

## After Violence:

### Towards A Normative Practice of "Truth & Reconciliation"

[W]illing the well-being of victim(s) and violator(s) in the context of the fullest possible knowledge of the nature of the violation . . . holds the possibility of breaking the chain of violence.<sup>(1)</sup>

I

#### The Case of South Africa

South Africa after apartheid provides an excellent case study of truth and reconciliation, *after violence*. A particularly luminous moment in that regard occurred at a meeting of the African National Congress (ANC) held in South Africa early in 1994.<sup>(2)</sup>

The ANC executive committee was convened in anticipation of the upcoming elections in April. These would be the first genuinely democratic elections in the nation's history--so-called "all race" elections, and it was clear that the ANC would easily win majority party status. At this particular meeting the soon-to-be President, Nelson Mandela, was presiding and an issue emerged just as he was summoned away briefly before returning to conclude the meeting. The issue was: What would be the new democracy's national anthem?

During Mandela's absence the ANC executive committee gleefully determined to reject the national anthem that had prevailed during the hated apartheid era: "Die Stem" or "The Call (of South Africa)." For decades these emerging statesmen had been forced to endure a song that celebrated apartheid militarism by recalling the 19th century Afrikaner conquest of the country's native black peoples. Instead of "Die Stem," the committee was poised to approve the unofficial anthem most popular among black South Africans, "Nkosi Sikelel' iAfrika," or "God Bless Africa." This song sounded a different call from that of "Die Stem;" the call to a liberation theology that would free the land from racism and apartheid oppression. In this connection the song was often sung at political meetings as an act of defiance directed at the apartheid regime.

As the meeting progressed among the nascent ministers of state it was "the end for that 'Die Stem' song," they declared among themselves. "The end. No more." Then, just as they were enjoying the prospect of celebrating their electoral victory with a new national anthem, Mandela returned to the room and learned about their decision. "We were all like small primary schoolchildren," one participant remembered. And then came Mandela's response. "Well," he remarked, "I am sorry. I don't want to be rude . . . but this ['Die Stem'] song that you treat so easily holds the emotions of many people whom you don't represent. Yet, with the stroke of a pen, you would take a decision to destroy the very--the only--basis that we are building upon: reconciliation." Mandela's statecraft prevailed that day. As the informant recalled, "Nobody raised a finger to object."

I am reminded here of a similar issue for us here in the state of Georgia: the issue raised by the segregationist decision in the 1950s to add the Confederate bars and stripes to our current state flag. But before we move too quickly to our own heated issues of reconciliation let's finish the South African case before us. Following the unanimous acquiescence that he received that day, a proclamation authorized by State President Mandela on April 20, 1994 stipulated that both "Nkosi Sikelel' iAfrika" and "Die Stem" would be the national anthems of South Africa. Finally, in 1996 a shortened, combined version of the two anthems was released as the nation's new National Anthem. And here, for one moment, I pause to pay tribute to a people's heroic efforts to craft a future of reconciliation and new life from raw materials riddled with sentiments of racism and retribution against racism. In combining these two songs into one national anthem we are presented with a kind of lyrical icon, if you will, upon which we may gaze and discern the rigors and the promise of reconciliation. Let us take one moment, please, as a small way to acknowledge the 'blood, sweat, and tears' behind such heroic hopes.

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[See attached Exhibit A:

"Call of South Africa:

The National Anthem of the Republic of South Africa"]

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For several years now many of us have been searching for ways to learn from South Africa about the political and even the spiritual requirements of reconciliation. This tormented country has given us at least two major resources for the study of reconciliation; not only President Mandela's consummate statecraft , but also the work of South Africa's Truth and Reconciliation Commission (TRC). The Commission has recently concluded its hearings and is still completing the final details of its Amnesty work and its Reparation and Rehabilitation provisions. But already, in the face of other conflicted situations around the world, we are eager to assess and appropriate the lessons of the Commission.

Particularly here in Emory's Law and Religion program, with our links to South Africa through Professor Van de Vyver's efforts, we are concerned to identify, enhance, and extend what was beneficial in that remarkable national exercise conducted by an 'emerging democracy.' Of course similar truth commissions have occurred in South America and in Eastern Europe.<sup>(3)</sup> But South Africa's TRC has most captured our attention because of its dramatic role in averting a forbidding national catastrophe.

Here at Emory we have been unusually sensitized to the likelihood of such a prospect, with Archbishop Tutu sojourning so often among us and sharing his experience as convener of the

TRC. As the Archbishop has made abundantly clear to us: the amnesty hearings conducted by the Commission were the nation's best strategy at the time. In good faith the amnesty provisions, instead of a criminal court process like the Nuremberg trials that followed World War II, offered the best way to hear the truth without destroying the chance for peace. By this strategy the architects of reconciliation sought to avoid a long nightmare of civil strife involving cycles of recrimination--and resistance to the rule of law--among former perpetrators acting in denial of their crimes and in defiance of any accountability to their victims.

Now, as you know the TRC has been severely criticized precisely on that score: that the amnesty privilege that it has granted so many perpetrators makes a mockery of justice and even belies the Commission's claims to achieve real reconciliation. Some critics for example have pointed to the absence of contrition or any expression of apology to victims among many who applied for amnesty. Other critics, including our other Nobel laureate-in-residence, the Nigerian playwright Wole Soyinka, are more concerned by the lack of reparations made by perpetrators to their victims. Now in fact, as already noted, the Commission does include a Reparation and Rehabilitation (R&R) Committee in addition to its Amnesty Committee and its more familiar Human Rights Violation Committee. However the reparations feature of its work has seemed so marginal or eclipsed by its other functions that many observers have not experienced the TRC as an instrument of justice. That charge is particularly disturbing among those of us for whom South Africa's TRC has served as a premier model of "restorative justice" and a most promising alternative to the prevailing, conventional forms of retributive justice.

## II

### **A New Research Model**

In this regard I want to report to you the results of a convergent effort to explore the requirements of restorative justice. I refer to the research and scholarship of sociologist Thomas Scheff, professor emeritus of the University of California at Santa Barbara. Beginning in the 1990s with their book, *Emotions and Violence: Shame and Rage in Destructive Conflicts*,<sup>(4)</sup> Scheff and his wife Suzanne Retzinger have pioneered in studying the relationship of anger-management and shame-management to alternative approaches in the criminal justice system. In a report on their research first published in the University of Puerto Rico law journal *Revista Juridica*,<sup>(5)</sup> Scheff attempted to advance the development of restorative justice by means of insights from the field of "therapeutic jurisprudence." Taking together the fields of restorative justice and therapeutic jurisprudence, Scheff combined them in a single expression that he called "RTJ. " He then justified that compound expression in the following terms.

In recent years, an alternative approach to law, a worldwide movement, has been building momentum. This movement has two vectors, restorative justice and therapeutic jurisprudence (RTJ). RTJ has the potential to resolve many kinds of conflict and reduce inequities in the legal system. Compared to the traditional legal model of justice, courts, judges, lawyers and prisons, restorative justice and therapeutic jurisprudence are quite similar. The difference between the two is mostly conceptual. As a frame within which to criticize and modify legal justice, therapeutic jurisprudence offers a strikingly different model, the mode of therapy as it is used in medical and psychological treatment. Although close inspection reveals that the therapeutic model is quite diverse, and therefore somewhat ambiguous, it does offer a framework to contrast with the legal

model. Although restorative justice is the larger movement of the two, it suffers from the lack of such a model. Without a model, restorative justice offers piecemeal changes to correct the present legal system, one step again. Perhaps a welding together of the two models into one, RTJ, would make the movement more effective.<sup>(6)</sup>

The linchpin of Scheff's effort to combine the two models comes out of the mediation movement, and specifically a form of victim-offender mediation called "community conferencing." Such conferences divert the offender from the courtroom into an alternative system. Also known as "family group conferencing," this alternative creates a meeting between the victim, the offender, and other parties interested in a resolution of the case. Since the late 1980s when a conferencing law was passed in New Zealand, community conferences have become the most developed form of victim-offender mediation. In Australia conferencing has been used for both juvenile and adult crimes, and the format has also been applied in certain cities in the United States and England.

The conference format typically involves four steps. First, the offender describes his or her own offense in detail. Next, the facilitator asks the offender to describe the consequences of the offense, how it affected him, and how it affected the victim and others. Thirdly, the victim and the victim's supporters tell how the crime affected them. This step is often highly emotional, with visible tears and/or anger. The last part of the conference entails working out a settlement that is acceptable to both victim and offender.

Now, as Scheff goes on to emphasize, if this emotional part of the conference is managed successfully then the new procedure has a powerful advantage over the conventional courtroom process. Its obvious advantage is that it allows direct communication between offenders and their victims. With such immediacy the possibility arises, on the one hand, of a larger community involvement in the process. On the other hand, and partly due to this expanded involvement, the possibility also arises of negotiation and understanding, contrition and confession, reconciliation and forgiveness. Scheff aggregates these features under the term "symbolic reparation," by which he refers (more precisely) to the emotional preconditions for 'repairing' the relationship between victim and offender. Those preconditions are quite familiar and obvious but often arduous to achieve: respect and courtesy, regret or remorse, apology and forgiveness. They constitute the very elements that are ruled out by the conventional court system precisely because it structurally avoids direct communication between offender and victim. And since the more substantive forms of material reparation--that is, the actual settlement--are so much easier to negotiate when such emotional reparation occurs, the management of emotional processes becomes a crucial factor in therapeutic jurisprudence and in RTJ.

Emotional reparation (my preferred term here) as understood by Scheff involves social rituals of respect, courtesy, apology, and forgiveness, that can operate independently of verbal discourse and that depend on the emotional dynamics of the parties involved in the meeting. In particular the emotions of shame and anger are key, including the management of moral indignation as it arises in the victim and among other participants. In this regard Scheff has identified two steps in what he calls the "core sequence" of achieving emotional reparation. First, the offender must clearly express genuine shame and remorse regarding the offenses committed. Only then can the second step of genuine forgiveness be managed by the victim and the victim's community-genuine

because it occurs without coercion or pressure of course from the facilitator or the community.

With this two-step core sequence, which may take only a few seconds, the basis is laid for a more extensive step: the offender's reintegration into the community with less likelihood of becoming a stigmatized and therefore repeat offender. Moreover with such "emotional conciliation," Scheff insists, the actual settlement of the case is more likely to satisfy all the participants by being neither too lenient nor too punitive. Without the core sequence any material settlement typically leaves the parties instead with a high level of unreleased tension, and with a feeling of the arbitrariness of the settlement and a persistent or recurrent sense of dissatisfaction. In fact, apart from the elements of emotional reparation all the innovations discussed so far--from community conferencing to the larger mediation movement, and from therapeutic jurisprudence to RTJ generally--may in the final analysis result in only superficial alternatives to conventional courtroom practices. For emotional reparation, Scheff claims, is the key criterion that distinguishes conferencing from its predecessor forms of criminal justice.

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We are almost ready to apply this research in pursuit of a practice of truth and reconciliation. But first let us conclude with a look at the management of shame, anger, and moral indignation in therapeutic jurisprudence. A key feature in this connection is what Scheff calls "reintegrative shaming," borrowing the expression from John Braithwaite in his book on *Crime, Shame and Reintegration*.<sup>(7)</sup> For reintegration of an offender to occur following conviction and sentencing, Braithwaite determines, the process must achieve the following balance: enough shaming for the seriousness of the offense to be made clear, but not so much that the level of humiliation plunges the offender into hopelessness, bitterness and spitefulness towards rejoining the community. A persuasive example comes from English history when the punishment for theft was a brand on one's forehead with the letter "F" for felon. Not surprisingly this 'cruel and unusual' practice actually increased the incidence of the crime, since branded persons were so conspicuously excluded from normal society that they had no recourse but to seek the company of a criminal community. Too much offender shame, Scheff concludes, can be just as destructive for the larger community as too little.

The balance that community conferences seek consists in transferring all the shame connected to the crime from the victim to the offender, but without the surplus shaming that derives from the victim's and the community's unprocessed anger and moral indignation. The first stage of this transferring process is key. The victim must be relieved of humiliation deriving from the degradation, betrayal, and violation that has been inflicted by the offense. Conventional court procedures actually do little to achieve this relief, Scheff points out. He then goes on to suggest that such leftover humiliation in the courtroom may drive the victim and the larger public to seek excessive punishment of the offender. Surplus shaming thus appears as a crude and unreflective effort to get the emotional compensation that the justice system fails to provide in a normative and structural manner.

But the second stage in shame management is also key. The purpose for the offender accepting all of the shame connected to the offense is so that he or she may take the next step toward facing the victim and offering the signs of emotional reparation. Only such a step has a chance of relieving the victim of his or her emotional suffering. For the facilitator's restraint in transferring shame from the victim to the offender is not only for the sake of the offender's reintegration into the community following the conference. It is also necessary for the sake of the victim during the conference itself. Only by means of such restraint will the offender be left with sufficient dignity or humanity intact to be able to show the impact of the transferred shame. Otherwise an emotional constriction or hardening occurs, attended by the kind of denial of accountability that we have all experienced when the impact (or prospect) of shame and humiliation seems too great to endure. (8)

Instead of denial it is the showing of the offender's shame to the victim and to the observing community that is transformative. The reason for this transformation is twofold. On the one hand the offender's visible show of shame is transformative for the victim, for it aids in removing the victim's sense of shame, humiliation and violation and thus restores or repairs the victim's humanity. On the other hand it is transformative for the offender because it also restores or repairs his or her humanity. As Scheff remarks: "the offender must be ashamed of what he did, and this shame must be visible to the [victim/community]. It is this shame--along with other emotions, such as grief--that allows a preliminary bond to be formed between offender and victim, because the offender's visible expression of emotion allows the victim to see the offender as a human being." (9)

With this formulation we arrive at the crucial determining factor in community conferencing, therapeutic jurisprudence, and restorative justice or RTJ generally. The crucial factor resides in the capacity of the practices involved to restore or repair the co-humanity of both victim and offender in the context of a skilled and enabling community. Such a community is mature enough, in Scheff's words, "to manage shame beneficially . . . to recover the positive, reconciliatory uses of normal shame from the maws of repression and silence, and to relearn its value as a powerful emotion for forming community." (10) Such a community is also mature enough, he goes on to show, to help the victim and other participants to manage their anger and moral indignation as well as their shame.

The crucial point about moral indignation is that when it is repetitive and out of control, it is a defensive movement. It involves two steps: denial of one's own shame, followed by projection of blame onto the offender (I am not dishonorable in any way, whereas the offender is entirely dishonorable). For the participants to identify with the offender, they must see themselves as alike rather than unlike (there but for the grace of God go I). . . . Thus, uncontrolled, repetitive moral indignation is the most important impediment to symbolic reparation and reintegration. On the other hand, to the extent that it is rechanneled, moral indignation can be instrumental in triggering the core sequence of reparation. (11)

The projection of surplus blame onto the offender consists in denying one's co-humanity with the offender. To admit this co-humanity is not to exonerate the offender's crime or misdeed, but rather to mediate the process of "symbolic reparation." Offenders intrinsically understand that their

crimes or misdeeds were sometimes passively, and sometimes actively, supported or abetted by dysfunctional and vicious systems in the larger society. They rightly intuit that they are being targeted with a surplus of blame when the community singles them out exclusively for acts which in fact characterize antisocial practices prevailing elsewhere in society. A society's inability to take account of its own dysfunctions, as a contributing factor in the misdeeds of its offenders, constitutes scapegoating them for activities that it is not mature enough to face *en mass* or at large. A minimal step toward maturity would consist in summoning all parties to acknowledge and value the co-humanity of both offenders and victims. What is required are practices that serve to counter a community's sometimes subliminal, sometimes overt forms of contextual scapegoating.

In the concluding section of this essay I examine a new practice that promises to rechannel moral indignation, and the defensive shame that drives it, so that *after violence* a community can reclaim the co-humanity of both its victims and its victimizers.

[See attached Exhibit B:

RTJ & the Victim/Offender Self:

A Unified Theory in Ethics & Psychology, Law & Religion]

### III

#### **A Promising Practice**

In this concluding section I outline a normative practice of reconciliation that incorporates the insights of the preceding research in therapeutic jurisprudence. The promise of such a practice is that it would provide an ongoing and standard process in any community that was concerned to incorporate the benefits of truth commissions as a best practice for its regular functioning and internal welfare. Such a practice could be applied to issues as varied as the Georgia flag (previously mentioned), government reparations to African Americans for three hundred years of state-supported slavery, women's economic equality based on equal pay for equal work, or affirmative action based on class background rather than ethnicity. But whatever the issue, the practice would seek to negotiate settlements between conflicted parties by correlating "symbolic" reparations with material reparations. To that end, as we have seen, the management of the emotions of shame and moral indignation would be key elements in maintaining focus on the co-humanity of all the parties involved.

The following practice is not intended to substitute for the methods currently employed in victim-offender mediation, community conferencing, or therapeutic jurisprudence generally. Rather as a normative practice of conflict resolution it could precede or accompany negotiation. It would also

serve as a kind of *askesis*--renunciatory discipline--or a *prophylaxis*--preventative--that supplements jurisprudence by facilitating the voluntary or uncoerced exchange of emotional reparations between parties. What is being renounced and prevented through this practice is the pressure experienced by nearly all conflicted parties to dehumanize the adversary. By instituting such a practice a community would substantiate its mature capacity, on behalf of its conflicted members, to will "the well-being of victim(s) and violator(s) in the context of the fullest possible knowledge of the nature of the violation."

### **A Four-Step Practicum for All Parties to a Conflict**

Groundrules: Confidentiality; uncoerced self-disclosures; facilitators' accountability to all parties in the management of shame, anger, and moral indignation

Step 1. Recall a time when you successfully intervened on behalf of someone or some group being targeted for mistreatment or violence. Take justifiable pride in any instance of this evidence of your humanity, however trivial it may seem.

Step 2. Recall a time when you failed to do so, or when you mistreated or allowed mistreatment of a person or group. What happened that causes you any regret or remorse? Show some visible expression of this.

Step 3. Recall an early time in your life when you yourself were the target of some mistreatment or violence. Express any indignation or anger, grief or hurt (as much feeling as circumstances allow).

Step 4. Observe with your partner or community: How are the experiences in 2 and 3 related? Then replay how you would have acted in 2 without the influence of the feelings expressed in 3.

### **The Practice as An Ongoing Research Model**

Step 1. The first step involves recalling a successful intervention. It is designed to counteract the immediate pressure to begin with the matter of accusation between conflicted parties. This socially conditioned pressure is based on conventional adversarial and conflictual expectations. Instead of acceding to those expectations this practice begins by taking care to establish the dignity and humanity of the parties involved on either side of the issue. This is a crucial point of departure for the integrity and trajectory of the practice as a truth-and-reconciliation model.

Step 2. The second step recalls one's failure to intervene on someone else's behalf. It thereby begins the process of shame management by inviting each of the parties to recall their own tendencies to fall short of fully honorable and principled behavior. This admission implicitly counteracts the tendency to project dishonorable motives exclusively onto one's adversary, and to exempt oneself from the recognition of unprincipled motives. Furthermore the venting of such painful emotion, by expressing remorse or at least regret, begins the first stage for each party in

offering the kind of emotional repair that can lead to reconciliation later on in their relationship.

Step 3. The third step recalls one's own direct experience of mistreatment at an early age. It thereby counteracts the defensive shame that each of us harbors based on our earliest experiences of being targeted or victimized. Such experiences induce an involuntary state of 'defendedness' in all of us; defending ourselves from the unbearable prospect that the shame we feel is actually deserved. But this defended state is tantamount to holding onto our victimhood by protecting it from consciousness and scrutiny. Step three re-opens and lets light into these areas by prompting emotional healing for the pain and grief of such early events. It is a step that will be all the more effective if pursued with ongoing diligence in the context of safe and caring partners working in community with one another.

Step 4. The fourth step invites such partners or the larger community to assist one in recognizing the link between the failure to act with principled behavior on another's behalf and one's own earliest experiences of victimization. Once that link has been acknowledged in one's own case, it is obviously convertible to the other party in the conflict. They too harbor early experiences that result in their unprincipled behaviors. This parity effectively establishes the co-humanity of the parties. In its final aspect the fourth step invites the parties to reclaim their principled integrity apart from the impress of their early painful experiences, by replaying and correcting their offenses with new attitudes of 'emotional repair.' Replaying the offense on this new basis provides a powerful move from the emotional reparations provided for by Step Two, to making material reparations following the practice itself.

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The foregoing practice has been presented as a new research model in the quest for a normative practice in the tradition of truth commissions. It seeks to be effective according to the dual criterion of fostering reconciliation on the one hand and facilitating the making of reparations on the other. But whether it is adequately conducive to that goal, or whether it would be improved in combination with--or through replacement by--other practices, remains to be determined in terms of both theory and practice. To that end this paper has attempted to correlate theories of truth-and-reconciliation with a closely related practice of truth-and-reparation.

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[See attached Exhibit C:

Sample Responses to the Four-Step Practicum]

**Sample Responses to the Four-Step Practicum**

Step 1. Recall a time when you successfully intervened on behalf of someone or some group being targeted for mistreatment or violence. Take justifiable pride in any instance of this evidence of your humanity, however trivial it may seem.

*Sample response: I'm an African American diversity trainer and several years ago was riding in a taxicab to the airport with two colleagues following our ten-day training. I was exhausted and looked forward to a relaxing time without dealing with the issues of prejudice or oppression that had concerned us for more than a week. After polite conversation between the three of us and our Asian immigrant cab driver I casually asked how his new life was going in the United States. But our mood changed when he responded with this stereotypical remark: "Everything would be fine if it weren't for these Jewish cab company owners ripping us off all the time."*

*Inwardly I groaned when I heard this piece of antisemitic resentment, spoken in the familiar tone that people use when they say, 'Those money-grubbing Jews!' To be frank some of my discomfort had less to do with my pain on behalf of my Jewish brothers and sisters and more to do with having to summon the energy and courage to intervene with the driver after an exhausting week of practising such interventions. Then I realized how embarrassed I would be in front of my colleagues, for whom I was their senior trainer, if I failed to take the challenge before me.*

*Summoning up fortitude I said almost lightheartedly, "Oh, tell us more about what it's been like for you here in the United States." Then he proceeded to unburden himself about how hard he had been working to provide for his family, find the best paying job, and learn the system of being a cab driver. Finally after listening to him 'vent' for five or ten minutes, I sympathized and said, "I know you must have worked very hard to learn this job. Good for you! But can I ask you a question? Do you really think that it's only the Jewish cab company owners who try to make the most profit out of their business, or do you think that maybe all the other owners do the same?"*

*I will never forget the little smile on his face that looked out at me from the rear view mirror as he said in his Asian accent, "No, its probably all the owners who do that." I could tell from his smile that he had 'gotten it,' but I have also learned that it's crucial to name the issue in these kind of interventions. So then I plunged in with, "Well, you know we have this antisemitic thing in the United States where we blame Jews for being more greedy about money than the rest of us, but it's really just prejudice and like you said not more true of them than of other people. As a black person I know a lot about this kind of prejudice and you should watch out for it." "Oh yes," he answered eagerly. "I've heard about that!" "Well," I concluded, "we people of color should really watch out for this because it's just like the prejudices against us, you know?" When he finally remarked, "Oh yeah, I don't want to be part of that kind of stuff," I knew that we had shifted to a different perspective, however embattled it might be in the future, and I remain pleased today with that well-crafted intervention.*

Step 2. Recall a time when you failed to do so, or when you mistreated or allowed mistreatment of a person or group. What happened that causes you any regret or remorse? Show some visible expression of this.

Sample response: *As a high school age, African American Boy Scout it was my turn one season to organize our monthly "Troop" meeting in one of the member's homes. To this day I remember my deliberate decision, over a period of three or four months, to avoid scheduling our meeting at the home of one of the boys who lived in "the projects"--those low-income housing communities that contrasted so sharply in my mind with our other members' suburban homes. With a sense of embarrassment I remember that I would not even have given this a second thought if my attention had not been drawn to the issue by having another Troop member, when his turn came to schedule the meetings the following year, assume as a matter of course that we would meet in our friend's apartment in the projects. I was at first amazed, but eventually mortified to realize that I had acted-out class prejudice on one of my own people. To this day I regret the kind of black middle class assumptions that allowed me to take-it-for-granted that our friend's home was not the kind of place that we should meet in. Forgive me, my brother.*

Step 3. Recall an early time in your life when you yourself were the target of some mistreatment or violence. Express any indignation or anger, grief or hurt (as much feeling as circumstances allow).

Sample response: *As an African American I grew up in the deep South and learned by direct experience that I had to 'watch my back' at all times. One day, at the age of ten, while riding my bike on a major thoroughfare two white men drove up behind me in a pickup truck. One of them leaned out of the window, yelled out the N-word, "You Nig!" and swung at my head with a golf club. He actually missed hitting me but I can still feel the anticipated impact on the back part of my head where the club would have hurt me. And even though I was not actually hit I can always tell that story as if I had been, because ever since then I am always on guard in public places and watching around me to see if I am safe. . . . If I could speak-out now from the perspective of that young boy I would rage against the vicious attack of those men who contaminated my world that day, and taught me as a young man to be terrified for myself in the wider world. "How dare you poison the world for a young person like that! Don't you know we're your hope for a better world?"*

Step 4. Observe with your partner or community: How are the experiences in 2 and 3 related? Then replay how you would have acted in 2 without the influence of the feelings expressed in 3.

Sample observation: The class prejudice described in Step 2, directed against a fellow African American, may be due to one or both of the following:

a) acting-out the devaluation of another black young person by finding something in him to attack, just as the white men had found something to attack in the boy's earlier experience;

b) seeking safety and comfort, versus risk and exposure as encountered in the racist attack, through the status seeking and peer conformity of identifying with the suburban and middle class background of the majority group, while discounting the value and feelings of a less advantaged group member.

Sample response: *If I were to replay that experience today, assuming that my own experience of being attacked had never occurred, then I would role-play welcoming the opportunity to visit the*

home of people I know who live in the projects and finding ways to appreciate their family life there.

*If I were to role-play having done sufficient emotional healing work on my experience of a racist attack, then I would apologize to our Troop member for my lapse in fairness to him and find ways to restore our relationship as one of mutual respect and regard.*

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1. This is the definition of "forgiveness" presented by Marjorie Suchocki in *The Fall to Violence: Original Sin in Relational Theology* (New York: Continuum, 1995), p. 144.
2. This meeting is reported in detail by John Carlin in "Master of His Fate," a review of *Mandela: The Authorized Biography* by Anthony Sampson, *The New York Times Book Review* (September 19, 1999): p. 10.
3. Notably in El Salvador and Argentina, and in the Czech Republic and Bulgaria. See Neil J. Kritz, ed. *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*; Foreword by Nelson Mandela (Washington, D.C.: United States Institute of Peace Press, 1995).
4. Thomas J. Scheff and Suzanne M. Retzinger, *Emotions and Violence: Shame and Rage in Destructive Conflicts* (Lexington, Mass.: Lexington Books, 1991). Cf. T.J. Scheff, *Catharsis in Healing, Ritual, and Drama* (Berkeley: University of California Press, 1979).
5. *Revista Juridica de la Universidad de Puerto Rico* (University of Puerto Rico, Rio Piedras Campus, School of Law) 59:1 (1990): 1-23.
6. Thomas J. Scheff, "Community Conferences: Shame and Anger in Therapeutic Jurisprudence," *Revista Juridica* (U.P.R) 59:1 (1990):1-2.
7. John Braithwaite, *Crime, Shame and Reintegration* (1989). Cf. John Braithwaite and Stephen Mugford, *Conditions of Successful Reintegration Ceremonies*, 34 *British Journal of Criminology* 139 (1994).
8. In this regard we might attribute the protracted denials and public perjury of President Clinton during the 1998-99 investigation of his sex scandals to the forbidding prospect of the excess shaming that would also have ensued had he been truthful about his marital infidelities. If one accepts the logic that he had nothing to lose by lying--excess shaming would occur whether he lied or instead made an early admission of his culpability--then the emotional basis of his denial is obvious. This analysis does not address of course the normative issue of his moral resources, or the lack thereof, for facing the prospect of such shaming with courage and fortitude.
9. Scheff, "Community Conferences," p. 11.
10. Ibid, p.10.
11. Ibid, p.15.

[BACK TO "THEE SMITH" HOME](#)