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TRUTH AND RECONCILIATION

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Abstract

In this short essay, I explore the various possible relationships between truth and reconciliation. This discussion is located in the broader context of the various challenges associated with dealing with conflict or significant social trauma in the past, such as war crimes or crimes against humanity. More specifically, I focus on what we mean by *truth* and what we mean by *reconciliation*. I believe this provides us with some hints about the possible relationship between these two key ideas.

Keywords: Transitional justice; memory; reconciliation.

Resumo

Verdade e reconciliação

Neste breve ensaio, exploro as diferentes relações possíveis entre a verdade e a reconciliação. Esta discussão está situada no contexto mais amplo dos vários desafios associados a lidar com conflitos ou traumas sociais importantes no passado, tais como crimes de guerra ou crimes contra a humanidade. Mais especificamente, o foco naquilo que entendemos por verdade e aquilo que entendemos por reconciliação. Eu acredito que isto nos fornece algumas pistas sobre a possível relação entre estas duas ideias-chave.

Palavras-chave: justiça de transição; memória; reconciliação.

Since the mid-1990s, the two words “truth” and “reconciliation” have developed a magnetic attraction to each other and the phrase “truth and reconciliation” has become a part of the global lexicon. There is apparently something deeply appealing about these two words together. They seem to fit. They seem to have synergy, complementarity, resonance. And yet there is no automatic, inevitable, or obvious reason that these two words go together.

In this short essay, I would like to explore the various possible relationships between truth and reconciliation. This discussion is located in the broader context of the various challenges associated with dealing with conflict or significant social trauma in the past, such as war crimes or crimes against humanity. More specifically, I would like to focus on what we mean by *truth* and what we mean by *reconciliation*. I believe this provides us with some hints about the possible relationship between these two ideas.

Although philosophers and poets have questioned the meaning and importance of truth since the beginning of human history, the idea of truth took on a particular significance during the human rights

movement in Latin America's Southern Cone in the 1970s and 1980s². Confronting authoritarian regimes that were characterized by their astounding ability to conceal the truth about victims of torture and human rights abuse, family members of victims – often organized through groups such as the Mothers of the Plaza de Mayo – demanded to know what had happened to their loved ones. This simple but exceedingly powerful demand – for truth in the midst of lies and obfuscation – was one of the foundational pillars of the human rights movement.

In this way, truth was seen as a value in itself. Later in this essay I will talk about the ways in which truth-telling had instrumental value (as creating evidence for prosecutions, for example), but I would first like to emphasize what Jose Zalaquett would call the “absolute value of truth”³. Consider for a moment the specific context of authoritarian regimes of Argentina, Brazil, Chile, and Uruguay. These regimes had virtually perfected the art of deception.⁴ Their lies were intentional, enormous, and coldly violent towards not only the victims, but also to the surviving family members of the victims, whose main concern, at first, was to understand what had happened to their sons and daughters. In some cases, for example, pregnant women in Argentina had been “disappeared” in broad daylight by the regime, between 1976-1983, abducted from the street and taken away by the Regime's iconic Ford Falcons, a sinister image that would become seared in the collective memory of the period. These women would give birth in captivity, and their children taken away before the mothers were killed. So when the family members of the pregnant women came to the police, they had a simple demand and required a simple answer. They wanted to know “where is my pregnant daughter?” and they wanted to know the truth.

As the awful truth became apparent and it became clear that many loved ones had indeed been killed by the regime, the human rights movements demanded both truth and justice. The impulse for truth would then become articulated in two different ways – as *voice* and as *evidence*. Let me concentrated briefly on each – and also on the methodologies for determining and finding truth that logically follow.

VOICE/“TESTIMONIO”

By “voice”, I mean that the demand for truth would prioritize the voices of victims, witnesses, family members, and survivors. The impulse for truth would, in this sense, bypass officialdom and seek the *real* truth in the stories, accounts, and testimonials of those who were traumatized.

This impulse for Voice – for listening to, hearing, collecting from, understanding, prioritizing the voices of those who had been harmed by the authoritarian regimes – led logically to a particular set of methodologies for collecting truth. These can be captured under the umbrella term “testimonio”, a Spanish word that differs from its English cognate, “testimony”, a form of legal documentation, as discussed below. “Testimonio” is more of a *literary* than legal genre. It is related to memoir, fiction, poetry, and storytelling.⁵

As a method for collecting truth, practitioners of “testimonio” seek out witnesses and victims and ask them to tell *their* story in *their* words: these are First Person accounts. Observing the old adage to never let the facts get in the way of the truth, these practitioners, like Elizabeth Burgos⁶ or Margaret Randall⁷ sought to provide victims and family members with a forum to be heard. They generally did not ask difficult questions and avoided cross-examination that might intimidate or seem to harass the interviewee. They identified less with journalists and professional historians than with social movement activists who were seeking to “retrieve” stories from their truest sources and “tell” those stories in ways that would maximize their political and literary power.

The development of “testimonio” as a genre was not isolated. It developed simultaneously and in tandem with some of the work being done by professional historians and others. Howard Zinn's important

and immensely popular “A People’s History of the United States” (1980) was one of the many forms of “truth-telling” that sought to focus on subaltern and oppressed groups instead of trusting official versions. In the meantime, the sub-discipline of oral history was also developing in Europe and the United States, also dedicated to hearing voices, but in this case, with the methodological rigor of a serious historian seeking *factual*, as well as *narrative*, truth.⁸

This development of history-from-below and truth-telling-from-below, with its emphasis on voice, narrative truth, First Person accounts, and retrieving and highlighting subaltern perspectives would become a major influence on the development of truth commissions in the future.

EVIDENCE/DOCUMENTATION

In the meantime, lawyers and legally-oriented NGOs were busily collecting documents that could prove that the regimes were lying about the whereabouts of the loved ones of their pro-bono clients, the family members of the disappeared. They were filing *Habeus Corpus* and other legal briefs with the authorities; filling out bureaucratic forms in duplicate and triplicate (and keeping copies); sending formal letters to state agencies asking to meet with the detained people; keeping and hiding any personal letters that were sneaked out of detention facilities by the victims, whether these were scribbled on napkins or cigarette paper; archiving newspaper articles, even if only barely relevant to their case; sending materials out of the country to exiles and others for safekeeping; and keeping every scrap of paper that might be used to find the victims. These amazing collections soon became the single most important resource in the struggle for accountability in Latin America.⁹

Soon, as it became apparent that victims would not be found, this comprehensive form of collecting became aimed with equal passion at another goal – holding the perpetrators accountable, one day, for their deeds, whether on the international level or in a domestic court in a hazily democratic potential future. Although either of these options seemed like long-shots, they were still important goals for the human rights movement.

In addition to gathering documents, these processes also involved taking depositions, obtaining affidavits, and collecting legal testimony from witnesses and others. Unlike “testimonio”, which was aimed primarily at *listening* to victims, the testimony that was gathered in these processes had to pass a very strenuous test. It had to be factually accurate. It had to hold up in a court.

PERPETRATORS

Most truth-telling initiatives have sought to hear the voices of victims. This continues to be the case today. I would define truth commissions primarily as forums for listening to victims, hearing their stories, providing them a platform to speak and be acknowledged.

But in 1995, a very interesting development took place in South Africa. As a result of the conditions of a very contingent historical moment, a political compromise took place. This compromise¹⁰ allowed for a new and innovative component of truth commissions to be introduced, one that had not been tried before and has also not really been done since: an incentive structure to hear the voices of *perpetrators*.

I repeat: this is an unusual element of a truth commission (although it has probably become the most famous element of the South African TRC). And it is full of problems and moral complications. For example, is it appropriate to let a perpetrator go free in exchange for truthful testimony? But one thing that is undeniable is that the South African TRC was able to hear fuller stories from perpetrators than any other initiative before or since.

COMBINING THESE TWO APPROACHES TO TRUTH-TELLING

These two approaches to truth-telling are not incompatible. But they are also quite different from each other. Indeed, a truly comprehensive form of truth-telling would involve *both*, as well as additional forms, including the information gathered from forensic science, detective work, and good investigative journalism, not to mention the deeper narrative truth and insight that can be gained through art, fiction, theater, and storytelling.

Truth commissions have needed to balance these two forms of truth-telling. Some have done so better than others.

Truth Commissions

Since 1983, when the Argentine transition to democracy began, there have been dozens of truth commissions around the world.¹¹ These truth commissions have been quite diverse: they have varied in size, budget, and, most importantly, in goals, aspirations, and mandate. For example, not all of them even use the term “reconciliation”. The Historical Clarification Commission in Guatemala, for example, steered away from the idea of reconciliation, as did the Paraguayan Truth and Justice Commission. For this reason, I prefer the generic term “truth commission” to “truth and reconciliation commission”. Moreover, there are numerous other initiatives and efforts that also define themselves as “truth-telling” efforts. Some of these are non-governmental or unofficial truth projects, like the Historical Memory Recovery Project (REMHI) in Guatemala or the Ardoyne “truth-telling from below” project.¹²

Truth-telling, either official or unofficial, has emerged as its own genre or approach to dealing with conflict, crimes against humanity, war crimes, or other traumatic episodes in a country’s past. In terms of other forms of transitional justice – such as prosecutions, reparations, and memoryworks – truth-telling has had intimate and varied relationships. For example, truth-telling has both directly supported prosecutions (e.g. Argentina, Chile, possibly Liberia) and also has been seen as an *alternative* to prosecutions (e.g. South Africa). With reparations, truth-telling has often played a key role in defining victims and identifying beneficiaries; and most truth commissions make recommendations about reparations in their final reports. In terms of memoryworks – memorials, museums, curricular reform, and pedagogical projects that focus on memory of the past – truth-telling efforts have often had symbiotic relationships. On the one hand, Memoryworks are themselves a form of truth-telling, as they create public dialogue and open civic spaces.¹³ On the other hand, memoryworks also emerge from truth-telling processes, either as recommendations from reports, or because once the truth is established, victims want it to be *remembered*.

Reconciliation

A good place to begin the discussion of the term “reconciliation” for the purposes of this presentation is in 1990, when the Chilean government established the world’s first “truth and reconciliation” commission. However, in order to understand the term “reconciliation”, we actually need to go much further back into Chilean history. As Brian Loveman and Elizabeth Lira have shown, the idea of reconciliation has been an important part of politics throughout Chilean history, as far back as 1814, and in fact there had been numerous commissions dedicated to reconciliation in Chilean political history. This is the central idea behind what Loveman and Lira call the “via Chilena” (the Chilean way). In this context, reconciliation meant reconciliation within the political class, and involved the following elements:

1. granting amnesties and commutation of prison sentences
2. return of political exiles

3. pensions or reparations to “both sides” of the conflict
4. symbolic measures such as monuments
5. creation of new political coalitions
6. reincorporation of losers into cabinet posts, congress, etc.
7. constitutional, electoral, and legal reforms to reestablish the “union of the Chilean family”.¹⁴

And so, we are faced with a peculiar and fascinating fact. The term “reconciliation” gets attached to “truth” in a context in which there is a deep and long historical trajectory behind it. This coupling is linked to the “via Chilena” in profound ways – and yet the idea later takes off and becomes a globalized and wildly popular idea.¹⁵

In the meantime, reconciliation was also appearing in different contexts, of course, and its popularity as a concept was growing in any case. For example, the discussions concerning the founding of the International Criminal Tribunal for the Former Yugoslavia and Rwanda, although they did not mention reconciliation, later came to appreciate that this term was an important component of their work, as in this preamble language in the Updated Statute of the International Criminal Tribunal for the Former Yugoslavia¹⁶:

... *Commending* the important work of both Tribunals in contributing to lasting peace and security and *national reconciliation* and the progress made since their inception, commending them on their efforts so far to give effect to the Completion Strategies and calling on them to ensure effective and efficient use of their budgets, with accountability...

And in South Africa, the notion of reconciliation would take center stage in 1995 for the formation of the Truth and Reconciliation Commission (TRC) in that country¹⁷. Curiously, the term “reconciliation” is never defined in the Act, although most other key concepts are carefully explained. Still, it seems that the meaning is to address “the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice” and to create a future “founded on the recognition of human rights, democracy and peaceful co-existence for all South Africans, irrespective of colour, race, class, belief or sex”.

And at the same time, the peacebuilding field – focused not, as in Chile, on post-*authoritarian* contexts, but rather on *conflict zones* – was grappling with the idea of reconciliation as well. Theorists such as Johan Galtung in his article “After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping with Visible and Invisible Effects of War and Violence,”¹⁸ created models of different forms of reconciliation and the relationships between reconciliation and a “positive peace”.

At the end of the day, however, it still is not entirely clear what reconciliation means: it seems to mean a variety of different things in different contexts, including some of the following:

Nation-building. In some contexts, including South Africa, the rhetoric around reconciliation emphasizes the importance of being a single nation in which different ethnicities and races can agree to live and work together and consider themselves constituent parts of a single nation.

Mutual respect and peace between communities. A second, related, meaning, such as in Rwanda, the former Yugoslavia, and Sierra Leone, seems to refer to a specific aspect of the peacebuilding process. As conflict comes to an end, it becomes important for combatants who have fought against each other to learn to co-exist with each other and do so in a way that respects each other’s cultures.

Forgetting. It would be naïve and wrong to omit the fact that reconciliation, for many, means selective forgetting. When the Khmer Rouge leaders in Cambodia call for reconciliation, they are, in fact, asking for “bygones to be bygones” and not for a rigorous remembering of the past.

Political cooperation. Another form of reconciliation, such as in Chile and, perhaps, Burma/Myanmar is the idea that political elites can work together in a political system.

Temporal reconciliation. Often, as in the Canadian Truth and reconciliation Commission, the goal of reconciliation is to deal with a problem in the deep past that has not been resolved and is festering in society, creating new and worrisome problems, or sabotaging the attainment of true democratic rights for the citizens who were oppressed.

Post-conflict reconstruction. In some cases, reconciliation seems to mean the ability to create the institutions necessary for reconstruction after a conflict – the ability to work together to form public and civic institutions, the rule of law, and transparent or democratic decision-making bodies.

These varied and diverse meanings of reconciliation show that it depends greatly on (1) the political/historical context in which the term is being used; (2) *who* is using it (victims, perpetrators, members of the political class, representatives of oppressed groups, etc.); and (3) how it is being used.

Truth and reconciliation

These questions are not uniformly resolved with the coupling of the two terms. In fact, different truth commissions (and other truth-telling initiatives) have seen the relationship between the two ideas quite differently.

That being said, however, these two ideas – truth and reconciliation – are certainly with us for the long term. Moreover, it may be that the very act of discussing the meanings of these ideas and debating how they can/do/should relate to each other is *itself* a valuable contribution to creating peaceful, stable, and deeply democratic societies for the long term. If societies need civic dialogue about big ideas, there are hardly any ideas bigger than these.

NOTES

¹ As a consultant, has worked for the Canadian Truth and Reconciliation Commission; the United Nations Development Program (UNDP), working on truth-telling strategies for Bosnia and Herzegovina; on projects concerning collective memory in Afghanistan and the Democratic Republic of Congo (DRC); and for the Oak Foundation (Geneva), reviewing human rights programs, between many others. Has taught seminars on memory and human rights at the University of Chile Law School, Columbia University, and the University of Hiroshima. In 2001, he was a founding staff member of the International Center for Transitional Justice (www.ictj.org), where he managed the Center’s global network of NGOs and individuals involved in transitional justice and oversaw fellowship programs in Cape Town; Santiago; Rabat; Tokyo and Hiroshima; and Barcelona, as well as developing training materials and capacity-building programs with a variety of international partners. He also created the Memory, Museums, and Memorials program (which later became the Truth and Memory unit).

² BICKFORD, Louis and SCHULTZ, Debra. *Memory and Justice: a Brief and Selected History of a Movement*, published online at: <http://memoryandjustice.org/about/history/>. Accessed on: xx/xx/xxxx.

³ ZALAUQUETT, José. Introduction to the English Edition. In: *Report of the Chilean National Commission on Truth and Reconciliation*. South Bend: Notre Dame University Press, 1993.

⁴ FEITOLOWITZ, Marguerite. *A Lexicon of Terror: Argentina and the legacies of torture*. Oxford: Oxford University Press, 1998 and DASSIN, Joan. *Torture in Brazil*. Translated by Jaime Wright. Texas: University of Texas Press, 1998.

⁵ See SCHEUB, Harold. Now for a Story. In: BILBIJA, Ksenija; FAIR, Jo Ellen; MILTON, Cynthia E.; and PAYNE, Leigh A. (Eds.). *The Art of Truth-Telling about Authoritarian Rule*. local publication: publisher, year. p.???

⁶ See BURGOS, Elizabeth. Forward to the 2008 Edition: How I became Persona Non Grata. In: STOLL, David. *Rigoberta Menchú and the Story of All Poor Guatemalans*. Boulder, Colorado: Westview Press, 2008. p. ix-xvii.

⁷ See RANDALL, Margaret. *Sandino’s Daughters Revisited: Feminism in Nicaragua*. New Jersey: Rutgers University Press, 1994.

⁸ The different kinds of truth that emerge in different forms of truth-telling are examined best in a number of the chapters in ROTBERG, Robert and THOMPSON, Dennis. *Truth V Justice: The Morality of Truth Commissions*. Princeton: Princeton University Press, 2000.

- ⁹ See BICKFORD, Louis. The Archival Imperative. In: *Human Rights Quarterly*, v. 21, n. 4, p. 1097-1122, November 1999.
- ¹⁰ See SPARKS, Alister, *Tomorrow is Another Country: the Inside Story of South Africa's negotiated Settlement* (local publication: publisher, year) for an excellent analysis of these negotiations.
- ¹¹ The United States Institute for Peace (USIP) website has a comprehensive list. See: <<http://www.usip.org/library/truth.html>>.
- ¹² See BICKFORD, Louis. Unofficial Truth Projects. In: *Human Rights Quarterly*, v. 29, n. 4, p. 994-1035, November 2007.
- ¹³ See BRETT, Sebastian, BICKFORD, Louis, SEVCENKO, Liz, and RIOS, Marcela. *Memorialization and Democracy: State Policy and Civic Action*. ICTJ, 2008.
- ¹⁴ This list and the discussion is taken from LOVEMAN, Brian and LIRA, Elizabeth. Truth, Justice, Reconciliation, and Impunity as Historical Themes: Chile 1814-2006. In: *Radical History Review. Special Issue: Truth Commissions: State Terror, History, and Memory*, 97, p. 43-77, 2007.
- ¹⁵ See ARTHUR, Paige. How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice. In: *Human Rights Quarterly*, v. 31, n. 2, p. 321-367, May 2009.
- ¹⁶ International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.
- ¹⁷ See Promotion of National Unity and Reconciliation Act 34 of 1995.
- ¹⁸ See JOHAN, Galtung. After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping with Visible and Invisible Effects of War and Violence. *Transcend: A Peace and Development Network*. <<http://www.transcend.org/TRRECBAS.HTM>>.