

Alternative Approaches to Retributive Justice The Challenge to Reconciliation

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Talk to us about reconciliation
Only if you first experience
the anger of our dying.
Talk to us about reconciliation
If your living is not the cause
of our dying?
Talk to us about reconciliation
Only if your words are not products of your devious scheme
to silence our struggle for freedom.
Talk to us about reconciliation
Only if your intention is not to entrench yourself
more on your throne.
Talk to us about reconciliation
Only if you cease to appropriate all the symbols
and meanings of our struggle.

Filipino poet - - J. Cabazares

Reconciliation as a topic of consideration has become a fad. It is currently the 'hip thing' to be involved with. It seems that everyone wants to talk about and even support reconciliation and its efforts toward peace. But,-what are the parts of reconciliation and how do they play out in realizing true Peace?

Involving injustices needing to be reconciled, there are two main actors- the Oppressor (Israel), and the Oppressed (Palestinians). One has taken the proactive role of creating facts on the ground, while the other is forced to take a reactive role of survival.

The Oppressor wants normalization and seeks to attain the status quo that it desires. It is the Oppressor who rushes to reconciliation in hopes that it will calm the wrong in their heart. For the Oppressor in offering reconciliation, there is no price to pay and nothing to lose, for it is only a gesture to make one feel better.

Although the Oppressor continues to 'cry for security', it is the Oppressor who has security- carrying the guns and holding the keys against the Oppressed. The Oppressor marches their toy soldiers to the beat of the mentality that 'might makes right'. As they hold their armor high, they are only protected from the truth. In taking part in reconciliation, the Oppressor often uses the opportunity to its advantage. The Oppressor undercuts the willingness to talk by its physical statements of seized land, torn away olive groves, demolished houses, the creation of more settlements, and the building of more by-pass roads that separate Palestinian towns and villages from each other and culminated by building the Apartheid Wall.

As they talk out of one side of their mouth and nod their head with a condescending smile, their hands speak louder of destruction. If they fail to see us in the state of Israel, how can they see us as a separate entity in the Holy Land?

The Oppressed continues to long for Justice. Embodiment of justice is the means to true peace- justice of acknowledgment, -justice of human rights to live with food, water, and shelter, -justice of opportunity, - justice to hold onto one's heritage, -justice to learn and express one's voice, -and the justice of freedom from captivity. As a parent, I often find myself humbled by the innocent words of my children. Not long ago my seven-year old daughter reminded me of how important it is to have the contrition stage in conflict resolution. She was upset because one of her cousins hit her and made her cry. Realizing his mistake, her cousin came to apologize. My daughter said, "Saying sorry is not enough, I need a present." If this is the logic of a child, how can a nation accept anything less?

Reconciliation toward these injustices can not be approached like a '10 minute oil change'. There are careful considerations to be taken in order to build a strong foundation for the pyramid of peace. Since the beginning of the occupation, the Oppressed lived without security and safety for their families and communities. Without a moment notice fathers and sons were whisked away, and never heard from again. Families have been torn apart by borders and barb-wired fences. Children walked the streets unclothed, crying from hunger and thirst.

Reconciliation can not be carried out until there is collaboration amongst those dimensions that are struggling for peace. On the one hand Palestinians continue to struggle to get rid of the occupation. Secondly, are the Israelis from the 'Peace Camp' who desires to get rid of being the occupier. They have very little influence on the government, but constitute a ray of hope in Israel. And thirdly, outside parties of pro-justice and pro-peace who are eager to help. We should not be too optimistic even with having the collaboration, because there still remains the main obstacle for reconciliation- the Israeli Government. Through collaboration, the various groups might have some leverage on Israel.

This is but a small glimpse at the history of the Oppressed who has the power of morality and has high integrity. History of the Oppressed should not be forgotten or dismissed, but must be analyzed because of its importance to the present and the future. It is so often said that; "history repeats itself". By taking a look at the history of the Oppressed, it is evident that what happened to the forefathers continues today to their children in different ways. We should learn from history by nullifying the message that the only thing we learned from history is that we haven't learned from history. Analyzing this history closely with a sincere desire for change can keep it from being the future history of their grandchildren. By referring to the history, the goal is to redress the injustices, not revenge them, and definitely not to turn it into a 'chicken-egg' issue. The cycle of violence must be broken and replaced with cooperation for reconciliation. Otherwise, 'displaced aggression' will instigate a new cycle of violence. History is full such examples. The Jews with many others were the direct victims of the Holocaust. The irony of the situation in Israel/Palestine is that we Palestinians became the victims of the victims of the Holocaust.

Between the Oppressed and the Oppressor there is a huge power inequity holding the Oppressed always as the 'underdog' figure. The reasons for the oppressor mentality need to be addressed to bring a balance of equality. Reconciling a wrong involves both a change of heart with sincere remorsefulness and a change in action. Listed below are just a few changes that need to be made to pave the way for reconciliatory dialogue between the Oppressed and the Oppressor.

- Dismantle the apartheid wall and all the unilateral actions that violate human rights

- Political prisoners released and granted the same freedom as everyone
- Implement relevant UN resolutions
- Checkpoints must be removed and freedom of movement preserved
- Confiscation of land halted and construction of settlements should be stopped
- Natural resources of water and land available for all to use
- Access to the media with a free voice
- Legislation created to change discriminatory laws
- The geographical unity of the West Bank should be preserved and free and safe passage between Gaza and the West Bank guaranteed

We understand that when we talk about reconciliation we should tackle the easier issues first and then the more complicated ones. Urgency says the thorny issues (land, water, settlements, refugees, and boundaries), and mainly the dispute over Jerusalem, should be addressed before it is too late.

There are two critical items that must be addressed for the Palestinians before moving further with reconciliation. First, since 1948, Palestinians have lost at least \$100 billion dollars worth of land, agriculture, housing, and belongings. There needs to be reparation paid to those who have incurred losses and have been displaced, so that they have the "right of return". Second, there needs to be a change in the way history is written. History should be highlighting the truth of events and true character of people, nullifying the myths and stereotypes. All students should be given the opportunity to know that Palestinians are people, that they are not "terrorists", "fundamentalists", or "dirty animals".

Reconciliation does not only take place on the level of governments, but also on an individual level between people. Individuals must shift from constant blame and guilt to take responsibility and move forward. Though I believe in collective responsibility, I definitely don't believe in collective guilt. Breaking down the stereotypes is realized on an individual basis by getting to know the other as people with dreams and hopes.

To sum up, when we talk about Restorative Justice, we should remember the following:

1. Reconciliation is not the priority in the process of Restorative Justice.
2. Restorative Justice aims to redress the injustice rather than avenge it.
3. Restorative Justice doesn't aim to mitigate the offence. Rather, it aims to address the root causes of the conflict.
4. Restorative Justice aims to bring the conflicting parties to their senses and not to their knees.
5. R. J. should save the faces of the conflicting parties (leaders and people).
6. R. J. invests in the quality of relationship aftermath the conflict and strongly believes in transformation on all levels.
7. R. J. is based on remorse, change the code ethics, rewriting history and evaluate conducts of conflict resolution.
8. R.J. is a multidiscipline and a multidimensional process.
9. R.J. is a fluid, flexible and live process.
10. R.J. is based on enacting and enlivening the value system.
11. The role of a mediator is essential in R.J. but not limited to it.

It has been said, "Power corrupts; absolute power corrupts absolutely." In this unbelievable imbalance of power between Palestine and Israel, a third party without any direct interests involved may aide in

balancing the scales of equality. From the outside, a third-party will be able to address the situation with a holistic approach; including political, economical, social, psychological, and educational issues. The following story is about a poor devout man, his old blind mother, and a bitter barren wife, which illustrates the role of the third party.

After 12 years of prayer to relieve his family's suffering, God wondered what one thing he truly desired. He went home to consult with his mother and wife. His mother wanted her sight back so she could see again. His wife wanted a son who could take care of them, and perhaps bring wealth to the family. The mother overheard the conversation between her son and his wife and became very aggressive unto the wife. The wife fought back, pulling out hair, as the terrible fight ensued.

The poor man ran from the house to a wise advisor, and told him his dilemma. "My mother wants eyesight, my wife wants a son, and I, I wish for a bit of money so we can eat everyday. What shall I ask? Whose needs come first?"

The advisor thought for a moment, then he answered: "You must not choose for any one of your family alone, but for the good of all. Ask wisely. You will say, -'Oh Lord, I ask nothing for myself; my wife asks nothing for herself; but my mother is blind, and her desire is, before she dies to see her grandson eating milk and rice from a golden bowl'."

From the Folk tale: Wisdom of the Mediator - Trinidad

The Pyramid of peace is a three-sided figure. The third party is the side that provides the support for the Oppressor and Oppressed to reach the goal of peace and equality. Without the support, the other two sides wobble against each other fighting to stay upright, until they both collapse into the ruins. As stated in the story above, the task is finding- 'the good of all'.

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