

# Towards justice and reconciliation in post-conflict countries: Meaningful concepts and possible realities

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## **Abstract**

This article contributes to the debates around concepts of truth, confession, forgiveness and reconciliation. The theoretical discussion shows to what extent these concepts are interconnected, and share a complex relation with justice and reconciliation. It argues that the knowledge about past violence is hardly a canonical truth. It is at best a negotiated truth. This knowledge is inevitably a combination of facts and interpretations. This knowledge is sought and used for understanding past violence but also for paving a way towards the reconstruction of post-conflict societies. The article argues that confession offers a twofold opportunity: it produces knowledge of past violence, and acknowledgement of victims' pain through perpetrators' expression of remorse, although in a limited manner. Forgiveness is also discussed in relation to its essential meaning, the actors involved, and its purposes. Finally, reconciliation is built on two pillars, firstly, the proclamation of a seemingly achieved reconciliation; and secondly, the experiencing of reconciliation in everyday interaction between perpetrators and victims.

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**Keywords:** Justice, truth, confession, forgiveness, reconciliation, post-conflict situations

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## Introduction

Since the end of the Cold War, post-conflict reconstruction processes around the world have focused on three main interrelated mechanisms. The first dealt with the promotion of peace. The second dealt with conflict. The third ones have been formulated or articulated around what is called transitional justice, which includes legal justice and social justice. This third category also includes consideration of memory, truth, healing, human rights protection, reparation, and reconciliation, to name a few (Fisher et al. 2000; Oberschall 2007; Mason and Meernik 2006; Francis 2008; Malan 2008).

My focus is on the concepts which appear in the third category. Many of these concepts, such as justice, truth, confession, forgiveness, and reconciliation have been explored by social scientists for academic and social benefits. But their formulations have always faced obstacles stemming from the impossibility to wholly capture the object of study they are analysing, or the social reality they are trying to document and understand. On the one hand, these concepts are studied by social scientists of different disciplines, such as social science, anthropology, psychology, philosophy, history and political science, who happen to use different methodologies and approaches. This produces multiple interpretations of those concepts and their theories. On the other hand, post-conflict countries where these transitional justice mechanisms are being implemented have different histories, different violence backgrounds, and therefore, will have

different ways of using those mechanisms in order to maximise success. This prompts me to reflect upon those concepts once again, with the view of using them in my fieldwork research on how testimonies about past violence contributed to the reconciliation process in Rwanda.

In their entirety, to what extent do testimonies of truth and confession lead to forgiveness and reconciliation in post-conflict situations? How are these truths and confessions collected and used? What are their narrative formats and problems? How can and should reconciliation be experienced in everyday life? This article might consider its method as philosophical, as it grapples with these main questions, examining and evaluating views and discussions found in the existing literature. This article revisits the concepts of truth, confession, forgiveness, reconciliation and everyday interaction between perpetrators and victims after a protracted and violent conflict, with an aim to understand their intricate complexities at semantic, theoretical and empirical levels. It will attempt to separate, delineate and problematise these concepts, thus opening them up to analysis.

This article contributes to the debates around concepts of truth, confession, forgiveness and reconciliation. It argues that the knowledge about past violence, often referred to as 'truth', is hardly a canonical truth. It is a complex mixture of plausible truths, resulting from a negotiation process. This knowledge is also a combination of facts and interpretations. It is sought and used for understanding past violence but also for paving a way towards the reconstruction of post-conflict societies. Confession, for instance, does not only produce knowledge of past violence but also, when perpetrators express remorse, acknowledgement of victims' pain. And forgiveness is discussed in relation to its meaning and the actors involved, but also with a view to its purposes. Finally, the article argues that reconciliation is built on two pillars, its proclamation and its experiencing in everyday interaction between perpetrators and victims.

## **Truth and confession**

### **The negotiation of 'Truth'**

As far as reconciliation is concerned, the idea of truth has been idealised from the time when truth commissions became the centre-stage for addressing traumatic violent pasts. When truth commissions then documented traumatic pasts, the revealed knowledge justified their existence. But these truth commissions have in turn to be created. In most cases, it is post-conflict governments that are in charge of this task. The truth commissions usually work with civil society organisations where these are available and active or willing to participate in the process. International agents also get involved in the process to support efforts of post-conflict states' leaderships and civil society organisations in this regard. Truth commission members come from state, civil society and sometimes even from international actors. Thus, the creation of truth commissions is itself a negotiated process.

The decision over what past to uncover depends on the events, the time and actions that the above actors consider as more important. Again those actors may converge or diverge over choices to be made. The final decision will depend on the balance of power that the state, the civil society or the international organisations hold in this respect. It may also come from a compromise between them. The best scenario would be when a consensus decision is reached.

The naming of the body in charge of collecting this past is also not done in the vacuum. It has its own history. It comes from what happened in the concerned country, what needs to be remembered in the present, and what use is expected from the knowledge of that violent past experience. Many commissions have been about truth and reconciliation, others about truth, justice and reconciliation, still others about national unity and reconciliation. Many have favoured some kind of restorative justice, others some combination of restorative with retributive justice, others with the collection of truth only. A few have included dialogue.

Since much is at stake in revealing what happened, leaders and commission members have devised several methods to instil witnesses – perpetrators, victims, and others – to narrate their experiences. These methods include laws, incentives or conditions, such as judicial amnesty, reduction of punishment for perpetrators, confidentiality, security and even material incentives. In most cases, these measures are implemented gradually to instil more participation (Whittaker 1999; Ndahinda and Muleefu 2012).

As far as perpetrators are concerned, instilling them to testify, that is, to confess their crimes, has been very difficult. The first widespread response of the perpetrators to this truth-uncovering process has been to hide the truth, i.e., their responsibility in the past violence. The second has been to distort that truth. In this regard, denial of genocide or crimes against humanity has been one of the reactions of perpetrators in many cases. Another reaction has been to produce outright lies. In fact, few perpetrators have been ready to reveal their role as well as what they knew about the violence.

These instilling measures have tried as much as possible to establish favourable conditions that would enable perpetrators to feel secure and assured enough to reveal what they knew and what they had done. These measures have been implemented in many post-conflict cases, but differed from case to case and from epoch to epoch. What happened in Chile differed from what was implemented in Argentina, in South Africa, in Sierra Leone or even in Rwanda. Such measures also differed from one epoch to another within a case: severe punishment at the beginning, a softer one later or even the opposite (Hazan 2010; Ndahinda and Muleefu 2012).

The Rwandan *Gacaca* for example adopted a policy of reducing sentences for those perpetrators who would confess their crimes and show remorse. This however went hand in hand with the concern about the sincerity of some confessions, given the fact that perpetrators would just confess in order to have their punishment softened (Longman 2006). Moreover, the Rwandan and South African cases have revealed that the first perpetrators who testify become a reference for others to do so. This creates some kind of imitation

effect. A testifying chain is created, where those who testify influence others to do so, up to the point when events, unfoldings and actions of violence gain more explanation or light (Rutayisire 2013b; Minow 1998). This negotiation for truth for amnesty or reduced sentence has not always applied to all perpetrators. For example, perpetrators of excessive crimes in South Africa, Côte d'Ivoire and Rwanda were not granted such opportunities (Minow 1998; Labelle and Trudel 2012; Swaak-Goldman 2001).

The truth-probing processes are at the heart of the relation between justice and truth. For example, we see the offering of amnesty for truth in the South African case (Roht-Arriaza 2006). The existence of tribunals and truth commissions also exemplifies this justice-truth tandem. They provide retributive and restorative types of justice and constitute an archive of past violence. This archive becomes at the same time truth for justice and truth for historical knowledge. Roht-Arriaza (2006:6) argued that international tribunals are repositories of past crimes records. This author further argued for the complementarity of truth and prosecutions (Roht-Arriaza 2006:8).

Most importantly, the core mission of transitional justice is to provide both truth and justice in the post-conflict context:

Transitional justice involves prosecuting perpetrators, revealing the truth about past crimes, providing victims with reparations, reforming abusive institutions and promoting reconciliation. This requires a comprehensive set of strategies that must deal with the events of the past but also look to the future in order to prevent a recurrence of conflict and abuse (Van Zyl 2005:209).

In the same vein, Teitel (2000:72) offers the way trials help produce this truth-telling process:

Trials are long-standing ceremonial forms of collective history making. But beyond this, trials are the primary way of processing events in controversy. The ordinary criminal trial's purposes are both to adjudicate individual responsibility and to establish the truth about an event in controversy.

In the view of Futamura and Stan, international tribunals do not only produce history in the sense of recording narratives of past violence, but also become historical events themselves, that is, they make history by prosecuting high profile perpetrators (Futamura 2008:45; Stan 2009:2). Having perpetrators officially named and acknowledge their crimes leads to some appeasement of victims (Sriram 2004), who realise that this past is not only known, but also managed. ‘The need “to deal with the past”, which is often expressed through commemoration, is increasingly considered to be crucial for transitional justice since an engagement with past violence is considered necessary for reconciliation and a peaceful future’ (Wittlinger 2018:4).

Once in place, then, truth commissions undertake their job, which is to reconstruct events of the past with a view to reaching different objectives, such as reconciliation, justice or peace. As far as post-conflict reconstruction is concerned, this truth-probing process with perpetrators is productive, because it enables victims to learn about how their family members were killed, where they were buried or put, and who their killers were. This is expected to bring as much as possible ‘a fuller picture of the past’. It also helps to build a collective memory about what happened in the past, thereby creating a shared belief and understanding of past violences, and reducing lies or denials about them (Minow 1998; Gibson 2004).

However, for those who want or wish canonical truth, these commissions can be disappointing, because they are spaces for negotiation of truths, what in the South African case Martha Minow called ‘trade of truth for punishment’ (1998:56 and 129) and Pierre Hazan ‘transactions’ (2010:34). Uncovering enough or ‘total’ truth may not be possible in the present time. Nevertheless, in the future new conditions and new questions on remembrance can create a space for additional testimonies (Minow 1998). The experience of the memorialisation of the Armenian genocide has revealed to what extent different generations of survivors needed different memories, but also posed different questions to uncover what happened in 1915–1923 against their family members (Fourcade 2007). If the written records preserve ‘cases’ which ‘stand in the historical record forever’

(Hamber 2009:144), it would be a mistake to think that they are fixed. Their interpretation will surely vary according to audiences and will keep on evolving in different epochs.

### **The collection of truth**

The findings of the collection of truth by truth commissions appear in the final reports that they produce at the end of their mandate. The collection phase brings together commission teams (commission leaders, researchers, technicians, and assistants) with the witnesses. In this regard, the commission team acts as the audience or mediator for the perpetrator who comes to testify. In other cases, the commission team meets with both perpetrators and victims who testify together in a group. In still other cases, a wider audience gathered from the local population is also invited or even requested to participate. Certain gatherings are even broadcast on television, such as the South African Truth and Reconciliation Commission (TRC). These sessions are called hearings. From such hearings, the reconciliation process is expected to begin (Schabas 2006).

The testimonies that truth commissions collect on violent events of the past are never full, complete nor enough. Not all witnesses are contacted, sensitised and prepared to give testimonies. Also not all witnesses are approached by the commission, even when they want to (Hayner 2011). Moreover, 'truth' depends on the politics of its collection but also the feasibility or the possibility of collecting it (Wilson 2001). This justifies the fact that after commissions' reports in different post-conflict countries, researchers must continue to collect more testimonies, analyse them, write their histories, and evaluate their usefulness in reconciliation or for other outcomes.

In addition to fact finding, interpretation of those facts is needed, in order to make intelligible the 'fragments of the past' (Minow 1998:120). This is close to what Phil Clark (2010:34–35), analysing the Rwandan *Gacaca*, called 'truth-shaping', i.e., the agency of national leaders, local judges, and witnesses in the reconstruction of what happened during the genocide



against the Tutsi. Further, he makes a distinction between ‘legal truth’ and ‘therapeutic truth’, i.e., “‘truth’ told for more personal, emotional reasons’ (Clark 2010:186–187). Clark’s point makes it clear that those who narrate these past violent memories do two things at the same time: they narrate them, but also interpret them. Depending on types of past offences, and actors seeking truth and reconciliation in the South African TRC, multiple truths were targeted: factual or forensic truth, personal or narrative truth, social truth, and healing and restorative truth (Wilson 2001).

Thus, facts combined with their interpretations are needed. A proper methodology of collecting those facts of the past must be designed, but also interpretive approaches must be conceived. It is interpretation that will help identify gaps, silences and even caveats from available data (Hayner 2011; Burrell 2013). This interpretation – or reinterpretation – is fundamental, because the ideology that legitimised past violence was also an interpretation of the past. Thus, the reinterpretation of this past after the violence serves to contradict the perpetrators’ ideologies and to reconstruct a collective memory that will heal society in present and future (Dimitrijević 2006).

### **The uses of truth**

The reconstruction of the history of past violence helps delegitimise past violence and injustices. It does so by unpacking and deconstructing past ideologies of genocide and other violence, hence discouraging those who would support them again. Above all, it challenges denial and distortions of that past. It also stands as a justification for paying reparations to victims of past violence (Minow 1998; Hayner 2011).

The collection of truth about past violence also preserves memory. Many authors advocate extreme caution in the collection and use of perpetrators’ testimonies. For example, Christopher Browning who has analysed the Holocaust has suggested that Adolf Eichmann’s testimony be taken seriously. While several other authors rejected it as mere self-defence in court, Browning focused on details provided by Eichmann which might not

be known otherwise. He concluded that though we must remain sceptical on the content of perpetrators' testimonies, there can be something new to learn from them and which is not available elsewhere (Browning 2003).

The survivors' testimonies are also criticised for the trauma imprint they carry. Since the memory of survivors is disturbed by the trauma of past violence, as it is posited, their recollection of the past events, actions and violence is not always congruent. Browning suggests again to look at this testimony differently: "The "authenticity" of the survivor accounts is more important than their "factual accuracy". Indeed, to intrude upon the survivors' testimonies with such a banal or mundane concern seems irrelevant and even insensitive and disrespectful' (Browning 2003:38).

The collection of this memory is for knowledge production but also acknowledgement; fact-finding about the past but also healing in the present (Schabas 2006; Gready 2011). This memory is about past violence, but also about how this violence is viewed in the present and how it can and must be prevented in the future (Villa-Vicencio 2004). This process requires the presence of the witness testifying and the audience before which he/she is testifying. Then an interaction ritual of speaking and listening will be initiated, where perpetrators confess their crimes and society members actively receive and assess them. This is the main mandate of truth commissions (Humphrey 2002). This interaction ritual also provides a space for future reconciliation between the perpetrator and his/her self, but also between him/her and the rest of the society (Schaap 2005). Moreover, this audience is not just a requirement, it is also an asset. Indeed, by having the whole country and community listening to the witness, he/she feels that his/her experience is shared, that he/she is not an isolated wrongdoer or martyr (Minow 1998).

Truth seeking also aims at restoring justice (Longman 2006; Hayner 2011). It again aims at reconciliation. Perhaps this is why many commissions are called truth and reconciliation commissions. However, we must distinguish between individual reconciliation and social reconciliation (Bloomfield et al. 2003).

In the same vein as truth commissions, some historians have positioned themselves – or offered their scholarship – for the benefit of reconciliation. They have correctly shown how their discipline – with its intricate methods and techniques – can constitute a useful tool for reconstruction of past violence, or a past ideology of hate, and then inform society about it and about ways of preparing for reconciliation (Barkan 2005). In this regard, historians and others who produce historical works, in their role of public intellectuals, will be an added value to truth commissions and tribunals (Barkan 2009). That history is useful as a tool for fostering truth and ascertaining whether reconciliation is attainable. However, how to teach history for reconciliation is what sometimes poses practical challenges (Pingel 2008). One such attempt has been to produce – and where it is available – to promote a shared history, i.e., a shared understanding of past violence. This attempt has been a necessary step for reconciliation, as is shown in the case of Rwanda (Staub 2008).

Finally, psychologists assert that truth becomes the starting point for ‘healing, forgiving and reconciliation’. With truth in hand, the victims’ victimhood and innocence are ascertained. It also reveals why perpetrators should accept and express their guilt (Staub and Pearlman 2002:217–218).

### **Confession**

While truth telling or the collection of accounts tends to come from all witnesses of past violence, confession is expected to come from perpetrators or those who were responsible for the violence. The perpetrators’ accounts are important for the reconstruction of history or for healing as we saw above. They are also about acknowledgement of guilt through providing information about one’s crimes.

There are a number of problems that are enumerated in the literature about the confession activity itself. Firstly, the language to describe past violence is heavy; so there is some tendency to soften it, hence reducing the veracity of the content of the confession itself. The complexity of naming violence by perpetrators has prompted some of them to use metaphors in order to veil their atrocious acts in the past. This happened in Northern Ireland’s reconciliation confessions. The words and representation used by

Pat Magee, the perpetrator, soften, and even conceal the violence of the bombing he was involved in (Cameron 2007:208–210). But is it possible to describe past violence in the exact words? And what words would be capable of depicting – i.e., resurrecting the exact image of – extreme violence, say of genocide or crime against humanity?

Secondly, there can be a problem where a post-conflict state has put in place a confession framework such as truth commissions or the *gacaca* jurisdiction in Rwanda. When some perpetrators come forward to confess their crimes, their sincere apologies acknowledge victims' victimhood or suffering and at the same time paves the way for victims to see perpetrators once again as humans. But how can the sincerity of apology be assessed? (Barkan and Karn 2006).

As argued by Leigh A. Payne (2008:2), 'Rather than apologize for their acts, perpetrators tend to rationalize them and minimize their own responsibility, thus heightening, rather than lessening, tension over the past'. The realist view from Payne suggests that perpetrators will not tell the whole truth about past atrocities in order to protect themselves. They may also be motivated to confess their crimes for the benefit of healing their own trauma from past violence, and at the same time reduce their punishment in an impending trial.

Moreover, the perpetrators' technique of contextualising past violence may trivialise confession and constitute a euphemism for the guilt. Such, for example, is the case of Captain Alfredo Astiz who explained his violent role in crimes against humanity in Argentina as purely resulting from his military duty (Payne 2008:75). Conversely, the perpetrator Duch from Cambodia's Khmer Rouge refused to put the blame on the leadership and acknowledged and confessed his own crimes as head of a prison that killed hundreds of opponents (Curvellier 2011:3 and 41).

A close scrutiny of case studies suggests that confession testimonies always come with a twofold reality: they offer insights about the past violence – sometimes accompanied with remorse from perpetrators, sometimes not – but they do not tell the whole truth.

In East Timor, perpetrators called deponents were given the opportunity to confess their crimes as a condition to be reintegrated into the community after the violence. They had to appear before the Commission for Reception, Truth and Reconciliation and before the community members that they wronged, and were expected to confess their crimes and apologise. Some victims felt convinced enough to forgive those who confessed their crimes, but others required more truth and remorse from deponents. And deponents did not always provide this. But whatever the case, victims who opposed the state's process of confession and reconciliation lacked the right 'not to reconcile' (Larke 2009:666–667).

In Rwanda, a history of confessions and apologies of genocide prisoners points out that massive apologies from prisoners started at Rilima in the rural part of Kigali as early as 1998. After that, more prisons were sensitised so that prisoners would confess their crimes and narrate details of the unfolding genocide and their responsibility in it. Many did so and as a result, very important information on the victims who were killed and their killers was made available. This information enabled the court to identify more perpetrators from those who were then in prison but also others who were outside (Rutayisire 2013a). However, many who confessed their crimes did not show enough remorse. So the quality of confession became problematic (Rutayisire 2013a and b).

The *gacaca* phase of collection of testimonies relied on 'confessions, guilt pleas, repentance and apologies from the persons who participated in genocide' (Rwanda 2004). Some of the information were pure lies, half-truths, or even fabrications. At times, silences hampered efforts at collecting truth. In most cases, half-truths were about minimising their own crimes (Rutayisire 2013c).

Thirdly, if confessions come with the expression of remorse, they are believed to bring about reconciliation. However, it is necessary to emphasise the audience that records these confessions. Is it the truth commissions, churches, civil societies or is it individual encounters between the perpetrator and the victim who was wronged? What forms of forgiveness and reconciliation will come from these encounters?

## **Forgiveness and reconciliation**

### **Forgiveness**

So what is forgiveness, and how is it produced, manifested and used for reconciliation purposes? First, forgiveness is defined from a rational point of view. In this regard, forgiveness is an effort of redefinition of the perpetrator by the victim: ‘... the forgiving person [is the one who can] “see the offender in a more complex way”’ (Quoted in Worthington 2006:21). Forgiveness can also be defined as the antithesis of vengeance: ‘Reaching for a response far from vengeance, many people, from diverse religious traditions, call for forgiveness. The victim should not seek revenge and become a new victimizer but instead should forgive the offender and end the cycle of offence’ (Minow 1998:14). As far as rational choice is concerned, Minow argues that there are individual and social benefits to gain from forgiving. She rejects cheap forgiveness: ‘Perhaps forgiveness should be reserved, as a concept and a practice, to instances where there are good reasons to forgive. To forgive without a good reason is to accept the violation and devaluation of the self’ (Minow 1998:17).

Secondly, since forgiveness is also a matter of the heart, it is defined from an emotional point of view: ‘Emotional forgiveness occurs due to replacing negative, unforgiving stressful emotions with positive, other-oriented emotions’ (Worthington 2006:17).

Concerning the production and manifestations of forgiveness, Worthington proposes two types of forgiveness, intrapersonal and interpersonal. ‘The intrapersonal component can reflect either an internal forgiveness or a lack of it. The interpersonal component involves the expression of forgiveness to the person toward whom one is unforgiving. The victim could either express or not express forgiveness’ (Worthington 2006:18). Interpersonal forgiveness has four possibilities:

In the first possibility ... the person is simply unforgiving .... However, if the person feels forgiveness toward the transgressor but does not say so, silent forgiveness has occurred .... If the victim does not feel forgiving but tells the transgressor he or she is forgiving, this is hollow forgiveness. Hollow forgiveness is given when victims feel that the social norms require

forgiveness. It can be the most costly to the victim .... In full forgiveness, internal forgiveness is expressed to the perpetrator. Both victims and perpetrator benefit (Worthington 2006:18).

Political forgiveness or simply forgiveness is given by the victim to the perpetrator – sometimes as a response to apology. But this does not mean that forgiveness is conditional. Forgiveness is a free gift of the victim to the perpetrator. It is not released as a result of any bargain with the perpetrator. This is so because apology or confession does not help the victim regain his/her prior life condition, i.e., the state the victim was in before being harmed. Which means that the victim remains always on the losing side as far as past loss is concerned (Schaap 2005; Volf 2002). But forgiving the perpetrator does not mean necessarily accepting him/her: ‘Forgiveness should therefore not be confused with acceptance of the other .... To offer forgiveness is at the same time to condemn the deed and accuse the doer; to receive forgiveness is at the same time to admit to the deed and accept the blame’ (Volf 2002:45). It may mean tolerating him/her.

Among the goals of forgiveness there is also reconciliation. The victims forgive the perpetrators so that they can live harmoniously together again. Forgiveness is accorded by the victims, but reconciliation is produced by both the victims and perpetrators, often with the help of a mediator such as the state or any other agents (See Staub 2006). But it is also possible to forgive without planning to live side by side with the perpetrator. So forgiveness does not always lead to reconciliation (Clark 2010). Reconciliation also includes forgiveness and has many other aspects (Worthington 2002).

### **Reconciliation**

Reconciliation means different things to different people who want to reconcile (Verdoolaege 2008). This difference of meanings of reconciliation is understandable and therefore not surprising (Schaap 2005). Broadly speaking, reconciliation is a peaceful and amicable relationship that occurs between – and is built by – perpetrators and victims after a conflict. This relationship is both rational and emotional (Auerbach 2009). One possibility of its occurrence is through the willingness of the perpetrators to confess their crimes to victims and society and receive

forgiveness from them. They see each other as human once again and learn to trust each other (Bar-Tal 2000; Worthington 2006). In the best condition, reconciliation is produced through confession by perpetrators and forgiveness by victims and society at large.

### **Proclamation of reconciliation**

In ideal situations, once the perpetrators confess their crimes and the victims positively welcome their confessions and forgive them, a reconciliation process can be initiated. And after a certain level of interaction between the opposing groups has been attained, they can proclaim to be reconciled.

Louis Kriesberg's aspects of reconciliation help us to understand some of the requirements for the proclamation of reconciliation. He firstly speaks of antagonistic units, what I would call agents, i.e., those who reconcile. These include the individuals and the groups or nations – ordinary citizens and elites. The proclamation and the success of reconciliation will depend on the willingness of these agents (Kriesberg 2007:2–3). He secondly elaborates on what he calls dimensions of reconciliation (Kriesberg 2007:3–7). These include: 1) a shared truth about the violent past, 2) justice (legal and social), 3) respect (expressed through remorse, guilt, regret, and shame), and 4) security (here understood as absence of threat from each group). In a best scenario, these components can be fulfilled in combination. His third aspect is the degree of fulfilment. The greater the fulfilment, the more successful the outcome of achieved reconciliation outcome may be.

The actions of reconciliation include 'restoring friendship and harmony between rival sides after a conflict' and attaining 'an act of conflict resolution, but also an emotional process of changing the motivations, beliefs, attitudes and emotions inferred about the rival side' (Bekerman and Zembylas 2012:57). The actions of the perpetrator include confessing his/her wrongs, acknowledging the victimhood of the survivor and sympathising with him/her (Schaap 2005). By so doing, the perpetrator may be forgiven by the survivor and may then be brought back to his/her community.



Reconciliation is close to restorative justice in the sense that the latter also intends ‘to repair the harm, heal the victims and community, and restore offenders to a healthy relationship with the community’ (Tiemessen 2004:60). According to Labelle and Trudel (2012), reconciliation is a component of transitional justice. As far as this justice is concerned, the South African *Ubuntu* implies guilt plea, remorse, repentance, forgiveness and reparation for reconciliation (Brock-Utne 2009). The Rwandan *gacaca* also relied on the collection of confessions, guilt pleas, repentances and apologies (Rutayisire 2013a).

Reconciliation should be understood to include both the process of reaching it and its achievement (Bekerman and Zembylas 2012). But it does not end with an apparent achievement such as the publication of TRC reports; that is rather where it begins (Nagy 2004). It would be a fallacy to think that proclamation of reconciliation is enough for agents to have reconciled. This is a necessary step, but by no means a sufficient one (Long and Brecke 2003). The proof of reconciliation will come from the way the former perpetrators and victims live together in present time and in future.

### **Experiencing reconciliation**

We need first to identify the agents who interact in this process of reconciliation. Personal reconciliation is within the individual him/herself. Interpersonal reconciliation is among two individuals, the victim and the perpetrator. These two types of reconciliation are in the domain of the private sphere. Political reconciliation on the other hand is among two previously antagonistic groups or communities. Some authors call it social reconciliation (Kohen et al. 2011).

Secondly, we need to stress the relational process between the agents. As Lederach rightly pointed out, reconciliation is first and foremost about the relation. ‘To enter reconciliation processes is to enter the domain of the internal world, the inner understandings, fears and hopes, perceptions and interpretations of the relationship itself’ (Lederach 2002:195). So the key word here is ‘between’. It is this relation that I call interaction.

Stages of reconciliation help us to understand negative and positive interaction. When the state has built enough of a peaceful environment to enable non-violent coexistence (Mendeloff 2004), this would be referred to as negative interaction or first-step interaction. After bringing a relative peace and security and building institutions necessary for the functioning of the state, a possibility of coexistence is established between former perpetrators and victims. In this way, and ideally, perpetrators are unable to continue the killing process against victims, and victims cannot take revenge on their perpetrators.

Interaction occurs during the negotiation for reconciliation between the victim and the perpetrator. When facts of the past are being narrated by the perpetrator to the victim, when confession is taking place, and is possibly followed by forgiveness, this is already the first step interaction (Kohen et al. 2011). This paves the way for future durable interaction, i.e., the possibility and the experience of living together in harmony. This durable interaction is both a process and an end. The perpetrator and victim have to nurture it on a daily basis. However, such a process takes a long time, often more than one generation, in order to succeed (Hazan 2010).

The second step is that of a deeper coexistence, expressed or manifested through a relation of trust and recognition of humanity between the victim and the offender. The third stage is empathy. This involves truth-telling, sharing common interests including economic benefits (Bloomfield et al. 2003). Trust and empathy are needed in the first encounter, but need to be strengthened in the course of living together (Staub 2006). Trust appears as a basic necessity for individual and group interaction, for sharing hopes, goals and social life (Buford 2009; National Unity and Reconciliation Commission [NURC] 2008).

When trust has been destroyed by conflict, how does it become revived? It is argued that mutual commitment and patience among those who reconcile are crucial in order to make a joint sacrifice of self-interest (Lederach 2002). This post-conflict interaction needs to be as friendly and as amicable as possible (Bar-Tal 2009). Rachel Back (2007) gives an example

of South African women victims whose children were killed by apartheid leaders in 1986. These women founded an association called Mamelodi 10 Project and decided to meet with the white men who had killed their children. The contact, here called 'encounter', showed the willingness and sacrifice, but also the difficulty of reconciliation. In addition to humanity, humility is also needed. This highly religious concept and reality enables the perpetrators, victims and truth commission members to tolerate each other in this lifelong process.

As far as process and progress of reconciliation are concerned, individuals and communities need not have the same pace of positive interaction. The most important thing is to have the preconditions of 'truth' for the past, justice for the present, forgiveness and peace for the future met, as much as possible (Lederach 2002).

Staub (2006:887) argues that '... genuine engagement ... must exist for contact to work. Joint activities, with shared, "superordinate" goals, facilitate such contact'. Research by Ezechiel Sentama indicates that collaboration by former perpetrators and survivors of genocide in cooperative economic activities has enabled both groups to improve their economic situation. Most importantly, working together helped them to overcome negative feelings of 'fear, anger and hatred' and replace them with convivial relations, positive communication and peaceful collaboration both inside a cooperative working environment and also in the social sphere (Sentama 2009:90–132).

Indeed, economic associations encompassing both perpetrators and victims started to operate in Rwanda very early. By 2001, the National Unity and Reconciliation Commission (NURC) was financially helping more than 60 of them. In this regard, unity and reconciliation was in tandem with the economic well-being of members (Nantulya et al. 2005). No wonder the NURC's definition of unity and reconciliation links them with development. That is why we have associations and cooperatives of interaction which focus not just on reconciliation but also on economic progress (NURC 2010).

The case of interaction between South Africans of different races shows that income was significant. Those with a high income tended to socialise more than those of lower income position (Du Toit 2017). So the economic factor is significant in the reconciliation process. Indeed, the improvement of socio-economic conditions has proved more important in paving the way to reconciliation between communities as is seen in Bosnia and Herzegovina (Eastmond 2010). In relation to trust and interaction, another concept is used. It is social cohesion, both vertical and horizontal (NURC 2008:28–29). In my research, I am more concerned with horizontal interaction, i.e., the interaction between perpetrators and victims as individuals in everyday life. Maddison (2017) used the concept ‘relational reconciliation’ to refer to this horizontal interaction. Furthermore, the creation of reconciliation clubs in schools by the Rwandan NURC was in line with both interpersonal and social reconciliation (Nantulya et al. 2005).

In Rwanda, interpersonal reconciliation has also been undertaken by Churches. Both lay members and clergy have been active in sensitising perpetrators to confess their crimes and victims to forgive them. A few examples from the Roman Catholic churches mention two women from the Tutsi victims who initiated campaigns of going to prisons to talk with genocide perpetrators. These women, Anne-Marie Mukankuranga and Consolee Munyensanga, created prayer groups that ended up becoming avenues for reconciliation between local victims and perpetrators. A priest from the Roman Catholic Church, Ubald Rugirangoga, initiated expiation rituals and sessions of theological teachings that united victims and perpetrators with the aim of obtaining reconciliation between them. From these actions, it transpired that confession, forgiveness and reconciliation were seen as God’s rule and gift (Carney 2015).

A few other cases illustrate the centrality of trust and dialogue in the post-conflict interaction process. The case of reconciliation in Northern Ireland addresses intergroup relations in which trust is seen as successful when the decision to engage in dialogue is voluntary (Tam et al. 2009). The following factors helped evaluate the degree of the reconciliation process between Germany and Israel: trust, history and common interests

(Wittlinger 2018). The case of coexistence between former antagonists in Bosnia shows to what extent reconciliation is a gradual process. It goes from geographical closeness to an open social interaction (Clark 2012). The case of Kosovo and Serb communities shows how lack of trust has impeded the reconciliation process between them (Burema 2012). As Noor and others (2015:647) argue, 'In the absence of trust, even conciliatory gestures by the perpetrator group are likely to be interpreted as manipulative ploys'.

### **Conclusion**

This theoretical discussion around the concepts of truth, confession, forgiveness, and reconciliation after conflict has showed to what extent these concepts are interconnected. We saw that those who seek truth have to pass through a negotiation process or something that looks like a negotiation. Those who narrate this truth, recall past events but also interpret and even reinterpret them. This whole exercise can be seen as an attempt to contextualise the collection of truth but also to problematise it. Truth in most cases is plural, not singular. Again, the fact that the whole truth is ever rare may be disappointing, but actors may hope to get more truth with time. Our above discussion of confession also points to a number of other problems. First, the form and the substance of confessions matter. Second, the techniques used by perpetrators in their confession language tend to conceal or reduce their responsibility in past violence. We saw also that forgiveness by victims is evoked from confession by perpetrators, but it can also be given unconditionally. Reconciliation is presented as the outcome from truth, confession and forgiveness. But it also goes beyond these, to mean the process itself. Finally, reconciliation firstly manifests as a proclamation by the victims, perpetrators and other actors that have reconciled, and secondly manifests in their experience of living together harmoniously. As we explained above, these two requirements need more time than is mandated for truth and reconciliation commissions.

Both transitional justice and reconciliation have proved to be at least useful and at best unavoidable policies for post-conflict situations. This article concludes with a strong recommendation that the meanings of

these concepts must be clearly understood. These meanings are not only semantic or cognitive, they are also contextual. That is, the way a given society or country will shape and then implement a transitional justice or a reconciliation process will depend on how it understands justice, truth, confession, forgiveness and reconciliation, and what it needs, given its history and current situation. The worst scenario would be to use them in the same way other countries or societies have implemented them without adapting them to own contexts. One possible avenue that has proved successful has been to relate these policies and mechanisms to home-grown solutions.

The implications for this reformulation are threefold. First, as this article has shown, there is no single and agreed understanding of the concepts of truth, confession, forgiveness and reconciliation to address all post-conflict situations. Second, the analysis of new cases of violence may require a separate as well as a combined examination of the above concepts. Third, any meaningful reformulation must consider negotiation processes, cognitive and emotional aspects, and judicial, moral, social and material benefits in post-conflict solutions.

Finally, some key questions need to be addressed. What are the institutions of transitional justice and reconciliation that are suitable in a given post-conflict situation in order to deal with the issues of truth, confession, forgiveness and reconciliation? Will they be: commissions or tribunals or both or anything else? Who will be the agents of this process? What content of past violence will be gathered? How will it be gathered? How will it contribute to building a peaceful interaction between former perpetrators and victims? What activities will be carried out in a short or medium or long term? When will the evaluation of the process take place?

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