

IS THERE ARE PLACE FOR FORGIVENESS IN RESTORATIVE JUSTICE?

By Jim Consedine^[*]

Editor's note: Many would say that forgiveness is a central part of many Pacific Islands cultures traditions of justice. Whilst this piece does not have a specifically Pacific focus, it provides reflections on this somewhat difficult concept that are particularly timely in light of the current debate about Fiji's proposed Reconciliation Tolerance and Unity Bill 2005.

INTRODUCTION

In many respects forgiveness is probably the most difficult of all human virtues to practise. Yet it remains central to any lasting restorative process, personal or collective, though its importance is often underrated and unspoken. On the surface it sometimes seems an unfair thing to attempt given the pain caused by an injustice. But practising forgiveness is a foundation stone for healthy living. It is the step we need to take to be free of the ongoing negative effects of past injustice. It has transformative qualities not found elsewhere. To decide to forgive is to create a different future from one controlled by events from the past. It doesn't mean forgetting the past. It means remembering the past in a different way, leaving one free to develop the future. One becomes re-empowered to choose a future not controlled by events from the past.

Potentially one of the key parts of a restorative justice process is the opportunity created for forgiveness to begin. However, while both parties may well understand forgiveness as an option, it must remain a free choice. Obviously a victim has much to forgive in relation to an offender because of the violation that has occurred and the pain that has been caused. In relation to this, the restorative conference must be especially sensitive to victim's needs. But offenders too though can come to the point of their process where, having offered everything possible to the victim by way of apology, personal accountability, reparation and "a firm purpose of amendment", they too need to begin to forgive themselves and possibly others in order to benefit most from the process.

The assumption is often made that a restorative justice conference is not the place to expect forgiveness. The underlying fears appear to be that many will not reach a point where forgiveness is a possibility or that undue pressure could be brought to bear on victims to forgive.

Let it be clearly stated, no restorative conference should be judged by the level of forgiveness shown. Excellent restorative conferences can be held without either party getting near the position where forgiveness is possible. Indeed there will be times when it will be decidedly inappropriate and untimely to broach the subject of forgiveness.

But having said that, forgiveness can be an ultimate goal for many and there is a time in some instances where forgiveness becomes a distinct option in a restorative conference for one or other parties. The conference provides a social setting for the decision to forgive to be taken and the process to begin. It is a safe place to unravel the complexities of injustice and seek ways of moving forward. Forgiveness can be freely offered or sought, given or refused. Some would argue it is potentially the most important fruit of a restorative conference. After all, forgiveness is a central part of holistic healing and at some time needs to

form part of the journey for any party seeking to be fully restored.

STORIES

Who will ever forget the sight of *Kim Phuc*, the nine year old Vietnamese girl, etched forever in the memory of the world through that remarkable 1972 Time magazine photo, running, screaming, suffering from massive burns to most of her body from the napalm dropped on her village. If ever a picture encapsulated the horrors of war, that one did. Now more than 30 years later, she has forgiven those who attacked her and has grown through her pain to become a leader who tours frequently on behalf of UNICEF asking the question ‘why war’ and demanding ‘war never again’. Despite having a deeply scarred body, her spirit is healed and is whole again – because she has forgiven. She is fully human, fully alive because she has learnt mercy and forgiveness.

In April 1990, three months after the release of Nelson Mandela from prison, *Michael Lapsley*, a New Zealand-born Anglican priest who worked hard for the elimination of apartheid in South Africa, opened a letter bomb sent through the post. It blew up and he lost both hands, one eye and had both eardrums shattered. He nearly lost his life. Several years and many painful operations later, he is back in Cape Town where he runs a centre for the Healing of Memories for all who suffered under apartheid. At the core of the philosophy of the centre lies forgiveness. Michael says that forgiveness does not come cheaply. It is difficult for all. It is not about simply forgetting. Michael himself has let go of the mental pain of the bombing and has come to see it as redemptive – bringing life out of death and destruction, good out of evil. He says that for him it is difficult to forgive someone who has never taken responsibility for the damage done. But he is ready to forgive fully provided the bomb maker was not going to bomb again and could see that reparation was in order.

Marie Wilson was a child when a bomb blew her up and killed her in Northern Ireland in 1997. Her father, deeply grieving and mourning the loss of this most precious daughter, found the grace in the midst of this sorrow to forgive the perpetrators of this horrible crime. While others affected by the bombing swore vengeance and retaliation, *Gordon Wilson* prayed for those responsible. He explained that he needed to let go of the pain otherwise he would become a victim himself of bitterness and anger which haunts so many similarly affected. He was criticised by many and received bags of hate mail from people complaining about the forgiveness he had for the killers of his daughter. Was he not betraying her death by so doing? His answers since have always been filled with serenity and a calm that few can forget. He simply says that we have all been forgiven and Jesus has commanded us to forgive our enemies. Why is it so unusual, he asks, for me to do what Christ asks?

Cathy Griffin, a 12-year-old convent schoolgirl, was abducted and sexually abused on her way to school one morning. She buried her trauma for more than 10 years but awoke to the fact that she needed to deal with it if she was ever going to progress in life and not have the experience dominate her. She went to counselling and came to realise that she needed to let go of the experience to get ahead. Further to that she realised that she needed to get to understand her abductor in order to practice the compassion that was needed to advance. Figuratively, she got into his shoes and found that he attacked her out of the need he felt to be angry with women and girls. She came to appreciate that he was a very damaged person and that his hatred came from his own upbringing. – which she could only imagine. She raged against him in her mind and emotions for a long time. But eventually she came to see him as a poor, inadequate, dysfunctional person and was able to have compassion for him and let him go with a blessing. Through therapy and her own hard work, she arrived at forgiveness for this man – who has never been held accountable for the harm he caused her. But she was enabled to move on in life and has developed a whole series of workshops built around forgiveness to help others in similar situations. She said it was a very difficult process but the alternative was far worse – carrying him all her life and being blighted by it.

Incidentally, her great hero and inspiration is Nelson Mandela.^[1]

Anne Gallagher, a former nurse with the Royal Victoria Hospital, Belfast, grew up in a staunchly republican family with 10 brothers and sisters and saw her father and three brothers interned without trial and one of her brothers shot dead. She says that forgiveness isn't something that is talked about in the peace and reconciliation process, but it is needed to bring closure to the pain and suffering experienced in Northern Ireland. She puts it this way. 'You can't contemplate hope unless you address despair. To heal the wounds of Northern Ireland I believe you have to see the humanity in the face of the enemy. But forgiveness is a journey. Today you can forgive but tomorrow you feel the pain all over again. I am not particularly religious but forgiveness is all about grace. To be able to forgive someone who has hurt you is a moment of grace.' To this end she has founded a movement, *Seeds of Hope*.

This view is shared by *Camilla Carr* who in 1997 was kidnapped by Chechnyan rebels and repeatedly raped by one of them. She writes that 'rape is a terrible violation of a human being. I can never forgive the act. But I can feel compassion for him because I understand the desperate place he was coming from.'³ She recognised that her captors were traumatised by the war and sought an understanding of that and the damage it had done to them. For Camilla it took a long time of suffering and struggle once she was freed from her captors for her to reach such a state. She says that for her 'forgiveness begins with understanding, but that you have to work through layers to obtain it. First you have to deal with anger, then with tears, and only once you have reached the tears are you on the road to finding peace of mind.'^[2]

Richard Moore was just another 10 year old Northern Irish boy when, on 5 May 1972, a British soldier shot him from 10 feet with a six inch rubber bullet travelling at 100 miles an hour. He was blinded. He has never received an apology from the soldier, though 'I would love to meet him.' Now thirty plus years on, Richard says he has absolutely no bitterness towards anyone involved. 'Blindness is not great and you never adjust to it. You never beat it. Everyday brings a new problem to be addressed. I would love to see my children just once. I missed seeing their first communion dresses. But I am glad that I bear no bitterness. I don't know why but I'm not bitter. Maybe it is because I was so young – I don't know. Bitterness had never been part of my life before, so I believe it was just meant to be. It has opened up so many other opportunities in life. My life has nudged along a certain road and wonderful things have happened along the way. I met my wife in the same class. I had a best friend helped me around university. I feel blindness was meant for me perhaps and not for others. I know you can turn your life around because I'm living proof of that. That's not being big-headed. That's the way I feel. I think life is fantastic – the power of love, the power of the human being, the power of my family.'

THE ESSENTIAL FORGIVENESS

Archbishop Desmond Tutu, who chaired the Truth and Reconciliation Commission in South Africa through which a whole nation came to grips with its criminal past, heard literally thousands of testimonies from victims and offenders during the four years of the commission. He speaks eloquently and passionately about forgiveness as an essential component of healing and restorative justice.

I have been bowled over by the incredible humility one has experienced from the victims, both black and white, who have suffered as much as they have. By rights they should have been hate-ridden by lust for revenge. They have exhilarated me by how ready they are to forgive. I have come to see that. Yes, of course you have an acknowledgment by the wrong doer that they have done something that was very wrong, that they owe to us confession so that the victim, the survivor be enabled to forgive. But I have come to believe fervently that forgiveness is not just a spiritual and ethereal thing unrelated to the real world, the harsh world out there. I have come to believe very fervently that without forgiveness, there is no

future.

He points out that to forgive is not just to be altruistic. It is the best form of self-interest. It is also a process that does not exclude self-hatred and anger. These emotions are all part of being human. As he says,

When I talk of forgiveness, I mean the belief that you can come out the other side a better person – a better person than the one being consumed by anger and hatred. Remaining in that state locks you into a state of victimhood, making you almost dependent on the perpetrator. If you can find it within yourself to forgive, then you are no longer chained to the perpetrator. You can move on and even help the perpetrator become a better person too.

Tutu goes on to say that ‘forgiveness is the capacity to make a fresh start. That is the power, the rational of confession and forgiveness. And forgiveness is the grace by which you enable the other person to get up, to get up with dignity and begin anew. Not to forgive leads to bitterness and hatred, which just like self-hatred and self-contempt gnaws away at the vitals of one’s being. Whether hatred is projected out or projected in, it is always corrosive of the human spirit.’^[3] Or, as Pope John Paul II said in his World Day of Peace message in 1993, ‘there can be no peace without justice, and no justice without forgiveness’.

In relation to crime, restorative justice advocate Howard Zehr points out that the victim’s forgiveness is a letting go of the power that the offence and the offender have over him, while not condoning or excusing that person. It means no longer letting the offence and the offender dominate. ‘Without the experience of forgiveness, without this closure, the wound festers and takes over our lives. It, and the offender, are in control. To forgive a person is to let go. It is to say that I will not define myself by your actions towards me. I will not allow you to have any power over me. Real forgiveness allows one to move from victim to survivor.’^[4]

Pumla Gobodo-Madikizela is a South African psychologist who works with the longest serving prisoners sentenced for apartheid brutality. She says it is hard to resist the conclusion that there is something divine about forgiveness, and echoes Desmond Tutu’s observation, that when it occurs, ‘we are on holy ground. There is something spiritual, even sacramental, about forgiveness – a sign which moves and touches those who are witnesses to its enactment.’

‘I doubt that when forgiveness is offered the gaze is on the specifics of the deed. Forgiveness, while not disregarding the act, begins not with it but with the person. Forgiveness recognises the deed, its impact having been and continued to be lived by the victim, but transcends it. People who come to the point of forgiveness have lived not only with the pain that trauma and loss bring, but also with the anger and resentment with those who caused the pain.’

She points out that someone who has lived with a gross violation of human rights for a lengthy time will not move quickly to forgiveness. The sense of pain remains a symbol, often sub-conscious, of what has been taken away or what might have been. Often people are not ready to close this chapter of their lives. Their whole identity has been affected by the trauma and they are not ready to move on. That is partly why forgiveness is not always an attractive option for people.

She warns that one has to guard against prescribing forgiveness for to so cheapens the process. That first step taken, even to consider meeting the person responsible for terrible wrong, is for the victim to take. When forgiveness is granted, it is probably because of the meaning the victim attaches to the perpetrators apology. Forgiveness usually begins when the person needing to be forgiven shows signs of remorse. A remorseful apology inspires empathy and forgiveness. This is done best without justification and any disclaimer. A genuine apology focuses on the feelings of the other rather than on how the one apologising is going to benefit in the end. It seeks to acknowledge full responsibility for an act. It does not seek to

erase what was done.^[5]

CONCLUSION

Forgiveness then is the process of the victim letting go of the rage and pain of the injustice so that he or she can resume living freed from the power of the violation. Though the public perception is the exact opposite, the truth is that the primary beneficiary of forgiveness is the person who does the forgiving. The person forgiven may or may not appreciate what has happened, may or may not benefit from the action. But the one who does the forgiving will always be rewarded with a greater degree of empowerment and personal growth in love and self esteem.

Forgiveness may take time, it may not come easily, it may involve a lengthy struggle. It is often not simply a one-off effort. Because it involves a change in relationships, it needs to be worked at in order to achieve its completeness. But it will come provided the forgiver is open to its potential and genuinely seeks it with an open heart. In a restorative justice setting where the full facts are laid out and compassion is present, forgiveness can become an additional fruit and greatly enhance any healing. As such it forms an integral component of any such restorative justice process.

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[1] Kathleen Griffin, *The Forgiveness Formula* (2003).

[2] Writers' Collective, *The F Word – Images of Forgiveness* (2003).

[3] Desmond Tutu, *Without Forgiveness, There is No Future* (1999).

[4] Howard Zehr, *Changing Lenses* (1990).

[5] Pumla Gobodo-Madizela, *A Human Being Died that Night*, (2003).

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