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Introduction

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Types of Responsibility: Challenges and Opportunities

One of the fundamental questions in justice is who is responsible to do what for whom? Therefore a central consideration in the arena of justice is that responsibility comes in many forms and that a robust discussion of the complexity of responsibility is useful when considering different justice initiatives. Individuals and groups can be actively or passively involved in different aspects of social and political responsibility. Limiting the scope of responsibility accounts to select individuals in isolation from other mechanisms and actors creates an escape for systems, bystanders, entrepreneurs, and members of society who approved of or supported indirectly uncivil acts. The German philosopher Karl Jaspers explored some of these elements in his classic *The Question of German Guilt* in questioning how the mass extermination of Jews and others could happen within a seemingly otherwise German civil society. Below is an expanded list of types of responsibility. The following was developed primarily in the context of my exploring transitional justice problems, issues, programs and accountabilities.¹ The key to attributing "responsibility" is that this also attributes agency. With agency comes the capability to act and do otherwise. Likewise, what began as a list of challenges slowly evolved into including a correlating list of opportunities. If transitional justice is nothing short of transforming society then these transformations proceed through a series of challenges and opportunities. Connecting challenges and opportunities to responsibility not only locates accountability but it also locates the possibility of change. This is what Max Weber would refer to as the irony of historical consequences. Again, the following is developed from the perspective and concerns of transitional justice, but these can be redefined to apply to different scenarios. The following lists a range of possible responsibilities in the context of transitional justice that can be incurred with accompanying challenges and opportunities:

Criminal responsibility when a code of law is violated

Challenge: primary mechanisms are trials and punishments, outcome is often disappointing because justice system is ill-suited to address collective crimes of atrocity. Additionally, they often lead to perverse outcomes as individual scapegoats shield state and society, remove urgency of addressing policies that led to abuse and causes of crime, and individuals

¹ This list and the following descriptions were developed from extensive readings in social theory and practice in transitional justice for a project funded by the *International Sites of Conscience* in Guinea, 2018.

act through state institutions on behalf of the state and that it is administratively daunting to prosecute large numbers of individuals.

Opportunity: to formally name that wrong was done and to re-establish that law is a fundamental aspect of society

Individual responsibility for one's own values, beliefs and actions (or inactions)

Challenge: to convince perpetrators to change values, beliefs, and actions

Opportunity: to establish values, beliefs, and actions that respect all members of society

Command leaders, and officials who ordered mass atrocity and the masterminds of atrocity policy

Challenge: these individuals are in positions of power and control of resources

Opportunity: relatively small number and can be identified and dealt with directly

Political responsibility because individuals are related to the state in which they live

Challenge: those who benefit from the previous system and may be afraid or reluctant to change the system

Opportunity: demand and exercise full consideration and participation in governing decision-making and policies

Metaphysical responsibility when we knew but did not act

Challenge: those who ignored or tacitly complied to acts of atrocity may be reluctant to acknowledge that they could have intervened or could have been less compliant

Opportunity: clarify that all members of a society are to some degree responsible for the actions of their government and to encourage all citizens to be more engaged

Proximal responsibility of those organizations and governments geographically neighboring the location of mass atrocity

Challenge: may be reluctant to intervene or use resources

Opportunity: strengthen ties of collaboration and accountability across nation-state borders

State responsibility to ensure rule of law, protect citizens, and appropriate use of force in a given territory.

Challenge: Most often, massive atrocities and abuses are committed by the state apparatus. Citizens, through voting and taxation, etc., have either allowed policies of atrocities or failed to stop them.

Opportunity: state recognition and apology, reparations, and commemorations (such as roads, schools, parks, and memorial sites).

Victims can petition claims of reparation and a new regime can use to signal a profound break with past regimes.

Regime responsibility: control of the state apparatus by faction or leader and group of followers

Challenge: formally advantaged group(s) and elites need to be removed and/or convinced that the system will not simply be reversed with them on the bottom and the formally oppressed at the top; at the same time, re-construction must directly address issues of violence and domination of oppressed groups.

Opportunity: replace oppressive regime with ruling party that respects rule of law and all citizens

Social responsibility is often missing in transitional accounts. It refers to an enduring social group whose members have generated, organized and institutionalized patterns of interactions and structures that permit mass atrocity.

Challenge: re-construct group thoughts and actions

Opportunity: in dealing with criminal past, hateful ideologies and organizations can be de-legitimized and neutralized and the perpetrator society can come to understanding that mass atrocity was wrong and that change must be made operate a decent and civil society. Here truth commissions, research and investigative commissions, commissions of memory, education reform and media analysis can reform societal norms, values, beliefs and practices, which needs to be a priority for transitional justice. Linda Radzik explained the perspective of the victim:

Even if I believe you did not kill with your hands, I don't know how you feel about the people who did...I don't know whether you will act like them in the future...If you apologies and express regret, I will have less reason to be afraid, and maybe we can find a way to live in peace together (2001: 465).

Coming to terms with societal responsibility is complex and has many parts. Positive change can be made in many different areas and by a wide range of members of society.

Cultural responsibility is the extent to which a dominant social subgroup forms a national identity based upon a belief in common culture, traditions, interests, and purpose

Challenge: generates or permits social and political environment often based on group characteristics (such as ethnicity, religion, gender, race) by perpetrators who act on behalf of their groups from an ideology of superiority.

Opportunity: recognizing and addressing group influence on individual actions that commit crimes in the name of the group undermine myths of collective innocence

Future responsibility goes beyond the past and present conditions to consider what is forthcoming, for those living and for next generations

Challenge: predicting the costs and outcomes of today's actions for a future is difficult

Opportunity: can re-construct society to be less violent and respectful of human rights

This list is not intended to be exhaustive. It does attempt to be comprehensive. Exploring different possibilities of the attribution of responsibility also means that at many different intersections in social life individuals and groups can have positive social influence and can promote prosocial transformations. Change can happen at any of these levels and ripple through society. Finally, challenges are accompanied by opportunities, and often the greatest challenges provide the greatest opportunities.

Terry Beitzel
Editor-in-Chief