

Conflict, Repair, and Non-Domination

The Political Ethics of Civilizational Healing

Based on the Transformational Study by Bichara Sahely, MBBS

What happens when healing cannot be consensual?

When deliberation fails, privileges depend on asymmetry,
and stopping harm requires power.

The Healing-Domination Dilemma

Harmony Romanticism

Dialogue is treated as
universally sufficient.

Danger: Delay and false symmetry
become the default, allowing
incumbent harm to accumulate.

Non-Dominating Protection

Target evidenced mechanisms, not persons.
Use legitimate, bounded means that
preserve challenge and require repair.

Therapeutic Authoritarianism

Opposition is recoded as
a social disease.

Danger: Identity becomes
a diagnosis; standing falls;
purification is disguised
as treatment.

The Constitutional Limit: Anti-Pathologization

Never turn the person into the pathology.



Valid Targets

- Injurious conduct
- Institutional mechanisms
- Structures
- Power relations
- Consequences



Absolute Exclusions

- Persons
- Populations
- Identities
- Cultures
- Dissenting groups



Historical Warning: Eugenics and Nazi racial hygiene serve as the ultimate negative constitutional control—demonstrating the catastrophic endpoint of defining human categories as hereditary threats to the social body.

Equal Persons, Unequal Claims

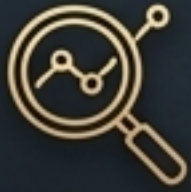
Moral standing remains equal. Claim assessment does not.
Asymmetry requires public justification based on evidence and function.



Case Touchstone: WHO FCTC Article 5.3

The tobacco industry retains human and legal rights. However, due to a documented commercial conflict of interest, it legitimately loses the right to participate in the specific policy functions designed to regulate its product.

What Kind of Conflict Is This?



Epistemic

Focus: Truth/Evidence

Error: Settling facts by vote.



Interpretive

Focus: Meaning/History

Error: Mandating one shared memory.



Value

Focus: Ends/Way of Life

Error: Claiming science resolves norms.



Interest

Focus: Material Gains/Losses

Error: Disguising stakes as technical debate.



Rights

Focus: Protected Claims

Error: Treating rights as stakeholder preferences.



Domination

Focus: Durable Power Asymmetry

Error: Assuming equal talking time cures structural control.



Historical-Repair

Focus: Legacy of Injury

Error: Substituting apology for restitution.



Existential/Security

Focus: Survival

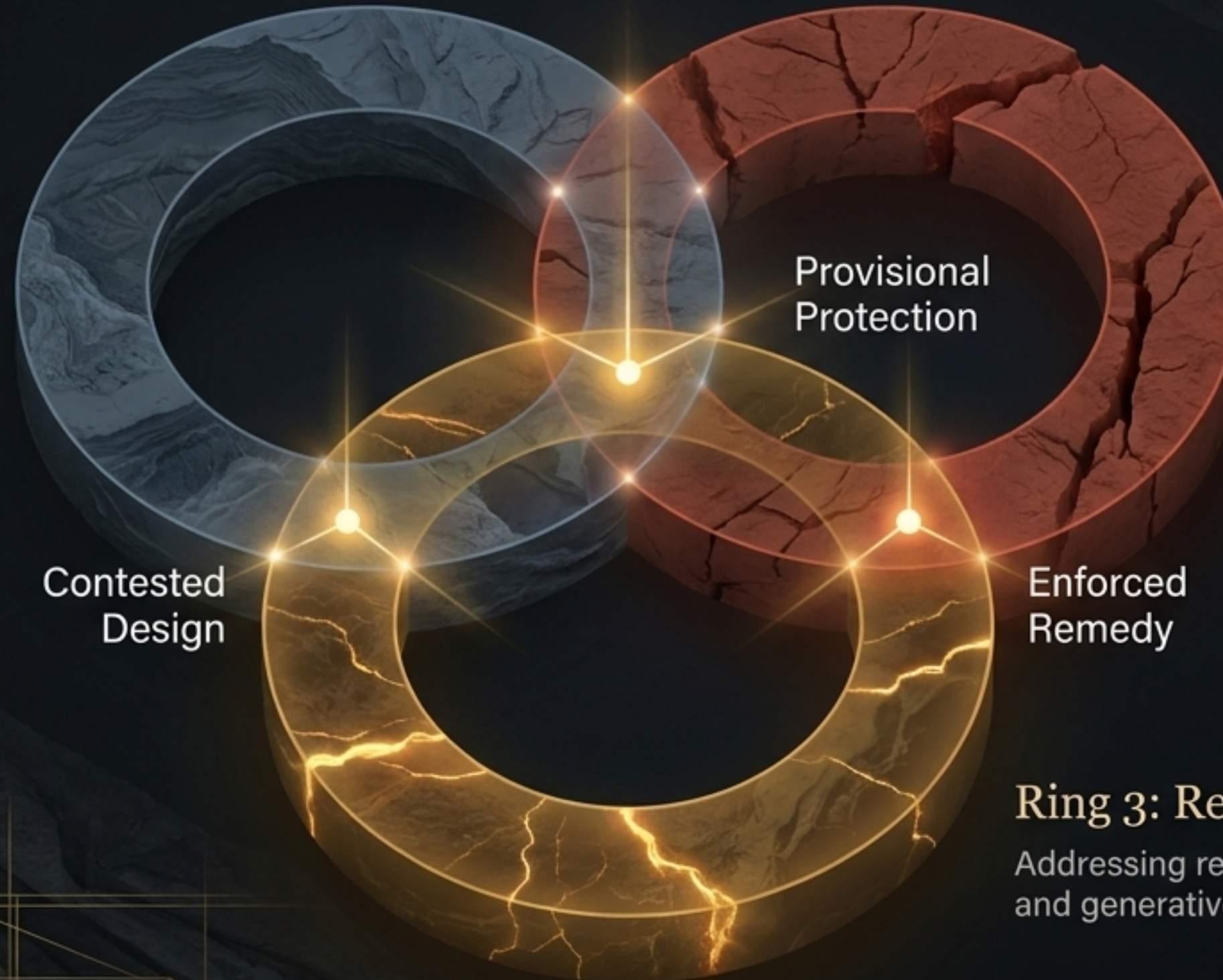
Error: Letting emergency erase standing.

Three Overlapping Regimes of Governance

Political functions that coexist—not a universal chronological escalator.

Ring 1: Legitimate Contestation

Inquiry, bargaining, protest, litigation



Ring 2: Protective Constraint

Rights floor, enforcement, necessity, proportion

Ring 3: Repair

Addressing residual injury and generative mechanisms

Regime I: Legitimate Contestation

The Presumption

Keep conflict open. Protect inquiry, deliberation, civil resistance, and bounded experimentation. Agency requires friction.

The Boundary

Conflict remains open only until it tolerates serious domination, defensible rights violations, or preventable life-disablement.

Key Insight: If one actor can indefinitely externalize harm while another bears irreversible loss, a nominally 'open' process is already deciding the outcome through delay.

Regime II: Protective Constraint

The Least-Dominating Effective Means Principle (LDME)



The Filter

Among options capable of actually ending the injury in time, choose the one creating the least uncontrolled power and dependence.

Case Touchstone: Little Rock (1957)

Executive Order 10730 used higher-order coercion (federal troops) to break democratically organized state domination. Local majoritarian refusal could not be permitted to suspend constitutional equal-protection rights.

Dual-Error Governance

The False Choice: Libertarian frames fear over-constraint; technocratic frames fear under-constraint. Both must be audited.

Under-Constraint

The Audit Dimensions:

- Severity
- Uncertainty
- Urgency
- Reversibility
- Distribution

Over-Constraint

The Risk of Inaction: Delay is an exercise of power. Those who benefit from uncertainty should not silently decide who bears the cost of waiting. (Example: Inaction on civil rights is not neutrality; it is the authorization of public subordination)

Counter-Power & Protective Refusal

The Concept: Refusal has no fixed moral valence—it depends on the authority relation and external consequences.

Case Touchstone: Kichwa Indigenous People of Sarayaku v. Ecuador (2012).

Application: The community's refusal was not a generic "stakeholder complaint." It was a protective refusal against unconsulted state petroleum exploration and explosives that threatened land, culture, and life, challenging the state's presumption of exclusive jurisdiction.

Regime III: The Residue of Cessation

The Core Question: If the harmful mechanism stopped today, what injury would remain?

Cessation

- Ecological Ruin

- Neurological Damage

- Relational Stigma

Case Touchstone: Minamata Disease (1968).

Application: Ending the industrial discharge of methylmercury stopped the generative mechanism. It did not repair neurological damage, restore livelihoods, clean the ecosystem, or settle public responsibility. Cessation is not repair.

The Two-Axis Repair Architecture

	Restitution	Compensation	Rehabilitation	Satisfaction	Guarantees of Non-Repetition
Consequential (Harm suffered)	return restore	bodily + material loss	services + support	truth · record apology	protection + monitoring
Relational (Standing/Trust)	status membership	loss is owed not charity	agency culturally safe care	names · voice jurisdiction	reliable rights-bearing relations
Structural/Generative (Institutions)	authority + assets	finance corrective institutions	durable systems + access	admission changes rules	law · incentives oversight
Regenerative (Future capability)	community- controlled bases	future capacity under affected control	intergenerational capability	living memory + transmission	affected power to govern

Diagnostic Use: An omission detector.

Example: A Truth Commission (Satisfaction) cannot substitute for land return (Restitution); a payment (Compensation) does not fix the child welfare system (Structural/Generative).

Responsibility & Reconciliation (Without Compulsion)

Responsibility Without Inherited Guilt



Obligation is not just personal culpability. You do not need to be personally guilty to owe a civic or institutional duty.

Non-Compulsory Reconciliation



South African TRC proved institutions can establish truth and accountability. But forgiveness is institutionally non-demandable. Lawful coexistence may be demanding enough; true affective reconciliation must remain unforced.

The Political Ethic of Civilizational Healing



1. Protect persons;
constrain mechanisms;
repair consequences;
preserve challenge.

2. Seek the least
dominating effective
means to end
actual harm.

3. Never turn
the person into
the pathology.

Healing is not the end of conflict. It is the achievement of an order where conflict can continue without the destruction of persons, and where corrective power remains answerable to those it governs.