In March 2011, rural women from the conflict-devastated department of Ayacucho, Peru, traveled to the Peruvian capital to organize a *Chalina de la Esperanza* (Scarf of Hope) exhibition to raise awareness for survivors of political violence. The centerpiece of the occasion, a kilometer-long quilt, made by the women, documented their experiences and those of their still-missing family members. Originally scheduled to take place in the upscale Lima neighborhood of San Isidro, the mayor canceled the event days before the women’s arrival, on the allegation that the event was pro-Shining Path, prompting both outrage among human rights organizations and close media scrutiny. Under public pressure, the Lima municipality moved the event to the capital’s town hall, hanging the quilts in a display around the municipal square. The attempt to censor the event resulted in a much bigger and higher-profile ceremony, with Nobel Prize laureate and political figure Mario Vargas Llosa giving a keynote speech and candidates in Peru’s upcoming elections in attendance. While the controversy surrounding the event revealed deep divisions in Peruvian society, outrage over its censorship is also testament to victims’ increased visibility in an era of increased attention to state violence.

Since Peru’s large-scale and controversial truth-seeking process was launched, historical memory has come to play a prominent role in Peruvian social politics. Two decades of political violence at the hands of the Shining Path and the Movimiento Revolucionario Túpac Amaru (MRTA), mirrored by violence on the part of state actors, sharply divided the country. In 2001, Peru’s large-scale truth-seeking process, the Comisión de la Verdad y Reconciliación (CVR), was set up by presidential decree counter to a strong discourse among Peru’s coastal middle classes and elites saying that it was time to “voltear la página” (turn the page) and focus on the future. The CVR was the only Latin-American commission to use public hearings – a practice it adopted from South Africa’s Truth and Reconciliation Commission (TRC) – yet it also consciously distanced itself from the South African restorative model. Where a large percentage of victims represented a historically marginalized and
largely indigenous rural population, the Commission focused on two main goals: first, to acknowledge and dignify victims and historically marginalized communities as citizens, and thereby advance civic nation- and state-building, and, second, to raise awareness of the state’s role in the conflict and the effects of political violence among Peru’s coastal middle classes. The conflict’s main protagonists – the military and the Shining Path – were largely absent from hearings and, unlike other truth commissions, the CVR was not tied to any official reintegration program.

In Sierra Leone, following a violent and destructive eleven-year civil war, a heavy-handed international intervention in the country’s post-conflict reconstruction process unleashed a different dynamic. A long history of colonial rule and external interference before and during the war had further politicized external interference, unleashing a debate over the appropriate ends, means, and agents of post-conflict peace-building. Although some worked in support of the UN-established TRC and the Special Court for Sierra Leone (SCSL), sectors of Sierra Leonean civil society also distanced themselves from global justice, emphasizing localism and a decentralization of politics. Despite criticisms that internationally supported transitional justice had sidelined local culture and civil society, global justice also mobilized local actors and grassroots processes. The emergence of the community-based reconciliation project Fambul Tok, established by the organization Forum of Conscience, illustrates a complex interplay between global and local accountability processes, with its founder, human rights activist John Caulker, eventually distancing himself from his earlier work at the TRC Working Group. Maintaining that the TRC had not generated ownership and had insufficiently engaged war-affected communities, Fambul Tok (meaning “family talk” in Krio) seeks to advance a locally driven restorative agenda, plugging into communities’ own traditions and working through community authorities and representatives. While the project situates itself as a Sierra Leonean alternative to globalized transitional justice, it is also an outgrowth of formal mechanisms, plugging into an expectations crisis resulting from a loss of momentum and legitimacy surrounding global means.

In this book, I examine the nature and dynamics of justice and reconciliation in Peru and Sierra Leone and the challenges of reconciliation in societies recovering from complex and protracted societal conflicts. In many ways, the politics and controversy surrounding formal justice and memory described above indicate a clear lack of substantive reconciliation and evidence the raw and still unsettled natures of both conflicts. The challenges of reconciliation in societies recovering from complex and protracted societal conflicts are a major theme of this research and emerge
strongly in both the theoretical and empirical chapters of the book. Whereas much of transitional justice theory and practice was consolidated in the aftermath of World War II at the Allied prosecutions at Tokyo and Nuremberg, and later in the context of regime transitions in the Cold War, in this manuscript I look closely at the difficulties in establishing transitional justice in different parts of the world, and particularly in divided societies following protracted and complex internal conflicts. Stressing endogeneity in transitional justice and peacebuilding, I maintain that the conditions that justice and reconciliation processes were set up to address also fundamentally constrained their reach and impact. The long-term political, social, and economic marginalization of remote regions, and highly concentrated experiences of violence in particular, generated profound mistrust and resentment and fundamentally shaped local experiences of justice and reconciliation. In both countries, a subsequent lack of follow-up, especially in reparatory justice, combined with political and public indifference further magnified popular frustrations and generated loss of momentum over time. The controversies surrounding transitional justice are expressions of these fractions, showing the unfinished and partial nature of conflict transitions.

Despite these problems, I argue that limited degrees of reconciliation and justice can take place even in deeply divided societies where the legacies and root causes of conflict remain unsettled. Looking at the intersection of formal and informal justice, I advance a view of justice and reconciliation as complex, dynamic, and temporally sensitive processes that can assume varying forms and degrees over time. While international theory and practice has frequently conceived of reconciliation as a concrete endpoint that individuals and societies reach, reconciliation, as I conceive of it in this book, principally involves the consolidation of a critical space that allows for political engagement and the contestation of ideas. I develop an understanding of what I call “procedural reconciliation” – a long-term and ongoing process of setting out and consolidating common parameters through which actors and communities can articulate grievances and pursue distinct (and often competing) grievances and claims. Procedural reconciliation is, by nature, contextually variable and open ended, yet what is important is the longer-term cumulative consolidation of effects over time. Individuals and groups may disagree over the past and the legitimacy of each other’s claims, yet, through their disagreement, reinforce a normative and discursive framework of rights and responsibilities. This process places historical memory in the public sphere and by transferring conflict into political channels strengthens nonviolent norms and procedures.
Reconciliation in Protracted Social Conflicts

Reconciliation is pivotal to conflict transformation, yet it is often the least integrated dimension of peace-building theory and practice. Since World War II, intrastate wars have killed over 16.2 million people, five times the number caused by interstate warfare.¹ Some of the worst outbreaks of violence have occurred within protracted conflicts. Protracted conflicts tend to have deep roots in political, economic, and social structures, target and recruit civilians, and divide societies along identity lines.² Significantly, multiple cycles of violence characterize protracted conflicts, with 40 percent of countries that had civil wars experiencing a new civil war within a decade.³ Unlike interstate wars, where victims and perpetrators did not have to come into contact after the military termination of violence, the demands of coexistence in today’s intrastate conflicts mean that individuals must find ways to live not only with their histories but also with each other.

Despite recognition of the importance of reconciliation, the field of transitional justice – the formal and informal measures used to address past abuses during transitions from violence or authoritarian rule – has uneasily integrated reconciliation as an objective. As I will detail in Chapter 3, reconciliation has been difficult to theorize and empirically assess. Academic literature has often approached it with caution, criticizing it for its conceptually nebulous, vague, and subjective nature.⁴ Despite a longer intellectual concern with forgiveness and justice following mass atrocity, within transitional justice, reconciliation has had a specific historical foundation. As I will argue in Chapter 2, the historical trajectory and experience of transitional justice as a field is significant and continues to bear relevance. Transitional justice consolidated as a set of global epistemic practices and ideas during Cold War “third wave” democratization in South America. In the Southern Cone, as in Uruguay (1985) and Argentina (1983–1984), sustained civil society activism and strong leadership bolstered the legitimacy of accountability processes, linking them to democratization and popular struggles against oppressive regimes. In these early instances of transitional justice,

scholars and practitioners focused often on vertical relationships between political authorities and citizens, and viewed reconciliation with suspicion as a political nation-building discourse and alternative to criminal justice. The development of transitional justice practices during this time thus further steered scholars and practitioners away from engagement with reconciliation and peace-building.

The South African TRC was, in fundamental ways, a turning point in transitional justice, and bolstered interest in reconciliation as a legitimate and necessary societal end. Its invocation of ideas of restorative justice and Christian themes of forgiveness, catharsis, and repentance, and its public and charged procedures, helped generate a distinct sociopsychological understanding of reconciliation, focused on forgiveness and the transformation of viewpoints and relationships. Unlike previous truth commissions in the Southern Cone, the South African TRC looked beyond state-sponsored abuses, bringing attention to horizontal ties and interracial dialogue and healing. In the post–Cold War period, dissatisfaction with criminal justice domestically and abroad and a concern with complex political emergencies again augmented interest in reconciliation. The technocratic and short-term global emphasis on criminal justice and individual accountability translated less straightforwardly to contexts marked, for instance, by forced recruitment of combatants, the widespread use of child soldiers, and the use of civilians as collaborators.5 This, in many ways, has prompted critical scrutiny on the aims and priorities of transitional justice. It has also encouraged reassessment of the emphasis of global transitional justice on short-term formal and legalistic procedures over the longer-term and locally valued objectives of psychological healing, reconciliation, and structural justice.6


Although the fields of peace-building and transitional justice have made important strides in thinking critically about the longer-term drivers of reconciliation and its resonance and linkages to various forms of justice, a starting concern of this book is the emergence and dominance of a narrow and polarizing research orientation linking transitional justice and reconciliation. Within transitional justice, early literature often focused on reconciliation as a process of psychological change and social learning in which individuals and groups altered their perceptions of each other and/or the past. Drawing on the South African TRC’s notion of “social” or “dialogue” truth, some argued, for instance, that truth commissions could facilitate reconciliation by generating “points of conversion” through dialogue and exchange. While the literature on South Africa has since become more self-critical and divided, particularly as more systematic empirical research came out, empirical literature beyond South Africa has been more pragmatically inclined. A rich interpretive body of research has examined the processes through which individuals and communities negotiate the parameters of civilian life. Importantly, this often ethnographic scholarship examines individuals’ and communities’ definitions of reconciliation in their own terms. In a range of contexts, qualitative studies have laid out ways in which communities have managed to live together and find common ground even in the face of lingering grievances and shortcomings in justice and that perpetuate suffering and exploitation. Mani, Beyond Retribution, p. 18. See also Rama Mani, “Dilemmas of Expanding Transitional Justice,” International Journal for Transitional Justice 2 (2008), pp. 253–265.


Reparations. In general, this literature has been critical of formal global interventions, arguing in favor of locally run and culturally rooted justice and reconciliation.\(^\text{11}\) On the other end of the spectrum, while a large comparatively oriented literature has examined the effectiveness of transitional justice across cases, it has tended not to engage with reconciliation, which it sees as immeasurable given its arguably subjective nature. Unlike the ethnographic literature, it tends to focus on the macro level, drawing largely on quantifiable criteria, such as democratic institution-building and the implementation of human rights, to assess impact.\(^\text{12}\)

The focus on impact assessment is important and welcome, particularly in what has long been a heavily normatively laden field. At the same time, there is room between both extremes—the large-N quantitative literature that seeks to evaluate transitional justice, irrespective of institution and context, and the ethnographic micro-level qualitative literature, which tends to use local culture and individual preferences as benchmarks for evaluation. Although in the last two decades, scholars and practitioners have argued that transitional justice should facilitate peace-building and address broader longer-term contextually specific root causes of conflict, how it should do so is less clear.\(^\text{13}\)


literature lacks a strong understanding of societal reconciliation and its relationship to transitional justice, and the fields of peace-building and transitional justice continue to be atomized from each other.

In this book, I argue that the scholarship’s limited attention to societal reconciliation and the normative and discursive substantive contributions of transitional justice has resulted in a narrow empirical research agenda. There are also discrepancies between academic theory and the policy community. While formal transitional justice mechanisms often focus their efforts on the civic sphere, empirical scholarship on reconciliation has often focused on the impact of formal justice on individual healing and community reconciliation. Although a rich philosophical literature has emerged on the drivers and nature of reconciliation at different levels of analysis, more needs to be done to integrate this wide-ranging conceptual work on reconciliation into a coherent empirical research program. This also requires further thinking through the nature of harm and what aspects of harm transitional justice can and should address, particularly with regard to complex and protracted internal violence. Although protracted conflicts have often been sites of multiple cycles of violence, I am concerned that transitional justice theory and practice has tended to focus on direct stakeholders and immediate experiences of harm. More work is needed to think about the relationship of transitional justice to broader collective harm and the indirect stakeholders of reconciliation.

Procedural Reconciliation: Cumulative Repair and a Dynamic Contextual Approach

In this book, I seek to broaden conceptual understandings of reconciliation to think about ways in which societies normalize – or alter and overhaul – political and social relations in the aftermath of longer-term divisive conflicts. Reconciliation, I argue, often occurs in less visible and unexpected ways. In the conceptual sections of the book, I look at what I refer to as procedural reconciliation as a future-oriented process on the


societal level and outline an often tense and contentious politics of reconciliation. I conceive of procedural reconciliation as a critical and ongoing process, which is open ended and becomes contested and revisited over time.\(^\text{16}\) Theoretically, I make the case that conceptualizing reconciliation as a more limited and abstract societal endeavor makes it possible to highlight partial instances of reconciliation even in deeply divided and hostile contexts. While transitional justice may not bring about deep-seated psychological transformation and a convergence of viewpoints, it can still facilitate a normative and discursive process through which groups and individuals pursue claims related to the past. This process does not resolve conflict, but it fosters coexistence by transferring conflict into the public sphere.

In the theoretical and empirical sections of the book, I offer a dynamic and fluid conception of transition. Transitional justice processes, I contend, are more than temporary pedagogical instruments. In charged social and political transitions, they become arenas and expressions of politics – spaces where individuals and groups pursue grievances and aspirations and stake out social standing and legitimacy.\(^\text{17}\) Plugging into an older philosophical literature at the intersection of transitional justice, social psychology, education, and democratization, I maintain that post-war contexts offer a particular type of momentum as political entrepreneurs and civil society mobilize around future objectives and visions. While this energy can generate further conflict, it can simultaneously strengthen and bestow legitimacy on nonviolent political channels and activism. Rather than identify a defined endpoint that individuals or societies reach, procedural reconciliation is an active and often unpredictable process that operates at multiple levels and takes varying forms over time. From this perspective, transitional justice and peace-building processes are unlikely to change viewpoints, particularly where abuses are within living memory and actors’ identities are embedded in their roles in conflict. They can, however, alter the parameters of normative engagement and political behavior. Existing empirical research has often under-appreciated these significant, although more long-term and indirect,

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dynamics, tending to evaluate transitional justice for its direct impact on social perceptions and political behavior.

Applied to the case studies of Sierra Leone and Peru, I am interested in the challenges and possibilities of reconciliation in protracted intrastate conflicts. Throughout the book, I emphasize the importance of context in shaping local experiences and perceptions of transitional justice. I look at post-war Sierra Leone and Peru as settings of deep-rooted societal insecurity. More so than earlier Cold War transitions, where strong authoritarian states and military governments committed abuses, I contend that transitions from protracted intrastate conflicts present intense and multifaceted challenges. They are often characterized by weak and failed states and fragile peace agreements, making them vulnerable to future violence and spoilers.\(^{18}\) Where violence continues sporadically or presents a continued threat, attempts to create accountability likely augment fear and mistrust among local populations. Intrastate conflicts are also likely to present additionally complex challenges of recovery through their politicization of ethnic–sectarian or class divisions, which often further politicize injustice. In Peru, for instance, where the majority of victims represented an indigenous and largely rural population, the ethnic undertones of the conflict had a harmful double impact, reinforcing a sense of victimization among affected populations and distancing the conflict from the experiences of the country’s coastal middle classes. The impoverished background of many victims of the Peruvian military, in turn, further magnified the effects of violence and suffering in heavily hit areas. Protracted conflicts also tend to be characterized by political violence at the hands of state agents and insurgency groups, as well as micro-level communal violence.\(^{19}\) Manifold experiences of violence leave multiple parallel legacies. While political violence at the hands of state agents perpetuates mistrust and fear of authority, communal violence shatters social norms and communal life.\(^{20}\) Where political violence degrades civic trust and institutions, leaving individuals atomized and disempowered, long-term communal violence and population displacement tear apart the social fabric, affecting everyday social interactions.\(^ {21}\) These


\(^{19}\) Azar, *The Management*.
