

## EDITORIAL

# Whose side are we on when violence contaminates us? A personal account from the Encounter of the Encounters (EofEs)

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I come from a small city, a beautiful one, surrounded by the sea and the mountains with a long history of gastronomic culture and a good economic development. However, in many corners of that city, visible and invisible traces of recent political violence remain. In the most extreme cases, those traces are *Stolpersteine*<sup>1</sup> for some of the more than one hundred people who were violently killed.<sup>2</sup> Other traces live in the form of silence in families and communities, a silence that also bears witness to what violence can do to us when we allow it to grow and not be answered with non-violence.<sup>3</sup>

How was it possible that political violence remained for so many decades with so many losses and pain in my beautiful city, Donostia/San Sebastián, in the Basque Country? Some people have tried to answer that question putting the focus on the legacies of past violence; others on the bystanders' passivity. If the former, some acts of violence seem to justify the next ones. If the latter, omnipresent fear and banalisation prevail.

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- 1 It is a German word meaning 'stumbling stones,' which are small metal memorials placed in the pavements of cities across Europe to commemorate victims of Nazi persecution but are also being used to remember victims of other kinds of violence in different parts of the world.
- 2 In the Basque Country conflict, 107 people were killed by ETA; fifteen by extreme right and state-related groups (ATE, BVE, GAE, GAL and police abuse) and nine by an undetermined author (Secretaría General para la Paz y la Convivencia, 2016).
- 3 Most of the comments on these pages pertain to collective violence with no intent to forget other ways of interpersonal, structural, cultural and symbolic violence (Galtung, 1990). In this text, hyphenating the expression 'non-violence' is not meant to accentuate what it is not, just the contrary. It is aimed to underline that non-violence means a radical and active resistance towards any kind of violence that hurts fundamental rights, without entering into a legal – usually ideological – debate on its legitimacy (Pai, 2014). Beyond a social movement, non-violence has to do with an ethical position about the real consequences of violence on unique lives. In any case, as Judith Butler contends: 'nonviolence does not necessarily emerge from a pacific or calm part of the soul. Very often it is an expression of rage, indignation, and aggression ... A practice of aggressive nonviolence is, therefore, not a contradiction in terms' (Butler, 2020: 21).

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For decades, in the Basque Country, many people – including some academics and pacifists – had to deal with accusations of being equidistant, meaning, in a pejorative way, that they defended an apparent neutral position by not rejecting openly certain kinds of violence, that is, ‘either you are with us or against us.’ Although some criticism may be well-founded, the problem is that forcing people to position in this way does not allow for nuances and to see the real danger: violence itself, of any kind, coming from any side.

In this editorial, I would like to link some preliminary personal thoughts – together with broader literature references – to the ethical knowledge provided through processes of dialogical truths, co-constructed in the last gathering of the international network of the ‘Encounter of the Encounters’ (EofEs). This last Encounter took place in Donostia/San Sebastián, November 2023.<sup>4</sup>

## 1 A first and uncomfortable ethical truth across differences

Despite differences in terms of countries and temporal and geographical contexts of violence, the minimum ethical knowledge that emerges from the EofEs refers to the value and uniqueness of life no matter where the violence comes from. I think this idea is clearly expressed by the well-known Austrian writer Stephan Zweig in his book *The right to heresy: Castello against Calvin*: to kill a person is not defending an idea, it is to kill a person.<sup>5</sup>

- 4 Based on restorative justice principles in cases of political violence, the EofEs’ first meeting took place also in Donostia-San Sebastián, in 2019. Later, members of the EofEs have met online, and physically, in Sassari and in Milano (Biffi, 2023). The gathering in 2023 was organised with the support of the Directorate of Human Rights, Victims and Diversity of the Basque Government. It was held within the framework of the International Week of Restorative Justice, entitled *Repair & reform. Restoring dialogue, solidarity and justice in today's societies*. Entities supporting the EofEs are the University of the Basque Country, the University of the Sacred Heart of Milano (with the leading role of Prof. Claudia Mazzucato and Guido Bertagna), the European Forum for Restorative Justice, the University of Leuven, the Flemish restorative justice organisation *Moderator*, the Belgian/French initiative *Retissons du lien*, the Max-Planck Institute for the Study of Crime, Security and Law, the Parents’ Circle/Arab-Israeli Family Forum of Arab-Israeli Families, Clair Aldington’s studio, Ararteko/Basque Ombudsman’s Office, the Centre for Restorative Justice at Simon Fraser University and the Laboratory for Research in Dialogic and Collaborative Practices of the University of São Paulo in Brazil. In previous years, Tim Chapman had been working independently in Northern Ireland with Loyalist ex-combatants to engage them in restorative justice. When the EofEs was proposed, he invited three leaders to participate. In 2023, 50 people from ten different countries participated in Donostia/San Sebastián (witnesses as victims and/or harm-doers – some of them still in prison or at the last stage of their sentence – family members, restorative justice facilitators and young people from the community), all involved and interested in restorative justice projects in cases of political violence, be it in Israel/Palestine, Italy, the Basque Country, Northern Ireland, Belgium/France (Brussels/Paris) or Ukraine. The EofEs has reached out to a broader public in Sassari, Milano and Donostia/San Sebastián.
- 5 On state and religious violence, another contemporary of Zweig, also victim of political violence, the German philosopher Walter Benjamin, on his radio broadcast on witch trials, showed children how men have conceived and manipulated history, laws, politics, science, philosophy, religion and morals to generate and spread absurd and cruel beliefs. Those beliefs have led to terrible tortures and injustices against countless women, in this case. Again, here we have violence juridically justified during centuries.

The previous sentence implies that there are always alternatives to violence, particularly after violence. Of course, we need contextualisation, but we should not justify violence with good intentions (either defending the state or any political cause). A potential good intention never justifies a violent mean, and an idea never holds more value than the unique life of a concrete person. This is a very uncomfortable ethical truth because it obliges us to be radically non-violent, as commented by a victim of the EofEs. The radicalisation of non-violence is not a question of political ideologies or parties. It is a pre-political and ethical issue on our responsibility about what violence does to us and to future generations and what we can do to respond to it.

## 2 Rediscovering and amplifying non-violence through restorative dialogues

It is usually very difficult to agree about the causes and extent of violence, particularly in contexts of war or open conflict. Classical truths on violence will be always unsatisfactory for many sectors of the population. For example, sometimes and not for all cases, there might be an incomplete judicial truth according to standards of legal guarantees, subject to different academic and social critiques. Apart from this, there will never be a unique historical truth, and different narrative truths or memories usually work in a competitive manner.

However, and beyond moral relativism, in the EofEs we could see how a different dialogic truth can be co-constructed through difficult conversations (Naqvi, 2006). Witnesses have that authority – as a convincing power – to talk about violence, not because of the pain they caused or suffered but because they are living witnesses of what restorative justice can do to respond to violence.<sup>6</sup>

In the following paragraphs, I would like to reflect on which might be some of the threads that help to co-construct that dialogic truth in restorative justice, as identified in the last EofEs.

### 2.1 *The acknowledgement that violence dehumanises victims, harm-doers and society itself*

When some victims were asked which have been the turning points for becoming interested in restorative justice, one of them expressed that she crossed that threshold because someone came looking for her and waited for her as much as needed. She hopes that more and more people will be able to interpret this desire to live by people who have been harmed or who have harmed. This requires paying attention to the hidden pain created by the contamination of violence into present and future relationships. Restorative justice is a justice of and for relationships through a deep listening of others, and that conversation is made of a very fragile

6 In this sense, during the EofEs, the Israeli-Palestinian Parents' Circle Statement, from November 2023, was read as follows in this extract: 'The Parents' Circle – Families Forum is a unique grassroots organisation whose power comes from the collaborative work of its members – over seven hundred bereaved Palestinian and Israeli families who have lost a loved one in the conflict. Our aim is to imbue both sides with a sense of empathy and reconciliation, rather than hatred and revenge. We, who have paid the highest price, stand for the sanctity of life'.

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material. Talking is important, so is empathy and connection. Paradoxically, some witnesses experience silence as a constant noise in their own brains that is kept there because of fear and uncertainty.

According to a person in the group who was responsible for several killings, violence makes awareness more difficult and it took him time to see how he was ‘stubbornly devoted to the absurdity of thinking that the lives and rights of others have a different, inferior and devalued category’.<sup>7</sup> For some convicted persons, when they were released from prison, their freedom did not erase the past. Not only were they branded as traitors by their group, they also felt the weight of history, seeing the damage done to the victims and their families, to their own families, to the comrades who were pushed into violence, and to society in general. For this reason, some people may feel the need to make some sort of reparations and to move ‘from guilt to accountability’ or active responsabilisation. In finding a way towards the encounter with the victim, it became possible to meet unarmed people, in the deepest sense of the word. The questions of the victims to their former victimisers – about, for example, who they are now – helped them to get out of the logic of war and the justification of violence.

## ***2.2 The acknowledgement that justification of violence perpetuates violence and affects future generations***

The EofEs is an atypical and unexpected encounter that, when narrated to the young, is picked up with interest and hope, questioning their own assumptions in this world of violent polarisation. In a way, it is the young people, members of the EofEs and participating as audience, who give meaning to this encounter thinking about stigmas and prejudices in their own lives.

Following the so-called French philosopher of compassion, Simon Weil (2023),<sup>8</sup> we need to take root in non-violence, in a collective sense that keeps alive certain treasures of the past and certain presentiments of the future. For that, it is vital to cultivate attentiveness, being fully present, ‘the scarcest and purest form of generosity’ in an ethical sense, to making room for others, for the gaze of others. This all requires waiting, patience and a non-short-term view. Faced with the intoxication of violence when it is practiced and its fascination when it is observed, Weil opens the door to question the cultural and political prestige of violence.

Restorative justice begins when we allow ourselves to prepare a long and difficult path through common understanding, notwithstanding the limitations in each context. We still can create communality in the sense of sharing experiences (Herman, 1992), even in open conflicts where we can keep a minimum of humanity needed for future restoration. That implies a difficult step towards questioning our way of seeing and looking from our given position of power where the will not to see concrete ‘others’ as fellow human beings perpetuates violence.<sup>9</sup>

7 Personal notes from the EofEs.

8 Precisely in 2023, the 80th anniversary of her death at the age of 34 was celebrated. Weil fought, among other fronts, in the Spanish Civil War, and reflected profoundly on violence.

9 See the movie *The zone of interest* (2023), directed by Jonathan Glazer, and based on the book by Martin Amis (2014).

### ***2.3 The interconnection of prevention and reparation, in relation to guarantees of non-repetition and recovery of those harmed, harm-doers and all implicated agents***

Young people are implicated subjects. They are a part of the community that must be in restorative encounters, with their eyes and their questions.<sup>10</sup>

As defined by the United Nations, intergenerational justice is based on the idea that ‘the pursuit of well-being by the present generation should not diminish the opportunities for a good and decent life for future generations’ (Wang & Chan, 2023). However, the spaces of intergenerational restorative justice should not become a celebration of trauma or exclusionary identity, or be used to gain attention, legitimacy or impose a truth. The pain itself cannot be what unites, but rather the hope of change and solidarity from the everyday, where the personal and the systemic are rooted. As Labari (2023: par. 4) points out:

[P]erhaps the most committed art is, precisely, the one that dares to enter the intimacy of problems from the delicacy of the everyday life. Because in order to understand a conflict – whether intimate or political, where they differ –, it is necessary to understand what happens on a daily basis, in that space that is so difficult to navigate and to name ... the protagonists of a story are not only those who suffer it, but also those who love them, their relatives, their friends, but also their past and the spaces they inhabit together ... to get closer through the difference ... only if we tell ourselves different we will be able to think differently.

### ***2.4 The need for moral imagination (Lederach, 2005; Portela, 2016) to encounter the other, beyond essentialism, identity politics and binary ‘friend/enemy’ or ‘all/nothing’ positions***

With the passage of time, and the necessary support, restorative justice also opens the door to diverse encounters, for which there must be risky steps that are worth taking. In this sense, Mauri (2023: para. 5) reminds us that:

On the road to reparation, it will be necessary to traverse unknown roads, tunnels, forests full of shadows. Opening an exit to the other side will depend, to a large extent, on the ability to imagine a face in the darkness. Despite the fear, despite the pain, despite rage, despite doubts, to imagine a face out of the nothingness and wonder what he thinks and what he sees.

For another victim restorative justice was a very personal option that does not make him better or worse than others, it was just ‘a plank of salvation in the midst of a shipwreck’ and it did not require talking to his direct harm-doer – already released from prison – but just to a member of the same violent organisation. As one victim expressed, it is necessary to realise and recognise the plural, sometimes confronting different memories and truths. A victim also pointed out that

10 Currently, there is an ongoing project of some members of the EofEs to keep working online with young members.

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forgiveness is a difficult word and can mislead us, because the important thing is to regain a free life in order to be able to breathe completely so that the pain is not radioactive or destructive and can allow seeing the change and the pain of the difficult other, as well as the right of all to return to society to make room for the immense power of common good.

For some victims, participating in restorative justice has allowed them to see that there are many angles of entry into grief and mourning and into restorative justice itself. When people are ready and want it, restorative justice allows, with great complexity and effort, to undo a pain that others see as impossible to undo. In any case, a social and institutional responsibility is needed in order to support people who want to undertake this difficult path, which also contributes socially.

### ***2.5 The need for community resonance and the view of young generations as implicated community (Rothberg, 2019), not just representatives of the community, in a sort of intergenerational justice***

The researcher Jaseff Raziel Yauri Miranda, one of the observers of the EofEs, contends that the EofEs provides a dialogic exercise between the micro and the macro (in Varona, 2024). The micro gives life and corporeality (human sense, face, personality, voice, age) to the macro. The macro gives perspective, horizon, space, connection, context and interpersonal and intergenerational relationships to the micro. It is as if the finitude of human beings translates very well into the 'retelling' of narratives and testimonies of people from different countries. A finitude that captures the infinitude of large-scale social and historical processes, in order to not only reinterpret traditional justice but also to return those beings to their infinite potential to create meanings, biographical paths, shared experiences and repositionings. In the meantime, that infinitude comes out of the field of the intangible, of the unspeakable pain, a zone of trauma and 'infinite' silence (like the scope of human history itself and the weight of its structural processes that sometimes imprison lives) to become the contingent, the quotidian and the retelling of those unspeakable cases before an audience of strangers. That audience travels to that experience of the past in the face of a new (restorative) justice, to verify and be witness, without judgments or condemnations, of that tension between our mundane finitude and the infinitude of experiences accumulated in history, in a sort of agora or synoptic of a restorative process.

### ***2.6 The need for culturally sensitive and well-trained restorative facilitators who are not neutrally facing violence, but who respect the dignity of all participants in restorative justice as a risky project that is worth it***

The middle chapter, the shortest, of the work *To the lighthouse* of Virginia Woolf (1927) alludes to the unnoticed people who clean a house, long disused, which is to become a meeting point again, in a return to the past. This costly and silent work, for days, is what allows the return and the past to be intelligible, as well as to have a future in the present. *To the lighthouse* is a work that speaks of the distance, in time and space, of the imperceptible, the small, childhood and old age, and the meaning of life. It can also be read in a restorative sense, drawing a parallelism

between the work of the facilitators and those who clean up those disused spaces where past and present relationships will encounter.

Restorative justice assumes an environment that is prepared to be welcoming because what is carried inside is extremely painful. Restorative justice tries to sustain all of that so that people can see themselves differently and with the possibility of constructing something new.

A violent attack is like a stone thrown into the water, the shock wave is destructive and expansive, beyond the victim and the person who commits it, but the response to violence can transform the shockwave into something socially reconstructive, into something positive and into opening up other possibilities, even in prison.

For one facilitator, once convicted, it was important to work in artistic projects with the community, which was also traumatised, and to produce something collectively through a shared humanity so that personal experiences can be transformed into a collective reconstruction, and the destructive past reused into a recreational way. Another facilitator, using collaborative art, as in the EofEs, commented that if people cannot find words, she asks them to paint them. She likes representing restorative justice as a labyrinth symbolising the uncertainties of a journey. Another facilitator said he thinks of himself as a brush of a common mosaic, and listening allows him to weave the most powerful tapestry.

### **3 Open restorative doors to co-construct diverse and responsive restorative paths**

Restorative justice implies complex dialogues. It takes time, will, empathy, compassion and expertise, among other elements. Still, some might keep asking whose side restorative justice supporters are on (Becker, 1967), and we might respond that we are on the side of radical listening, self-questioning and repositioning. We try to be on the side of basic human rights and on the side of non-violence. We are radicals defending non-violence because we know what violence does to us and to future generations. We can create humble conditions for small (present or future) dialogues, even in cases of open violence.

Taking the side of non-violence in restorative justice is not utopia but real everyday work because we know about the legacy of violence and we know about the power of encountering the other; it is not indifference or moral relativism but hard commitment; and it is not universalistic moral superiority (Bull, 2020; Mouffe, 2013), but permanent radical listening and self-questioning.

As Israeli writer Amos Oz (2016) recommends us to confront fanaticism, we should be curious and try to look out of the neighbour's window from time to time, but, above all, to look at reality as seen through the neighbour's window, a reality that is necessarily different from the one seen through our own window. Oz also recommends avoiding simple formulas that tend to ignore the infinite complexity of human nature whether they come from the left or the right.

From a Latin American point of view, according to writer Juan Gabriel Vásquez (2023), violence not only engenders more violence but also poisons our relationship

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with the past. Violence has a mysterious talent of never staying in the past, but to come back, incarnated in other monsters. Thus, with all its limitations, restorative justice can be conceived as a justice of return, of coming back together, to transform violence into something else, more constructive. To do so, it is necessary to reposition oneself, change ourselves, use other language and ways of being in the world, individually and collectively, generationally and intergenerationally. At the same time, taking the example of the Parents' Circle and other pacifist grassroots movements, when facing current open armed conflicts, we should denounce all types of violence, from any side, listening to the common suffering and offering support.

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