

RECONCILIATION

An introduction

Reconciliation: “Righting Relationships” and a Justice without Borders

Salomé Santos and Elías López SJ

“**T**here is no reconciliation without a minimum of decency and justice” was the comment made by a Jesuit Refugee Service worker on GC 35’s “mission of reconciliation”. In the context of refugees, internally displaced people and victims of gross human rights violations, a simple mention of the word ‘reconciliation’ can be perceived as offensive, as exerting more violence. Reconciliation can, it is true, be used to legitimize unjust and violent relationships. It is only when perpetrators stop physical, psychological, cultural and structural violence, that can one call people to walk together the costly and long way of righting relationships again.

“*Again-together-call*” is the etymological meaning of ‘re-con-ciliation’.¹ Reconciliation is a *call* for antagonistic parties or enemies *to relate again*. GC35 sends Jesuits on a mission of reconciliation *to the frontiers* of division, to the *edge of humanity*² where the borders between human-inhuman, love-violence touch each other. *Frontier* comes from the Latin *frons*, meaning *face*. *Reconciliation* at the *frontiers* means *to call back the human face* of those who have been dehumanized by violent exclusions. Violence dehumanizes the *faces* of both victims and perpetrators; it poisons all of society with doubts about the fundamental goodness of human nature. Reconciliation restores the human bedrock: that basic trust in human goodness which makes it possible to look at each other again with a new human *face*.

a. The Original Jesuit Mission Statement: a Call to Four-Fold Reconciliation

The reconciliation mission was already the core of the original purpose of founding the Jesuits some 450 years ago. To “*reconcile the estranged, compassionately assist and serve those who are in prisons*” is the first mission statement written by S. Ignatius in the *Formula of the Institute*. This Ignatian formulation echoes Jesus’ first public proclamation of his mission: *announce good news to the poor, the release of captives, the recovery of sight by the blind, and freedom for the oppressed*.³ This issue of *Promotio Justitiae* addresses two areas of this original mission: reconciling *captives* or prisoners and reconciling those

¹From ‘council’, see: <http://www.etymonline.com/index.php?term=council>

²Expression of Fr. General Adolfo Nicolas when qualifying the work of JRS.

³Lk 4:18.

oppressed by violent conflicts. The Ignatian expression “reconcile the stranger” etymologically means *to call the excluded or outsider inside again* for – the term ‘stranger’ comes from the Latin *exterus* meaning ‘outward, outside.’ The mission to reconcile requires us to discern in changing times and places, with different conflicting people, the uncomfortable question about ‘the other’: which is the excluded other party with whom we are to be reconciled?

According to GC35, *the challenge of our mission today* is to restore *right relationships with God, with one another (especially with the least amongst us), and with creation.*⁴ These are three ‘other parties’. I suggest including oneself as a fourth other. As a perpetrator, victim or bystander to a conflict, one can become a *stranger* to oneself or alienated from oneself and in need of self-reconciliation. Considering this multi-party approach one sees reconciliation as a communitarian process of *conflict transformation* among interdependent actors: God, oneself, the others (those considered as enemies and mediators), and the created environment that has to sustain peaceful livelihoods for all. This is what I call a ‘four-fold reconciliation’.

b. A Call to Transform Conflicts: Reconciliation as ‘Software’

Reconciliation can be understood as a kind of *conflict transformation*. Conflict transformation theory understands conflicts as *perceived relational incompatibilities*. The perpetrator is perceived as incompatible with the rest of the community, a type of ‘delinquent’ – etymologically, a person who has *completely-left* the community.⁵ So, to reconcile with a delinquent is to welcome again someone who has broken the relationship with the community. In this sense, reconciliation is a way of community-building, healing the divisions within the broken community and regaining a new social link among conflicting parties. Thus, reconciliation looks for the *common good* of all parties to a conflict. In conflict transformation theory, conflicts are not a negative reality as such; they are neutral and can become positive if dealt with as a challenging opportunity to grow by transforming perceived relational incompatibilities among parties through a collaborative style where all in the end gain – in other words, a win-win strategy. From the perspective of conflict theory, there is no personal and social development without conflict. Reconciliation deals with conflict as an opportunity to deepen life and improve relationships among parties. In addition, conflict transformation theory addresses causes and not only symptoms of the conflicts. Reconciliation as a way of conflict transformation looks at the structural changes when addressing, for instance, economic injustices and greed as root causes of many armed conflicts and many crimes committed by prisoners. Conflict transformation theory prefers *transformation* over *resolution* of conflicts:

⁴GC35, Decree 3, part III.

⁵See: <http://www.etymonline.com/index.php?search=delinquent&searchmode=none>

conflicts are never fully resolved; but the perceived incompatible interests of antagonistic parties are permanently involved in processes of change. This permanent change makes it difficult to fully control all variables, especially in complex conflicts. It is better therefore to talk about conflict transformation rather than conflict management as conflicts are never entirely and fully managed. Reconciliation as a process of conflict transformation also gives room to the 'mystery' involved in transformation beyond the 'know-how' of full technical control.

Some schools of thought link reconciliation with *recognition theory*: recognition of the physical and affective integrity of the self, recognition of equal rights and recognition of personal traits and cultural group differences.⁶ Others link reconciliation with restoring human dignity at all relational levels: intra-personal, interpersonal, group, community, inter-ethnic, national, regional, international or broad global levels.⁷ Others, using the computer metaphor, associate reconciliation with the 'software' of conflict transformation like: transforming perceptions, regaining or deepening understanding, trust-building, healing psychological and social wounds and traumas, dismantling mental and sentimental walls and negative prejudices among antagonistic parties, free healing of the relationships generating new multi-loyalties and identities among individuals, groups and societies. This 'software' is promoted by education, mass media, psychosocial programs, cultural and artistic production, and spiritual and religious traditions and values. In conflict transformation, the area of 'reconciliation as software' contrasts with 'reconstruction as hardware'. Reconstruction has to do with 'hard', physical reparations and structural measures involving economic sustainability, development, adequate health care, environmental protection of livelihoods, establishment of the rule of law protecting social and political rights, democracy, and so on. Both reconciliation and reconstruction are interdependent areas in the transformation of conflicts, in the building and sustainability of peace.⁸

The "re" of reconciliation (or of reconstruction) is an "again" in the transformation process that does not necessarily lead to the same relationship as prevailed among the parties before the break. A victim of crimes against humanity in Congo said: "Victims are no longer who they were. They need to be re-humanized in a process that takes time before being able to give birth to a new-creation." The physical and psychological scars tend to remain even if the painful wound has been healed. But a new generation is born through the

⁶Honneth, Axel, "Integrity and Disrespect: Principles of a Conception of Morality Based on the Theory of Recognition," in *Political Theory* 20(1992):2, 187-201.

⁷Parmentier, Stephan, *Global Justice in the Aftermath of Mass Violence: The Role of the International Criminal Court in Dealing with Political Crimes*, Paper presented at the 13th World Congress of Criminology, Reducing Crime and Promoting Justice: Challenges to Sciences, Policy and Practice, Rio de Janeiro, August 10th-15th, 2003, p. 4, 11.

⁸Reychler, Luc, "Challenges of Peace Research," in *International Journal of Peace Studies* 11(2006):1, pp. 1-16, p. 6.

re-creation or transformation – from wrong to right, from unjust to just – of ‘soft’ and ‘hard’ relationships among *strangers*: God, oneself, one another, creation.

Particularly in both apostolic areas of prisons and armed conflicts, *reconciling strangers* calls for the paradoxical articulation of justice and gratuity, law and love.

c. A Call to Just Relationships: *Reconciliation in Law*

The explicit link that GC35 establishes between faith-justice-reconciliation is not new either; it was already present 33 years ago in GC32: “the service of faith, of which the promotion of justice is an absolute requirement, for reconciliation with God demands the reconciliation of people with one another.”⁹ At that time, the focus on the importance of intimately connecting faith and justice rendered almost invisible the intimate connection between justice and reconciliation.¹⁰ Today we are ready to see and recognize that, as much as faith does justice, justice does reconciliation. In other words, there is no faith without justice, nor is there justice without reconciliation; the three explain one another. If we fail in ‘the original mission of *calling strangers together again*,’ we fail in sharing a faith that does justice as promoted and protected by both love and law.

Human Rights Law, although often under special threat during war or simply ignored on the basis of a considered military necessity, does not cease to exist during armed conflicts.¹¹ Nonetheless, during armed conflicts, the so called Humanitarian Law, which aims at limiting the suffering by regulating the way in which military operations are conducted, enters into force. Humanitarian Law protects civilians (citizens who do not participate in the hostilities) from any war abuse such as genocides, rapes and massive displacements; restricts the methods and means of warfare, and resolves matters of humanitarian concern resulting from war.¹²

While Humanitarian Law only applies in times of armed conflicts, Human Rights Law applies at all times, in times of peace and in times of armed conflicts.¹³ The essence of some of the rules of Humanitarian Law and Human Rights Law is similar. For example, both bodies of law aim to protect human life, prohibit torture or cruel treatment, prescribe basic rights for persons facing criminal proceedings and prohibit discrimination. In the context of righting relationships between victim and victimizers in times of peace, for

⁹CG 32, D 4, n° 2.

¹⁰Recolons, Marcos, “What is new in the Decree on Mission,” *Promotio Iustitiae* 98-99, p. 18.

¹¹See: <http://www.caslon.com.au/humanrightsprofile7.htm>

¹²See: http://www.hrea.org/index.php?base_id=151

¹³In situations of armed conflict, Humanitarian law is *lex specialis*, which means that the application of the provisions of Humanitarian law prevails upon the provisions of Human rights law.

instance when visiting prisoners in jail and their victims, Humanitarian Law does not apply any more and the law that applies is the Human Rights Law.

When there is a violation of Humanitarian Law during an armed conflict, the expression 'transitional justice' indicates how peace processes come to terms with past gross injustices in societies. More precisely, "transitional justice refers to a range of approaches that societies undertake to reckon with legacies of widespread or systematic human rights abuse as they move from a period of violent conflict or oppression towards peace, democracy, the rule of law, and respect for individual and collective rights. In making such a transition, societies must confront the painful legacy, or burden, of the past in order to achieve a holistic sense of justice for all citizens, to establish or renew civic trust, to reconcile people and communities, and to prevent future abuses."¹⁴

Transitional justice looks at the big picture of justice. To achieve just and right relationships, individuals and societies have to address four elements in their interdependence: the truth about the harm done, accountability and responsibility, reparation of the harmed relationship, and reconciliation to heal the broken relationship.¹⁵ These four elements of transitional justice have to be framed in an even bigger picture of law with three dimensions: legal justice, rectificatory justice, and distributive justice.¹⁶ Legal justice has a political nature and focuses on establishing the rule of law that enhances order and security. It does not allow impunity.¹⁷ Rectificatory justice has a psychosocial nature and focuses on punishing the perpetrators through trials, justifying the victims in truth commissions and healing their trauma.¹⁸ The International Criminal Courts in The Hague or those set up for Yugoslavia or Rwanda are good example of courts and tribunals to punish perpetrators of crimes against humanity. Rectificatory justice must be followed by a distributive justice, which is largely socio-economic in nature and focuses on alleviating the effects and targeting the causes of violence: inequalities and exclusion, inhuman underdevelopment and poverty. Reconciliation is enhanced by legal, rectificatory and distributive justice. A big picture of reconciliation should not forget to address distributive justice against structural and systemic injustices such as political and economic discrimination and inequalities of distribution. These are often the underlying structural causes of violence affecting victims and perpetrators and societies.¹⁹

These three dimensions of the big picture of justice in reconciliation are mutually reinforcing: it is needful to address the three simultaneously to build a sustainable reconciliation.²⁰ But for the big picture of justice to be complete,

¹⁴See: <http://www.ictj.org/en/about/mission/> and also <http://www.ictj.org/en/tj/>

¹⁵See in this same issue of *Promotio Justitiae* the TARR model presented by Stephan Parmentier.

¹⁶Mani, Rama, *Beyond Retribution: Seeking Justice in the Shadow of War*, Maldin, 2002, p. 4-5.

¹⁷*Ibid.*, p. 5, 17, 86.

¹⁸*Ibid.*, p. 5, 17, 101.

¹⁹*Ibid.*, p. 6, 17, 128.

²⁰*Ibid.*, p. 11-22.

more is needed. Indeed, transitional justice must transform relations aiming at rehabilitating the perpetrator and 'delinquent' and reincorporating him/her back into the community. This is the aim of *restorative justice* that takes place within the criminal justice system as a fundamental legal approach to reconciliation. Restorative justice reconciles because it focuses on repairing and healing the harm done to individuals, communities and their relationships, to victims and perpetrators within their communities, rather than on punishing offenders. Restorative justice will never accept the death penalty or even a life sentence, because these render impossible the rehabilitation and reintegration of the perpetrator in the community. In restorative justice, perpetrators are accountable (that is, they assume responsibility), victims are repaired, and communities care for the relationships and are reconciled.²¹ This occurs not only in contexts of criminal and armed conflicts, but also with conflicts in families, schools, workplaces, and neighbourhoods. The following definition of restorative justice illustrates its participatory nature: "Restorative Justice is a process whereby: i) all the parties with a stake in a particular conflict come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future; and ii) offenders have the opportunity to acknowledge the impact of what they have done and make reparation, and victims have the opportunity to have their harm or loss acknowledged and amends made."²² This new focus on healing victims and perpetrators and their relationships in society, empowering all those affected by a crime and enhancing community cohesion between divided individuals and societies, is essential to reconciliation in prisons and peace work. The justice of reconciliation is a justice without borders because it involves gratuitousness and love to restore parties and set right their relationships.

d. A call to Gratis Relationships: Reconciliation in Love

The *minimum measure* of love is justice.²³ Therefore, although love does not exist without justice, love goes beyond the borders of justice. According to Benedict XVI, "charity transcends justice and completes it in the logic of giving and forgiving. The *earthly city* is promoted not merely by relationships of rights and duties, but to an even greater and more fundamental extent by relationships of gratuitousness, mercy and communion."²⁴ There is no

²¹Paul McCold and Ted Wachtel, *In Pursuit of Paradigm: A Theory of Restorative Justice*, in *International Institute for Restorative Practices*, Rio de Janeiro, 2003; see:

<http://www.realjustice.org/library/paradigm.html>

²²See: <http://www.restorativejustice.org.uk/>

²³Benedict XVI, *Encyclical Letter Caritas in Veritate*, n. 6; see:

http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html#_edn27

²⁴*Ibid.*

reconciliation that does not go beyond justice; this is clearly the case in killings: how to do justice and pay back to an orphan the killing of the mother or father? In cases of extreme violence, there is no reconciliation without a certain degree of giving that is free of charge: some gratis self-giving is needed to heal the relationship between victim and perpetrator. Reconciliation involves 'reconciling' all approaches to justice in the big picture and also giving to a degree beyond a merely just transaction in relationships. This reconciling gratis relationship is present in forgiveness, which etymologically means "excess-giving" (*for-give*). Christians recognise this love or superabundant giving of the self beyond justice in Jesus' mission of reconciliation.

Jesus is God's gratis self-giving, overflowing love transcending justice to reconcile God with humanity. "In proclaiming God's message of love and compassion Jesus crossed over physical and socio-religious frontiers. His message of reconciliation was preached both to the people of Israel and to those living outside its physical and spiritual frontiers: tax collectors, prostitutes, sinners, and persons of all kinds who were marginalised and excluded. His ministry of reconciliation with God and with one another knew no boundaries. He spoke to the powerful, challenging them to a change of heart."²⁵ Jesus goes beyond the borders of what is humanly due in order to include the excluded *stranger*, as in the case of the Syrophenician woman (Mk. 7:25-30), and shows God's way of doing justice and reconciliation. Jesus finds the source of that compassionate love in his relationship with the Father in the Spirit, in the mutual indwelling of the three Persons of the Trinity. Moved by the overflowing divine loving indwelling, "He showed special love for the sinner, the poor widow, and the lost sheep. The kingdom of God, which he constantly preached, became a vision for a world where all relationships are reconciled in God. Jesus confronted the powers that oppose this kingdom, and that opposition led him to death on the cross, a death which he freely accepted in keeping with his mission. On the cross we see all his words and actions revealed as expressions of the final reconciliation effected by the Crucified and Risen Lord, through whom comes the new creation in which all relationships will be set right in God."²⁶ Jesus on the cross says 'Father forgive them'; and the Risen Jesus gives the disciples the indwelling Spirit of Forgiveness to love the enemy and *reconcile the stranger*. This is how we humans become perfect as God is perfect: reconciling through forgiving the enemy or loving in excess as only God does. Humans forgive 'like' God because humans forgive 'from and with' God, becoming "instruments of God, who *in Christ reconciled the world to himself, not counting their trespasses.*"²⁷

²⁵GC35, Decree 3, part III, n. 14.

²⁶*Ibid.*

²⁷*Ibid.*, n. 16.

Divine or not, love is what ultimately re-humanises victims and perpetrators and their societies.

Reconciliation puts on the table a tough question: who is the excluded enemy? Reconciliation invites us to respond with a tough answer: do justice without borders by giving gratis and in excess, by forgiving as a way of loving the enemy. In a faith perspective, human reconciliation takes place from and with God in a way that humans become divine or perfect like the Father is. “Righting relationships” is the fruit of doing justice without borders, the fruit of a divine-human cooperation to love in excess and reconcile what seems to be humanly irreconcilable.

Salomé Santos
Spain

Elías López SJ
Belgium