Post-War Guatemala Justice, Forgiveness, and Reconciliation

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The intent of this essay is to explore the relationships between justice, forgiveness, and reconciliation in post-war Guatemala, contrasting the Guatemalan experience with South Africa's as seen in its truth and reconciliation process. Because a similar process in Guatelmala was initiated by the Guatemalan Catholic Church rather than civil society, a theological perspective enters the discussion in Guatelmala. And if there is any healing in Guatemala, it is due to the efforts of the Catholic Church in that land of much suffering. [11]

To explore justice, forgiveness and reconciliation requires proceeding cautiously. Outsiders who explore evil can only stand in silence, listening to victims speak. Their experiences are what count most. But one must use the word "victim" with an awareness that these people are not passive. Indeed, they struggled valiantly and have courageously rebuilt their lives from ashes. We should be in solidarity with them but not pity them. [2] A chastening remark from Antjie Krog in her amazing book on the Truth and Reconciliation Commission (TRC) in South Africa, Country of My Skull, notes how foreigners came to South Africa, observed the TRC's hearings for a few days, and then went home to critically analyze the process. While the structures and methods of truth commissions do require evaluation, deeper wisdom comes through the experience of a society's past and present. Because the work of reconciliation will continue for many years, evaluation may be premature. Nonetheless,

what can be gleaned about truth commissions can be instructive for other societies' searches for truth, justice, forgiveness, and reconciliation.

From 1954 when the United States sabotaged the government of Jacobo Arbenz, which was initiating the country's first "democratic spring," until 1996, military juntas ruled, unleashing the army against insurgents and civilians alike. By the time the Peace Accord between the Army-backed Guatemalan government and rebel forces was signed in 1996, some 200,000 people, mostly Mayas caught in the crossfire, had been murdered. In the aftermath, the Guatemalan Catholic Church took steps to heal the traumatized victims of this genocidal period in Guatemala's history, victims who continued to live in poverty and powerlessness, their indigenous cultures all but destroyed.

Manuel's Story

I have come to know several people in the Department of K'iche' located in the central highlands. I begin by offering the story of one of the survivors, whom I shall call Manuel, whose suffering was shared by thousands of other. At age 13 Manuel began working in a Catholic parish in K'iche' staffed by Sacred Heart fathers from Spain. He remembers fondly the projects the parish sponsored to improve the living situations of the people—a livestock project, raising honeybees, and planting apple trees. But all that changed in 1980. Guerrilla forces, routed from Guatemala City by the Army, fled to the highlands. A Mayan area known as the "Ixil Triangle," bounded by the towns of Nebaj, Cotzal, and Chajul in the central highlands, became the epicenter of the Army's strategy to wipe out the guerrillas as well as those accused of supporting them—mostly church catechists, health promoters, and community leaders—and eventually the entire Mayan population.

Manuel can never forget April 12, 1980, the day that soldiers arrived in his village and began the killing. He was not at home that day, but they killed his wife, two-year-old son, grandparents and uncles. Manuel hastily buried his family and fled into the mountains. That spring the Army killed thousands of Ixil Mayas and burned most of the villages in the parish. They occupied the town, turning the church into a barracks, the convent into a command post and torture center. A detention center for women and children was set up in front of the church and a so-called "model village" was set up outside the town to reprogram surviving Mayas. Manuel hid in the highest and most densely forested mountains near the Mexican border for 14 years. The network of such communities became known as

"Communities in Popular Resistance" (CRPs). While in the mountains he married and began a second family.

At the time Manuel's family was murdered, the bishop of K'iche', Juan José Gerardi was the target of two assassination attempts and in 1980 suspended operations in the diocese, which did not resume until 1983, urging all priests and religious to leave in hopes of abating the Army's fierce attack on church workers. But Manuel's pastor stayed. In December of 1980 the priest witnessed the massacre of a dozen unarmed Mayan women in front of the church. Six months later he was assassinated—as were two other Spanish priests in nearby parishes. A particularly disturbing, but not surprising, photo shows a U.S. soldier standing at the entrance of the church after it was turned into a military barracks.

Catholic Initiatives

The first initiative of the Catholic Church after the violence subsided was to accompany survivors like Manuel living in the high mountains of Central Guatemala and in Mexican camps back to their ancestral areas. [3] Most returnees found nothing remaining of their villages; new occupants claimed ownership of their cornfields. A few former communities have banned together to recover their land, a long process with limited success.

The second initiative of the Guatemalan Catholic Church was the creation of a truth commission in 1995. For three years several hundred pastoral workers took testimonies from survivors. In 1998 the Church published a four-volume report: Recovery of Historical Memory Project (REHMI). [4] The project contained the names of thousands of victims but did not identify any of the perpetrators. Over 52,000 violations of human rights and humanitarian law are recorded. The report attributed 89.65 percent of the violations to the Army, police, and paramilitary units. Four percent of violations were attributed to guerilla forces. [5] Bishop Juan Gerardi made public the report in 1998, saying that its purpose was "to look at the roots of injustice and the absence of values." The Bishop was murdered two days later. The following year the United Nations released its truth commission's report, Memories of Silence (CEH), concurring with REMHI conclusions. [6] Together these reports offered a litany of widespread sadistic forms of torture and killing of men, women, and children, and the terrorizing of survivors that has produced years of paralyzing fear. Both documents detail the worst era of genocide in modern Guatemalan and Central American

history.

In his introduction to the report, Gerardi described his hopes for the outcome of the monumental testimony from victims and survivors of his country's thirty-six-year civil war:

We are called to reconciliation. ... [Christ's] mission is one of reconciliation. ... His presence calls us to be agents of reconciliation in this broken society and to try to place the victims and perpetrators within the framework of justice. ... Conversion is necessary and it is up to us to open spaces to bring about that conversion. [7]

Gerardi concluded with Yahweh's question to Cain: "What have you done? Your brother's blood is crying to me from the ground" (Gen. 4:1). The Abels are clear to see in recent Guatemalan history, but who were the "Cains"? In the discussion of reconciliation in Section Three, I will discuss the need to focus on the victimizers as well as the victims as a vital piece of the reconciliation process. I will argue that it is a vital part of the churches' ministry to welcome those who have been excluded from the Christian community (or who stay away because of their sense of guilt and fear). Working for the inclusion of victimizers is critical to healing Guatemalan society. Churches cannot neglect the healing of victimizers as well as victims.

The Catholic Church's third initiative was to exhume the remains of victims in some four hundred clandestine grave sites throughout the highlands. These initial efforts were joined by the Foundation for Forensic Anthropology of Guatemala. The exhumations have had several purposes:

- To reunite victims with their families and give them dignified burials. According to Mayan culture, without a proper burial the spirits of the dead are disquiet and disturb the lives of their families. Indeed, the victims cry out. Manuel remembers often dreaming of his wife, whom he could never hear as she tried to speak to him. Manuel said: "I felt guilty, and once again I felt hate for what happened to my family. …

 Then I began to see the exhumations as a reunion with my family. I am not going to spend any more time thinking about what already happened. I can exhume them, take them into my home, hold a wake for them, take them to the cemetery and bury them myself."
- To tell the truth about what happened. Clyde Snow, a forensic anthropologist who has

worked on several exhumation sites in Guatemala said, "The bones don't lie." Bones broken, tied, riddled with bullet holes tell the truth about what happened. These mute stories do not allow forgetting; they prevent the oblivion preferred by the authors and perpetrators of la violencia. "Katarina," who worked on an exhumation team, stressed that the exhumation of the bones of women, children, and the elderly refuted the army's claim it had killed only guerillas. [9] Jonathan Moëller, a forensic photographer and photo journalist who was present at several exhumations sites, described the process as "listening to the voices of those we have summoned to fight oblivion." Victims are remembered and honored. REMHI called on the government to honor the victims through local memorials. But the number and quality of memorials is disappointing. For example, the memorial in the municipal square of Nebaj, an area with the highest levels of massacres in the country, is minimal and in disrepair—hardly a memorial at all.

• To positively identify remains as evidence for possible criminal prosecutions.

A fourth initiative has been the provision of mental health programs to address survivors' depression, somatic illnesses, sense of self-loss, and guilt for having been unable to save the lives of loved ones. The depth of suffering was expressed by a woman who said, "I am no longer a person."

Survivors report feeling susto (soul loss), exhaustion, and numbness. One survivor said that "when the violence happened, these customs [especially male traditional dress, a means of community identity] left—everything. And there had been Mayan ceremonies as well as Catholic customs here. But when the violence happened, everything was changed. ... the destiny of the population was changed by the violence."

In addition to pastors and catechists, elders and diviners and community organizers were targeted. In the wake of the war, communities now had to deal with increased levels of alcoholism and violence, both domestic and communal. The service of traditional healers (curanderos) was also gone. Manuel observes that there is a higher incidence of suicide among the adolescent children of victims. Unlike their parents who know the source of their suffering, the next generation does not know the source of their depression and anxiety and despair.

While limited in scope, several mental health programs have been initiated. One is sponsored by Universidad Rafael Landover's Institute of Psychology in Guatemala City. In 2007, the Nebaj Psychosocial Intervention Project began sending psychologists to a number

of communities. Their community psychology approach attempts to intervene in a social and communal context to address the debilitating effects of war and continued marginalization of the Mayas. [13] A second program is that of the Universidad Del Valle de Guatemala. It has studied the widespread symptoms of post-traumatic stress and trains local mental health promoters to address the traumas created by the war, especially symptoms such as a lack of social capacity, community fragmentation, fear and distrust, political despair and powerlessness, social inhibition, familial and social violence, and the movement toward fundamentalist forms of Christianity "that facilitates the illusion of security." [14]

Justice

I will mainly address the issues of criminal justice and restorative justice in Guatemala, but because of the great disparities of wealth and power, it is necessary to address social justice as well. As in Guatemala the exclusion of the poor and of minorities from political participation, the woeful lack of educational opportunity and health care, and market mechanisms that contribute to worsening poverty are at the root of the great conflicts in Central America. The issue of social justice is an aspect of restorative justice that follows. It is also part of the transformation of social arrangement necessary for reconciliation that is the topic of Section Three.

Criminal Justice

Many Guatemalans desire the prosecution of the authors of genocide, especially of General Efrain Rios Mont who directed the massacres during his eighteen month presidency (1982-1983). Rios Mont now heads the right wing Guatemalan Republican Front, was president of Congress from 1999-2004, and unsuccessfully ran for president in 2003. Human rights activists working for organizations such as the Association for Justice and Reconciliation, the Center for Legal Action, CONVIGUA (a widows advocacy group), and GAM (a survivors' advocacy group) have pursued, without success, the prosecution of Rios Mont, other generals, and the perpetrators of other high level murders (e.g., that of anthropologist Myrna Mack in 1990 and Bishop Gerardi in 1998). These efforts have resulted in the prosecution of only a handful of low level perpetrators rather than generals or ex-presidents for war crimes. Human rights activists, investigators, prosecutors, and judges have been murdered, or have gone into exile. Manuel is doubtful that criminal justice can occur after

thirty years with almost no criminal prosecutions. He leaves justice to God.

Archbishop Tutu wrote that the challenge in post-apartheid South Africa was "to balance the requirement of justice, accountability, stability, peace, and reconciliation." [16] In the end the TRC's offer of amnesty attracted only lower-level members of the army, intelligence services, death squads, and guerilla opponents of Apartheid. There were no takers among high-level government and military officials. Most of those who did come forward did not express remorse or seek forgiveness. Nonetheless, the Truth and Reconciliation Commission helped victims to move on and forgo vengeance. Tutu also argued that restorative justice by means of civil claims against individual perpetrators could not begin to meet the reparations victims deserved. Besides, the commission offered amnesty to perpetrators in exchange for their testimonies. Tutu envisioned another kind of restorative justice, "the greater moral justice of enduring societal harmony," which is "characteristic of traditional African jurisprudence." [17] The harmony to which he referred is the traditional concept of ubuntu—"persons are persons through other persons; I am because we are."

Tutu explained the rationale for offering amnesty and defended the decision against the objections of critics who argued that criminal justice was bypassed for the sake of social harmony. He offered several reasons for the amnesty provisions. First, without constitutional provisions for amnesty, the South African Defense Forces would not have negotiated a settlement and the country would have remained very divided and vulnerable to continued retaliation and revenge. Second, it would be very difficult to collect evidence to determine guilt "beyond a reasonable doubt." Related to that was the enormous burden and expense that would have been placed on the judicial system. Third, in criminal proceedings "the wronged party is really the state" rather than the victim. [18] Instead, the amnesty provision offered survivors answers to their questions of what happened to loved ones and brought some closure to victims' families. But many in South Africa recognize that reconciliation remains elusive.

The SA TRC and REMHI, as well as the United Nation's CEH, are far different in scope and outcome. (See a comparison in Table 1.) The amnesty offered in post-Apartheid South Africa contrasts sharply with amnesty in Guatemala. In Guatemala amnesty was part of a cover-up that began in 1982 when Rios Montt proclaimed amnesty for all those who had committed politically motivated crimes since 1960. Such amnesty gave the military free reign to commit new crimes. Between 1982 and 1988 a dozen amnesty laws were passed.

As part of the Peace Accords, the Guatemalan Congress enacted a "National Reconciliation" Law" (1996) that again provided amnesty. Rights organizations have challenged the constitutionality of the law, which many believe will make it almost impossible to prosecute individuals for crimes against humanity. [19] Impunity is a great political and societal problem in Guatemala. In 1996 the Guatemalan Archbishopric Office of Human Rights (ODHAG) and the Rigoberta Menchu Foundation launched an "Alliance Against Impunity" that proposed the demobilization and reinsertion of guerrillas but opposed sanctioning a general military amnesty. In 2008 the United Nations appointed the Comisión Internacional contra la Impunidad en Guatemala (CICIG) to address impunity in Guatemala by working with public prosecutors, local police, and other government offices to investigate crimes committed by members of illegal security groups and clandestine security structures. The commission has proposed legal reforms to improve the judicial system. Spaniard Carlos Castresana—who helped bring Augusto Pinochet to justice—headed CICIG head, but resigned in 2010 when a man closely identified with a history of ties to organized crime was appointed Guatemala's Attorney General. Local justice groups managed to eventually get the appointment annulled.

Table 1

South African TRC	REMHI and CEH
The Commission was established by the Constitution. It received 20,000 statements from victims (2,000 of these in public hearings), and 8,000 applications by perpetrators for amnesty, requiring them to make full disclosure of their crimes.	The Commission was established by the Catholic Church in Guatemala and the United Nations. REMHI dispatched 700 church workers to take testimony. Very few perpetrators came forward. Over fifty thousand victims were named. The CEH, with a staff of only forty concurred with REMHI's findings.
The Commission had quasi- legal authority (e.g. the power to subpoena witnesses).	The Commissions had no legal authority.
The hearings of the Commission were broadcast and reported in 11 languages. Perpetrators who came before the Commission were identified and the	The work of the Commissions was private. In its written report it assigned blame to political regimes, the army, insurgents, and patrollers

decisions regarding their amnesty requests made public.

but did not identify individual perpetrators.

Three actions regarding criminal prosecution in Guatemala would go a long way in bringing justice to victims and stability to the peace process in the country.

- The "foot soldiers" who committed capital crimes should not be prosecuted. The
 prosecution of the foot soldiers seldom heals victims and may polarize society further.
 There are too many questions surrounding what happened and the degree of their
 guilt.
- 2. Several high ranking politicians and military officers who are accused of crimes against humanity still hold power and some are now linked to drug trafficking. Victims fear that the genocide could begin again. The past was still present. Without prosecuting the authors of the massacres, victims still have no sense of security, fearing new massacres. When perpetrators continue to wield vast power and victims almost none, the latter must recover political and social power through justice and structural reform. Particular punitive measures could be taken against those who ruled the country and directed the army during the commission of the crimes against humanity. Such measures could prohibit leaders from holding political office or military rank in the future and ban them from membership in political parties. They ought to also be banned from meeting with more than two people at a time outside their families, from publishing and public speaking, from leaving the country or transferring money out of the country. If they are implicated in committing new crimes or inciting others to do so, they would be subject to criminal prosecution. This is not a form of amnesty.
- 3. All crime, including criminal drug and gang activity, should be prosecuted. In general, these respects the criminal justice system needs to be strengthened. Lawlessness has undermined confidence of citizens in policing and the criminal justice system. Historically in Guatemala, at the municipal level, authorities turn their backs on crimes, often intimidated by a criminal element. The consequence of this impunity is the rise in criminal activity that now pervades Guatemala; an estimated 98 percent of all crimes result in no criminal prosecution.

Concern about criminal justice should extend to a reform of the correctional system in which convicted criminals are to "pay their debt to society." Inmates in Guatemalan prisons, including social and political elites and those who have committed crimes that other inmates find heinous, are likely to be murdered by other inmates. If they do survive they can expect to be victims of ongoing assault. These are the facts of life in Guatemalan prisons, jungles that are truly shocking. I leave it to others to consider how prison conditions are themselves a form of vengeance.

Restorative Justice

For Guatemala's deep divisions to be overcome, the nation, not just the church, will have to examine the responsibility of past governments for the genocide. [21] Redress is necessary in the form of:

- A public memorialization of victims; [22]
- Reparations for survivors. [23] The matter of reparations became a matter of great
 conflict when Rios Montt decided to pay reparations to Patrullas de Autodefensa Civil
 (civil patrollers), a paramilitary force created by the Army that forced 1.5 million
 Mayan men and boys aged fourteen and up, into military service ostensibly to defend
 their villages against insurgents; [24]
- Reintegration into civil society of the Maya forcibly conscripted into the army.
- Reform of the Army and the National Police. [25] Manuel claims that the only
 economic development project the Guatemalan government is interested in is
 increasing the prosperity of the rich and the further marginalizing the Mayan people.
 There are also issues of low levels of taxation of the wealthy and massive tax evasion.

Regarding the reincorporation of soldiers and civil patrollers into the community, the K'iche' Mayan teaching on restorative justice is pertinent. In that tradition restorative justice eclipses criminal justice and contains the element of mercy. Here is how the Mayan "Code of Conduct" (Pixab) published by Mayan spiritual guides describes restorative justice:

It is here [after the commission of a serious crime] that restoration of lost harmony becomes important. If in place of forgiveness and restitution a guilty person was put in prison, he would not be able to be transformed as a person, nor able to restore the damage done, nor much less be able to fulfill responsibilities toward his own family. A prison term would increase the disequilibrium. Obviously in this case forgiveness does not consist in merely being absolved and renouncing injustice, but, much better, consists in an agreement and understanding between the victim and the transgressor. This is done because the first to forgive are the cosmos, nature, and divinity, and therefore human beings should forgive. Since he is forgiven by the deity, this permits [his return to and] restoration of the community. At the beginning and conclusion of resolving a problem, the guilty party asks forgiveness from both the offended party and the divine authorities so that in the future the gods won't inflict illness, since although human justice absolves guilt, it is not sufficient for avoiding future problems. What is most important for ensuring the health and future of the community is the harmony initiated by the deity. [26]

What Tutu invokes as ubuntu in South Africa, Mayas see as the restoration of individuals to the community, without which they have no identity. We now turn to the role of forgiveness and reconciliation in reestablishing community.

Forgiveness

A possible starting point for considering forgiveness in post-war Guatemala is to identify those who bear responsibility for mass murder and to what degree. Five groups of those who committed the crimes can be identified. Most distant are the generals who wielded political power. Second are the army officers who directed the brutal assaults. Third are the army recruits who committed the crimes. [27] Fourth are rebel forces, who according to the CEH are responsible for 3 percent of the killings. Finally are civil patrollers, who along with the army recruits are the most difficult to determine. Mayas who resisted recruitment to civil patrols were threatened with death. Their training consisted of brutal methods of indoctrination that conditioned them to kill. Michelle Tooley writes: "Family members often tell stories of sons and brothers who return to their villages as changed persons after service in the army. Family members describe the changes they saw as 'turning my child into an animal' through the 'brainwashing' they were subjected to." [28] Civil patrollers, 1.5 million Mayan men and boys aged fourteen and up, were forced on pain of death to patrol their villages; they were the perpetrators sometimes known by survivors. One woman said, "The

ones who harmed us are still alive. They are living in the village of Salinas Magdalena." [29] However, many remain anonymous. If the possibility of forgiveness requires knowledge of who was responsible for harm done, then forgiveness is often problematic. As one widow said, "I don't even know whom to forgive."

There are at least four responses to the question of whether forgiveness is possible. The first is the outright refusal to forgive and instead to desire retaliation. One woman said "Even now I feel [the crime] more here, by thinking about all of these things. ... And sometimes resentment wells up for me and I think about whom to retaliate against." [30] Another survivor bitterly accused perpetrators of having "no shame for the killing they had done." But she was powerless to retaliate for fear of the consequences. Other survivors said that they resorted to diviners to bring harm to perpetrators. Some women reported making demeaning jokes privately against a local boss who directed horrific crimes and still retained control of villages. While some victims have called for the prosecution of perpetrators, very few acts of vigilante retaliation have been recorded. [31] A pastoral worker related the testimony of "Mario," who overcame his desire for revenge:

I grew up without my father. He was killed during the violence. The man I saw as responsible for his killing lives in our village. I grew up hating him. It was worse when he was made Minister of Communion of our village. When I was a teenager I told a man from the nearby town about my father's killer and my hate. He said it was very easy to have him killed. All I had to do was provide the money and he would see that this man got killed. I agonized for two weeks. I had to decide whether or not to avenge my father's death. Then I made up my mind. I am not an assassin. I cannot take someone else's life. I forgave my father's killer's life and he wasn't even aware of it. Today I have my own business and I even lent money to this man's sons when they had economic need. What I mean to say here is that if I forgave my father's killer, whom I know, why should I participate in the death by lynching of an accused man, whom I don't even know? I do not participate in lynching. [32]

A second group expressed willingness to extend only "toleration" to the guilty. An Achí Maya insisted that "Perdón [forgiveness] is not in our linguistica. This idea of forgiveness comes from the NGOs. The guilty say: 'We did these bad things under someone else's

orders, forgive me.' But this perdón has no meaning for me because there is no perdón in Achí." [33] Instead he spoke of a perpetrator asking only to "tolerate me a little," the most that could be expected.

A third group was willing to extend conditional forgiveness if offenders acknowledged their guilt and made reparation. K'iche' Mayan spiritual guides described the restoration of harmony after an offense against the community:

In life and especially in the resolution of conflict, a principle of forgiveness is observed among the Elders. It consists in granting forgiveness to someone who has committed some crime, but only when he shows a change of attitude or behavior and agrees to make restitution for the damage done by the violation of a norm. [34]

A fourth group expressed a Christian view of forgiveness. Manuel asked God to give him the ability to forgive those who killed his family. He said that he would leave judgment to God. For Manuel forgiveness does not hinge on bringing whoever killed his family to justice. Forgiveness may not be any easier, even when justice is served. Manuel also expresses compassion for those he sees as unwilling accomplices of the army's brutality. He offers an instance in which an acquaintance was faced with a choice: either kill his own uncle or be killed. Manuel does not consider the acquaintance guilty, although the local Pentecostal preacher judged that the man could not be saved.

As a theological event, forgiveness of others happens when the aggrieved accept that God forgives human offenses. In Embodied Forgiveness: A Theological Analysis, L. Gregory Jones reminds us that for Christians the offer of forgiveness must be extended whether or not offenders express remorse, repent, or ask forgiveness for their crimes. Jones notes that the Christian understanding of forgiveness is distorted "by making repentance a prerequisite for forgiveness." [36] While forgiveness does not depend on repentance, there remains a role for repentance: "emphasizing the centrality of repentance is a way to guarantee that people take questions of culpability and accountability seriously and they not lose sight of the particular sins that they have committed not only against God but against one another. [37]

Manuel relates this story:

I know of a man who was in a position to give orders to have people eliminated

in his village. He targeted those who had gone to the army to give names of people supposedly involved with the guerrillas. It was his way of preventing more deaths from happening. He himself lost two children in an army attack to his community. He now lives in constant pain of what he did to others. He has gone to confession with a priest and then he decided to tell all to his wife and sons and daughters. It was horrible for him to admit this to his family. They have all together prayed one novena to each of the souls of those he had killed. He has become very active with community projects, in an effort to now work for life and not for death. In this way he has worked for the introduction of water into people's houses. One of his main activities is to work in reforestation. Even with all this he does not feel he has done enough. He is now contemplating going to his victims' families and asking forgiveness [even though] some of the people have said he might get lynched and that it is better not to do it—an occurrence very real in K'iche' that has increased with time.

A REMHI testimony-taker recorded a perpetrator's need to repent: "Maybe God will forgive me. ... That is why I have come to tell it. ... It feels good to tell it; it's like a confession." [38] A pastoral worker relates another story of forgiveness and repentance:

"Isabel," the widow of a man killed in the violence, got really angry whenever she saw "Felipe," the man she saw as responsible for the death of her husband, present in the same leadership program where she participated. One day she got so angry that she screamed her accusations and wanted to hit him publicly. The parish team suggested that they have a process of reconciliation. This included a reconciliation team working with both parties separately and then having a meeting all together. In the first meeting Isabel told Felipe everything that the family had to endure once her husband died: the many years of hunger and suffering with her children; She had had to build her adobe house with her bare hands and her children did not go to school because of her poverty, which is why they did not have decent jobs now that they were adults. She reminded Felipe it was he who gave her husband's name to the army, and if he had given no names, her husband would be alive today and not Felipe. She called him Judas among other names. Felipe got on his knees and responded that he had given the names under torture from the army and that he had lost an eye and

that he had lost his village because he had moved to another village. The men present cried with Felipe as he said this. The women present were on Isabel's side. The priest was crying because he himself had lost two of his brothers because of the confessions of Felipe to the army. It took some other meetings, but finally the blame was put were it belonged. The real guilt was the army's because they had put such pressure on Felipe and on the village and had done the torturing and the killing. Nevertheless Felipe wanted to make material reparation to Isabel. He gave her a used pedal sewing machine of his, so that her son could make a living by selling typical jackets in the market for tourists. He also gave her a eucalyptus tree to plant in her land. Suddenly, they both felt free and an amazing thing happened: They both started to make their leadership training come true. They both launched compost latrine projects in their villages, and then both started forestry programs and later both started organic farming with groups from their villages. Their groups got together occasionally to share their project experiences and it was a happy occasion when this happened.

The question of forgiveness, it seems to me, is a personal and interior matter. It is something only the violated can do and it is an agonizing process. I see two necessary conditions that make it possible for victims to forgive. First, victims must recover a sense of personal agency and power. While living in a state of numbness, diminished personhood, and susto ("soul loss"), they remain stuck. Second, victims need a sense of safety that comes from the confidence that the violence will not recur. Mental health programs that begin to address these issues have already been mentioned.

Manuel, one such victim, observes a difference between those who can forgive and those who cannot. Those who had received some psychological help—he among them—were better able to forgive. Without psychological help it was much more difficult for others. Manuel believes that without psychological help "we carry open wounds making true forgiveness very difficult." Without help, people "only try to forget," but resentment always is present. The resentment is "hate and powerlessness in the face of the aggressor." When there is some healing, "it is possible to truly forgive, even if the aggressor is not repentant." Carmen, a pastoral worker, notes that forgiveness can have a profound effect:

Forgiveness is as important to the emotional freedom of the guilty as of the

victim, and it is amazing in the amount of life-giving power it has. Victims, such as the widows, who were powerless when victimized, now have the power in their hands. They have the power of liberating themselves and the guilty, and of giving everyone the chance of living a new life.

What might be called deep forgiveness is a state in which the victim—as in Manuel's case
—has come to a place of compassion for the offender and desires his well-being too. [40] But what is the role of the church, which in this case is the broker of the truth and reconciliation process? Should pastors, who may or may not be victims themselves, simply call for forgiveness? Can they speak for those whose depression may make them psychically unable to forgive? Even to say that we are all in need of God's forgiveness requires great pastoral sensitivity. Victims know too much about the darkness of human beings and have had to wrestle with the question of where God was in all of this suffering. What the church should be doing is preaching that through Christ there is the promise of new life—resurrection—now. This is the good news to both victims and perpetrators.

Reconciliation

Miroslav Volf is a Croation who witnessed the breakup of Yugoslavia (1992), the horrific "ethnic cleansing" by Serbs, and reprisals by Croats and Muslims that followed. In Exclusion and Embrace Volf explores the process of reconciliation. [41] He describes reconciliation as a process that transforms both the identities of individuals and social arrangements. Ultimately, he argues, the possibility of reconciliation requires embracing the "other" while honoring his or her difference.

In Guatemala the intent of the 1996 the Peace Accord was to transform social arrangements. It called for, among other things, the recognition of the rights of indigenous peoples, the rights of women, the provision of land for the poor, and the reform of the military and national police. The struggle to create more just social arrangements continues as activists work for criminal and for restorative justice and, the protection of human rights, and for social justice.

Volf focuses especially on the necessity of transformation of individuals' self-identities flowing from Christian faith if there are to be transformed social arrangements. Julio Cabrera Ovalle, the Bishop of K'iche', published a group of essays in honor the memory of

slain Bishop Gerardi by pastoral theologians who have worked in K'iche' since the time of the violence. [42] A common theme in the essays is that reconciliation is a process of knitting a bond between people who are deeply alienated. For, as Gerardi wrote in the REMHI report, reconciliation requires a deepening conversion. Referenced in almost all of the essays is the parable of the prodigal son.

Volf describes four steps by which those who are alienated can embrace one another. First, they must open their arms to reach for the other, recognizing that something is missing in their own self-identities, that they are not self-sufficient, but living in "the pain of [the] other's absence." [43] The extending of our arms, Volf writes, "is a sign that I have created space in myself for the other to come in." Second, the desire of embrace requires hesitation. Instead of forcing or manipulating an embrace, they must wait with hope of the other's reciprocity. Third, when there is reciprocity we are able to close our arms, not in submission to the others or demanding that they give up who they are, but in acceptance. Fourth, reopening of the arms is a sign that others remain free to be who they are.

Embracing the other begins with the self-recognition of one's own guilt. It is natural to focus on one's own innocence. The spotlight of most truth commissions is often on the victims. It is they who speak. The perpetrators—with rare exception—remain in the shadows and silent. From witnessing the atrocities in the Balkans, Volf can say that there is neither "absolute innocence" nor "absolute guilt. Sin is present on all sides, the evil inflicted on victims often resulting in reactive victimization, if not against the perpetrators, against others. Evil's consequence is a loss of innocence for many victims. Volf does not say the universal presence of sin lessens guilt for profound injustices. But he affirms that Christ's cross is the revelation of divine solidarity with victims and atonement for perpetrators.

The evil Volf is describing is reflected in the many fault lines in present day Guatemala. Fernando Suazo, a psychologist and pastoral theologian identifies the violence that plagues Guatemala: men violating women, adults violating children, religious groups deeply hostile toward each another, and the poor fighting each other. Suazo recognizes the absence of embrace in post-war Guatemala. He recalls the words of a Maya who said "We have forgiven the ones who killed our children but we will not speak to them. We cross to the other side of the street to avoid them." Equally blocking the possibility of embrace is that victimizers seldom approach their victims. It is personal and social distance and that

prevents personal encounter and reconciliation and the restoration of community. There is not yet an embrace.

John Paul Lederach, a Mennonite who has engaged in the work of reconciliation and peace building from Nicaragua to Northern Ireland, calls reconciliation a locus and a focus, an intersection where truths of past injustices meet future prospects of mercy and compassion. Lederach describes reconciliation as promoting "an encounter between the open expression of the painful past, on the one hand, and the search for the articulation of long-term, interdependent future, on the other." [46] This intersection, a "time and space," gives alienated people the opportunity to share the mutual pain they have suffered and begin to envision a future built on compassion for one another. Lederach has worked with communities torn apart by conflict in order to find that space. He describes the experience of a religious-based conciliation team in Nicaragua, mediating between the Sandinista government and an indigenous resistance movement. The negotiation sessions in various places would begin with a reading of Psalm 85, which includes this vision: "Truth and mercy have met; peace and justice have kissed" (v. 10). Participants were invited to discuss each concept "as if it were a person, describing the images it brought to mind, and what each would have to say about conflict." [47] The ensuing discussions were rich and the groups concluded that the place where this could happen is reconciliation.

The churches in Guatemala have places where Volf's embrace and Lederach's space for justice and mercy to meet have happened. Gerardi said at the unveiling of REMHI: "We are called to reconciliation. ... [Christ's] presence calls us to reconciliation. ... Conversion is necessary, and it is up to us to open spaces to bring about that conversion." [48] Mario Molina, presently the Bishop of K'iche' writes:

We are bearers of ... direction and of hope, of forgiveness and of grace, of truth and freedom. As witnesses of Christ we are sowers of seeds of fraternity without exclusion, of dignity without prejudice. [49]

Molina challenges the Church: "In what measure have we as a church contributed to curbing the violence? [50] ... Are we contributing to the reconstruction of a new nation or are we remaining on the margin of the effort?" [51]

Caritas is the social pastoral arm of the Catholic Church in K'iche'. Through its programs it

individual self-identities. In its efforts to rebalance the power structure, Caritas teaches skills of advocacy and negotiation in order to empower those excluded from the political process. Caritas recently assisted Mayas in peacefully resisting impunity. A local policeman kidnapped two women and raped and murdered one of them. Members of the community protested en masse, confronted the police, and negotiated with local authorities to prosecute and punish the perpetrator. Their approach was to single out the offender while assuring the police that they considered the crime to be an exception to local police conduct. The prosecution of the policeman was almost unheard of. He was found guilty and sentenced to fifty years in prison. He escaped from prison last year but was recaptured a few months later and continues his life in jail. Caritas teaches conflict resolution skills to community leaders who in turn teach them to their communities. It teaches methods of cooperation to more effectively address economic, social, educational, and health needs of the community. These are ways to overcome isolation, anomie, the lack of the social capacity, fragmentation of communities, and the sense of powerlessness. Caritas's hands-on exercises are intended for illiterate populations and can easily be replicated by those trained by Caritas in their communities.

works for reconciliation through both the transformation of social arrangements and

Martin Luther King, Jr., observed that racism is doubly corrupting: it robs victims of selfesteem as they internalize a sense of inferiority, and it gives racists a false sense of superiority. Both the sense of inferiority and superiority need to be overcome. In order to open one's arms to initiate embrace, there is a need for individuals to recover a sense of self agency. The pastoral worker whom I have quoted above describes where the process begins:

Some reconciliation workers have recognized the need to take the following steps: recognize myself as a victim of injustice and verbalizing my truth and my suffering and going through a period of finger pointing those responsible. Then I should move on and realize I am really a survivor, and look into the forces that made me survive, and draw power from then and start to make new actions that prove to myself that I am alive today and that today I can make proposals to make changes in my family's life and society's life so that history will not repeat itself. Finally, I can call myself a healed person when I recognize that my political and personal actions no longer come from my wounds but from my wellspring of life or spirit. [52]

Two Gospel images offer a vision of reconciliation in Guatemala. The first is the image of the Kingdom of God proclaimed by Jesus. For Christians, the divine Kingdom of love and justice is the standard to which social arrangements aspire. Jesus' proclamation of good news to the poor, release of captives, and the creation of just social arrangements means that "the Kingdom is come." A second image is Jesus' parable of the prodigal son. Once alone and guilt-ridden, the wayward son is now embraced by his father. Alienation is overcome.

Guatemala Christian communities are entrusted with the great challenge of overcoming alienation between victims and victimizers. As Volf points out, just as in Christ's cross, divine solidarity "suffers with victims, protects them, and gives them rights of which they have been deprived. ... So should we." The largely undone task is to welcome back into the community those who are excluded because of their crimes and their self-guilt. For by God's self-giving, "the godless are not abandoned to their evil" but are received "into divine communion through atonement." We must do the same, "whoever our enemies and whoever we may be." These are the tasks of inclusion, embrace, and reconciliation.

Conclusion

In his play, Purgatorio, Ariel Dorfman asks "can there be forgiveness and reconciliation if we have committed monstrous deeds?" [54] In the play a woman and man, once wife and husband, have inflicted horrible injuries on each other and appear to feel no remorse. Dorfman explores whether and how the cycle of revenge can be broken, whether "there can be some sort of reparation, some trace of redemption." Are repentance and reconciliation possible? As the play unfolds the mutual victims/victimizers confront each other. They finally confess in agonizing fashion the painful truths of murder and betrayal. The identity of the two finally surfaces: he is Cortez, the despoiling conquistador who abandoned La Malinche, his indigenous translator and lover—along with their sons—for a light-skinned woman. She killed their two sons. Dorfman's ultimate question is whether evil can be overcome by love which is "urgent in this world of ours contaminated by violence and fear and betrayal?" [55] In the final lines of the play, the man acknowledges that if they are to free themselves from their pain they must somehow forgive each other. It may take a very long time, he says, but "I have nowhere else to go."

This paper has explored the possibility of societal healing in Guatemala through justice,

forgiveness, and reconciliation. We talk about these things but may not agree on what they are and how they relate to one another. Criminal justice remains a distant goal in Guatemala. I have suggested three kinds of criminal justice. Ultimately justice reforms the systems that have wreaked havoc on the lives of so many. Bishop Tutu's vision of a "greater moral justice" to be achieved with the help of the TRC is an important insight in the quest for criminal justice. Restorative justice in some forms is possible in Guatemala and is an important component of healing.

Forgiveness takes different forms and can only be nurtured with great sensitivity. It requires resuscitation of persons whose very selves have been severely diminished. People do not forgive systems, they reform them. They may, however, forgive people who were agents of the system. Who is to say that in the end forgiveness cannot happen, that the desire to retaliate or to "tolerate a little" cannot give way to crossing the street and even sharing a banquet. It will require speaking the truth, so that victims can heal and their suffering not be forgotten. Mysteriously, compassion can flow in both directions. Offenders may look into the eyes of victims and see broken hearts. Victims may look into the eyes of offenders and see a false worldview that has robbed them of their humanity.

Reconciliation is a long term goal that begins to happen when the beneficiaries of the system acknowledge their complicity and affirm the human dignity of the victims. Reconciliation is the work of many people who have committed themselves to change evil systems. It is a societal undertaking. Reconciliation begins when light has been shed on the truth—and that is the work of truth commissions. It requires that truth be spoken for all to hear. The TRC allowed the truth to be spoken so that its distortions by the authors and agents of Apartheid could not stand. But unlike the commission in South Africa, the truths of Guatemala's REMHI and CEH, truths of thousands of individuals, remain largely buried in voluminous reports and have not been seen or heard in the mass media.

Manuel offers an intriguing observation about a broader form of reconciliation. He describes the years of war and destruction as a disturbance of the cosmic order, because politicians and armies tried to usurp the power of God. Manuel believes that cosmic order is now being restored, and those who had upset it are losing their power: "The war was a time when humans saw themselves as higher than God. This was the army, [and] the intellectual authors of the mass killing. But now the proper human order is restored. In that time we could not see God. But now we feel God's presence again. God's sovereignty is again

manifest.

Manuel is now a member of a parish pastoral team. He is in charge of the parish radio station that broadcasts scriptural readings, spiritual reflections, and music to some ninety villages throughout the Cuchumantán Mountains. He is hopeful that the Church's truth commissions, dignified burials for the victims, mental health care, and the work of Caritas have and will make a difference. Indeed, much healing remains.

As this essay was being written, Jesus Tecú Osorio, a Guatemalan human rights activists, received the Human Rights First Award. I salute him and thousands of others who courageously seek justice and peace.

- 1. 1. I am grateful for the suggestions offered by several people working for healing and peace. Fr. Dean Brackley, S.J., is a professor of theology at the University of Central America José Simeón Cañas in San Salvador, El Salvador. Nomfundo Walaza is executive director of the Desmond Tutu Peace Centre in Cape Town, South Africa. Teresa Samayo Fernández is a pastoral coordinator at Caritas, Guatemala.
- 2. <u>2.</u> Survivors who seek information about their missing loved ones who were "disappeared" are now identified in international law as "victims of torture." They too courageously go about rebuilding their lives.
- 3. <u>3.</u> Other groups offered accompaniment, including Peace Brigades International, an organization that trains volunteers from several European countries, the United States, and Canada in conflict resolution.
- 4. <u>4.</u> Archdiocese of Guatemala, "Recovery of Historical Memory Project" [REMHI], (Guatemala City, Archdiocese of Guatemala, 1998), 289ff.
- 5. <u>5.</u> An English version was published in abbreviated form as *Guatemala: Never Again* (Maryknoll, NY: Orbis Press, 1999).
- 6. 6. Later in this essay I draw a comparison between the CEH and South Africa's Truth and Reconciliation Commission in order to judge what was possible in Guatemala. For an account of the severe limitations under which the CEH was forced to operate, see Richard Wilson, "Violent Truths: the Politics of Memory in Guatemala," Conciliation Resources, 1997, http://www.c-r.org/our-work/accord/guatemala/violent-truths.php.

- 7. <u>7.</u> REMHI, xxiii.
- 8. <u>8.</u> Quoting Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York: Palgrave Press, 2003), 47.
- 9. <u>9.</u> Author interview, February 29, 2008. Author's translation. One in eight remains exhumed were those of children according to the documentary film "Buried Secrets: Mass Graves in Guatemala," produced by Silvia Gambardella, New Dominion Pictures, 2008.
- 10. <u>10.</u> Jonathan Moëller and Rigoberta Menchú Tum, *Our Culture Is Our Resistance* (New York: Powerhouse Books, 2004), 128.
- 11. Judith N. Zur, Violent Memories: Mayan War Widows in Guatemala (Boulder, CO: Westview Press, 1998), 177.
- 12. <u>12.</u> Antonio Caba, in an interview with Elias Lawless, "The Maya Survivors vs. Los Genocidios: Part One," Guerrilla News Network (2007), 3-4, http://gnn.tv.
- 13. 13. The report can be obtained from the Universidad Rafael Landívar Instituto de Psicología.
- 14. 14. Lucia Cazali Leal, "Adaptacíon de un Diagnóstico a la Realidad de Guatemala: Trastorno por Estrés Posttraumático" (Guatemala: Universidad del Valle de Guatemala, n.d.), 4-5, www.coedu.usf.edu/zalaquett/cic/ad.htm.
- 15. <u>15.</u> Rios Montt trained at the U.S. Army's School of the Americas in counter-insurgency.
- 16. 16. Desmond Tutu, No Future without Forgiveness (New York: Doubleday, 1997), 23.
- 17. 17. Robert I. Rothberg, *Truth v. Justice: the Morality of Truth Commissions*, edited by Robert I. Rothberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 9.
- 18. <u>18.</u> Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1997),54.
- 19. 19. See Margaret Popkin, "Guatemala's National Reconciliation Law: Combating Impunity or Continuing It?" archived by the Instituto de Investigaciones Juridicas, 1997, http://www.juridicas.unam.mx/publica/librev/rev/iidh/cont/24/dtr/dtr7.pdf. The OAS Human Rights Convention, to which Guatemala is signatory, does not permit amnesty or statutes of limitation to be enacted by nations for crimes against humanity.
- 20. 20. Antjie Krog, a journalist and poet who covered the TRC proceedings lamented with many others the testimony of F. W. DeKlerk, the last South African president under apartheid, who claimed that he did not know of the atrocities committed during

his presidency. She wrote, "Surely there must be someone who can give a face to the 'orders from above' for the operations." See Antjie Krog, *Country of My Skull* (London: Jonathan Cape, 1998), 147. In such cultures of denial, there may be great difficulty in determining guilt. As in South Africa, officials in Guatemala left almost no paper trail. However, in 2005 ten million documents were discovered in an army ammunition depot and are now in the hands of the Guatemalan Human Rights ombudsman.

- 21. <u>21.</u> In 2009 El Salvador's president and head of the armed forces acknowledged the government's responsibility during the civil war (1980-1992).
- 22. 22. The memorial on the edge of plaza in Nebaj consists of a small plaque and small concrete dove, its tail hanging by a piece of reinforcement bar, its paint peeling.
- 23. 23. The Programa Nacional de Resarcimiento, headed at one time by Rosalina Tuyuc, founder of CONAVIGUA, did provide small sums to some families of victims.
- 24. 24. Efrain Rios Montt outraged victims and human rights organizations by wooing patrollers to support his presidential campaign in 2003 by promising them compensation for their services during the 1980s. Montt promised 8,000 Quetzales in compensation but only Q200 was ever paid (about \$25).
- 25. 25. Indigenous youth have formed an organization called Sons and Daughters for Identity and Justice Against Forgetting and Silence (in Spanish HIJOS). Since its founding in 1999 the group has worked to stop Guatemala's annual military parade, which continues despite its banning by the peace accords. See an interview with Cecilia Gonzales in *Presente!* (winter-spring 2009), 10, www.SOAW.org.[/fn]
- 26. Redress of social justice issues. A national priority will be health, education and economic projects to improve the lives of the marginalized.REMHI, 322-324.
- 27. 26. Conferencia Nacional de Ministros de la Espiritualidad Maya, Uxe'al Pixab' Re Amaq' [Fuentes y Fundamentos del Derecho de la Nacion Maya] (Guatemala City, Guatemala. 2001), 115-116. My translation.
- 28. <u>27.</u> Recruits were assigned to areas far from their own villages so they could kill anonymously.
- 29. 28. Michelle Tooley, Voices of the Voiceless (Scottdale, PA: Herald Press, 1997), 108.
- 30. <u>29.</u> REMHI, 50.
- 31. <u>30.</u> REMHI, 3.
- 32. <u>31.</u> Zur, 122.

- 33. 32. The Guatemalan pastoral worker who related this story, and those that follow, to the author by email has requested that neither her identity nor her location be revealed.
- 34. <u>33.</u> Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York: Palgrave Macmillan, 2003), 271.
- 35. 34. Conferencia Nacional de Ministros de la Espiritualidad Maya, Uxe'al Pixab' Re Amaq' [Fuentes y Fundamentos del Derecho de la Nacion Maya] (Guatemala City, Guatemala. 2001), 115-116. My translation.
- 36. <u>35.</u> Manuel's observations and stories that follow were related to the author in an interview in July, 2009.
- 37. <u>36.</u> L. Gregory Jones, *Embodied Forgiveness: A Theological Analysis* (Grand Rapids, MI: William B. Erdmann's Publishing Company, 1995)
- 38. <u>37.</u> Jones, 150.
- 39. <u>38.</u> REMHI, 23.
- 40. <u>39.</u> The program sponsored by Universidad Rafael Landívar has worked in his community.
- 41. <u>40.</u> For a particularly insightful account of forgiveness, I highly recommend Pumla Gobodo-Madikizela, *A Human Being Died That Night: A South African Story of Forgiveness* (Boston: Houghton Mifflin Company, 2003). She studied the case of a security operative who was responsible for the death of many black South Africans.
- 42. <u>41.</u> Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville, TN: Abington Press, 1996).
- 43. <u>42.</u> Juan Cabrera Ovalle, ed., Memoria y Testigos de Guatemala (Guatemala: Ediciones San Pablo, 2001). The volume is dedicated to Bishop Gerardi, his predecessor bishop of K'iche'.
- 44. <u>43.</u> Volf, 141.
- 45. 44. Fernando Suazo, "La Reconciliación Compromete Los Corazones," in Memorial y Testigos, edited by Juan Cabrera Ovalle (Guatemala: Ediciones San Pablo, 2001), 249. All translations of these essays are mine.
- 46. 45. Suazo, 250.
- 47. <u>46.</u> John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997), p. 31.
- 48. <u>47.</u> Lederach, 28.

- 49. 48. REMHI, xxiii.
- 50. 49. Mario Molina, "Lectura Ornate del Informa 'Guatemala: Nunca Mas," in Memoria y Testigos, edited by Juan Cabrera Ovalle (Guatemala: Ediciones San Pablo, 2001).
- 51. <u>50.</u> Molina, 171.
- 52. 51. Molina, 176. My translation.
- 53. <u>52.</u> Carmen described this process in an email message dated August 23, 2010.
- 54. <u>53.</u> Volf, 23.
- 55. <u>54.</u> Ariel Dorfman, *Purgatorio* (London: Nick Hern Books Limited, 2006), afterword, 44, 45.
- 56. <u>55.</u> Dorfman, 46.