

Restorative Justice and Political Violence in Democratic Societies

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Review of: Guido Bertagna, Adolfo Ceretti and Claudia Mazzucato (eds.), *Il libro dell'incontro: vittime e responsabili della lotta armata a confronto*. Milan: il Saggiatore, 2015, 466pp., ISBN: 9788842821458. [Lit.: *The book of the encounter: victims and militants of the armed struggle face each others*]

IF there were a value theory of books gauging the amount of intellectual, emotional and relational labour transmuted into pages of text, *Il libro dell'incontro*¹ would be a prime example to illustrate it. In a time of ephemeral one-liners and unmediated digital exhortations, seven years of work by a group of more than fifty people seeking a 'justice of encounters' make this 'book of encounters' stand out as unusually deep and thickly textured. A book that might indeed 'change the history of Italy', as claimed in the cover jacket.

Former left-wing terrorists, victims, mediators and other 'third parties' started meeting in 2007 as a group, not in one-on-one, victim-offender mediations that had already been quietly happening since the 1980s. And for want of a better name they started calling themselves simply 'the group'. It was only after four years of work, dialogue and residential meetings, a slow and careful process carried out in maximum discretion without any institutional support whatsoever, that the group took the decision to 'go public'.

Our group does not exist if it does not leave a trail. And trails have to be visible, comparable, communicable, interpretable (unattributed 'voice', p.187).

The collective discussion about how to leave this trail and the drafting process continued for another three years. The three mediators, Guido Bertagna, Adolfo Ceretti and Claudia Mazzucato, eventually edited the book.

¹At the time of writing there is no news of a forthcoming English translation. All quotations from the book, and others references, are literal translations offered by the reviewer to the reader as a first approximation to the text. Regarding the title: 'encounter' in English perhaps does not convey the same meaning as 'incontro' in Italian, but it is definitely better than a bland 'meeting'. Besides, the semantic elements of part chance, part confrontation found in 'encounter' resonate with the experience recollected in the book. A shorter version of this review has been published on Restorative Justice: An International Journal <http://dx.doi.org/10.1080/20504721.2016.1197536>

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I. THE 'YEARS OF LEAD' IN ITALY

Seven years of arduous labour: why did they do it and how did they persevere during such a journey? The motivations vary and overlap, but a collective quest for a different kind of 'justice', in the face of horrible crimes figures prominently. The group dealt with, and many of its members personally committed or were politically responsible for, particularly heinous crimes, 'crimes that' – as Antoine Garapon would have it – 'one can neither punish nor forgive' (quoted, p. 305). These crimes were committed during a period of major socio-economic transformations and mass political mobilisation. The political violence that shook Italy during approximately twenty years (1969-1988), also referred to as the 'years of lead', left a total of 428 people dead (197 individually targeted killings; 135 victims of mass killings, bombings; and others victims of more generic 'political violence') and over 1,000 wounded, including 75 *gambizzazioni* – shooting at the legs with the intention to maim and intimidate, but not kill – in 14,615 terrorist attacks. [1]

The criminal justice response was massive: 'around 20 thousand people have been investigated in relation to the armed struggle; 4,200 have been sentenced to jail for crimes of formation of an 'armed band' or 'subversive association'; of these, 300 received sentences of less than 10 years; over 3,100 received sentences of more than 10 years; almost 600 received sentences of more than 15 years, hundreds were sentenced to life in prison' [2]. To date there are no officially sentenced perpetrators for some of the worst indiscriminate mass bombings. Despite substantial evidence collected after years of investigations, the connections between extreme right groups, organised criminality

and sectors of state security pursuing the so-called *strategy of tension* have not been fully clarified.

Even if the criminal justice response was instrumental and ultimately successful in 'contrasting terrorism', it left many of those who experienced those tragic years still questing after a justice that, they felt, had not been done yet. This is one of the motives that brought together in the group the former terrorists, who had already served long sentences, the victims or their family members, the mediators and others.

II. STRUCTURE OF THE BOOK

The book starts with a dense and beautifully written introduction ('Brief history of a long journey') by the three authors-editors-mediators. With a terse prose they explain how the group was formed, how it worked, the methodology they followed and how the book germinated. If the mediators had cultivated any programmatic intention or plan, it played little part in a journey that for the most part 'imposed itself', taking them where 'it wanted to' (p.15). The authors' sharp reasoning, care for their fellow travellers and commitment are a fine example of what Xavier Zubiri might have called *inteligencia sentiente* at work.

The book's core section comprises the 'Voices', excerpts from the dialogues between members of the group and the collective letters they exchanged. A short 'travelogue' introduces the Voices, putting them in context, reconstructing the different stages of the group's work. Not all the Voices that appear in this section, excerpts from scores of hours of dialogue, are attributed to a particular participant, however. In some cases the participant preferred not to be identified. In others the voice is a collective one, for example a letter addressed by the former terrorists to the victims, or by the 'witnesses' (perpetrators and victims together) to the 'third parties'.

The Voices try to convey the impossible, a discursive reduction of the seven year long work of a group where most of the times the essential communication flew through the unspoken, the simple bodily presence. A former terrorist and the relative of the person he or she has killed sitting next to each other, spending a week under the same roof in a mountain shelter, washing dishes together. The Voices are often intimate, but always lucid. This is for example how Agnese Moro (daughter of Aldo Moro, the Christian Democrat politician kidnapped and killed by the Red Brigades in 1978) recalls the reality check she imposed to herself before addressing the men and women that assassinated her father:

Before writing to you I wanted go back to the moment whence all this originated. I wanted to be sure that I have not forgotten, I have not watered down the past, what happened to my father. So I re-read my father's post-mortem report, because that body – those bodies – are the only unequivocal fact, and in a stark, definitive manner, our reality. [...] After this reading and these memories, I was certain that I was not whitewashing anything; that my journey towards you – and yours toward me – has been done without simplifying, without putting anything in brackets (p.161).

The book continues with a series of essays about certain scientific and methodological aspects of the group's work.

Adolfo Ceretti writes about the inspiration he drew from South Africa's Truth and Reconciliation Commission. The TRC's exemplarity remained a lode star for the mediators, although they realised that their situation was utterly different, especially considering the lack of institutional involvement, national or international.

Shifting the focus on the 'encounter' as the locus of a common search for justice, Claudia Mazzucato's essay focuses on restorative justice's contribution to the dialogue between those who resorted to armed struggle in a democratic society and the victims of that political violence.

Guido Bertagna and the fellow jesuit Giancarlo Gola write about the idea and practice of justice in the Bible, in particular the two complementary approaches of *rîb* (face-to-face quarrel, conflict, interpellation) and *mišpat* (formal adjudication by a third party). The secular reading of biblical stories of injustice, conflict, quarrel and reconciliation was a meta-narrative that resonated deeply with the group.

Alessandro Corda writes about the reforms introduced in Italian criminal law in the 1980s geared towards contrasting political terrorism.

In the last essay of this section, Agnese Moro and Franco Bonisoli (a former member of the Red Brigades, part of the team that kidnapped Mr Moro killing his five bodyguards), discuss how the first tentative 'bridges' of dialogue between victims and perpetrators had started already in the 1980s.

Adolfo Ceretti pens the conclusions on how to approach the question of justice in cases of armed struggle in a democratic society. If the reflection on 'memory' loomed large on the group work, they realised that there cannot be a 'shared memory'. The experiences of victims and perpetrators, and their memories of them, are incommensurable, it would be impossible to 'share' them.

The memory that should be shared is irreducibly diverse and it requires – in order to be recognised – an oblique, cross gaze: we focus the past but look at it with today's gaze (unattributed 'voice', p. 184).

III. MAIN FEATURES AND CONDITIONS OF THE GROUP'S EXPERIENCE

The activity of the group was entirely informal from the institutional point of view, in particular without any involvement of the justice system. On the contrary, the restorative justice practices – mainly circles – that the group followed and the mediators' role were often quite formal. For example, the mediators adopted a rather careful formal procedure regarding the induction of new 'witnesses' into the group. When, after informal personal contacts, a new former armed militant expressed a desire to join the group, the mediators would meet with this person individually first. If the meeting went well, a victim-offender mediation would follow about the case that involved those victims among the witnesses of the Group that had been directly affected by the actions of the new perspective member. The new 'witness' would join the plenary of the group meetings only as a third stage.

The group received no institutional financial support whatsoever and all activities were done on a completely voluntary base, meaning that there were neither economic nor institutional incentives for any of the participants, mediators included. With a couple of exceptions, all former terrorists had already served their time in jail when they joined the group.

Strict confidentiality was observed. Quite remarkably for a topic that still attracts a lot of media attention, the group was extremely successful in avoiding serious leaks to the press that would have jeopardised the whole experience.

Participants in the group were subdivided in four categories: 'witnesses', 'first third-parties', 'wise persons', 'mediators'. It is an original move beyond the standard identification of 'victims', 'perpetrators' and 'community' stakeholders. The 'witnesses' are those who directly experienced the 'years of lead'. This sub group thus includes both the former 'terrorists' (this term and its ambiguities were hotly debated within the group, see pp. 74-77; the former militants are often referred to simply as 'the formers') and the victims of terrorism, including their family members. The 'First Third-parties' (*Primi Terzi*) are those who did not experience personally the 'years of lead', either because there were too young or due to other circumstances, but at the same time they feel affected as fellow citizens. In a seemingly ordinal twist, these 'third-parties' are called 'first' in the sense of being only the first ring of an ideal assembly of participants that want to engage, more or less silently, from variables distances, with the group's work and its stories. The readers of the book constitute an ideal additional ring of the 'third-parties'. The wise men/women (*garanti*) are retired judges, writers, artists and other personalities that acted 'guarantors' of the process vis-a-vis the public.

III.1 First developments and a foundational experience

During the first meetings participants 'had so much they wanted to talk about'. Consultation process among the 'terrorists' about this initiative: word of mouth discussion about those who knew each other and had remained more or less in touch during and after their time in jail. Claudia Mazzucato described the beginning of the Group in a seminar in Leuven in February 2016:

In 2007 we drafted the first document 'Sharing the memory', it helped us getting started, although now we would not call it like that. Now we – as Group – know that different memories can be told to others in a narrative, they can co-exist respectfully, but they cannot be really become 'shared', because each participant has his/her own memories and in some cases, as on the poles of the perpetrator-victim diad, they are quite understandably and irreducibly opposed.

The first week-end long residential stay at San Giacomo d'Entracque, in September 2007, was very important. We were nine people altogether, seven 'witnesses' (i.e. perpetrators and victims) and two mediators, plus a friend external to the group who volunteered to cook for everyone so that the Group

could focus on their 'work', while still sharing some cleaning and dish-washing chores as part of the 'mediation' process. 'The kitchen was an important mediator', just as the beautiful mountain landscape in this remote part of the Maritime Alps, where there was no cellphone nor wireless coverage, but it was not uncommon to see chamois roaming around the residence. (author's notes from the seminar)

The initiative had no institutional support whatsoever from private sponsors or state institutions, not even the local government. In fact, the Group deliberately avoided it especially at the beginning in order to ensure the strictest confidentiality of the meetings. This posed a logistical challenge when the need of organising residential meetings arose. Ironically, one of the 'emergency' laws passed during the 'years of lead', as the period of often referred to, makes registration of guests in hotels and other commercial private accommodations mandatory, with their identifications wired to the Police. By the time of the initiative all the former terrorists had already served their time in jail or were officially allowed work outside the jail or to live at home in some form of house detention. The Group wanted to avoid unwanted publicity and media attention that was likely to occur since the news that some high profile former terrorists and their victims were meeting somewhere in a hotel was likely to be leaked by police officers to journalists. Together with the lack of financial resources – some of the participants could hardly afford to pay a week in a hotel – the requirement of full confidentiality ruled out the possibility to just rent a meeting venue somewhere able to accommodate a group of several dozen people. It was the Catholic church, in particular the Jesuit order – one of the mediators is also a jesuit priest – and the Benedictine order that offered the group the right venues for their residential meetings: basic facilities in abbeys or remote houses provided for free ('give me whatever you can afford') without any service that required the Group to organise themselves the catering, cleaning, transportation etc. Following a century old tradition of giving sanctuary to the fugitives from secular law on 'sacred' premises, it seems that in this case the Church offered the Group shelter not so much from law enforcement but from other external factors, such as unwanted media attention too early in the process.

With the first week-end residential meeting, bringing perpetrators and victims together to sleep under the same roof, sharing meals and dish-washing, the mediators took a great risk. Anything could have happened, the outcome was unpredictable. It turned out to be an important foundational experience for the Group.

During the morning session, the mediators proposed to the participants a standard 'listening exercise' that is usually part of the training of mediators. 'We asked them to bring along a meaningful object and explain why it was special to them, while the others had to listen carefully what each one wanted to communicate through the object'.

In the afternoon of the first day the participants talked about 'facts', what happened in those years, what they did and so on. This sparked a great conflict within the participants.

It wasn't easy: as it was natural, the conflict – made sharper by the vast pain and long time elapsed – appeared very soon. Restorative justice helped us

to go through it with candour, without avoiding it – as we will do in other situations of tension – and this first time we emerged from it with stronger reciprocal trust.

As last activity of the first residential session the Group drafted a road map that inspired their work during the following five years. And each summer the Group repeated the week-long retreat in the Maritime Alps where ‘the kitchen was also a mediator’: the importance of doing things, even trivial daily chores, together.

One victim went to a week-long residential meeting in the Maritime Alps packing only a small bag with a single change of clothes, thinking that after seeing the perpetrators she would leave within 24 hours, she would stand just sitting there with them, it would not work. She ended up staying the whole week, washing every night her dress.

III.2 Language

Any talk of ‘forgiveness’ has been conspicuously absent in The Group. And this against a background in the Italian media and popular culture where ‘do you forgive them?’ is the question that journalists usually ask point blank to relatives of victims of homicide mere hours after the facts. No talk about ‘forgiveness’. No one ever in seven years has uttered the words ‘I forgive you’ publicly because it was not what the Group was about. It was more about understanding, about truth, about thawing and reconstructing memories that had remain frozen in suffering for decades.

The long prison sentences, often in harsh conditions, at least until a major reform in 1986-1987, did not quench the victims’ call for justice and did not do particular good to the perpetrators themselves, apart perhaps – as they admitted – to prevent them from committing more violence and murders in the first period of detention. It was the shared sense that despite the trials and sentences justice had not been done that brought together victims and perpetrators.

About the terms to use. The Group had an intense, difficult, discussion about the ‘terrorist’ word. At that time it was of common currency in the public discourse among the media, politicians, commentators and in fact almost universally adopted. But the former ‘terrorists’ in the Group vehemently objected at being identified as such, claiming that their ‘armed praxis’ had always been aimed at well identified targets, not indiscriminate as in the case of high profile bombings in banks, train stations, public squares that are normally blamed on right wing groups with the covert support of sections of the state intelligence apparatus with the political goal of raising the tension and polarisation in the Italian society making the public more amenable to the securitisation of many issues and a more general conservative turn (‘strategia della tensione’).

III.3 Conflicts between former terrorists

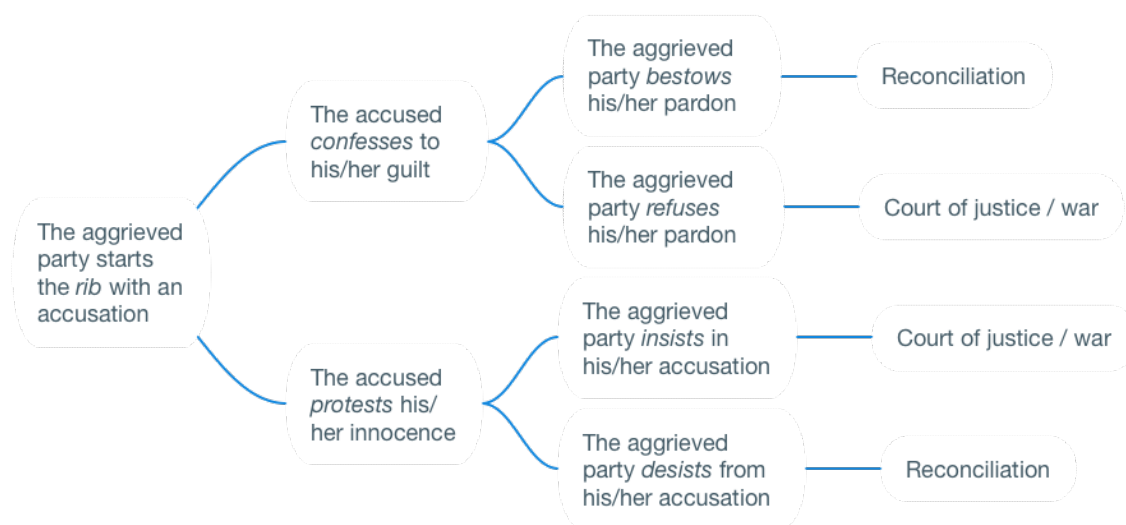
The Group’s circles and the mediators’ role was not limited to the main conflict between victims and perpetrators of acts of political violence. There were also many conflicts among the former terrorists themselves if they had belonged to different organisations of

the armed political left divided by ideological differences and often deep mistrust since the 1970s. In some cases it was also necessary to mediate between former members of the same organisation if some had cooperated with the State at different levels, including informing on former comrades (the so called 'pentiti') – and received reduced sentences in return – while others choose not to inform about their comrade's deeds and just took personal responsibility of their own actions and political stand, while formally renouncing political violence (the so called 'dissociati'); yet another group did take personal and political responsibility but refused any dealing with the Justice system and had to fully serve their time in jail without substantial benefits (the so called 'irriducibili'). Two of the Group former militants were still serving time in jail, they had been arrested in 1982, and their participation to the Group activities had to be painstakingly negotiated with the Justice system. Their high-speed train trip from Milan to Rome in order to meet some of the relatives of their victims was the first time out of town, if not out of jail, and they experienced a country that had dramatically transformed during the previous thirty years. They were eventually conditionally released, but they were angry at those who snitched on former comrades and were out of jail after a few years only.

III.4 Biblical stories on justice as meta-narrative

The Group found in a particular kind of secular reading of the Bible a meta-narrative that resonated with their experience. They found the Biblical characters as emblematic and deeply human, with their stories of sin, anger, love, struggle for justice, and so, deeply resonating with the personal experiences of the members of the group. This secular but committed and therefore 'spiritual' reading of the Bible bound the Group together, provided it a meta-narrative that allowed them not to avoid history – their history – altogether, but at the same time without analysing it in too many details that would lead them astray.

The Group found the biblical category of *rib* (quarrel, conflict) as particularly engaging. In a rough approximation, *rib* can be seen as a complement of the tri-lateral judicial procedure with a judge that is third relative to the parties. In the *rib* there is no role for a judge, it is a bi-lateral process where the aggrieved party directly addresses the perpetrator, denounces the misdeeds and oppression that has inflicted, challenges his or her moral principles and beliefs and calls, often vehemently, angrily so, to change his life, convert, follow the path of justice and restore the covenant that had been broken. Interestingly, it is often the Biblical God that rather than 'judge' acts as aggrieved party and engages and addresses the people of Israel of individual characters in a *rib* in order to reestablish the Covenant and its justice.



The *rib* category gave the Group a narrative and performative space that enabled them to engage each other, talking freely about anything without hurting each other, but working together toward the restoration of some sort of covenant.

III.5 Reparations

Symbolic reparations: ‘Nowadays there is no one who care more about the victims than the perpetrators themselves’.

Formal reparations: the Group visited together places where some of the killing took place, recalling the events together, as a form of reparation to the victims. The main reparation for the offenders was being accepted as persons by the victims.

Although the Group was and is secular, give or take the individual faith of some members, one of the more important reparative moments was a mass celebrated by the former archbishop of Milan, Cardinal Martini on November 2nd 20xx. Card. Martini had played an important role during the ‘years of lead’, in particular it was to him – rather than to State officials – that one armed organisation (some of whose former militants are now part of the Group) decided to deliver their arms in the early 1980s signifying that they gave up with the armed struggle.

IV. KILLING THE MEDIATORS

Whether committed by marxist-leninist groups or state apparatuses, neo-fascist or Islamist organisations, acts of ‘terrorism’ are a form of political violence that always follows some kind of strategic rationality. Quite often, this ‘strategy’ deliberately targets the middle ground of society, the ‘functions’ of political and social negotiation and compromise. In short, ‘terrorists’ often kill ‘mediators’, persons or groups that through their social and institutional role strive to address social and political conflicts in an institutional environment, according to certain rules – hardly neutral, to be sure – where relative forces

are measured up, rational arguments weighted searching for some sort of compromise solution that in the medium term defuses the explosive potential of social conflict. The kidnapping and assassination of Mr. Moro by the Red Brigades – and many other reformists, judges, law professors, economists, labour law specialists after him – are tragic examples of this ‘strategy’. Mr. Moro was a Christian-Democrat politician that since the 1960s sought to open up Italian politics, leading the first centre-left government with the socialists and, a decade later, bringing the Communist Party closer to the government. He was the patient weaver of the ‘historical compromise’ that would have unlocked the Italian political system.

This interpretative angle is not developed in the book, but if accepted it would slightly change the position of the mediators in the group. The restorative justice mediators in the group, all experienced professionals, practiced a principled equi-proximity towards all the other participants. But if some crimes committed by ‘the formers’ or their armed organisations did target political mediators in the past, it could be argued that also the restorative justice mediators are partially victimised in an indirect, functional way *as mediators*, even if their mediation is clearly qualitatively different from the political sort. It is therefore of great interest, and perhaps an unconscious form of reparation itself, that it was through the passion and dedication of three mediators that former terrorists and their victims could have such a meaningful, seven years long encounter.

V. CONCLUSION

The book may disappoint some readers because, compared with the abundant stream of publications on the ‘years of lead’, there are few new alleged revelations, almost no additions to the ‘judicial’ and ‘historical truth’ already consigned to thousand of pages of court proceedings. To be fair, without any institutional support it is difficult to even imagine a remake of the South African TRC. Precisely because the authors are so familiar with the TRC experience, they fully acknowledge the limitations of their work in this sense. There cannot be talks of historical or legal clarification on the (relatively few) dark corners of the leftist political violence of those years without the involvement of all parties, starting from state institutions. This is a fortiori the case for the right-wing violence and the alleged state-sponsored terrorism, where even the formal, juridical truth is still rickety at best. Perhaps this is one of the reasons why there are no former ‘black’ terrorists in the group, let alone former intelligence operatives. But ‘truth’ is not absent from the book, quite the contrary. It is perhaps not a judicial truth, not a historical truth, but ‘truth in the sense of limpid candour, in the sense of coincidence between what you say and what you believe is intimately true’, and its correlative of ‘belief’ in the truthfulness of what the other is saying, that is necessary for the encounter to happen (p.288).

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