitional process, as well as by the international human rights movement, the UN and regional human rights bodies and by concerned scholars.

As a result of these efforts, a set of moral objectives and of means to achieve them has been articulated. The content of this set may be summarized as follows:

The overall goals to aim for in the process of confronting a legacy of State and war crimes should be to make reparations for the harm caused and to prevent the recurrence of such crimes.

As to specific moral and legal obligations, the full disclosure of the truth about the policies of repression and the human rights violations committed in the past has been deemed an

essential component of the process of moral reconstruction, particularly the truth concerning the gravest State crimes which have been denied or concealed by the perpetrator regimes. To this end, truth commissions have been established or proposed, at least in around thirty different countries, the majority of them from Latin America and Africa.

Public acknowledgement by all relevant sectors of society of the truth concerning past crimes as well as public expressions of resolve not to allow the repetition of such horrors was considered a necessary and salutary step.

Further, the duty to provide symbolic and well as tangible reparations for the victims and their families, in the form of compensations, restitutions or rehabilitation programs, was laid out in considerable detail by some truth commissions, by the Inter-American Court of Human Rights, by U.N. rapporteurs and by academics.

There has been also a general demand to bring to justice the perpetrators of grave crimes and a rejection of legal or de facto situations of impunity, while retributive justice theories of criminal law have gained renewed credence. In several former communist countries, controversial measures were adopted to disqualify for public office or posts those accused of having collaborated with the former totalitarian regime.

As a result of the transitional justice policies adopted in South Africa and in other countries, the very meaning of justice and its many possible collective and individual dimensions became the subject of much theoretical elaboration in recent years. Likewise, the

legitimacy and conduciveness of amnesties or other measures of pacification or clemency has been the topic of intense, often acrimonious debates everywhere.

The language of national “reconciliation” has figured prominently in the official discourse in many countries undergoing a process of transition to democracy. Sometimes it means to point out at the desirable ultimate outcome of the overall exercise of addressing the crimes of the recent past. In other cases, the term “reconciliation” is resorted to just to mask an attitude of “let bygones be bygones”.

While the moral and legal blueprint of transitional justice which has emerged from so many proposals and country experiences remains debatable at the edges, a nucleus of consensus has begun to emerge around some central tenets: the need for a society in transition to democracy to face and acknowledge the truth about the past, to provide proper reparations for the victims and their families and to pursue justice for the gravest crimes. As to the strengthening of the rule of law and the institutional protection of human rights, so as to contribute to prevent the recurrence of human rights violations, governments are expected to introduce appropriate constitutional and legal amendments, ratify international human rights treaties, create specialized State agencies such as constitutional courts and ombudsmen, and carry out a reform of the judiciary and the military.

It should be added, to complete this broad overview of the field, that different countries coming to face the dilemmas of transitional justice have carefully studied the policies and specific measures set in place in other countries. Much exchange of experiences and international cooperation has taken place in this field.

In addition, new legal standards and jurisprudence have been developed both internationally and at the domestic level in many countries. Abundant academic studies have been produced from the standpoint of different disciplines, chiefly the law, ethics, theology, history, psychology and the social sciences, as well as from an interdisciplinary perspective. Specialized academic programs have been created. An International Center for Transitional Justice, which works closely in collaboration with New York University was established in 2001 with the mandate to advance the body of comparative and theoretical knowledge in this field and particularly to provide advice and assistance to the process of transitional justice in countries around the world.

In a separate but related development, the international pursuit of criminal justice for human rights violations and war crimes, whether via domestic courts acting on principles of universal or extra-territorial jurisdiction or by ad-hoc international criminal tribunals created by the UN, has given further impetus to the notion of accountability for past crimes.

However, not many countries undergoing a process of political transition have lived up to the core moral and legal blueprint we have previously referred to. This is not to suggest an overly pessimistic assessment of the results. In several countries, including my own, Chile, there has been sustained progress (in Chile, at times progress has slowed down but the process has not suffered from major setbacks) towards the intended goals of moral and political reconstruction of the democratic system and, specifically, in the areas of truth, acknowledgement, reparations and justice. In others, despite governmental procrastination or misguided policies, the relevant issues of transitional justice continue to linger in the

public conscience and in the political agenda. From time to time they come to the fore again and then some further progress is attained. Equally or even more important, the very development of internationally accepted moral and legal standards concerning the process of overcoming a legacy of massive human rights violations, as well as the readiness of civil society organizations to mobilize around them, are in themselves a powerful evidence of progress.

Having attempted a summary of the field's development and general traits, allow me to turn in the rest of my conference to what is in my view the central issue of political ethics concerning this field, one that I believe has not yet received, from the part of political actors, human rights practitioners and scholars all the attention it deserves. In another conference, years ago, I have termed this central issue as the problem of "balancing ethical imperatives and political constraints".

To put it in simple, schematic terms: On the one hand there is the reality of new governments, which, let us assume, are trying in good faith to overcome a legacy of dictatorial rule and massive human rights violations and to build a sustainable, just democratic system while facing significant institutional and political constraints to do so. Of course, restrictions are not immutable. Depending on a number of factors, not least the very efforts to reveal the truth about the past, with the passing of time the position of elected governments may become stronger or the political constraints less severe; also the reverse situation is possible. Being as it may, as a rule, governments have faced serious restrictions in the pursuit of these goals. And on the other hand there is a growing international consensus about an imposing (and justifiably so) set of moral duties

concerning truth, acknowledgement, reparations and justice that governments are expected to comply with.

What are the criteria which should guide the politician's actions in such circumstances?

Where is the moral compass that can help the politician navigate real life situations with a view to improving the chances that the ethical imperatives be actually fulfilled?

As I have pointed out in previous occasions, in searching for an answer to this question, back in the late 80s and early 90s, some politicians and human rights practitioners found inspiration in the concept of the ethics of responsibility, coined by Max Weber in his famous 1919 conference entitled "Politics as a Vocation". I still believe that we make take Weber's views on political ethics as a departing point in the search for an answer to this dilemma. Yet, to be sure, far too many relevant changes have occurred in the realms of politics and ethics since the revolutionary winter that took place in Germany in the aftermath of the First World War. So let us say that the reflections that follow may be considered as variations on a theme by Max Weber (and some of these variations perhaps will stray a bit too far from the original theme).

The reflections I propose to share with you tonight concern three related issues: first, the very question of what is the field of political ethics supposed to look like and whether a political ethic for post-emergency times may be in the process of developing, in recent years; second, the contemporary meaning of the notion of an ethics of responsibility, specially with regard to the issues of transitional justice; and finally, what may be termed,

borrowing from the biblical language, the contemporary equivalent of the tension between prophets and kings.

As to the first of these issues, that is, what is meant by political ethics and specifically by a political ethics for times of reconstruction, I should begin by recalling that the concept of political ethics cannot be equated just to a professional code of ethics for politicians, civil servants and elected holders of public office. That is, of course, part of the field of political ethics, but just one part.

Political ethics concerns itself first with broader issues such as the moral justification of politically organized societies, the basis for the legitimacy of governments, laws and State institutions, the sovereignty of the people, the rights and duties of citizens and the value-related criteria to assess the justice or fairness of public policies.

In his 1919 lecture Weber raises the question about the relation between ethics and politics. Is it true that they have nothing to do with each other as popular wisdom supposedly holds? Or is it true, on the contrary, that here is just one ethic, valid for political activity as for any other activity? Weber does not accept either extreme and recalls that no ethic can impose norms of identical content to family, commercial, erotic or commercial relations. By ethic he means here a specific moral code or set of moral norms. (There is nothing to suggest in his lecture that he denies the possibility of a categorical imperative or of norms of so general a content that they may encompass widely diverse specific moral codes). He rather emphasizes that different realms of action, or types of relations may call for norms of varied content. For instance, the duty to take into account another person's needs or to tell

the truth may acquire quite dissimilar meaning in the realm of family relations in the relation between commercial competitors.

The characteristics of the political realm, which comprises of course the sphere of government, are determinant in defining the specific content of the corresponding moral norms. Weber emphasizes two well known characteristics which are proper of democratic political systems. First, the powers of government are supposed to be backed up by the monopoly of legitimate force. And second, the authority of the government is conferred and sustained by the support of citizens, that is, the backing of human beings, not of angels or demons. Citizens might be capable of extraordinary sacrifices in extraordinary circumstances and their leaders may succeed in motivating them to do so, but people cannot be expected to behave consistently with disregard to their own interests and welfare. Further, the politician requires also the support of followers, aides and a political apparatus.

To these key features, others may be added: The most important decisions adopted by political leaders have, as a rule, far more extensive and more lasting consequences for all, than decisions made in other contexts. Further the ruler is accountable to all his citizens, not just to his family or immediate entourage. Moreover, important governmental decisions or policies generally require considerable resources and a long time to achieve the expected objectives.

Since the period of the Enlightenment the main sources on political ethics have been the theories of moral philosophers as well as the political ideologies and movements that drew their inspiration from such philosophical theories. (I will not describe here in any detail the

contending streams of moral philosophy or the ideological clashes which dominated the realm of political activity throughout the 19<sup>th</sup> and 20<sup>th</sup> century, culminating with the end of the Cold War). In parallel to the development, in modern times, of philosophical and ideological views about what may be deemed right, just or ultimately good concerning political systems and action, another stream of political ethics can be traced back to the 18<sup>th</sup> century. It may be called the “humanitarian stream”. By this, I refer to developments such as the anti-slavery movement or the long standing and still unfinished struggle to extend recognition of basic rights to all persons, without regard to gender, beliefs, ethnicity or social origin. I refer, too, to the organized movement for labor rights dating back to the 19<sup>th</sup> century and to the efforts to establish international treaties to “humanize” the war, starting in the 1860s. All these drives and initiatives were carried out by social leaders and movements. Certainly, much of the inspiration of these movements was also drawn from the well of moral philosophy, particularly from the propositions concerning the equal rights and dignity of all human beings and the protection of the human person vis-à-vis the abuse of State power, the armed clashes between State forces or the exploitation and discrimination of people by those who hold social and economic power.

This humanitarian stream later expanded and grew internationally culminating, in recent decades, with what is known as the international human rights movements as well as other such movements which represent the rallying of ethically minded citizens around issues of common concern.

The humanitarian stream focuses on the protection of the human person. It does not have as a purpose to achieve political power, nor does it depict a political horizon to guide our

action in the long term or formulates other wide-ranging political propositions. It rather centers on the task of generating consensus about minimum ethical standards for the realm of political relations and on enforcing them. (It has been, overtime, a consistently expanding “minimum”, to be sure, but still a firm bed of ethical consensus and certainties to stand on, rather than a utopia; unless one thinks that the idea that a minimum of political decency ought to be respected everywhere is just another kind of utopia).

With the systematic internationalization of human rights norms in the post World War II period and, later, with the globalization of human rights activism which started in the 1960s, this “humanitarian” stream of political ethics acquired great international visibility and moral legitimacy, raising often over and above the legitimacy people bestowed to one or another of the dominant political ideologies of the Cold War era.

By the 1980s, the notion that there are universal human rights norms which take precedence over ideological or other considerations, had become one of the principal tenets of political ethics internationally.

Of course the human rights creed is suffused with the perspective of deontological ethics, that is, the proposition that the justice or fairness of political action is largely determined by rights and duties which must be respected and fulfilled. It is accepted that some rights may be legitimately restricted or suspended if and to the extent that it is strictly necessary to meet the exigencies of an emergency; that said, observance of the norms should not be contingent upon the expectation of an ultimately good outcome.

With the collapse of the Soviet system the idea of human rights emerged victorious. Likewise, the notion of the ethical superiority of democratic government gained enormous international currency. A wave of democratization processes spread throughout the world. The political discourse stressed the connection between human rights and democracy: Only under democratic governance the realization of human rights could take place; in turn, the actual degree of respect for and fulfillment of human rights was acknowledged as one of the principal yardsticks to evaluate the quality of any given democratic system. During this period, as we have seen, the moral and political issues of transition to democracy and transitional justice entered the international agenda.

Recapitulating on the development of political ethics in modern times, the following tentative conclusions may be drawn: (a) By the 1980s political has ended up by being equated with the ethics of democratic rule; (b) yet, the actual content of the concept of democracy which seems to enjoy widespread international esteem, is still quite general; (c) this general content, however, does cover the basic ethical rules concerning three different historical moments in the life-cycle of democratic systems: the foundational era, the period of sustainable life of the system and times of grave crisis or emergencies which may lead to the breakdown of a democratic system.

The foundational time is, as a rule, partly a historical epic and partly a mythical moment. It is remembered by successive generations as a symbolic narrative, a kind of political genesis accounting for the birth of the nation or of the State. The ethically relevant elements of this political time are the basis principles embodied in many democratic Constitutions. They

are, in turn, inspired in doctrines of moral philosophy that emphasize the equal dignity and rights of all human beings and the sovereignty of the people.

A time of sustainable functioning of the democratic systems signifies “normal times”, meaning by that not that economic crises, social unrest or even external wars are necessarily absent, but that the democratic institutions and system do not break down, although they may bend under such pressures. The principles of democratic ethics for this “normal times” stem from notions such as the rule of law, civil rights and liberties and the accountability of public officials. Within this general framework, the specifics are provided in every country by the law of the land.

In time of grave emergencies, the norms of democratic political ethics (and it is so established in international human rights law) allow for restrictions or suspension of certain rights, but such restrictions must always conform to the principles of necessity and proportionality. For times of war other restrictions, as well as special duties and guarantees are provided by the law of armed conflicts, known as International Humanitarian Law. Grave emergencies may end up by being weathered but often they lead to the breakdown of the democratic system.

While ethical and legal principles of democratic ethics for these three different moments in the life of democracies were well in place by 1983, the time of the Argentinean transition to democracy which heralded the advent of a series of such processes of political change in subsequent years, there was no generally agreed upon ethical framework for a period of democratic reconstruction or for a post - emergency period.

The human rights movement which by that time, as we have seen, had acquired commanding international authority as regards matters of political ethics, stepped in to fill the void. The international human rights movement had actively denounced and fought the systematic violations committed by many dictatorial regimes, East and West, over the previous years and now it was the time to hold the perpetrators accountable for those crimes. So, the initial answer of the human rights movement was: “justice must be done, regardless”. It was an answer inspired in the model of the post World War II international ad-hoc tribunals which prosecuted the leaders of the defeated Nazi and Japanese regimes in Nuremberg and Tokyo. It was a simple enough answer. Too simple.

Certainly I am not implying that justice is not a social value devoutly to be wished. Of course it is. The point I am trying to make is that the initial ethical blueprint to deal with post-emergency situations initially put forward by the human rights movement implicitly ignored questions of political feasibility, perhaps in part because the post World War II precedent that was evoked did not shed much light on such dilemmas (the forces of the Nazi and Imperial Japan regimes having been thoroughly defeated).

With the passing of time and the experience of further transitional processes, particularly those of Chile, South Africa and Central Europe, the approach of the human rights movement was greatly nuanced but still remained colored by the early emphasis on criminal justice. It is, in a sense, a reflection of that fact that the term “transitional justice” became a widely used designation to refer to this set of ethical and political problem.

When I have expressed similar views in the past, they have often been read as diminishing the importance of justice even for grave State crimes. Allow me to stress that it is not the case. Yet, I do believe that the problems of transitional justice, like many other problems in the realm of public policy, ought to be addressed with a task-oriented approach. One must take the full measure of the task to hand, which is to build or rebuild a fair, sustainable democratic (usually under very difficult political conditions). Criminal justice concerning past State crimes is one of the main tools or means to attempt to address a past of human rights violations and war crimes, which, in turn, is an essential step in the process to accomplish the larger objective of democratic reconstruction. But other tools must often be resorted to, such as the revelation of the truth for past crimes, widespread acknowledgement of that truth and of the responsibility of different political sectors or actors, collective and individual reparations and even a measure of pardon or clemency, if it is conducive to the intended ends and if it is legitimately extended (I should point out that I do not believe it is legitimate to forgo justice for crimes against humanity and that self-amnesties are inherently illegitimate).

This brings us to the second variation on the theme I wished to reflect on tonight, that is the contemporary meaning of the ethics of responsibility. Max Weber held that a politician may be guided either by the ethics of responsibility or by the ethics of conviction (this last concept has also been translated into English as “the ethics of ultimate ends”). He favored the first criterion which he characterized as acting bearing in mind all the complexities of the world of politics when seeking to attain a political objective and taking responsibility for the outcome. Instead, a politician guided by an ethics of conviction pursues what he believes to be a rightful goal without minding the foreseeable consequences of his course of

action, and does not take responsibility for bad consequences but rather curses destiny or blames the people for failing to follow his lead.

At first blush, one may conclude that an ethics of responsibility belongs to the stream of consequentialist ethics, not to the deontological one, because it would appear to concern itself mainly with the maximization of desirable outcomes. I believe that conclusion is an oversimplification.

In the realm of politics leaders do not pick choices on momentous matters as from a ready menu but rather must work hard to create the conditions any given choice to be politically feasible. Let me give the example of President Aylwin (1990-1994), the first democratically elected President of Chile after seventeen years of military rule. He did espouse the moral view that there was a duty to reveal the truth about past State crimes and to mete out justice but, upon being inaugurated as President, promised to deliver justice only “to the extent possible”. This was read by many as a compromising attitude. Nevertheless, he immediately established the National Commission for Truth and Reconciliation, whose report shook the nation’s conscience and paved the way for important subsequent measures of reparations and justice. Had he been guided only by an ethics of conviction and attempted immediately to pass a bill repealing a self-amnesty that the military government had granted to its agents (a move for which he did not have the votes in Parliament) he would have wasted his political capital in a political battle doomed to fail and probably would have diminished the chances of achieving much truth, acknowledgement, reparations or justice.

So, the ethics of responsibility does not necessarily embrace a particular moral view. It rather demands from politicians to act in the tangled world of politics in a manner that effectively increases the chances of fulfilling the moral mandates that guide them, whether they might be characterized as embodying a deontological or a consequentialist ethical approach.

Another common misconception equates the ethics of responsibility with a lukewarm or excessively cautious course of action. The attitude of many contemporary politicians who have invoked the notion of responsibility as an excuse for their spinelessness or neglect may have well contributed to this misconception. Yet, in given circumstances, the ethics of responsibility may actually call for determined, bold measures, if the political situation so requires. The example of Churchill's leadership during the Second World War comes to mind.

From the experience of different countries which have confronted the dilemmas of transitional justice, some specific guidelines may be drawn for the exercise of an ethics of responsibility in such times.

One such guideline is to try to avoid creating a political situation which puts such pressure on the democratic ruler that he may end up by caving in and validating an inherited illegitimate measure, like, for instance, a self amnesty passed by a former dictatorship. In other words, transitional governments you may be forced to tolerate unacceptable restrictions but they ought not to condone them.

Another criterion may be illustrated with the image of the icebreaking ship. Experience has demonstrated that certain transitional justice measures may open the way for other which previously seemed unattainable. Again, returning to the example of Chile, the fact that the Aylwin government established in 1991 the Truth and Reconciliation Commission, whose unanimous report had a great public impact, even among supporters of the former dictatorship, cleared the path for subsequent measures of justice and reparations.

Max Weber thought that the ethics of responsibility was the proper maxim to guide the action of politicians but not necessarily the public behavior of every citizen. (It would be pointless and utterly insensitive, for instance, to ask the mother of disappeared prisoners to act “responsibly”).

This brings us to the third and last point I wish to reflect on tonight, which, borrowing from biblical narratives, may be called the tension between prophets and kings. By prophets I refer to those who, giving voice to the righteous anger of the community, denounce the iniquities and corruption of the rulers and demand that they return to the ways of virtue, atone for their sins and do penance. Substitute crimes for sins, observance of the law for virtue, acknowledgment for atonement and reparations for penance, and we will have translated the ancient exhortations into the contemporary language of transitional justice.

Today, the figure of the prophet is represented largely by civil society organizations, political dissidents and human rights activists. A degree of tension between these prophetic voices and even honest democratic political authorities it is not just inevitable. It is a healthy, as it keeps governments accountable and under pressure to try harder. Yet, such

tension may turn into a harmful force if, for example, rulers do not appreciate the need for and value of vigilant citizens or if, on the other hand, the demands of the prophets are wholly intransigent and negative in character.

Communities need prophets to remind them and their rulers of the moral commands that bind them together. Yet, generally, we do not cherish the prospect of the prophet turning into a king. In such cases, if the prophet is guided by ultimate convictions and is unable to transmute (transmute, not dilute!) its moral criterion into an ethics of responsibility, we may end up with a new kind of oppression. Fortunately, this is not always the case, as it is exemplified, in recent years by fascinating example of two major contemporary prophetic figures who subsequently became democratic presidents of their countries – Vaclav Havel and Nelson Mandela. Both of them suffered persecution, respectively at the hand of the communist regime of Czechoslovakia and of the Apartheid regime in South Africa and both later led the process of transition to democracy in their countries.

Havel and Mandela are examples prophets who adhered, once they became rulers, to the criteria of the ethics of responsibility. Indeed one suspects that they had always behaved according to such criteria, only that while they valiantly opposed the repressive regimes that governed their countries it was hard to tell for sure (dissidents or human rights activists may take a similar moral stand in the face of oppression, whether they adhere to the ethics of responsibility or to the ethics of conviction; it is in different circumstances that the distinction may become apparent)

Having been inaugurated as presidents Havel and Mandela did not embrace a new set of moral goals or standards but in their new capacities they played a different role in attempting to attain them. They now wielded other powers, confronted novel restrictions and were accountable to the whole nation. Thus, they now had different responsibilities.

While Nelson Mandela was the leading moral voice in South Africa he understood well that his role as a prophet meant that he was not just speaking for himself. Had he accepted to sign the document that the Apartheid regime demanded from him as a condition for his release from prison, his action would have constituted a capitulation of immeasurable consequences for his cause. He chose to stay in prison. Yet he alone bore the burden of his decision. Once he became elected president of South Africa his moral integrity did not change but his responsibilities did. Now his decisions would truly impinge upon all his fellow citizens and upon the future of his country. Different roles called for different policies united by one ethical purpose – to eradicate Apartheid and build a democratic South Africa. Sure, at times he may have vacillated, committed mistakes or incur in contradictions. We would not regard him as human, had he not done so. But he always understood that when you act in the public arena, whether as a prophet or as a king, it is never a personal matter. It is business. The all too serious and noble business of pursuing the highest political ideals guided by an ethics of responsibility.