Post-Conflict Peacebuilding and the Politics of Identity: Insights for Restoration and Reconciliation in Transitional Justice

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Drawing upon an interdisciplinary synthesis of literature from the fields of political science, sociology, and social psychology, this article highlights the collectivized nature of group-based violence in divided societies and seeks to identify several of the key social and psychological dynamics which undergird such "identity" conflicts. Building on this framework, this paper argues that post-conflict reconciliation efforts in divided societies will necessarily require "restorative" measures to repair these psychosocial divisions alongside more traditional structural and material reconstruction efforts. These insights are then applied to the emerging field of transitional justice, examining the recent South African Truth and Reconciliation Commission for insights into how such a restorative approach might be incorporated into transitional justice interventions to help divided societies move towards reconciliation and sustainable peace.

INTRODUCTION

Since the end of the Cold War, conflicts between ethnic, national, or religious communities have presented a major threat to the human security of civilian populations. The deep societal divisions underlying this type of violence have tended to produce conflicts that are both protracted and intractable. Peace-building efforts and the prevention of recidivist violence are thus notoriously difficult even after widespread conflict is brought to an end. When considering interventions to promote post-conflict reconciliation in these societies, people often overlook the need to address the "communal" or "collective" nature of these divisions. This may hinder the development of strategies that could work to repair these societal relationships in order to ensure a lasting and sustainable peace.

This article makes three interrelated contributions. First, based on a synthesis of theory from the fields of political science, sociology, and social psychology, the article aims to identify key social and psychological dynamics undergirding intercommunal conflict by stressing the need to address the collectivized nature of group-based violence in divided societies.[1] It argues that human rights violations or mass acts of atrocity committed between ethnonational groups in divided societies can best be understood as the violent culminations of "identity conflict." Societal divisions foster collective antagonisms in multi-communal societies, pitting "Self" against vilified "Other." Intercommunal acts of violence are essentially relational conflicts; the existence of deep divisions between two or more societal groups is a necessary, though not sufficient, condition for the instigation of collective violence. When levels of "social capital" (networks of trust, communication, and reciprocity) decline among communal groups in a society, these groups can become antagonistic, thereby multiplying the potential for intergroup conflict.[2] In severe cases, each group may come to frame the Other as less than human, and therefore regard all members of this enemy group as outside the normative boundaries or "moral order" of society.[3] The use of violence to purge society of the enemy Other is legitimized and transmitted to successive generations by means of stories, communal memories, and myths that continue to demonize the enemy group and validate its persecution. Ultimately, societies can become trapped within intractable cycles of violence that perpetuate reciprocal acts of violence among communal groups.

Second, building upon this theoretical framework, this article contends that moving toward reconciliation and sustainable peace in such deeply divided societies will require post-conflict peacebuilding strategies that repair the social and psychological divisions underlying collective violence.[4] Successful conflict transformation will entail moving beyond the cessation of violence and the physical rebuilding of the structural and material components of post-conflict society to address the deeper breakdown of societal relationships. This article specifically advocates the need for a "restorative" approach to post-conflict peacebuilding that seeks to rebuild social relations across communal lines and transform the antagonistic mindsets of former enemies–factors that, if left unaddressed, may engender future cycles of violence.

Third, this argument for restorative approaches in response to collective violence is linked with the emerging field of transitional justice. The last two decades have witnessed a growing number of transitional justice institutions

being used in divided societies. This increase is based partly on a growing consensus that such mechanisms are crucial to post-conflict peacebuilding and reconciliation among former enemies. Increasingly, scholars suggest that the legal punishment approaches employed in national trials or international criminal tribunals often fail to address the deeper psychosocial divisions that support intercommunal violence. Many have begun to advocate the use of restorative mechanisms that deemphasize retribution in favour of rebuilding societal relationships. This article examines one such institution, the South African Truth and Reconciliation Commission (TRC), for insights into how a restorative framework might be incorporated into broader peacebuilding initiatives in deeply divided societies.[5] While almost all truth commissions incorporate restorative principles to some extent by forgoing criminal prosecution, the TRC was distinguished by its self-portrayal as an instrument of restorative justice and its provision of a conditional amnesty to perpetrators of violence in exchange for truthful testimony about their complicity in past events. Several scholars have suggested that by limiting punishment and providing a public forum to bring victims and perpetrators together to recount their experiences of past violence, the South African model promoted societal reconciliation. This article concludes by considering how the TRC's unique transitional justice framework is an example of how restorative methodologies help address the deep psychosocial divisions of communal conflict and move post-conflict societies towards reconciliation and sustainable peace.

MASS ATROCITY AND THE BREAKDOWN OF SOCIAL CAPITAL

Acts of communal mass atrocity are societal in both their genesis and execution. Mass atrocity requires distinctive groups of victims and perpetrators who are clearly divided into "us" and "them."[6] In multi-communal societies, these divisions are often drawn upon existing fault lines of ethnicity such as race, religion, or language.[7] As a result of these societal categorizations, one's identity as perpetrator or victim depends upon one's inclusion within a particular group rather than upon individual characteristics or conduct.[8]

Recent work on social capital theory offers one way to analyze the destructive impact of a breakdown in social cohesiveness. Robert Putnam defines social capital as "the features of social organization, such as networks, norms, and trust that facilitate coordination and cooperation for mutual benefit."[9] Putnam distinguishes forms of social capital that "bond"

homogenous groups together by means of exclusivity from inclusive forms of social capital that "bridge" or build ties between diverse, heterogeneous groups. Similarly, Nat Colletta and Michelle Cullen define social capital as "the norms, values, and social relations that bond communities together, as well as the bridges between communal groups and the state."[10] In societies deficient in "bridging" forms of social capital, groups may lack the trust or desire to work towards shared goals through mutual collaboration. In nations where bonding social capital exists to the exclusion of bridging social capital, society takes on marks of ethnocentrism: groups adopt the belief "that their own ways of life are admirable and other people's ways are strange and less worthy."[11]

Breakdowns in bridging social capital have been linked to a number of catalysts.[12] In particular, unequal access to economic resources, political power, or basic rights tends to reinforce existing communal divides.[13] Political psychologist Ervin Staub contends that when individuals feel threatened, or when economic, social, or political resources are scarce, competition tends to increase. As a result, "connection to others, community support, and the experience of a shared identity will diminish."[14] "Persistent difficulties of life . . . disrupt the relations among members of [society] . . . [and] they disrupt human connections. People focus on their own needs, compete with others for material goods, and feel endangered by others."[15] When faced with such adversities, "like" people tend to band together for mutual protection and increased gain to compete against "unlike" people. While this process may serve to build strong and lasting networks of bonding social capital *within* a group, it also frequently serves to exclude those outside the group's boundaries. Given time, such processes can entrench group boundaries and create "ideologies of antagonism" between groups in multi-communal societies: groups come to define themselves as the enemy of the Other.[16]

Similarly, the social constructivist paradigm of sociological theory and its "enemy construction process" offers insight into how a decline in bridging social capital can create the conditions necessary to regard the Other as enemy, and ultimately, as a legitimate target for violence. In this process, the first step is the creation of a societal schism, either externally or internally imposed, that divides a society into distinct categories and minimizes meaningful contact between members of different groups. Second, after discernible characteristics of difference have been established, individual traits become secondary to those factors that define inclusion in the group identity. This "depersonalization"

creates a level of social and psychological distancing between individuals of different groups that renders violence more likely.[17] As sociologist Sara Cobb explains, "when the personal identity, forged in daily interaction across social networks collapses into the singular ethnic identity," the potential for ethnic violence occurs.[18]

DEHUMANIZATION AND THE DESTRUCTION OF MORAL ORDER

In multi-communal societies, the loss of bridging social capital leads to the formation of communal cleavages between groups in society. These cleavages, in turn, can lead to categorization of competing groups as enemies, thereby increasing the potential for intercommunal conflict. However, for widespread communal violence to occur, particularly on the scale of mass atrocity, these enemy groups must also be "dehumanized" or otherwise placed outside the moral and ethical frameworks governing the rest of society.[19] Indeed, most societies have a strong normative code that protects the sanctity of human life as a fundamental precept, a principle that may only be violated under very specific conditions.[20] When dehumanization occurs, the "moral order" of society becomes imbalanced, rendering it acceptable or even "right" for one group to initiate violence against the vilified Other.[21] As social psychologist Terrel Northrup notes, the danger of dehumanization is that it makes violence more tolerable, as "it is more difficult to harm something or someone who is like-self, and easier to harm something or someone constructed as not human or inhuman."[22]

A severe deficit of bridging social capital can facilitate this kind of de-humanization. As Troy Duster notes, in order to perceive the Other as alien, that is, to dehumanize the Other, meaningful social interaction between communal groups must be minimal. Without contact, members of the Self group become increasingly unable to recognize a shared humanity with members of the enemy Other group.[23] Indeed, as genocide scholar Helen Fein argues, this kind of social distancing and moral disequilibrium precipitated the outbreak of mass group-based violence in both Rwanda and the former Yugoslavia. In both instances, she shows "evidence of past exclusion of the victim from the universe of moral obligation which co-existed with comfortable patterns of interaction at the local level." These exclusionary beliefs, she argues, helped legitimize and perpetuate the atrocities carried out among ethno-national groups in those countries.[24]

Dehumanization often features patterns of negative "labelling" to portray the enemy Other as less than human and therefore as a legitimate target for violence. In this way victims are excluded "from the universe of the collective conscience" by means of statements and depictions that "dehumanize and stigmatize the group as non-human, applying animal, insect, germ, and viral metaphors" to reinforce that "the victim is alien and does not belong."[25] The scholarly literature on genocide and mass communal violence is replete with examples of such labelling. For instance, in the Armenian genocide, "Muslim Turks regarded the Christian Armenians as *dimmis* or infidels. . . . Armenians were also labelled *rayah* or sheep who could be fleeced."[26] Throughout the Rwandan genocide, Tutsi victims were referred to as "sleazy cockroaches" or as "creature[s] not of this world, with horns and tails" while victims of ethnic cleansing in the former Yugoslavia were deemed "undesirable parasite[s]."[27] Similarly, in the German Holocaust Jews, Gypsies, and other "undesirables" were formally defined as outsiders by perpetrators who believed that "Jews were to be annihilated because they were 'vermin,' 'lice,' 'bloodsuckers,' 'parasites,' and 'bacilli;' Gypsies, because they were 'filthy animals,' 'rodents,' etc."[28]

REINFORCING CYCLES OF VIOLENCE

The social and cognitive distancing between groups does not end with the advent of overt violence. Rather, the onset of physical violence serves only to widen and deepen the societal divisions that exist among antagonistic groups. Colletta and Cullen's case studies of the Rwandan and Cambodian atrocities indicate that the decline of social capital precipitating the outbreak of violence is exacerbated by the violence that itself further separates communal groups. They note, "intrastate conflict divides the population, undermines interpersonal and communal group trust, and destroys norms and values that underlie cooperation and collective action for the common good, decimating social capital stocks and thus exacerbating communal strife."[29] The onset of violence has a powerful polarizing effect, broadening schisms between already disconnected groups and increasing the likelihood of continued violence. Violent external threats drastically heighten a group's cohesion, further solidify group boundaries, and serve to legitimize the future use of force to protect one's community from harm.[30] Groups facing violent attack "band together" for protection and when threatened, "the group defines itself narrowly, sharply distinguishing its 'friends' from its 'enemies.'"[31]

The moral disequilibrium that enables the initiation of violence increases with actual onset of violence. Perpetrators become increasingly cut off from their feelings of connectedness to those they victimize.[32] Ervin Staub notes, "Members of the perpetrator group change as a result of their own actions. They come to devalue the victims more, and become motivated to and capable of inflicting more harm on them."[33] Aggressors distance themselves further from their victims by committing violence, and thus become more inclined to engage in future atrocities. As social psychologist James Waller explains, "perpetrators are reinforced in their perception of the victims as less than human by observing—and causing—their very victimization."[34] In many cases, perpetrators of violence even blame victims for their own persecution, convinced that they have simply "gotten what they deserve."[35]

It also becomes increasingly difficult for victims of intercommunal violence to empathize with enemies who have committed atrocities against their community. Psychologist John Mack refers to this dislocation as the "egoism of victimization," or the "incapacity of an ethno-national group, as a direct result of its own historical traumas, to empathize with the suffering of another group . . . or to take responsibility for the new victims created by their own warlike actions."[36] As a result, the perpetrator is distanced further, often becoming the target of hatred and reciprocal violence. Research from social psychology suggests that groups victimized by violence are more likely themselves to commit violence, and at the same time less likely to empathize with the pain and suffering they inflict on those who threaten them.[37] In other words, victimized groups perceive the actions of the Other as unfounded acts perpetrated by an intractable enemy, yet justify their own violent actions as appropriate responses. Intergroup conflict can set in motion the destructive dynamic of a nearly autokinetic cycle of violence between mutually victimized communal groups. Here, violence becomes "the breeding ground for more violence, an endless succession of victimization and countervictimization."[38]

FORMATIONS OF COLLECTIVE MEMORY AND MYTH

Over time, societies trapped in cycles of endemic conflict evolve into "cultures of violence," in which communal groups develop their own selective social memories that make the "others" culpable for the instigation and progression of violence.[39] Evidence from psychology suggests that as conflict escalates, each group develops a "collective narrative" about its own role and the role of the Other in past antagonism.[40] Daniel Bar-Tal notes that when

"the number of human losses grows, societies develop beliefs about being victimized by the opponent. These beliefs focus on the losses, deaths, harm, evil, and atrocities committed by the adversary while they delegate the responsibility for the violence solely to the 'other.'"[41] Accordingly, in the wake of mass violence, different communal groups often have widely divergent views about the "truth" of past events as each group bases its interpretations of history upon its own collective narratives. Indeed, psychological studies of the role of memory in conflict suggest that one's membership in a particular group can have a profound effect in shaping historical beliefs. The result is that "members of different groups are likely to have significantly different beliefs about the past."[42] These collective memories of past violence inevitably reframe history in an antagonistic and exclusionary manner. The actions of the Self are legitimized and ennobled, while the actions of the Other are remembered as unwarranted and unjust. Bar-Tal emphasizes that these biased interpretations can eventually take on the status of given "truths" or mythologies that "focus mainly on the other side's responsibility for the outbreak and continuation of the conflict and its misdeeds, violence and atrocities" while highlighting their own "self-justification, self-righteousness, glorification and victimization."[43]

In protracted conflicts, such beliefs become actively socialized and institutionalized within groups. They are transmitted and maintained through political, social, and cultural channels, and passed on through myth to successive generations, eventually forming a central element of communal identity.[44] According to political scientist Edward Azar, such "exclusionist myths, demonizing propaganda and dehumanizing ideologies" often contribute to the intractable nature of intergroup conflict as they "justify discriminatory policies and legitimize atrocities" against the Other.[45] Such beliefs also rigidify the boundaries of group identities as any remaining communication between Self and Other becomes distorted by myth. An intercommunal relationship develops in which each interaction serves to validate the perception of the Other as an inherently antagonistic enemy.[46] Violence begets myth, and myth ensures a return to violence as prejudices about the Other perpetuate antagonism and solidify intergroup conflict.[47] Societies become trapped in a cycle of "mutual victimization." "Victims kill victims through unendingly repeated cycles that are transmitted from one generation to another, bolstered by stories and myths of atrocities committed by the other people, and by heroic acts committed in defence . . . [of] one's own."[48]

A RESTORATIVE APPROACH TO POST-CONFLICT PEACEBUILDING

Having examined the societal process of mass intergroup violence, we may posit a generalized model detailing the instigation and perpetuation of inter-communal violence. The first stage is a breakdown in the bridging social capital between groups. This decline in social capital opens the path to the second stage, in which a society's moral order becomes imbalanced as groups dehumanize Others and place their enemies outside a shared normative framework. Finally, groups initiate acts of violence against one another, which, in turn, damage any remaining bridging social capital and reinforce perceptions of the Other as an intractable enemy. Left unaddressed, such a self-perpetuating cycle of violence may intensify until one group effectively eliminates the Other (as in a "successful" genocide) or until a peaceful resolution is reached. If a break-down in the social and psychological relationships between societal groups is a primary cause of communal violence, it follows that the prevention of future cycles of violence must incorporate attempts to repair these relationships. The movement toward reconciliation and sustainable peace will require not only the cessation of overt violence, but also deeply transformative provisions to regenerate social capital and alter antagonistic mindsets.[49] Rebuilding positive communication and trust between hostile communal groups is one way to soften antagonistic social identities based on concepts of ethnicity, religion, or language. Fostering social capital in this way might allow for the restoration of an equitable moral order to a long-divided society, for once meaningful and lasting relations are formed between individuals and groups, it becomes increasingly difficult to objectify or dehumanize the other. Thus, re-establishing social capital and rebalancing moral order offer the potential to change intercommunal antagonism to conciliation, which in turn can mitigate intractable conflicts. However, polarized societal beliefs and biased accounts of past atrocities must also be addressed. Skewed accounts may reinforce historical clashes, maintain communal divisions even in the absence of overt conflict, and, ultimately, perpetuate cycles of violence. The creation of a lasting and sustainable peace in transitional societies requires an end to violence, but also that parties address the ideologies, cultures, and beliefs that reinforce "the devaluation of others, maintain discrimination . . . and in other ways provide the structures that lead to violence."[50]

While this analysis highlights the oft-neglected psychosocial aspects of post-conflict peacebuilding, reconciliation in divided societies cannot be

limited to changes in social interactions, cognitive perceptions, or under-standings of the past. Peacebuilding must also address structural and material inequalities, which also contribute to psychological distancing and declines in intercommunal social capital. Ervin Staub and Daniel Bar-Tal stress the importance of combining psychosocial transformations with socio-economic changes: "when conflict is already entrenched and groups have inflicted violence on each other, psychological changes are required for overcoming hostility. But without structural changes, psychological changes may not be possible to bring about or maintain."[51] Similarly, in their study of the conflict in Northern Ireland, Joseph Ruane and Jennifer Todd demonstrate that structural and economic imbalances generate divided identities and can create a self-reinforcing system of conflict by encouraging ingroup solidarity and out-group differentiation.[52] Opportunities to develop positive forms of bridging social capital are also scarce in societies that remain divided by severe structural inequalities, as socio-economic status often determines where group members live, work, and socialize. Moreover, where these interactions do occur, socio-economic divisions may be so wide that the contact across communal lines remains cursory and superficial, resulting in relationships that are "contiguous yet utterly remote." These contexts provide little basis for developing mutual trust, empathy, and the inclusive sense of moral and political community that is vital to reconciliation.[53]

THE ROLE OF RESTORATION IN TRANSITIONAL JUSTICE

The last two decades have witnessed a blossoming of transitional justice institutions. These legal, quasi-legal, or community-based institutions set up to determine accountability for past conflict are based on the assumption that such mechanisms help societies to reconcile their violent pasts and are therefore important to post-conflict peacebuilding.[54] Despite much debate on the relative ability of criminal trials, truth commissions, and indigenous practices to contribute to societal reconciliation, recent studies suggest that institutional accountability for past atrocities is crucial for sustainable peace in transitional societies, particularly in societies deeply divided along ethnic, racial, or religious lines. A recent survey of transitional justice literature, un-dertaken by the Canadian International Development Research Centre, finds that reconciliation, in tandem with justice, is a fundamental aim of almost all transitional justice processes, and that preventing the recurrence of violence and stabilizing post-conflict peace are "ultimate goals."[55]

Scholars agree that no one model of transitional justice will ever be appropriate across all cultures, and debates persist as to which institutional designs are best suited to achieving justice while sustaining an often tenuous peace.[56] A key debate centres on whether a "retributive" or "restorative" philosophy of justice should inform post-violence accountability. Very broadly, proponents of retributive justice favour punishment as a response to mass violence, emphasizing the need for deterrence, individual criminal liability, and the re-establishment of the rule of law through criminal prosecutions carried out in national and international courts.[57] Advocates of restorative justice argue that retribution against perpetrators must be limited. They emphasize rebuilding the social connections and relationships that were damaged during the conflict and the need to involve both victims and perpetrators as cooperative partners in the justice process.

If mass intergroup violence is driven, at least in part, by a breakdown of bridging social capital and entrenched psychological distancing from the Other, a focus on restorative principles may be helpful if transitional justice strategies are to enhance peace and reconciliation in post-conflict societies. It has been recognized that restorative principles emphasize "reintegrative measures that build or rebuild social bonds, as opposed to [retributive] measures . . . that isolate and alienate the perpetrator from society."[58] Further, recent scholarship on transitional justice evidences a growing consensus that strategies of legal retribution may have little ability to transform the social and cognitive divides among former enemies. In a recent volume assessing the contributions of retributive justice to intergroup reconciliation in Rwanda and the former Yugoslavia, Eric Stover and Harvey Weinstein note,

> there is no direct link between criminal trials . . . and reconciliation. . . . In fact, we found criminal trials–and especially those of local perpetrators–often divided small multi-ethnic communities by causing further suspicion and fear . . . [while] survivors rarely, if ever, connected retributive justice with reconciliation.[59]

The adversarial nature of criminal trials often leaves little room for positive contact and communication among former enemies, and may hinder both victims and perpetrators from full disclosure in their accounts of the "truth."[60] Further, the individualized focus of Western legal traditions often fails to address structural, normative, and moral frameworks that supported past violence, and might further negate positive learning about the Other that could be gained from less adversarial encounters.[61] Perhaps most importantly,

the adversarial processes inherent in criminal prosecutions can deepen inter-communal alienation by forcing already divided groups into yet another antagonistic interaction. Transitional justice scholar Rama Mani notes that the trials can "tend to harden divisive and hostile feelings between offender and victim" and "reify the homogeneity of each group and the insurmountable difference between . . . groups."[62] Even if the resources are available to hold trials in post-conflict societies, retributive justice may not be the most appropriate mechanism to employ if the ultimate goal is reconciliation.

A number of scholars have instead advocated approaches based on principles of restorative justice that seek to integrate victims and perpetrators into a shared community. Restorative approaches emphasize the worth of both victim and offender, the desirability of bringing former adversaries together in conciliatory dialogue, and the need for a truthful accounting that acknowledges the injustices done to victims and assigns responsibility to offenders.[63] Many believe that such processes have a "transformative" potential to shatter existing stereotypes, "rehumanize" the Other, and foster more respectful and trusting relationships.[64] As Martha Minow notes, in contrast to legal prosecution, restorative justice

> seeks to repair the injustice, to make up for it, and to effect corrective changes in the record, in relationships, and in future behaviour. . . . Restorative justice emphasizes the humanity of both offenders and victims. It seeks repair of social connections and peace rather than retribution against the offenders. Building connections and enhancing communication between perpetrators and those they victimized, and forging ties across the community, take precedence over punishment or law enforcement.[65]

Truth commissions (non-judicial bodies set up in transitional regimes to establish the "truth" about accountability for past atrocities) are one way restorative principles have been recently used in transitional justice. Since 1974, over thirty official truth commissions have been enacted internationally with mandates to clarify historical truths about human rights violations.[66] Largely de-emphasizing retributive sanctions against perpetrators, these truth recovery mechanisms focus on providing a full and official acknowledgement of past events to "to establish an accurate record of a country's past, clarify uncertain events, and lift the lid of silence and denial from a contentious and painful period of history."[67] In most truth commissions, victims of past violence are invited to help establish the truth by chronicling their personal experiences.

However, the perpetrators of past crimes, who are perhaps most knowledgeable about how and why violence occurred, are seldom inclined to come forward and relate their experiences for fear of public "shaming" or future incrimination.[68] Thus, truth commissions often lack the legal power to ensure compliance with their mandates and are limited in their ability to assemble a comprehensive accounting of past atrocities.

THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION

The South African Truth and Reconciliation Commission (TRC) which operated from 1995 to 1998 stands as a distinct adaptation of earlier truth commission processes and an innovative example of the incorporation of restorative justice principles into the peacebuilding process of a society in transition. Among the range of truth commissions employed to date, the South African model is unique: while those guilty of criminal acts could, in theory, be prosecuted, the TRC granted conditional individual amnesties to perpetrators in exchange for truthful public testimony. As Minow suggests, this amnesty provision afforded perpetrators who disclosed their crimes the option of "trading truth for amnesty, and amnesty for truth," an innovation which helped "to promote the gathering of facts and the basis for society to move on toward a strong democratic future."[69]

Concerned less with punishment than "with correcting imbalances [and] restoring broken relationships–with healing, harmony, and reconciliation,"[70] the TRC embraced a mandate of restorative justice more conspicuously than other transitional justice processes. By including victim testimony, amnesty hearings, and bystander interviews in its quest for a complete and coherent picture of apartheid's violence, the TRC's truth recovery process constituted a "third course" of restorative justice between the extremes of divisive criminal proceedings and impunity. As Dan Markel notes, "The TRC strove to determine not just 'what had happened,' but also how knowing it would contribute to the reparation of the damage inflicted in the past and to the prevention of the recurrence of serious abuses in the future."[71] By forgoing criminal retribution against offenders in exchange for a broader societal dialogue between victims, bystanders, *and* perpetrators, the TRC focused on the repair of South African society as a whole.

It is widely recognized that the TRC helped guide South Africa away from the violent legacy of apartheid and toward a new society ostensibly committed

to human rights and peaceful co-existence. Its restorative framework may offer insights for other divided societies seeking to move from violent pasts toward sustainable peace. In particular, the TRC shows how inclusive truth-telling, used to engender restorative justice in transitional regimes, might contribute to post-conflict peacebuilding in divided societies by helping heal the "psycho-social scars" of communal antagonism that could otherwise reignite intractable cycles of violence.[72]

THE RESTORATION OF SOCIAL CAPITAL

From its inception, the TRC emphasized healing communal divisions by seeking to surmount the "psychological obstacles to reconciliation and repair" through the simultaneous reintegration of victim, bystander, and perpetrator into post-apartheid South African society.[73] Following the deep segregation and racial stratification of apartheid, the avoidance of divisive criminal proceedings was an important first step toward building less adversarial intercommunity relations. Indeed, as peace scholar John Paul Lederach argues, to enable cross-community reconciliation after conflict, people need innovative peacebuilding initiatives "to create a time and a place, within various levels of the affected population, to address, integrate, and embrace the painful past and the necessary shared future as a means of dealing with the present."[74] By including all levels of South African society in its truth recovery process, the TRC created a space in which societal dialogue involving segregated racial groups could be formed. Rather than pitting former enemies against one another in an adversarial trial setting, the TRC brought together parties affected by apartheid's atrocities in a public forum to reflect upon the experiences of the Other and to incorporate these experiences into a shared communal history.

Over the course of the TRC's mandate, its Human Rights Committee collected more than twenty-two thousand victim statements. Nearly two thousand victims provided testimonials in public hearings that received extensive coverage in national television, radio, and newspapers. Through these hearings, the TRC sought to afford victims a supportive and non-judgmental environment in which to recount their experiences of apartheid violence, and officially recognize the devastation and trauma they had suffered.[75] It sought to acknowledge and affirm their value and "restore [them] to the ideal of social equality as manifested by dignity and equal concern and respect."[76] As Minow notes, by giving voice to those who suffered, the TRC attempted to return to

victims a sense of empowerment and identity that would allow them to reconnect to the greater South African community.[77]

In addition to this focus on victims, perpetrators were also offered opportunities to recount their actions and experiences through their applications to the TRC's Amnesty Committee. The Amnesty Committee's task was to facilitate the granting of conditional amnesties to individual perpetrators who provided a "full disclosure" of the crimes they had committed. Thus, the TRC affirmed that societal restoration in South Africa would involve reintegrating apartheid-era perpetrators into society.[78] Amnesty applicants had their cases heard in a highly publicized, open hearing process, during which they recounted their involvements in past crimes and were cross-examined by Amnesty Committee members and often by victims. In the end, the Amnesty Committee provided individual amnesties to 1167 of the 7116 perpetrators who applied.

The TRC also created a Register of Reconciliation to help reintegrate the masses of bystanders–those neither directly victimized by, nor perpetrators of, apartheid violence. Under this Register individuals could contribute personal reflections on their direct or indirect responsibility for previous abuses and include their perspectives in the truth-telling process. The TRC's intention was to include those who had little connection to extraordinary acts of violence but may have contributed to, or benefited from, apartheid's everyday structural violence (such as white business owners who benefited from cheap black labour). In this way the TRC helped bystanders confront their own moral ambiguities or complicity under apartheid.[79] The TRC also included public institutional hearings in which key institutions of the previous regime, such as business, the media, and the legal system, were examined for their involvement in human rights violations.[80] Finally, the TRC held special public hearings to examine marginalized issues, such as the impact of apartheid violence on children, youth, and women.[81]

The public hearing model of the TRC may be significant for peacebuilding in other post-conflict societies. It offers one way to bring together formerly intractable enemies in conversation about past conflict, thereby helping to establish the communication necessary for reconciliation. Mark Osiel notes that by working together as "equal participants in the common task of truth-seeking . . . each party comes to learn, at the very least, what its opponent actually thinks and most deeply cares about [and] through this process, dangerous misperceptions about 'the other' are overcome."[82] Over time,

he argues, "through the actual human experience of the resulting exchanges," contact and connection might be renewed among even the most intractable of former adversaries.[83] By providing a public forum through which societal dialogue about apartheid could begin, the TRC offered an important means to revitalize the networks of trust, communication, and understanding needed to rebuild social capital between communal groups. As Charles Vill-Vicencio notes, the hearings constituted "the initial public step in the process of South Africans getting to know one another after generations of isolation, exploitation, estrangement and mutual suspicion."[84]

RE-ESTABLISHING MORAL ORDER AND THE REHUMANIZATION OF THE OTHER

The communal violence that occurred under apartheid was not a random confluence of individual human rights atrocities; rather, it was the physical manifestation of an entrenched system of corrupted moral norms. Individuals became victims or beneficiaries of the apartheid system not because of individual characteristics, but because of membership in artificially delineated societal groups based on preconceived, essentialist notions of racial identity. Under apartheid "black and white had to be kept apart, circumscribed by an equation that described each as the enemy of the other, and each the antithesis of the other."[85] Their opportunities, beliefs, actions, and moral worth were circumscribed by its normative and legal structures. This institutionalized racial discrimination allowed whites to prosper while black and other South Africans faced subjugation, poverty, and persecution. In this corrupt moral order, the social worth of whites and blacks was unbalanced. The structural, social, and legal frameworks that condoned racial repression and divided South African society codified and protected this disequilibrium.

The TRC sought to go beyond simply assigning individual responsibility to the perpetrators of violence. Its institutional hearings aimed to expose the corrupt belief systems and structural violence that underpinned the apartheid state. The TRC framework thus moved beyond individual accountability to address the moral order that permitted the ubiquitous structural violence of racial segregation, discrimination, and inequality.[86] Audrey Chapman notes, "the institutional hearings offered a stunning indictment of the manner in which the apartheid system operated and how it subverted various sectors of the society. . . . [They] reveal[ed] something of the systemic and intentional

underpinnings of the [individual] violations" that occurred.[87] By exposing apartheid's underlying moral order, the TRC offered a better understanding of the deep structures that drove conflict than would have been possible through the individualized focus of criminal trials.[88] Consequently, the TRC model created the potential for an enduring resolution to conflict by identifying and addressing the systemic forces that nurtured racial separation and human rights violations under apartheid.[89]

Perhaps the most important effect of bringing victims, perpetrators, and bystanders together in the TRC's truth recovery process was the potential to "rehumanize" the Other. As Rafael Moses argues, the opportunity to see and listen to Others on the opposite side of social and cognitive divides is an extraordinarily useful tool to begin the process of rehumanization, as "it is much harder to maintain hatred toward a flesh-and-blood human being . . . than toward a mythical distant demon one has no compunction about killing."[90] The "awareness and open, detailed discussion" facilitated by such societal dialogues, Moses contends, are highly effective tools that can help reverse dehumanization.[91] Similarly, Staub demonstrates that intercommunal dialogue processes such as the TRC's public hearings may help restore the empathy needed to rehumanize the Other.

> As the members of each group describe the pain and suffering of their group at the hands of the other, they can begin to open up to the pain of the other. They can grieve for themselves, for the other, and assume responsibility for their share in the historical antagonism and violence.[92]

Through the use of public hearings for the victims, perpetrators, and institutions of past violence, the TRC model provided members of previously antagonistic groups the opportunity to hear, often for the first time, the Other's story, and to re-examine their own complicity in past violence. As Chapman and Hugo van der Merwe suggest, the highly public nature of the TRC's truth recovery process helped engage South Africans in societal dialogue, as "the individual stories and media images arising from the TRC hearings turned the process of dealing with the past into a visceral experience which all South Africans across the board could (or had to) engage."[93] The information exposed through the TRC allowed members of previously segregated groups to develop a deeper understanding of one another and begin "to see the 'enemy' as more human."[94]

BREAKING DOWN COMMUNAL MYTHS

In describing the nation's transition from apartheid, former Deputy TRC Commissioner Alex Boraine states, "South Africa has come out of a period in which its society was based on lies and deceit . . . [and in which] radio and television were little more than giant propaganda factories producing a packaged product to reinforce oppression and exclusivity."[95] Recognizing that parties opposed to the peacebuilding process could exploit these distortions, the TRC aimed to establish a truthful, unbiased narrative of the apartheid regime–a narrative constructed both through its public hearings and in the multivolume Final Report released at the end of its mandate in 1998. Elizabeth Kiss states that the TRC from its outset "made a special point" to discredit "widely circulated accusations and counteraccusations" that could otherwise easily spark further conflicts.[96] By including victims, bystanders, and perpetrators in an official process examining the "truth" of apartheid-era atrocities, the TRC accumulated a record of the past that could not easily be appropriated by any one group to incite future returns to violence. As Chapman and van der Merwe note, widespread exposure to the TRC's public hearings and other truth recovery processes "educated much of the population, making it difficult even for conservative Afrikaners to deny that abuses occurred and that apartheid should be characterized as a crime against humanity."[97]

The TRC thus helped establish a more equitable moral order by undermining the myths, propaganda, and antagonistic narratives that perpetuated communal divides. As Minow argues, the creation of such an official record of the truth benefits post-conflict societies if it is used to "cut through myths, rumours, and false pictures about the past."[98] Thus, while detailing individual responsibility for human rights violations, including arbitrary detention, torture, abduction, and murder, the TRC also set out to expose the broader system of apartheid as a crime against humanity. Importantly, the TRC also identified mutual complicity in the violence, in that anti-apartheid liberation movements had also violated human rights in their struggle against the state. As Brandon Hamber and Richard Wilson note, "By having this shared memory of the past, and a common identity as a traumatized people, the country can, at least ideally, move on to a future in which the same mistakes will not be repeated."[99]

As South Africa's TRC has but recently concluded, there are as yet few empirical assessments of its impact on societal reconciliation. However, some early analyses suggest that the TRC revealed the truth about apartheid injustices

effectively, and contributed positively toward intercommunal reconciliation. James Gibson, for instance, demonstrates a positive correlation between the restorative mechanisms of the TRC and interracial reconciliation: "the process did indeed contribute to reconciliation and therefore . . . others may wish to borrow from the South African experience in trying to come to terms with their own repressive pasts."[100] Gibson's work highlights the important role that acceptance of a shared "truth" played in the reconciliatory process. In particular, he suggests a causal relationship between acceptance of the TRC's official "truth" about the country's apartheid past and increased likelihood of reconciled racial attitudes.[101] Further, Gibson's study notes that by promoting intercommunal dialogue and interaction through its restorative mandate, the TRC has helped rebuild bridging social capital among racial groups and aided the reconciliation process.[102] Finally, Gibson's findings highlight the TRC's overall positive impact in fostering a more inclusive sense of community based on collective identification, or in other words, a "South African" national identity alongside more specific identification with a communal group.[103]

However, despite the TRC's positive impact on reconciliation in South Africa, its effects have been muted by the widely-recognized inability of the South African government to address the severe economic inequalities that persist between white and black South Africans. A dedicated Reparations and Rehabilitation Committee made recommendations to the government for comprehensive reparations to those victimized under apartheid, but after years of delay victims were awarded a meagre lump sum payment of R30,000 in 2004 (roughly $3000 US at the rate of exchange at the time). These limited compensation packages went only to "official" victims who registered and provided statements to the Human Rights Committee. This has left many survivors questioning the government's commitment to reconciliation.[104] Increasing economic disparity between rich and poor since the completion of the TRC's work has resulted in a skewed outcome, as racial groups share equal status in moral, political, and legal senses, but for the most part remain economically segregated.[105] Without further attention to such inequalities and ongoing structural separation, the development of intercommunal reconciliation in South Africa will likely continue to face enormous challenges.

CONCLUSION: TOWARDS RECONCILIATION?

If one of the causes of intercommunal violence is a breakdown in the social and psychological relationships between societal groups, the prevention

of future cycles of violence will require reparation of these divides. If these underlying psychosocial factors remain unaddressed, communal antagonisms can remain pervasive even in the absence of physical conflict. Therefore, any post-conflict peacebuilding initiative that works towards the eventual reconciliation of antagonistic groups must, in addition to economic reconstruction, attempt to repair the shattered societal bonds and skewed moral order that instigate and perpetuate intercommunal violence. One of the goals of post-conflict peacebuilding in deeply divided societies must be to alter the ways in which antagonistic groups conceptualize and relate to the Other. Rebuilding meaningful "bridging" networks of social capital is one way in which group identities based on divisions of ethnicity, religion, or language can be rendered less antagonistic. Further, the development of social capital can help to restore a more equitable moral order; once meaningful relations are formed between individuals and groups, dehumanization of the other becomes more difficult. The restoration of social capital and moral order allows for a more conciliatory social environment, and this, in turn, helps to mitigate previously intractable conflicts and liberate societies from cycles of violence.[106]

While certainly not without its critics, the South African TRC has been endorsed by its founders and proponents as a relatively "successful" model of restorative principles in action.[107] It is widely considered to have helped guide South Africa away from the violent and divisive legacy of apartheid. A truth commission framework, based on the unique methodology of the South African TRC, offers several insights as to how restorative principles might work in efforts to promote post-conflict reconciliation among deeply divided communities. Rather than pitting groups against each other in an adversarial trial setting, the TRC brought together all parties affected by apartheid to reflect upon others' experiences and incorporate them into a shared history. By including all levels of society in a highly publicized truth recovery process, the TRC helped create a space in which, for the first time, conciliatory societal dialogue could take place. The TRC model suggests that this kind of societal dialogue can help address the factors underlying communal antagonisms that could otherwise foster further violence in transitional regimes. By seeking to deconstruct systemic violence and promote the renewal of trust and communication between communal groups, the TRC's methods of restoration helped re-establish a common moral order among the people of South Africa. This order may prove vital to eventual reconciliation.

ENDNOTES

1   A point well made in Mark A. Drumbl, *Atrocity, Punishment, and International Law* (Cambridge: Cambridge University Press, 2007), 4. See also Nevin T. Aiken, "Justice in Transition," *H-Net Human Rights Review* (December 2008).

2   Significantly, recent theory from social psychology suggests that the formation of "enemy images" may be driven by an innate human need for social identity satisfied by one's inclusion in a social group or groups which, in turn, engenders a valorization of one's own "in-group" against other "out-groups," and ultimately leads to "systematic comparison and differentiation . . . often to the derogation of other groups." See Janice Gross-Stein, "Psychological Explanations of International Conflict," in *The Handbook of International Relations*, ed. Walter Carlsaes, Thomas Risse, and Beth A. Simmons (Thousand Oaks: Sage, 2002), 298-99.

3   Borrowing from the political psychologist Ervin Staub, this paper utilizes the concept of moral order as "the moral orientation . . . [that] sets limits on acceptable conduct and influences the choice of avenues to cope with difficult life conditions." See Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (New York: Cambridge University Press, 1989), 57.

4   On this point, see Nevin T. Aiken, "Transitional Justice and Human Security: The Responsibility to Rebuild a Culture of Human Rights," *Human Security Journal* 8 (Summer 2009): 13.

5   With its conditional amnesty provisions and larger focus on the eventual reconciliation of society, the South African Truth and Reconciliation Commission model is a modified example of a more limited, strictly investigatory "classic truth commission." See Priscilla Hayner, "Fifteen Truth Commissions–1974 to 1994: A Comparative Study," *Human Rights Quarterly* 16, no. 4 (1994): 598-655.

6   Celia Cook-Huffman, "Who Do They Say We Are? Framing Social Identity and Gender in Church Conflict," in *Social Conflicts and Collective Identities*, ed. Patrick G. Coy and Lynne M. Woehrle (Oxford: Rowman & Littlefield, 2000), 115-16.

7   See, for instance, D. A. Lake and D. Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict," *International Security* 21 (1996): 41-75.

8   Gina Petonito, "Racial Discourse and Enemy Construction," in *Social Conflicts and Collective Identities*, ed. Patrick G. Coy and Lynne M. Woehrle (Oxford: Rowman & Littlefield, 2000), 34.

9   Robert Putnam, "The Prosperous Community: Social Capital and Public Life," *American Prospect* 13, no. 1 (1993): 36.

10   Nat J. Colletta and Michelle L. Cullen, *Violent Conflict and the Transformation of Social Capital: Lessons from Cambodia, Rwanda, Guatemala, and Somalia* (Washington: The World Bank, 2000), 4.

11   Louis Kriesberg, *Social Conflicts* (New Jersey: Prentice-Hall, 1982), 35.

12   While the scope of this paper does not allow a closer examination of the different factors that can undermine societal cohesion in multi-communal groups, an excellent compilation of these factors can be found in Ted Gurr, *People Versus States: Minorities at Risk in the New Century* (Washington: United States Institute of Peace Press, 2000), 105-32; and Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 2000), 141-228.

13   It is important here to note the devastating impact that colonial rule has had in dividing societies economically, politically, socially, and culturally. It is no coincidence that a great number of the violent communal conflicts that have erupted in the last century have taken place within postcolonial societies. For a concise summary of the divisive nature of colonial rule and the decolonization process, see Shashi Tharoor, "The Future of Civil Conflict," *World Policy Journal* 16, no. 1 (1999): 3-4.

14   Staub, *The Roots of Evil*, 42.

15   Staub, *The Roots of Evil*, 10.

16   Ervin Staub, "Preventing Genocide: Activating Bystanders, Helping Victims Heal, Helping Groups Overcome Hostility," in *Studies in Comparative Genocide*, ed. Levon Chorbajian and George Shirinian (New York: St. Martin's, 1999), 254.

17   Petonito, "Racial Discourse and Enemy Construction," 20.

18   Sara Cobb, "Fostering Coexistence in Identity-Based Conflicts: Towards a Narrative Approach," in *Imagine Coexistence: Restoring Humanity After Violent Ethnic Conflict*, ed. Antonia Chayes and Martha Minow (San Francisco: Jossey-Bass, 2003), 298.

19   There is a wide body of literature pointing towards the necessity of "dehumanizing" the Other as a prerequisite to mass atrocity. See, for instance, Rafael Moses, "On Dehumanizing the Enemy," in *The Psychodynamics of International Relationships*, ed. Vamik D. Volcan, Joseph Montville, and Demetrios A. Julius (Toronto: Lexington Books, 1990); Ervin Staub, "Reconciliation after Genocide, Mass Killing, or Intractable Conflict: Understanding the Roots of Violence, Psychological Recovery, and Steps Toward a General Theory," *Political Psychology* 27, no. 6 (2006): 867-94; Clark McCauley, "Psychological Foundations," in *Will Genocide Ever End?* ed. Carol Rittner, John K. Roth, and James M. Smith (St. Paul, MN: Paragon House, 2002), 80.

20   As Daniel Bar-Tal explains, "the maintenance of life is perhaps one of the most sacred and universal values in human culture. . . . Killing, or severely physically hurting another human being is considered with some exceptions the most serious violation of the moral code. . . . Under most circumstances, no person is allowed to take the life of another person." Bar-Tal, "Collective Memory of Physical Violence," 79-80. See also John E. Mack, "The Psychodynamics of Victimization Among National Groups in Conflict," in *The Psychodynamics of International Relationships, Volume I: Concepts and Theories*, ed. Vamik D. Volkan, Demetrios A. Julius, and Joseph V. Montville (Toronto: Lexington Books, 1990), 125.

21   Daniel Bar-Tal, "Collective Memory of Physical Violence: Its Contribution to the Culture of Violence," in *Ethnicity Kills: The Politics of War, Peace and Ethnicity in SubSaharan Africa*, ed. Braathen Einar, Morten Boas, and Giermund Saether (New York: St. Martin's Press, 2000), 83.

22   Terrel A. Northrup, "The Dynamic of Identity in Personal and Social Conflict," in *Intractable Conflicts and Their Transformation*, ed. Louis Kriesberg, Terrel A. Northrup, and Stuart J. Thorson (Syracuse: Syracuse University Press, 1989), 74.

23   Troy Duster, "Conditions for Guilt-Free Massacre," in *Sanctions for Evil*, ed. Nevitt Sanford and Craig Comstock (San Fransico: Jossey-Bass, 1971), 27.

24   Helen Fein, "Testing Theories Brutally: Armenia (1915), Bosnia (1992) and Rwanda (1994)," in *Studies in Comparative Genocide*, ed. Levon Chorbajian and George Shirinian (New York: St. Martin's, 1999), 163.

25   Helen Fein, "States of Genocide and Other States," in Rittner, Roth, and Smith, *Will Genocide Ever End?* 47.

26   Jack Nusan Porter, "Introduction," in *Genocide and Human Rights: A Global Anthology*, ed. Jack Nusan Porter (Washington, University Press of America, 1982), 13.

27   Howard Ball, *Prosecuting War Crimes and Genocide: The Twentieth Century Experience* (Lawrence, KS: University Press of Kansas, 1999), 220.

28   Porter, "Introduction," 13-14.

29   Nat J. Colletta and Michelle L. Cullen, "Social Capital and Social Cohesion: Case Studies from Cambodia and Rwanda," in *The Role of Social Capital in Development: An Empirical Assessment*, ed. Christian Grootaert and Thierry van Bastelaer (Cambridge: Cambridge University Press, 2002), 279.

30   Northrup, "The Dynamic of Identity," 66.

31   Mack, "The Psychodynamics of Victimization," 124.

32   Northrup, "The Dynamic of Identity," 74.

33   Staub, "Preventing Genocide," 252.

34   James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002), 248.

35   Waller, *Becoming Evil*, 250.

36   Mack, "The Psychodynamics of Victimization," 125.

37   Staub, "Preventing Genocide," 256.

38   Cobb, "Fostering Coexistence in Identity-Based Conflicts," 294. See also Ed Cairns and Michael D. Roe, "Introduction: Why Memories in

Conflict," in *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Michael D. Roe (New York: Palgrave, 2003), 5.

39   Bar-Tal, "Collective Memory of Physical Violence," 79.

40   Patrick Devine-Wright, "A Theoretical Overview of Memory and Conflict," in *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Michael D. Roe (New York: Palgrave, 2003), 28.

41   Bar-Tal, "Collective Memory of Physical Violence," 86.

42   Devine-Wright, "A Theoretical Overview of Memory and Conflict," 32.

43   Bar-Tal, "Collective Memory of Physical Violence," 78. See also Waller, *Becoming Evil*, 243.

44   Bar-Tal, "Collective Memory of Physical Violence," 78.

45   Edward Azar, as quoted in Hugh Miall, Oliver Ramsbotham, and Tom Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 2000), 75.

46   Northrup, "The Dynamic of Identity," 75-76.

47   Edward Azar, "The Analysis and Management of Protracted Social Conflict," in *The Psychodynamics of International Relations*, ed. J. Volkan, J. Montville, and D. Julius (Lexington, MA: D. C. Heath, 1991), 2:17.

48   Mack, "The Psychodynamics of Victimization," 125.

49   In many ways this echoes recent recognition of the need for "conflict transformation" to achieve reconciliation and sustainable peace in divided societies. See John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington: United States Institute of Peace, 1997).

50   Staub, "Preventing Genocide," 259. While my own argument focuses more explicitly on overcoming the social and psychological aspects of antagonistic identity, the need to address both overt and more latent or structural forms of violence owes much to the seminal distinction made between "positive" and "negative" peace by Johan Galtung. See Johan Galtung, "Violence, Peace, and Peace Research: Ten Challenges and Some Responses," *Journal of Peace Research* 22, no. 2 (1969), 141-58.

51   Ervin Staub and Daniel Bar-Tal, "Genocide, Mass Killing, and Intractable Conflict: Roots, Evolution, Prevention, and Reconciliation," in *The Oxford Handbook of Political Psychology*, ed. David O. Sears, Leonie Huddy, and Robert Jervis (Oxford: Oxford University Press, 2003), 731.

52   Joseph Ruane and Jennifer Todd, *The Dynamics of Conflict in Northern Ireland: Power, Conflict, and Emancipation* (Cambridge: Cambridge University Press, 1996), 5-6, 12-13.

53   Don Foster and Gillian Finchilescu, "Contact in a 'Non-Contact Society': The Case of South Africa," in *Contact and Conflict in Intergroup Encounters,* ed. Miles Hewstone and Rupert Brown (Oxford: Basil Blackwell, 1986), 125.

54   See, for example, Neil Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon With Former Regimes* (Washington: United States Institute of Peace Press, 1995); Mohammed Abu-Nimer, ed., *Reconciliation, Justice, and Coexistence: Theory and Practice* (New York: Lexington Books, 2001); Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2002).

55   Franklin Oduro, "What Do We Understand by 'Reconciliation': Emerging Definitions of Reconciliation in the Context of Transitional Justice," Working Paper (Ottawa: International Development Research Centre, 2007).

56   For an excellent summary of the major debates in transitional justice, see Naomi Roht-Arriaza, "The New Landscape of Transitional Justice," in *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*, ed. Naomi Roht-Arriaza and Javier Mariezcurrena (Cambridge: Cambridge University Press, 2006), 12.

57   For a critical review of retributive processes, see Drumbl, *Atrocity, Punishment, and International Law.*

58   Jennifer J. Llewellyn and Robert Howse, "Institutions for Restorative Justice: The South African Truth and Reconciliation Commission," *University of Toronto Law Journal* 49, no. 3 (1999): 357.

59   Eric Stover and Harvey Weinstein, "Conclusion: A Common Objective: A Universe of Alternatives," in *My Neighbour, My Enemy: Justice and*

Community in the Aftermath of Mass Atrocity, ed. Eric Stover and Harvey Weinstein (Cambridge: Cambridge University Press, 2004), 323.

60   A critique raised in Gerry Johnstone and Daniel Van Ness, "The Meaning of Restorative Justice," in *Handbook of Restorative Justice,* ed. Gerry Johnstone and Daniel Van Ness (Portland, OR: Willan, 2007), 12-13. See also Martin Imbleau, "Initial Truth Establishment by Transitional Bodies and the Fight Against Denial," in *Truth Commissions and Courts: The Tension Between Criminal Justice and the Search for Truth*, ed. William Schabas and Shane Darcy (Dordrecht: Kluwer Academic Publishers, 2004), 165-66.

61   See Drumbl, *Atrocity, Punishment, and International Law*.

62   Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge: Polity Press, 2002), 100, 119. See also Rama Mani, "Rebuilding an Inclusive Political Community After War," *Security Dialogue* 36, no. 3 (2001): 511-26.

63   See Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottdale, PA: Herald, 1990); Daniel Van Ness, "The Shape of Things to Come: A Framework for Thinking about a Restorative Justice System," in *Restorative Justice: Theoretical Foundations*, ed. Elmar Weitekamp and Hans-Jurgen Kerner (Portland, OR: Willan, 2002); Jennifer Llwellyn, "Truth Commissions and Restorative Justice," in *Handbook of Restorative Justice*, ed. Gerry Johnstone and Daniel Van Ness (Portland, OR: Willan, 2007).

64   Johnstone and Van Ness, "The Meaning of Restorative Justice"; Zehr, *Changing Lenses*; Joanna Santa-Barbara, "Reconciliation," in *The Handbook of Peace and Conflict Studies*, ed. Charles Webel and Johan Galtung (New York: Routledge, 2007).

65   Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon, 1998), 91-92.

66   Priscilla Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York: Routledge, 2002).

67   Hayner, *Unspeakable Truths*, 25.

68   Hayner, *Unspeakable Truths*, 123.

69   Minow, *Between Vengeance and Forgiveness*, 56.

70   Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice," in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), 69.

71   Dan Markel, "The Justice of Amnesty? Towards a Theory of Retributivism in Recovering States," *University of Toronto Law Journal* 49, no. 3 (1999): 410.

72   Miall, Ramsbotham, and Woodhouse, *Contemporary Conflict Resolution*, 206.

73   Nancy Rosenblum, "Justice and the Experience of Injustice," 100.

74   Lederach, *Building Peace*, 35.

75   Minow, "Memory and Hate," 16.

76   Markel, "The Justice of Amnesty?" 413.

77   Minow, *Between Vengeance and Forgiveness*, 64-65.

78   Llewellyn and Howse, "Institutions for Restorative Justice," 379.

79   Kenneth Christie, *The South African Truth Commission* (New York: St. Martin's, 2000), 157.

80   Audrey R. Chapman, "Truth Recovery Through the TRC's Institutional Hearing Process," in *Truth and Reconciliation in South Africa: Did the TRC Deliver?* ed. Audrey R. Chapman and Hugo van der Merwe (Philadelphia: University of Pennsylvania Press, 2008), 171.

81   Chapman, "Truth Recovery," 171.

82   Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick, NJ: Transaction, 1997), 42.

83   Osiel, *Mass Atrocity*, 43.

84   Charles Villa-Vicencio, "Getting on with Life: A Move Towards Reconciliation," in *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa*, ed. Charles Villa-Vicencio and Wilhelm Verwoerd (Cape Town: University of Cape Town Press, 2000), 206.

85   Thabo Mbeki, as quoted in Mxolisi Mgxashe, "Reconciliation: A Call to Action," in Villa-Vicencio and Verwoerd, *Looking Back*, 214.

86   David Dyzenhaus, *Judging the Judges, Judging Ourselves: Truth, Reconciliation, and the Apartheid Legal Order* (Oxford: Hart Publishing, 1998), 12.

87   Chapman, "Truth Recovery," 181.

88   Unfortunately, the scope of this article does not allow for a broader examination of the relative merits of restorative and retributive frameworks of justice. For an excellent comparative examination of this ongoing debate in the context of South Africa, see Robert Rotberg and Dennis Thompson, ed., *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000).

89   Villa-Vicencio, "Getting on with Life," 204. While perhaps better than a trial in this regard, the TRC also faced setbacks in establishing this broader systemic view of human rights violations under apartheid. See Audrey R. Chapman and Hugo van der Merwe, "Introduction," in Chapman and van der Merwe, *Truth and Reconciliation in South Africa*, 13-17.

90   Moses, "On Dehumanizing the Enemy," 117.

91   Moses, "On Dehumanizing the Enemy," 117.

92   Staub, "Preventing Genocide," 255.

93   Audrey R. Chapman and Hugo van der Merwe, "Did the TRC Deliver?" in Chapman and van der Merwe, *Truth and Reconciliation in South Africa*, 279.

94   Chapman and van der Merwe, "Did the TRC Deliver?" 279.

95   Alex Boraine, "Truth and Reconciliation in South Africa: The Third Way," in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 151.

96   Kiss, "Moral Ambition," 72.

97   Chapman and van der Merwe, "Did the TRC Deliver," 279.

98   Minow, *Between Vengeance and Forgiveness*, 76.

99   Brandon Hamber and Richard A. Wilson, "Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies," in *The*

Role of Memory in Ethnic Conflict, ed. Ed Cairns and Michael D. Roe (New York: Palgrave, 2003), 144.

100   James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile A Divided Nation?* (New York: Russell Sage, 2004), xii. See also James L. Gibson, "Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process," *American Journal of Political Science* 48, no. 2 (April 2004): 202-15.

101   Gibson, *Overcoming Apartheid*, 8.

102   Gibson, *Overcoming Apartheid*, 8, 15-20.

103   Gibson, *Overcoming Apartheid*, 55-59.

104   For an excellent discussion of reparations and their impact on the future prospects for reconciliation in South Africa, see Brandon Hamber, "Does the Truth Heal? A Psychological Perspective on Political Strategies for Dealing with the Legacy of Political Violence," in *Burying the Past: Making Peace and Doing Justice After Civil Conflict*, ed. Nigel Biggar (Washington: Georgetown University Press, 2001), 155-76.

105   Sampie Terreblanche, "Dealing with Systematic Economic Injustice," in Villa-Vicencio and Verwoerd, *Looking Back, Reaching Forward*, 267.

106   See Gibson, "Does Truth Lead to Reconciliation?" 202-15.

107   See, for instance, Mark Amstutz, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (New York: Rowan & Littlefield, 2005), 187-210; Gibson, *Overcoming Apartheid*, xii; Minow, *Between Vengeance and Forgiveness*, 2-3.