

# Reconciliation Systems Design: A Systematic Approach to Collective Healing in Post-Conflict Societies

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## ABSTRACT

*This paper introduces a new field of study, Reconciliation Systems Design, to guide policymakers and community leaders in conceptualizing, operationalizing, synergizing, and implementing a comprehensive, broad-scale, post-conflict reconciliation system. I elucidate major obstacles to effective reconciliation design and describe twelve strategies to construct and implement a robust approach to societal healing. These twelve interwoven strategies cover all aspects of reconciliation design from establishing the design team and mapping the stakeholders to synergizing various processes and mechanisms and mobilizing public support for reconciliation. The paper concludes with recommendations to advance research and education in the field of Reconciliation Systems Design.*

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I. INTRODUCTION

Imagine receiving a phone call from a senior government official seeking your advice on a matter of urgent national importance. “After decades of civil war,” he tells you, “our government has finally reached a political agreement with the rebels. But peace will never come until we heal. War has ravaged our national identity, divided our communities, and traumatized everyone. The President has appointed me chief architect of a national reconciliation program, and I would like your guidance on how to build a high-impact intervention.” How would you respond? What is a comprehensive method to

design a reconciliation process that moves society from division to unity?<sup>1</sup>

The journey from political violence to peaceful coexistence is long, arduous, and vulnerable to backlash and failure.<sup>2</sup> While peace treaties are an important step in achieving sustainable peace, societies must address deep-rooted emotional and structural divides that persist long after a peace treaty is signed.<sup>3</sup> This requires confronting emotionally charged questions related to truth-telling and forgiveness, power and reparations, and trauma and recovery. It also entails choosing between an overwhelming number of collective healing activities such as a truth commission, national tribunal, victim counseling program, economic redistribution plan, or some combination of

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1. A variety of individuals and institutional organizations regularly field requests for insights into the design of effective reconciliation processes. Intergovernmental organizations (e.g., the United Nations), governmental organizations (e.g., the United States Agency for International Development), nongovernmental organizations (e.g., International Center for Transitional Justice), and academic institutes (e.g., Harvard International Negotiation Program) offer advice to governments and grassroots organizations on approaches to reconciliation.

2. "Once a country experiences one civil war, it is significantly more likely to experience additional episodes of violence" as shown by a 57 percent recidivism rate from 1945-2009. BARBARA WALTER, CONFLICT RELAPSE AND THE SUSTAINABILITY OF POST-CONFLICT PEACE 1 (2010), [https://web.worldbank.org/archive/website01306/web/pdf/wdr%20background%20paper\\_walter\\_04dbd.pdf?keepThis=true&TB\\_iframe=true&height=600&width=800](https://web.worldbank.org/archive/website01306/web/pdf/wdr%20background%20paper_walter_04dbd.pdf?keepThis=true&TB_iframe=true&height=600&width=800) <<https://perma.cc/D9TZ-897C>>.

3. South Africa offers a striking example. Despite the country's Truth and Reconciliation Commission and other measures such as Affirmative Action, Paul Sunday Omoyefa reports in the *Journal of Conflictology* that there is a "growing crisis of confidence between white and black communities, the poor and the rich, and between males and females," which "has led to many violent clashes, which at times have threatened the very foundation upon which the post-apartheid South Africa was built." Paul Sunday Omoyefa, *Post-Apartheid South Africa: A Need for Genuine Conflict Transformation*, 5 J. CONFLICTOLOGY 52, 52 (2014). More generally, peace researchers have observed that formal peace agreements "fall far short of establishing genuine peaceful relations between the former adversaries." Daniel Bar-Tal, *The Nature of Reconciliation as an Outcome and as a Process*, in FROM CONFLICT RESOLUTION TO RECONCILIATION 11, 12 (Yaacov Bar-Siman-Tov ed., 2004). Other scholars have made the same observation. See, e.g., JOHN PAUL LEDERACH, BUILDING PEACE: SUSTAINABLE RECONCILIATION IN DIVIDED SOCIETIES 44-55 (1997) (noting that formal negotiations are the first of many steps in bringing a conflict to closure); Ronnie D. Lipschutz, *Beyond the Neoliberal Peace: From Conflict Resolution to Social Reconciliation*, 25 SOC. JUST.: J. CRIME 5, 16 (1998); COLIN KNOX & PÁDRAIC QUIRK, PEACE BUILDING IN NORTHERN IRELAND, ISRAEL AND SOUTH AFRICA: TRANSITION, TRANSFORMATION AND RECONCILIATION 24-28 (2000) (discussing the challenges of connecting high-level agreements with day-to-day activities in conflict resolution).

these or other activities.<sup>4</sup> These politically fraught decisions transpire within a fragile society viscerally shaken from large-scale violence, further complicating the question of how society should best design an effective reconciliation plan.<sup>5</sup>

Surprisingly, throughout my thirty years of international research and fieldwork in conflict zones, I have discovered no comprehensive, psychologically anchored method to design a robust, multifaceted reconciliation plan.<sup>6</sup> There are outstanding books, articles, and case studies describing and analyzing specific instances and instruments of reconciliation—peacekeeping forces, truth and reconciliation commissions, reparation procedures, human rights organizations, and victim and mental health interventions<sup>7</sup>—and there are

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4. See generally DAVID BLOOMFIELD ET AL., RECONCILIATION AFTER VIOLENT CONFLICT: A HANDBOOK 77–145 (2003) (detailing the four major “instruments” of reconciliation: healing, justice, truth-telling, and reparation); Jennifer A. Widner, *Building Effective Trust in the Aftermath of Severe Conflict*, in WHEN STATES FAIL: CAUSES AND CONSEQUENCES, (Robert I. Rotberg ed., 2010) (discussing various approaches to rebuilding social capital in a post-conflict society).

5. Violent conflict has a tremendous impact on population health, causing trauma, mental health problems, non-communicable diseases, sexual and reproductive health issues, and spread of infectious diseases. See S. Garry & F. Checchi, *Armed Conflict and Public Health: Into the 21st Century*, 42 J. PUB. HEALTH e287, e288–89 (2020). Furthermore, violent conflict can foster a breakdown of trust in institutions. See Alexander De Juan & Jan Henryk Pierskalla, *Civil War Violence and Political Trust*, 33 CONFLICT MGMT. & PEACE SCI. 67, 67–88 (2016).

6. I view reconciliation processes as a subset of activities that fall under the rubric of peacebuilding. Additional activities that constitute peacebuilding include security and demilitarization of destabilizing forces, political transition, and economic and community development. See generally HO-WON JEONG, PEACEBUILDING IN POST-CONFLICT SOCIETIES: STRATEGY AND PROCESS (2005) (discussing and analyzing elements of post-conflict peacebuilding strategies).

7. See, e.g., DAVID A. HAMBURG, NO MORE KILLING FIELDS: PREVENTING DEADLY CONFLICT (2002) (discussing the role of nongovernmental organizations in peacebuilding); Mica Estrada-Hollenbeck, *The Attainment of Justice Through Restoration, Not Litigation: The Subjective Road to Reconciliation*, in RECONCILIATION, JUSTICE, AND COEXISTENCE: THEORY & PRACTICE 65, 74 (Mohammed Abu-Nimer ed., 2001) (pointing to restorative justice as an instrument of reconciliation); Lakhdar Brahimi (Chairman of the Panel on United Nations Peace Operations), *Report of the Panel on United Nations Peace Operations*, 35–47, U.N. Doc. A/55/305-S/2000/809 (Aug. 21, 2000) (discussing the role played by peacekeeping forces in post-conflict reconciliation process); Brandon Hamber, *Transformation and Reconciliation*, in CONTEMPORARY PEACE MAKING: CONFLICT, VIOLENCE AND PEACE PROCESSES 224, 228–30 (John Darby & Roger Mac Ginty eds., 2003) (discussing the reparation procedures employed in post-apartheid South Africa); JOHN PAUL LEDERACH, THE MORAL IMAGINATION: THE ART AND SOUL OF BUILDING PEACE 131, 143 (2005) (emphasizing the role of truth and reconciliation commissions as a post-conflict instrument of “public and systemwide accountability for crimes and atrocities committed . . .”); See also Haleh Afshar, *Women and Wars: Some Trajectories Towards a Feminist Peace*, 13 DEV. PRAC. 178, 185–88 (2003) (providing a feminist critique of post-war reconciliation efforts).

expert institutions across the continents that provide essential support and advisory services.<sup>8</sup> But I have found no unified system to guide post-conflict societies through the laborious, emotionally burdensome process of conceptualizing, operationalizing, synergizing, and implementing reconciliation initiatives. This gap would be inconsequential if societies could heal through a single intervention, but reconciliation is multifaceted, long-term, and politically and emotionally complex, and its success hinges on the degree to which healing mechanisms are well-designed and synergistic.<sup>9</sup>

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8. Example organizations include the United Nations Department of Political Affairs, Peacemaking and Peacebuilding; Inter Mediate; Arias Foundation for Peace and Human Progress; Centre for the Study of Violence and Reconciliation (in South Africa); Conflict Prevention and Post-Conflict Reconstruction Network; International Conflict Research, a joint project of the United Nations and the University of Ulster; International Crisis Group; International Peace Research Institute; the United States Institute of Peace; The Women Waging Peace Network; and the Conflict Prevention and Reconstruction Unit of the World Bank Group.

9. Johan Galtung argues that peace requires addressing structural violence, as well as the avoidable impairment of fundamental human needs resulting from political, economic, legal, or social inequalities. Johan Galtung, *Violence, Peace, and Peace Research*, 6 J. PEACE RSCH. 167, 177–83 (1969) (noting that inequalities take substantial time, effort, and resource to resolve, as they are, by definition, a product of institutional structures and processes).

Additionally, the emotional consequences of war can last for generations. See Theresa S. Betancourt et al., *The Intergenerational Impact of War: Longitudinal Relationships Between Caregiver and Child Mental Health in Post-Conflict Sierra Leone*, 56 J. CHILD PSYCH. & PSYCHIATRY 1101, 1104–05 (2015) (discussing the long-term impact of emotional distress experienced by caregivers on the mental health of children in post-conflict societies); Vamik D. Volkan, *Transgenerational Transmissions and Chosen Traumas: An Aspect of Large-Group Identity*, 34 GRP. ANALYSIS 79, 85–87 (2001) (discussing the transgenerational transmission of traumatic experiences in conflict zones). The need for complex interventions has been underscored by Antonio Guterres, the Secretary General of the United Nations, since 2019. U.N. SCOR, 74th Sess., 8668th mtg. at 2, U.N. Doc. S/PV.8668 (Nov. 19, 2019) (“[Reconciliation] can no longer be limited to those directly involved in waging war. Today’s conflicts are complex and drawing in neighboring countries and great Powers. Social, economic and political inequalities are growing and amplified by the climate crisis and new technology. Democratic space is shrinking and stoking identity-based politics, discrimination, intolerance and hate speech.”). Indeed, factors fueling a conflict all require resources and sustained political will to address. Furthermore, the complex political, economic, legal, and emotional dimensions of reconciliation can lead to interventions that serve some aspects of reconciliation while damaging others, such as when economic aid serves donor interests but fuels internal conflict within the recipient region. According to Peter Uvin, “a society characterized by structural violence produces profound popular anger, frustration, cynicism, ignorance, and desire for scapegoating. This creates a fertile soil for elites to mobilize these sentiments against minority social groups.” PETER UVIN, *AIDING VIOLENCE: THE DEVELOPMENT ENTERPRISE IN RWANDA* 8 (1998). Uvin’s research into post-conflict processes in Rwanda showed that “[a]id financed much of the processes of social exclusion, shared many of the humiliating practices, and closed its eyes to the racist currents in society.” *Id.* at 8.

To address this gap, this paper introduces a methodology called Reconciliation Systems Design to help post-conflict societies develop, implement, and coordinate healing mechanisms.<sup>10</sup> I elucidate the nature of reconciliation, highlight major barriers to its efficacy, and propose a method to overcome them. Drawing on *Relational Identity Theory*, this approach proposes specific strategies to lay the groundwork for reconciliation, design a multifaceted system, and optimize the efficacy of this system.<sup>11</sup> My broader goal is to launch a field of research on Reconciliation Systems Design, in which scholars and practitioners collaborate to catalogue collective healing mechanisms, devise new and hybrid models of reconciliation, and develop processes to synergize interventions for maximum impact. I am convinced that there is a need for Reconciliation Systems Design and equally convinced that this arena of inquiry can help bring emotional closure to past trauma *and* prevent costly future clashes.<sup>12</sup>

## II. WHAT IS RECONCILIATION SYSTEMS DESIGN?

Reconciliation Systems Design is a methodical approach to conceptualize, operationalize, and synergize reconciliation interventions within post-conflict societies. A large body of research examines individual reconciliation interventions such as the structure of a truth

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10. See *infra* Section II.

11. See generally DANIEL SHAPIRO, *NEGOTIATING THE NONNEGOTIABLE: HOW TO RESOLVE YOUR MOST EMOTIONALLY CHARGED CONFLICTS* (2016) (articulating the four steps of “integrative dynamics” that should permeate post-conflict reconciliation). Daniel L. Shapiro, *Relational Identity Theory: A Systematic Approach for Transforming the Emotional Dimension of Conflict*, 65 AM. PSYCH. 634 (2010) (discussing the outlines of Relational Identity Theory).

12. The economic impact of violence in 2017 was “\$14.76 trillion. . . or 12.4 per cent of global GDP”, primarily a result of escalating interstate and internal armed conflict, an increase in political terror, and reduced commitment to UN peacekeeping. GLOBAL PEACE INDEX 2018: MEASURING PEACE IN A COMPLEX WORLD 2, (2018) <http://visionofhumanity.org/reports> (last visited Jan 23, 2021). The cost of reconciliation processes pales in comparison. The Commission of Truth and Reconciliation (TRC) in South Africa had an annual budget of approximately \$18 million funded by South Africa taxpayers and international donors. South African Truth Commission, LEGAL INFORMATION INSTITUTE, [https://www.law.cornell.edu/wex/south\\_african\\_truth\\_commission](https://www.law.cornell.edu/wex/south_african_truth_commission) (last visited Jan 23, 2021). The TRC’s Reparation and Rehabilitation Committee recommended “each victim or family receive approximately \$3500 USD each year for six years, for an aggregate grant of \$640 million,” amounting to “about 0.25% of annual GDP. Moreover, the Committee found that some corporations were unjustly enriched by apartheid. Taxes on the public and on these beneficiaries would fund the reparations. After some delays, the South African government made a modest one-time payment to 21,000 victims that was far lower than what the Committee recommended.”

commission.<sup>13</sup> Reconciliation Systems Design, in contrast, focuses on the *meta-processes*<sup>14</sup> through which a society develops a coordinated set of interventions. The three fundamental components of this method—reconciliation, systems, and design—require explication.

*Reconciliation.* Reconciliation is the process of fostering harmonious coexistence between opposing individuals and groups.<sup>15</sup> Ideally, a divided society is made whole through political, social, legal, and economic measures that enable individuals and groups to (1) come to terms with grievances, (2) live and work together in dignity and harmony, and (3) address differences through peaceful means. Reconciliation does not produce a conflict-free society, for discord is inevitable—and desirable—in a democratic society where people’s voices matter. Instead, society actuates its capacity to resolve differences nonviolently through political means, economic development, and dispute resolution mechanisms including law, negotiation, mediation, and arbitration. A vibrant, interconnected society emerges in which stakeholders cooperate on issues of common concern, manage

13. A wide variety of books examine specific reconciliation interventions, sometimes known as “reconciliation processes.” Cf. Linda Radzik & Colleen Murphy, *Reconciliation*, STAN. ENCYCLOPEDIA OF PHIL. (Aug. 2, 2019), <https://plato.stanford.edu/entries/reconciliation> <<https://perma.cc/9VZC-8SPZ>> (discussing the relationship between “reconciliation” and “reconciliation processes”). Some of these books present chapter-by-chapter analyses of discrete interventions. See, e.g., ERIN DALY & JEREMY SARKIN, RECONCILIATION IN DIVIDED SOCIETIES: FINDING COMMON GROUND (2011); BLOOMFIELD ET AL., *supra* note 4; Brandon Hamber, *Transforming Societies After Political Violence: Truth, Reconciliation, and Mental Health*, in 4 PEACE PSYCHOLOGY BOOK SERIES (Daniel J. Christie ed., 2009). Other books delve into a specific reconciliation process. See e.g., DESMOND MPIOLO TUTU, NO FUTURE WITHOUT FORGIVENESS (1999) (examining the complexities of reconciliation); PABLO DE GREIFF, THE HANDBOOK OF REPARATIONS (2006) (studying reparation programs); JUDITH HERMAN, TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE—FROM DOMESTIC ABUSE TO POLITICAL TERROR (1997) (offering a psychological path to emotional healing in the wake of violence).

14. A process is a series of actions taken to achieve a particular end. A meta-process is a series of actions taken to design and coordinate multiple subprocesses, much as management within a company designs and coordinates operations across departments.

15. SHAPIRO, *supra* note 11, at 193 (“[C]oexistence alone is not the goal—a family, for example, can coexist for years in misery. To truly resolve identity-based divisions, you need to reframe your conflict as a quest for harmonious coexistence. . . .”). Ambassador Sergio Jaramillo, former High Commissioner for Peace in Colombia, refers to this outcome state as “convivencia,” which in Spanish has a warmer, more concrete, and humbler connotation than the stark term “coexistence” that suggests indifference. Email from Sergio Jaramillo Caro, Ambassador of Colombia to Belgium, to Daniel L. Shapiro, Dir., Harvard Int’l Negot. Program (Jan. 14, 2021) (on file with author); see also THE OXFORD SPANISH DICTIONARY 190 (Carol Styles Carvajal & Jane Horwodd eds., 2d ed. 2001) (defining “convivencia” as “coexistence; . . . the peaceful coexistence of nations; . . . [and] living together”).

differences effectively and fairly, and avoid the human and financial costs of interpersonal, intergroup, and structural violence.<sup>16</sup> Political and psychological reality is not always so kind to this vision, but the ideal is important for society to keep in mind to motivate a proactive stance toward collective healing.

*Relational Identity Theory* provides insight into the process of reconciliation by differentiating between core identity and relational identity.<sup>17</sup> *Core identity* refers to the set of characteristics that define who one is as an individual or member of a group, ranging from one's beliefs and values to self-categorization as a representative of a social, spiritual, or political group. Because core identity is central to our sense of personal continuity and worldview, it is extremely resistant to change;<sup>18</sup> any reconciliation program that seeks to convert our deepest beliefs is likely to fail. A much more fluid type of identity is what I call *relational identity*—the characteristics that define who we are in relation to another individual or group. Herein lies the power of reconciliation. Whereas violent conflict pits *core identities* against one another—Hutu *versus* Tutsi, Northerner *versus* Southerner—reconciliation weaves people's relational identities into an interconnected whole.<sup>19</sup>

Reconciliation must address two basic dimensions of relational identity: affiliation and autonomy.<sup>20</sup> *Affiliation* is the quality and degree of our emotional connection to individuals, groups, and institutions—the extent to which we feel close to them and included within social, economic, political, and legal structures. *Autonomy* refers to

16. These goals are made possible if there is “sufficient *acceptance* by former enemies of the legitimacy of postwar rule of law, sufficient *correlation of accounts* to allow truth commissions and trials to defuse issues of rectificatory justice, and sufficient *bridging of differences* through compensation, reparation or structural adjustments to deliver adequate prospects of improved distributive justice in future.” OLIVER RAMSBOTHAM ET AL., CONTEMPORARY CONFLICT RESOLUTION 251(2011) (emphasis in original).

17. See generally SHAPIRO, *supra* note 11, at 13–21 (explaining various facets of core and relational identities).

18. Erik Erikson highlights that identity crisis is both *psycho* and *social*, explaining that “it is a subjective sense as well as an observable quality of personal sameness and continuity, paired with some belief in the sameness and continuity of some shared world image.” ERIK H. ERIKSON, LIFE HISTORY AND THE HISTORICAL MOMENT: DIVERSE PRESENTATIONS 18 (1977).

19. See OLIVER RAMSBOTHAM ET AL., *supra* note 16, at 251 (“[T]he possibilities for reconciliation in the full sense of a *reconstitution of relationships*” (emphasis in original)).

20. SHAPIRO, *supra* note 11, at 18–21 (differentiating between affiliation and autonomy). See generally Shapiro, *supra* note 11 (discussing the interplay between affiliation, autonomy, and Relational Identity Theory).



the quality and degree to which we feel free to make independent decisions about what to think, feel, and do in relation to an individual, group, or institution. Do we feel pressured to publicly reveal our stories of victimization? Are we treated as second-class citizens with constrained freedom to contribute to, and benefit from, the political, economic, and legal system? Fundamentally, the challenge of reconciliation is to achieve cross-group affiliation and mutual respect for everyone's autonomy, but innumerable complications arise. Should society grant amnesty to perpetrators of violence and guarantee them seats in a new government, expanding their political autonomy but disaffiliating people who oppose this inclusive policy? Or should society enact punitive measures that affirm hard-edged justice at cost to cross-group affiliation? How should society re-affiliate youth soldiers who have experienced the front lines of battle and the agency of combat?<sup>21</sup>

Because reconciliation is a relational process, it has no definitive endpoint. While some scholars argue that it is an outcome<sup>22</sup>—a *state*

21. William James proposes that the functions of military conscription can be met through peacetime service. WILLIAM JAMES, *THE MORAL EQUIVALENT OF WAR* (1910), *reprinted in* 1 *PEACE & CONFLICT: J. OF PEACE PSYCH.* 17, 24–26 (1995).

22. Some scholars define reconciliation as a “restoration” of relationships and community, but this idealizes the past when, as in South Africa in the post-apartheid era, “there is nothing to go back to, no previous state or relationship one would wish to restore.” ANTJIE KROG, *COUNTRY OF MY SKULL: GUILT, SORROW, AND THE LIMITS OF FORGIVENESS IN THE NEW SOUTH AFRICA* 143 (1998). Professors Erin Daly and Jeremy Sarkin describe reconciliation as “the coming together of things that once were united but have been torn asunder—a return to or recreation of the status quo ante, whether real or imagined.” DALY & SARKIN, *supra* note 13, at 5.

There are countless other definitions of reconciliation. *See* INTERNATIONAL HANDBOOK OF PEACE AND RECONCILIATION (Kathleen Malley-Morrison et al. eds., 2013) (exploring definitions of peace and reconciliation across continents, regions, and states over ten chapters with virtually all definitions viewing relational transformation as essential to the process). *See also* Angelika Rettberg & Juan E. Ugarriza, *Reconciliation: A Comprehensive Framework for Empirical Analysis*, 47 *SEC. DIALOGUE* 517, 517 (2016) (“[S]ignificant proportions of respondents seem to understand reconciliation to be primarily a psychological and political process which aims to achieve the re-establishment of quotidian or day-to-day relations and cooperation;”). This process may come in forms such as forgiveness, Ervin Staub et al., *Healing, Reconciliation, Forgiving and the Prevention of Violence After Genocide or Mass Killing: An Intervention and its Experimental Evaluation in Rwanda*, 24 *J. SOC. & CLINICAL PSYCH.* 297, 301 (2005), repentance, Nigel Biggar, *Forgiving Enemies in Ireland*, 36 *J. RELIGIOUS ETHICS* 559, 564 (2008), attitudinal change, Daniel Bar-Tal & Gemma H. Bennink, *The Nature of Reconciliation as an Outcome and as a Process*, in *FROM CONFLICT RESOLUTION TO RECONCILIATION* 11, 11 (Yaacov Bar-Siman-Tov ed., 2004), and justice, Nevin T. Aiken, *Learning to Live Together: Transitional Justice and Intergroup Reconciliation in Northern Ireland*, 4 *INT’L J. TRANSITIONAL JUST.* 166, 166 (2010); Tracy Isaacs, *International Criminal Courts and Political Reconciliation*, 10 *CRIM. L. PHIL.* 133, 135–36 (2016).

of restored relations—I assume there is no moment that can be hailed as the *finale* to societal divides. Relational identity is fluid, organic, and dynamic, and conflict narratives and collective emotional memories can reemerge serendipitously or deliberately at a later point in time. Serious intergroup divides can bury deep within society’s collective psyche and reemerge in new forms years or generations later, implying that reconciliation is an on-going process.<sup>23</sup> Although its methods vary across cultures and contexts, they typically involve a range of state-organized and community-initiated activities to come to terms with the widespread impact of war crimes, crimes against humanity, and individual and institutional violence, as well as efforts to cultivate inclusive attitudes, social norms, and institutions.<sup>24</sup>

Political negotiation and reconciliation are distinct, complementary, and at times overlapping processes.<sup>25</sup> The purpose of political

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23. Scholars who view reconciliation as an outcome tend to assume that the internalized transformation of societal relations results in sustainably harmonious relations. For example, Bar-Tal and Bennink view reconciliation as both a process and outcome while observing the risk of conceptualizing reconciliation as the latter. Bar-Tal & Bennink, *supra* note 22, at 14–15, 17 (arguing that reconciliation is an outcome of peacemaking while also being a process that leads to “motivations, goals, beliefs, attitudes, and emotions that support the objective of peace, the new nature of peaceful relations, and positive views of the partner”). I believe that peace is a process; equating it with a sustainable relational outcome seems utopian. In Northern Ireland, for example, the world rejoiced upon the signing of the Good Friday Agreement, and substantial peace programs have helped restore harmonious relations across the region. *See generally What was the Good Friday Agreement?*, BBC (Apr. 10, 2018), <https://www.bbc.co.uk/newsround/14118775> <<https://perma.cc/F72Q-8RLK>> (providing a background about the Good Friday Agreement and discussing its role in the Northern Ireland peace process). Yet “Brexit negotiations and local political paralysis are throwing the region’s hard-won gains into doubt.” Charles Landow & Mohammed Aly Sergie, *The Northern Ireland Peace Process*, COUNCIL ON FOREIGN RELS. (Mar. 5, 2020), <https://www.cfr.org/background/northern-ireland-peace-process> <<https://perma.cc/LHF5-NAUT>>; *see generally* Benjamin Mueller, *What is Brexit? And What Happens Next?*, N.Y. TIMES (Jan. 28, 2021), <http://nyti.ms/3pipg46> <<https://perma.cc/HDM3-AMSS>> (providing a brief background on the departure of the United Kingdom from the European Union (“Brexit”). In today’s world, political, social, economic, and technological interdependencies result in diverse power centers and forms of political influence that can upend longstanding peaceful relations between groups and spark renewed divisions with great ease. Thus, I remain reluctant to define reconciliation as an outcome, because anyone in a position of influence can awaken a hibernating narrative of division, particularly given the ease and widespread network potency of social media platforms. Reconciliation as an outcome state exists in theory but seems difficult to ascertain within the complex sociopolitical dynamics of the real world.

24. Reconciliation typically requires state and community organizations to come to terms with past violence. *See* BLOOMFIELD ET AL., *supra* note 4, at 14 Box 1.1.

25. In South Africa, for example, President Nelson Mandela led the political negotiations, while Archbishop Tutu was chairman of the Truth and Reconciliation

negotiation is to bridge *political divides* through a mutually acceptable political agreement that meets stakeholder interests to the extent feasible. In contrast, the purpose of reconciliation is to bridge *relational divides* to the extent feasible, ranging from increased behavioral cooperation to internalization of positive relations.<sup>26</sup> Put succinctly, “politics is a process to deal with the issues that have divided us in the past. Reconciliation is a parallel process that redesigns the relationship between us.”<sup>27</sup> Political negotiations are usually private and prolonged, during which negotiating agents better understand each other’s perspectives—in effect undergoing a degree of interpersonal reconciliation—but society at large is rarely privy to these sessions, and taboos against affiliating with the enemy keep the negotiators’ amicable relations hidden from the public eye.<sup>28</sup>

*System.* Addressing structural disparities and entrenched narratives of victimhood requires a *multi-level, multi-dimensional set of coordinated interventions* to work through grievances, revise structural tensions, and restore positive intergroup relations.<sup>29</sup> The specific interventions—which I refer to as *healing mechanisms*—range from local social and educational activities to society-wide economic and

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Commission. *Profile: Archbishop Desmond Tutu*, BBC (July 22, 2010), <https://www.bbc.com/news/world-africa-10725711> <<https://perma.cc/Q34M-DR6F>>; John F. Burns, *Anti-Apartheid Rebels Tilt Toward Negotiation*, N.Y. TIMES, Jan. 23, 1990, at A2. In Colombia, reconciliation was part of political negotiations, and victims joined the negotiation to share their stories. TED PICCONE, THE BROOKINGS INST., PEACE WITH JUSTICE: THE COLOMBIAN EXPERIENCE WITH TRANSITIONAL JUSTICE 10 (2019), [https://www.brookings.edu/wp-content/uploads/2019/06/FP\\_20190708\\_colombia.pdf](https://www.brookings.edu/wp-content/uploads/2019/06/FP_20190708_colombia.pdf) <<https://perma.cc/SV4M-L7KN>>.

26. Herbert Kelman distinguishes between conflict settlement, conflict resolution, and reconciliation. Settlement is “a process yielding an agreement that meets the interests of both parties to the extent that their respective power positions enable them to prevail.” Herbert C. Kelman, *Conflict Resolution and Reconciliation: A Social-Psychological Perspective on Ending Violent Conflict Between Identity Groups*, 1 LANDSCAPES VIOLENCE, no. 1, art. 5, 2010, at 1, 1. Conflict resolution “represents a strategic change in the relationship between the parties, expressed in terms of a pragmatic partnership, in which each side is persuaded that stable peace and cooperation are both in its own best interest and in the interest of the other.” *Id.* at 2. Reconciliation “comes at the end of the [negotiation] process, with time: The test of a good agreement, and of the process that generates it, is its conduciveness to *ultimate* reconciliation.” *Id.* at 3 (emphasis in original). Kelman views reconciliation as both a process and the ultimate outcome of conflict resolution.

27. BLOOMFIELD ET AL., *supra* note 4, at 15. (noting that political negotiations can—and should—consider reconciliation goals in their agreements).

28. Through my high-level negotiation consultations in the Middle East, I have facilitated private meetings between senior political leaders from opposing sides of conflicts and have observed them build and reaffirm amicable relations behind closed doors, away from the media spotlight.

29. Professor Pumla Gobodo-Madikizela—a leading authority on societal remorse and forgiveness and a psychologist who worked to elicit testimony from perpetrators

political reform.<sup>30</sup> Because justice can foster societal healing, I also

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and victims as part of South Africa's Truth and Reconciliation Commission—was asked in a New York Times interview whether she could “imagine any sort of healing or reconciliation without a formal process like the [Truth and Reconciliation Commission]?” David Marchese, *What Can America Learn From South Africa About National Healing?*, N.Y. TIMES MAGAZINE (Dec. 11, 2020), <http://nyti.ms/37q5iP5> <<https://perma.cc/K993-Z3PA>>. She responded,

I think it absolutely requires a formal process. Those processes are critical. It's visible. It's public. There is an acknowledgment of wrongdoing. That is an important starting point. However, the problem of replicating the South African type of truth commission is if it ends with that event; if it becomes a singular event rather than a way of life in terms of how we engage with one another and how you address the fact that people were excluded from opportunities and are inheriting the consequences of that exclusion. That is part of what has to be reckoned with.

*Id.*

Working through grievance may require working through (1) trauma, HERMAN, *supra* note 13, at 209, building resilience to counter the transgenerational transmission of trauma, Luciana Lorens Braga et al., *Transgenerational Transmission of Trauma and Resilience: A Qualitative Study With Brazilian Offspring of Holocaust Survivors*, 12 BMC PSYCHIATRY, Sept. 2012, art. 134, at 8–9; *cf.* Volkan, *supra* note 9, at 86–87 (discussing how the transgenerational transmission of trauma may also lead to the transmission of its symptoms and consequences), (2) addressing structural inequalities, Galtung, *supra* note 9, at 175, and (3) improving intergroup relations, Arie Nadler & Nurit Shnabel, *Promoting intergroup reconciliation in conflicts involving direct or structural violence: Implications of the needs-based model*, in MOVING BEYOND PREJUDICE REDUCTION: PATHWAYS TO POSITIVE INTERGROUP RELATIONS 201, 201 (Linda R. Tropp & Robyn K. Mallett eds., 2011) (“reconciliation . . . requires ‘healing’ impaired intergroup relations and thus goes beyond conflict settlement and conflict resolution”). According to a briefing on a United Nations Security Council meeting on reconciliation,

Ilwad Elman, of the Elman Peace and Human Rights Centre in Somalia, spotlighted the need for reconciliation processes to be inclusive, locally owned and based in social and economic reforms—or risk falling flat. Recounting repeated failed reconciliation attempts in Somalia, she said many towns—divided by factions—saw fighting resume even as leaders returned from signing peace agreements. “Reconciliation is a process, . . . not a single event,” she emphasized, calling for a long-term nationwide strategy to build trust, women’s meaningful engagement and strong financial support from the international community.

Meetings Coverage, Security Council, Reconciliation Must Evolve to Reflect Growing Complexity of Today’s Conflicts, Participants Stress during Day-Long Security Council Open Debate, U.N. Press Release SC/14024 (Nov. 19, 2019). Restoring broken relations is a bedrock of reconciliation. *See, e.g.*, Lederach, *supra* note 3, at 34–35; Trudy Govier & Wilhelm Verwoerd, *Trust and the Problem of National Reconciliation*, 32 PHIL. SOC. SCIS. 178, 193–94 (2002); Steven R. Ratner, Book Review, 95 AM. J. INT’L L. 994, 994–95 (2001) (reviewing PRISCILLA B. HAYNER, UNSPEAKABLE TRUTHS: CONFRONTING STATE TERROR AND ATROCITY (2001)); Ervin Staub, *Reconciliation After Genocide, Mass Killing, or Intractable Conflict: Understanding the Roots of Violence, Psychological Recovery, and Steps toward a General Theory*, 27 POL. PSYCH. 867, 868–69 (2006).

30. I define a healing mechanism as a discrete process that seeks to reconcile relations between people or parties. While ad hoc dialogue between neighbors may

categorize justice-oriented interventions as healing mechanisms. Reconciliation happens at many levels within a society, and the interaction of these healing mechanisms forms systems of interdependence. Neighborhood projects can improve national unity just as a national truth commission can soothe local tensions.<sup>31</sup> Furthermore, local interventions typically nest within national ones. A national healing mechanism can inspire a neighborhood reconciliation project which, in turn, can energize national bridge-building efforts.

*Design.* Reconciliation Systems Design explores optimal processes for designing an integrated system of collective healing mechanisms.<sup>32</sup> How should healing mechanisms be developed, by whom, and how can society synergize multiple interventions? A major task of Reconciliation Systems Design is to create what I call *templates for action*—guides for developing and coordinating tailored healing mechanisms within specific post-conflict contexts. In the immediate aftermath of mass violence, it is much easier for policymakers to review these illustrative reconciliation design processes and

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occur organically, outside the sphere of a formal process, labeling these events as healing mechanisms allows them to be accounted for, coordinated, and synergized within the broader reconciliation system. Yet too much coordination risks being experienced as social engineering, squelching organic healing and fueling resistance to formal reconciliation methods.

31. Following South Africa's post-apartheid Truth and Reconciliation Commission, numerous commissions have been developed in other parts of the world, such as Canada's Truth and Reconciliation Commission to address the legacies of First Nations residential schools and post-colonial relations, Congo and Sierra Leone's truth commissions, and the Nepalese Truth Commission. Local reconciliation projects are widespread in conflict and post-conflict societies and range from community dialogue to conflict resolution education programs implemented in school systems in Eastern and Central Europe, see e.g., Daniel L. Shapiro, *After the Fall: A Conflict Management Program to Foster Open Society*, 102 NEW DIRECTIONS FOR STUDENT LEADERSHIP, no. 102, 2004, at 69, 69–70, to local storytelling initiatives in Northern Ireland, see e.g., *The Stories Network*, HEALING THROUGH REMEMBERING, <https://healingthroughremembering.org/the-stories-network/> <<https://perma.cc/QZ6M-X75W>> (last visited Jan 23, 2021). These grassroots activities work best if in tandem with reconciliation efforts across political groups. Research by Piccolino suggests that the “lack of elite level reconciliation compromises the effectiveness of actions aiming to promote local ‘social cohesion.’” Giulia Piccolino, *Local Peacebuilding in a Victor's Peace. Why Local Peace Fails Without National Reconciliation*, 26 INT'L PEACEKEEPING 354, 354 (2019). Piccolino warns that “the popularity of the ‘local turn’ among peacebuilders might be due more to the opportunity that it offers to eschew delicate national-level political issues, than to its supposed emancipatory potential.” *Id.* at 354.

32. Books on reconciliation processes tend to examine healing mechanisms within separate chapters or sections—but, at least through my research, I have not found a book that provides a macro-system for deciding upon the most appropriate mechanisms and how to coordinate their implementation. An illustrative list of books that discuss healing mechanisms include JEONG, *supra* note 6; BLOOMFIELD, BARNES, AND HUYSSE, *supra* note 4; DALY AND SARKIN, *supra* note 13.

adapt the most relevant ones to their situation than to start from scratch and move forward on instinct alone.

### III. KEY OBSTACLES TO RECONCILING RELATIONS

Three categories of obstacles hamper a reconciliation system: (1) a poorly formed design team; (2) a poorly laid conceptual foundation for reconciliation; and (3) a poorly constructed healing system. These three broad groups and specific obstacles that fall within each are summarized in Table 1.

#### A. *Poorly Formed Design Team*

Forming the design team is fraught with challenges. First, who should assemble the team? A government-led initiative may have political and financial resources but can undermine participation of rebel groups or others upset with the state. Local convenors, on the other hand, may lack connections, resources, and widespread political appeal to mobilize society. Second, the convenors of the reconciliation design process may be *unaware* of key stakeholders, unintentionally excluding groups who may then feel disempowered and resist the healing process.<sup>33</sup> Third, the design team may be *non-representative* of the broader society, leading unrepresented groups to perceive the design process as not credible.<sup>34</sup> Groups opposed to reconciliation may point to non-representation as evidence that the system is rigged, whether true or not, and a non-representative team may, in fact, impose a biased agenda or historical narrative that silences or revictimizes excluded parties.<sup>35</sup> Collective healing requires the population's willful engagement, and a non-representative team

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33. Exclusion in the design process fuels resentment due to lack of felt concern for the affected parties' need for autonomy and affiliation. *cf.* SHAPIRO, *supra* note 12, 19–23 (discussing the role of autonomy and affiliation in one's identity and conflict resolution).

34. I use the term *design team* to denote the group that is accountable to conceptualize and operationalize the reconciliation system. The design team may hold authority to make final decisions or may defer that authority to government leadership; the group may consult with stakeholders including government officials, members of civil society, affiliates of a local, regional, or national advisory group; experts in economic, political, historical, sociocultural, and psychological dimensions of post-conflict recovery; and international officials, advisors, funders, and conflict resolution experts.

35. See SARA COBB, *SPEAKING OF VIOLENCE: THE POLITICS AND POETICS OF NARRATIVE IN CONFLICT RESOLUTION*, 146–47 (2013) (“First, those without voice, unable to speak, are by definition not part of the public sphere, or, if they are, they are there in order to be actively excluded, as were the African Americans in the South or the Blacks in South Africa; in both cases, their presence was an ongoing topic for discussion in the public sphere. However, they were also actively excluded from speaking in public places. So, it is difficult to imagine a process whereby the marginalized can be

can spur underground or open resistance to the reconciliation process.<sup>36</sup> Fourth, the design team may adopt an *adversarial approach* to the design process. Each member may feel obligated to advocate for one-sided victory of their group's needs *over* that of others; dialogue turns into political battle. Fifth, the design team is likely to have a *clash of values* over ethical decisions related to amnesty, reparations, and forgiveness. Consequently, parties entrench in moral polemics and refuse to budge. Decisions are made on the basis of power, not principle, eroding moral legitimacy of the process, and the reconciliation system itself fails to capitalize on the healing power of a culturally embedded, consensually defined moral system.<sup>37</sup>

### B. *Poorly Laid Conceptual Foundation*

Another set of problems arises if the design team builds the reconciliation system without laying the conceptual groundwork—the metaphorical equivalent of an architect gathering steel, concrete, and mechanical equipment to build a skyscraper without first sketching a

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not only included, but also included as legitimate voices in any conflict resolution process.”).

36. Years back, Chris Voss, then the FBI's chief international hostage and kidnapping negotiator, told me that he believed the greatest asset of a negotiator is credibility. I suspect that the same principle holds true in the reconciliation design process: confidence in the design process and institutions—by the design team and the population—is likely to expand the political and emotional space within which stakeholders can share perspectives, reveal emotion, and engage in the healing process. Conversely, the perceived imposition of a reconciliation process is likely to threaten people's desire for autonomy, producing negative emotions and resistance. See ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 72–84 (2005) (underlining the risks of creating personal resistance by undermining a person's autonomy). In the context of reconciliation, autonomy often comes in the form of felt ownership in the development and operation of healing mechanisms. Professor Erin O'Hara notes, “direct victim buy-in is often needed to achieve social reconciliation and to ensure that future recommendations are implemented.” Erin Ann O'Hara, *Group-Conflict Resolution: Sources of Resistance to Reconciliation*, 72 *LAW CONTEMP. PROBS.* i, viii (2009). Providing political space to contribute to the design process respects one's sense of autonomy, which may be quite fragile in the aftermath of conflict and intergroup violence. Wanis-St. John and Kew have found that “[c]ases in which civil society groups actively engaged in peace negotiations seemed to enjoy more sustained peace in the peacebuilding phase. This holds true also for cases in which civil society groups did not have a direct seat at the table but did exercise significant influence with the negotiators because they were democratic actors. War resumed in many cases not characterized by direct or indirect civil society involvement in the peace negotiations.” Darren Kew & Anthony Wanis-St. John, *Civil Society and Peace Negotiations: Confronting Exclusion*, 13 *INT'L NEGOT.* 11, 36 (2008).

37. See JEROME D. FRANK, *PERSUASION AND HEALING: A COMPARATIVE STUDY OF PSYCHOTHERAPY* 195–98 (1974) (discussing the benefits of a consensus driven moral-ity-based system in the context of psychological therapy).

blueprint. First, the team may *lack a collective vision of peaceful coexistence*. Famed baseball coach Yogi Berra<sup>38</sup> quipped, “If you don’t know where you are going, you might wind up someplace else.”<sup>39</sup> The brutality of war can make harmonious coexistence seem unimaginable. Reconciliation becomes perceived as a *faux* process, a dead-end, and people cannot envision what society would look like if groups live and work side by side, with a reformed economic and political system, fairer systems of law and order, and a shared sense of identity. Second, the design team may *lack awareness of nuanced societal cleavages*, resulting in strategies that can backfire. In the Colombian Civil Conflict,<sup>40</sup> for example, in 2016 the government held a national referendum to ratify the final agreement to end its conflict with the Revolutionary Armed Forces of Colombia (FARC)<sup>41</sup>—but to the government’s surprise, large swaths of the population *in major cities* voted against it, resulting in its public rejection by a very thin margin (0.4%).<sup>42</sup> Third, the design team may *lack clarity on the broad objectives of collective healing*. Members may be more steeped in war tactics than healing practices, making it difficult to decide whether to

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38. Yogi Berra was “one of baseball’s greatest catchers and characters, who as a player was a mainstay of 10 [New York] Yankees championship teams and as a manager led both the [New York] Yankees and the [New York] Mets to the World Series . . . . Berra was inducted into the [baseball] Hall of Fame [in 1972].” Bruce Weber, *Yogi Berra, Yankee Who Built His Stardom 90 Percent on Skill and Half on Wit, Dies at 90*, N.Y. TIMES (Sept. 23, 2015), <http://nyti.ms/3c8YKai> <<https://perma.cc/4DQK-65CH>>.

39. Michele Gorman, *Yogi Berra’s Most Memorable Sayings*, NEWSWEEK (Sept. 23, 2015), <https://www.newsweek.com/most-memorable-yogi-isms-375661> <<https://perma.cc/EM29-6FHX>>.

40. The civil conflict in Colombia traces its roots to a series of mid-twentieth century civil wars and coups known as *La Violencia*. See Abbey Steele & Livia I Schubiger, 35 CONFLICT MGMT. & PEACE SCI. 587, 589 (2018). Multiple groups have been involved in this conflict, which has varied in intensity over the years. See Jake Rollow, *Colombia’s Conflict Lessons*, 31 WORLD POL’Y J. 86, 87–89 (2014).

41. FARC stands for Fuerzas Armadas Revolucionarias de Colombia [the Revolutionary Armed Forces of Colombia], a guerilla group that began its existence in the mid-1960s with links to the Communist Party of Colombia. Carlos Alberto Ospina Ovalle, *Was FARC Militarily Defeated?*, 28 SMALL WARS & INSURGENCIES 524, 530 (2017). Later, it became involved in narcotrafficking and direct military engagements with the Colombian government. *Id.* at 530–32.

42. The BBC reported that “50.2% of the voters rejected the agreement compared with 49.8% who voted for it.” *Colombia referendum: Voters reject FARC peace deal*, BBC NEWS (Oct. 3, 2016), <https://www.bbc.com/news/world-latin-america-37537252> <<https://perma.cc/R5NY-BCGR>>. According to the Washington Post, “[t]he vote shows a solid rural-urban divide in Colombia. The country’s peripheries, most torn by the war, predominantly voted in favor of the deal, whereas the majority in the interior of the country voted against. (A notable exception was Colombia’s capital city, Bogotá,



prioritize truth-telling, forgiveness, traditional healing rituals, widespread educational initiatives, or other procedures. The challenge of reconciliation is to redirect the strategic vision from winning the war to winning the peace, which calls for a contextually relevant theory of collective healing.

### C. *Poorly Designed Healing System*

A final category of obstacles revolves around poorly designed and coordinated healing mechanisms. First, there is the temptation to use a *cookie cutter approach* to reconciliation,<sup>43</sup> drawing on a well-known or salient method of reconciliation and applying it without cultural adaptation. This approach is unlikely to work because, as Tolstoy noted, “every unhappy family is unhappy in its own way.”<sup>44</sup> Transposing a notable healing intervention with no more than a tweak disregards local context, history, and roots of conflict.<sup>45</sup> A second obstacle is *systemic fragmentation*, in which diverse healing mechanisms work at cross-purposes, squandering time, resources, and institutional credibility.<sup>46</sup> The system turns into a muddled patchwork of uncoordinated interventions that pit projects and people against one another, stoke turf wars over funds, status, and influence, and politicize social divisions. Political factions may endorse “competing” healing mechanisms, further igniting political tribalism.<sup>47</sup> Third, while political accord may bring closure to the political divide, the *emotional chasm* between groups tends to persist and can lure former

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another supporter of the deal.)” Annette Idler, *Colombia Just Voted No on its Plebiscite for Peace. Here’s Why and What it Means.*, WASH. POST (Oct. 3, 2016), <https://wapo.st/3kHZJkh> <<https://perma.cc/5RY7-9MTZ>>.

43. A cookie cutter approach to reconciliation refers to the implementation of a template for action that has been taken from one post-conflict society and applied—without modification—in another context. Because reconciliation is an extremely complex *social* process, a cookie cutter approach is unlikely to serve the nuanced needs, fears, and wishes of the latter society. The form must fit to the need.

44. LEV NIKOLAYEVICH TOLSTOY, *ANNA KARENINA* 1 (Richard Pevear & Larissa Volokhonsky trans., Allen Lane Penguin Press 2000).

45. Cf. Adrian Little & Sarah Maddison, *Reconciliation, Transformation, Struggle: An Introduction*, 38 INT’L. POL. SCI. REV. 145, 50 (2017) (emphasizing the key role of local context, history, and cultural elements in successful reconciliation).

46. See PRISCILLA HAYNER, *THE PEACEMAKER’S PARADOX* 116–18 (1st ed. 2018).

47. The politicization of healing processes is evident in the United States as it seeks to address political polarization. The day after President Biden’s inauguration, The New York Times reports, “In defining his mission for history as bringing together a divided country, President Biden has made ‘unity’ the watchword of his fledgling administration. But one thing that divides America is what unity actually means.” Peter Baker, *In Biden’s Washington, Democrats and Republicans are Not United on ‘Unity’*, N.Y. TIMES (Jan. 21, 2021), <http://nyti.ms/3rjaUli> <<https://perma.cc/8QMT-AWAF>>.

adversaries back to battle.<sup>48</sup> Fear, resentment, shame, guilt, and humiliation can make it difficult for former opponents to collaborate on the design team, for they may hold mirror-image narratives, fixate on past grievances, view their own group as a legitimate victim, and assume the worst intentions of the other.<sup>49</sup> Lastly, a *deficit of public support for reconciliation processes* can undermine public participation in the overall healing process from design to execution and closure. The society must see the need for healing and engage politically and emotionally in that process, an act of collective trust.<sup>50</sup>

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48. Beyond stakeholder groups who may seek to sabotage the reconciliation process, human beings are susceptible to a variety of largely unconscious emotional dynamics that activate in times of perceived threat and lure parties back into an us-versus-them mindset. SHAPIRO, *supra* note 11, at 24 (“The tribes effect is fundamentally an adversarial, self-righteous, closed mindset.”).

49. Nadim N. Rouhana & Daniel Bar-Tal, *Psychological Dynamics of Intractable Ethnonational Conflicts: The Israeli-Palestinian Case*, 53 AM. PSYCH. 761, 763–66 (1998).

50. See Kew and Wanis-St. John, *supra* note 48, at 115–16.

TABLE 1: KEY OBSTACLES TO RECONCILING RELATIONS AND STRATEGIES TO ADDRESS THEM

<b>Obstacle</b>	<b>Strategy</b>
<i>Forming the Design Team</i>	
1. Nobody starts the process	Establish the convenor
2. Limited awareness of stakeholders	Map the stakeholders
3. Non-credible design team	Assemble a representative design team
4. Team members compete	Build affiliation as working partners
5. Clash of values	Formulate ethical guidelines
<i>Building the Blueprint for Reconciliation</i>	
6. No societal vision of coexistence	Develop a shared vision of harmonious coexistence
7. Incomplete understanding of societal divides	Identify emotional and structural factors impeding reconciliation
8. No shared theory of collective healing	Clarify strategic healing objectives
<i>Designing the System</i>	
9. Cookie-cutter approach to reconciliation	Build transitional, enduring, and symbolic healing mechanisms
10. System fragmentation	Synergize healing mechanisms
11. Emotional chasm threatens the system	Boost system resilience
12. A deficit of public will	Mobilize public will toward reconciliation

#### IV. RECONCILIATION SYSTEMS DESIGN

Ambassador Sergio Jaramillo Caro,<sup>51</sup> former High Commissioner for Peace in Colombia and a key architect of his country's reconciliation process, recently told me that the government had designed its sophisticated reconciliation process "by studying every reconciliation case we could locate from around the world and then creating our own, homegrown approach that met our specific needs."<sup>52</sup> When I asked him pointblank whether his team followed any sort of systematic roadmap or theory to guide the design process, he responded, "No."

This anecdote highlights the objective of Reconciliation Systems Design: providing a conceptual and practical roadmap to facilitate the design of a high-impact, integrated reconciliation system that benefits from analysis of previous conflicts and reconciliation systems. This Section presents major tenets of Reconciliation Systems Design and details twelve strategies, outlined in Table 1, that can achieve this objective.

##### A. Major Principles of Reconciliation Systems Design

Reconciliation Systems Design is grounded in several broad tenets:

- i. **There is no quick fix.** The distinguished diplomat Lakhdar Brahimi once shared with me the essence of large-scale reconciliation: "If you want to go fast, go slow."<sup>53</sup> Collective healing requires extensive time, effort, and resources to engage society in the emotionally and politically wrenching task of

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51. Ambassador Jaramillo has an extensive public service background. He served as an advisor of the Colombian Ministry of Foreign Affairs in charge of the Diplomacy for Peace Program between 2000 and 2001, as a political advisor at the Embassy of Colombia in France between 2001 and 2002, as an adviser for political and strategic affairs of the Colombian Minister of Defense between 2002 and 2003, and as Colombia's Vice Minister of Defense for Policies and International Affairs between 2006 and 2009. *High Commissioner for Peace*, PRESIDENCIA DE LA REPÚBLICA, <http://wsp.presidencia.gov.co/En/Government/HighCounselor/Paginas/NationalSecurity.aspx> <<https://perma.cc/L4N3-AT5E>>. He served as Colombia's High Commissioner for Peace between 2012 and 2017, where he was heavily involved in peace negotiations with FARC. *Sergio Jaramillo Caro*, EUR. INST. OF PEACE, <https://www.eip.org/team-organization/sergio-jaramillo-caro/> <<https://perma.cc/27DV-4DPY>>.

52. On May 1, 2020, several years after a peace agreement had been reached, I spoke with Ambassador Jaramillo, who shared his reflections on the peace process and his engagement over the years as Colombia's Vice Minister of Defense for Policy and International Affairs and subsequently as High Commissioner for Peace. See *supra* note 51.

53. Lakhdar Brahimi, an esteemed United Nations diplomat, was a member of the World Economic Forum's Global Agenda Council on Conflict Resolution, of which I was Chair from 2008-2011. During his time on that Council, he shared the quoted

reconciliation.<sup>54</sup> Time may heal wounds, but that process cannot be rushed. In researching and developing Reconciliation Systems Design, I have been struck by the critical importance of laying the conceptual and operational groundwork prior to building healing mechanisms. In fact, the first eight strategies of Reconciliation Systems Design *precede* building healing mechanisms. The message is clear: Do not hurry the process.

- ii. **A stepwise method is inadequate.** The design process I propose includes twelve “strategies,” not steps. A step-by-step reconciliation model unwisely assumes a level of emotional and political predictability absent from the post-conflict context, in which individuals and groups entangle in complex sociopolitical relationships and suffer varying intensities of distress and trauma. Nor are the twelve strategies completely distinct; they deeply intertwine and operate in a non-linear manner. For example, as policymakers work with international experts and local communities to develop healing mechanisms (Strategy Nine), they are likely to come to a

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insight. He served as Algerian Foreign Minister (1991-1993), UN Special Representative in Afghanistan (2001-2004), UN Special Envoy in Iraq (2004), and Joint Special Representative of the UN and Arab League for Syria (2012-2014).

54. Daly & Sarkin describe emotional complexities of reconciliation:

Political conflict engenders a wide range of personal traumas. In the aftermath of political conflict, people might be dealing with the horror of discrete events such as a rape or the loss of a loved one, or with an ongoing condition, such as imprisonment, an act or repeated acts of torture, displacement, or famine or disease caused by political upheaval, or long-term fear as when people live under totalitarianism or the authority of warlords or unregulated militia. The trauma might be inflicted on the survivor herself or on others whom she loved or whose trauma she witnessed. In these situations, feelings of guilt, helplessness, or inadequacy might be just as strong and debilitating as if the survivor had endured the physical pain herself. Most conflicts involve multiple hardships, and survivors must reconcile themselves to some or all of them.

DALY & SARKIN, *supra* note 13, at 43. Additionally, society itself often breaks down due to large-scale conflict, with (1) a dearth of intergroup trust, (2) an abundance of fear, resentment, humiliation, and shame, *see* THOMAS J. SCHEFF & SUZANNE M. RETZINGER, *EMOTIONS AND VIOLENCE: SHAME AND RAGE IN DESTRUCTIVE CONFLICTS* xviii–xix (1991) (writing on shame, fear, and resentment); Evelin Lindner, *Why There Can be No Conflict Resolution as Long as People are Being Humiliated*, 55 INT’L REV. EDUC. 157 (2017) (writing on humiliation), and (3) severe damage to functioning political and social institutions that advance intercommunal interests. PAUL COLLIER ET AL., WORLD BANK POL’Y RSCH. REPORT 56793, *BREAKING THE CONFLICT TRAP: CIVIL WAR AND DEVELOPMENT POLICY* 31–32, (2003).

greater understanding of their aspired societal vision (Strategy Six) and the most important elements of the healing process (Strategy Eight), which prompts the need for additional thinking on unexplored conceptual and ethical dimensions of the collective healing process (Strategy Five).<sup>55</sup>

- iii. Sequence matters.** Some strategies in the design process logically must precede others, such as the need to build healing mechanisms before synergizing them. But the order of other strategies is a matter of choice. When, for example, should leaders launch a campaign to energize public will toward reconciliation? I suggest this should happen primarily *after* the healing mechanisms have been developed—insulating the process from political sabotage—but in certain circumstances the sequencing may be flipped. Secret negotiations between Israeli and Palestinian negotiators produced the Oslo Accords,<sup>56</sup> yet the absence of public engagement until the final stages of the process limited opportunities to solidify public support for the outcome.<sup>57</sup> If a public consultation or information campaign had been organized sooner, the process might have risked more immediate collapse but could have enlisted greater ownership over the process and outcome. Or consider when reconciliation work should start. Community reconciliation may start

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55. The utility of each strategy depends on the political and social context. In a collectivistic culture that identifies deeply with its leader, a top-down design process may be acceptable to the population whereas in a democratic society that prioritizes individual political voice, a representative design team may be more effective. Additionally, the sequencing of these strategies may diverge across cultures and contexts. In some post-conflict situations, it may be wise to mobilize the public toward reconciliation early in the design process, whereas in contexts that have active spoilers with resources at their disposal, the process may be better kept behind closed doors until its structure is tentatively established.

56. Declaration of Principles on Interim Self-Government Arrangements, in letter dated 8 October 1993 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary General, U.N. Doc. A/48/486 (Oct. 11, 1993). A host of other bilateral agreements and memoranda aimed at more tactical issues accompanied this declaration to constitute the “Oslo Accords.” See Shamir Hassan, *Oslo Accords: The Genesis and Consequences for Palestine*, 39 Soc. Sci. 65, 68 (2011).

57. Public opinion on both sides of the conflict is nuanced and complex. A report by the Carnegie Endowment for International Peace provides additional context on this topic. See generally EDWARD P. DJEREJIAN ET AL., CARNEGIE ENDOWMENT FOR INT’L PEACE, TWO STATES OR ONE? REAPPRAISING THE ISRAELI-PALESTINIAN IMPASSE 9–16 (2018), [https://carnegieendowment.org/files/CarnegieBaker\\_Palestine\\_Final\\_1.pdf](https://carnegieendowment.org/files/CarnegieBaker_Palestine_Final_1.pdf) <<https://perma.cc/6H6Y-8FCL>>

before violent conflict ends, but the prospect of future amnesty may give perpetrators an ostensible “pass” to commit new crimes prior to the war’s closure.

- iv. Reconciliation has an organic nature.** Collective healing is a volitional process that must flow from individuals and groups. People are ready to tell their stories and seek redress at different times, in different ways, some slowly, some quickly, some never. Author C.S. Lewis sought to forgive someone for thirty years, and when he was finally ready to do so, he recognized that “so many things are done easily the moment you can do them at all. But till then, simply impossible, like learning to swim. There are months during which no efforts will keep you up; then comes the day and hour and minute after which, and ever after, it becomes impossible to sink.”<sup>58</sup> This organic nature of healing adds complexity to the reconciliation process. An advisor to the Peru Truth and Reconciliation Commission told me that, after the restorative body’s conclusions were presented, she was approached by an indigenous woman who, having seen the end product, was ready to tell her story.<sup>59</sup> Now that the Commission’s work was closing, what should the advisor do? People’s motivations can shift as the reconciliation process unfolds. Communities may initially seek the truth about suffering endured by family, friends, and community but, upon hearing the painful reality of those experiences, may follow with cries for justice.<sup>60</sup>

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58. C.S. LEWIS, *LETTERS TO MALCOLM: CHIEFLY ON PRAYER* 106 (Harcourt, Brace & World, Inc. 1963).

59. Email from Mari Fitzduff, Professor Emerita, The Heller Sch. for Soc. Pol’y & Mgmt. (on file with author).

60. The South African Truth and Reconciliation Commission has been widely applauded for its role in giving voice to victims of Apartheid and using truth as an integral element of reconciliation. See, e.g., James L. Gibson, *The Contributions of Truth to Reconciliation: Lessons from South Africa*, 50 *J. CONFLICT RESOL.* 409, 412–15 (2006) (noting the close connection between truth and reconciliation in post-Apartheid South Africa and attributing this relationship to truth “getting people to rethinking their views about the struggle over apartheid by creating cognitive dissonance and by mitigating cognitive dogmatism, resulting in changes in the way South Africans feel about each other”); RICHARD A. WILSON, *THE POLITICS OF TRUTH AND RECONCILIATION IN SOUTH AFRICA: LEGITIMIZING THE POST-APARTHEID STATE* 13–15 (2001) (discussing the role of the Commission in using human rights to promote South Africa’s new pluralistic and constitutional order akin to other traditional nation-building exercises). However, this Commission has been the subject of criticism as well. For one, its focus on treating violations of human rights as individual acts and decisions instead of as

**v. All levels and sectors of society should be involved.**

The reconciliation process must engage as many people and institutions as possible, so they take ownership of the process and hold themselves accountable to its objectives. While the path of least resistance may be to consult only powerful elites, this myopic approach to consultation is likely to perpetuate systemic discrimination and magnify gender, race, class, and ethnoreligious divides. Dr. Mari Fitzduff, who led the Northern Ireland Community Relations Council during Northern Ireland's ethnonational conflict,<sup>61</sup> reports that her organization sought to "over-consult," which "exhausted groups but they could not say that they had not been consulted."<sup>62</sup> It is also important to consider how to identify those being consulted. Treating the injured as "victims" can diminish their sense of autonomy and make them susceptible to learned helplessness and trauma, whereas expanding their role to "changemakers" or "peacemakers" can invigorate their sense of agency.

**vi. Reconciliation requires emotional and structural transformation.**

Harmonious coexistence is likely to be fleeting if reconciliation initiatives focus predominantly on improving empathic understanding to the neglect of reconfiguring structural power. Inequalities in resources and influence tend to frustrate the disempowered, who join in solidarity, publicly or through underground channels, to fight for their share of societal wealth.<sup>63</sup> In fact, Francis

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elements of a broader system has been criticized for allowing bystanders and "supporters and beneficiaries of apartheid to escape from acknowledging their complicity in the system's abuses." Audrey R. Chapman & Patrick Ball, *The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala*, 23 HUM. RTS. Q. 1, 14 (2021). Others have noted that this focus on individual perpetrators and individual victims prevented "a full acknowledgement of victims of apartheid" and failed to fully identify perpetrators and hold them to account. See Mahmood Mamdani, *Amnesty or Impunity? A Preliminary Critique of the Report of the Truth and Reconciliation Commission of South Africa (TRC)*, 32 DIACRITICS 32, 34 (2002).

61. From 1990 to 1997 Dr. Fitzduff was the founding Chief Executive of the Northern Ireland Community Relations Council, a semi-public body that funded and helped develop conflict resolution programs with government and local community groups. *Mari Fitzduff*, BRANDEIS FAC. GUIDE, <https://www.brandeis.edu/facultyguide/person.html?emplid=C43fdff1c62e4b3204b6f39b28daf78c95adbf21> <<https://perma.cc/K6UP-5R36>>.

62. Email from Mari Fitzduff, *supra* note 59.

63. In the early 1990s, I developed and taught a conflict resolution curriculum across Eastern and Central Europe. During that time, I met several Hungarian and



Stewart has found that horizontal inequalities—disparities between identity groups—are a major source of conflict.<sup>64</sup>

- vii. Institutional trust is critical.** In post-conflict societies, there may be deep distrust of governmental, religious, legal, educational, and social institutions. How can rebels trust state institutions that bombed them for years? How can the government trust insurgents who terrorized society? Pious citizens may feel abandoned by their own religious organization, and marginalized populations may feel resentment at exclusion from economic and academic institutions. Society must work together to rebuild trust in institutions, because the reconciliation system cannot sustain through interpersonal relationships alone—“peoples’ roles or interests change, relationships move into a different phase, contexts change, violence erupts, people die.”<sup>65</sup> Trusted institutions are long-term guarantors of the reconciliation system and provide a sense of safety for people to speak their truth, confront power, and rest assured that differences will, in fact, be resolved through peaceful means.

The principles just discussed form the conceptual basis of Reconciliation Systems Design, which contains twelve strategies grouped into three categories that I will examine in turn: forming the design team, building a blueprint for reconciliation, and shaping the reconciliation system. These categories and strategies are summarized in Figure 1.

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Romanian families who had been involved in the underground movements to overthrow their leaders. In Hungary, for example, I was told that clandestine meetings would be communicated via notes hidden in telephone booths and under specific tables in cafes. These conversations support the point that unequal distribution of societal power can lead to subterranean efforts to level the political playing field, as happened in the democratic revolution that overpowered communism in the region and put a close to the Cold War.

64. Frances Stewart, *Horizontal Inequalities and Conflict: An Introduction and Some Hypotheses*, in HORIZONTAL INEQUALITIES AND CONFLICT: UNDERSTANDING GROUP VIOLENCE IN MULTIETHNIC SOCIETIES 3, 12–14 (Frances Stewart ed., 2008).

65. Mari Fitzduff, *Lessons Learned on Trust Building in Northern Ireland*, in THE ROLE OF TRUST IN CONFLICT RESOLUTION: THE ISRAELI-PALESTINIAN CASE AND BEYOND 41, 42 (Ilai Alon & Daniel Bar-Tal eds., 2016).

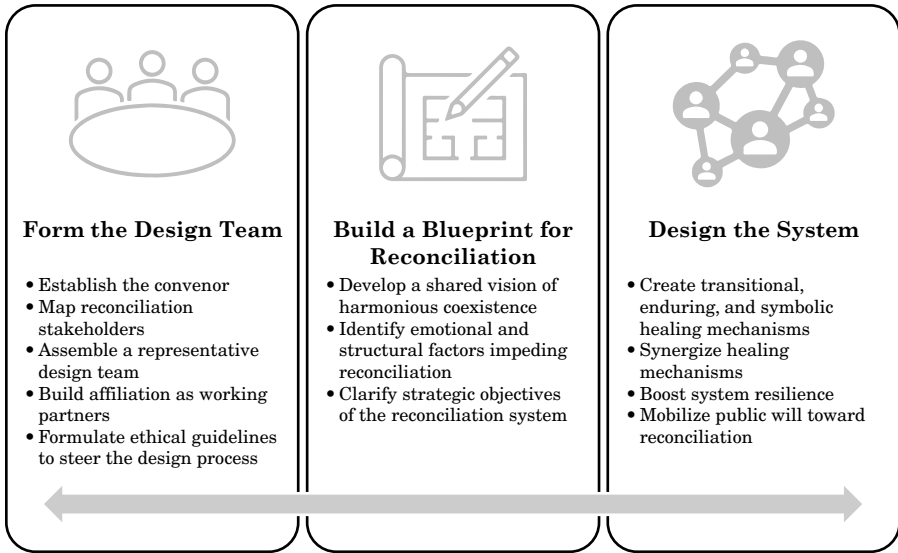


Figure 1: The Twelve Strategies for Designing a Reconciliation System Grouped into Three Categories

B. *Form the Design Team*

The design team is the central body of the design process, and its formation involves a few major strategies as outlined below.<sup>66</sup>

1. *Strategy One: Establish the Convenor*

An individual, network, or institution must initiate development of the reconciliation system. This “convenor” may be a political, religious, or social leader or a neutral third party; large-scale reconciliation programs are often run under the auspices of a government that can provide financial, political, and social resources and connections. To make engagement across divides more acceptable, it may be helpful to consider *co-convenors* who represent their own communities. If the government convenes the team, it is important for those in power to ensure they do not exclude opposing stakeholders, take singular reign of the design process, or exempt themselves completely from the process and leave their role in the conflict unexamined. There are

66. The proposed stages to lay the groundwork are crucial but not exhaustive. The design process requires location of funding and administrative support, identification of facilitators or mediators, clarification of the agenda and ground rules, and agreement on decision making processes. See Lawrence Susskind, *An Alternative to Robert’s Rules of Order for Groups, Organizations, and Ad Hoc Assemblies That Want to Operate by Consensus*, THE CONSENSUS BUILDING HANDBOOK: A COMPREHENSIVE GUIDE TO REACHING AGREEMENT 3, 14 (Lawrence Susskind et al. eds., 1999)

many creative ways to balance the power of government and other stakeholders. For example, the government may establish a design team *unaffiliated* with the state but that includes a government representative.

## 2. *Strategy Two: Map the Stakeholders*

The next stage of Reconciliation Systems Design is to identify the major stakeholders and the relationship between them—hidden and overt alliances, identity-based and instrumental coalitions, power dynamics, and tensions within and between groups and individuals. This “stakeholder map” should be as comprehensive as possible and include local, regional, national, and international parties with an interest—whether positive or negative—in the collective healing process. It is also helpful to discover existing organizations working on reconciliation within and between communities. The convenor may enlist those groups to identify stakeholders and support the reconciliation system’s goals over time.

The convenor must decide *who* will map the stakeholders, whether a team of academics or a conflict assessment organization, paying special attention to expertise, neutrality, and optics: Does the assessor have *expertise* in conflict mapping, is the group capable of analyzing the situation through an *impartial lens*, and will political groups view the assessor as biased, creating *detrimental optics* even if the analysis is objective and even-handed? There are trade-offs between these variables. Enlisting an international team to analyze the relational landscape may address the optics problem but will raise concerns about expertise on local politics, culture, and tradition.

## 3. *Strategy Three: Assemble a Representative Design Team*

The convenor builds the initial *design team*, the central group responsible for conceptualizing and coordinating the range of healing mechanisms. Ideally, the team should be *representative* of all major groups who have a stake in the reconciliation process.<sup>67</sup> A credible, informed design team “must include participants representing the full range of interests and views” with regard to collective healing.<sup>68</sup> The convenor should invite “the obvious categories of stakeholders

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67. Stakeholders are “persons or groups likely to be affected by (or who think they will be affected by) a decision—whether it is their decision to make or not.” *Id. at 12.*

68. *Id. at 22.*

with an interest in the issue or dispute, as well as individuals or organizations who can represent those views.”<sup>69</sup> These primary stakeholders can be asked to identify other individuals or organizations who can contribute to the reconciliation design process, and the convenor can reach out to them, forming a chain of invitations.<sup>70</sup> In terms of *who* should represent a stakeholder group, it may be necessary to convene its members and have them come to agreement—a process that may be best facilitated by an external party.<sup>71</sup>

Setting up a representative design team is a laudable goal but rife with difficulties. Should the design team include individuals with actual power to effect change or with advisory power? Should the design team include ex-paramilitary leaders—or those suspected of being not so *ex*? How should the convenor navigate the complexities of assembling a representative body? The list of complications is long. A community may threaten to ostracize any member who talks with the “enemy.” Sitting politicians may resist getting involved lest they lose their political seats. It may be illegal for some groups to meet with stakeholders on a terrorist list.<sup>72</sup> People may be so constrained by internal politics that they fear discussing core issues or refuse to join the team.<sup>73</sup> Strong negative emotions may affect people’s hearts and heads and push them to resist involvement. The design team’s funding sources may be politically toxic to segments of the population. A group may *claim* to have laid down their guns, but what if evidence suggests otherwise? Even if they have relinquished their weapons, former adversaries may view them with deep suspicion and refuse to work together.

To allay these risks, the design team may align itself with a non-partisan organization<sup>74</sup> or establish itself as a free-standing network

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69. Technically, these “individuals or groups that want or ought to be involved in decision making, but at different levels of intensity” are known as a “circle of stakeholders.” *Id.* at 13.

70. Susskind calls this group the “second circle of suggested participants.” *Id.* at 21.

71. *See id.* at 12–13.

72. *See, e.g.*, Holder v. Humanitarian Law Project, 560 U.S. 1, 28–35 (2010) (finding that the federal prohibition on knowingly providing material support to foreign terrorist organizations extends to material promoting “peaceable, lawful conduct”).

73. Some have attributed part of the failure to create a national truth and reconciliation commission in Bosnia and Herzegovina to this factor. *See* Jasna Dragovic-Soso, *History of a Failure: Attempts to Create a National Truth and Reconciliation Commission in Bosnia and Herzegovina, 1997-2006*, 10 INT’L J. TRANSITIONAL JUST. 292, 304–08 (2016).

74. Some groups, particularly those focused on domestic conflicts, have associated themselves with the United Nations. *See, e.g.*, Thomas Buergenthal, *The United Nations Truth Commission for El Salvador*, 27 VAND. J. TRANSNAT’L L. 497 (1994).

unassociated with any political group.<sup>75</sup> The entity can include the design team, mediators, facilitators allied with a variety of representatives, and people affiliated with a broad array of networks—politicians, previously illegal militias whom many still may not trust, NGOs, businesspeople, legal professionals, scientists, educators, and others. The organization, then, becomes not a government-mandated entity but a “resource team” ready and available to support national and local reconciliation strategies and advise on possibilities for reconciliation that draw on local and international lessons.<sup>76</sup>

The size of the design team is important to consider. The core team should be large enough to include key stakeholders and small enough to promote high-quality discussion, debate, and consensus-building on sensitive political issues. A larger group reduces any individual’s airtime and can create complex coalitional dynamics. In my facilitation experience, I have found that capping the group size at ten to fifteen members provides sufficient space for diverse voices and views.

The invitation to join the design team should come with specific conditions that establish norms of civility and cooperation. For example, leaders may gain membership if they agree to work cooperatively with others on the design team, take stakeholder *and* communal interests into account, and address conflicting interests through dialogue, mediation, and other collaboration means. Additional conditions may include members laying down their guns, denouncing divisive rhetoric, and publicly condemning acts of violence.

To engage a broader set of stakeholders, including those who may not be ready or willing to join the central group, the design team should establish *formal and informal consultation channels*—advisory committees, working groups, informal communication with community leaders, and regular meetings with experts on legal, psychological, economic, political, security, and spiritual matters.<sup>77</sup>

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75. There are multiple examples of free-standing teams—consisting of Non-Governmental Organizations, universities, civil society groups, and victim associations—that have emerged particularly where the state was not interested in establishing a reconciliation process itself. *See generally* Louis Bickford, *Unofficial Truth Projects*, 29 HUM. RTS. Q. 994 (2007) (discussing various examples of standalone and “unsanctioned” truth and reconciliation efforts).

76. In Northern Ireland, the Community Relations Council established itself as a resource team rather than a government-mandated organization. *See generally* *About Us*, CMTY. RELS. COUNCIL, <https://www.community-relations.org.uk/about-us> <<https://perma.cc/PPN2-3X8W>>.

77. A working group is a team who collaborates to accomplish a specific goal. Working groups are an important component of the reconciliation design process, acting as sources of information about specific subject matters and public opinion and

These consultations have three major benefits: (1) people feel included in the decision-making process; (2) the design team can learn important information; and (3) the design team maintains veto power over input from these consultations.<sup>78</sup> While those who are consulted may feel resentful if their ideas are not used, this risk can be ameliorated if the design team explains that input will be duly considered and *may* be applied. This communication shapes baseline expectations about the degree to which input will be incorporated.

Consultation should happen at all levels of society. Local consultation promotes tailored responses to community needs and greater provincial ownership over the healing process.<sup>79</sup> Governmental consultation onboards authorities with the capacity to contribute knowledge, resources, and network influence. International consultation opens the door to third party facilitation, advice, and funding.

The design team should keep in mind that they are *agents* of a broader system of change. They do not own the collective healing process but, like the conductor of an ensemble, orchestrate it while encouraging local, independently initiated activities such as a neighborhood intercultural music event, a healing sermon at a house of worship, or an intercommunal dialogue group. The design team does not speak *for* any stakeholder group but should speak *to* all of them.

The role of the design team is not to dictate a reconciliation design but, to the contrary, to catalyze the will and conflict-healing

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providing structures for participatory engagement in the reconciliation design process.

78. ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 84 (2006).

79. A United Nations Security Council report notes that

From Africa to the Americas to Asia and Europe, transitional justice mechanisms that are locally owned and focused on the needs of victims have repeatedly helped to address grievances and pave the way for more peaceful societies to take root, delegates said today amid calls for the Security Council to take decisive approaches to conflicts in concert with other United Nations bodies.

Meetings Coverage, Security Council, To Rebuild Lives, Suffering Must Be Acknowledged, 'Justice Done', Human Rights High Commissioner Says, as Security Council Takes Up Transitional Justice, U.N. Press Release SC/14109 (Feb. 13, 2020).

Philosopher Jürgen Habermas argues that democratic politics should originate in and be guided by the public sphere “made up of private people gathered together as a public and articulating the needs of society with the state.” Jürgen Habermas, *THE STRUCTURAL TRANSFORMATION OF THE PUBLIC SPHERE: AN INQUIRY INTO A CATEGORY OF BOURGEOIS SOCIETY* (Thomas Burger & Frederick Lawrence trans., 1989). Cobb concurs, noting that it is the “multitudinous diversity of local conversations, wherein communicative action is practiced . . .” COBB, *supra* note 47, at 149.

knowledge that rests within society itself. This philosophy comports with John Paul Lederach's notion that a tremendous source of societal empowerment lies within an "elicitive model" of peacebuilding in which the intervenor—in this case the design team—facilitates discourse through which society can discover and apply its local knowledge to manage the divides.<sup>80</sup>

Because members of the design team are likely to hold impassioned and at times conflicting views, it can be extremely useful for its discussions to be led by expert facilitators with a few important qualities. First, they must be perceived as fair-minded and trustworthy. Second, they should be proficient in fostering productive dialogue between parties with divergent interests. Third, they must be skilled at preventing micro-level replication of societal power asymmetries such as those between powerful government officials and local stakeholders. Finally, they should have strong emotional intelligence to help parties navigate differences, resolve tension, and work together.

#### 4. *Strategy Four: Build Affiliation as Working Partners*

The design team will be most productive if they view one another as *working partners* collaborating on the shared task of Reconciliation Systems Design.<sup>81</sup> This affiliation turns them from stereotyped adversaries into fellow human beings with unique life stories and complex motivations. Affiliation increases information exchange, promotes greater allegiance to the group, and heightens respect for the process.<sup>82</sup> Members should commit to treat each other as equals in cooperative pursuit of a shared societal vision sanctioned by local ritual, law, and custom.<sup>83</sup> To avoid partisan competition, the facilitator

80. See JOHN PAUL LEDERACH, *PREPARING FOR PEACE: CONFLICT TRANSFORMATION ACROSS CULTURES* 55 (1995).

81. FISHER & SHAPIRO, *supra* note 90 at 52 ("Turn an adversary into a colleague").

82. *Id.* at 54. ("When we feel affiliated . . . [t]here is less resistance to fresh ideas and more openness to the prospect of changing our mind. Loyalty to one another often keeps us honest, obligates us to search for an agreement of mutual benefit, and makes it likely that we will honor an agreement.")

83. These ground rules make it more likely that—no matter societal asymmetries in power relations—the design team's members will collaborate as equals, producing an outcome that is more representative and satisfying of the diversity of stakeholder interests and perspectives. Social psychologist Gordon Allport proposed that prejudice may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced if this contact is sanctioned by institutional supports (i.e., by law, custom, or local atmosphere), and it is of a sort that leads to the perception of common interests and common humanity between members of the two groups.

should regularly remind team members of their dual identity as a representative of their own identity group *and* of society. They may not see eye to eye on every political decision but share a common concern for societal well-being.

The facilitators of the design team should be skilled in promoting affiliation. In my own international facilitation, I have found it extremely important to launch these types of meetings with simple ice breakers so participants get to know one another, establish their identity within the group, and discover the unique rhythm of the group: who talks a lot, who wants to be feathered with appreciation, who listens quietly, and who provides words of wisdom. For example, in the Middle East, I organized and facilitated a session with fifteen high-level business and political leaders with a strong concern for resolving the Israeli-Palestinian Conflict. We convened in a small hotel meeting room, and, once the participants settled in, I asked them to introduce themselves one-by-one and share what motivated them to join this meeting. The first leader answered with diplomatic caution about his belief in the possibility of peace. The next shared religious values that propelled him to join. The third described in vivid detail how a close relative had been severely injured in a confrontation between the sides—but said he did not want to pass along the conflict to future generations. Subsequent stories revealed similar levels of personal vulnerability, inspiring an atmosphere of collective hope that this group could make a difference—and over the years, it has.<sup>84</sup>

The facilitator must keep the design team affiliated as they move through four common phases of group development: forming, storming, norming, and performing.<sup>85</sup> When the group forms, members tend to be self-focused and reluctant to explore diverse perspectives on sensitive issues. Over time, discourse on reconciliation raises differences over values that can ignite clashing views and personalities; an emotional storm arrives. Working through this phase, the team builds norms of respect, trust, and cooperation, creating conditions

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GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* 267 (1958).

84. This off-the-record group remains active to this day, approximately ten years after the initial meeting, and has yielded positive outcomes including increased mutual understanding and economic and political cooperation on issues of shared interest.

85. Bruce W. Tuckman, *Developmental Sequence in Small Groups*, 63 *PSYCH. BULL.* 384, 396 (1965).



for heightened group performance. While there is no perfectly predictable group dynamic, a modestly affiliated design team is preferable to one that has no connection and dives prematurely into development of healing mechanisms.

##### 5. *Strategy Five: Formulate Ethical Guidelines to Steer the Design Process*

The design team should develop and agree upon ethical criteria to serve as independent guidelines from which to make morally imbued design decisions.<sup>86</sup> These criteria clarify the values on which the reconciliation system is based and offer direction for making difficult decisions on issues related to truth, healing, justice, forgiveness, amnesty, and reparations. The ethical guidelines define the core identity of the reconciliation system and can be conveyed through a moral, spiritual, or traditional philosophy, a list of high-priority values, or guidelines of rights and responsibilities.<sup>87</sup> During South Africa's post-apartheid reconciliation processes, the country drew inspiration from the traditional African philosophy of *ubuntu*,<sup>88</sup> a belief in the interconnection of all human beings. Martin Luther King, Jr., in his

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86. Ethical guidelines are commonly defined in professional conflict resolution contexts, such as the Mediator Ethics Guidelines of JAMS, the world's largest private alternative dispute resolution provider. *About Us: JAMS Mediation, Arbitration and ADR Services*, JAMS, <https://www.jamsadr.com/about/> <<https://perma.cc/CT3C-L6JT>>. I am proposing that the disputants, too, should define and abide by ethical guidelines to steer their consensus-building activities. The power of drawing on legitimate standards is well-recognized in the field of negotiation. For example, Fisher, Ury, & Patton urge disputants to address conflicting interests on the basis not of wills or threats but of "objective criteria." ROGER FISHER, URY WILLIAM & BRUCE PATTON, *GETTING TO YES: NEGOTIATION AGREEMENT WITHOUT GIVING* ch. 5 (2011).

87. Ground rules are an implicit tool to bind disputants to a behavioral and value-based ethic. At the outset of mediation, for example, mediators commonly ask disputants to commit to standards of conduct through ground rules such as agreeing to take turns speaking, to refrain from blame and attacks, and to listen respectfully. See Michelle Maiese, *Ground Rules*, BEYOND INTRACTABILITY (Sept. 2004), [https://www.beyondintractability.org/essay/ground\\_rules](https://www.beyondintractability.org/essay/ground_rules) <<https://perma.cc/6QP2-GNL7>>. In dispute resolution, ground rules typically are process-oriented, seeking to provide parties with equal-status roles and a safe space to listen, learn, and express views, while the design team's ethical guidelines implicitly steer substantive decision making on deeply sensitive issues of truth-telling, political accountability, mercy and forgiveness, and justice.

88. Desmond Tutu describes *ubuntu*: "My humanity is caught up, is inextricably bound up, in yours.' We belong in a bundle of life. We say, 'A person is a person through other persons.' It is not, 'I think therefore I am.' It says rather: 'I am human because I belong. I participate, I share.'" TUTU, *supra* note 13, at 31.

*Letter from the Birmingham Jail*, drew on Christian values in proclaiming, “Injustice anywhere is a threat to justice everywhere.”<sup>89</sup> And Mahatma Gandhi rooted India’s nonviolence movement in *satyagraha*, “the Force which is born of Truth and Love or non-violence.”<sup>90</sup>

The design team can follow a few steps to develop the ethical guidelines. First, they must decide upon the structure of these criteria. Ethical guidelines can follow a simple form that includes a *preamble* describing the purpose of the guidelines; *fundamental principles* on how to treat people—e.g., truth is paramount, treasure the communal good over personal well-being; and an *explanation* of each principle’s significance. Second, the design team can jointly brainstorm ethical principles, debate their merit, and come to agreement. Potential principles can be measured against the extent to which they promote harmonious coexistence in the short- and long-term. Where views on the “best” ethical principle collide, the design team can draw on third-party facilitation, arbitration, or other creative methods for resolution.

### C. *Build a Blueprint for Reconciliation*

The design team must lay the conceptual groundwork for the reconciliation plan prior to building it.

#### 1. *Strategy Six: Develop a Shared Vision of Harmonious Coexistence*

The design team—and society as a whole—must build a *shared vision of harmonious coexistence*,<sup>91</sup> a collective picture of what society can look like if former opponents now live side by side in peace, respecting each other as equal members of the community. A political agreement typically defines the post-conflict *political structure*, but what is a concrete vision about how formerly opposing groups will interact, deal nonviolently with political and personal differences, and leverage opportunities for mutual gains? Collective healing is often approached from a self-focused perspective as each group seeks justice or healing for its own people. There is nothing inherently wrong with self-interest, but people also must articulate what is best for society as a whole.

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89. MARTIN LUTHER KING, JR., LETTER FROM A BIRMINGHAM JAIL (1963), reprinted in Martin Luther King, Jr., *The Negro is Your Brother*, THE ATLANTIC, Aug. 1963, at 78, 78.

90. M.K. GANDHI, SATYAGRAHA IN SOUTH AFRICA 109 (Valji Govindji Desai trans., Navajivan Publ’g House 1950).

91. SHAPIRO, *supra* note 11, at 181.

Envisioning harmonious coexistence is a creative task that requires people to move beyond the limiting lens of adversarial relations to cultivate what Lederach calls “moral imagination.”<sup>92</sup> This necessitates venturing “into the mostly uncharted territory of the artist’s way as applied to social change, the canvases and poetics of human relationships, imagination and discovery, and ultimately the mystery of vocation for those who take up such a journey.”<sup>93</sup> In the aftermath of violence, collective trauma can leave society frozen in the past, paralyzed in disbelief at the possibility that better relations can actually manifest and equally skeptical about any imagined vision of coexistence.<sup>94</sup> Moral imagination demands a leap of faith.

A few years ago, I facilitated a workshop with Israeli, Palestinian, and international diplomats to help them imagine cooperative engagement in the region.<sup>95</sup> Worried that this group may embroil in polemics, I framed the exercise as a skill-building lesson and not a political negotiation or moral debate. To ease the group’s anxieties, I said, “Imagine it is 30 years from now. You are a grandparent. You remember the signing of the Negotiated Agreement two decades ago that put a definitive end to the Israeli-Palestinian conflict and involved broader regional and international engagement. You look at society and are amazed at the vast number of concrete projects underway to advance regional prosperity, social welfare, and the public good. Your task is to envision concrete projects that are happening. Be creative and make ideas as concrete and realistic as possible.” I divided the diplomats into small, mixed groups to brainstorm ideas and capture everything on flipchart paper. The room was full of creative energy, and I was happily surprised to see an Israeli participant from the political right working enthusiastically with three Palestinians who hold significantly different views. One hour later, each group presented its ideas ranging from regional high-tech collaborations to

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92. LEDERACH, *supra* note 7, at 5.

93. *Id.* at 5.

94. A major psychological force that can emotionally paralyze post-conflict stakeholders is what I term “vertigo.” Unlike the medical concept, I define it as “a warped state of consciousness in which a relationship consumes your emotional energies.” SHAPIRO, *supra* note 11, at 36. This syndrome binds our attention to *negative memories*, recollections that provide us with evidence of our virtues and the others’ vices. *Id.* at 37. Vertigo is often the source of projections of past trauma on present circumstance. Furthermore, vertigo may activate memories of our worst fears of a formerly opposing party’s behaviors and intentions. *Id.* at 38.

95. Held in 2019 in cooperation with the Harvard International Negotiation Program, this workshop sought to equip senior leadership in the Middle East with innovative negotiation frameworks and to foster conditions for constructive intergroup negotiations.

a superhighway linking Jordan, Israel, Palestine, and Egypt. Within the safety of our workshop, the group seeded an alternative vision of a possible future.

2. *Strategy Seven: Identify Emotional and Structural Factors Impeding Reconciliation*

The reconciliation system must be tailored to address the nature, scope, and scale of societal divides. To do so, the design team can convene one or more working groups with subject experts and stakeholder representatives to identify emotional and structural factors hindering reconciliation.

*What emotional factors impede collective healing?* The design team must become aware of emotional obstacles to reconciliation, which tend to be deep, distressing, and hidden from view. Lingering feelings of victimization can persist in overt or covert anger, resentment, humiliation, and shame, exacerbating estrangement between groups,<sup>96</sup> and conflict-inflicted trauma can endure long after soldiers lay down their weapons.<sup>97</sup> Judith Herman notes that traumatic events “breach the attachments of family, friendship, love, and community. They shatter the construction of the self that is formed and sustained in relation to others. They undermine the belief systems that give meaning to human experience. They violate the victim’s faith in a natural or divine order and cast the victim into a state of existential crisis.”<sup>98</sup> Perhaps the greatest barrier to reconciliation becomes the divided self: “The ordinary response to atrocities is to banish them from consciousness[,]”<sup>99</sup> which leads to “conflict between the will to deny horrible events and the will to proclaim them aloud . . . .”<sup>100</sup>

In conflict-affected settings, trauma may go uncommunicated while its visceral and psychological effects manifest.<sup>101</sup> Psychic wounds fundamentally reorganize not only thought patterns but also

96. SCHEFF & RETZINGER, *supra* note 65 (writing on shame, fear, and resentment).

97. BESSEL A. VAN DER KOLK, *THE BODY KEEPS SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA* 21 (“We have learned that trauma is not just an event that took place sometime in the past; it is also the imprint left by that experience on mind, brain, and body.”).

98. HERMAN, *supra* note 13, at 51.

99. *Id.* at 1.

100. *Id.* at 1.

101. See VAN DER KOLK, *supra* note 109, at 21. (“Trauma results in a fundamental reorganization of the way mind and brain manage perceptions . . . . The act of telling the story doesn’t necessarily alter the automatic physical and hormonal responses of bodies that remain hypervigilant . . . .”).

automatic physical and hormonal responses that keep the body hypervigilant.<sup>102</sup> Additionally, the prevalence of mental disorders—post-traumatic stress disorder, depression, anxiety, bipolar disorder, and schizophrenia—is 22.1% in conflict-afflicted societies,<sup>103</sup> and psychosocial distress rises in the face of forced displacement, human rights violations, the spread of infectious disease, and injury to or loss of family members.<sup>104</sup> Because of the unique knowledge needed to assess psychological barriers, the design team may enlist the support of experts in psychology, trauma, and local healing methods.

*What structural factors impede collective healing?* The design team must account for structural obstacles to reconciliation. Society has many distinct, stable types of social organization that shape how people interact.<sup>105</sup> While a peace agreement may transform the political landscape, failure to address structural tensions can keep groups divided. It is folly to assume that emotional transformation alone is sufficient to create détente; asymmetric power relations will haunt society sooner or later. To support the design team in conducting a structural analysis, I have created the *HELPS Framework*—five factors that reveal structural tensions between groups:

- *History*: What significant events have shaped conflictual relations between parties? What current tensions exist around interpretations of history? Who writes the history books?
- *Economics*: Who needs resources and who controls them? Which groups feel that the economic system is stacked against them?
- *Law and Order*: Who benefits and who suffers from enforcement of societal rules?
- *Politics*: Who governs, and how is that power achieved, distributed, and influenced? Who believes the rules and norms of political engagement are unfair?

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102. See *id.* at 21 (“For real change to take place, the body needs to learn that the danger has passed and to live in the reality of the present.”).

103. Fiona Charlson et al., *New WHO Prevalence Estimates of Mental Disorders in Conflict Settings: A Systematic Review and Meta-Analysis.*, 294 LANCET 240, 240 (2019).

104. See Daniel Shapiro & Catherine Hua, *Mitigating the Global Health Threat of Violent Conflict: A Preventative Framework*, 3 BMJ NUTRITION, PREVENTION & HEALTH 409, 409–410 (2020).

105. William Form & Nico Wilterdink, *Social Structure*, ENCYCLOPAEDIA BRITANNICA (Nov. 19, 2020), <https://www.britannica.com/topic/social-structure/Structure-and-social-organization> <<https://perma.cc/C9NA-JCQ6>> (“Within the broad framework of . . . general features of human society, there is an enormous variety of social forms between and within societies.”).

- *Socioculture*: What customs, traditions, and beliefs inform the way people deal with conflict? What sociocultural differences strain intergroup relations?

The design team can organize independent working groups to examine each dimension and produce a brief report. For example, the HELPS Framework can shed light on key factors fueling political polarization. Political groups may have strikingly different interpretations of national history, economic favoritism, and bias in the application of law and order. This information is critical for tailoring the reconciliation system to meet societal need.

### 3. *Strategy Eight: Clarify Strategic Healing Objectives*

Just as a psychotherapist draws on psychological theory to guide clinical goals, the design team can benefit from a model of collective healing to clarify its objectives. *Integrative dynamics theory* is a well-researched model of collective healing that the design team can use to explore and hone a culturally tailored, unique healing system.<sup>106</sup> The model's strategic healing objectives, when adapted to local context and need, can help divided societies cultivate "*integrative dynamics*—emotional forces that pull [people] toward positive connection."<sup>107</sup> The first two objectives help society make sense of the past while the latter focus on how to improve future relations. The design team can familiarize themselves with the details of this model, which I describe in the book *Negotiating the Nonnegotiable*.<sup>108</sup>

The design team should discuss each of the model's healing objectives and explore how to tailor it to local context, culture, and circumstance. What follows is an overview of these objectives, why they are important, and illustrative questions to delineate context-specific application. During the conversation, the design team may identify additional or alternative objectives, which should be equally clarified.

#### i. *Healing Objective One: Understanding the Mythos of Identity*

"If we could read the secret history of our enemies," observed poet Henry Wadsworth Longfellow, "we should find in each man's life

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106. See SHAPIRO, *supra* note 11, at 135 ("Integrative dynamics comprises a four-step approach to reconcile damaged relations and resolve identity-based differences.").

107. *Id.* at 134.

108. See *id.* at 131–39.

sorrow and suffering enough to disarm all hostility.”<sup>109</sup> Longfellow’s wisdom speaks to the importance of humanizing the perceived adversary, and there is no more powerful way to do so than to understand the *mythos of identity*—the core narrative shaping how disputants perceive their identity in relation to each other.<sup>110</sup> Adversaries may live side-by-side in the wake of a peace accord, but if they fundamentally view each other as a devil, villain, monster, or exploiter, reconciliation will never be achieved. Grudges and grievances remain, and the pains of war assimilate within this formidable schema.

The design team should discuss how best to help stakeholders express their mythos of identity. Absent this expression, trauma may be silenced, perpetrators vindicated, and historical truths hidden from collective memory. The most powerful form of identity-based expression can be through the arts—song, dance, painting, poem, and oral and written stories that bear witness to violations of body, mind, and soul and reaffirm humanistic ideals. Other approaches to unearth the mythos of identity rely on public and private revelation of past wrongdoing. Society may create a public record of past atrocities; acknowledge the experience of survivors of violence; and document perpetrator admissions of guilt.<sup>111</sup> The design team also should consider what types of stories should be shared, such as narratives of trauma, identity, persecution, or justice; who should be given the opportunity to share their story; and what can be done to protect victims from feeling pressured to share stories and risk being retraumatized.

The design team should consider whether perpetrators of violence will be given space to disclose their wrongdoing, why they did it, and how they now feel about their actions. One might argue that offenders should not have access to any public forum, but society may be better off to heal rifts through public understanding of their motives.<sup>112</sup> While public communication of a story does not absolve the offender of accountability and the weight of justice, the design team

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109. Henry Wadsworth Longfellow, *Table-Talk*, in 7 THE COMPLETE WRITINGS OF HENRY WADSWORTH LONGFELLOW 478 (Houghton Mifflin Co. 1886).

110. SHAPIRO, *supra* note 11, at 139 (“[M]ythos of identity—the core narrative that shapes how you see your identity in relation to that of the other side.”).

111. See HERMAN, *supra* note 13, at 175 (“[T]he survivor tells the story of the trauma. She tells it completely, in depth and in detail. This work of reconstruction actually transforms the traumatic memory, so that it can be integrated into the survivor’s life story.”).

112. “Reconciliation presupposes the transformation of the relationship between the parties . . . . The primary feature of that change in identity is removal of the negation of the other as a central component of each party’s own identity.” Herbert C. Kelman, *Interests, Relationship, Identities: Three Central Issues for Individuals and*

should frame this type of storytelling with clarity about its goal and impact. Will the public interpret storytelling as an absolution of wrongdoing? Will the offender's story open old wounds?<sup>113</sup> How will existing power asymmetries impact truth-telling? How might storytelling impact any future legal proceeding?<sup>114</sup>

The design team must ensure that stories are not just told but *heard*. How might facilitators, third parties, or public record acknowledge people's stories? What might the facilitator do to prevent storytelling from devolving into a status competition over whose group suffered more? How does power factor into the ability for people to listen to each other's stories? Those perceived as more powerful may view storytelling as a threat to their authority or identity, while the ostensibly less powerful may fear retribution. However, if even one party shares its stories, all sides can benefit. After Rwanda's genocide that left more than one million people dead, mostly because of Hutus killing Tutsis,<sup>115</sup> social psychologist Ervin Staub launched a healing process with both groups. The Hutus refrained from sharing

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*Groups in Negotiating Their Social Environment*, 57 ANN. REV. PSYCHIATRY 1, 23 (2006).

113. Using brain scans, neuroscientist Antonio Damasio and colleagues showed that recalling an emotional event from the past causes us to reexperience the visceral sensations felt in the original event. See Antoine Bechara et al., *Emotion, Decision Making and the Orbitofrontal Cortex*, 10 CEREBRAL CORTEX 295, 295–97 (2000).

114. There are benefits to providing perpetrators with a venue to disclose their wrongdoings. At the same time, the design and operation of these venues may compel individuals to testify against themselves. See OFF. OF THE UNITED NATIONS HIGH COMM'R FOR HUM. RTS., *RULE-OF-LAW TOOLS FOR POST-CONFLICT STATES: TRUTH COMMISSIONS*, at 10–11, U.N. Doc. HR/PUB/06/1 (2006). Therefore, the design team may consider granting “use immunity” for testimony provided in these venues. *Id.* This use immunity protects the due process rights of potential defendants in future criminal proceedings by making their testimonies provided at the venue inadmissible in legal cases against them. *Id.* Meanwhile, it does not extinguish legal responsibility for the underlying act. *Id.* In that regard, it compares favorably with outright amnesty in balancing the due process rights of defendants with the right of victims to seek legal redress. *Id.*

115. The conflict in Rwanda spanned many years toward the end of the twentieth century. See Marijke Verpoorten, *The Death Toll of the Rwandan Genocide: A Detailed Analysis for Gikongoro Province*, 60 POPULATION 331, 331–32 (2005). Nevertheless, mass killings were concentrated in a short time period between April and July of 1994. *Id.* There is a considerable debate about the exact death toll of this genocide. However, all reported numbers are staggering. Reported death tolls range from 250,000–500,000 to more than one million. *Id.* at 332; Omar Shahabudin McDoom, *Contested Counting: Toward a Rigorous Estimate of the Death Toll in the Rwandan Genocide*, 22 J. GENOCIDE RSCH. 83 (2020). As a point of reference, the population of Rwanda was about seven million in 1991. See Verpoorten, *supra*, at 332 (stating that 596,400 residents corresponded to 8.4% of Rwanda's population in 1991).



stories, but he reports that having them hear the Tutsis' stories fostered empathy and contributed to reconciliation.<sup>116</sup>

ii. *Healing Objective Two: Working Through Emotional Pain*

The most effective way to heal emotional pain is to work through it. This strategic objective may be accomplished through sociocultural or religious rituals, therapy, perpetrator-victim dialogue, public or private confession, prayer, art, or facilitated discussion.<sup>117</sup>

The design team should clarify its approach to addressing emotional pain: What types of emotional distress are affecting whom? Are people in society ready, willing, and able to work through their pain? What sources of distress should be dealt with at what points in time? To what extent should emotional pain be addressed through large-scale initiatives versus local projects? What traditional forms of healing can be drawn upon? Who should be involved in defining and implementing these goals and projects?

*Integrative Dynamics Theory* specifies three aspects to work through emotional pain—and the design team should clarify goals and priorities in relation to each.<sup>118</sup> First, healing requires parties to *bear witness to their pain*, acknowledging its emotional reality to themselves and possibly to society and the perpetrator. They must come to terms with suffering, fear, anger, humiliation, and sadness—and the adverse impact of these sensations on their lives. Bearing witness to pain is a prerequisite to moving forward.

Second, people must *mourn what they have lost*, ranging from military and civilian casualties to the disintegration of established political, economic, and social systems. Mourning is the emotional metabolizing of pain, the psychological process through which parties recognize and come to emotional terms with the actuality that what was in the present no longer is.<sup>119</sup> The intense pain of loss, however, can compromise people's ability to mourn. When the brain records a traumatic experience, it routinely inactivates language encoding, preserving the situation as a wholly nonverbal imprint.<sup>120</sup> Coming to

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116. Ervin Staub & Laurie Anne Pearlman, *Healing, Reconciliation, and Forgiving After Genocide and Other Collective Violence*, in FORGIVENESS AND RECONCILIATION: RELIGION, PUBLIC POLICY, & CONFLICT TRANSFORMATION 205, 215–16 (Raymond G. Helmick, S.J., & Rodney L. Peterson eds., 2001); SHAPIRO, *supra* note 11, at 226–27.

117. SHAPIRO, *supra* note 11, at 164 (“The best way to heal emotional pain is to work through it.”).

118. *See id.* at 165–70.

119. *Id.* at 168.

120. *Id.* at 169.

terms with the pain requires finding the right words or symbolic communication to express the visceral experience of loss.

Third, society must *account for breaches of human dignity and social order*, confronting the design team with difficult decisions about the relative pursuit of justice-heavy measures and forgiveness practices. The question of whether to forgive is perhaps the most challenging moral and pragmatic dilemma. People vary in how they experience loss and grief and how they define their moral, spiritual, and political place in society and the world, making seemingly straightforward questions complex: Is forgiveness necessary? Should everyone be forgiven—or no one? Can parents forgive what was done to their children? Should child soldiers coerced to commit heinous crimes be forgiven? Do people fear retribution? Does the pressure to forgive put disproportionate strain on the harmed? How are religious groups and political influencers affecting the will to forgive? How should society weigh the costs of amnesty against the benefits of peace? Should amnesty be granted if its rejection virtually guarantees conflict's recurrence? Forgiveness may come at cost to accountability but can release victims from emotional entanglement with the perpetrator and unburden them of their role as victim. During a conference at Harvard featuring members of the Parents Circle - Families Forum ("PCFF")—a joint Israeli-Palestinian organization that consists of over 600 families who have lost an immediate family member to the Israeli-Palestinian conflict<sup>121</sup>—a father who lost his ten-year old child said he made a conscious decision to forgive the perpetrator "so that my other five children are not victims."<sup>122</sup>

### iii. *Healing Objective Three: Building Cross-Cutting Connections*

The third healing objective is to connect people across racial, ethnic, and other identity lines.<sup>123</sup> Cross-cutting connections can strengthen civic and personal affiliation, increasing the possibility that contentious political issues will be negotiated through peaceful means.

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121. According to PCFF, its "first meeting between bereaved Palestinians from Gaza and Israeli families took place in 1998. These families identified with a call to prevent bereavement, to promote dialogue, tolerance, reconciliation and peace." See *About PCFF*, ISRAELI PALESTINIAN BEREAVED FAMILIES FOR PEACE [https://www.theparentscircle.org/en/about\\_eng/](https://www.theparentscircle.org/en/about_eng/) <<https://perma.cc/D4TL-2QC8>>.

122. Program on Negotiation, *Lessons from Reconciliation Processes for the Israeli-Palestinian Conflict*, YOUTUBE (May 29, 2020), <https://youtu.be/xaE6tYXTYY0> <<https://perma.cc/4ZJK-QB85>>.

123. See SHAPIRO, *supra* note 11, at 155–76.

The design team should explore means to build physical, personal, and structural connections.<sup>124</sup> *Physical connection* refers to the proximity of people's physical bodies. Conflict physically separates people,<sup>125</sup> and the design team may encourage construction of public and private spaces for positive interaction such as community centers and playgrounds. *Personal connection* is the emotional closeness between individuals or groups. The design team can work with local partners to promote cross-group affiliation through business, educational, medical, and social collaborations. *Structural connections* associate individuals through shared membership in a formal or informal organization. The design team can discover and support political, economic, educational, and spiritual institutions that already create space for diverse groups to interact. The design team also can identify cross-cutting connections based on religion, nationality, class, gender, race, education, region, neighborhood, or family origin—and seek to enhance those connections through local and national policies and projects. Diverging political beliefs may factionalize the population, but shared religious, national, ethnic, or humanistic values can promote connection.

#### iv. *Healing Objective Four: Restructuring Relations*

Despite the cessation of hostilities, stakeholders may insist that their identities are irreconcilable: “Our peoples can never live together!” Hence, the design team should think about ways to restructure intergroup relations to promote harmonious coexistence without change to any group's core identity.<sup>126</sup> There are three basic approaches for doing so: separation, assimilation, and synthesis.<sup>127</sup> The traumatic burden of history may be so heavy that *separation* feels

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124. SHAPIRO, *supra* note 11, at 184.

125. Physical walls and other barriers are sometimes erected between opposing groups to promote security, to define lines of political authority, and to serve other functions. The design team should work with local communities to analyze the short- and long-term cost and benefits of these barriers. In Northern Ireland during its period of bloody hostility known as the Troubles, “peace walls” of iron, brick, and steel were built to protect flashpoints for violence. During a visit to Northern Ireland in 2011, I was surprised to see walls still standing, more than a decade after the Good Friday Agreement; in fact, the number of walls had actually risen after the peace accord. *Despite Peace, Belfast Walls are Growing in Size and Number*, SOUTH COAST TODAY (May 4, 2008), <https://www.southcoasttoday.com/article/20080504/NEWS/805040348> <<https://perma.cc/X897-9JVV>>.

126. See generally *id.* at 13–16 (providing more background on core identity).

127. See *id.* at 195 (“The SAS system provides three approaches to coexistence: separation, assimilation, and synthesis.”).

necessary. There are many ways groups can increase separation. Politically, two groups may form semi-autonomous governing regions.<sup>128</sup> Culturally, they may form distinct communities of residence. Socially, they may find mutually acceptable organizational partitions that increase feelings of mutual security and dignity. An alternative approach to coexistence is to increase *assimilation*, where one group conforms to aspects of the other's social structure. For example, non-Christians in the United States take time off during the Christmas holiday without observing its religious significance; these non-Christians are not assimilating to the Christian religion but to its holiday structure. A final type of coexistence is *synthesis*, in which diverse groups exist and express their identities uncompromisingly under the same organizational umbrella.<sup>129</sup> To synthesize is to create a new or adapted structure that allows for the existence of each group's identity.

Post-conflict societies may amalgamate these forms of coexistence. For example, two groups may politically separate while integrating economic sectors. The key point is that restructuring intergroup relations is best done through an intentional, inclusive process that optimizes harmonious coexistence.

#### D. *Design the System*

Now it is time to create the actual reconciliation system. The design team must develop healing mechanisms, coordinate their resources and operation for maximal effectiveness, safeguard the system from sabotage, and mobilize public will.

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128. Bosnia and Herzegovina is an example of this approach. It is made up of two semi-autonomous entities of the Republika Srpska and the Federation of Bosnia and Herzegovina drawn largely along ethnic lines. CONSTITUTION OF BOSNIA AND HERZEGOVINA Dec. 1995, Art. 1, § 3 (establishing the two semi-autonomous entities); Péter Reményi, *An Emerging Border of an Emerging State? The Case of the IEBL and the Republika Srpska of Bosnia-Herzegovina*, EUROLIMES, no. 11, 2011, at 129, 133.

129. Some have argued that the European Union and its post-World War II predecessors were created to synthesize a union of sovereign states. See Enrico Spolaore, *What is European Integration Really About? A Political Guide for Economists*, 27 J. ECON. PERSPS. 125 (2013) (discussing the role of economic integration through the E.U.'s common market in preserving peaceful relations across Europe); Vicki L. Birchfield et al., *European Integration as a Peace Project*, 19 BRIT. J. POL. & INT'L RELS. 3 (2017) (discussing various aspects of European integration that are analogous to a peace initiative). The United States Senate is another example. See THE FEDERALIST No. 62 (Alexander Hamilton or James Madison) (arguing that the original process of state legislatures appointing Senators "may form a convenient link between the two" sovereigns and further arguing that the equal representation of states in the Senate is a sign of and safeguard for their co-equal sovereignty).

1. *Strategy Nine: Create Transitional, Enduring, and Symbolic Healing Mechanisms*

Healing mechanisms must be designed to achieve the healing objectives of the reconciliation system (*Strategy Eight*). There are three steps to do so. First, the design team should develop a comprehensive list of *possible* healing mechanisms. At this stage, the goal is to *invent* ideas, not to commit to them. By separating the brainstorming process from the commitment process, people feel greater liberty to envision and share ideas.<sup>130</sup> Widespread consultation at this stage is crucial. The design team should enlist advisory teams ranging from experts steeped in reconciliation to businesspeople, academics, legal scholars, health professionals, NGO officers, faith groups, police, military personnel, sports organizations, engineers, and artists. The design team may recruit delegates to visit diverse communities to solicit suggestions on potential healing mechanisms.<sup>131</sup> These delegates also should learn about local reconciliation projects that are already established.<sup>132</sup> Second, the design team reviews the proposed healing mechanisms and builds consensus on which ones to pursue, with whom, using what funding sources, and in what sequence.<sup>133</sup> The blueprint for reconciliation should include activities for every sector of society. Some tasks should explicitly focus on reconciliation—cross-group dialogue, development of a truth commission, joint enforcement of security measures—while other social processes should more subtly help parties get accustomed to each other through shared work, side-by-side educational projects, joint housing and neighborhood projects, and integrated faith services. These nuanced measures may be incentivized through law. For example, *Good Relations* legislation in Northern Ireland<sup>134</sup> mandates that public bodies must consider how the activities that they fund promote equality and inclusion.<sup>135</sup> Finally, the design team works with advisory groups to

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130. FISHER & SHAPIRO, *supra* note 78, at 76 (“Invent Options Before Deciding”).

131. The Opsahl report on Northern Ireland was published after collecting 3,000 responses in the form of 545 written and taped submissions for what was needed to bring peace to the region. See HC Deb (26 May 1994) (244) col. 469.

132. Cynthia Enloe raises awareness of the importance of witnessing the work happening in the space that women and other marginalized groups already inhabit. CYNTHIA ENLOE, *BANANAS, BEACHES AND BASES: MAKING FEMINIST SENSE OF INTERNATIONAL POLITICS* 120–24 (2d ed. 2014).

133. Consider the legacy of slavery: Should issues of justice, equity, and accountability be worked through before social integration and forgiveness measures?

134. Northern Ireland Act 1998 c. 47, § 75 (UK).

135. Illustrative projects include grants to support positive cultural expression, support for new and minority communities, and creation of shared spaces and transformed barriers. See *Good Relations*, BELFAST CITY COUNCIL, <https://>

operationalize the healing mechanisms, create measures of success, and design and secure political, financial, and administrative support.

Developing a comprehensive set of tailored healing mechanisms requires a methodical process. I divide healing mechanisms into three major categories: transitional, enduring, and symbolic processes.<sup>136</sup> The design team should take time to create healing mechanisms that address each category. Table 2 presents illustrative examples of how to do so.

i. *Healing Mechanism One: Transitional Processes*

Transitional processes are collective healing interventions of temporary duration that help society come to terms with its past, improve present relations, and lay the groundwork for societal renewal. They operate through or with support from societal institutions but have no enduring structure of their own, existing primarily to address intermediary needs for post-conflict healing, reparations, restorative justice, and truth-telling.<sup>137</sup> I divide transitional processes into two subcategories: transitional justice and transitional peace.

*Transitional justice* aims to help “countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.”<sup>138</sup> The ultimate focus is on redressing human rights abuses and includes criminal prosecutions, fact-finding, truth-telling, restorative justice, and reparations for human rights violations.<sup>139</sup> Illustrative mechanisms include formalized organizations like South Africa’s

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[www.belfastcity.gov.uk/council/equality-and-diversity/good-relations#299-2](http://www.belfastcity.gov.uk/council/equality-and-diversity/good-relations#299-2) <<https://perma.cc/CD7C-GHV6>>.

136. I view these categories as interdependent. Transitional justice impacts enduring healing approaches and vice versa, and symbolic interventions may be part of transitional and enduring healing mechanisms. The reason I have created three categories is to provide the design team with a systematic, practical framework to develop a comprehensive approach to reconciliation that accounts for the complexity of post-conflict divides.

137. A spectrum of approaches to reconciliation have emerged, “ranging from a ‘minimalist’ legal one predicated on coexistence to a ‘maximalist’ approach based on mutual healing, restoration, and forgiveness.” ERNESTO VERDEJA, UNCHOPPING A TREE: RECONCILIATION IN THE AFTERMATH OF POLITICAL VIOLENCE 12 (2009).

138. *What is Transitional Justice*, INT’L CTR. FOR TRANSITIONAL JUST., <https://www.ictj.org/about/transitional-justice#:~:text=transitional%20justice%20refers%20to%20the%20,the%20to%20provide%20an%20adequate%20response> <<https://perma.cc/X27X-CXB6>>.

139. See DALY & SARKIN, *supra* note 13, at 5–7 (providing a description of approaches to redress human rights violations).

Truth and Reconciliation Commission<sup>140</sup> and unofficial processes such as a grassroots nonviolence campaign or the provision of mental health services to grieving families.<sup>141</sup> Various forms of restorative justice, such as the court-like forum of a Truth and Reconciliation Commission, convene victims and offenders—and sometimes community representatives and the broader public—to foster understanding, healing, and perpetrator accountability. Janine Natalya Clark analyzed the relationship between retributive justice, restorative justice, and reconciliation and concluded that restorative justice has “the greatest potential to initiate and further reconciliation and should, therefore, complement the administration of retributive justice.”<sup>142</sup> Of course context matters, reaffirming the importance for the design team to map the conflict landscape carefully, consult widely, and tailor reconciliation processes to best serve individuals and society.

*Transitional peace* consists of temporary initiatives that contribute to integrated, flourishing relations between individuals and

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140. The Commission was empowered to recommend reparation measures and compile a report recommending further remedial measures. Promotion of National Unity and Reconciliation Act 34 of 1995 § 3 (S. Afr.). But it lacked direct prosecutorial power and few subsequent criminal trials were held. *Truth Commission: South Africa*, U.S. INST. OF PEACE, <https://www.usip.org/publications/1995/12/truth-commission-south-africa> <<https://perma.cc/EPK3-UXGK>>.

141. See generally TRANSITIONAL JUSTICE FROM BELOW: GRASSROOTS ACTIVISM AND THE STRUGGLE FOR CHANGE (Kieran McEvoy & Lorna McGregor eds., 2008) (reviewing various aspects of grassroots transitional justice along with relevant case studies)

142. See Janine Natalya Clark, *The Three Rs: Retributive Justice, Restorative Justice, and Reconciliation*, 11 CONTEMP. JUST. REV. 331, 331 (2008). Further support for the benefits of restorative justice comes from Ame and Alidu, who, drawing on the case of Ghana’s National Reconciliation Commission, contend that restorative justice better serves the objective of post-conflict justice for victims, the community, and perpetrators than criminal prosecution, providing “an enabling environment for democracy to take root giving rise to political stability and societal development.” Robert K Ame & Seidu M Alidu, *Truth and Reconciliation Commissions, Restorative Justice, Peacemaking Criminology, and Development*, 23 CRIM. JUST. STUD. 253, 253 (2010).

groups.<sup>143</sup> While transitional justice targets “moral repair,”<sup>144</sup> transitional peace promotes *positive peace*, “the integration of human society.”<sup>145</sup> Consider a simple metaphor: If a man suffers from regular headaches, taking aspirin can alleviate his pounding head whereas regular exercise can enhance his overall health. Similarly, whereas transitional justice focuses on redressing human rights grievances, transitional peace takes a holistic view of society and promotes activities that advance individual and collective well-being. Violent conflict stunts societal growth, and transitional peace reverses that trend.<sup>146</sup> Examples of transitional peace range from a national music festival to a health education program, development of a vibrant business environment to intergroup projects that serve the common good.<sup>147</sup>

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143. I coined the term “transitional peace” as a shorthand for transitional positive peace initiatives. The concept of positive peace is described in a report of the Institute of Economics and Peace. INST. FOR ECON. & PEACE, POSITIVE PEACE REPORT 2019: ANALYSING THE FACTORS THAT SUSTAIN PEACE 15 (2019), <https://www.visionofhumanity.org/wp-content/uploads/2020/10/PPR-2019-web.pdf> <<https://perma.cc/2BVF-WKCL>>.

144. MARGARET URBAN WALKER, MORAL REPAIR: RECONSTRUCTING MORAL RELATIONS AFTER WRONGDOING 12–15 (2006).

145. *An Editorial*, 1 J. PEACE RSCH. 1, 2 (1964). In a 1969 article, Galtung reformulated the conception of positive peace to signify social justice. Galtung, *Violence, Peace, and Research*, 6 J. PEACE RSCH. 167, 167 (1964). (“I would now identify ‘positive peace’ mainly with ‘social justice’, the latter taken in the double sense of this article - but I think one could also be open to other candidates for inclusion since the definition given of violence is broad enough also to point in other directions.”). *Id.* at 189, n.30.

146. The Institute for Economics and Peace has identified eight factors of positive peace, some which fall more directly than others into the category of transitional peace: (1) well-functioning government; (2) sound business environment; (3) equitable distribution of resources; (4) acceptance of the rights of others; (5) good relations with neighbors; (6) free flow of information; (7) high levels of human capital; and (8) low levels of corruption. INST. FOR ECON. & PEACE, *supra* note 156, 10–11. Higher levels of positive peace lead to stronger resilience; better environmental outcomes; higher measures of well-being; better performance on development goals; and higher per capita income. *Id.* at 5.

147. The design team may support confidential meetings with a local healer or therapist; private community meetings; cross-group, facilitated dialogue; and public storytelling broadcast on television or social media. Whatever the platform, the design team should consider ways to ensure (1) speakers feel safe to share their stories without fear of retribution or re-traumatization; (2) stories are heard and acknowledged, perhaps through support of a third-party facilitator or trusted spiritual leader; and (3) norms of respect dissuade parties from competing over whose historical grievances are worse.



ii. *Healing Mechanism Two: Enduring Processes*

Enduring processes are collective healing interventions built into the structure of government, industry, religious and community centers, and other embedded institutions. These processes may exist already within institutions, or new ones can be created. Possible enduring processes are as vast as the mind can innovate. Economic institutions can take measures to fix societal inequalities. Criminal justice reform can ensure that all citizens are fairly treated under the law. Schools can adopt a pluralistic approach to integration that embraces both cultural commonality and the complex identities of the student body.<sup>148</sup> Religious centers can offer counseling and spiritual growth services.<sup>149</sup> Media partners can build platforms to showcase intergroup collaboration and combat divisive identity politics.<sup>150</sup>

iii. *Healing Mechanism Three: Symbolic Processes*

Symbolic processes are collective healing interventions that draw on the arts and other forms of representational expression to come to terms with the past, improve present relations, and lay the groundwork for societal renewal. While a peace agreement brings closure to the political divide, symbolic communication transforms deep-set attitudes. Symbols are powerful tools for national cohesion, bringing people together in a new, inclusive national narrative ranging from the Apollo Program that landed the first man on the moon and reinforced the United States' innovative spirit to the 9/11 Memorial that stands as a reminder of American vulnerability and unity. Exchanges between political figures often take on symbolic significance, as when former adversaries meet. Do they shake hands and look each other in

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148. See Claire McGlynn et al., *Moving Out of Conflict: The Contribution of Integrated Schools in Northern Ireland to Identity, Attitudes, Forgiveness and Reconciliation*, 1 J. PEACE EDUC. 147, 158–59 (2004).

149. Emotional healing, whether in the form of therapy or a traditional practice, appears to be an important component to post-conflict reconciliation. Cilliers and colleagues present evidence that reconciliation programs promote societal healing but at the cost of reduced psychological health, worsening depression, anxiety, and trauma. Jacobus Cilliers et al., *Reconciling After Civil Conflict Increases Social Capital but Decreases Individual Well-Being*, 352 SCIENCE 787, 787 (2016).

150. For example, Search for Common Ground, a non-profit organization, works through its country programs and local partners to create media content—television, radio, print, news, and social media content, as well as music and video games—designed to bridge differences and build peace at all levels of society; they report 51 million annual viewership. *Our Media*, SEARCH FOR COMMON GROUND, <https://www.sfcg.org/our-media/#:~:text=our%20media%20production%20arm%2C%20Common,illustrating%20constructive%20alternatives%20to%20violence> <<https://perma.cc/FTJ6-NDL5>>.

the eyes or sit across the table? “Signs and symbols rule the world, not words nor laws,” noted Confucius.<sup>151</sup>

Symbolic expression comes in many forms. There can be monuments, street-naming in memory of fallen heroes and victims, and introduction of new holidays and days of remembrance.<sup>152</sup> The private sector can launch a nation-wide unity concert and commission artists to draw paintings and write songs, stories, and poems to work through collective suffering. Even symbolic expression that normally would be prohibited may be tolerated, such as wall art and graffiti that bring voice to unspoken pain and grievance. In 1987, I traveled to Prague (then part of Czechoslovakia) and saw, across from the French Embassy in a quiet square, a wall with a vibrant painting of musician John Lennon on it. After the singer’s assassination, an artist drew the picture and, since that time, people have added their poems and thoughts onto the wall in an organic protest of communism that has, since the system’s dismantling, grown into a symbolic expression of remembrance and global interconnection.

iv. *Healing Mechanisms Combined: Creating  
Multidimensional Mechanisms and Measuring Success*

The design team can collaborate with working groups to build a comprehensive set of healing mechanisms to bring about relational renewal. Table 2 offers a simple matrix to help the design team create a range of healing mechanisms that account for disparities in historical understanding, economics, law and order, political power, and sociocultural factors. These five dimensions—the basis of the HELPS framework—are essential to address in a multidimensional approach to collective healing. Separate working groups can be organized to examine each of the five types of structural divides. Or, if resources allow, there can be fifteen working groups, each charged with devising healing mechanisms of a specific kind (enduring, transitional, symbolic) in relation to a specific type of structural divide (history, economics, law and order, politics, sociocultural factors). Each working group reviews the relational landscape and root causes and invents tailored healing mechanisms to “fit the forum to the fuss.”<sup>153</sup>

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151. Milton Conover, *Comparative Trade-Mark Rights in Common Law and Civil Law*, 29 N.D. L. REV. 33, 34 (1953).

152. See generally SYMBOLS THAT BIND, SYMBOLS THAT DIVIDE: THE SEMIOTICS OF PEACE AND CONFLICT, (Scott L Moeschberger & Rebekah A. Phillips DeZalia eds., 2014) (analyzing divisive symbols and how they can be used or modified to bring unification).

153. Frank E.A. Sander & Stephen B. Goldberg, *Fitting the Forum to the Fuss: A User-Friendly Guide to Selecting an ADR Procedure*, 10 NEGOT. J. 49, 66 (1994).

The design team should decide how much authority to grant to working groups. One possibility is to confer full authority to create ideas but no autonomy to make binding commitments. Groups submit their list of possible healing mechanisms to the core design team, who can build a cohesive reconciliation plan consistent with ethical guidelines (Strategy Five) and shared vision (Strategy Six).

The design team can integrate multiple healing mechanisms into a single reconciliation initiative. In the aftermath of Colombia's violent conflict, the government instituted Regional Development Programs to encourage people in specific territories to cooperate on joint projects and a shared regional vision.<sup>154</sup> These territorial programs included a robust, participatory planning process in which more than 200,000 citizens were consulted and relations re-established with state institutions.<sup>155</sup> Projects dovetailed measures in the country's peace agreement—including ex-combatant reintegration, rural development, and chapters of the truth commission—and promoted regional cooperation, national integration, and non-repetition of the conflict.<sup>156</sup>

The design team should develop specific criteria to measure the extent to which healing mechanisms move society toward its aspired vision of harmonious coexistence. Professor Howard W. Buffett presents a useful model of change.<sup>157</sup> Each healing mechanism should have an intended *output*—measurable, specific indicators of

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154. Ambassador Sergio Jaramillo terms this concept “territorial peace” and argues that the solution to society's rejection of post-conflict reconciliation processes begins with “communities being active designers and not only recipients of these programmes, and seeing that their rights count.” Sergio Jaramillo Caro, *Territorial Peace* 1, 5 (Mar. 2014) (unpublished manuscript) (on file with author).

155. The criticality of this consultation process is recognized in the peace agreement that ended the armed conflict between FARC and the government of Colombia. See, e.g., *Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace*, in letter dated 29 March 2017 from the Secretary-General addressed to the President of the Security Council, at 99–100, 177–78, U.N. Doc. S/2017/272 (Apr. 21, 2017).

156. See generally ORG. FOR ECON. COOPERATION & DEV. [OECD], *COLOMBIA: POLICY PRIORITIES FOR INCLUSIVE DEVELOPMENT* (2015) (outlining various development policies and programs in Colombia), <https://www.oecd-ilibrary.org/docserver/9789264233393-en.pdf?expires=1616455051&id=id&acname=guest&checksum=59F6652342638E29BEDF1632D08F0195> <<https://perma.cc/TD5P-XRF7>>.

157. HOWARD W. BUFFETT & WILLIAM B. EIMICKE, *SOCIAL VALUE INVESTING: A MANAGEMENT FRAMEWORK FOR EFFECTIVE PARTNERSHIPS* 85 fig.4.8, 200 fig.8.4 (2018) (depicting a process model of change that includes input, activities, outputs, outcomes, and impact and then introducing a measurement tool to translate outcomes from the theory of change model into quantifiable metrics).

change resulting from effective implementation. For example, outputs of a mental health intervention may include provision of psychological support services to 100,000 people across five regions, creation of institutionalized channels of access for low-income members of society, and integration of support services into 80% of schools and religious centers. Each healing mechanism must be clear on its broader intended *outcome* beyond the initial measured change. Outcomes of the mental health intervention may include improvements in societal well-being, reductions in intergroup tension, and increased willingness to engage in cross-group projects. The intervention contributes to the desired societal impact: harmonious coexistence.

To prevent a clash between the politics of governance and reconciliation, healing mechanisms must advance the political peace agreement. Criteria for defining the reconciliation system's success should flow from *all* dimensions of the peace agreement, not just transitional justice mechanisms, encouraging a comprehensive remedy to societal divides. Measures of success should be carefully designed to foster reconciliation. Goals should be Specific, Measurable, Assignable, Realistic, and Time-related, forming the acronym "SMART."<sup>158</sup> Measures must be designed to incorporate *all* of society, not just elites, sending an important signal that collective healing cannot be imposed by politicians or public champions of peace. Society-wide participation in the design and implementation of healing mechanisms promotes ownership of those processes and embrace of the outcome.<sup>159</sup>

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158. George T. Doran, *There's a S.M.A.R.T. Way to Write Management's Goals and Objectives*, 70 MGMT. REV. 35, 35-36 (1981).

159. Participation in the design process provides society with autonomy to decide their own future. See Edward L. Deci & Richard M. Ryan, *The "What" and "Why" of Goal Pursuits: Human Needs and the Self-Determination of Behavior*, 11 PSYCH. INQUIRY 227, 234 (2000) (reviewing academic literature to conclude that autonomy "is essential to intrinsic motivation").

TABLE 2: ILLUSTRATIVE HEALING MECHANISMS TO BRIDGE FIVE SOURCES OF INTERGROUP DIVIDES

	Historical	Economic	Legal / Order-related	Political	Sociocultural
<b>Transitional</b>	Bearing witness; truth-telling; victims sharing stories on social media about the personal impact of war	Reparations; cross-group business cooperation	Restorative justice; security arrangements; accountability measures	Power sharing; civic conversation; youth engagement; positive intergroup projects and media coverage and	Mourning the loss; grieving oneself and with others; contemplating forgiveness; apology; shared prayer service
<b>Enduring</b>	School initiatives studying historical narratives; museums preserving conflict artifacts/photos; endowed academic scholarships on peace education and reconciliation; civic education	Government offices to address systemic inequalities; equal access to goods and services across groups; joint tourism; job training programs; strengthening local institutions	Criminal justice reform; programs to guarantee and enforce equal treatment of diverse groups; legal studies and psychology programs on reconciliation	Cross-group communication mechanisms; programs to promote participatory politics; political leadership training for underserved communities	Media on cross-group projects and community collaborations; cross-group organizations to promote societal welfare; cross-cultural education
<b>Symbolic</b>	Statues; monuments; holidays; photo exhibits; artistic renditions of the conflict; traditional singing and dancing	Federal investment in unifying projects; cross-group economic institute; printing money with unifying symbols and heroes	Representative institutional leadership; interdisciplinary policy centers on law and justice; institutions named after unifying leaders	Public meetings of former political opponents working together; media training and constructive reporting on cross-group interactions; local memorial	Arts celebration of diverse groups and cultures; unifying concerts; cross-group museum exhibits; statues, public art that bonds society

## 2. Strategy Ten: Synergize Healing Mechanisms

A reconciliation system is a *constellation of interdependent processes designed to achieve individual and societal healing*.<sup>160</sup> Rather than treating each healing mechanism as a lone island in a turbulent sea, the design team should view such processes as interconnected elements within a broader political, economic, social, and legal environment.<sup>161</sup> A change in one part of the system, or in the external environment, can reverberate directly and indirectly across the system; it can produce an impact that is not always proportional to the scale of the cause and that is not always linear in causality.<sup>162</sup> A national mental health campaign could, for example, increase a

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160. This definition is my own, based on the work of scholars of systems thinking. Meadows defines a system as “a set of things—people, cells, molecules, or whatever—interconnected in such a way that they produce their own pattern of behavior over time . . . .” DONELLA H. MEADOWS, THINKING IN SYSTEMS: A PRIMER 2 (Diana Wright ed., 2008). For theory on interdependent systems of conflict resolution, see Peter T. Coleman et al., *Protracted Conflicts as Dynamical Systems*, in THE NEGOTIATOR’S FIELDBOOK: THE DESK REFERENCE FOR THE EXPERIENCED NEGOTIATOR 61, 72 (Andrea Kupfer Schneider & Christopher Honeyman eds., 2006) (“From the dynamical perspective, conflict intervention in cases of protracted conflict must go beyond agreements and attempts to change the current state of the system, to changing the ensemble of possible and achievable states of the system.”); PETER M. SENGE, THE FIFTH DISCIPLINE: THE ART & PRACTICE OF THE LEARNING ORGANIZATION 72 (1990) (emphasis in original) (“*The real leverage in most management situations lies in understanding dynamic complexity, not detail complexity . . . . Simulations with thousands of variables and complex arrays of details can actually distract us from seeing patterns and major interrelationships . . . . Seeing the major interrelationships underlying a problem leads to new insight into what might be done.*”).

An example may best illustrate the role of interdependent systems in reconciliation. While reviewing the utility of systems thinking to analyzing peacebuilding in Somalia, Ricigliano describes how “a non-systemic view of Somalia may lead one to see the problem as a conflict between combatant parties—Al Shabab and the Somali transitional government—and ignore the complex system of dynamic relationships and social trends . . . , one impact of which is to cause internal Somali actors to fight each other.” Robert Ricigliano, *A Systems Approach to Peacebuilding*, ACCORD, Jan. 2011, at 15, 19. He suggests that peacebuilding interventions should start by identifying where change is happening in the system and to “nurture that change in the direction of a more peaceful, less violent trajectory.” *Id.* at 19.

161. Peter Senge notes that “the essence of the discipline of systems thinking lies in a shift of mind: seeing interrelationships rather than cause-effect chains, and seeing processes of change rather than snapshots.” SENGE, *supra* note , at 73. Meadows observes that “[t]here are no separate systems. The world is a continuum. Where to draw a boundary around a system depends on the purpose of the system.” MEADOWS, *supra* note 174, at 190.

162. In describing reinforcing loops, Meadows shares a shortcut: “The time it takes for an exponentially growing stock to double in size, the ‘doubling time,’ equals approximately 70 divided by the growth rate (expressed as a percentage).” MEADOWS, *supra* 174, at 66. She defines stocks as “the elements of the system that you can see, feel, count, or measure at any given time. A system stock is . . . a store, a quantity, an accumulation of material or information that has built up over time.” *Id.* at 17.

post-conflict society's emotional resilience, resulting in a widespread upturn in self-agency that boosts public support for a truth commission. Or imagine the design team developing a well-structured reconciliation program that has political and financial backing of the government—yet collapses due to a neighboring nation's leader opposing the process and channeling funds to local anti-reconciliation advocates. Systems thinking matters.<sup>163</sup>

The design team must optimize two key measures of the reconciliation system: effectiveness and efficiency. *Effectiveness* refers to the extent to which a reconciliation process moves society toward its vision of harmonious coexistence.<sup>164</sup> There are many viable paths, but some better satisfy society's healing needs than others. *Efficiency* examines the extent to which people expend energy and resources productively and minimize wasted effort and assets.<sup>165</sup> While any healing mechanism may inflict damage, an efficient system minimizes that risk through on-going evaluation of the intervention, anticipation of positive and negative effects, and actions to bolster the positive impact and mitigate harm.<sup>166</sup> An efficient reconciliation system optimizes short-term and long-term effects. Implementing a truth commission too soon after mass violence may provoke emotional and political backlash—yet launching it too many years later can trigger political and emotional resistance.<sup>167</sup>

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163. Colombia's Final Agreement includes an entire section on redress for victims. Premised on the importance of a comprehensive approach to reconciliation, the agreement titles this section, "Agreement on the victims of the conflict: 'Comprehensive system for truth, justice, reparations and non-recurrence,' including the special jurisdiction for peace; and commitment on human rights." Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, *supra* note 155, at 107. It includes a set of guiding principles, goals, and components, an approach that largely follows Reconciliation Systems Design's Strategies Five, Eight, and Nine. *See id.* at 132–203.

164. This conceptualization of effectiveness is consistent with Meadow's notion that a "system is an interconnected set of elements that is coherently organized in a way that achieves something." MEADOWS, *supra* 160, at 11. Effectiveness as a measure of optimization examines whether the desired goal of healing mechanisms has been achieved.

165. An efficient reconciliation system reduces *suboptimization*, "the behavior resulting from a subsystem's goals dominating at the expense of the total system's goals." *Id.* at 188.

166. Cilliers, Dube, and Siddiqi find that gains in societal healing associated with reconciliation come at a major cost to individual psychological healing, as least in the context of their research in Sierra Leone. Cilliers et al., *supra* note 149, at 787. They suggest combining reconciliation with sustained counseling, trauma healing, and other interventions. *Id.* at 794.

167. Cilliers, Dube, and Siddiqi report that "the negative psychological impacts [of societal reconciliation] may be smaller or even reversed if reconciliation efforts are held in the direct aftermath of the war, when trauma symptoms are high and people have yet to move on in their own way." *Id.*

The design team should synergize operations through careful analysis of three dimensions of a *reconciliation system*:<sup>168</sup> individual healing mechanisms, the interconnection of healing mechanisms, and the system as a whole, as outlined in Table 3. All three levels require on-going monitoring and management, and each affects the others in an interactive manner.

TABLE 3: THREE LEVELS OF RECONCILIATION SYSTEM OPTIMIZATION

SYSTEMS LEVEL	FOCUS OF OPTIMIZATION
Level 1	<i>Optimize each healing mechanism:</i> Is each efficient and effective?
Level 2	<i>Optimize interconnection of healing mechanisms:</i> Are healing mechanisms working together to the extent feasible?
Level 3	<i>Optimize the system as a whole:</i> Are decision making and communications structures responsive to internal and external conditions?

i. *Optimizing Individual Healing Mechanisms*

A healing mechanism will be most constructive if its “parts” work effectively and efficiently. For example, a community dialogue program requires organizers, funds, facilities, marketing, facilitators, participants, and a dialogue process.<sup>169</sup> If the program lacks funds, there will be decreased ability to advertise the program, fewer participants, and less impact, producing a *negative reinforcing feedback*

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Edna Foa, a clinical psychologist, notes that “if trauma survivors restrict their daily routine and systematically avoid reminders of the incident—including thinking and talking about the event—these beliefs may be maintained and the symptoms of posttraumatic stress disorder (PTSD) become chronic.” Edna B. Foa, *Psychosocial Therapy for Posttraumatic Stress Disorder*, 67 J. CLINICAL PSYCHIATRY 40, 40 (2006).

168. See generally MEADOWS, *supra* note 174, ch. 6 (describing “leverage points—places to intervene in a system” to improve its performance).

169. An example of a community dialogue program is “Healing through Remembering,” a cross-community program established in Northern Ireland after the Good Friday Agreement. See HEALING THROUGH REMEMBERING, <https://healing-throughremembering.org/> <<https://perma.cc/WEQ5-GVHC>>. Comprised of a diverse membership with different political perspectives, the organization works on a “common goal of how to deal with the legacy of the past as it relates to conflict in and about Northern Ireland,” drawing on a variety of approaches that include talking circle workshops, discussion-based workshops, and oral history projects. *Id.*



loop that, over time, may extinguish itself.<sup>170</sup> Conversely, if the program receives major government funding, it is likely to have enhanced advertising capacity, more participants, and greater impact, resulting in a *positive reinforcing feedback loop* that builds on itself.<sup>171</sup> Tweaking any part in the system can affect the entire flow of the system.<sup>172</sup> Increased participation in a neighborhood dialogue program can produce greater community discussion, which can increase political support and funding.

The design team should optimize the *effectiveness* of each healing mechanism, checking that it produces its desired output, such as surfacing stories of wrongdoing or enacting wealth redistribution policies. The team also should verify that each healing mechanism's objectives align with the vision of harmonious coexistence (i.e., Strategy Six). A healing mechanism can produce its desired output yet do nothing to advance the societal vision of coexistence. Imagine a design team consulting with a narrow group of stakeholders and determining that a truth commission should be the nation's top priority. The team mobilizes resources and people to move this project forward, and the program succeeds: the truth of what happened during the period of violence emerges into the public sphere. But what if these publicly shared stories now exacerbate feelings of victimization, trauma, and anger as people learn terrifying truths that unfolded within their own communities, fueling renewed hostility? The healing mechanism serves its function but fails the broader vision of reconciliation.

The *efficiency* of healing mechanisms also must be optimized. The design team can engage a working group to ensure that healing

170. Peter Senge distinguishes between two types of feedback: reinforcing and balancing. He notes that

[r]einforcing (or amplifying) feedback processes are the engines of growth. Whenever you are in a situation where things are growing, you can be sure that reinforcing feedback is at work. Reinforcing feedback can produce accelerating decline—a pattern of decline where small drops amplify themselves into larger and larger drops, such as the decline in bank assets when there is a financial panic.

SENGE, *supra* note 174, at 79 (emphasis in original). This decline is what I refer to as a *negative reinforcing feedback loop*.

171. A *positive reinforcing feedback loop* amplifies an increase in stock over time. See *id.* at 79.

172. Forrester observes that decision makers may detect leverage points in a system but “the chances are that a person guided only by intuition and judgment will alter the control variable in the wrong direction.” JAY W. FORRESTER, *WORLD DYNAMICS* 113 (2d ed. 1973). Methodical systems analysis is necessary to make optimally informed decisions. See *id.*

mechanisms minimize wasted effort and resources.<sup>173</sup> This group can analyze *public resistance* to a healing mechanism, diagnose potential causes, and build an appropriate intervention. Not everyone is emotionally or politically ready to work through sensitive issues of peace and justice, and a healing mechanism that addresses public concerns will be more accepted.<sup>174</sup> Additionally, the design team can evaluate broader sources of *societal resilience*—the emotional and political strength of society to bear the strain of reconciliation processes without breaking.<sup>175</sup> The team can weigh the degree of public resistance against the extent of societal resilience: If resistance outweighs resilience, rethink the healing mechanism.

ii. *Optimizing the Interconnection of Healing Mechanisms*

A comprehensive reconciliation system synergizes a wide range of healing mechanisms. For example, plans for economic reform may threaten the wealth of the ruling minority, who then refuse to participate in restorative justice activities. By viewing economic reform and restorative justice as part of a single reconciliation system, the design team and advisory groups can invent creative approaches that win the minority's engagement in these processes at little or no sacrifice to the goals of restorative justice, such as through guarantees of partial amnesty or consultation in the economic redistribution plan.<sup>176</sup>

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173. See *supra* note 77 and accompanying text for a definition of this working group.

174. The educational system in Canada provides a compelling example. For over 100 years, the Canadian Government “maintained residential schools for Indigenous students to solve what the government called the ‘Indian problem.’ Residential schooling was central to systemic legal processes that focused on ‘dispossession and dismantling of Aboriginal societies.’” Avril Aitken & Linda Radford, *Learning to Teach for Reconciliation in Canada: Potential, Resistance and Stumbling Forward*, 75 *TEACHING & TCHR. EDUC.* 40, 42 (2018) (internal citations omitted).

After Canada's Truth and Reconciliation Commission Report and international interest rose in teachers' role in national reconciliation, Aiken and Radford investigated the experience of non-Indigenous preservice teachers required to learn about colonization and its impact and to teach informally on reconciliation. The researchers found that “emotional situations that arose and related resistance may be read as an inevitable, but not immobilizing, part of the larger social/psychic dynamic of becoming a teacher . . . .” *Id.* at 42. By becoming aware of potential areas of resistance to reconciliation, preventive strategies can be developed.

175. See Daniel L. Shapiro & Mikhaila Fogel, *Tribalism in the Era of Trump: The Societal Resilience Index*, 35 *NEGOT. J.* 235, 236–38 (2019).

176. Negotiation is an intrinsic aspect of Reconciliation Systems Design. Society must negotiate optimal structures to best serve its vision of harmonious coexistence. Daly and Sarkin note that “in some cases amnesty is morally and politically defensible.” DALY & SARKIN, *supra* note 13, at 30. But impunity, they argue, “is never defensible . . . . Impunity is not just the absence of punishment, but the failure to punish in

The design team should conduct on-going evaluation to optimize the reconciliation system's effectiveness in moving society toward harmonious coexistence. *System-enhancing activities* add value to the reconciliation process through shared resources, staff, services, and marketing.<sup>177</sup> *System-hindering activities* waste effort and resources. If two neighborhood dialogue groups compete for funding, the design team may convene those groups' leaders to explore avenues for cooperation, increasing the scope of each group's impact and resources.<sup>178</sup>

The design team can create a *systems optimization team* of policymakers, community members, and scholars who offer ideas to optimize information flow and resources across healing mechanisms while accounting for broader political, economic, and social forces that might hinder the reconciliation system.<sup>179</sup> This group reviews ongoing healing mechanisms, maps out the needs and resources of each intervention, and invents ways to streamline effort, share expertise and resources, and otherwise synergize projects.

The systems optimization team will face inevitable dilemmas regarding peace and justice. According to Hayner, "Any peace agreement that grants impunity for a war's serious crimes may risk being

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a way that reflects or reinforces a cultural norm that wrongful actions are permissible." *Id.* at 30. Impunity, they suggest, disregards the rule of law and disrespects the dignity of others through deliberate absence of prosecution or denial of facts of criminal wrongdoing. *Id.* at 30–31. Critics might question the fairness of consulting a wealthy minority on an economic redistribution plan. But the design of a reconciliation system involves inevitable tensions and trade-offs, and certain forms of consultation may be worth the sacrifice. It is also important to note that consultation does not confer decision making authority on the minority but provides an avenue for the design team to learn more about the stakeholder's interests, which may be addressed—without forfeiting fair economic reform—through creative, legitimate economic means.

177. I introduce the terms "system-enhancing activities" and "system-hindering activities" as a simple language for the design team to use in their work.

178. There are innumerable forms of intergroup cooperation that can promote harmonious coexistence. For example, the Arava Institute is an environmental studies and research institute in the Middle East with a student body comprised of Jordanians, Palestinians, Israelis, and others from around the world who gain skill in solving environmental challenges, a shared regional issue of great importance. See Avara Institute, THE AVARA INSTITUTE FOR ENVIRONMENTAL STUDIES, <https://arava.org/> (last visited Jan 24, 2021).

179. Public officials may fear that they will be giving up some of their power if they engage in a consensus building approach to reconciliation rather than tightly controlling the system's decision-making processes. This fear is misplaced. Susskind and Cruikshank contend that "public officials can increase their power by encouraging consensual approaches to dispute resolution. This is true because the public favors fairer, wiser, more stable, and more efficient resolution of distributional disputes." LAWRENCE SUSSKIND & JEFFERY CRUIKSHANK, *BREAKING THE IMPASSE: CONSENSUAL APPROACHES TO RESOLVING PUBLIC DISPUTES* 242 (1987).

short-lived, will be legally questionable, and will almost certainly meet loud opposition from both national and international observers and advocates—whose support will be needed to build a durable peace. But if a mediator insists on accountability, the armed groups will likely resist, and a peace deal may become impossible.”<sup>180</sup> At face value, peace and justice appear mutually exclusive.<sup>181</sup> Will perpetrators face criminal prosecution or receive amnesty? Will society make reparations? What if rebels demand amnesty prior to a ceasefire?

While there are inevitable tradeoffs between any combination of healing mechanisms, the line between peace and justice may not be so impenetrable. Through the lens of systems thinking, these two goals are interconnected parts of a broader reconciliation system. The resources and flow of information may include areas of alignment, and both subsystems share the purpose of laying the groundwork for a flourishing society. The negotiation between the Colombian government and FARC provides an illuminating example of a creative approach to bridge the gap between peace and justice. Colombian President Juan Santos<sup>182</sup> and his negotiation team insisted that preventing future victims was as important as gaining justice for victims of the past, underscoring the notion that a comprehensive peace agreement would *protect* human rights.<sup>183</sup> Colombian experts conceived of an interconnected system that balanced perpetrators’ contributions to peace and victim rights in exchange for a reduced or

180. PRISCILLA HAYNER, *THE PEACEMAKER’S PARADOX: PURSUING JUSTICE IN THE SHADOW OF CONFLICT* 3 (2018).

181. See Robert I. Rotberg, *Truth Commissions and the Provision of Truth, Justice, and Reconciliation*, in *TRUTH V. JUSTICE: THE MORALITY OF TRUTH COMMISSIONS* 3, 13 (Robert I. Rotberg & Dennis F. Thompson eds., 2000) (noting that multiple scholars have argued that limiting justice by granting amnesty to some perpetrators of apartheid was a cost of peaceful transition in South Africa).

182. Juan Manuel Santos Calderón served as the President of Colombia from 2010 to 2018. Juliana Tappe Ortiz, *Political Leadership for Peace Processes: Juan Manuel Santos—Between Hawk and Dove*, 17 *LEADERSHIP* 99, 100 (2021). He received the 2016 Nobel Peace Prize “for his resolute efforts to bring the country’s more than 50-year-long civil war to an end.” *The Nobel Peace Prize 2016*, NOBEL PRIZE OUTREACH AB, <https://www.nobelprize.org/prizes/peace/2016/summary/> <<https://perma.cc/KAH2-4KEA>>.

183. See, e.g., Juan Manuel Santos, President of Republic of Colombia, Nobel Lecture: Peace in Colombia: From the Impossible to the Possible (Dec. 10, 2016), <https://www.nobelprize.org/prizes/peace/2016/santos/26112-juan-manuel-santos-nobel-lecture-2016-2/> <<https://perma.cc/5XP2-VLQ6>> (“Victims want justice, but most of all they want to know the truth, and they—in a spirit of generosity—desire that no new victims should suffer as they did.”); Letter from Douglass Cassel, Professor of L., Notre Dame L. Sch., and Negotiator, Colombia Special Jurisdiction for Peace Agreement, to Juan Manuel Santos Calderón, President, Republic of Colo. 2 (Sept 25, 2015), [https://klau.nd.edu/assets/177163/spec\\_jurisd\\_peace\\_legal\\_ltr\\_9.25.15.pdf](https://klau.nd.edu/assets/177163/spec_jurisd_peace_legal_ltr_9.25.15.pdf) <<https://>

alternative penal sanction that included truth-telling about past crimes, peacebuilding, dismantling of criminal networks, and other measures.<sup>184</sup>

iii. *Optimizing the system as a whole*

The reconciliation system as a whole must be optimized. First, the design team should shape the system's identity. At a gestalt level, what images, values, and feelings does reconciliation raise in citizens' minds: fear and vulnerability or freedom and interconnection? The most powerful narratives are rooted in society's iconic stories, spiritual philosophy, and glorified myths.<sup>185</sup> A country founded by immigrants may bridge political divides through proclamation of the inclusive nature of its national bloodlines. The more everyone in society has in mind a culturally rooted story, philosophy, or principle associated with the reconciliation system, the more society will move forward in concert, at the same tempo, with the same mindset. This shared understanding of the system's identity makes it harder for spoilers to criticize the reconciliation system, as doing so may be viewed as betrayal of national identity.<sup>186</sup>

Second, the design team's decision-making structure must balance society-wide involvement with efficiency. A decision-making approach that is too exclusive—a small group huddled behind closed doors making nationwide decisions—can be criticized as being top-down and dictatorial.<sup>187</sup> Yet a structure that is overly inclusive—

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perma.cc/FWX4-4U9G> (“The other implication of the peace negotiation context is that respect for the rights of past victims must be balanced against respect for the rights of potential future victims. Justice for the past must be tempered by the demands of negotiating a peace for the future.”).

184. See Letter from Douglass Cassel to Juan Manuel Santos Calderón, *supra* note 183, at 3–5; see also Juan Manuel Santos, *supra* note 183.

185. I contend that, of all the stories that fuel conflict and reconciliation, none affects society more than the *mythos of identity*—the core narrative that shapes how people see their identity in relation to that of other groups. SHAPIRO, *supra* note 11, at 139. There are three basic properties of the *mythos of identity*: (1) it frames people's emotional reality, (2) it is rooted as much in biology as in biography, and (3) it deepens the personal significance of the conflict situation. *Id.* at 141–143.

186. Society can be viewed as a large “tribe,” a group bound together through kin-like connection, a sense of similarity, and emotional investment in the group. Shapiro, *supra* note 11, at 638. The “fundamental taboo of the tribe” is betrayal, *id.* at 638, and, if that social prohibition is broken, the consequences can include physical, social, legal, or political punishment, SHAPIRO, *supra* note 11, at 71–73. Hence, conceiving of the reconciliation system as a representation of national identity can shield the system from some of the dangers of spoilers.

187. FISHER & SHAPIRO, *supra* note 48, at 82 (“Too often, when we *do* have decision-making authority, we fail to include in the decision-making process those people who will be impacted by our decisions. By excluding others, we risk impinging upon

wherein the design team negotiates with the public on *every* issue and micro-detail—can overwhelm the decision-making process with information, interests, and politics.<sup>188</sup> The team must develop sophisticated means of public and private engagement, considering what information to share with whom, at what points in time, through what means, and for what purpose; equally important, they should think about whom to consult, on what topics, at what points in time, and through what means. Collective healing is a willful process, and the public must be engaged in the process determining its fate. Force can bring perpetrators to court, but volition is a prerequisite to emotional healing.

Perhaps the most useful form of large-scale engagement is consistent, widespread consultation on issues of importance to communities; the design team can build complex consultation systems with individuals and interest groups to gain information about nuanced needs while reserving the authority to make binding decisions to the design team itself. A tool called the “bucket theory” can help the design team sharpen its decision-making structure.<sup>189</sup> The team lists key decisions needed to develop and operationalize the healing mechanisms. They review each decision, one-by-one, to analyze into which “bucket” that decision should fall:

- *Bucket 1:* The design team makes the decision alone and informs no one. A simple example would be whether the team should meet in the morning or afternoon; this decision is of little consequence to the public.
- *Bucket 2:* The design team makes the decision alone, then informs others. Important questions to consider include who should be informed about what, when, and through what communication channels.
- *Bucket 3:* The design team consults specific individuals or groups before deciding. This is a crucial bucket for virtually any decision that will have a consequential impact on the population.

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their autonomy—and having to deal with their consequent anger and resentment.” (emphasis in original)).

188. See *id.* at 84 (“There is a balance to be struck between too much unilateral deciding and too much time spent consulting.”).

189. See FISHER & SHAPIRO, *supra* note 48, at 87–89.

- *Bucket 4:* The design team negotiates with specific individuals or groups regarding a specific decision. Negotiation takes time because the design team must come to agreement with a broader set of decision makers. But the benefit of successful negotiation is an outcome that can better satisfy the unique interests of stakeholders and about which everyone involved may hold greater ownership.

Third, the design team should devise a sequence for the rollout of healing mechanisms.<sup>190</sup> This raises a lot of tough choices. Should local interventions be launched first to win community support for the broader vision of reconciliation, or should national reconciliation be the top priority? Should government-sponsored interventions precede privately funded ones? Might some healing mechanisms begin prior to a signed political agreement?

Fourth, procedures should be established to evaluate the effectiveness of the reconciliation system. Consultative bodies can assess political resistance to the system and means to strengthen system resilience through engagement of diverse groups and institutions. The health of the system also can be analyzed in terms of the flow of financial support. The design team should analyze funding needs, create a budget, and guard the system against conflicts of interest and corruption. While international aid can prove helpful, the motivation of donors may conflict with local interests, creating perverse incentives that benefit the contributor's mission and prestige but damage the reconciliation process.<sup>191</sup>

Fifth, the design team should establish system-stabilizing procedures to keep effective reconciliation projects intact in the face of disputes, political instability, and public backlash. No system is perfect,

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190. The rollout process can be viewed as a negotiation between the design team and public for widespread acceptance, ownership, and implementation of the reconciliation system. As such, the sequence in which the various parts of the system are implemented is consequential. In analyzing the negotiation "set-up," Lax and Sebenius observe: "Common problems . . . include negotiating with the wrong parties or about the wrong set of issues, involving parties in the wrong sequence or at the wrong time, as well as incompatible or unattractive no-deal options." David Lax & James Sebenius, *3-D Negotiation: Playing the Whole Game*, HARV. BUS. REV. (Nov. 1, 2003), <https://hbr.org/2003/11/3-d-negotiation-playing-the-whole-game> <<https://perma.cc/B5Y8-9NKH>>. They propose that skilled negotiators reshape the scope and sequence of the situation to reach a desired outcome: "Acting entrepreneurially, away from the table, they ensure that the right parties are approached in the right order to deal with the right issues, by the right means, at the right time, under the right set of expectations, and facing the right no-deal options." *Id.*

191. See UVIN, *supra* note 9, at 8.

and inevitably there will be miscommunications, mistakes, hurt feelings, and accusations that the system is unfair and ineffective. An optimized system has a variety of mechanisms—from emergency communications plans to an ombuds office—to address these predictable types of systems challenges.<sup>192</sup> For example, dispute resolution procedures should be integrated into the system to provide people with structures to air grievances, problem solve objections, and offer recommendations. An effective dispute resolution process can fuel a positive feedback loop: As conflicts are resolved constructively, the system gains credibility and buy-in, reducing the likelihood of future disputes. A well-designed dispute resolution system (1) puts the focus on interests, not positions, (2) sequences dispute resolution procedures from low- to high-cost, (3) encourages non-adjudicative, non-violent alternatives to failed negotiation, (4) builds in consultation and feedback mechanisms, (5) and equips the broader community with collaborative negotiation skills and resources.<sup>193</sup>

Finally, the design team should conduct ongoing review of the evolving sociopolitical context and its impact on the reconciliation system.<sup>194</sup> A newly elected, popular government leader who believes in the tenets of reconciliation may expand the political space for an ambitious vision of coexistence, whereas a leader who is reluctant to support reconciliation may prompt the design team to revise the reconciliation system to ensure its objectives are still achieved within this altered political environment.

### 3. *Strategy Eleven: Boost System Resilience*

A resilient reconciliation system can weather the strong winds of political tribalism. The entire society—policymakers, the population, even the design team—is vulnerable to this dynamic. A tribe is any group to which we feel kin-like connection.<sup>195</sup> We all belong to many tribes based on such factors as ethnicity, nationality, religion, or race.

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192. In the systems language of Meadows, system-stabilizing procedures are operationalized “balancing feedback loops.” MEADOWS, *supra* note 160, at 132.

193. See WILLIAM L. URY ET AL., *GETTING DISPUTES RESOLVED: DESIGNING SYSTEMS TO CUT THE COSTS OF CONFLICT* 42 (1988).

194. Systems theory emphasizes the importance of recurring feedback and evaluation of the system. According to Meadows, a balancing feedback loop is a “stabilizing, goal-seeking, regulating feedback loop, also known as a ‘negative feedback loop’ because it opposes, or reverses, whatever direction of change is imposed on the system.” MEADOWS, *supra* note 164, at 151. Meadows notes, “Any balancing feedback loop needs a goal (the thermostat setting), a monitoring and signaling device to detect deviation from the goal (the thermostat), and a response mechanism (the furnace and/ or air conditioner, fans, pumps, pipes, fuel, etc.)” *Id.* at 132.

195. Shapiro, *supra* note 11, at 634–35.



The moment a tribal identification feels politically threatened, we risk falling into a self-defensive relational posture that pits us against other stakeholders and fuels intransigent emotions, divisive dynamics, and a clash of beliefs.<sup>196</sup> The design team must consciously guard against what I call the *five lures of political tribalism*, emotional forces that pull people toward a divisive mindset.<sup>197</sup> When developing and implementing the reconciliation system, the design team should consider how each of the five lures—vertigo, taboos, repetition compulsion, assault on the sacred, and identity politics—may sabotage the system and then strengthen the system with compensatory mechanisms.

*Vertigo* is a warped state of consciousness in which a conflictual relationship consumes one's attention.<sup>198</sup> The word derives from the Latin *vertere*, "to turn."<sup>199</sup> While modern medicine differentiates several medical conditions in which people experience a spinning sensation, I borrow the term to describe the unique condition of conflict in which people feel trapped in a dizzying state of adversarial relations. Reconciliation raises sensitive issues that can easily spin people's emotions out of control. An effective reconciliation system monitors the degree to which healing mechanisms may be triggering societal vertigo and proactively addresses spikes. For example, my colleague Bill Ury consulted a few years ago with the president of Venezuela, Hugo Chavez, at a time when the government and the opposition experienced intense conflict that many feared would escalate to civil war.<sup>200</sup> Vertigo afflicted the nation. Bill advised the President to propose a truce during the Christmas holiday season so people could enjoy time with their families and take a break from the conflict.<sup>201</sup> The President declared, "That's an excellent idea!" and provided the entire country with space to break free from vertigo, to breathe again and regain emotional strength to pursue reconciliation.

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196. See SHAPIRO, *supra* note 11, at 3–7.

197. See generally SHAPIRO, *supra* note 11, at 29–129.

198. See SHAPIRO, *supra* note 11, at 33–37.

199. *Vertigo*, OXFORD ENG. DICTIONARY, <https://www-oed-com/view/Entry/222804?RedirectedFrom=vertigo#eid> <<https://perma.cc/S9FN-2PD9>>.

200. William Ury, Graduation Address at Dawson High School: Go to the Balcony (June 12, 2016), <https://www.williamury.com/2016-dawson-high-school-graduation-talk/> <<https://perma.cc/9CRJ-RP4R>>

201. However, this offer of a temporary truce was not universally well-received. *Venezuela Strikers Reject "Truce" Offer*, BBC NEWS (Dec. 24, 2002), <http://news.bbc.co.uk/2/hi/americas/2602777.stm> <<https://perma.cc/MZV9-79GM>>.

*Taboos* are social prohibitions—actions, feelings, or thoughts that a society deems unacceptable.<sup>202</sup> In post-conflict societies, inequalities based on race, ethnicity, religion, gender, and class may be deemed taboo to discuss. The topics are viewed as “too sensitive” for a fragile society to confront; people fear that raising such issues will result in social alienation or physical punishment. Yet not to create space to work through these issues risks trivializing the reconciliation system, because core structural divides remain unaddressed. Thus, the design team must work with the population to identify taboo issues and decide how to broach them. Some sensitive issues may be most effectively discussed within a small circle of trusting friends while others may be explored through television shows depicting people grappling with the taboo topic. Anonymous feedback channels can provide another avenue of communication that circumvents the perceived dangers of breaking a taboo. Still other issues may be better explored through cross-group dialogue, which can translate into attitudinal changes and policy shifts. For example, a few years ago, I facilitated a World Economic Forum workshop in Egypt for senior government leaders involved in the Israeli-Palestinian negotiations. We explored sensitive political taboos such as Jerusalem’s status, the right of refugee return, control of holy sites, and the very use of the names “Israel” and “Palestine.” The session provided the participants with a safe space to discuss taboo issues that affected everyone but that no one had previously dared to broach. One of the participants, Tony Blair, former Prime Minister of the United Kingdom, remarked that the workshop “raised important questions around the fears each party holds about broaching taboo issues. It is only by raising awareness of these issues and tackling them head on that we can hope to make progress on challenges such as the Middle East.” The session’s momentum led to additional high-level meetings to improve Israeli-Palestinian relations.

*Repetition compulsions* lure us to repeat self-defeating patterns of behavior.<sup>203</sup> These patterns feel ingrained, part and parcel of what makes us, us. A war-torn society may be so habituated to conflict that the transition to harmonious coexistence feels unnatural, even if welcome. The trauma and humiliation of conflict can motivate individuals and groups to seek revenge in the hopes of soothing pain and restoring pride. But acts of vengeance often inspire counteractions that trigger a downward cycle of societal discord that lengthens the

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202. See SHAPIRO, *supra* note 11, at 71.

203. See SHAPIRO, *supra* note 11, at 50–53.

conflict and deepens collective trauma. Thus, the design team must be aware of historical patterns of conflict, track early warning signs of the repetition compulsion, and take preventive measures. If regions experience rising tension, the design team may enlist a respected mediator—a local spiritual leader, medical specialist, or individual trained in facilitation—to promote constructive dialogue between disputing parties.

An *assault on the sacred* is a perceived attack on the most meaningful facets of our identity—to any matter so deeply significant that it feels sacrosanct, exempt from debate.<sup>204</sup> An assault on what we hold as sacred, whether religious or secular, triggers a powerful emotional reaction that, to the outsider, may appear as an overreaction, as irrational. But not so from the insider's vantage point. The central purpose of identity is to make meaning of our experience in the world, and the sacred represents the deepest form of meaning. Violent conflict strikes at nearly every aspect of the sacred—from bodily autonomy to the physical and psychological well-being of children. Therefore, the reconciliation system must include psychological measures to support society—especially victims—from re-traumatization. The design team might convene a working group of mental health experts to offer advice on how to shape healing mechanisms to promote reconciliation and protect victims from reexperiencing the terrifying assault and its emotional reverberations.

*Identity politics* is the use or manipulation of identity to serve a political purpose.<sup>205</sup> In the post-conflict context, political leaders may proselytize a divisive identity-based rhetoric about the dangerous “other,” renewing feelings of intergroup animosity. These proclamations affiliate the leader with a group but risk turning conflict into a zero-sum competition in which each side feels it can only maintain its identity through denial of the other's identity. In the extreme, groups can forget about the complexity of their heritage and identity, identifying themselves solely in opposition to the enemy. In the language of Relational Identity Theory, each side believes that any effort to respect the other's autonomy or build cross-group affiliation comes at cost to the integrity of their own core identity. Yet harmonious coexistence will only manifest when each group's concern for autonomy and affiliation is satisfied. Thus, the design team should maintain a dual objective of ensuring that the full range of stakeholders feel they have voice and choice in the design process and are bound together as

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204. SHAPIRO, *supra* note 11, at 91–96.

205. SHAPIRO, *supra* note 11, at 112.

partners in the collective healing process. The design team can promote what I call a *civic mindset*, a unifying outlook that connects people together via identification as members of a shared neighborhood, community, society, or region.<sup>206</sup> This mindset motivates people to address the legitimate interests of the range of stakeholders, to resolve differing interests through mutually acceptable processes, and to take communal needs into account. Whereas political tribalism sets political stakeholders against each other, the civic mindset coheres groups through shared affiliation as members of a local, state, national, or global polity. Sizeable political differences still exist, but the tribalistic impulse makes way for understanding and problem solving across partisan lines.

#### 4. *Strategy Twelve: Mobilize Public Will Toward Reconciliation*

Public will is essential to the effectiveness of the reconciliation system.<sup>207</sup> A potent way to gain public support is through targeted consultation: The design team or surrogates can meet with public officials, members of major institutions, community leaders, and a diversity of everyday people to benefit from their input on specific dimensions of the evolving reconciliation plan. *Strategic* consultation is important because the design team must be careful not to open the decision-making process to unwarranted, premature, or politically motivated attack. In fact, the team should preemptively identify potential spoilers of the process and devise strategies for engaging them in the process.<sup>208</sup> All of society must be involved in the healing process.

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206. Daniel L. Shapiro, *The Power of the Civic Mindset: A Conceptual Framework for Overcoming Political Polarization*, 63 CONN. L. REV. 1077, 1086–87 (2021).

207. Maoz, Shamir, Wolfsfeld, and Dvir examined psychological correlates of Jewish-Israeli support for post-conflict political reconciliation with Jordan and underscored the “crucial role of threat perceptions in hindering post-conflict reconciliation and . . . the importance of sympathy towards the other side in increasing support for such reconciliation.” Ifat Maoz et al., *Psychological Correlates of Public Support for Reconciliation: The Israeli-Jordanian Case*, 16 PEACE & CONFLICT STUD. 26, 26 (2009). In short, the public’s investment in reconciliation processes impacts their degree of effectiveness.

208. Stephen John Stedman, who investigates spoiler problems in peace processes, theorizes that proponents of peace processes confront several spoiler problems “which differ on the dimensions of the *position* of the spoiler (inside or outside an agreement); the *number* of spoilers; the *type* of spoiler (limited, greedy, or total); and the *locus* of the spoiler problem (leader, followers, or both).” Stephen John Stedman, *Spoiler Problems in Peace Processes*, in INTERNATIONAL CONFLICT RESOLUTION AFTER THE COLD WAR 178, 180 (Paul C. Stern & Daniel Druckman eds., 2000) (emphasis in original). He found that custodians of peace processes use three major

The design team can create a campaign to educate the public on the benefits of reconciliation. What will persuade the majority of society to engage in emotionally and politically difficult discourse about the past, rather than just forgetting and moving on? The design team can organize a public communications campaign to extol the benefits of reconciliation over revenge—and can enlist leaders to join in this task. In South Africa, President Nelson Mandela and Archbishop Desmond Tutu advocated strongly for reconciliation and educated the public on the benefits of forgiveness over revenge.<sup>209</sup> Symbols of all kinds can unify society, whether a holiday celebration, national moment of silence to honor the fallen, or a call for national unity based on a widely accepted sacred ideal.<sup>210</sup>

#### V. FUTURE DIRECTIONS: ADVANCING THE FIELD OF RECONCILIATION SYSTEMS DESIGN

Nations are much more prepared for war than for reconciliation. The emergent field of Reconciliation Systems Design seeks to remedy this situation through new thinking and action ideas to bridge societal divides. Consider the vast resources and infrastructure of national militaries, which have enormous budgets, deeply embedded institutional infrastructures, robust relationships with industry and government, and multi-year training academies. Contrast that with the fact that most national reconciliation programs start from scratch—with no pre-established budget, no administrative or political infrastructure, no training academies, and few guidelines tailored to their sociocultural circumstance. Reconciliation Systems Design can ready nations and groups to heal. Thus, there are important research and educational avenues to pursue in the burgeoning field of Reconciliation Systems Design:

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strategies to manage spoilers: “(1) inducement, or giving the spoiler what it wants; (2) socialization, or changing the behavior of the spoiler to adhere to a set of established norms; and (3) coercion, or punishing spoiler behavior or reducing the capacity of the spoiler to destroy the peace process.” *Id* at 184.

209. See B.J. de Klerk, *Nelson Mandela and Desmond Tutu*, 55 *ECUMENICAL REV.* 322, 323–325, 328–330 (2003)

210. Daly and Sarkin note that,

Governments contribute to the national narrative in almost all of their acts, because everything that government does is part of the nation’s history and therefore part of its story. The choice of a flag or a national anthem, the provisions of a new constitution, and statements by government officials about ongoing violence can all be part of the national story . . . .

Among the most palpable ways for a government to establish the bright line between the old and the new is through the proclamation of new holidays.

DALY & SARKIN, *supra* note 13, at 100–01.

i. **Research imperatives.** Countless questions merit theoretical and empirical investigation, including the following illustrative examples:

- *How should power be addressed in the reconciliation design process?* I have centralized the decision-making structure via the design team, which provides a clear organizational base from which to orchestrate the process—but how can the system safeguard against members who are corrupt or who make decisions to achieve partisan gain? What might a decentralized design team structure look like, and under what conditions might it work more effectively?
- *How should culture and traditional methods of healing factor into the design process?* Might healing mechanisms differ within “high-context cultures” that prioritize collective welfare over individual well-being?<sup>211</sup>
- *What psychological methods can help the design team come to consensus on amnesty, forgiveness, reparations, and other emotionally and politically difficult issues?* Methods from the fields of communication theory, negotiation theory, and psychology may prove particularly informative.
- *What are possible templates for action?* Scholars and practitioners can collaborate on the creation of a catalogue of templates for action: an inventory of concrete, step-by-step, contextually bound descriptions of how to create specific healing mechanisms. The design team can review these templates and tailor useful ones to their unique sociocultural, political, and economic context. There might be a global clearinghouse, perhaps hosted online by the United Nations, that makes these templates for action available for free to policymakers and the public.
- *What new ideas can we learn from individuals who have lived through violent conflict, participated in reconciliation initiatives, and are motivated to help advance research?* Their insights are the most important of all.

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211. Edward Hall developed the concept of low-context and high-context culture. See generally Edward T. HALL, *THE SILENT LANGUAGE* (1959).

**ii. Educational Opportunities.** There are countless ways to educate society on Reconciliation System Design, including the following important paths:

- *Curriculum development.* Curricula can be developed on Reconciliation Systems Design, integrating contemporary perspectives on transitional justice, positive peace, relational identity theory, social identity theory, systems thinking, values-based leadership, and other related topics.
- *Training for diplomatic units and armed forces.* Diplomatic and military personnel can learn models of reconciliation, examine real-life reconciliation interventions, and practice designing a reconciliation system.
- *Academic courses.* Graduate programs in conflict resolution can implement an educational track focused specifically on Reconciliation Systems Design in post-conflict and polarized societies. Undergraduate programs in peace education and conflict resolution can include a multi-course track on Reconciliation Systems Design, and electives can be developed for students to learn how to analyze reconciliation processes and design a reconciliation system.
- *Youth education.* Societal training in reconciliation can start in elementary school with students examining ways to heal conflictual relationships with peers and family. At the high school level, students in history and social studies classes can analyze real-life conflicts and consider pathways to promote reconciliation.
- *Funder education.* Scholars can educate governments and philanthropic organizations on the benefits of reconciliation. “Compared to the huge costs of war, the costs of preventing it are dramatically less,”<sup>212</sup> reports Professor Michael Lund.<sup>213</sup> Reconciliation experts may analyze

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212. Michael S. Lund, *Conflict Prevention: Theory in Pursuit of Policy and Practice*, in THE SAGE HANDBOOK OF CONFLICT RESOLUTION 287, 287 (Jacob Bercovitch et al. eds., 2009).

213. The cost of prevention pales in comparison to the cost of war:

Estimates have been made of the costs of interventions in recent wars compared with the costs if preventive action had been taken, and of the actual

conflict trends, determine situations veering toward violent conflict, and educate funders on the urgency of training those populations *immediately* in Reconciliation Systems Design. Rather than waiting for violence to flare, societies can embrace the preventive power of Reconciliation Systems Design.

## VI. SUMMARY

Reconciliation Systems Design provides societies with a methodical approach to confront the monumental challenge of restoring relations between former adversaries. I have described major barriers to designing an effective reconciliation system and have detailed twelve strategies to build a reconciliation plan: (1) establish the convenor, (2) map the stakeholders; (3) assemble a representative design team; (4) build affiliation as working partners; (5) formulate ethical guidelines to steer the design process; (6) develop a societal vision of harmonious coexistence; (7) identify emotional and structural factors impeding reconciliation; (8) clarify strategic healing objectives of the reconciliation system; (9) build transitional, enduring, and symbolic healing mechanisms; (10) synergize those mechanisms; (11) boost system resilience; and (12) mobilize public will toward reconciliation. Because post-conflict reconciliation is complex and contextually defined, I call upon scholars and practitioners from around the world to further articulate the basic tenets and processes of Reconciliation Systems Design. Together, we can advance research and education on reconciliation and endow societies with new means to achieve lasting peace and security.

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costs of preventive action taken in vulnerable societies that did not break out into wars compared with the estimated costs had war occurred. All showed huge possible savings. Prevention was significantly cheaper in all cases, with the ratios of prevention to war ranging from 1–1.3 to 1–479, an average of 1–59. In an estimate of Macedonia, the actual cost of [United Nations Preventive Deployment Force in the Republic of North Macedonia] was \$255 million, or 0.02% of the estimated cost of \$15 billion for a two-year conflict. Chalmers finds all 12 of the retrospective and prospective conflict prevention packages that were estimated for the Balkans, Afghanistan past and future, Rwanda, Sudan, and Uzbekistan to be cost effective.

*Id.* at 287 n.2 (internal citations omitted).