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**A Post-Genocidal Justice of Blessing  
as an Alternative to a Justice of Violence:  
*The Case of Rwanda***

**Vern Neufeld Redekop**

Within the context of genocide, human beings imagine and act out ways to maximize the physical, emotional, and hermeneutical suffering of their victims<sup>1</sup> at both the individual and collective levels. Hermeneutics refers to interpretation and meaning-making. For victims, the loss of family, friends and homes calls into question the meaning systems by which they make sense of the world. The deliberate destruction of things of symbolic significance and command rape of women of the opposing identity group are meant to cause suffering at the level of basic values related to the construction of meaning; they intensify hermeneutical suffering. (Anyone who has read or heard accounts of genocide knows the details, which I will not describe here.) The breadth and depth of suffering deliberately caused are overwhelming; the actions, imaginations, and hate-filled orientation come together in a form of violence, which in its negative ineffability push the level of injustice to levels approaching infinity. Yet for the perpetrators the violence is justified by memories of their own historic victimization, a mythology of imminent threat at the hands of the victims, and a chauvinistic conviction that they somehow have a right to all that belongs to those they are torturing and killing.

In the wake of extreme violent injustice there is a natural inclination among human beings to do justice violently. This may take the form of reciprocal mimetic violence in which perpetrators are made to suffer, even in ways similar to what they caused their victims to suffer. Another form of violent justice is through punishment that is meted out by a court which proceeds in a context of

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Much of the conceptual development is derived from “The Relevance of Teachings of Blessing and Justice of Blessing for Reconciliation in Bosnia i Herzegovina,” a paper I presented on October 28, 2006 at a conference on *National Reconciliation, Ethnic and Religious Tolerance and Human Security* in the Balkans organized by the European Centre for Peace and Development. The broader conceptual background is developed in *From Violence to Blessing: How an Understanding of Deep-Rooted Conflict Can Open Paths to Reconciliation* (Redekop 2002)

the rule of law. Forms of punishment have evolved from high suffering death penalties (boiling or burning) to lethal injection to penalties not involving death but some level of suffering. Justice demands that the gross imbalance of individual and collect suffering be redressed—that atrocities not be allowed to happen with impunity, that evil be denounced, that the probability of perpetrators repeating what they have done be reduced to zero. At its most basic level, justice is about the twin concepts of balance and rightness. Cultures are formed in large measure by how they define justice in terms of these concepts.

Given the overwhelming need for justice in the face of genocide, given the human capacity for creative imagination, and given human ingenuity at making what is imagined real, I will develop a new concept of justice, called a justice of blessing, in the hopes that this will make a difference on the ground in Rwanda. This concept of justice is closely related to restorative justice and finds its place in the context of reconciliation. Expressed simply, a justice of blessing is a structured way in which perpetrators commit themselves to take action diachronically for the well-being of the survivors of their genocidal actions. Their orientation, attitude and actions are focused on blessing for the victim/survivor group. Key result areas of blessing are healing, relationships, structural change and transcendence. Healing addresses hermeneutical, emotional, physical and spiritual woundedness. Structural change addresses actual and relative loss and reduces the risk for future victimization. Relationships imply the building of trust. Action is comprised of basic actions, action chains and practices (Macintyre, 1981, Ricoeur, 1992). the different types of justice making actions address the injustices of genocide directly, indirectly, and informally.

The words, and the concepts they represent, in this dense description are derived through a hermeneutical process that combines a) attention to how they are used within religious/cultural traditions with b) an awareness of the realities and challenges of genocide and c) the on-going development of a conceptual framework for understanding human capacity for violence and for caring. *Justice of blessing* as a concept takes on meaning within the larger framework of mimetic structures of violence and of blessing and within the sub-framework of reconciliation. Its potential needs to be understood in the context of an integral assessment of the losses and woundedness of victim-survivors (individual and collective) as well as the state of perpetrators during and after a genocide. I will develop the concept of justice of blessing in spiral fashion returning to the concept, with a section on justice of blessing, in relation to each the following: 1) mimetic structures; 2) retributive and restorative justice; 3) reconciliation; and 4) an integral assessment of needs; the concept of an integral approach has been developed by Ken Wilber. At its basic level it means to take into account internal and external aspects of a phenomenon at the individual and collective levels. After developing an understanding of justice of blessing in this fourfold conceptual framework, I will present the Arusha Tribunal and Gacaca process as two justice making initiatives in the wake of the Rwandan genocide. I will then show how the concept of justice of blessing can be used heuristically—as a theoretical tool that can be used to discover new insights—to uncover important aspects of these initiatives and how they could be complemented by follow-up actions.

## Mimetic Structures of Violence and of Blessing

The story is told of someone who went on to the afterlife and wanted a tour of the premises. She wanted to see hell first. She found grumbling, unhappy people who looked as though they were starving. There were tables of food in front of them but their forks were longer than their arms so they could not get the food in. She went on to heaven where she found happy, well-fed people. The tables of food were the same as in hell as were the long forks. The only difference was—they were feeding each other.

This story illustrates the difference between mimetic structures of blessing and mimetic structures of violence. In this fictional heaven people were contributing to each other's well-being; in hell they were not; in fact, out of their frustration they were probably poking each other with their long forks.

When mimetic structures of violence take over a relational system, people imitate one another in being violent; a pattern is established and the structure takes on a life of its own. The post colonial histories of Rwanda and Burundi can be understood in terms of intertwined mimetic structures of violence involving Hutus and Tutsis. Violence toward one group in one country often inspired violence toward the other group in the other country.

In contrast, when mimetic structures of blessing infuse a relational system, people work toward the mutual well-being of one another. I am told of how, at the village level in Rwanda, this was often the case; Hutus and Tutsis lived together with little regard for distinctions between them.

Mimetic structures are imitative patterns that go on through time. They express and determine the attitudes, orientation and actions of the parties involved. Violence may take many forms: control—restricting the freedom of people; force—inflicting something onto people against their will; extraction—taking something away from people; diminishment—reducing the status or dignity of people; hurt—causing physical or emotional pain; curse—orienting oneself to wish evil on the other; and refusal of help—allowing suffering when one has the means to alleviate it (Redekop 2002).

The concept of blessing comes originally from the Hebrew word ברכה *berekah*—it is associated with on-going well-being and relationships of solidarity and creativity (Fox 2000, 46). Its usage puts in a discursive field that includes sustenance, sustainability, creativity, high ethical standards, flourishing, mutual respectfulness, life, joy, gift, peace, and, over the long term, having descendants who are secure in their place in the world.

By comparing mimetic structures of violence and blessing (See figure 1.), we can see that structures of blessing are characterized by openness, generosity, sharing, creativity and the generation of options. They allow for more complex patterns of interaction.



Mimetic Structure of	
Violence	Blessing
Deep-rooted conflict	Reconciliation
Closed	Inclusive
Fewer Options	Generative
Acquisitive	Generous
Death oriented	Life oriented
“I had no choice . . . “	Choices

Figure 1. Mimetic structures of violence and blessing

There are some concepts that can be drawn from the Hebrew roots that provide added value and meaning to mimetic structure of blessing. From the root metaphor of *barak* as to kneel, we can make a connection between blessing and receptivity, a key concept in Taoism. Receptivity stands in contrast to power, which is an overwhelming value within mimetic structures of violence. But, in so far as mimetic structures of blessing are to provide a context and base for empowerment it suggests both the receptivity to receive from others as well as the action oriented dimension of working to provide to others what they might need. Generosity must be balanced by receptivity for mutuality to work. The Hebrew association of blessing and land speaks to the need to include the environment in the equation. If land/environment is a necessary condition to living well, it becomes a partner in sustaining mimetic structures of blessing. Even though the literal significance of a locutionary act of pronouncing a blessing seems out of place today, that very concept can function heuristically by raising the question of the link between speech and intentionality and hence between speech and the orientation of the locutionary actor. Even the fact that blessings often were intended to extend for generations can play the heuristic role of suggesting that mimetic structures of blessing should be constructed in such a way that they are sustainable through the generations. It links to the Canadian Aboriginal teaching that decisions are to take into account the history of the past seven generations and are to be made in such a way that the benefits will be felt seven generations into the future.

Furthermore, within a relational system marked by mimetic structures of blessing there will be conflict, understood as a clash of identity need satisfiers, interests or desires that can potentially result in mutual hurt. Within such a structure, however, conflict is transformed into an occasion for creativity so that there can be mutual contributions to the well-being of all parties. There is also a discursive field that includes compassion, patience and mercy that can contribute to the on-going restoration of relationships when they get off the rails.

Mimetic structures of violence can be characterized either by indifferenciation, as is the case in mimetic rivalry, or differentiation, as is the case in scape-

goating. Mimetic structures of blessing can be marked by a movement toward a blessing of indifferentiation in cases of dehumanization—that is, points of commonality and shared humanity are found—or blessing of differentiation, which is needed when rivals are too close and may need more distance—psychological or physical—between them.

Blessing is used to connote a life-oriented, creative impulse oriented toward the mutual well-being of Self and Other.<sup>2</sup> Within a mimetic structure of blessing Self and Other feed one another at many different levels of reality. If blessing becomes mimetic, both parties are at the same time receptive and generous. Symptoms of blessing are joy, confidence, self-esteem, peace, dignity and respect.

### *Justice of Blessing (1)*

At its core, a justice of blessing works within a meta-ethical framework of blessing. That is, it is oriented toward establishing structures of blessing within which people contribute to the well-being of one another. This raises many questions about whether or not this is feasible or even desirable in the wake of severe human atrocities.

Within the framework of mimetic structures, reconciliation can be perceived as the process by which those in a mimetic structure of violence reduce the hold that violence has on them and begin to construct mimetic structures of blessing. However, the actions associated with the mimetic structure of violence may end up being asymmetrical; that is, one of the parties stands out as being more significantly victimized as is the case in genocide. In this context a justice of blessing can be seen as a process by which the legacy of past violence is dealt with in a systematic way. Former perpetrators become agents of blessing as they do what is necessary to work toward the well-being of victim/survivors. What they do, how they do it, and from what distance (psychological or physical) must be determined through dialogue with, and giving priority to, victim/survivors. Every effort needs to be made to enhance the security of those victimized.

How this might happen will become more clear when it is seen within a better developed framework of reconciliation. However, we will first put justice of blessing into the context of other conceptions of justice.

### **Retributive and Restorative Justice**

For victims, attending to the need for justice is a necessary, if not sufficient, condition for healing. The idea that violent, oppressive actions can be taken with impunity adds to the sense of injury. “With impunity” means without punishment, accountability or negative consequences. It points to a fundamental, almost visceral understanding of injustice. The primal call for justice is a call for perpetrators of violence to suffer not only any negative consequences that might naturally come their way as a result of violence but negative consequences imposed upon them by the victims, those in solidarity with victims, or by the state acting as a third party.

This primal sense of justice manifests itself first as vengeance and, at second order, as retributive justice—a justice based on punishment. French thinker René Girard, develops the concept of mimetic violence, that is, that violence, once introduced, is imitated, and reciprocated (Girard 1987; Girard 1988). Victims define for themselves a need for violence to be balanced, what was done to them or their loved ones should be done to the perpetrator. However, as Girard points out, violence is always returned with interest; hence there is a spiral of ever increasing violence.

An initial act of violence not only inflicts harm, but it also creates a relative imbalance in a capacity to act. The one traumatized by the loss of a loved one, injury or loss of possessions is put at a grave disadvantage in terms of the horizon of the future. It is this relative imbalance that needs to be addressed.

### *Roots of Retributive Justice*

“Justice” is a word with many meanings. Its roots go back through Latin to Greek (Kolbert 1979) with a significant Hebrew interface (Schrenk 1964). Originally it had connotations of what is right, or what is done to make right, or the process of indicating what is right. *Right* in turn had to do with balance (Sharpe 2004), particularly in the wake of structural imbalance (Hahnel 2005). It meant to do what was customary—i.e. the way we are used to doing things defines rightness—and eventually was linked with the very concept of law.

Justice can also be conceived as finding a right balance of goods, that is, that which enhances well-being—economic, physical, rights, power, or recognition. The challenge is to define what “right balance” means in a particular case. This is a matter of both process and comparison with a standard (Rawls 1999). The standard may be defined through a statement of rights, or laws, a moral code, or cultural tradition. Laws may either help to define the degree of harm (tort law) or the degree of offence to the community (criminal law).

### *Retributive Justice*

In the case of one party causing suffering to another party, one way of attempting to balance the situation is for the party responsible for the suffering to be caused to suffer in a commensurate way through revenge or retributive justice (Walgrave 2004). Strict justice means that the suffering of the perpetrator must come as close as possible to that caused by the initial act of violence. However, much is a matter of interpretation. If victims are not only hurt or traumatized by fear, but also interpret the harmful action as having disgraced their honour, they feel that much more that something has been taken from them and hence the debt owed by the perpetrator is that much greater. Likewise, when it comes to “repaying the debt,” this too is a matter of interpretation. Those who look to time spent in prison as a way of paying a debt to society, have a currency of prison time such that the more grave the offence the longer the sentence. The sentence then becomes a measure of the degree of injustice inherent in the wrongdoing. Those who interpret their victimization as having been severe and

who witness a perpetrator getting a small sentence will perceive the system as having committed a further injustice by not according to their crime the severity they have felt. Yet all this is a matter of interpretation—first a system of interpretation of severity in terms of sentence and second a particular sentence as reflective of the degree of victimization. At a meta-level this assumes a debt to society on the part of the perpetrator which in turn presupposes that wrongdoing needs to be punished.

There are analogical comparisons to be made in the case of large inter-group conflicts. In these situations, the groups themselves become the agents of retributive justice-making and inevitably there are mimetic rounds of revenge-based violence.

The fatal flaw in a violence-based paradigm of justice is that the victim, who initially is indignant at the violence done to them, gets drawn into a mimetic structure of violence (Redekop 2002). The victim desires more than anything that violence be done to the other, to the perpetrator. The perpetrator, who is hated, becomes the model for the victim. The victim, then appears to be left with a profound negative aporia—for the perpetrator to be violent with impunity is untenable; to become violent in response means that the perpetrator becomes the model whose actions and attitudes are mimetically appropriated and the victim becomes like the hated one. In addition, to become obsessed with a passion for violence is not a helpful, life-giving option for the thoughtful victim. Furthermore, there is the risk that violence overall will be increased over the long term, particularly if the perpetrators being punished become scapegoats for communal problems beyond the violence for which they are responsible (Girard 1989; Redekop 1993).

This retributive approach assumes that the violent action can be imputed to a well defined perpetrator (Ricoeur 2000). A well defined perpetrator must be one who is capable of deciding spontaneously to engage in violence. The perpetrator must be able to be held accountable for the violence. Perpetrators have their own histories and identity needs. They are located within communities and cultures. In some cases clear decisions are made to harm innocent victims. In many cases, perpetrators consider themselves to be victims and are acting out of their own desire for vengeance for perceived violence and injustice done to them in the past.

These difficulties with retributive justice call for rethinking of the very concept of justice. There are some options that have been developed: something short of strict justice—mercy, forgiveness, restorative justice, relational justice. Before examining these options, it is important to enunciate some principles that should be present within any justice-making processes. First, the needs of the victim should be addressed. Second, the victim should be an actor throughout, that is, the victim should have options and should be empowered to decide upon different courses of action. Third, no further harm should be done to the victim and the victim should be better off at the end of the process. Fourth, any accrued benefits—absolute or relative—coming from the violent action should be transferred from the perpetrator to the victim/survivor. Fifth, as much as possible, the perpetrator should be given an opportunity to play an active role in the justice

making process. Sixth, there should be an equitable balance established as a result of the process. Seventh, the process should play an exemplary and pedagogical role within society such that it has the effect of reducing the likelihood of similar types of violence in the future.

Croatian theologian Miroslav Volf, points out that a response short of strict justice is called for (Volf 1996). This means that at least there will not be an increase in violence within the response. Perpetrators are held accountable and may be punished but care is taken to limit the degree of punishment in order to decrease the possibility of violence being on the increase.

### *Restorative Justice*

If the essential set of justice values is positive and constructive, the emphasis is put on making things right, and the paradigm is known as restorative justice (Zehr 1990). That is, first and foremost, rather than cause additional suffering on the part of the perpetrator, balance is sought by attending to the well-being of the victim (Johnstone 2004). In this case, if the violence involves theft or injury to property, the property is restored to the victim.

Restorative justice puts the emphasis on a mediated negotiation by which the perpetrator agrees to do everything possible to make things right. This may include such things as apology, payment of reparations, and constructive symbolic actions. The emphasis is on restoring the relationship that existed before the initial violence, assuming that the relationship was positive.

Extending mercy means that the victim and/or the community recognize that full restitution is not possible and that strict retribution would not result in positive consequences and thereby what is expected from the perpetrator by way of restitution or suffering is reduced. Mercy functions then as a gift. To use the mercenary metaphor of accountability that is often used associated justice, it means that the debt accrued on the part of the perpetrator for having been violent is metaphorically stroked from the record books, or at least significantly reduced. The concept of grace which is etymologically linked with gift would suggest that metaphorically there is a justice fund set up whereby in a situation of mercy, the debt is paid from this fund with no strings attached. Mercy can be extended by any individual or body charged with bringing justice to a situation.

Forgiveness is much like mercy but with different connotations. In forgiveness the victim that does the forgiving becomes an actor who voluntarily gives up the right to seek redress or to seek a balancing violence in the form of punishment to be perpetrated against the perpetrator. Forgiveness can occur without any interaction with the perpetrator. There is a reflexive dimension in that the forgiveness is a gift the victim gives herself; that is, it releases the victim from the hold of negative memories. Many victims also need to forgive themselves for they blame themselves for decisions made before the violence in the language of "If only I had . . ." Forgiveness is a letting go of the need and right to make the perpetrator suffer on the part of the victim. Forgiveness may take place without mercy; that is, the victim/survivor may go through a psychological



process of forgiveness but the bodies responsible for justice may not necessarily grant mercy.

### ***Justice of Blessing (2)***

Restorative justice has tended to focus on a discursive process whereby a decision is made concerning the obligations of the perpetrator to the victim and the community in the wake of a crime committed. The discursive process may take the form of a victim-offender mediation session, a sentencing circle, a recommendation by a third party to a judge that an alternative sentence be given in line with the principles of restorative justice.

A justice of blessing resembles restorative justice in that the opportunity is made for a perpetrator to undertake actions that make things right. However, it builds on the concept by shifting the emphasis from a synchronic one-time decision to a diachronic a change of orientation whereby the perpetrator binds himself to a commitment to work towards re-empowering the victim over the long haul without knowing what this might entail. Being a perpetrator of genocide has both legal and human implications. The commitment to work toward blessing of the victim could be made public within a legal setting and the follow-up could involve institutions with a quasi-legal orientation. Besides the formal aspects, a justice of blessing includes indirect approaches to blessing such as blessing through shared economic development and informal approaches such as hospitality and acts of generosity and kindness.

### **Reconciliation**

Reconciliation can be understood as both a goal and a process. The first part of the goal is to get out of mimetic structures of violence. At this stage, people can co-exist without hurting one another and without fear of attack. The second part of the goal is to establish a mimetic structure of blessing.

Reconciliation as a *process* may be understood as a complex set of exchanges that include a number of elements (Figure 2). At times, the process is directed through a conscious well-defined effort to achieve reconciliation, in other instances, the process may take place at the tacit level with different actors intuitively taking a variety of initiatives. Invariably, the process will include some or all of the following elements (Redekop 2002) organized under the rubrics of *Pre-requisites; Meta-requisites; Discursive and Symbolic Processes; Key-Result areas of Healing, Structural Change and Renewed Relationships;* and *Justice of Blessing:*

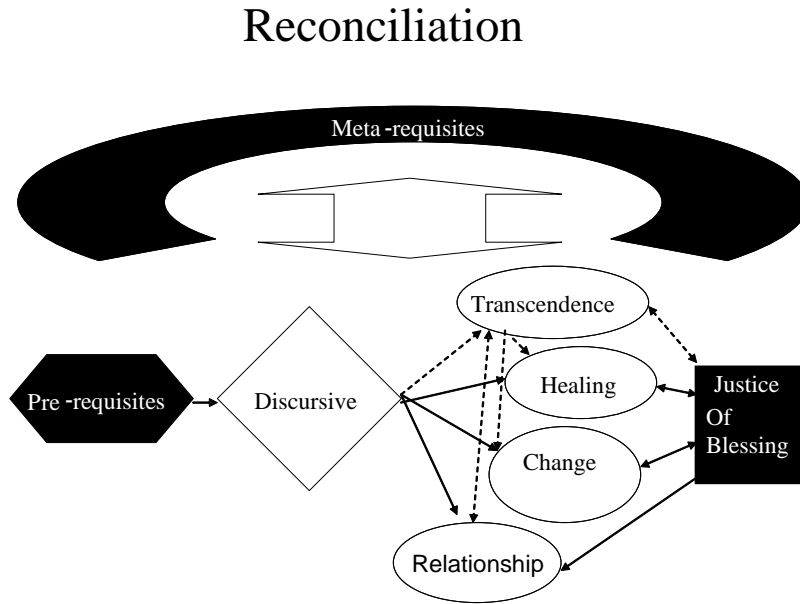


Figure 2. Process of reconciliation

*Pre-Requisites*

1. Vision and mandate: either one of the parties or a third party has a vision and desire for reconciliation and obtains a mandate to work to that end.
2. Safety: the safety of the parties needs to be assured. This means that overt violence must be halted. Sometimes a legal framework needs to be in place to assure the safety of potential victims. Safety also means that the parties do not intimidate each other.
3. Immediate survival needs: reconciliation processes can be demanding both cognitively and emotionally. Hence it is important that parties are assured of having their immediate physical and emotional needs sufficiently met to function through the process.

*Meta-Requisites*

1. Teachings: the process of reconciliation is directed by a framework, values, root metaphors and mental models that provide motivation and insight to keep the process going. Teachings may take the form of stories of previous reconciliation processes, traditional proverbs and customs, or analytical insights. Education for reconciliation includes the development of skills (Huyse 2003) and generation of new beliefs and attitudes about both the conflict and the other party (Bar-Siman-Tov 2004).

2. Gradual Reciprocated Initiatives in Tension-Reduction (GRIT) (Osgood 1966): one party may decide to make a low-risk gesture of goodwill; if the other party reciprocates with a similar gesture the first party may take another positive initiative (Osgood 1966). Gradually the tension dissipates and the parties are prepared to enter into another level of discourse to address the deep-rooted conflict.
3. Institution Building: in the face of large scale violent events, the various sub-processes need to take place within institutions that could include Truth and Reconciliation commissions. If there is to be a justice of blessing, this could demand an institution within which there is ongoing follow-up.

*Discursive and Symbolic Processes*

1. Dialogue: at some point parties will enter into a dialogue in which they are motivated to truly understand one another. Dialogue means that meaning flows freely between the parties (Bohm 1997). There is also open disclosure of the emotional dimensions of the conflict.
2. Truth-telling: in addition to the dialogue there may be a need to formally establish the truth of what occurred. Ideally this will lead to a shared acceptance of the same presentation of the history of the conflict. Analysts, historians<sup>3</sup> and lawyers may play a role in this and it may involve a formal process (Lederach 1997).
3. Expressions of acknowledgement of harm done, remorse, and apology: eventually those who have committed acts of violence will understand the impact of these acts on the other party. As they acknowledge a) what they have done, b) the hurt it has caused, c) feelings of remorse over having caused the harm, and d) a desire to not commit the same acts in the future, they will be able to offer an effective apology.
4. Expressions of victimization, openness to forgiveness: those victimized will express to the perpetrator and third parties what they have experienced. As they hear an acknowledgement of their hurt from the perpetrator along with apologies and expressions of remorse they may become open to forgive. Forgiveness means to give up an impulse or right to make the perpetrator suffer in response to the suffering caused by the perpetrator, implying moral judgment, the humanity of the perpetrator, and a desire for a renewed relationship (Bole, Drew Christiansen, & Hennemeyer 2004; Shriver 2001; Volf 2005).
5. Justice and mercy: justice involves making some judgment about what would restore a sense of balance to the relationship. Where violence has involved theft or destruction of possessions, these can be restored. When there is emotional pain, torture, or loss of life, it is impossible to return parties to their previous state. Some things may be done by way of compensation or compensatory actions to alleviate the loss. Some form of mercy or generosity of spirit may be combined with positive balancing measures to craft a profound forgiveness (Lederach 1999).

*Key Result Areas*

1. Re-orientation of relationship: this may demand inner changes of identity, attitude and orientation in relation to the other (Bar-Siman-Tov 2004). Both parties and the relationship itself will be transformed such that both parties will contribute to mutual empowerment.
2. Healing of traumas and memories: in order for the reconciliation process to be sustained and for both parties to flourish, it is important that as much as possible emotional traumas and memories be healed. Reconciliation rituals may play a role in this process (Schirch 2005) as can various forms of therapy (Herman 1997), cognitive reframing and spiritual disciplines and practices (Hermann 2004).
3. Transformation of structures: reconciliation is not complete if the structures left in place continue to victimize. For example, hegemonic structures, in which one party systematically dominates another party, involve economic, political, physical, and/or discursive dimensions (Redekop 2002). Action has to be taken in each of these areas to address systemic imbalances. New laws, customs, economic regulations and institutions may be needed to sustain the reconciliation process (Kriesberg 2004).
4. Transcendence: Transcendence implies that those disempowered by either trauma, shame or depression are brought to a new level of reality whereby they achieve a measure of wholeness that gives them a new sense of agency. Transcendence can be understood in terms of transformation, achieving a higher level of consciousness or the result of spiritual events, experiences and disciplines. As one victim/survivor put it, it is getting from the ditch onto the road again.

Reconciliation is not a linear process; rather it is cyclical and iterative. Not all of the elements above may be present each time and some may have to be addressed repeatedly.

*Justice of Blessing (3)*

The root concepts out of which “justice” emerged, also produced the concepts of righteous, virtue, and goodness. These suggest a paradigm of justice called relational justice in which the goal is first and foremost to produce good, mutually empowering relationships. Within this paradigm, justice as seeking a balance, becomes a part of a bigger process of reconciliation. As such there are specific justice-making aspects of the process in line with restorative justice and there are broader dimensions of justice-making as reversing hegemonic structures, laws and customs that may have contributed to victimization are adjusted for long-term achievement of justice within larger relational systems (Napoleon 2004; Redekop 2002).

The link between healing, justice and reconciliation is complex just as identity-based conflict is complex. For some victims, the need for meaning is achieved through justice-seeking processes. This in turn, may help to reduce the trauma. For some victims, the result of justice and reconciliation processes may

address their need for security and hence reduce the fear component of their trauma. If the very process empowers the victim to take action and to make choices, their sense of agency and self-esteem are enhanced. If the hurts of the victim are recognized by the community and acknowledged by the perpetrator, the feeling of being fundamentally violated may diminish. In like manner, the process may address the needs of the perpetrator who also is in need of healing (Staub & Pearlman 2001). If the victim is allowed to see the humanity of the perpetrator and if both parties can acknowledge a shared humanity, this too will help in spiritual and emotional healing. Given the complexity of the situation, it is impossible to predict in which of these areas healing is most needed and in which, given the imperfect realities, positive redress will be achieved.

A justice of blessing is meant to adjust the balance between victim and perpetrator, to make things right, over the long term. In its first phase, it establishes the loss and woundedness on the part of the victim and the motivation and role of the perpetrators. The key is to get the perpetrators to admit to their violent actions, acknowledge the loss and woundedness that resulted. Where people were killed, nothing can restore the situation but perpetrators can commit themselves to working for the long-term well-being of victims and groups of victims without knowing in advance what that might mean. There would be two temporal dimensions to the justice process. In the short term, stolen lands and property would be returned, to the degree possible. In the long term, there would be a commitment to periodic accountability sessions in which the healing and personal growth of the victims would be acknowledged and new needs derivative of the victimization would be identified. A plan of action would be undertaken to address these needs and at each subsequent accountability session, a report would be given on action taken. On-going remorse would be communicated along with thanks for every act of graciousness on the part of victims. This would be the formal part of the process. Informally perpetrators would find ways to go beyond what was required in terms of contributing to the well-being of victims and victims groups. Over time, a new constructive relationship would be formed.

*Assumptions of a Justice of Blessing* (see figure 3).

- What is destroyed can not be restored.
- The perpetrator is oriented toward enhancing the well-being of victims.
- Victims are oriented toward rebuilding their lives.
- It starts with returning property that has been stolen.
- There is a shared imagination and vision of long term best case scenario.
- Early on there are short term objectives defining actions, attitudes, and orientation that address healing, structural change and relationship renewal.
- There are accountability nodes through time.
- Each accountability node takes stock of what has been accomplished in terms of key result areas and establishes short term goals to set the trajectory until the next accountability node

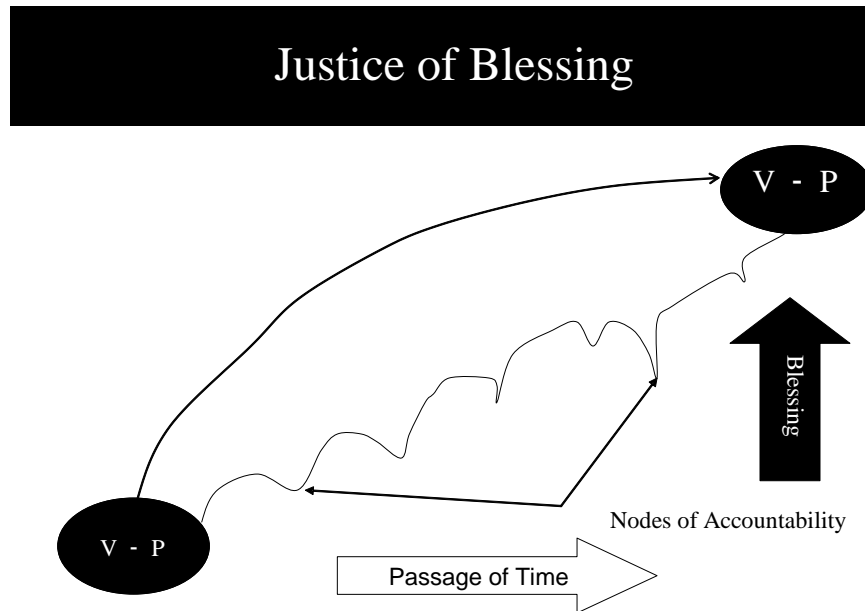


Figure 3. Justice of Blessing

At each of the nodes of accountability there is an integral assessment of loss and woundedness.

### An Integral Assessment of Victims' and Perpetrators' Needs

In the case of genocide, mass killing or other severe human atrocity, the damage done stretches human capacity for comprehension, understanding, and empathy. The needs of victims are enormous. Perpetrators are caught in a web of denial, shame, self-justification and psychological guilt. The concept of a justice of blessing is meant to address the following challenges:

1. The woundedness resulting from atrocities is both profound and complex with an inner and outer side at the individual and collective levels.
2. The negative effects of atrocities continue for a long time affecting several generations.
3. The failure of perpetrators to take responsibility is a function of a self-justifying meaning system rooted in a particular historical consciousness and a fear of the violent consequences should they own up to what they have done.

4. Victim/survivors feel further victimized by every act of denial on the part of perpetrators.

The theoretical and conceptual development will be along the following lines: first, the introduction of key concepts and pre-understandings, each with its own theoretical base; second the development of a framework that can help to analyse the experience of loss and woundedness on the part of victims; third, the presentation of a framework that can be used to examine the experience of perpetrators; fourth, in the light of the overwhelming challenges that become evident, to describe what is required theoretically (or strategically) of a justice of blessing and finally to make some observations of how a justice of blessing might be operationalized.

### ***Key-Concepts***

A *relational system* involves a Self and an Other who are brought into contact with one another in an on-going significant way. This may be because they live in the same place, they work together, or events have brought them together. A relational system may be characterized by mimetic structures that orient Self and Other either toward violence or blessing.

Mimetic structures, as was mentioned above, are patterns of thought and action that are oriented toward a particular way of being in the world in relation to others.

The violence within a particular relational system may be anywhere along an axis from symmetrical to asymmetrical. At the symmetrical end of the axis, both parties have been violent to each other. Each party has been victimized and each has done its share of violence. At the asymmetrical end, one party has been severely victimized and has done relatively little to harm the other side.

An *integral approach* to any phenomenon, as developed by Ken Wilber, acknowledges that interior and exterior aspects need to be considered as do individual and collective as the figure 4 shows. An integral framework includes stages, waves and lines of development in each of the four quadrants. It is beyond the bounds of this chapter to develop all aspects of an integral approach; suffice it to say that the dotted lines in each quadrant show that there is development from simple to more complex in each of these areas.

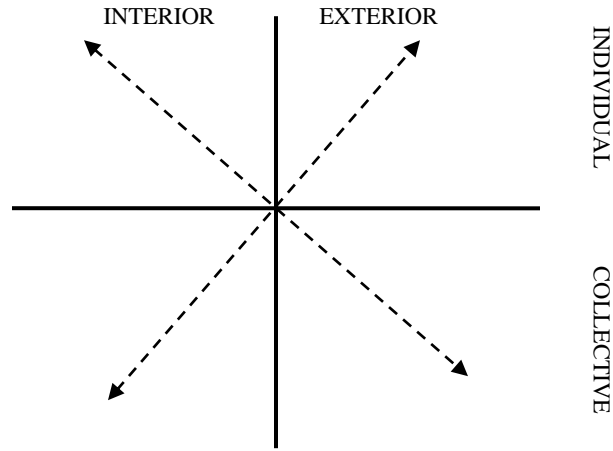


Figure 4. Integral approach

Human Identity Needs are theoretical constructs that help to understand what motivates people. Needs for meaning, connectedness, action, security and recognition are closely associated with emotions (see Figure 5). When they are threatened, they invoke anger, sadness, depression, fear and shame respectively. The need categories are universal but the satisfiers are a function of experience and culture. These need categories are evident in all quadrants. On the interior-individual side, people experience directly the emotions associated with a threat to identity need satisfiers. On the exterior-individual side, it can be observed that certain actions would constitute a threat to identity need satisfiers; the observable emotional reactions confirm that this is happening.



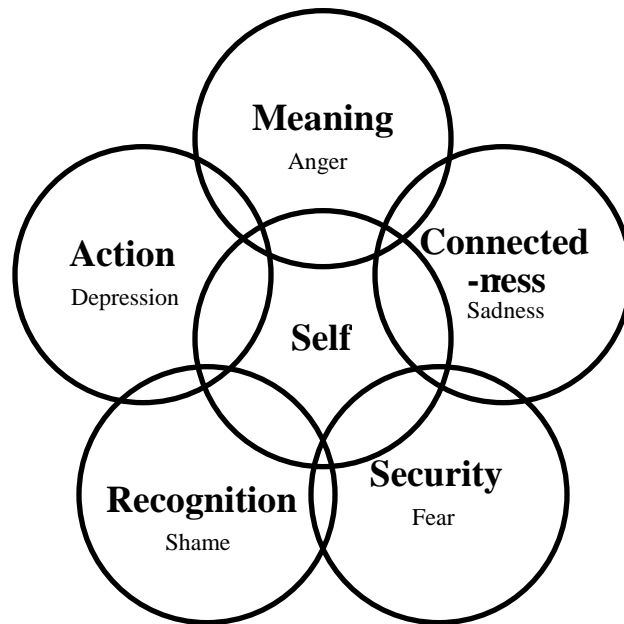


Figure 5. Human identity needs and emotions

*Victims' Integral Framework of Loss and Woundedness*

Taking an integral approach to victimization highlights the fact that there is an objective or exterior side of victimization and a subjective or interior side. The exterior can be described in terms of loss while the interior is constituted by various types of woundedness. Loss and woundedness can be experienced in any of the identity need areas. For example, the destruction of a central place of worship for a community can call into question a meaning system, diminish a sense of connectedness, reduce the potential for community action, induce fear and insecurity and take away a symbol of recognition. This type of analysis will not be followed for each of the kinds of loss and woundedness presented below.

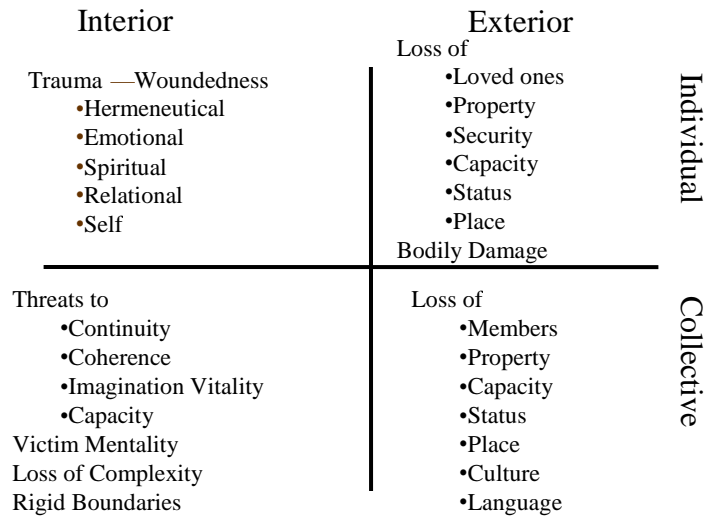


Figure 6. Integral approach to victims

The elements of each of the quadrants in figure 6 will be described.

**Exterior—Individual**

*Human Loss*—primary victims lose their lives; secondary victims lose people who are close to them. This has a profound impact on their need for connectedness.

*Material Loss*—victims often lose property which is either stolen or destroyed. This may include land, houses, artwork, religious artefacts, money, or other material or intellectual goods.

*Loss of Status*—one form of violence is to pass discriminatory laws; for example, the Nuremburg Laws passed in Germany by the National Socialists prohibited Jews from holding many positions.

*Loss of Security*—victims may feel very vulnerable to additional violence.

*Loss of Capacity*—violent acts may clearly incapacitate people so that they can no longer do what they did before. This is most clear when people have lost arms or legs but there are less visible forms of this phenomenon. Someone may have fears that stand in the way of doing certain things.

*Loss of Place*—many victims are uprooted and have to leave their homes or the territories where they used to live. Place implies space with symbolic, historic and emotional meaning attached to it (Brueggemann 2002).

*Bodily Damage*—victims may have damaged organs or lose arms or legs.

### **Interior—Individual**

*Hermeneutical Woundedness*—hermeneutics is concerned with interpretation and meaning-making. Victims of atrocities may find that their World of Meaning is shattered. They cannot make sense of anything. For some it means that basic values are dismissed. Another form of hermeneutical woundedness is that everything is interpreted in terms of their victimization. Also, the memory of violence is always present and colors everything. Victims may also lose capacity to generate meaning; the logotherapy of Holocaust survivor Victor Frankl addressed this phenomenon in particular. Victims are also left with the big question, “Why?” Victims have recounted that they talk about the genocide every day.

*Emotional Woundedness*—there may be emotional memories that overwhelm an individual such that the horror of the atrocity is re-enacted internally again and again and again.

*Spiritual Woundedness*—for some, it may mean that they no longer have faith in God. For others, it may mean that they cannot connect to transcendence in other ways. They cannot see the beauty in nature or people; they cannot take delight in things working out; they cannot discern any higher purpose in life.

*Relational Woundedness*—victims may lament the broken relationships; friends with whom one partied the night before, killed one’s family the next day. There may be disassociation, a withdrawal from people. Some lose a capacity to build trusting relations. For some, the projection of a bitter attitude repulses people.

*Woundedness of the Self*—the cumulation of this inner woundedness can result in the identity of the self being wounded. This is a profound sense of not being well. The extreme form would be the “Muselmänner” of the Nazi concentration camps—walking “dead” persons with no meaning or direction.

### **Exterior—Collective**

*Loss of loved ones*—within the group there is a sense that friends, relatives and members of the group are forever lost.

*Bodily and psychological harm*—there may be a high number of handicapped people that need special attention within the group.

*Property loss*—Community centres, churches, synagogues, mosques, temples, memorials, statues or any other properties with special meaning to groups may have been damaged or destroyed.

*Loss of Capacity*—with the killing, deportation or relocation of large numbers of a group, the capacity for collective action is diminished. Often leaders are the first to be killed or sent into exile. Significant skill sets may no longer be present within a community.

*Loss of Status*—groups may lose political, economic or social status; this brings about a threat to a need for recognition resulting in a feeling of shame.

*Loss of Place*—groups that have eradicated from an area through forced displacement or mass murder lose connection with places that have historical, symbolic or spiritual significance to them. Armenians for instance feel a powerful sense of

loss of connection to parts of Turkey where they were the first inhabitants and feel a connection to the land that goes back hundreds, if not thousands of years.

*Culture*—genocide may succeed in wiping out enough people, places and things that an entire culture may be lost. Krakow before the Shoah was one of the most significant centers of Jewish culture; at the end of the war it was wiped out as a Jewish centre. Whatever was distinctive about its expression of Judaism was lost.

*Language*—many languages have been forever lost as a result of atrocities and deliberate policies of cultural genocide.

### **Interior—Collective**

*Threat to continuity*—within communities that have been subject to atrocities there may be a fear that as a distinct community they will not survive. Not only have group members been killed but out of fear, members of the community may deny their group identity, choosing to assimilate within a population or identify with another group. Many European Jews, for instance, have converted to Christianity.

*Threat to coherence*—events may have been so traumatic that positive elements that provided a shared identity and meaning system may be undermined. There may be internal conflicts over interpretations of events and responses to them that disrupt the life of the community.

*Threat to imagination*—a vision for the future maybe limited as a group focuses on reliving and recounting its chosen traumas which take the role of defining mythologies.

*Threat to vitality*—there may be a lack of energy to do things.

*Threat to capacity*—a collective may have lost so much in terms of skills, property and resources that they may be limited in what they can do. Before the wars of the 1990s, for example, the former Yugoslavia had an indigenous oil industry; now all of the processing and retailing of oil products is by multinational corporations based outside the region.

*Victim of injustice*—a group may take on a victim mentality that becomes defining of identity.

*Loss of complexity*—Victim groups may resort to simple identity markers, losing tolerance for a rich and diverse fabric of identities (Sen 2006).

*Rigid boundaries*—with a loss of complexity comes rigid boundary markers with clear ways of indicating who is excluded. For example, Rwandan Hutus and Tutsis in Canada who have intermarried feel excluded from both groups.

### ***Perpetrators' Integral Framework of Justification, Denial, Gain, Shame and Guilt***

Ken Wilber's integral framework can also be used to map out the experience of perpetrators. In this case, it is important to look at three different aspects of perpetrators' experience: during conflict (see figure 7), after conflict (see figure 8), and the circumstance in which perpetrators accept the responsibility for their actions (see figure 9).

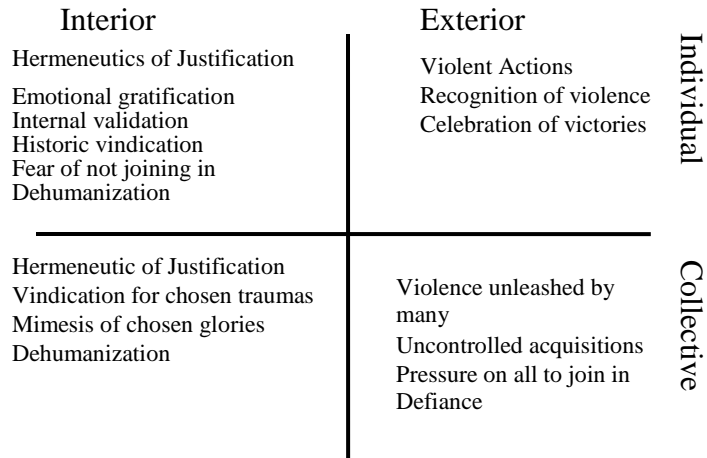


Figure 7. Integral approach to perpetrators during atrocity

**Exterior—Individual**

*Violent Actions*—during a genocide or mass murder individuals participate in violence. Some work at the level of organizing and inciting violence, some are at the front end of actually carrying out the murder, rape and torture and some expedite the violence by providing information about the location of victims, turning victims in, cheering on the violence, or simply refusing to do anything to stop the violence.

*Recognition for Violence*—violence against the victim is an obvious collective value so individuals who excel at this get praise from those around them. They might even be promoted or otherwise rewarded for their efforts.

*Celebration of Victories*—as a village is destroyed or a group of victims killed there may be a celebration at an individual as well as collective level.

**Interior—Individual**

*Hermeneutics of Justification*—within the perpetrator, actions against victims are interpreted as being justified. This could be on the basis of the victim having perpetrated evil in the past, a current perceived threat, or an understanding that the victim is less than human (metaphors are used in this regard: vermin, pestilence, cockroaches, lice, etc.)

*Emotional Gratification*—participation in violence can provide an emotional high: there is success at meeting goals for number of people killed; the excitement at the challenge of the hunt and eventual success; the release of energy through violent action.

*Internal validation*—the combination of justification and gratification along with recognition from peers provides a sense of validation for one's efforts.

*Historical Vindication*—where there is a mythology of past perceived injustice on the part of victims there is a sense that finally there is justice.

Fear of not joining in—not every perpetrator is enthusiastic about joining in; there may be moral inhibitions but the fear of reprisal if one does not join in starts the process. Once violence is initiated it is hard to stop since stopping indicates that previous actions were wrong so there is deep self-judgment if this happens.

*Dehumanization*—as violence continues, dehumanization of the victim becomes ever more complete.

#### **Exterior—Collective**

*Violence unleashed by many*—there can be massive involvement in atrocities at all levels.

*Uncontrolled acquisitions*—the perpetrator group takes goods from their victims. At an extreme, during the Shoah there was a warehouse at Auschwitz-Birchenu called Kanada that held material taken from incoming inmates; wares were distributed among Nazi officials and officers.

*Pressure on all to join in*—both to support and validate the effort there is collective pressure for all members of a perpetrator identity group to join in; those that resist often become victims themselves. This was the case with moderate Hutus in Rwanda during the genocide and with Serbs who did not join in ethnic cleansing in Bosnia-Herzegovina in the 1990s.

*Defiance*—perpetrators often express defiance toward any community that tries to stop them.

#### **Interior—Collective**

*Hermeneutics of Justification*—within the perpetrator community there is a discourse that justifies the atrocities.

*Vindication for chosen traumas*—along with the justification is a framing of the action such that it is interpreted as justice or vindication for past actions in which perpetrators were victims.

*Mimesis of chosen glories*—in the “victory” over victims there can be a reliving of past glorious memories when the perpetrator group vanquished its enemies.

*Dehumanization*—is on-going with the use of metaphors described above.

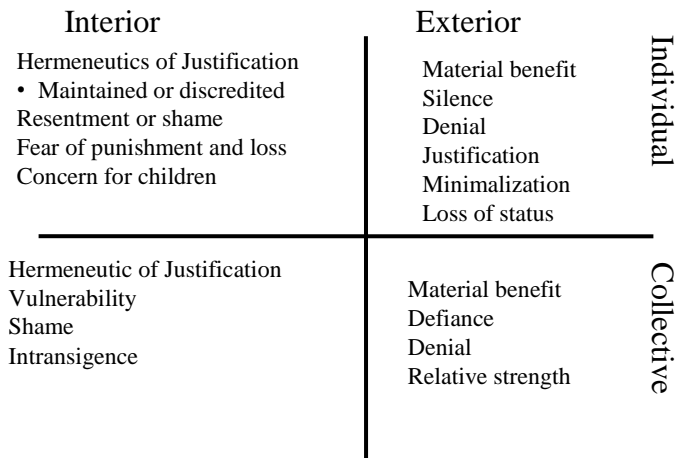


Figure 8. Integral approach to perpetrators after conflict

**Exterior—Individual**

*Material benefit*—after the period of genocide and mass murder, perpetrators may be left with land, money and other goods taken from victims.

*Silence*—many perpetrators remain silent about their actions.

*Denial*—some deny that atrocities took place.

*Justification*—statements are made by some that justify violent actions.

*Minimalization*—the involvement of individual perpetrators is often minimized.

*Loss of status*—individual perpetrators lose status if there is any body to hold them to account for genocide or crimes against humanity.

**Interior—Individual**

*Hermeneutics of Justification*—within the individual perpetrator is a hermeneutical framework carried over from the violent action that is used to interpret events in such a way as to justify the action. Either the genocidal action is maintained to have been necessary under the circumstances or the individual involvement is framed as “I had no choice . . .” or “I was simply following orders . . .” This framework of justification is either maintained persistently for a long period, perhaps till death, or it is discredited with the amassing of evidence. If it is discredited it may result in hermeneutical woundedness as perpetrators realized the wrongness of what they have done. This woundedness may simply be-

come chronic, resulting in despondency, negativity and negative coping mechanisms or it may lead to taking responsibility.

*Resentment or shame*—as violence gets exposed as genocidal there may be resentment at being judged or a profound feeling of shame.

*Fear of punishment and loss*—if there are accountability institutions (tribunals, indictments, sentences) there may be a fear of being charged, apprehended and punished.

*Concern for children*—if the truth were to come out, there would be a fear of losing face in front of one's children.

#### **Exterior—Collective**

*Material benefit*—perpetrator groups can continue to benefit from what they have acquired and if they are not subject to punishing measures, they have the benefit of relative strength in relation to the victim group

*Defiance*—collectives and their leaders may be defiant toward any community trying to judge them for their actions.

*Denial*—frequently atrocities are denied or minimized.

#### **Interior—Collective**

*Hermeneutic of Justification*—groups may continue to justify their actions and deny atrocities.

*Vulnerability*—along with the justification may be a vulnerability if the global community is holding them accountable.

*Shame*—as they become associated with a crime against humanity and get negative recognition there are feelings of shame.

*Intransigence*—the combination of all of the above may lead to a resolve to resist taking any responsibility for deadly actions.



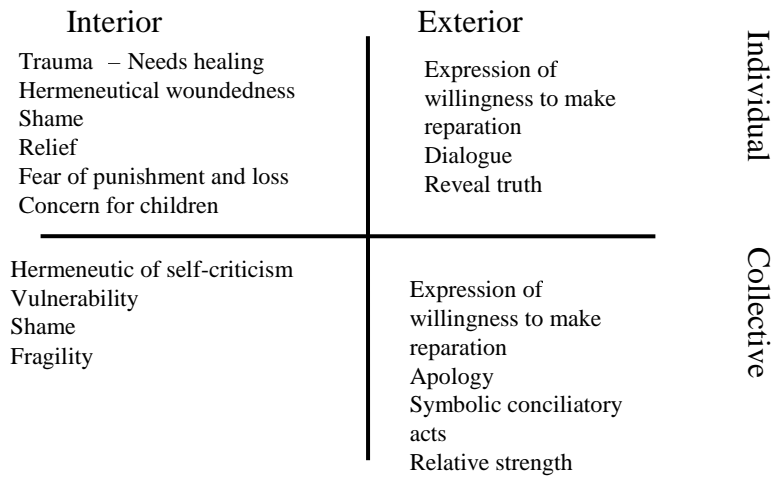


Figure 9. Integral approach to perpetrators who accept responsibility for their actions

**Exterior—Individual**

*Expression of willingness to make reparation*

*Dialogue*—the individual enters into interactive processes where there is a mutual exchange of personal meaning.

*Reveal truth*—the individual reveals what happened and provides vital information to families

**Interior—Individual**

*Trauma*—there are deep emotional wounds and perhaps PTSD.

*Hermeneutical woundedness*—the meaning-making capacity has been turned upside down; what was once viewed as justified has now been re-framed as an atrocity or crime against humanity.

*Shame*—there is interior negative recognition with a resultant sense of loss of worth.

*Relief*—it is no longer necessary to cover up the truth or to fear that it might be revealed.

*Fear of punishment and loss*

*Concern for children*—what will happen to the family name? Will the children disown the parent? Who will provide if a parent goes to prison? How will the parent be remembered?

**Exterior—Collective**

*Expression of willingness to make reparation*

*Apology*

*Symbolic conciliatory acts*

*Relative strength*—if many of the “Other” group have been killed; they cannot be brought back and there will still be relatively greater numbers of the perpetrator group.

**Interior—Collective**

*Hermeneutic of self-criticism*—the perpetrator group may come down hard on itself.

*Vulnerability*—if the truth is out and power dynamics have shifted, there may be reprisals.

*Shame*

*Fragility*

***Justice of Blessing (4)***

What may have to happen, is that a mechanism like a truth commission may be the starting point. People could be given the option of moving into a justice of blessing process at any time. This would demand that both victims and perpetrators would be open to a joint, long term process. There may be a need for a sequential or concurrent series of justice processes that would include criminal tribunals and short-term restorative justice programs. Educational programs about the atrocity and its impact could be a significant part of the justice of blessing overall program.

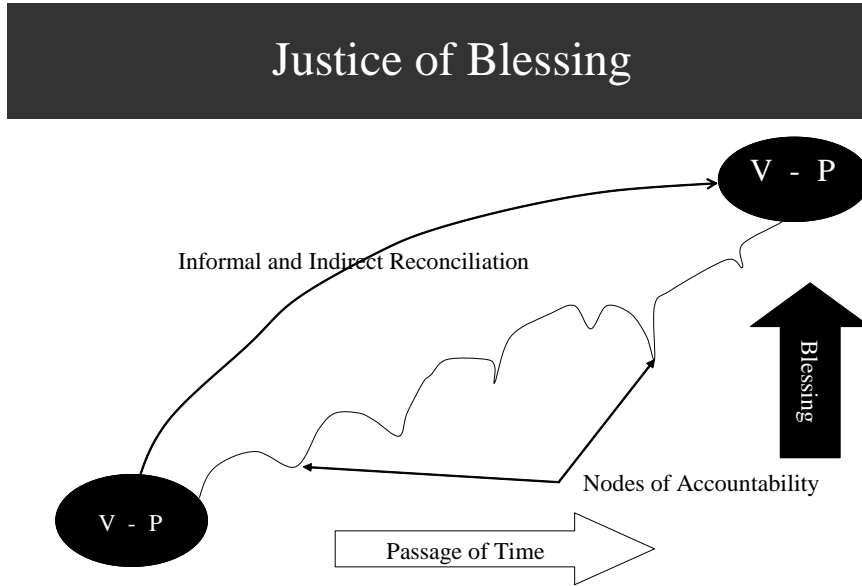


Figure 10. Justice of Blessing

In this diagram (figure 10) it is indicated that through time there is a transformation from a mimetic structure of violence to mimetic structures of violence. The nodes of accountability are times to take stock of the situation in terms of the key result areas along with the changes in the integral frameworks of the perpetrators and victims. This means that on the exterior side, there are actions that can be verified such as restitution of property. It is important that participants in the accountability sessions also reflect on their own interiority. That is, they take stock of their sense of woundedness, emotional states, and how they interpret the situation. Stories may need to be repeated and reframed; expressions of remorse would likewise have to be repeated. Transformational processes would continue to occur.

The distance in time between accountability sessions could vary from 3 months to one year. Over time it might make sense to have such sessions every three to five years.

It should be noted that there is room for parallel reconciliation processes—indirect and informal. Indirect processes are comprised by joint actions toward supra ordinate goals or constructive development projects. Examples would be reconciliation through economic development and reconciliation through joint celebration of the restoration of cultural buildings and monuments. Informal reconciliation happens through positive interactions between people from different groups in the course of their everyday lives.

## Justice-Making Processes in Rwanda

The justice-making challenges facing Rwanda in the wake of the 1994 genocide were overwhelming. The genocide had been organized by the Government; thousands of machetes had been procured in advance and were distributed; the *interahamwe* militia was organized to systematically track down and kill all Tutsis; *Radio et Télévision Libres des Mille Collines* (RTL) was used to motivate people throughout the country to participate in the genocide; about 750,000 people played a direct role in the killings and many others a supporting role; the genocide was ended by the Tutsi-dominated *Rwandese Patriotic Front* (RPF) which defeated the Government and formed a new Government. Many of the *genocidaires* went to camps in the Democratic Republic of Congo; and 120,000 people were put into prison.

Identity cards specifying Hutu, Tutsi or Twa were done away with and discursive distinctions are officially not allowed; however, everybody still thinks in these categories and the question in everyone's mind is always "Where were you during the genocide and what did you do?" The judicial system was decimated by the genocide since not only Tutsis but moderate Hutus had been killed as well.

To deal with this situation, the United Nations established an international tribunal based in Arusha, Tanzania to try those responsible for orchestrating the genocide.

The judicial system started to try some of the perpetrators but the rate was so slow that it would have taken a century to try all those in prison. To speed up the process and involve the community, the traditional *Gacaca* process was modified for the purpose of trying and sentencing large numbers of alleged perpetrators. I will describe both the Arusha Tribunal and *Gacaca* process in greater detail, before showing how a justice of blessing might be applied to the situation.

## The International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) was established by the Security Council of the United Nations in 1994 and will complete its work by 2010 (Jallow 2006; *The Tribunal at a Glance*). From 1995 to 1999 there were six judgements including Prime Minister Jean Kambanda, who pleaded guilty. It was the "first time that a head of government was convicted for the crime of genocide (*The Tribunal at a Glance*). From 1999 to 2003 there were nine judgements with 14 accused; three of the accused were from the media, the first time since the Nuremberg trials. The court "noted that it was 'critical to distinguish between the discussion of ethnic consciousness and the promotion of ethnic hatred'." (*The Tribunal at a Glance*). In its third mandate there were judgements. Currently 28 people are being tried in 11 trials. Ministers, military leaders, Bourgmestres and other leaders have all been brought before the tribunal.

Witnesses are brought to Arusha for the trial. They are offered protection and separate housing along with childcare and specialized medical care. Witness Support Assistants are available on a 24 hour basis.

Judges and prosecutors come from many countries. Up to nine judges may be active at any one time. A Judicial Records and Archives Unit keeps track of records, which are digitized.

Sentences are long prison terms which are served in different African countries.

The ICTR works against a culture of impunity for leaders in genocide. Most victims feel however that the ICTR has not been efficient enough, some say it even corrupt, given the limited number of leaders who have been sentenced over a twelve year period, in comparison with the millions of dollars spent over the same period. They also denounce what they consider as injustice in terms of treatment, those leaders detained in Arusha being well treated in comparison with the miserable life the survivors are subjected to. Many women who were contaminated with HIV-AIDS (often deliberately) during the genocide have no access to treatment while the perpetrators in Arusha are provided with anti-AIDS drugs.

## **The Gacaca Process**

The *Gacaca* process in the post-genocide era is derived from a traditional process meaning literally justice on the grass. Legislation in 2001 provided a framework within which the country was divided into regions, sectors and cells. Within each cell a *Gacaca* court is established with 9 judges, known by their traditional name of *Inyangamugayo*, who are people with integrity who make decisions together on different cases. In each cell there are also 7 deputy judges. Decisions can be appealed from a cell to a sector level to the regular court system.

Within the post-genocide justice framework, there are 3 levels of genocidal crime (originally there were four). The first level involves those responsible for planning and inciting genocidal murder and committing rape. These need to be tried in the regular system. Levels 2 and 3 are brought before the *Gacaca* courts. These include perpetrators of murder or assaults causing death and other crimes like assault and property crimes (Majtenyi 2005). The *Gacaca* process starts with the classification of the crimes of the individual. In a significant number of cases there is a guilty plea. The *Gacaca* court is convened outside with the nine *Inyangamugayo* judges sitting at a table or on a bench facing the community. The accused might sit on either side—visible to the judges and the community. The whole community is summoned; it is anticipated that the assembly will be comprised of 200 people from the cell. “Each inhabitant is a lawyer, a prosecutor and a witness at the same time.” (*Gacaca Jurisdictions: Achievements, Problems and Future prospects*). If there are not sufficient people available cells are combined.

The charges are brought against the offender and anyone from the community can speak to the issue of guilt or innocence. At the end the panel of judges

determines guilt and recommends a penalty. The prison terms range from one to thirty years.

Many perpetrators being tried in *Gacaca* hearings spent time in prison. Significant numbers were released when they pleaded guilty to crimes. To get a feel for the situation, I examined the list of 3,714 names of accused in the Southern city of Butare. Most of them were released because of a guilty plea; the others were either minors or senior citizens.

Of the perpetrator group, some have been living freely in the community. Those who are released from prison are sent to an *Ingando*, meaning a camp of solidarity, for several months of training and preparation for integration into the community. However, while these releases are crucial in a reconciliation perspective, they undoubtedly brought back a sense of despair for the survivors whose loved ones perished at the hands of those very people who came to share their daily lives as neighbors.

From the perspective of the Government of Rwanda, *Gacaca* is a cornerstone for reconciliation because

- It removes suspicion, the guilty party is denounced.
- It helps to eradicate the culture of impunity.
- It enables people to live in peace and harmony once again.
- It enhances collaboration between the inhabitants in disclosing the truth on the genocide events. (*Gacaca Jurisdictions: Achievements, Problems and Future prospects*)

It is meant to remove suspicion, dispel rumours, and provide penalties “intended to integrate the guilty person into society and to enable him to collaborate with others in the reconstruction of the country (TIG) . . . [It] helps the victims of genocide to know where the bodies of their relatives were thrown so they can bury them in dignity.” (*Gacaca Jurisdictions: Achievements, Problems and Future prospects*)

There are 12,103 *Gacaca* courts, over 9,000 at the cell level. With deputies, there are 169,442 judges. 26 per cent of these are women. (*Gacaca Jurisdictions: Achievements, Problems and Future prospects*)

Since it was initiated, there have been a number of problems with the *Gacaca* process. Witnesses have been intimidated and killed (Karasira; Majtenyi 2005). Recent reports from Rwanda indicate that this is a current troubling trend. As of July 2006, only 6,267 out of 63,000 cases have been tried (Twahirwa July 31, 2006). There have been complaints that even though guilty parties who have plead guilty have been released from prison, those some who are innocent are being held (they are tempted to plead guilty to minor crimes they did not commit just to get out) (*Report IV: "The guilty plea procedure, cornerstone of Rwanda's justice system"*, 2003). Culturally, for a perpetrator to declare his crimes in front of victim is an act of defiance rather than an expression of remorse as would seem appropriate. Many of the guilty are denying their involvement and some who do plead guilty and confess are harassed by fellow prisoners. When the numbers of victims identified by perpetrators are added up, they do not come anywhere near the actual number of those killed. In some areas, there are no survivors to provide evidence against the perpetrators. In a number of instances,

judges were disguised perpetrators, and were later removed. Support for survivors falls far short of what is needed (*Survivors Fund*, 2006). Also, how records of *Gacaca* courts are kept is another important issue. It is essential that these be properly kept for future documentation and research purposes. While the Government vision for *Gacaca* is grand, the results fall far short of expectations. In spite of these problems, the fact remains that it is a very innovative approach to dealing with an overwhelming problem. It takes a traditional process deeply rooted in Rwandan culture and adapts it to deal with a new reality. It has taken time to establish the infrastructure and work out the difficulties. Lists of accused are now posted on the internet. There is an attempt to coordinate sessions so they do not conflict with other events that demand the presence of community members.

### The Potential for a Justice of Blessing in Rwanda

That there is a need for a justice of blessing in Rwanda is quite evident. Up to 750,000 people may have played a fairly direct role in the genocide (*Gacaca 2004: More Suspects, More Challenges?*), (Twahirwa July 31, 2006) and over 100,000 are playing role as judges. The current Tutsi population is probably around a million people<sup>4</sup>. It is divided into the following groups (figure 11).

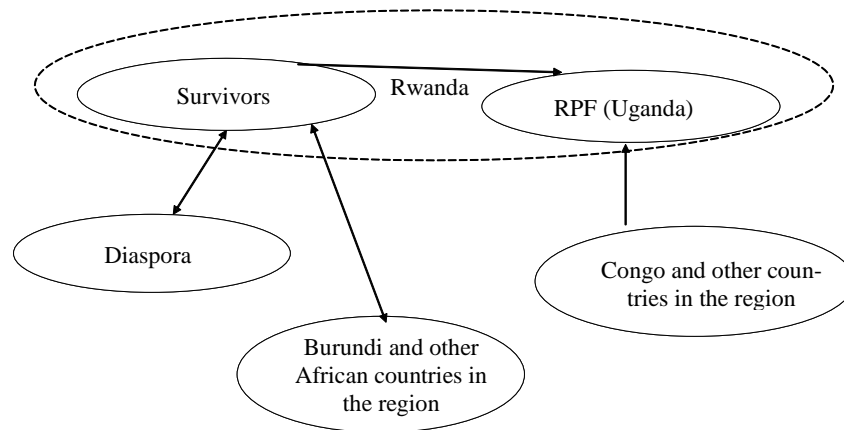


Figure. 11. Batutsi inside and outside Rwanda

It is important that all Batutsi (this is the plural form of Tutsi in Kinyarwanda) have occasion to participate in justice of blessing processes. Many are in tremendous need, especially the thousands of households headed by children (*Gacaca 2004: More Suspects, More Challenges?* 2004).

The Arusha Tribunal has played the following important roles: key leaders have been held accountable in that their role in the genocide has been clearly

established; the fact of the genocide is clearly documented, and witnesses have been protected. In a country where impunity was the norm for decades, these trials by an international penal court goes a long way in signalling a real change in the mindset. The more of the truth of the genocide that is made publicly available, the easier will be the healing process. Research is needed on the archival material and books written and documentaries made with the results. Beyond that, it is important that those leaders who are now serving long prison terms in various countries be invited to be part of a justice of blessing process. They could, initially through their writings, express remorse and offer words of comfort and support to the survivor communities. A justice of blessing means that perpetrators will use their skills and energy to empower the victims and the victim communities. It cannot be said *a priori* what specifically this might entail, but those that planned the genocide are bright and well organized people. If they put their minds to working towards healing, relationships, structural change and transcendence, they could undoubtedly come up with helpful actions. In addition to what they might do for victim groups in Rwanda, they would have a contribution to make to the global community. If they were to reflect on the patterns of thought that motivated them to participate in genocide and what might have changed the situation, they could develop ideas useful for genocide prevention in other places.

Within the *Gacaca* processes could be commitments to reassemble regularly over the coming years to assess their progress as communities working toward reconciliation. This would mean empowering survivors and reintegrating perpetrators. In doing so, and in acknowledging and documenting their progress they could demonstrate to one another and to the world that they are capable of rebuilding humanity in the wake of overwhelming and unspeakable human tragedy. As constructive values of truth, generosity, honesty, critical thinking, interconnectedness and hard work coalesce, a vibrant sense of peoplehood and economic life could emerge. Rwanda could become a mimetic model for countries around the world that have experienced atrocities.

A sub-process could involve perpetrator accountability sessions in which a group of perpetrators who accept responsibility for their actions would hold individuals accountable who might be reluctant to own up to what they had done. Within these sessions it would not be a matter of accusations coming in the form of “you” statements but rather “we” statements—“We have done this and you are one of us . . .” This idea is an adaptation of a Canadian Aboriginal approach to child sexual abuse in which an alleged abuser is teamed up with someone who will accompany him along the path of taking responsibility. This person is a former abuser. There is also a meeting with other abusers so that the person does not feel alone in the process of taking responsibility.

Within a justice of blessing framework, each perpetrator could be encouraged to “adopt” one survivor and work towards that person’s well-being.

There are now a number of cases of victims showing forgiveness to those who killed their families and of establishing a relationship with these people. Recently one such case was featured in a documentary aired on the ABC network in the United States. Other victims have truly transcended the rut of nega-



tivity and trauma that is a frequent consequence of this order of violence. The phenomena of forgiveness and transcendence suggest that first, it might be a good idea for those who have had these experiences to come together to share experiences, and second, these experiences should be used sensitively as potential mimetic model for others. I say “sensitively” since victims should not be pressured into forgiveness or reconciliation; they should not be made to feel guilty if they cannot forgive.

In order that justice of blessing be comprehensive, the truth of the Hutu massacres of Tutsis must be accompanied by the truth of reprisals—these did not involve the same numbers at the time of the genocide but for the Hutu victims, the pain too was profound. Post-genocidal revenge killing needs to be taken into account as well. Rwanda needs to move quickly to develop political parties that cross the dividing lines of Hutu and Tutsi, that unite peoples around shared constellations of values.

At another level of relational systems, a justice of blessing could address the roles of colonial and post-colonial powers in historical events leading up to the genocide and failure to intervene to stop it when it started. At this level there has been a reluctance on the part of leaders to take responsibility for what happened and to passionately embrace a responsibility to play a long-term role in re-empowering all the peoples of Rwanda.

Likewise, considering the role of churches in the genocide (Ndahiro 2004; Redekop & Gasana 2007 (forthcoming)), a justice of blessing would suggest that they play a role in modelling and supporting the taking of responsibility for past actions. To that end, they could start by re-examining the Christian biblical text with a hermeneutics of blessing so as to re-create teachings of blessing that could inform reconciliation processes throughout the country (Redekop 2007 forthcoming).

## Notes

1. In a strict sense, victims of genocide and other atrocities have been killed. However, their friends and relatives who survive are also victimized. Likewise those who are raped, tortured, hunted down, captured and confined are also victimized as are their children who often suffer secondary effects. When the term “victim” is used it refers to all who are members of a group that has been singled out for violence; in most cases reference is made to people who are still alive for whom issues of justice are a pressing need.

2. Ibid., 255-283.

3. For an example see *The Scholars' Initiative: Confronting the Yugoslav Controversies* organized by Purdue historian Charles Ingrao. It is a project within which over 200 historians from different sides of the conflict as well as neutral institutions work together to prepare consensus documents. One of these is “Ethnic Cleansing and War Crimes, 1991-1995” (Calic 2006) to which 24 scholars contributed.

4. Currently people are not officially identified as Hutu or Tutsi. At the end of the genocide there were roughly 250,000 Tutsis left and since then an estimated 800,000 have returned.

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