Restorative Justice, Forgiveness and Reparation for the Victims

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Abstract

Forgiveness is not one of the aims of restorative processes. However, the conditions that enable these processes can also make forgiveness more likely. The positive impact that forgiveness can have on the lives of the victims of serious crimes, such as terrorism, means that this issue should be discussed when seeking to apply restorative justice in any situation. The main philosophies of forgiveness, the absence of pressure to forgive and the consequences of interpersonal forgiveness in social reconciliation are among the questions addressed.

Key words

Restorative justice; forgiveness; recovery; social reconciliation

Resumen

El perdón no es uno de los objetivos de los procesos restaurativos. Sin embargo, algunas condiciones que se han definido como parte de estos procesos hacen el perdón más probable. El impacto positivo que el perdón puede tener en las vidas de las víctimas de delitos graves, como el terrorismo, determina que este tema debe ser discutido en un intento de lograr los resultados más restaurativos en cualquier situación. Las principales filosofías del perdón, la ausencia de presión de perdonar y de las consecuencias del perdón interpersonal en la reconciliación social son algunas de las cuestiones a abordar.

Palabras clave

Justicia restaurativa; perdón; recuperación; reconciliación social

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1. Introduction

Given the enormous complexity of today's society, in which it often seems that everything is open to question, it is essential to reflect on the vital significance that certain principles and moral values have in the desire to achieve both individual and collective peace. Something moral (or ethical, as in moral science) is defined as "which does not concern the legal order, but the internal sphere or human respect, relating to the spiritual as opposed to physical faculties" (Dictionary of the Royal Academy of the Spanish Language).

Understanding the essence of human nature can guide us toward a stronger meaning of forgiveness in interpersonal relationships damaged by crime, marking out the way for us to achieve a true peace at a higher social level. This analysis is of particular significance in the Basque Country today, due to the cessation of terrorist violence of ETA.

The perspective adopted in this article has philosophical roots. It addresses some insights from one of the cores of legal sociology, philosophy of law. The article seeks to delve into relevant aspects of personal and social relations that form the basis of criminal law, understood as "a complex instrument of social coordination synthesizing ethical conviction and political power" (Timasheff 1937).

The reflections' object is interpersonal forgiveness and its positive impact on community and a social level. A detailed study of political forgiveness (amnesty and pardon) is outside the scope of this article. The framework for this approach consists of references both to the criminal justice model and to the restorative justice movement, whose principles and philosophy are considered particularly appropriate for the treatment of terrorist offences.

Section II, entitled "Criminal law, victims and forgiveness", talks about the role of criminal law in relation to victims. The intention here is to highlight the need to redefine the current concept of public interest within a more tangible and humanist framework, presenting restorative justice as a suitable means to accomplish this end.

Section III, "Restorative justice as a reparative response to crime", explains the concept and purpose of this international movement, focusing primarily on addressing the needs of victims. This section also refers to the restorative philosophy's stance on forgiveness.

In Section IV, "Forgiveness as a reparation and recovery mechanism for victims", makes a distinction between forgiveness based on repentance of the perpetrator and the unilateral and unconditional forgiveness offered by the victim. It discusses the significance and consequences of forgiveness between victims and offenders as a way to achieve reparation for the victims, and restorative justice as a means to create the conditions conducive to offering forgiveness, so benefiting both victims and offenders.

Against the background of a society that has been a victim of terrorist violence, Section V, entitled "Forgiveness and Reconciliation", seeks to extract the beneficial consequences of interpersonal forgiveness beyond the individuals directly involved, so becoming an instrument of social reconciliation.

Finally, Section VI discusses the critical role of restorative education in building a more cohesive society in which forgiveness can acquire its true dimension.

2. Criminal law, victims and forgiveness

Prior to the emergence of *ius puniendi* in the eighteenth century as a way for the State to maintain social order, the punishment for criminal acts took place in a private way. The victim or his relatives had a prominent role in the imposition of punishment and revenge against the offender and this practice was socially

accepted. The excess arbitrariness, hatred and cruelty present in the administration of this type of justice were tempered by the emergence of concepts such as retaliation or, at certain times in history and in certain regimes, with the introduction of a system that combined revenge with compensation in money or property, which would be negotiated between victim and the perpetrator, or their families (Landrove 1998, p. 161-162). Later on, it was the judges who performed this assessment according to a set of regulations. Money thus became an expression of the social abstraction of reparation (Simmel 1900), representing the progress in the evolution of human society compared to the more violent forms of individual reaction in defence of the victims.

As the state monopolised the means of responding to crime, the offender became central to the legal process as person that committed the crime. Consequently, the victim was marginalised and ended up occupying a role that was anecdotal and largely related to civil liability issues. This marginalisation of the figure of the victim was extended well into the twentieth century. Finally, the past century witnessed the development of a greater sensitivity to the role of the victim such that he or she was just as important as "the explanation of the criminal, its prevention and the response of the legal system" (Landrove 1998, p. 22). Criminal law is grounded in looking beyond the individual issues of those directly affected by the crime to act in a more generalist way as protector of the public interest, and the victim becomes a key figure in upholding these interests, according to the new theory of criminal justice.

In the light of my practical experience of the workings and current application of criminal justice, a question we have to ask is what do we understand by so-called "public interest"? The community is an intangible concept on whose behalf we carry out actions with a particular goal. Its paradigms are often contradictory with "the ideals of person and human society" (Aguirre 1998, p. 86-87) that the State aims to achieve for its citizens, who are individuals but together constitute a tightly connected group. Dialogue is a fundamental value of the democratic system so it should not be taken as mere rhetoric but as a conception of criminal law that is more in line with its true meaning.

In the 21st century, it is time to advance beyond the stereotypes created by our collective abstraction, such as that that holds that "in both a social context and in the criminal one, the victim appears fundamentally passive and vindictive" (Bernuz Beneitez 2010, p. 256). This image is in the minds of many but contrasts with the real-world experience of restorative meetings between offenders and victims. As a mediator in criminal cases I have witnessed the human capacity for dialogue, understanding, responsibility and forgiveness in situations relating to non-terrorist crimes which, for those unfamiliar with these restorative processes, might seem unthinkable. In fact, this belief in the near impossibility of dialogue, reparation and forgiveness is something I hear from many people from very different social and professional spheres.

The tensions and complexity that has some to characterise the public and private (Bernuz Beneitez 2010, p. 250) can be gradually overcome through positive management of the interpersonal conflict created by the crime and through increased community participation. Various authors have made similar findings. "The conflict does not belong to the State but to the victim and the perpetrator" (Gordillo Santana 2007, p. 80), "Ordinary people, the whole population, needs to become an active participant and not a mere spectator, they should work to achieve solutions rather than merely expect them to happen. Rather than giving orders, we need to make compromises, compensate rather than retaliate, do good instead of evil" (Falcón Tella and Tella 2005, p. 249). These proposals make more sense than ever when the effectiveness of punishments and, by extension, the criminal justice system in meeting individual and social functions assigned to them (special prevention and general prevention) is increasingly questioned. "… It is

difficult to prove and it has yet to be shown conclusively that the punishment achieves its intended goals" (Bernuz Beneitez 2010, p. 256).

Modern criminal law is legitimised by the abandoning of purely retributive goals in favour of using punishment as a tool for crime prevention, so benefiting individuals and society as a whole. Given the failure of processes for reintegrating and rehabilitating offenders (special prevention), the emphasis is on general prevention and the coercive effect of the law. In this way, the generalist nature of the aims of criminal law are emphasised to the detriment of alternatives that address the practical reality of each crime and its consequences for the future, although these considerations should be central to our formal understanding of criminal law.

Turning to the aspect of human relations, it is significant to mention that "authors almost unanimously emphasize the importance of interpersonal forgiveness (and regardless of asking forgiveness to the victim as a legal institution) as a necessary act to overcome the past, the present and work to enable the future" (Bernuz Beneitez 2010, p. 258). The value of forgiveness in liberating the past and opening up a new future benefits both the victim and the offender, as pointed out by, among others, Aguirre (1998, p. 86-87) and Echano Basaldúa (2002, p. 158). The criminological perspective backs up this idea of forgiveness in a more collective sense, highlighting how the people involved in building the social network which leads to crime are often known to each other. Beristain Ipiña (1985, p. 86,23, 29) notes that "the solidarity of all citizens within a larger human family means that when an offender violates the law, he infringes the law on behalf of all citizens, to a greater or lesser degree (…) if we are all members of a single family, then we all helped commit the crime (…) and so we must also all be involved in the process of forgiveness, without which there can be neither the family nor the fraternity."

Consistent with this approach, criminal doctrine advocates that the victim's forgiveness (or the reparation of the damage caused) is considered a valid alternative to circumvent the judicial process or suspend the imposition or execution of punitive measures in certain circumstances. Other authors advocate limiting these effects and some go as far as requiring "verification that the functions of criminal law have really been fulfilled … and that the interests of those involved and society as a whole are protected" (Bernuz Beneitez 2010, p. 254). This onerous requirement may seem somewhat contradictory as it effectively recognises the inability of the criminal law to comply with the purposes of special and general prevention that it has attributed, as previously pointed out.

Over the centuries, the evolution of criminal justice seems to have evolved from a private and inhumane punishment to impersonal institutional machinery that does not give people's sufficient maturity to heal their wounds and take responsibility, wit the appropriate support. Restorative justice is a bridge that reduces the separation between private and public in the context of criminal law.

3. Restorative justice as a reparative mechanism for crime

Restorative justice emerged in the 1970s, promoted by a wide variety of programmes and approaches in the international community. Often, these programs are offered as an option that complements the traditional legal process. The practice of restorative justice is better established than the theory, which emerged later as a result of the growth of practical cases.

Howard Zehr (2002, p. 5-6), one of the movement's founders and a key figure, says we can define restorative justice as a movement that seeks to present an alternative framework for thinking about the crime. It focuses on the needs and the roles of people associated with it (particularly victims but also offenders and members of the community to which both belong), whose needs may not be satisfactorily met by the penal system. Zehr (2002, p. 14-17) maintains that the following needs to be considered.

Victims need to be given information, they need to be heard ("tell their truth"), sometimes they need to listen to the offender, they need to feel empowered and they need reparation. For their part and directly related to the needs of the victim, perpetrators need positive reinforcement to assume their liability towards the victim. Furthermore, they need to feel supported as they undergo a personal transformation, rejoin society, and in some cases, suffer restrictions or limitations. The social environment closest to the victims and offenders also needs support as secondary victims affected by the impact of crime, they need opportunities to build a sense of community and mutual responsibility, they require a positive reinforcement to take care of their obligations to all its members, including victims and offenders, and to promote conditions conducive to community welfare.

The best instrument to satisfy these diverse needs is dialogue (facilitated through assisted communication processes directly or indirectly) between the people affected by crime and treating it as a disruptive event that damages peace of the people. The logical and necessary consequence, from the perspective of coexistence, is that whoever has committed the harm assumes their responsibility as a human being (that differs to the legal concept of "guilt") to repair the harm done to other human beings. This view of crime, closer to common sense and therefore, as many authors have pointed out (among others, Zerh 2002, p. 19, Liebmann 2007, p. 37), found in almost all cultures of the world, helps us to keep perspective, to keep our feet on the ground and so not waste efforts in digressions that detract from the essential purpose.

By giving priority to the substantial and joining efforts in consolidating the social foundation (interpersonal relationships) we can build a penal law system that is better suited to attain its goals, one of which is the prevention of crimes from being committed. On the general preventive effects of restorative orientation processes, Echano Basaldúa (2002, p. 168) argues that "the reconciliation between victim and offender, the reparation, supports the validity of this approach", while Pérez Sanzberro (2002, p. 482-483) highlights its impact on special prevention: "... the victim is a key point of reference in the process of determining responsibility."

Asking for apology is a way for the person committing the crime to manifest their responsibility and to make moral reparation to the victim. However, forgiveness and reconciliation are not specific aims of restorative justice. The objective of this movement is to reduce as much as possible the gulf that separates people involved in a crime through communication and by trying to satisfy the needs of the victims as they themselves have expressed them. Therefore, the act of forgiveness can only happen in a spontaneous way and the participants should not feel pressured by other individuals or society as whole. On this very theme, Jean Amery (2004, p. 153) argues that "forgive-and-forget, if it is forced by social pressure, is immoral".

4. Forgiveness as reparation and recovery mechanism for victims

Another dimension to forgiveness is as a personal transformation for the victims that can free the pain of the past, a way of healing the wounds caused by the crimen. The decision to forgive has many complex explanations. Often, the victims themselves find it difficult to identify clearly the reason or reasons that led them to forgive and also it is common that there is more than one cause. It is not intend to go further into this aspect but instead to analyze the two main types of forgiveness -- the distinction lies in whether the granting of forgiveness has been directly influenced by an offender's previous behavior or not -- and their beneficial effects on the victim.

In order to define the preconditions such that reparation occurs as a result of the existence of forgiveness, we follow Liebmann (2007, p. 327) and distinguish the two main philosophical meanings given to this term. The first is the most consistent with the restorative justice approach discussed above.

1. Forgiveness as a result of building a human bridge between the victim and to the offender

2. Forgiveness as a unilateral act of the victim, whether or not requested by the offender and irrespective of whether the latter is known to the victim. The purpose here is to allow victims to rid themselves of the twisted sense of servitude towards the perpetrator of the crime, created by feelings of hatred and revenge.

1. - Restorative processes provide an opportunity for forgiveness and reconciliation to emerge, if the victims want them to, and in fact it is common for this to occur with greater or lesser intensity (Zehr 2002, p. 5).

Restorative justice seeks to promote the humanisation of the consequences of crime, encouraging the assumption of responsibility on the part of the author for the damage caused to specific individuals, thus laying the foundations for a future that rests on and is conscious of the past, but is not anchored in the past, which is what happens with the concept of guilt in criminal law. The offender is in a situation characterised by a greater sense of morality, which is more conducive to inner change motivated by the humanising response often obtained from the victim. By overcoming this sense of being trapped in the past, which is produced by guilt (Bernuz Beneitez 2010, p. 259), the offender can shed the stigma attached to their crime. This leads to greater self-awareness in relation to others and creates a feeling of obligation to the victim, who has shared with the perpetrator the liberating effect of the past through the issue of forgiveness (Echano Basaldúa 2002, p. 158).

The awareness of belonging to the same human beings in many cases generates an inner movement in the person committing the offence which ends up being expressed in regret towards the victim and this often constitutes a factor towards the granting of forgiveness. Socially, it is also more acceptable that the granting of forgiveness is linked to repentance on the part of the person causing the damage. Gamboa (2002, p. 237) confirms this assessment taking it to the extreme, arguing that "repentance is the only moral reason to grant forgiveness." From a general perspective, this forthright statement can be challenged on various fronts: the specifics of the case and the circumstances of its author, its impact on the victims and, above all, the unique individuality of the human being, which leads to a range of different perceptions of the above premises and their reaction to them. Bilbao Alberdi (1999, p. 36) argues in this sense and clarifies that repentance is not a prerequisite "… although it is desirable."

2. - As well as forgiveness that is conditional upon repentance, we also have the unilateral and unconditional forgiveness of the victim. This is the result of a profound spiritual development that overcomes the limits imposed by the barriers to pain, the need for vindication; social conditioning about what is forgivable and unforgivable, and even traditional justice. This enormous generosity (Bilbao Alberdi 1999, p. 36) has the great virtue of freeing the victim from suffering actions by third parties and obtaining a profound inner piece. Forgiveness understood in this sense becomes a way to transcend the evil committed by other human beings, who despite everything, are like us and part of us. We assume we are created from a transcendent human substance that needs to be saved (Derrida 2001, p. 60).

Bill Pelke (USA) is the author of a book entitled *Journey of Hope … From Violence to Healing*, "which recounts the murder of his grandmother Ruth Elizabeth Pelke, a Bible teacher, by four teenagers on May 14, 1985. One of them, Paula Cooper, then 15 years old, was declared to be the ringleader of the crime and sentenced to die in the electric chair. Bill supported the death penalty for Paula Cooper. However, he underwent a spiritual transformation in 1986 that caused him to get involved in a successful international crusade to save Paula. In 1989 the death penalty sentence was commuted to sixty years in prison. Bill has dedicated his life to working for the

abolition of the death penalty. Share your story of forgiveness and its healing power (Journey of Hope … From violence to healing 2013)

Aba Gayle (USA) suffered eight years of anguish, pain, hatred and rage against the murderer of her daughter, before joining a church and studying *A Course in Miracles* (Schucman and Thetford 1975), which led her to forgive the murderer and even visit him in death row, where he was awaiting execution. Aba Gayle also helped the campaign for the abolition of the death penalty (Liebman 2007, p. 327).

A Course in Miracles was written by Helen Schucman, clinical psychologist, professor and researcher at Columbia University, with the help of her professional colleague, William Thetford. "*A Course in Miracles* is a complete self-study spiritual thought system (…) It teaches that the way to universal love and peace—or remembering God—is by undoing guilt through forgiving others (…) It is a universal spiritual teaching, not a religion" (A Course in Miracles. org website). Forgiveness is studied from the construction of overcoming the ego, which is presented as a purely material, defensive and exclusionary entity, reflecting the idea of the transcendence of the human essence invoked by Derrida. Forgiveness is conceived as a means of acceptance of the whole human race, of its mistakes and of the confidence in the human ability to rectify. A different view of the person opens up and with it greater internal security against the variability of perceptions of human relationships and life. The certainty of the essential involves a spiritual truth about the human being and it becomes an instrument for attaining profound inner peace that begins at home and extends to all, healing the wounds caused by a seemingly tumultuous world.

5. Forgiveness and reconciliation

What do we mean by forgiveness when we refer to crimes committed systematically and indiscriminately as a means to exert political pressure on the state? Are the needs of victims of terrorism different from those of victims of other crimes?

The political connotation that hangs over terrorist crimes influences the meanings given to forgiveness as well as reconciliation, which is a term often identified with the first (Bilbao Alberdi 2013, p. 64).

Before going further, we should clarify that despite the resistance to acknowledging a political dimension, in the context of terrorism in Spain this is accepted as a way to understand how terrorism differs from other crimes, as long as "it does not aim to benefit particular interest groups and aims to change social structures, with the state as the target for its violence" (Álvarez-Gálvez and Díaz-Valcárcel 1985, p. 923).

From the start, when talking about reconciliation we can identify both a private and a public dimension to forgiveness and their integration may seem controversial. According to Levy and Sznaider (2006, p. 88) reconciliation is a term today "understood entirely in a social and political perspective that is completely independent of personal feelings." From the political perspective, forgiveness is the act of releasing the past to enable future action (Levy and Sznaider 2006, p. 83-85). But the obvious risk in this process is that people's feelings end up being ignored. Preserving and protecting the freedom of expression of feelings and forgiveness of victims and providing restorative mechanisms to make possible that these manifestations between individuals can be useful in avoiding this risk and ensuring the authenticity of a collective reconciliation process. According to the Royal Academy of the Spanish Language, this term describes the act of "attracting and reconciling disunited spirits", with "spirit" meaning as in "raise the spirits", that is to "to morally encourage someone" and "moral" meaning that which "concerns human respect" as mentioned at the beginning.

The violence of terrorist offences and the ends they seek to reach can cause emotional repercussions in the victims, families and social circle that are much more shocking and traumatic that those of non-terrorist crimes. As regards the social perception, Álvarez-Gálvez and Díaz-Valcárcel (1985, p. 923) note that "(…) the victim, in the eyes of the population, appears more innocent, if that is possible, when the motive is political. In this case, the victim is not just an individual but a means to attack the state." The debt owed to these victims by society and the institutional and political apparatus that supports the victims of terrorism must, if anything, be greater than in the case of non-terrorist victims.

The vast majority of authors concur in stating that the first priority should centre on honouring the memory of the victims, remembering the past so as to understand it, heal wounds and prevent it recurring. Talking about the conflict in Northern Ireland, Frayling (2009, p. 28,29) states that "'forgive and forget' does not work (…) It is often objected that repentance, or apology, can have no place in the harsh world of politics(…) But memories stay alive in people and communities (…) To repair the past is to prepare the future". Levy and Sznaider (2006, p. 97) echo the importance in the last decade of what they call the "mnemonic turn" in legal and political theory, which makes overcoming the trauma of the victims a primary goal.

The terrorist violence inflicted by ETA has been particularly traumatic for its victims and much of the Basque society, not only for the damage caused directly, but also because of the its ability to cause additional cruelty and immorality through the systematic and open support shown for the violence by a segment of society that has stubbornly and inhumanely refused to acknowledge the irreparable loss of human lives and the great pain of the victims. This sector of the population has preferred to prioritise their political beliefs over the fundamental rights of individuals, creating a climate of fear that makes it difficult to speak out in favour of the victims.

For this and other reasons, the great majority of Basque society has tacitly accepted this neglect towards the victims, who have remained ignored for years (Bilbao Alberdi *et al.* 2013, p. 54).

If we turn now to look at how the traumatic effects of terrorism can be overcome and recall what we have already written about repentance, some authors consider this to be an essential requirement for making moral reparation to the victims of terrorism and clearing the way for possible forgiveness. Frayling (2009, p. 31) argues that "it is a basic feature of human experience that you cannot have true reconciliation - be it personal or institutional - without sorrow and or penitence, or apology and symbolic restitution. If we repent, others may choose to forgive us - that is a matter for them - but it is not the main object. Repentance is important for its own shake- and for ours." Aguirre (1998, p. 86-87) takes a broad perspective in analysing forgiveness by stressing the need for "effective solidarity … that helps (the victims) to overcome the trauma with a positive attitude and restore their faith in mankind".

In moving beyond the private to the public sphere, Aguirre adds, we need to be firm when it comes to the social response and justice but more flexible when talking about requiring repentance. "Society can and perhaps should legally require manifestations of forgiveness, but with two conditions: first, that society has spoken out in favour of victims, offering them support and justice has been done (…), second, the offenders have in some way accepted that an injustice has been done and commit themselves to change their behaviour," which is particularly relevant, in my opinion, to terrorist violence. Restorative justice also requires that "a wrongdoer must admit to some level of responsibility for the offence" (Zehr 2002, p. 9).

It is a perceptible fact that terrorism in Spain affects a large sector of the population but its most direct impact is felt by the families of the victims. The

restorative framework addresses the needs of all victims of terrorist crimes within the umbrella term of "stakeholders" (Zehr 2002, p. 27), which refers to all those who have been affected by the crime.

6. The principles and values of restorative justice as facilitators of interpersonal forgiveness and social reconciliation

Referring to the work of Zehr (2002, p. 21) previously cited, we can summarise the principles of restorative justice as a logical sequence:

– The conception of crime as damage to people and their relationships.

– The assumption of obligations to victims as a result of the damage caused

– The best response to these obligations and to the requirements of justice can be achieved by implicating those parties directly and indirectly affected by the crime as well as those who can make a contribution to fix things.

Consequently, the concept of responsibility, understood to be a "dialogue with other subjects participating in social life" (Pérez Sanzberro 2002, p. 475 ff) which aims to "encourage awareness of a relationship that has been destroyed or damaged" (Bernuz Beneitez 2010, p. 14), occupies a central role in this approach.

According to Zehr (2002, p. 35), the values that underpin these principles are:

– The interconnection of all of us to the rest of the world through a network of relationships.

– Acceptance of diversity as a measure of the individual value of each person.

– Respect for all people as a supreme value that includes the above two values.

Respect involves viewing others as a reflection of oneself, on the basis that as human beings they are equal even though may appear to be our enemies (Zehr 2002, p. 36).

Forgiveness towards someone who commits an offence is included in the supreme value of respect, both in the private and the public spheres. Echano Basaldúa (2002, p. 156) emphasises that "when the victim offers forgiveness, they accept the offender's shared condition as a person and they recognise the fragility and dignity common to all people." In a similar vein, combining forgiveness with justice and future, Sádaba (1995, p. 79) states that "forgiveness is a type of justice that always looks ahead, which only considers the good in people, which does not forget the weakness of individuals and does not overlook that individuals have more than one soul in a lifetime." Legendre (1992, p. 23) emphasises the imperative need to separate the person who offends from the offence if we wish that the offender "returns to the human herd and is readmitted as a member of humanity."

Analyzing the purpose and nature of forgiveness in the public space, Levy and Sznaider (2006, p. 89) link concepts of individuality and community derived from current political thought that are closely related to the principles and values of restorative justice. "Political forgiveness recognises that all are equal and therefore share a common sense of humanity … but there is also another principle which sees each individual as unique and irreplaceable". We can reconcile these two principles as they are not necessarily contradictory. But reconciliation requires a mechanism to connect the two via an "ethics of responsibility".

Respect is a fundamental value in the treatment of victims. For example, if a victim opts to grant a full pardon as a reflection of their more spiritual way of understanding life and human relationships, they should not be criticised by those who claim higher ethical principles because, in my view, these arguments can not be morally justified. So when Falcón Tella and Tella (2005, p. 240) ask "should we always allow the victim to show kindness, to forgive? Even in the case of heinous crimes?", I think the reply has to be 'yes'.

For those very reasons of respect and life choices, its usefulness as a recovery mechanism, and the legitimacy given to it by the victim, it is debatable whether this non-dualistic way of understanding forgiveness should be criticised. Reasoning that "… if there is no sense of moral guilt, there is no possibility of forgiveness" (Bilbao Alberdi 1999, p. 23) or that "… repentance is the only moral reason to grant pardon" (Gamboa 2002, p. 237) should not prevail over the victim's fundamental right to be respected. According to Bernuz Beneitez (2010, p. 263) there is a need "to show that the victim is capable of, wants to and perhaps needs to forgive the pain they have suffered, formally or informally, publicly or privately, inside or outside the courtroom." To which, in my opinion, it is important to add that society has to acknowledge forgiveness and accept it as a respectful personal decision without criticism if the victim chooses to grant it.

The principles and philosophy of restorative justice are particularly fitted to the treatment of serious crimes, as several international studies on this subject have shown. Within this type of crimes, clearly we must include terrorist crimes and while we put particular emphasis on how to respond to the needs of the victims, we also look at the needs of offenders and of their respective communities.

In the case of the damage caused by ETA's violence, there have been fourteen restorative encounters between 2011 and 2012 involving victims and former members of this terrorist organization sentenced to prison for murder. Esther Pascual, facilitator and coordinator of these restorative encounters, says the main purpose of these meetings has been "to reduce and, where possible, overcome the pain, suffering and other emotions experienced by those who have suffered heinous crimes and those who committed them." An additional aim is to achieve true social reconciliation. "The building blocks on which a lasting peace can be built" (Pascual 2013).

Maixabel Lasa's husband, Juan Maria Jauregui, was killed by ETA eleven years before she took part in one of these restorative encounters with one of the ETA members responsible for his murder. She also acknowledges the dual purpose of these meetings: "I believe that these meetings should, at the individual level, help repair and heal the damage people have suffered, and at the social level, build a more just and safer society, with the ultimate goal that the violence of the past should not be relived in the future." (Lasa 2013, p. 14).

Luis Maria Carrasco, a former member of ETA who took part in the restorative encounter with Maixabel Lasa, has described his thoughts before he saw her face to face. His main objective was forgiveness. "I went with one goal: to apologise to her and all those who had suffered so much because of me (…). I had to face up to her with my shame and my repentance, knowing full well the tragic position in which the path I had chosen had left me (…), driven by stubborn and stupid delusions that made no sense (…). That morning I was about to apologise for an unforgivable crime" (Carrasco Aseguinolaza 2013, p. 280).

7. Restorative education and real forgiveness

In addition to raising social awareness, education plays a crucial part in shaping a new justice model based more on agreement and reconciliation (Bernuz Beneitez 2010, p. 258). Values such as social interconnection and an appreciation for the unique richness of human individuality, if transmitted and internalised early on in the education process, create citizens who are more respectful towards their fellow citizens, who are capable of more mature personal relationships and who are more likely and better prepared to rebuild relationships if their existing ties break.

We depend on other people to develop and enrich our life so learning to develop, maintain and repair relationships is without doubt of decisive importance. Moral education is a feature of all Spaniard schools, irrespective of whether they are religious or secular institutions, and is offered via coexistence plans, tutorials or

specific classes such as religion or ethics. There is now greater awareness in education about the importance of developing emotional and social skills. Protocols have been developed to intervene in various types of conflict at school including bullying. However, the academic syllabus takes first place when it comes to allocating time and resources, which means that "sometimes these crucial aspects of learning are not seen as integral to day-to-day teaching." (Hopkins 2011, p. 5).

A restorative approach to education represents a more comprehensive and transverse teaching style that inculcates peaceful coexistence and respect for other people, and provides the instruments to solve educational problems and conflicts. One of its objectives is to equip students with the skills and tools to communicate, understand and manage conflicts before they develop into serious issues. "Why wait until things go wrong before teaching people to see situations from another person's perspective (…) and find ways forward through collaboration ?" (Hopkins 2011, p. 5). This approach focuses on teaching students how to create, maintain and repair relationships with the class and the school, as well as developing social responsibility and cooperative learning (Hopkins 2011, p. 13). It advocates a less individualistic society in which "we are aware of the existence of someone as a person who is capable of errors and also can correct them" (Bernuz Beneitez 2010, p. 269).

Once we learn how to internalise values and restorative skills, we can aspire to achieve a more authentic forgiveness in interpersonal relationships. We can then "promote the social value of forgiveness that has been genuinely asked for and granted" in the case of grievances that go beyond minor issues related to good citizenship and urbanism (Bernuz Beneitez 2010, p. 250-268) This condition of forgiveness as a "moral power of the highest magnitude" (Thomas 2009, p. 23) could then be more widely and unambiguously accepted for "its capacity to transform internally" (Levy and Sznaider 2006, p. 85), opening the way for reparation to the victims at the interpersonal and collective level when serious crime has occurred.

8. Conclusion

The road to achieve real social peace starts with changing our conceptions of interpersonal relationships. The key to achieve this change lies in the conscious structuring of these relationships on solid principles and moral values. Our response to crimes must always be based on deepest respect for people. The restorative justice framework provides a suitable starting point for treating all those affected by crime with respect, particularly in the case of serious crimes such terrorism and with special attention to the needs of victims. It encourages victims to grant forgiveness as a restorative act and it helps them channel the positive consequences, so enabling the benefits to extend beyond the interpersonal to the community and social levels. This conciliation between public and private is particularly important if we are to bridge the gap between interpersonal forgiveness and genuine collective peace in societies that have been victims of terrorist violence. We need to foster an education based on values and restorative skills if we want to build a new model of human relationships that promote social change as a response to crime. We would then be better placed to address some of the dilemmas posed by criminal law if, like Howard Zehr, we think that "damaged relationships are both a cause and an effect of crime" (Zehr 2002, p. 20).

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