

JUSTICE OR FORGIVENESS? IN SEARCH OF A SOLUTION

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The presentation will be based on the model I created during my work with the leaders of ethnic/religious communities (Orthodox, Catholic and Muslim) engaged in hostilities in the former Yugoslavia, during times of war and post-war. This work is summarized in two diagrams, *Seven Steps Towards Revenge* (inner circle) and *Seven Steps Towards Reconciliation*. In its entirety, the work represents a journey from revenge, understood as a natural response to an inflicted hurt, towards reconciliation, with forgiveness and justice playing crucial roles in the process. This model is in Appendix 1, together with a brief description of the stages of the cycles presented in the model in Appendix 2.

Today, I would like to focus mainly on the conceptual dynamics between justice and forgiveness often interpreted as contradictory, and the basic need of a victim to call for justice. Specifically, I would like to address in brief a few questions that, in my mind, present a challenge to any professional working in the field of conflict resolution and restorative justice. Before I proceed with my reflections on theory, I want to share a couple of stories told by two individuals from the same town who found themselves on opposite sides during one of the most violent conflicts in the recent European history.

The war was still on in the former Yugoslavia, and we, a small team of international peacemakers succeeded in reaching the grassroots leaders of hostile communities torn by war. After nu-

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merous trips spending time with the people there who shared with us their scarce food and dozens of cups of the strongest coffee, after having many late conversations long after midnight, after listening to disturbing sounds of shooting and explosions, and in the morning estimating together what was destroyed that night, we finally developed enough trust to succeed in bringing the representatives of the communities together in one room.

It was our pilot event of the project that we, in a very ambitious and naïve way, called “Conflict Resolution Training for Leaders of Ethnic/Religious Communities of Bosnia, Serbia and Croatia.” We gathered about forty leaders of different communities, who had the courage to come and face one another. When I say “courage” I mean the courage that they needed to physically reach the place of our gathering, the courage to overcome their anger, to listen and open one’s mind in the midst of the violence all around, the courage to face the other side’s anger, and the courage to confront one’s own community that could easily perceive them as traitors. We planned our agenda carefully, and at that moment, we still believed that we were there to conduct a training session and teach the wonderful tools of communication and “win-win” negotiations. What we accomplished, in fact, turned out to be much more important than accomplishing our well prepared agenda because as a result we believe that quite a few human lives were saved.

By the end of the first long day people were sitting in small groups, looking into each others eyes, talking from their hearts, and we found ourselves humbly facilitating the hardest and most meaningful process that these people needed – dialogue across the lines of hostility. What was happening was certainly much more important than any “tool” we could offer!

On the second day Bojo, a Croatian Catholic lay person, told his story. He just stood up, unbuttoned his shirt and showed us multiple stabbing and burn wounds inflicted by three Serbian soldiers. He and his sixteen-year-old daughter were dragged out of their car, humiliated and tortured. His girl was raped in front of him. Then, after their abusers got finally tired, the father and daughter were left to walk across a minefield, his daughter carrying him almost every step of that death walk, on her shoulders, as Bojo lost too much blood, was too weak and sometimes was losing consciousness. They both knew that every step could be their last, but somehow they made it to the road where they were picked up later by a passing UN vehicle.

Then Dragomir, a local Serbian orthodox priest, let the people feel the bullet that he still carried somewhere in his skull. He had been pulled out from his house at night by two Croatian soldiers, was shot in the head, but somehow survived. Dragomir suspected that one of his shooters was a young Croatian guy from a neighboring village. He wanted to spread the word thinking that his executor would be relieved to know that he actually didn't kill Dragomir. "Just tell them, if you ever meet them, that I survived, that I am alive, and I am OK, more or less." This story had a continuation. Late one night, Dragomir heard a knock at the door and his heart sank as he realized that his shooters might be back to finish him off this time. He opened the door and, sure enough, saw his executors.

These two are rather typical war stories, perhaps, "happy ends" as both Bojo and Dragomir survived, which was not a typical outcome in the circumstances. There is also one more aspect in both stories that makes them really "success" cases and that illustrates my diagram (Appendix 1) perfectly well. These stories may help us to look at how we should approach the challenges of the conflict resolution process, particularly, its initial stages. I will tell you about the further developments in both stories in the end of my presentation.

Considering the limited time of the presentation, I would like to bring to your attention a few of the most crucial issues that should be examined before we evaluate the existing resources ability to provide physical safety and logistical solutions, professional competence of the facilitators, time, etc. and before we design the optimal process that would be adequate to our goals. I do not intend to answer all these questions in full, it should be a subject of a more profound research and writing, but formulating them in somewhat provocative way and sharing some reflections on my "field" work might serve as orientation markers in deeper understanding of the transformative potential of restorative justice process the way I see it.

The issues that I would like at least to touch on in this presentation are the following:

- ◆ "Enemy as a partner?" or why "win-win" doesn't always work.
- ◆ Legitimacy of anger: Justice-revenge.
- ◆ Can punishment help? And whom - victim? perpetrator? What can it accomplish?
- ◆ Shame: can it ever be "good"?
- ◆ Forgiveness - "Does he deserve it?!"
- ◆ Where does it begin?

- ◆ Justice and forgiveness – what comes first?
- ◆ The past – “forget” or “*never forget*”?
- ◆ Six components of justice.
- ◆ Reconciliation formula.

“ENEMY AS A PARTNER?” OR WHY “WIN-WIN”
DOESN’T ALWAYS WORK.

But why *should* it work? Following the “Win-Win” approach we want the two sides in conflict to develop a partnership – *but in what?* Why *should* victims *want* to develop partnership with someone who did a wrong or hurtful thing, moreover, with their perpetrator? From the perspective of a victim, who experiences the other party as an abuser, it means that the partnership we promote, is a partnership in “abuse.” It sounds confusing, almost insane. How will a victim respond to such “helpful” intervention? Too often in the predictable way – feeling deeply insulted, this time, by a compassionate outsider, which makes the victim feel hopelessly misunderstood, and more isolated. Or is it a partnership in restoring the relationships that already failed to prevent hostilities? As “neutral” outsiders / mediators we say that it is a partnership in solution of the conflict. But it often happens that “there is no conflict” from a perspective of a dominating party that has all power and may not necessary bother to “solve” anything. So, why do we think that we can teach the conflicting sides how to build partnership in solving the conflict – before the parties fully understand the nature of their conflict, before they clearly identify who they are (and were) towards each other, before there is a mutual recognition of those identities and understanding of the goals and value of building the partnership with one another? We need to address all of these issues if we want to succeed in reaching the ultimate goals of conflict resolution, – sustainable peace and possible reconciliation. In other words, the parties need *first to want* to solve the conflict before figuring out how to solve it.

Sad and very persistent statistics shows that more than fifty-percent of conflict resolution initiatives in peacemaking do not work, even in the cases where those initiatives are applied with adequate resources and even when alternative approach of Track II Diplomacy is applied. Track II Diplomacy is an accepted term in the field of international conflict resolution. In other words, it is “restorative justice” practiced in the international arena. The term

implies to non-military and non-official diplomacy approaches, with facilitated dialogue between the hostile communities being recognized as the most efficient tool of Track II Diplomacy.

Those of us who have worked in different cultures are all too familiar with the resistance with which victimized groups often respond to a “Win-Win” approach. They feel that this concept of conflict resolution is not culturally suitable and too “Western.” Or it may be even worse - when instead of resistance the victim demonstrates submission rooted in the sense of guilt or shame. On these occasions, the victimized person tries to adjust and honestly perform “senseless” procedures (“active listening,” “re-frame,” “I”-messages,” etc.) but their eyes look empty, they are not able to benefit from our conflict resolution skills or from our explanation of the cooperative approach theory. What is worse, they may feel simply inadequate to our efforts and, as a result, become disappointed in any conflict resolution work.

If we look at the diagram *Seven Steps To Reconciliation* (Appendix 1), we can easily identify the main reason for the failure that I tried to describe above. The problem is that we jump right into “negotiating solutions,” and “joint planning” stages as soon as we are able to reach the parties in conflict. We are in a hurry to “fix the problem,” immediately applying our beloved rational “Win-Win” approach to conflict situations that are not rational, and to people who are at the moment blinded and deafened by pain and anger, expressed or submerged. This is what often happens in our attempts to impart our textbook wisdom to the victims of conflict. Now, if we look at all of the omitted stages, which even in this simplified diagram illustrate the enormous complexity of the journey, we can see that “Win-Win” doesn’t work; *not* because it is a problematic approach, but because we often don’t know how and when to apply it. We come with our expertise to teach parties in conflict, assuming that after we explain the rationale of the partnership and perform a few drilling exercises, they will have an “Aha!” moment and will be ready to re-build their relationships and live in peace further after. It is certainly easier to teach “magic” skills (appropriate only at the final stages) than nurture and facilitate the less predictable processes of healing, transforming anger, restoring dignity, searching for and building a new identity, etc., etc. Too often, we want to gather the harvest without preparing the soil, without planting the seeds, without watering them, and weeding them and giving them time to grow. So, instead of starting from the very beginning, we jump ahead to the final

stages (see the diagram) and try to demonstrate our “neutrality,” – instead of taking the side of a victim. We are pushing the sides to build a partnership, not realizing that it is “mission impossible” at this stage, as well as insulting for the victim, because it is the partnership between (oops!) victims and abusers. What we need to do is to honestly, fully and openly identify with the pain and suffering of the victim; and help the victim express their loss and grief in order to come out of the humiliating confusion to find a way to leave the past, etc. (see the brief descriptions of the stages of the reconciliation process in Appendix 2). It does require a moral will to clearly take the side of the victim, and that is what we need to do first, whenever we approach the conflict. This work is, initially, instrumental in breaking the cycle of revenge as the basic need of the victim is to have the suffering be attended, respected, and recognized – before the victim is able to transform it and begin constructive work. Skipping those initial stages means ignoring or diminishing the victim’s ordeal. Full support provided to the victim and recognition of the suffering helps the victim to gradually heal from the addiction to “sweet revenge”. It helps the victim find her ability to see, hear and speak again, to think rationally and, yes, learn all those wonderful tools of conflict resolution that need to be applied when the initial healing is completed. We *can* talk about partnership to a *transformed* victim, we *can* talk about partnership to a *transformed* abuser, but - they are then no longer really victims or abusers anymore. They are people who are able to learn from their experiences and internalize them as a part of their transformed identities.

LEGITIMACY OF ANGER: JUSTICE-REVENGE.

Anger is a well studied and, yet, disputable topic in psychology and conflict management. It is extremely challenging to deal with for mediators, facilitators, trainers, policy makers and parties in conflict themselves. Why? Perhaps, it is because anger has a quite legitimate and yet irrational nature, and because of the power with which anger can dominate a conflict situation and shape conflict history. It is a phenomenon that often seems to have a life of its own. I have to leave aside fascinating interpretations of anger, but I need to simply state here where my approach to anger comes from.

First, I consider anger “a borderline” between emotion and reaction. It is neither in pure sense but, rather, a mixture of both. As such, it has manipulative aspects in its expression and development that we, as victims, may or may not recognize as of our own choice (partially, at least). Second, anger is rooted in: a) *pain of loss* perceived as inflicted injustice, b) *fear of not being able to proceed with life* after that loss, and c) the *necessity to assert human dignity* shattered by victimization. In order to address anger, we need to attend these three fundamental elements.

To deal with anger we need to recognize its legitimacy. That is why in helping victims to deal with anger we need to first help them to come out of the denial stage and to open up their feelings. There may be many reasons for the initial denial mechanism – see description of the related stage in the Appendix 2 - including cognitively justifiable interpretation of anger as simply “bad”, an “illegitimate” emotion. By not dealing with anger in its full complexity (as indicated in the first four stages of the diagram “Reconciliation”: 1) *Realization of Loss* 2) *Mourning. Expressing Grief* 3) *Accepting Loss. Naming/Confronting Fears* 4) *Re-humanizing the Enemy*) means allowing anger to determine the conflict outcome and to rule our future lives. At the same time, when anger is recognized as a legitimate response, victims often choose to identify with anger and thus to reinforce it and to justify their actions directed and “legitimized” by it. That is why assisting a victim to begin the challenging journey of healing (following four steps mentioned above) leads to both realizing anger and assuming control over it. In other words, it is no longer the anger that dictates the behavior.

Victim typically identify the wrongdoer as the only source of anger, with a tendency to view anger as disconnected from the three principal elements that nurture it (*pain of loss* perceived as inflicted injustice, *fear of not being able to proceed/build life* after that loss and *necessity to assert human dignity* shattered by victimization). Hence, the illusion that projecting anger on the perpetrator with the idea to inflict maximum pain on him (preferably, destroy him as the source of the victim’s pain and anger) is seen by the victim as the way to restore control over his life and find some closure. Punishment becomes not only necessary, but often the exclusive element of “justice” sought by the victim, which narrows the transformative potential of justice to simple blind revenge. Revenge is not completely meaningless though. It gives the victim a sense of purpose and brings some temporary relief or, at least,

makes the victim “feel good” for awhile. Furthermore I believe that on a deeper psychological level, revenge is an attempt to reconstruct the broken human bond and communicate the pain through inflicting a similar pain to the abuser – “then, he may understand”, – in a most natural way (“fight-or-flight” or well-known “passive-aggressive” reaction), and in a most common expected language. Revenge also manifests a need for a victim to be a primary player in the possible outcomes, - if not an executor, then a designer, of revenge. If we look at the international arena, an example would be the current Middle East conflict where constant retaliation action is the chosen strategy that, in fact, seals the chain of escalation. Revenge seldom brings long-term relief but often develops into long term addiction. Focused on revenge, it is difficult for the victim to imagine that pain of loss, emptiness, confusion about identity, and all consequences of conflict, will continue to stay with the victim until they are dealt with in some other fashion. Often, the need for repeated retaliation becomes somewhat obsessive in nature – seemingly in search of, at least, temporary relief. The most extreme example would be that of a serial killer, typically a victim of abuse himself, addicted to his crimes while trying to “deal with” his hidden pain and anger.

In brief, from a victim’s perspective, dominated by confusion about the true source of the pain (sense of loss), revenge, justice, healing, punishment and problem solving, all are perceived as one and the same. In order to break the cycle of revenge and conflict escalation, we need to have a clear understanding of each of the phenomena, its root and cause, and their complex dynamics.

I hope that the diagram attached together with very brief answers below would make it possible for you to follow the guidelines of the approach that I am attempting to promote in my conflict resolution work.

CAN PUNISHMENT HELP? AND WHOM (VICTIM? PERPETRATOR)?
WHAT CAN BE ACCOMPLISHED BY IT?

Forms of punishment known in the palette of the modern western legislative social system – making payment, depriving of traditional privilege, firing from office or losing a job, imprisonment and isolation, and finally, the death penalty – can to a certain extent satisfy the zest for revenge by the victim, which contributes to the illusion of healing (without actually accomplishing it). It

doesn't attend (or attends very little) the three principal elements nurturing the sense of victimhood (pain of loss, fear of not being able to proceed with life without what was lost and necessity to assert human dignity). It is also dubious whether traditional punishment contributes more to "correcting" the wrongdoer, or to the feelings of victimization and revenge that will result from the punishment. If we presume that the basic need of the victim is to heal from pain and anger, and to proceed with more or less a full and happy life, then the punishment of the abuser alone doesn't help to reach that goal; not unless these actions become a part of the sustainable change and problem solution that would prevent a similar conflict.

So, what type of punishment can help, if at all? It can help, only if it can be used as part of a more complex process of healing the victim and preventing similar injuries. As I mentioned above, the strongest need of a victim is to communicate his pain to the abuser. Subconsciously, victims want to restore the sense of deep human connectedness destroyed by the conflict (that used to provide feelings of safety, belonging and love), and to overcome the severe rejection that resulted from the conflict trauma. In order to make the wrongdoer *understand* the pain of the victim, he needs to experience a similar suffering, strong enough to inflict similar fear, confusion, hopelessness, shattered identity, etc.; all those emotions that are part of victimhood. Then there is a possibility of some common language or the same page of reference between the parties. That is why the idea of "eye for eye" seems so attractive to the victims. In fact, the goal of the victim is not to inflict an identical or bigger loss on the perpetrator (that is what revenge does exclusively), but to make him *feel the same way* as victim does/did. It is not the actual loss on the wrongdoer side that is of the primary importance to the victim, but assurance that the identity of the perpetrator is shattered and destroyed enough as a result of his (similar) suffering – the same painful way the victim experienced it. There is a powerful tool that can accomplish the victim's goal without actually contributing to the conflict escalation through the cycle of revenge. Shame is the tool that serves as the most effective punishment, the one that paves the way to healing and trust building. Shame is the kind of punishment that can help.

SHAME. CAN IT EVER BE “GOOD”?

It is almost unavoidable for a victim to experience a sense of guilt and low self-worth as a result of the humiliation caused by loss (a wife abandoned for a younger woman after twenty-four years of marriage, a promising athlete who loses his legs in a car accident, a successful executive fired with damaged reputation and “a history,” etc.). When humiliation as a part of victimization turns into shame (usually hidden, not expressed) it becomes the strongest and most negative force in destroying the identity of a victim. The more substantial the identity damage, particularly in the case of a violent conflict, the more painful the work required to restore the identity of the victim, or sometimes, to “discover” or build a new one, that may not even be rooted in the victim’s past. At the same time, the damaging power of shame can be quite positive from the perspective of sustainable conflict resolution – depending upon whose identity and what kind of identity it destroys. Shame can be healing, purifying and transformative if it destroys the identity of the perpetrator and allows building of a new identity. Shame in this case, brings the burden of the crime to light and releases both the victim and the aggressor from this burden. Shame may be a shared strong emotion that allows the victim and the wrongdoer to understand one another and gives hope that there might be some other solution different than fighting back. Powerful and intimate nature of shared experience of shame can serve as a unique bond and as a base for communication and possible trustworthy dialogue. The healing aspect of shame is particularly effective when admitting guilt, and possibly, articulating apology moves from an intimate setting to a public one. In this case shame becomes a powerful tool of “transformative punishment” for the perpetrator and a tool of healing for the victim that includes community. South Africa is a classic example, of where shame was used as a transformative element of punishment for the perpetrators and a part of the society, an instance where it became an essential component of restorative justice.

FORGIVENESS - “DOES HE DESERVE IT?!”

No, he does not! But it is *not* about him, the abuser. The victim deserves it. It is not even relevant to discuss whether or not the perpetrator deserves victim’s forgiveness — he might “deserve”

the worst imaginary punishment for his action if to agree with the victim's revenge focused mindset and the existing social justice mechanism supporting it — because it is not the abuser who is in the center of our attention. The victim is.

Forgiveness is freedom from pain liberation from destructive power of shame and victimization. Forgiveness is giving up a desperate desire to change the past. It is a culmination of the healing that allows the victim to look for resources to develop a new life and new identity, if necessary. Whether justice is accomplished or not, forgiveness builds a foundation for the former victim to live out of mode determined by his anger and reconnect the broken bonds with the world. It also empowers us to continue the healing and to share the wisdom of the painful experience with the community and the rest of the world. This includes the other side and sometimes the actual individual abusers, as we will find out from the the stories of Dragomir and Bojo mentioned in the beginning of my presentation. Because of the inclusive nature of forgiveness, the other side of the conflict is no more a subject of destruction, but is a subject of attention and “intensified” forgiveness instead. The more the process takes over, the stronger motivation of the former victim to complete his healing and communicate it to the wrongdoer. The belief develops that if the victim was able to proceed with the most challenging journey from hate to love than, perhaps, the wrongdoer can experience the transformation as well. Embracing forgiveness is of a transformative nature, with the victim taking the lead in the process and inviting the perpetrator to respond. There is a possible glimpse of hope for the abuser offered by forgiveness: relief from the torture of anger, necessary safety and support to rebuild the shattered identity and self-worth, and further integration into community life. In other words, it is about re-building (or building anew) the bonds with the rest of the world, it is about security, love, belonging, and human dignity. The pressure of the community on one hand, and forgiveness on the former victim's side on the other hand, often make it possible for the wrongdoer to overcome the fears and shame, his own sense of victimhood and open up for the communication through true dialog.

WHERE DOES FORGIVENESS BEGIN?

While the diagram clearly illustrates the typical stages, there are, of course, many various conditions, cultural and personal spe-

cifics in real life that make the process of reaching forgiveness delicate and unique in every individual case. No formula can be applied with the guaranteed success. When we attempt to assist people in their healing, it is not up to us to preach, or even to impose forgiveness. We can only hope that our awareness of the complex processes and our carefully designed efforts would create the right environment where the magic of forgiveness would take over. I believe the sequence of the stages that a victim has to undertake in order to heal is of great importance. In the diagram *Seven Steps to Reconciliation*, I indicated the earliest possible beginning of the healing process right after immediate realization of the conflict trauma and loss occurs. However, as numerous experiences show, it can begin, practically, at any stage of the cycle *Seven Steps to Revenge* before the retaliation action (“Act of ‘Justified’ Aggression”), actually takes place.

The “magic” begins with the victim allowing himself to feel pain and grief and stay with sadness for some time, even allowing himself to cry and mourn. It is a process of reconnecting with the natural feelings of loss and grief, rather than hiding from those painful feelings into numbness, silence and anger; instead of trying to project superficial strength. The more congruently and adequately those emotions expressed, the sooner it is possible to move on and actually feel stronger and take control over them. What the victim has to experience at this stage is exactly what he will rightfully demand from all others – attention and full respect to his own suffering.

Another necessary step in the beginning of healing is when a victim collects the courage and makes himself look at the “ugly gaping wound” caused by his loss – in his life, his self-image, and his identity. It is a stage where humiliation accompanying conflict and injury (physical, emotional or moral) can be easily integrated into self-destructive shame and sense of guilt. Overcoming shame means separating oneself from that “ugly wound,” not associating or identifying oneself with it. At the same time it means recognizing that it is there, and attending it. For example, in rape cases the fact that a victim is able to state that she was humiliated and raped helps her to prevent shame from further internal damage of her identity and self-worth. This is a privilege of women living in Western societies compared to many other parts of the world where a raped victim does not have a right to heal or even exist any more – either in physical or social sense. The guilt and responsibility for the act of the abuser are imposed on the victim by the existing

culture. A recognizable version of the same phenomenon in our Western cultures can be illustrated by a familiar rudimental phrase “She asked for it” or “She made me do it,” “she” was blamed for wearing a short skirt or high heels or just for being nice and friendly.

In brief, forgiveness begins with forgiving oneself and restoring love to oneself.

JUSTICE AND FORGIVENESS – WHAT COMES FIRST?

From what I described above the answer must be evident: forgiveness is a primary need of the victim, the culmination of healing, as such, should be *unconditional* – even if a perpetrator doesn’t respond to the call of forgiveness, or the promise of justice is not clearly confirmed. While apology makes the journey of forgiveness somewhat easier, it is not really a condition. Again, it is about the victim, not the wrongdoer, not even the community at large at the initial stage. A victim should heal and be able to live a normal life or start a new life independent of the “mercy” or good will of the perpetrator, nor on any outside circumstances. It makes it particularly difficult to move to forgiveness in the midst of the conflict when even elementary security is not achieved and when anger may be the only heard expression of pain. Nevertheless, it is not such a rare case: in the stories mentioned above, the war was still on when the victims on both sides began finding ways to communicate their forgiveness to the perpetrators from the opposite side thus planting the seeds of future reconciliation. Look at everyday conflicts in our intimate relationships, between a parent and child, between the partners, etc. There are certainly times when we leash into the cycle of revenge and respond to an injustice with a defensive attack, but what keeps us going is those moments when we are able to step back, reconnect with love that is deep down in our hearts and find the courage and strength to embrace our dear “abuser” in a good warm hug — suddenly changing the pattern of frustrating communication. Then the problems that cannot be solved in anger can be discussed in a respectful manner. Forgiveness is associated with *courage* (it is always about taking risk), *strength* (dignity overcomes humiliation) and *freedom* (regaining control over one’s life). Besides, forgiveness comes with new wisdom, that I call the wisdom of suffering. It empowers the victim’s will and evokes her creativity to seek for justice and solutions. To

my mind, freedom from victimhood and wisdom of suffering legitimately give the former victim a leading position in the justice process.

THE PAST – “FORGET” OR “NEVER FORGET”?

“To forget” means to deny, to pretend that the conflict didn’t changed one’s life or even never happened, to disvalue the experience, to be hold by hidden bitterness and not to learn from the history. It means to live in insecurity and fear, real or imaginary horror, waiting for the next injustice to occur. If one doesn’t examine, sort out, discuss and memorize the lessons of the painful experience, one has no way of knowing if and when a similar ordeal may happen again. “Forgetting” means never letting victimhood go completely, never trusting the future, and in fact, never allowing oneself to forgive and to restore the broken connection with the rest of the world. Revisiting the history of the conflict is a risky job. It is a serious test of the will of the parties to reconcile the relationships but it needs to be done if we talk about peace, not just a ceasefire before new conflict escalation.

“To remember” means to listen to the hurts of the other and to assert one’s own, to distance from the past and to estimate if anything could have been done differently at every specific moment, to re-evaluate the roles, individual or collective, of the parties in conflict, and if appropriate, to share some responsibility in the context of conflict history. The responsibility that I am talking about is not a helpless guilt but further empowering of the victim who used to think of oneself as a totally passive “recipient” of the injustice. While in a single given episode it is usually clear who is the victimized party, the broader picture of the relationships is typically full of mutual hurts. An example from the United States culture may be a crime committed by an African-American where a victim is a white person. The episode of abuse and victimization may be clearly documented, but not considering it in the contest of racial relations and understanding the collective responsibility of the white people in the history of race conflict in this country the reasons of that specific crime may not be fully addressed and the problem stays unsolved.

One of the most challenging procedures of the facilitated reconciliation process is called “Walk through history,” which I often use working with the hostile parties in conflict.; Turks and Greeks,

Indians and Pakistanis, Arabs and Jews, Christians and Muslims, present to one another the most significant moments of their conflict history, their “facts,” with an idea to understand where they come from in their beliefs and demands and estimate the complexity of the journey they need to take towards their goal of peace and possible reconciliation. It is not about agreeing with one another at this stage (perhaps, it would be a job for a few generations to unwind the painful knots of some conflicts). It is a true reality test after initial euphoria of experiencing forgiveness, a hard and tedious labor of building a solid foundation that would bear the future of the relationships.

SIX COMPONENTS OF JUSTICE.

These components are indicated as the last two steps of the journey to reconciliation (see the diagram). There is much work done in negotiations theory, in both international and business spheres. There is good research through various disciplines, from international affairs to social psychology concerning problem solving, and there are numerous publications offering practical help and skill development. The other principal components of the restorative justice that play crucial role in achieving the final agreement and present the most challenging part for the mediators and other conflict resolution professionals, are much less attended by theoreticians and practitioners. My goal is to emphasize the first steps in restorative justice that relate directly to the primary need of the victim – to accomplish healing. As important as may be a satisfactory financial settlement, help and material assistance in providing recourses for rebuilding the damaged life of victims, no compensation will be enough without the wrongdoer admitting guilt and the community taking the side of the victim and clearly articulating what is right and what is wrong. Interventions of the international community, governments and institutions in violent contemporary conflicts around the world would have been much more effective, and as a result, less expensive (not to say anything about saving many human lives) if the moral will and courage would have dominated over multiple political agendas and hidden economic interests, the factors that lead to manipulative inconsistency and even humiliating nature of those interventions.

The initial process of establishing justice should be about restoring human dignity of the victim and about transforming iden-

tity of the perpetrator. These are the conditions of developing future partnership in problem solving. I would argue that the right sequence of the components of restorative justice solidifies victim oriented approach in conflict resolution and finalizes the long and complex healing process for the former victim. Restorative justice is developing and intensifying dialogue between the parties in conflict that lead to their co-operation.

I would like to introduce a final component that would allow the parties to somehow express their appreciation of their mutual efforts, their optimism and good will, their achievement in trust building and their hopes. I believe that it is important for both sides and by all parties affected by conflict to celebrate the closure and the beginning of new joint history in a symbolic way that will inspire to continue their further journey toward actual reconciliation.

RESTORATIVE JUSTICE: 1. Admitting wrongdoing; 2. Public apology; 3. Re-viewing past; 4. Negotiating solutions; 5. Planning future; 6. Celebration.

RECONCILIATION FORMULA.

From what I described above it follows that while forgiveness is unconditional by its nature and primary function (culmination of healing process for the victim), reconciliation is absolutely conditional. I tend to think of love and marriage when I compare these two phenomena. The first one is a free gift, the strongest possible and deepest connectedness between human beings and an inspiration for serious commitment. The latter needs the clarity and practicality of a detailed agreement in order to make the desired commitment work and turn the aspiration into reality.

Let's look at the definition of *reconciliation* offered by (1) Encarta World English Dictionary, North American Edition and (2) Merriam-Webster's Online Dictionary, 10th Edition:

(1) RECONCILING OF PEOPLE: the ending of conflict or renewing of a friendly relationship between disputing people or groups

(2) "RECONCILE": to restore to friendship or harmony; in other words, *reconciliation* is the action of the reconciling or restoring friendship or harmony.

Restoring friendship and harmony requires, first of all, good will of the major parties in conflict, their sincere willingness that

cannot be based on fears or insecurities. I believe that forgiveness of the victim is a birthplace of that will. It can be nurtured and developed into a most powerful force of transformation and it can become foundation of sustainable peace and reconciliation. Only after the true willingness and motivation are grown we can assist parties through the challenging steps of rebuilding of their relationships as harmony. I prefer the word “rebuilding” to “restoring” because the relationships developed after the conflict would never be exactly the same as they were before. Hopefully, they would be more secure, mature, and “reality based.”

There are two aspects of reconciliation that determine its conditions. The first is *restoring the damaged by conflict* (victim) or *previously lost* (offender) *human dignity* of the parties in conflict, which is an essential part of identity rebuilding. Depending on the degree of the inflicted damage it may be either restoring previous identity or, in more severe cases for the victim, finding and developing a new one. In any case it is about restoring and strengthening human dignity. It is always about developing a new identity for the wrongdoer – with attention to the reasons of his own past victimization. This process is crucial for laying down the foundation for success in reconciliation, as developing new identities and human dignity would allow the parties to build trust and enter new relationships. Forgiveness, along with the aforementioned initial three components of victim-oriented justice (1. Admitting wrongdoing, 2. Public apology, and 3. Reviewing past), takes care of this aspect of reconciliation.

The second aspect is *building a future based on mutually learned lessons*, where similar injustices and humiliation would be eliminated or substantially minimized. This is where we need both the wisdom of suffering and the expertise of the “win-win” approach. In other words, the reconciliation process cannot be accomplished without three further stages of establishing justice (4. Negotiating solutions, 5. Planning future, and 6. Celebration). It is evident that full support of the community has to be provided to the victim in order for him to rebuild life after the experienced loss. At this stage the community (all affected by conflict people and institutions) provides the required transparent environment where dialogue between the major players is facilitated. The community at large is more and more included in the dialogue, and as a result, experiences transformation itself. At this stage the process focuses on actual moral as well as financial, etc. responsibility of the wrongdoer and the community to the victim. This stage is about

creating mechanisms and environment that would prevent similar victimization in the future, the task not achievable without former victim and wrongdoer collaboration. The dynamics of all these complex processes can be expressed in a formula: $R = F + J$ or Reconciliation = Forgiveness + Justice

In this formula the relationship between forgiveness and justice is not “either . . . or” but “both . . . and.” Forgiveness, in a way, determines if true justice – that would satisfy victim (healing and compensation), community (restoration and prevention) and the wrongdoer (transformation and inclusion) – can be accomplished. In unfavorable but – alas! –the most typical circumstances forgiveness can be achieved independently on justice but justice is based on and guided by victim’s forgiveness. Both, *forgiveness and justice are equally required conditions for reconciliation.*

CONCLUSION: WHEN “WIN-WIN” WORKS.

I tried to explain in my presentation that restorative justice and its key principle known as “collaborative” (or “Win-Win”) approach to conflict resolution can be successful in reaching reconciliation only if the primary needs of victims – healing from trauma and anger and restoring human dignity – are satisfied. While bringing a temporary relief the punishment of an abuser cannot heal from the sense of victimhood and its self-destructive power. Forgiveness can. Forgiveness alone makes it possible for the victim to heal the trauma and proceed with his life - independently on the response and inclusion of the other party. At the same time it enables and motivates the victim to take a leading role in reconciliation process. By sacrificing the desire for revenge and seeing the offenders as human, victims are enabled to reconnect with their own humanity, goodness and self-worth. Moreover, they can help the abuser to discover and connect with his humanity by reaching him and including him into the communication. By asserting their need to communicate their suffering to the other side – through forgiveness rather than anger – and motivated by the need to complete the healing, victims break the pattern of the victim/aggressor relationship. Forgiveness is not an absolution for the offender though. It calls for a painful and highly intense process of transforming identity of the wrongdoer accompanied by the sense of shame (punishment in this context) and expressed in remorse. As a result, there forms some distancing between the committed ac-

tion of evil and the wrongdoer, which allows him to reconnect with his own humanity.

Establishing justice (six components) completes the healing for the victim and extends the transformation process to the offender and to the community, including the existing socio-political, cultural structures that provide the functionality of the re-defined relationships – with the focus on the future, how to avoid similar injustices, and how to restore human dignity and build a new life – instead of focusing on how to destroy someone else's life. Establishing justice presumes reexamining the roles of the players and all sides affected by conflict. Victim-oriented justice opens the actual dialogue that builds a new culture of relationships.

This is where negotiations on the practical issues of preserving desired relationship can begin and where true partnership in sustainable solution can be built. If the hurts of the past are sufficiently addressed, understood and forgiven, this partnership should not be damaged by “scoring” the injustices because they will be viewed as mutual rather than competing. The partnership can focus on finding the ways to change socio-political structures and institutions that would solidify actual reconciliation.

Forgiveness provides a different imperative for seeking justice – reintegration of the relationship between former victims and aggressors in a new, safe environment designed and built by both sides in an open transparent process and supported by the community.

I would like to end my presentation delivering the promised continuation of the two stories that I told you in the beginning. To my mind, those dramatic human experiences illustrate the concept that I attempted to describe to you above, much better than any diagrams or formulas can do. They demonstrate that sometimes common people, the victims of injustices, humiliation and violent aggression, are able not only to save their human dignity but appeal to and save the humanity of the others.

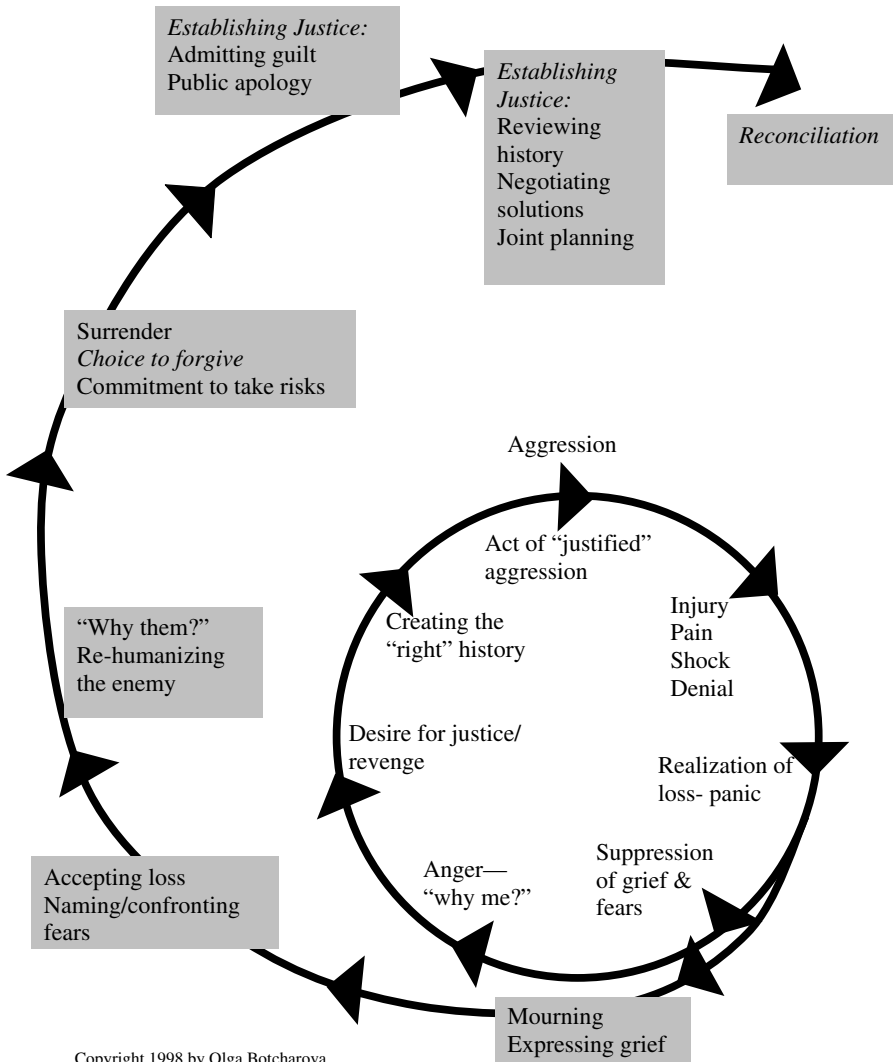
Both, Dragomir and Bojo, victims of the ethnic atrocities, told about what had happened to them without visible anger or blame. It helped people from the other side to really hear what they were saying, to listen without becoming defensive but with full compassion and respect. Both of them considered that it was their duty to share with the communities how they felt as a result of those events. Both of them strongly believed in the goodness of human nature and in the prospect of reconciliation.

When Bojo finished his story of survival after walking across the minefield I asked him what helped him to arrive to his forgiveness and when exactly or how it happened. The questions didn't seem to be difficult for Bojo. He knew exactly how to answer them. It happened right there in the minefield when the Serbian soldiers pulled out their guns to finish him and his daughter. As Bojo said, he learned his forgiveness from his little girl at that moment. Bojo and his daughter persuaded their torturers to give them a couple of minutes to say their prayers before being killed. They began to pray. Suddenly interrupting her prayer the girl turned to the drunk gunmen and politely asked them to tell her their names, the real names that they are called at home. They mocked at her assuring her she would not have another minute to record the names anywhere. The girl quite seriously explained to them that she wanted to know their names because she was asking God to forgive them for what they were doing and that her father used to teach her that she should always use peoples' true names for God to listen to her prayer. Bojo felt as astonished as his tortures hearing his daughter's words. They won't tell her their names, but none of the gunmen was actually willing to perform the planned execution and pull the trigger. After some arguing they chose to send Bojo and his daughter to walk across the field – to be killed by mines instead. After Bojo recovered he used every opportunity to tell his story and to convey the message of forgiveness.

When Dragomir faced his murderers at the steps of his house, again he couldn't say any prayer. He stood there speechless. He was thinking of his wife and his four year old. He saw the hands of the men reaching their pockets . . . But instead of the gun one of them pulled out a bottle of "Slivovitch" (plum vodka). "Please, Father, let us come in," he whispered. They all went into the tiny kitchen, and drank "Slivovitch" and talked till morning. They thanked Dragomir for his message and told him how relieved they were to learn that he had survived and how happy it made them to know that he cared about them, as human beings, and wanted them to know about it. They talked about a doctor who, they believed, could help with his wound, and they talked about their families who had to choose between living in the middle of the violence or becoming homeless refugees. And they drank more "Slivovitch" and they cursed war. They also talked about future life in their town, after the war would be over.

APPENDIX 1

FROM AGGRESSION TO RECONCILIATION



APPENDIX 2

CYCLE OF REVENGE: SEVEN STEPS TOWARD REVENGE

The inner cycle of the diagram presents the psychological stages of the dynamics between victimhood and aggression. It demonstrates, in other words, how natural human responses to harm and injustices may move people from being victims to becoming aggressors. This cycle gives full recognition to the victim's suffering, on one hand, but also to the logical and dangerous progression to escalating violence, on the other. What follows is a brief description of the process.

STEP 1. The cycle recognizes that victims of aggression experience tremendous pain as a result of serious physical, psychological or moral injury. The pain is often accompanied by shock, denial, and eventually, panic. Victims initially experience a state of paralysis, an inability to comprehend the reality and respond to it, followed by denial, as an attempt to avoid facing the ugly gaping wound caused by severe loss.

STEP 2. Eventually, as victims begin to realize their loss, they can be overwhelmed by a profound fear of seeing the immediate horrible truth – loss of limbs and vital organs, of lifelong possessions, of loved ones – and the future it implies. Hence, as victims begin to realize their loss, what was a denial of the reality is supplanted by a denial, or suppression, of their grief and fears.

STEP 3. The denial grows in a “snowball effect” as emotions caused by loss become so closely associated with the loss itself that they come to be perceived as its source, and as such they evoke increasing fear and avoidance. Suppression of grief also serves as a way of hiding from shame, the most damaging factor in undermining self-esteem and sense of identity. The reasons for the suppression are, indeed, many and justifiable – there may be no time to attend to grief, as the victim's survival, or the well being of loved ones may demand demonstrated strength and immediate action. But, however justifiable the suppression, the grief and fears will not disappear.

STEP 4. Rather, the suppression serves to heighten feelings of anger directed toward the perpetrator, and often towards anything associated with the perpetrator – family, friends, neighbors, or members of the same political, national and religious group or gender. Sometimes the anger is directed toward outsiders who were unable to prevent the loss, or even towards others who did not ex-

perience a similar loss, i.e. the whole world is seen as hostile. At this stage, victims often find themselves totally isolated in their anger, and tormented by their victimhood. This state is typically expressed in the question “why me.”

STEP 5. Growing anger leads to the belief that healing will occur only if the perpetrator, perceived as the source of the pain, is destroyed. From the victim’s perspective – dominated by confusion about the true source of the pain – revenge, justice, healing, punishment and even problem solving, all become one and the same. The need to destroy the source of pain drives victims to seek uncompromising justice.

STEP 6. What often happens at this stage is that victims find themselves feeling even more abused, as in many cases, particularly in the presence of open conflict, no justice is achieved at all. And even when it is achieved, it never seems adequate to the degree of the victim’s suffering. The reason that executed justice seldom satisfies victims, lies in the fact that it fails to provide the desired healing from the pain of loss. Enraged by the absence of justice, the victim becomes open to an act of justified aggression. Hence, a quest for justice becomes transformed into a crusade for revenge, though striking back does not take place immediately.

STEP 7. A pause here is needed to eliminate any doubts about the legitimacy or the evil nature of a vengeful response. These doubts, often weak and unclear, are hidden deep within the victim’s initial confusion. If victims allow these doubts to emerge, the act of revenge may never take place. If victims choose to turn away from them, they will create an environment where it will be safe to carry out the planned action. The image of the perpetrator is deprived of any possible signs of human goodness; self-pity, blame and demands for justice are reinforced; a history of conflict, with its myths, legends and heroes is created, and the history of genuinely complex relationships is seen and presented as a chain of violent actions committed by the other side. Such a black-and-white mentality excludes the possibility of hearing any other voice. This mobilization of emotions and perceptions is fashioned to appeal to semi-repressed fears and anger, and requires rather manipulative behavior on the part of victims, though they are often not fully aware of it themselves.

Finally, when the victim performs the act of “justified” aggression, the cycle of violence is completed, with the roles now reversed. The former perpetrator now feels victimized, seeks revenge and, finally, strikes again when an opportunity occurs.

Although the above pattern reflects typical tendencies in the development of victimhood, not all victims are doomed to become aggressors and not all conflicts turn into wars or violence (The history of those conflict outcomes is yet to be written). We, as a human race, would have ceased our existence on this planet long ago, if the rationale of the vicious spiral had constantly prevailed.

BREAKING THE CYCLE: SEVEN STEPS TO RECONCILIATION

The *Seven Steps To Reconciliation* illustrated in the diagram capture the stages of transformation from being victimized, through processing of suffering toward healing, forgiveness and future reconciliation.

STEP 1. While the victims' immediate experience of aggression or abuse does not leave room for any reaction or processing, it is possible to begin to process the suffering as soon as initial realization of loss occurs.

STEP 2. The victims have to allow themselves to feel the pain, to stay with it in order to be able to leave it later. They have to learn how to cry instead of hide their tears. By mourning, they are saying good-bye to the past, and to whom they were in that past. By expressing feelings of sadness and grief, they are, in a way, beginning to separate from their pain. The more they are able to pay tribute to the pain of loss at this stage, the more they will be free from it.

STEP 3. The first steps in healing require restoring love to oneself. Forgiveness begins for the victims when they make themselves look at the "ugly gaping wound" caused by loss, and confront the secret shame and guilt that accompanies the damage to their sense of self-identity. The process of attending and overcoming the shame is as painful as the process of opening and cleansing the wound, which is needed in order to give it a chance to heal. Confronting the fears of their new reality requires identifying and naming each fear, recognizing them one by one. Only by pulling them out of the darkness, admitting them, sorting them out, do we deprive them of the power that they have over us. As victims, we are usually more fearful of the emotions that accompany our fears, than of the fears themselves. Recognizing and expressing these emotions may help victims not to turn these emotions into anger. This process takes time and courage, but the victim is re-

warded with the ability to think of fears as challenges of life, rather than as fatal tragedies.

STEP 4. The fact that continuously questioning themselves with, "Why me?" fails to provide an acceptable answer (no one deserves to be treated unfairly, moreover, to become a victim of aggression or abuse), prevents victims from further accepting their reality. If they want to restore their sanity, their ability to think rationally, and if they can yet realize that they were in no way at fault for what happened, they need to reframe the question to "Why them?" ("what made them, these particular people, do it to us?"). The reframing may be approached gradually, beginning with the question "Why not me?" (or "If not me, who then?"). The search for an answer evokes tremendous resistance, as victims are used to thinking of the other side as "non-human" (it is easier to destroy someone who is not as human or as good as we are). All of the victims' stereotypes get mobilized, blocking the search that might reveal any similarity between the victim and the aggressor. Hence the answer, "They are just crazy" sometimes prevents the further journey. Victims are left, then, in even greater panic, confronted with possibility of an unpredictable attack - as craziness is not a subject to any rational control. If the evil is senseless, they will never know how to resist it. On the other hand, if victims allow themselves to continue the search, they may discover that however brutal or criminal the actions of the aggressor may have been, the basic needs that drive such actions are usually very human, and are usually related to fear and hopelessness, feelings that are so familiar to the victims. I want to again emphasize the importance of direct emotional interaction between the people from opposite sides of the conflict. Nothing seems as important as the sharing of personal experiences through their stories. In fact, victims may discover that they and the aggressors have very similar, if not common, concerns and beliefs. Thus, in trying to get away from their own pain and fears, victims begin to feel the hidden pain and fears of their enemy/aggressor. Rejection, and then confusion, gradually gives way to a sense of affinity and even compassion. At this stage, the enemy becomes re-humanized. Although the act of aggression continues to be perceived as evil, the perpetrator is now seen more as a person who had become disconnected from his own goodness by the power of his fears. At this point, the victim begins to separate the evil act from the one who committed it. He is perceived as a sinner, a lost soul, overwhelmed by his fears, who perhaps needs love and help in order to understand his sinfulness and restore the

connection with his own inner goodness and strength – the only guarantee that the evil will not be committed again.

STEP 5. Feeling the other's pain and restoring the inner connectedness lessens the strength of the quest for revenge. The victim discovers that they are all connected through their fears and basic needs, and their human inability to assert these needs in open, constructive ways. After initial confusion and unwillingness to let the anger go (anger may have served as the only source of energy for a victim), a deep inner transformation takes place that leads to complete surrender to a new openness. In this way, victims find a tranquility, in which they feel much more united with their new inner strength. Inclusion of the "other" culminates in forgiveness. *Forgiveness relieves the victims from the desperate desire to change the past; it evolves into an acceptance of the present and openness to an unknown future.* Forgiveness is the culmination of healing, the most vital need of a victim, and a way to freedom from victimhood. As such, it creates solid ground for developing a new identity. The past cannot be restored, but the transformed person is no longer the person who needs that past. Forgiveness reveals the true meaning of suffering, as a reuniting with the spiritual inner strength on a deeper level. It is the power of forgiveness that allows the victims to risk vulnerability. The forgiving one is vulnerable to rejection - the aggressor may not care about being forgiven, may avoid communication out of a fear of revenge, and moreover, may even return to strike again, blinded by his fears. However, at this stage, the former victim's newly found strength allows him to take those risks. The commitment to forgiveness and the intensification of the inner dialogue is motivated by a personal need for complete healing, which now becomes focused on communicating the forgiveness to the perpetrator. The act of injustice is experienced as an extreme form of rejection of love, the love that all human beings so much crave and without which we cannot exist. For this need, we are sometimes prepared to sacrifice our physical survival. Having rediscovered love through a most challenging journey, the former victim believes that there is some hope that the perpetrator might be encouraged to step along a similar path. Thus, the forgiving victim offers a safe embrace for the perpetrator to respond to the call of forgiveness. Yet, an even greater labor of love may be required to open the former aggressor's heart and remove his fears of the future in order to include him into the process of reconstruction relationships.

STEP 6. Since forgiveness is a culmination of healing, and a primary need of the victim, it is unconditional in nature. Reconciliation however, is based on two key conditions, forgiveness and justice. *Forgiveness provides a different imperative for seeking justice – reintegration of the relationship between former victims and aggressors in a new, safe surrounding designed and built by both sides.* And this justice, oriented to the future, presumes a leading role for the former victim in its formulation, and focuses on the perpetrator's admitting guilt. The idea of punishment resides in the exposure of the perpetrator to the shame of the wrongdoing. The suffering that accompanies the process of repentance serves as recognition of and release from shame and, thus, a guarantee of inner transformation. This interpretation of justice has a rich tradition in the works of Dostojevskij and other spiritual writers.

STEP 7. The second major component of establishing justice implies coming to terms with the past. It requires examining the wounds on all sides, and recognizing mutual responsibilities. We cannot build a future if we remain afraid to know our past. Painful memories must be examined and a joint history written, free from the biases of national mythologies. Continued conflicts are directly related to unhealed wounds. Silence serves as a continuing suppression of fears. "Re-writing" history opens the way to a cooperative approach, based on newly gained recognition and respect for each other's suffering. Only then, can negotiations on the practical issues of preserving restored relationships and changing the structures of the socio-political environment lead to true reconciliation.

