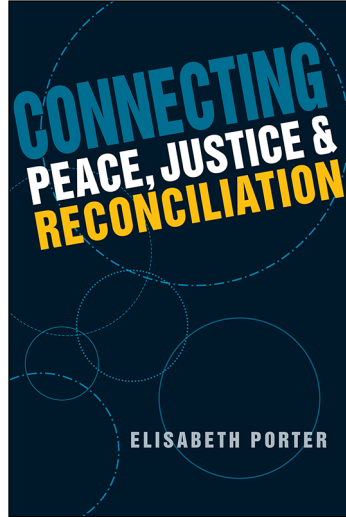


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Connecting
Peace, Justice, and
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Elisabeth Porter

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1

Connecting Peace, Justice, and Reconciliation

Are peace, justice, and reconciliation connected? Certainly, it is difficult to talk about one without talking about the other. I argue in this book that peace, justice, and reconciliation are bound intricately. Rather than adopting a conventional approach of starting with theories of peace, justice, and reconciliation to explain practices that occur in conflict societies, I explore what happens to our understanding of these concepts and practices when we begin with a real-life story, such as someone's account of experiencing injustice, or another person's sense of feeling that they are moving closer to being reconciled with their former enemy.¹ Can people's narratives illuminate understandings of peace, justice, and reconciliation? I suggest that they can. This starting point of a personal story puts the spotlight on the human effects of peace, justice, and reconciliation for people in myriad conflict situations. Theory comes alive. Personal accounts of experiences of peace, justice, and reconciliation show the extent to which these concepts and practices are connected. In this chapter I show how wars have changed the way we understand peace, justice, and reconciliation, making their interconnections fascinatingly complex. I outline a range of ways to define peace and justice and explain why I defend broad notions of peacebuilding. I situate the book within transitional justice contexts and stress the need for a just peace.

How Have Wars Changed?

Individuals' experiences in conflict-affected countries where there has been violent political conflict and armed aggression, or combat between

the military forces of states or warring groups, has changed as the nature of wars have changed. Civil wars between opposing groups in the same country and fighting by rebels against the government break out more frequently than wars between states. Violent conflicts within states “now make up more than 95 percent of armed conflicts” (Mack 2005: viii). Since 1900, at least 750 armed conflicts have been waged, and between 1989 and 2008 only 7 of the 124 active armed conflicts were interstate warfare; the rest were civil wars within states (Kegley and Blanton 2010: 377, 378). War is defined as “an armed conflict with at least 1,000 battle-related deaths in a given year” (Bastick, Grimm, and Kunz 2007: 23).

The record of war is alarming. *Peace and Conflict 2012* is a ledger that examines the drivers of wars, regime collapse, and the prospects of rebuilding states. The ledger shows that, since the end of the Cold War, approximately half of the civil wars “ended in negotiated settlements and power-sharing,” but stalemate or defeat are common (Hewitt, Wilkenfeld, and Gurr 2012: 2). The challenges of living in failed or failing states where the government does not govern effectively are enormous. The consequences include having politicians who mismanage policies, are corrupt, and sometimes endorse military coups, or having a dictator who has ruled for so long that citizens defy longtime repression to rebel and large-scale civil strife erupts. As a consequence of living in a failed or failing state, as well as enduring the ongoing violence, basic needs of citizens like food, water, shelter, healthcare, education, and security are not met. Instead, there are massive economic repercussions, including costs often borne by neighboring states, some of which are failing states themselves. The authors of the peace and conflict ledger had not foreseen the wave of mass protests that flowed through countries in the Middle East and North Africa from the spring of 2011 and led to instability and, in some cases, significant regime change. Africa remains a serious concern in terms of the risks of instability. “Of the 46 African countries covered in the ledger, 20 (43%) qualify for the high or highest risk categories” (Hewitt, Wilkenfeld, and Gurr 2012: 5).² One danger of the growth of the number of failing or nearly failing states is the likelihood that civil wars lead to waves of refugees and internally displaced persons who struggle with corresponding outbreaks of disease and famine.

The nature of these wars has changed. Politically, since 1945, we see the rise of what Mary Kaldor (2007) calls “new wars,” where traditional distinctions between war, organized crime, and large-scale violations of human rights are not easily drawn. In these wars, the conditions

that contribute to an escalation of violence, namely “fear and hatred, a criminalized economy that profits from violent methods of controlling assets, weak illegitimate states, or the existence of warlords and paramilitary groups,” become more pronounced during and after periods of violence (Kaldor 2007: 185). Typically in these wars, ethnic and religious differences are more important than political ideology. Also, civilian casualties and forced displacement increases, and in the breakdown of state authority, the distinction between combatants and sympathizers blurs. Further, former warlords or rebel leaders often gain political positions in transitional governments as part of the compromises needed to gain a political settlement. Their positions mock their victims, who remain in positions of powerlessness and intense suffering.

Undoubtedly, the war zone has changed from the battlefields of World Wars I and II to ordinary living spaces where people go about their everyday lives. These spaces include markets, villages, schools, churches, temples, mosques, public transport, theaters, and homes. Usually, these new wars draw on the ease of gaining small arms and light weapons such as pistols, handguns, rifles, and grenades. Gangs, militias, and paramilitary groups can use these weapons readily to conduct ambushes and raids, and children can use the weapons easily. Civilians make up a substantial number of casualties of contemporary violent conflicts, with about ninety civilian deaths to every ten military losses (Kegley and Blanton 2010: 509), a reversal of the statistics from World War I. The general focus in this book is on trying to understand some of the impact of violent conflict on people’s everyday lives, and to show the way that war alters the social dynamics of communities. I focus specifically on the postconflict phase and the role of transitional justice within this phase. What it means to talk about “postconflict” is important, given that, even when conflict has officially ended, often a culture of militarized violence remains that particularly affects many women in households and villages.³ I explain the postconflict concept below.

What Is Peace?

Having explained that wars typically are civil wars that impact harshly on local communities, I now explain the key ideas of this book. In this introductory chapter I provide definitional explanations for the key concepts and practices of peace, justice, and, to a lesser extent, reconciliation. These explanations are an important foundation to my larger goal of exploring their interconnections. For my purposes, the convergence

of all three concepts and practices is both desirable and necessary for sustainable peace with justice and reconciled relationships to hold, for reasons that unfold progressively through the arguments I develop in each chapter. The complementarity of peace and justice is clear in the Nuremberg Declaration on Peace and Justice when it states, “Peace and justice, if properly pursued, promote and sustain one another. The question can never be whether to pursue justice, but rather when and how” (UN General Assembly 2008). My main argument is that peace, justice, and reconciliation are interconnected, and while bringing them all together is immensely difficult and rarely realized in full, the task is worth striving to achieve. Implicit in this argument is the view that degrees of enjoying peace with justice and reconciliation are to be valued, even if the realization is only partial. For example, there can be degrees of peace without justice, where the temporary lull in violence is a welcome relief and permits, for example, aid relief to be brought in, but the peace will always be fragile because of the underlying feelings of injustices that abound. Such fragility of peace is clear in a statement made by Carolina, a combatant with the Faribundi Martí National Liberation Front in El Salvador. In relation to peace, she says that “building it, making it, and not allowing it to collapse is very difficult to do. Peace is like something made of glass: if you drop it, it breaks” (in Bennett, Bexley, and Warnock 1995: 196–197). Similarly, justice without peace rarely is possible, because peace provides the conditions in which law and order can be restored and all forms of justice considered. Reconciliation, in the strongest sense possible, can only thrive in a context of peace, where former antagonists feel safe to come together for dialogue, but without justice reconciliation can never mean much because victims feel injustices deeply and old antagonisms prevail.

Why is it difficult to define peace? Part of the answer lies in the range of ways to understand peace. In 1978 Kenneth Boulding presented the idea of “stable peace,” which is “a situation in which the probability of war is so small that it does not really enter into the calculations of any of the people involved” (1978: 13). Elise Boulding describes the active nature of “peaceableness” as a concept directed toward “shaping and reshaping of understandings, situations, and behaviors in a constantly changing lifeworld, to sustain well-being for all” (2000: 1). Influential Norwegian peace theorist Johan Galtung (1964) explains how understandings of peace have expanded from “negative peace” as merely the absence of war, armed conflict, or violence, which is always a weak or fragile peace, to “positive peace,” which requires the resolution of root causes of conflicts in order to develop

and maintain sustainable peace. Root causes of conflicts are multiple and include conflicts over ethnic rivalries, long legacies of mistrust, failures of earlier peace agreements, unfinished business of decolonization, high levels of human development deprivation, and fights for territory and resources. The effects of these root causes of conflicts are manifest at multiple levels, including political, cultural, economic, social, psychological, and human well-being. In order to realize positive peace, those root causes that lead to injustices need to be tackled. Galtung's view is that positive peacebuilding, as an active, ongoing process, is more than negative peace or the direct stopping of violence. It involves changes to indirect violence, such as when children are killed; structural violence, such as when children die as a result of poverty and malnutrition; and cultural violence, where violence feels normal and is accepted, given prevailing prejudice, ignorance, and discrimination. This expansive view of what is needed to realize peace is helpful because Galtung's emphasis is on finding the structures that can remove the causes of war and offer alternatives to violence.

Forty years on from these early influential views, Galtung (2004) suggests two opposed discourses about violence: the security discourse and the peace discourse. The security discourse assumes an evil party presents a danger, so strength is needed to deter it as a way to produce security as "the best approach to 'peace'" (Galtung 2004: 1). In contrast, the peace discourse is based on an unresolved conflict, a view of violence as an impediment to conflict resolution, and conflict transformation as "empathetic-creative-nonviolent; producing peace, which is the best approach to 'security'" (Galtung 2004: 2). These discourses produce contrasting paradigms that ask two different questions: Does security produce peace, or does peace produce security? In using the voices of victims and survivors of violent conflict to highlight multiple answers to these questions, the human implications of discourses and paradigms come to the fore. In the next chapter I make the specific link between human security and peace. Suffice it to say now that this link is important because, in addition to the global prevalence of conflict and insecurities, many conflicts relapse. Statistics on the frequency of relapse vary. Some argue that about "one third of peace agreements ending civil wars collapse within five years," and ensuing violence after failed peace agreements is often more extreme (Call 2008: 1). Other researchers suggest that "nearly 60 percent of all civil wars between 1946 and 2004 ended and recurred at least once" (Hewitt, Wilkenfeld, and Gurr 2012: 22). To prevent a setback into conflict, how is peace built?

Postconflict peacebuilding includes actions undertaken after the termination of armed hostilities. The main goal is to prevent a return into conflict through creating a sustainable peace. The point is to create gradually those conditions that ensure that there is no reason to resort to destructive means again. The postconflict stage of peacebuilding refers to the “long-term process that occurs after violent conflict has slowed down or come to a halt” and happens after formal peacemaking and peacekeeping (Maiese 2003: 1). It is an ongoing process, because the term “postconflict” is somewhat of a misnomer. “Postwar” may reflect the situation more accurately. During the postconflict period, despite an official end of hostilities, underlying antagonisms, sectarianism, tensions, and emotions of anger, bitterness, and hatred prevail, making reconciliation between former opponents a very difficult task.

Significant changes have taken place in the way the United Nations understands postconflict peacebuilding. In 1992 former UN Secretary-General Boutros Boutros-Ghali wrote *An Agenda for Peace*, where he referred to structural peacebuilding in postconflict societies as “rebuilding the institutions and infrastructures of nations torn by civil war and strife; and building bonds of peaceful mutual benefit among nations formally at war” (1992: 8). Boutros-Ghali distinguished between preventive diplomacy to avoid a crisis, peacemaking as a lead up to peacekeeping, and “postconflict peacebuilding,” which he writes is the rebuilding of institutions, infrastructures, and relationships with an emphasis on preventing recurring conflicts (1992: 5). In 1995 he presented the *Supplement to an Agenda for Peace*, where peacebuilding involves broad “responsibilities in the economic, social, humanitarian, and human rights fields” (Boutros-Ghali 1995: 9). Former Secretary-General Kofi Annan in *Prevention of War and Disaster* writes that “postconflict peacebuilding seeks to prevent the resurgence of conflict and to create the conditions necessary for a sustainable peace in war-torn societies” (UN Secretary-General 1999: 101). The UN views peacebuilding as both preventative and as a postconflict necessity. Lakhdar Brahimi, in his *Report on Peace Operations*, acknowledges complex interrelationships between peacebuilders and peacekeepers (2000: 5).

Since the creation of the UN Peacebuilding Commission, convened in 2006, the idea of peacebuilding cuts across all sectors of the UN’s work in international security, sustainable development, and human rights. This book’s focus is on the complex nexus of these interrelationships. The point here is to emphasize that UN notions of peacebuilding embrace multiple sectors of activities that include political, legal, mili-

tary, diplomatic, human rights, child protection, and gender issues, as well as humanitarian concerns. Indeed, some writers include a vast range of values, skills, analyses, and processes in defining peacebuilding (Schirch 2006: 66).⁴ My emphasis is not to analyze these peacebuilding activities conceptually, but rather to recognize how these activities impact differently on victims of conflict, and thus to highlight how this recognition enlightens conceptual and practical understandings of peacebuilding.

Broad Notions of Peacebuilding

Further clarification of the reach of the discussion beyond UN definitions is warranted given the diversity of views on peace. Roland Paris is explicit: “Peacebuilding begins when the fighting has stopped. It is, by definition, a postconflict enterprise” (2004: 39). But violence and the threat of violence do not end when arms are laid down or peace accords are signed. The violence of a regime produces a general culture of violence, with significant impact on women and girls. The signing of peace agreements signals significant progress, but there are many different stages of transition, including security sector reform, political democratization, economic transformation, capacity building, legislative changes, rebuilding of social structures, healing, and varying degrees of reconciliation. The short-term goal of peacebuilding seeks to prevent the outburst or recurrence of widespread, systematic violence, while the long-term goal is to build the economic, legal, social, and political foundations of lasting peace. The best means to accomplish these objectives is open to question. Rob Jenkins suggests that the key contentions refer to the “when, what, how, and who—that is, the period during which peacebuilding takes place, the type of peace sought, the methods employed to attain it, and the key actors in the peacebuilding enterprise” (2013: 19). Expansive notions of peacebuilding underlie the examples used in this book, because they extend the ways through which we can see the effects of peacebuilding on people’s lives. Additionally, an expansive view of peacebuilding that addresses multiple insecurities, including gendered insecurities, is “more likely to recognize women’s informal activities as peacebuilders” (Porter and Mundkur 2012: 29), because much of women’s peacebuilding activities tend to occur in ordinary everyday ways, rather than in formal, acknowledged settings.

John Paul Lederach also calls for an expansion of our understanding of peacebuilding to be “more than post-accord reconstruction” and

understood in a comprehensive manner that “sustains the full array of processes, approaches, and stages needed to transform conflict toward more sustainable, peaceful relationships” (2004: 20). Lederach speaks of conflict transformation as a holistic approach to managing violence. This signifies an ongoing process of change from negative to positive relations, behavior, attitudes, and structures. Negative emotions can include anger, dehumanization, despair, destructive tendencies, hatred, humiliation, fear, and misunderstandings. “A sustainable transformative approach” works with multiple relationships “at the psychological, spiritual, social, economic, political, and military levels” (Lederach 2004: 75). With this approach, what it means to think of peace holistically “is not to argue that it will be achieved completely but only that its components are interdependent and require integration” (Philpott 2012: 5). Daniel Philpott’s clarification is fundamental to my argument on the difficulty but desirability of bringing peace, justice, and reconciliation together. Lederach and Scott Appleby, in extending holistic conceptions of peace, maintain that “peacebuilding nurtures constructive human relationships” and, to be effective strategically in initiating constructive change, it must operate at every level of society, particularly across “potentially polarizing lines of ethnicity, class, religion, and race” (2010: 22). According to these authors, certain hallmarks of these constructive relationships rely on the encouragement of interdependence, support of transparent communication, and integration of “resources, programs, practices, and processes” (2010: 23). Mats Berdal (2009: 173) makes some similar suggestions when he highlights the need for sensitivity to the historical, political, cultural, and linguistic contexts within which peacebuilding takes place. Broad definitions of peace are geared to addressing structural causes of violence and are oriented toward creating revitalized relationships during long-term peacebuilding.

Hence, throughout the book I adopt a broad understanding of peacebuilding developed in an earlier work. “I argue that peacebuilding involves all processes that build positive relationships, heal wounds, reconcile antagonistic differences, restore esteem, respect rights, meet basic needs, enhance equality, instill feelings of security, empower moral agency and are democratic, inclusive, and just” (Porter 2007a: 34). This is a comprehensive concept of actively building peace as an ongoing process. It involves a vision of constructive relationships, an inkling of the possible, and I intend to argue that such relationships are a prerequisite for furthering reconciliation. Peace hits different people differently. Chairman Bishop Humper of the Tonkolili District, Sierra Leone, told an interviewer, “We can sense, we can smell, we can expe-

rience a peace. . . . The experiences of the ten-year civil war can never and must never be forgotten. But we can put the past behind us” (in Kelsall 2005: 380). Peace is not an abstract concept but an active practice that affects the lives of diverse people in varied embodied ways. As we will see, a focus on narratives shows how people interpret the concept of peace differently and practice peace in multiple culturally distinctive ways.

What Is Justice?

There are many faces of justice. Different cultures, religions, and eras have different ideas on what constitutes justice. Justice is explicit in most religions. For Muslims, the requirements of justice include being good to others. For Christians, there is the requirement to “do justice and love mercy.” The question “What is justice?” is a central question in political thought. Other political ideas like rights, equality, and freedom are related to ideas and practices of justice. Conflict increases where there are injustices, inequalities, repression, and human rights abuses. In Plato’s *Republic*, Socrates asks, “Is not justice the standard of human excellence?” (1971: Part 1, Book 1, 334)—that is, it is the way we judge good character. In Aristotle’s *Ethics*, justice is defined as that which is “lawful and fair” (1977: Book 5, 1129a21–b6). Like Plato, Aristotle links justice to moral character because it “implies a relation to somebody else—justice is the only virtue that is regarded as someone else’s good” (1977: 1129b30–1130a18). The importance of relationships in this Aristotelian notion of justice is central to the purpose of this book in highlighting how peace, justice, and reconciliation affect people’s everyday lives and their connections with others.

John Rawls in *A Theory of Justice* takes justice to be the “first virtue of social institutions” (1972: 3). A public concept of justice is needed to regulate social cooperation. Where this regulation falters or is nonexistent, we readily find that “injustice is not just a *consequence* of conflict, but is also a *symptom* and *cause* of conflict” (Mani 2005: 25).⁵ Dealing with justice is pertinent, particularly in transitional justice processes, where a society is trying to move out of its violent past into a new, just context. As Galtung (2004) explains, structural violence is a conspicuous form of injustice, which means there are correlations between the injustices that accompany poverty, environmental degradation, discrimination, exploitation, militarization, and violence. Like the expansive notions of peace outlined above, throughout the

book I give broad-ranging attention to injustice and justice because of their massive and diverse effects on human lives. Also, as will become clear, people's experiences of injustice and what is needed to realize justice differ.

Yet there is good reason for caution. Richard Goldstone was justice of the Constitutional Court of South Africa, and chief prosecutor for the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) when he wrote, "One must not expect too much from justice, for justice is merely one aspect of a many-faceted approach needed to secure enduring peace in the transitional society" (Goldstone 1996: 486). The merit in securing justice lies in providing a procedure to expose the truth, thereby enabling a society to move beyond the pain of the past. Goldstone (1996: 488–490) suggests positive contributions that justice can achieve in postwar contexts. He suggests that the exposure of truth individualizes guilt, thereby avoiding any imposition of collective guilt. With this exposure, justice ensures that victims receive public and official acknowledgment of crimes committed against them. Public disclosure of the truth is essential to ensuring that history is recorded accurately. A systematic pattern of human rights violations can be exposed. Also, an official criminal justice system is needed to curb criminal activity. In the Nuremberg Declaration on Peace and Justice, "'Justice' is understood as meaning accountability and fairness in the protection and vindication of rights, and the prevention and redress of wrongs" (UN General Assembly 2008). Protection of rights and prevention of their abuse assists justice.

Transitional Justice

Differing ideas of justice come to the fore in transitional justice processes. The academic study of transitional justice began in the 1980s and 1990s with countries in transition from dictatorship to democratic rule, such as in Argentina, Brazil, Chile, East Germany, Greece, Hungary, Poland, Spain, Uruguay, and critically, South Africa. More recently, it focuses on countries emerging from violent conflict, such as the Democratic Republic of Congo, Liberia, Sierra Leone, Sudan, Timor-Leste, and Uganda. The objectives of transitional justice are twofold: to deal with the past in confronting the legacies of human rights abuses and human suffering, ensuring accountability for past injustices while maintaining peace, the rule of law, and democratic processes; and also, to move into the future, including fostering recon-

ciliation.⁶ The questions raised by Chilean playwright Ariel Dorfman sum up well some of the difficulties in achieving these objectives:

How can those who tortured and those who were tortured coexist in the same land? How to heal a country that has been traumatized by repression if the fear to speak out is still omnipresent everywhere? And how do you reach the truth if lying has become a habit? How do we keep the past alive without becoming its prisoner? Is it legitimate to sacrifice the truth to ensure peace? And what are the consequences of suppressing that past and the truth it is whispering or howling to us? Are people free to search for justice and equality if the threat of military intervention haunts them? And given these circumstances, can violence be avoided? And how guilty are we all of what happened to those who suffered most? And perhaps the greatest dilemma of them all: how to confront these issues without destroying the national consensus which creates democratic stability? (in Harris Rimmer 2010: 5)

These are massive questions, highlighting the enormity of the scope in which people's lives are affected by the lies and injustices arising during violent conflict.

For the purpose of this immediate discussion, within transitional justice there are many different ways that justice is jeopardized. In periods of violent conflict, there is a massive breakdown of the rule of law; political manipulation of the legal system; corruption by lawmakers, law enforcers, and judges; and lack of legal redress for injustices and grievances experienced. Within a transitional justice process, creating the institutional framework for legal justice is an imperative.

There are also different categories of justice. *Rectifying justice* seeks to remedy the injustices that are the direct consequences of conflict, like abuses committed against civilians. *Social justice* addresses the structural and systemic injustices and distributive inequalities that underlie many causes of conflict. In *retributive justice*, lawful punishment of the perpetrator by the state is required. *Customary justice* involves traditional ways of dealing with conflict resolution and injustice. *Gender justice* refers specifically to ways to repair gender-specific damages caused to women, girls, men, and boys. *Restorative justice* accepts that court procedures alone rarely prompt a healing response, so it focuses on the well-being of the victim, and usually on reintegrating perpetrators of the abuse into community norms and events. Restorative justice processes see the community, the offender, and the victim as connected participants in the outcome of the justice process. My emphasis in this book is primarily on restorative justice, with its cultural variations, because it takes into account complex relationships that are a

central component of reconciliation; thus fleshing out the differences in types of justice a little further is important.

Retributive and Restorative Justice

One argument holds that the only acceptable response to gross violations of human rights like genocide or ethnic cleansing is criminal prosecution and punishment—that is, retributive justice. The rationale is straightforward. Retributive justice deters abuses in the future. The Nuremberg Tribunal and the Tokyo Tribunal, as well as the ICTY, the ICTR, and the International Criminal Court (ICC) are examples of retributive justice. Retribution “reflects a belief that wrongdoers deserve blame and punishment in direct proportion to the harm inflicted” (Minow 1998: 12). Wilhelm Verwoerd, the grandson of Hendrik Verwoerd, the architect of apartheid, signed up as a member of the African National Congress and was a researcher for the South African Truth and Reconciliation Commission (TRC).⁷ He maintains that people’s everyday concept of justice is “a (passionate) protest against wrongdoing as well as a demand for rectification” (Verwoerd 2003: 253). Retributive justice is appropriate for crimes of genocide, war crimes, terrorism, and torture, which should be punished because of the extent of harm inflicted on others.

It might seem controversial to suggest that retributive justice can help reconciliation. Luc Huyse gives examples of how this result might occur through avoiding unbridled revenge, protecting against the return to power of perpetrators, fulfilling an obligation to victims in taking their suffering seriously, individualizing guilt rather than blaming an ethnic group or a political party or a clan, strengthening legitimacy in the democratization process, and breaking the cycle of impunity where crimes go unpunished (2003: 98). Yet sometimes punishment and prosecution destabilize a fragile peace settlement by provoking hostile subcultures and networks, and crippling governance. For example, in the early political leadership of the newly independent Timor-Leste, then president Ramos Horta and then prime minister Xanana Gusmão decided not to proceed with prosecution of the Indonesian militia as a priority, but rather to face the immediate, urgent practical needs of the majority of Timorese people through addressing the structural violence of poverty. Their assumption was that in prioritizing the need to improve the social conditions of poor people over retributive justice, reconciliation was more likely to be seen as a viable long-term option. However, this approach left many victims and relatives of victims feel-

ing that past injustices hovered unaddressed.⁸ Sometimes, justice is compromised or set aside momentarily for other ideals. By developing a holistic approach in this book, I seek to integrate peace with justice and reconciliation. Such integration is never easy, because sometimes peace or justice *are* more pressing prerequisites to reconciliation because people's lives and livelihoods are at stake. Nevertheless, I aim to demonstrate progressively why this integration is desirable: that reconciliation built on a foundation of peace and justice is likely to be more substantial than one reliant on peace without justice.

In contrast to retributive justice, restorative justice views violence as a violation of people's rights and relationships that entails an obligation to set things right. The emphasis of restorative justice is on acknowledgment of the needs of victims. In particular, restorative justice seeks to rebuild broken relationships and communities. Restorative justice requires perpetrators of injustice to be accountable by making redress to their victims for harms that they have caused. Restitution does not always happen, or it happens partially without properly fulfilling victims' needs. The emphasis of this type of justice is on restoring dignity. In international affairs, demands for restorative justice are a form of restitutive justice that arise in situations such as when nations seek the return of territory seized from them by acts of aggression, or states require reparations from a defeated enemy for losses incurred in fighting a war assumed to be a "just war," or people seek compensation for injuries done to them by the officials or citizens of another state. Restorative justice draws strongly on indigenous mediation-based ideas and practices from Africa, Australia, Canada, and New Zealand and constitutes an important paradigm shift, moving the emphasis from individual blame and punishment to restoration (or sometimes the creation) of relationships in order to forge new possibilities. In reconceptualizing crime, the victim, the role of the community, and the purpose of justice itself are all central.

Restorative justice responds to the shortcomings of criminal law that ignore or understate the victim and the social context. Traditional legal notions of impartiality tend to be blind to human differences. Yet justice requires judgments that demonstrate care toward both the victim and perpetrator of violence that are "principled as well as responsive to differences" (O'Neill 1993: 311). Obviously the nature of principled care toward a victim differs from the care of respect of basic rights that a perpetrator of violence requires. People who advocate the benefits of restorative justice seek to restore losses to the victim and to the community that result from crime. Sometimes this restoration occurs "by rec-

onciling the transgressor to the victim and the community” through the active participation of all parties involved (Digeser 2001: 41). Attention is given to the victim who has been wronged. This attention requires a two-way process, where the offender expresses shame and remorse at the wrongdoing, and the victim takes some step toward forgiveness. As we see later in the book, regret and forgiveness are complex, and neither come easily. Restorative justice deals with the relationships between the perpetrator, victim, and community, contributing to the restoration and maintenance of peace in many ways. This type of justice establishes individual accountability, deters future violations, establishes a historical record, promotes healing, gives victims a means of redress, and supports a capacity-building approach to the rule of law (Kerr and Mobekk 2007: 4).

For harms that reasonably can be addressed in this way, there are good reasons to support restorative justice. The harms must not be so extreme that retributive justice is required. Restorative justice focuses on healing wounds; it is concerned with the humanity of the victim and the offender. Narrative storytelling is fundamental to restorative justice. Rina Kashyap suggests that restorative justice “identifies the opportunity to tell the story of what happened, as a primary need of the victim” (2009: 453). This storytelling emphasis is primary in this book. With stories told in a restorative justice context, the need for accountability for wrongdoing is recognized, but the target of justice lies in achieving a right relation between the victim and the perpetrator—that is, some degree of reconciliation. This rarely is easy, but its rationale is clear. Restorative justice embodies a standpoint that violence violates “relationships that entails an obligation to set things right” (Walker 2006: 87). While offenders clearly have responsibilities toward redressing injustices or being punished, with restorative justice, “The harmful act, rather than the offender, is to be renounced” (Minow 1998: 91). Building the connections between remorseful offenders and victims in forging workable ties across the community takes priority over punishment. In the next chapter I make the case more fully to explain how storytelling can play a central role in creating these ties.

Different views of restorative justice exist. For example, José Zalaquett, a member of Chile’s National Commission for Truth and Reconciliation, interviewed thousands of relatives of people who were killed or who disappeared under Pinochet’s regime and reported the following:

Certainly, many of them asked for justice. Hardly anyone, however, showed a desire for vengeance. Most of them stressed that in the end,

what really mattered to them was to know the truth, that the memory of their loved ones would not be denigrated or forgotten, and that such terrible things would never happen again. (in Walker 2006: 88)

Similarly, Pumla Gobodo-Madikizela, a psychologist on the staff of the South African TRC, explains “the victim’s resolve that ‘I cannot and will not return the evil you inflicted on me’ not only as ‘the victim’s triumph’ but as ‘a kind of revenge’” (2003: 117). This is a powerful resolution. The restorative justice approach can provide the context in which the courage that the victim needs in order to formulate such a resolution can arise.

Individuals respond to justice differently; hence, their different stories provide insight into the concept and practice of justice in postconflict societies. Researchers on motivations for justice in Bosnia and Herzegovina, Croatia, Iraq, Rwanda, and Uganda found that people’s perceptions about justice are strongly influenced by a wide range of issues, including “experience of the violence, prior experience with those on the other side, beliefs in retributive justice, access to accurate information, cultural beliefs and practices, and identity group membership” (Weinstein et al. 2010: 39). Pertinent here is the impact of personal experience on views of peace and justice. The ethnographic studies of these researchers show that some victims believe that “the greatest justice for me would be to let me live and die in peace there where I was born,” yet others state that “punishing criminals would bring satisfaction” (2010: 39). The chief point these researchers reiterate is that, if one fails to recognize what victims need, their unique differences are suppressed and their moral agency is diminished. For some victims, simply having their suffering recognized and receiving practical help with shelter, medical resources, and basic education is meaningful justice. Given the many different types of victims of conflict, there will be many different interpretations of what version of justice is personally meaningful. Through adopting a narrative approach to differences, explained more fully in the next chapter, I hope to show how the distinctions of victimhood and justice emerge in clearer form, because this approach highlights the personal need for particular types of justice.

Just Peace

Having briefly considered meanings of peace and justice, and particularly ideas of restorative justice, what does it mean to bring them together? Pierre Allan and Alexis Keller, in asking the question “What

is a just peace?” respond that it is “a process whereby peace and justice [are] reached together” in conditions where parties recognize each other’s identities, renounce some chief demands, and accept the need to abide by common rules that are developed jointly (2006: 195). Allan and Keller describe this process as a bottom-up approach whereby negotiators seek to build a common language about the recognition of different identities and each party is willing to compromise in the interests of the common good. In Chapter 8 we see how crucial this dimension of finding shared ground is to building reconciliation. In this accommodation process, participants seek to agree on the conditions for a fair peace in a way that all protagonists deem just. This process is always tough. Peace achieved in this way “is just because it is expressed in a shared language that respects the sensitivities of all parties” (Allan and Keller 2006: 196). A just peace is demanding; it expects a lot from parties that are more accustomed to fighting than agreeing. How might it be reached?

Allan and Keller outline four conventions that satisfy the requirements of a just peace. First, with “thin recognition” both parties recognize the other as fundamental to solving the conflict (2006: 197). This early step is significant in appreciating the common humanity that exists despite diverse narratives. Given that this step is taken by former enemies, its value cannot be underestimated. Second, with “thick recognition” all parties seek to understand the fundamental aspects of others’ identities, akin to a mutual empathy.⁹ The point of this stage is to reach “an intersubjective consensus of what each side profoundly needs to remain ‘self,’ and thus, satisfied, should be developed in a just peace process” (2006: 199). Again, this stage is demanding because it involves intense listening to the voices of others who previously have been ignored, ridiculed, or despised. The personal identity claims that are part of this thick recognition of all parties are a crucial aspect of subjective and intersubjective meaning. We form our own narratives about ourselves, but these narratives interact with how others understand us, and sometimes others’ views conflict with our own understanding. Complicated narrative constructions are made up of the continual interaction of one narrative with others’ complicated narratives. When parties that once were antagonistic are seeking a just peace, conflicting identities rise to the fore as each group tries to grasp “a minimal understanding of the internal support a proposed just solution would have” for each group (2006: 199). Often this thick recognition of differences does not occur and misunderstandings grow. Third, the “renouncement” convention involves all the concessions, costs, and compromises that

are needed when vastly different parties begin to demonstrate respect for each other. Examples include obvious factors like territory, sovereignty, and power, and also symbolic issues such as “religious freedom, constitutional reform, and the role of language” (2006: 202). In examples such as Canada, Kosovo, or Northern Ireland, these factors and symbolic issues have justified violent disagreement for many, so giving them up or making compromises does not come easily. Fourth, just peace cannot simply be in the sentiments of the people, but its articulation needs to be made in the open public sphere with explicit settlements, legitimacy of behavior, and benchmarks to approve solutions.

In practice then, Sanam Naraghi Anderlini asks the question, “Can there be peace without justice” (2007: 186)? Her answer is clear. “Yes, it happens every day. Is it a lasting and positive peace? Certainly not for the survivors of violence. Justice is essential, but not courtroom justice alone” (2007: 186). Anderlini suggests that listening to, hearing, and responding to the voices of victims are crucial activities to furthering sustainable peace, which is my position also. In listening to diverse voices in the context of their life narratives, we hear that “justice pursued violently contributes to further injustice,” but without justice, peace is unlikely to meet people’s needs (Schirch 2006: 64–65). Articulating these needs is a localized matter. Western notions of peace and justice do not always translate well into different cultures. This notion of a just peace relies on a wide array of actors and endeavors, at all levels of society, and is directed toward dealing with the past, adjusting to the present, and revisioning the future. Each of these stages needs to be culturally appropriate. The end goal of peacebuilding is a just peace, which always is dynamic, “in which the reduction and management of violence and the achievement of social and economic justice are undertaken as mutual, reinforcing dimensions of constructive change” (Lederach and Appleby 2010: 23). Throughout the book I argue that justice and peace are not either-or options, but both are integral to building a sustainable just peace that is likely to contribute to meaningful reconciliation.

My arguments in the following chapters are bold in seeking ways to understand how courageous people work toward creating an often elusive just peace. Such a just peace is not easy to achieve, because “political requirements of peace” and “moral demands of justice” (Biggar 2003: 3) sit in tension, such as when there is an amnesty or a political prisoner is released. I hope to show that this tension is not a simple choice between peace or justice, but rather that the making of peace involves justice in order to draw closer to reconciliation. The underlying

rationale for this claim is that remembering victims in their suffering is part of the practice of justice. This practice acknowledges fundamental human dignity, and I try to show that it is best understood by learning more about the actual stories that make up victims' life narratives.

As I explain in the next chapter, my emphasis in the book is not primarily on victims but on victim-survivors, in order to show how it is possible to overcome the victimhood of violence and contemplate reconciliation, particularly between former enemies or between a victim and penitent offender. By "victim-survivor," I mean someone who, despite severe suffering and harm to self-dignity, has experienced some healing and begun to deliberate and make choices about their particular fulfillment of capacity. I am leaving the meanings of reconciliation to emerge progressively throughout the book, and in particular in the final chapter. Suffice to say that postconflict reconciliation involves building or rebuilding relationships that are not haunted by old conflicts and lingering hatreds. At both individual and communal levels, reconciliation involves supporting meaningful collaboration between former adversaries. Trying to understand processes of reconciliation involves trying to understand the inner, emotive complexities of relationships between former opponents.

Intrinsic to my argument that peace, justice, and reconciliation are connected is an approach similar to Lederach's view of the moral imagination, which he defines as the "capacity to imagine something rooted in the challenges of the real world yet capable of giving birth to that which does not yet exist" (2005: ix). As he restates this simply:

The moral imagination requires the capacity to imagine ourselves in a web of relationships that includes our enemies; the ability to sustain a paradoxical curiosity that embraces complexity without reliance on dualistic polarity; the fundamental belief in and pursuit of the creative act; and the acceptance of the inherent risk of stepping into the mystery of the unknown that lies beyond the far too familiar landscape of violence. (Lederach 2005: 5)

That is, I am suggesting that it is not specific techniques about peace and conflict, or prescribed methods of conflict resolution, that bring significant change to cruel conflict situations, but a willingness to step outside of typical, narrow structures to await the unexpected, and realize the creative and surprising outworking of human inspiration. Lederach suggests that, in relation to peacebuilding, this moral imagination is situated in daily challenges of violence and entails "the capacity to imagine and generate constructive responses and initiatives that . . .

transcend and ultimately break the grips of those destructive patterns and cycles” (2005: 29). He suggests further that the disciplines that form this moral imagination include “relationship, paradoxical curiosity, creativity, and risk” (2005: 34).

Each of these disciplines needs some explanation because they recur in the following chapters. First, the centrality of relationships contextualizes “the space of recognition” that “recognizes that the well-being of our grandchildren is directly tied to the well-being of our enemies’ grandchildren” (Lederach 2005: 35). I contend that revised relationships are fundamental to reconciliation. Second, it is easy to draw simplistically on dualistic polarities of either-or categories in cycles of violence so that people are classified as being wrong or right, violators or liberators, enemies or friends, or oppressors or the oppressed. Refusing to be contained within these categories requires what Lederach calls a paradoxical curiosity that muses on the rich diversity that is evident in human complexity, and thereby sees the unexpected potentiality in people. I add that this complexity interacts with culturally diverse understandings of peace and justice. Third, activating the moral imagination requires “the provision of space for the creative act to emerge” (Lederach 2005: 38). As we see in the following chapters, these spaces are many and varied. Sometimes the space emerges unwittingly when the conditions are ripe. Generally, time, thought, and resources are needed to create rich spaces. Fourth, an element of risk is always involved in stepping into the unknown, of engaging with those who have a radically different perspective on life or are considered as an enemy. I maintain that without taking such risks, reconciliation won’t happen or will be flimsy. I have outlined these ideas of the four disciplines that cultivate the moral imagination fully because they overlap with many of the arguments developed throughout each chapter.

How Is the Book Structured?

In this introductory chapter, I have set out the context for understanding the interrelationships between peace and justice in dealing with a traumatic violent past. Foundational to this understanding is acceptance of the multiple and contested definitions of peace and justice. For example, negative peace or the cessation of war is preferable to no peace at all, but it lies far short of a positive peace that addresses root causes of conflict and thus can be sustained. I concentrate on restorative justice

rather than retributive justice because I give priority to victims in need of healing, and my focus lies on building or restoring reconciled relationships. Perhaps the most elusive concept to define is reconciliation. Given that the book's context is postconflict transitional justice, with its dual goals of confronting the legacies of human rights abuses and ensuring accountability, as well as moving toward the future in fostering reconciliation, I stress the relationship dimensions of these goals as they are manifest through diverse narratives. Transitional justice must deal well with the past in order to move into the future where reconciliation between former opponents can be visualized as possible. My main argument in this introduction is that peace, justice, and reconciliation are interconnected and, while enormously difficult to achieve, are worth striving for.

In Chapter 2 I explain why everyday stories of war can aid in an understanding of the relationships between peace, justice, and reconciliation. To explain this puzzle I elaborate on how a human security approach to peace and conflict changes our thinking. I show that it does alter the focus of attention from national security concerns to the security of people's everyday lives. In the main I highlight positive stories, not to underestimate the enormity of the horrors that abound in violent conflicts, but to show how women and men, boys and girls act in ways that overcome enormous obstacles of insecurity to build peace or to deal with their tragic past. Sometimes this agency is deliberate; occasionally it is unintentionally spurred by the experiences of conflict, when someone is motivated to transform their local situation, often for practical reasons like the need to open a marketplace or find shelter for people displaced by war. I am interested in highlighting the story behind contrasting acts of agency. A related purpose is to test how well theories of peace and conflict stand up in the light of such stories. I am building on Lederach's idea: "When we attempt to eliminate the personal, we lose sight of ourselves, our deeper integration, and the source of our understandings—*who we are* and *how we are* in the world" (2005: viii). This idea acknowledges the messy personal processes in which complex life narratives emerge. Each story of suffering and each story of breaking cycles of violence is part of a unique life narrative. This narrative understanding of human agency frames my arguments because it places the focus clearly on human security and lived experiences.

How war damages humanity is my focus in Chapter 3. I begin by exploring enormous central questions. Why does evil prevail? What exactly is the nature of evil? Why do crimes against humanity continue? Crimes against humanity are human rights violations so gross that they

undermine our dignity as humans and for which redress in transitional justice is necessary. Some violations are not suited to restorative justice processes. Examples include genocide, ethnic cleansing, and war rape. Surrounded by such horrors, the majority of people can feel like victims, and thus I explore vulnerability, pain, shame, and guilt. In seeking to balance the stark awfulness of violent atrocities with the hope of justice and reconciliation, I look at what is entailed in calling someone a victim or a survivor. Clearly, the best way to respond to suffering is to work to prevent it, and the “responsibility to protect” principles are paramount. These principles confirm sovereign responsibility to protect citizens and defend an ethical obligation by the international community to protect life and human dignity, when a state fails in its fundamental responsibility to protect citizens. My main argument in this chapter—an obvious one—is that the evil of war creates multiple layers of suffering that serve as major obstacles to progress in healing damaged humanity in transitional justice contexts. This chapter sets up the case further for why strategies to develop peace, justice, and reconciliation are vital in order to respond to overwhelming suffering caused by war.

I look at the complex notion of truth in Chapter 4, exploring what happens in the process of telling the truth. Before focusing on what truth commissions achieve, it is necessary to explore obstacles to the truth, such as the refusal to acknowledge the truth, something that happens when people are stuck in the past or deny personal culpability. I explore the significance of different types of truth that lie behind personal stories, noting the emotional impact of telling stories in truth commissions and also in witnessing the telling of stories. Each truth commission shares the need to ascertain a historical record of the truth, but truth comes in many different forms. Truth is not merely presented from a victim’s or survivor’s perspective, because in most truth commissions there is also a public platform for perpetrators’ accounts of their violations, whereby victims may become witnesses to the truth as well as narrators of their stories. No discussion of truth telling would be complete without some examination of the controversial issue of amnesties, which frequently are used to broaden the extent of stories told in truth commissions. An amnesty is a political pardon given in exchange for truth told about politically motivated wrongdoing. Generally, amnesties prioritize truth and negative peace while compromising victim justice in a broader call of reconciliation. Do truth commissions work? It depends on the historical context and the commissions’ mandates. Different rival groups have different stories as to what happened during the violence. Listening to these accounts and dealing with the consequences are fundamental

responses in moving toward a just peace and the possibility of reconciliation. My argument is that the more the local community is engaged positively with the truth-telling process, the more likely the community will realize the long-term benefits of truth telling as a means to furthering reconciliation. Telling the truth has a powerful snowballing effect.

In Chapter 5 I examine whether trust can be built in divided and conflict societies. Sometimes trust has never existed between opponents, so asking why it is broken down or how it can be rebuilt is not a clear-cut approach. There are numerous obstacles to building trust. Extremist nationalism and fundamentalist forms of religion contribute greatly to violent uprisings, so understanding why clashes between different ethnic and religious identities can lead to violence and radical distrust is important. I explore examples of “othering” such as occurs in sectarianism, where people hold such extreme views that everyone not belonging to their group is seen as other, a justification to exclude or fight them. The atrocities of othering are fundamental to people’s wariness toward those perceived as the enemy. In depersonalizing the other, a terrible disruption to dignity takes place. Building trust thus requires a reciprocal process of dialogue and listening, which is initially awkward for its pure novelty; then comes the recognition of the value of difference, gradually overcoming fear of the other, and in the strongest cases of reconciliation, a celebration of difference. My argument is that building trust is a crucial first step toward a mutual recognition of difference. Trust takes time to build and is easily broken. Given the power of memory to hover, often unwelcomed, the embrace of difference is rare. It requires overcoming fear of the other and a willingness to compromise, a venture that is always risky.

I explore ethical issues surrounding apology and forgiveness in Chapter 6. Central questions in this chapter include the following: What is gained or lost in apology and forgiveness when the acts involved are so traumatic and distressing? Are acknowledgment, apology, and forgiveness all needed for reconciliation to occur? Obstacles to these practices include a desire for revenge or a refusal to show remorse. I offer some discussion of the significance of public, political apologies for acts of discrimination or offense that happened before political leaders came to power, but my emphasis is on trying to understand narratives of exceptional instances of individual apologies and forgiveness. I then trace steps that lead toward political forgiveness as well as fleshing out the relationships between acknowledgment, apology, and forgiveness. Undoubtedly, forgiveness is a gift, bestowed by the victim and sometimes withheld for understandable reasons. The potential healing power

of forgiveness is crucial in rebuilding new relationships. My argument is that an apology can be a powerful restorative tool, and forgiveness can never be assumed, because it is like a peace offering. I show why acknowledgment, apology, and forgiveness need to be present in order for strong reconciliation to occur.

In Chapter 7 I address compassion, asking what role it can play in postwar and transitional justice contexts. This theme might appear surprising, particularly given that obstacles always remain in divided societies, where hard hearts and stubborn tactics are barriers to moving on to new relationships—hence the need to highlight those practices that might exhibit compassion, including giving examples of sympathy and empathy. Underlying my argument that practices of compassion assist healing for traumatized people is a defense of feminist ethics. Feminist ethics defends universal ideals of personhood, justice, equality, and rights, and a “particularized practice of care” (Porter 2007a: 43) that is focused on meeting the specific needs of individuals such as those who are seeking to build peace or recover from trauma.¹⁰ I show that, against common thinking that relegates compassion to private, personal relationships, a compassion that combines justice and care can play a crucial public, political role in responding to the human cry for help in postconflict contexts.

I draw a picture in Chapter 8 of what it means to create reconciliatory spaces. I explore questions such as the following: What happens in reconciliation? What are reconciliatory spaces? Can these spaces accommodate justice and peace? To answer these questions I contrast differing notions of reconciliation. Throughout many of the previous chapters I discuss the ideal of reconciliation, but in this chapter I flesh out what it entails. Many different conceptual views exist on what reconciliation is, as do many different narrative expressions of its practice. I summarize four ways to understand reconciliation: as relationships, a process, a culture, and a spectrum of possibilities. I support Lederach’s (2004) notion that we find reconciliation where truth, mercy, justice, and peace meet. If there is a space where we find reconciliation, the point is to search for and take advantage of this space. I draw closely on personal interpretations of what happens in these reconciliatory spaces to discover what is needed to foster them. It is important to pay close attention to cultural differences in meanings and practices of reconciliation. My argument in this chapter is that peace, justice, and reconciliation interact in complex spaces; the point is to work collaboratively to find culturally meaningful practices, places, and processes in which reconciliation can flourish.

A short conclusion completes the book. In it, I reiterate that my position is idealistic, but I offer reasons why I am optimistic about individu-

als, groups, and nations working cooperatively to build a more peaceful, just, and secure world. Like others before me, I make a case for giving serious consideration to approaches to conflict transformation “that stress win-win outcomes, reconciliation, and stable peace” (Hauss 2010: 7).

Notes

1. I refer consistently to peace, justice, and reconciliation as both conceptual ideas and also as practices that occur in everyday lives.

2. The countries at highest estimated risk for instability during 2010–2012 in ranked order are Afghanistan, Democratic Republic of Congo, Burundi, Guinea-Bissau, Djibouti, Ethiopia, Pakistan, Nigeria, Mali, Sierra Leone, Somalia, Central African Republic, Iraq, Mozambique, Chad, Zambia, Benin, Bhutan, Zimbabwe, Bangladesh, Haiti, Kenya, Gabon, Cameroon, and Malawi (Hewitt, Wilkenfeld, and Gurr 2012: 8). The list and order change every year.

3. I have expressed reservations about the use of the term “postconflict” elsewhere (Porter 2007a: 28–32; Porter and Mundkur 2012: 30), given the remaining culture of violence that prevails even when there is a ceasefire or peace process. “Postwar” is a more accurate term. However, given the wide acceptance of “postconflict,” I continue to use it.

4. In the peacebuilding nexus, Lisa Schirch (2006: 66) lists conflict transformation; restorative and transitional justice; legal and judicial systems; environmental protection; human rights; humanitarian assistance; early warning responses; civilian and military peacekeeping; economic, social, and political development; education; activism and advocacy; research and evaluation; trauma healing; military intervention; and governance and policymaking.

5. Throughout the book, all quotations containing italics reflect italics in the source text.

6. David Crocker (2003) outlines a helpful normative framework called “Reckoning with Past Wrongs.” He suggests that eight goals identify the ethical issues that must be addressed in reckoning with past atrocities: truth, a public platform for victims, accountability and punishment, rule of law, compensation to victims, institutional reform, reconciliation, and public deliberation. He stresses that, while these goals have prescriptive dimensions, they permit latitude in application to historical, local contexts.

7. As I write, he is working with former combatants in Northern Ireland.

8. See Porter (2012a) for a fuller account of these priorities in Timor-Leste.

9. These authors suggest that the liberal view of peace cannot always accommodate this notion of thick recognition. They stress that all parties must be able to understand intrinsic differences that need to be respected in order to remain true to oneself.

10. While feminist ethics is grounded in responding to the inequalities that women suffer because of their sex, my usage of it highlights the applicability of practices of care and justice by and toward both women and men. Feminist ethics is discussed explicitly in Chapter 7 but is implicit in the other chapters.