

**THE ROOTS OF RESTORATIVE JUSTICE:
AN INTERVIEW WITH MICHAEL NAGLER
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In this interview Michael Nagler, founder of The Metta Center for Nonviolence, is interviewed by research fellow (Summer 2012) Bijoyeta Das, on atonement, nonviolence and forgiveness—the roots of restorative justice.

BD: IS FORGIVENESS AN EMOTION OR AN ACT?

MN: Forgiveness occurs when you harbor resentment against someone irrespective of whether the other person is at fault or not. That resentment is, fundamentally, an alienating force. If carried too far, it can even make you feel happy if the other person were to suffer. This is what I call alienation, and its roots lie in losing sight of the belief that one's well-being is intrinsically tied to the other person's well-being.

You are in a state of consciousness where you harbor resentment against a person and wish him to be unhappy. Yet, deep within, you are not exactly happy about this as well. This is where cultural influences will help you determine whether you listen to that inner voice or go ahead with what you overtly feel. At some point, because of all the factors that have gone into making you who you are, your physical and cultural upbringing, your spiritual influences, you become aware and say to yourself - I don't *like* this alienation and I am willing to give up this apparently justified feeling of resentment. You are now giving up that part of your small self that had wanted you to be separate. You have had this emotional life built around negative emotions, which pertained to the small self. So, at some point you want to unite with that other person, and that's what forgiveness enables you to do.

BD: IS FORGIVENESS ALL ABOUT FORGIVING THE OTHER? OR DOES IT START WITH THE SELF?

MN: Forgiveness is reciprocal. If you get into the habit of forgiving others easily then you will forgive yourself more easily and vice versa. You stop being hard on yourself and forgive yourself. This is not the same thing as overlooking your problems. But when you start looking at them as problems to be solved and not as flaws to be regretted, you begin to forgive yourself for the errors you made and that really matters to you. Then you will find it easier to forgive others, and vice versa. That is why in the "Our Father" they say: *"Forgive Us Our Trespasses AS We Forgive Those Who Trespass Against Us."*

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BD: WHAT DOES HISTORY TELL US ABOUT FORGIVENESS?

MN: Let me give you an example. George Wallace, former governor of Alabama, was a committed segregationist, very much opposed to integration and who not only ordered a lot of attacks by state troopers but also personally went to the university and stood at the doorway to prevent black students from entering. Much later - for some reason, perhaps because he was shot at - he repented. He publically attended the anniversary of the Selma-to-Montgomery march and, in very interesting response, some people came up to him and embraced him with tears of joy and said "We forgive you!"; and others said, "We don't forgive you — not now, not ever."

There are also examples of whole nations being forgiven their debts, etc. For me, of course, real forgiveness is an individual matter.

In the ancient world, people were not too keen on forgiveness. But now we have many examples, like Nelson Mandela going up to FW de Klerk at a public gathering, shaking his hands and saying, "Let's go forward as friends." Another spectacular example was the previous Pope, who had been shot at by a Turkish person, but went to the latter in prison and forgave him. You can never say how much of this is deep emotional conversion and how much done for public consumption, but the fact that it was such a stunning event showed people a way out that they otherwise did not think was possible; and this could be critically important.

Imagine, how many wars could have been prevented if nations could forgive! Kosovo, Pakistan/India — it's mind-boggling. I remember, with great sadness, the then Vice President George HW Bush responding to the shooting-down of an Iranian passenger flight by the destroyer Vincennes, "I don't care what the facts are. I will never apologize for the American people." If we only realized, he was condemning us to perpetual conflict.

BD: DO ANIMALS HAVE THE INSTINCT TO FORGIVE?

MN: I wonder if animals are really capable of it. However, we can say is that in most animals, the instinct to fight-back is pragmatic - about protecting oneself. They don't harbor resentments, although the elephants are known to have done that. If somebody attacks you, you fight back. Because they don't harbor resentment, they can't forgive! Now there is an episode that Jane Goodall witnessed: A male chimpanzee beats a female chimpanzee and the female chimpanzee wants to reconcile with him so she comes up and touches him on his upper arm; which is as if to indicate 'we are friends'. But the male chimp takes a handful of leaves and rubs off that spot in his arm, indicating he has been polluted by her touch. Animals have a much deeper emotional life than we think they have — but I'm not sure if it includes forgiveness in our sense of the word.

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BD: CAN WE GO BEYOND FORGIVENESS?

MN: Forgiveness is an emotional conversion wherein you renounce a part of yourself, the part that's saying, 'anyone who hurts me must be hurt in exchange.' You give up this attitude. But that still leaves the act and the relationship, and it has to be adjusted. Now, once you have forgiven in a genuine way, you are in a position to dispassionately propose what should be done to adjust the situation: 'What does the other person need? What do I do to get back?' and so forth. And that is the component that is sometimes missing from restorative justice. The Truth and Reconciliation Commission in South Africa had to deal with this issue. It was not really easy to establish general repentance and regret or genuine forgiveness on the part of victims partly because it was done publically and there were no consequences. If you stepped up and said you were sorry for what you did, you were given amnesty. People could easily do that without changing emotionally. But once forgiveness has really taken place, you can look at what is left unhealed in that relationship and restore it, mentally, emotionally and so forth.

BD: IS THERE ANY DIFFERENCE BETWEEN MAKING AMENDS AND ATONEMENT?

MN: Forgiveness and making amends (or atonement) are different sides of the transaction, one from the point of view of offender and another, from the point of view of the person offended. In reality, it is much more complicated. People are rarely victimized out of the blue, being completely innocent, and the offenders too are rarely, completely malevolent without a human capacity for regret. Johan Galtung, a well-known Norwegian born peace researcher, said, "In a real life conflict there never are two sides. So forgiveness or atonement is part of the story. And the victim too might have done something to bring it upon himself. I am not thinking about the law of *Karma* here. It is the relationship involved. The offender might have been insulted. Look at the Hindu epic Mahabharata: this large family of cousins almost carried out evil beyond limit. They become completely inhuman. But if you trace back in the story, one set of cousins were insulted; they were made to feel inferior.

But to your question, I suppose that in making amends you do something for the one you've offended, while atonement has more to do with your relationship with or making amends with God, if you will.

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BD: IF THE LAW OF KARMA CATCHES UP WITH YOU WHY MAKE AMENDS?

MN: The law of *Karma* will make sure you recognize what you have done. If you wake up on your own and say, "Oh my gosh, that's not who I am. I should not have done that and I am sorry, I am going to make amends for it"; that *karma*, as far as I know, is cancelled. It may come back to you in a very mild form. I remember this saying: "If you put out somebody's eye, your own eye will be put out. But if you make amends, maybe you will have a lash in your eye for a couple of days." Buddha's understanding of *Karma* is that it is more a teaching law and not like the law of retribution that we have in our judicial system.

BD: HOW IS FORGIVENESS RELATED TO NONVIOLENCE?

MN: In several ways. If you are unable to forgive or atone, you will never escape from violence; you will be locked in a cycle of violence. For me, the classic episode at the national level is the one I mentioned earlier wherein a USS destroyer, the Vincennes, patrolling the Persian Gulf, shot down a Persian passenger airliner with 270 people, apparently by mistake. And, even on realizing the truth, George HW Bush, who was the Vice President at the time, said that irrespective of the fact, he would never apologize for the American people.," That is part of the reason that we are now involved in war after war. We cannot accept fallibility and because we don't, we have to prove our infallibility by dominating others, causing them to surrender and so forth. That is one relationship between forgiveness and nonviolence. Another is that nonviolence is itself an emotional and spiritual conversion that is very similar to the process we were describing in a slightly different setting. So let's say, a person is threatening me, say for the sake of the argument that you are threatening me. By threatening me, you are proposing to me an image of who we are, of our relationship, that we are radically separate from each other, so much so that my suffering will benefit you. And, of course, my first instinct is to get sucked into that model, that image. But something in me says, 'that is not right and I am not going to do it', and so I respond to you with courage and respect. And instead of cringing and saying, "please don't injure me", I say "you do what you feel you have to do but that is not going to change my attitude."

If you really look at it deeply, this is, in a way, exactly the same type of conversion. It is the 'small me' that wants to get pulled into the image of anger and fear, the image of separateness, which can lead to the feeling that I want you to suffer. But then, there is the larger me that remembers Martin Luther King saying, "Don't let anyone bring you so low as to make you hate him." And you say, "I don't want to go there, I don't want to be brought down into that. So I am not going to go along with your threat and also not going to disrespect you." What I am doing is reconnecting with

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you as a fellow human being. So the real, underlined dynamics I see as exactly the same.

BD: THE CRIMINAL JUSTICE SYSTEM IS VERY VIOLENT, SO CAN THERE BE A NONVIOLENT RESPONSE TO IT USING FORGIVENESS?

MN: Forgiveness can definitely be a nonviolent response especially if it is a mature kind of forgiveness that I have been alluding to, where you don't say, "I forgive you, go out and harm again." I was in Atlanta, Georgia when some white youth had burned down a black church and the judge sentenced them to rebuild the church. So you give them the opportunity to restore what they had destroyed. If that kind of forgiveness is practiced at an institutional level, we would have a restorative and not a retributive justice system, and there is an overwhelming evidence that we would have much less crime as well.

BD: SO IF YOU PRACTICE NONVIOLENCE AND BELIEVE IN FORGIVENESS, WHAT HAPPENS WHEN YOU ARE ATTACKED?

MN: Gandhi talks about what would you do if a mad man with a sword were to come at you. You should dispense with that unfortunate person, whatever it takes, including using force. But he would not call it violence; he would call it abusive force. But as long as you don't turn around and continue the cycle and instead of saying 'Ok I better prepare and have some abusive force ready in case it happens again,' you say 'how did we become such people that this keeps happening to us, I am going to spend some time working on this', which a lot of families of murdered victims have done. They have gone on to start organizations that keep kids out of gangs and so forth. If you have that response, Gandhi would not call that violence. You could build a response to crime, a criminal justice system, around that whole model. To put it very simply, there is a person in the south called Bo Lozoff who started the 'prison ashram project,' and he said that the motto of the prevailing retributive justice system, what they say to an offender is 'hey get out of here' but in a restorative justice system you would say 'hey back in here. You have estranged yourself from the community by committing this crime, we want you to reintegrate yourself with the community and cease being that kind of offender.'

BD: HOW WILL YOU CONNECT FORGIVENESS AND RESTORATIVE JUSTICE WITH THE 'NEW STORY'?

MN: The New Story is a story of belonging, that we are all connected and ultimately we have one unitary spirit, which is manifesting itself at the mental level as different minds, and at the physical level as different bodies, but our identities are not in our

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separate packages. There is an underlying unity. If I harbor resentment and it makes me feel that I want this person to suffer then I am really imposing suffering on myself. I may not be aware of it right then because of this prevailing belief that the most separate part of us, which is our physical bodies, is who we really are. So we really are separate. In this narrative it is possible that I could feel happy at the expense of your suffering. But in the new story that's not conceivable because there is no 'I' and no 'You' in this totally separate configuration, we are two reflexes of the same thing. So your suffering is my suffering. Actually there is wonderful scientific evidence to this. You know that in the mirror neurons experiments they have discovered that if I inflict pain on another person, my brain too feels the pain. I may not feel it consciously. I maybe so alienated and so conditioned that I think I am enjoying it. But the reality is that I am suffering just as much and maybe even more than the other person. In other words, we will identify with the suffering of the victim as well as that of the offender, and that is the path toward healing.

BD: DOES RELIGION COME IN CONFLICT WITH THE NEW STORY?

MN: I don't think religion comes into conflict with the new story because the new story would say that, as the Buddha stated, "All that we are is the result of what we have thought." Amit Goswami, a scientist, likes to call this *downward causality*, meaning consciousness, which is much higher ontologically, causes those physical realities. So if I believe that a ritual would work for me, it would work; and this would be because of my belief and not because of the innate efficacy of the ritual. Even Jesus said, 'it is your faith that cured you and not my garment that you have happened to touch.' In the new story, consciousness is much more powerful than matter. It can create and uncreate matter, so if you have a deep belief, a *shraddha* [*faith*], that this is efficacious then for you it will be efficacious.

BD: WHAT STRUCTURAL CHANGES ARE REQUIRED TO HAVE A CULTURE OF RESTORATIVE JUSTICE?

MN: Structural changes have to happen at different levels. As individuals we have different capacities and we can all weigh in one way or another. I think one thing that is powerful is the conspicuous example of the Pope forgiving the man who shot him. If we were actually able to *explain* that example in terms of the dynamics and the model we've been discussing, instead of just saying that he, as the head of the Catholic Church, had to do that, the power of the example would greatly increase. We should be able to explain: we suffer when we harbor resentment against another person because the apparent separateness between us is ultimately not real.

The next step after identifying some conspicuous examples and documenting the relief that people feel, like Winifred, whom you interviewed - the relief that you feel

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when you let go of this alienating separating emotion, the next step would be to point out ‘don’t you feel better?’ and then explain, here is why. If we make that into our cultural story so that people get this narrative instead of the one that you ‘if buy this brand of cigarette you will better than somebody else’, then we’d have the foundation for structural change.

BD: ARE THERE ANY RITUALS TO ESTABLISH AND FOSTER THE SPIRIT OF FORGIVENESS AND ATONEMENT?

MN: I happen to be a follower of a scholar named René Girard on these matters. Girard wrote a long book called “On Things Hidden Since the Beginning of Time” where he argued very strongly that we have reached a post-ritual era, such that rituals don’t work for us the way they used to. In culturally, earlier times — and I do believe there is such a thing such as evolution in these matters — rituals were binding. I remember one famous case of a big battle that took place in ancient Greece and one side won a decisive victory over the other. The winning commander thoughtlessly went to the defeated commander and said that ‘we would like to recover our bodies’. The defeated commander said that ‘yes you have my permission’ and they declared victory because in the ritual, (combat is very much embedded in ritual) it is the defeated who had to sue for permission to recover the bodies from the conquerors. But by that act, the victor unwittingly positioned himself as the defeated person, and even though he had won the battle, it was actually declared as a loss. That would never happen today. I do feel that, by and large, rituals are now weakened by the cultural stage we have evolved to. They can be of some use but not a whole lot. I would rely much more on concrete restoration of one kind or the other like those kids in Atlanta rebuilding the church.

BD: CAN YOU TEACH PEOPLE FORGIVENESS?

MN: You can certainly teach people that they have (a) the capacity for forgiveness, no matter what and that (b) forgiveness is the correct response to being offended and that it will make both you and the offender better. But it is like the old saying ‘you can lead a horse to the water but you can’t make it drink’. You can teach people the meaning of forgiveness and you can encourage them to forgive and show them examples. St. Augustine said, “Imagine thinking your enemy can do you more damage than your enmity.” The enmity that you harbor against someone hurts you more than what anybody else outside could do. This kind of culture would teach forgiveness, but it would ultimately be up to the individual to do it.

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BD: IS IT OK FOR A JURY OR JUDGE TO PUNISH SERIAL KILLERS, MASS MURDERERS? OR ASK THEM TO ATONE?

MN: I think this is really not a question for a judge and jury to resolve. For someone who has done something like what Holmes (mass murderer) did, is better understood in a medical framework. This person is very sick and the thing to do is, if you have the capacity to do it, is to cure them, get them out of their sickness. That is going to mean that at some point they are going to wake up and say 'Oh my God, what have I done!' You better be ready to help them at that point otherwise their guilt will drive them back into madness. But that has to be first handled psychiatrically or spiritually and I would not envy a judge or jury who has to take a decision on that. The realistic thing would be, (a) to treat that person as very, very sick and (b) more realistically, ask yourself how did he get into this and what are we doing to make sure that it never happens again. If you do that then we have learnt our lesson, the Law of *Karma* has made its point and we can grow. But we can't grow now because we recycle the same vicious response, every time.

BD: IN THE USA, ARE YOU TAUGHT TO FORGIVE?

MN: We are not. That is why George HW Bush made that very popular statement, that you don't have to say you are sorry. And you don't have to forgive Osama Bin Laden; you don't have to ask why he did what he did. Even though there is compelling scientific evidence now that if you treat people as human beings they desist from terrorism very efficiently, whereas if you keep on punishing them they just increase their terrorism.

We have a terrific problem in this country. Joanna Macy has spoken very well about the fact that we are teaching ourselves not to forgive and not to atone either, and so we are locked into these spirals of violence. A friend of mine startled me when he pointed out that when the Europeans arrived on the shores they just rolled through from one end of the continent to another, 3,000 miles, annihilating everybody in the path and wiping out an entire civilization. We never stepped back and said, this was a huge mistake and what do we do about it. We can't atone to those who were killed but we can at least do something to learn from that experience so that we don't go through it again.

BD: CAN WE INSTITUTIONALIZE FORGIVENESS?

MN: We institutionalize vengeance (primarily in war) and punishment (in criminal justice), so we should be able to institutionalize forgiveness! It is important to ask ourselves, 'how would we support, facilitate real forgiveness?' It has to be an

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individual effort and response, done within oneself. Nobody else can do it for you. How can we elaborate that kind of a change into an institution? At the very least, the institutions have to somehow have a way to recognize and foster or approve that kind of conversion within a person. Not being able to do that means that when a person goes through a tremendous act of forgiveness, he benefits but nobody else does. We have to find a way to acknowledge that these things can always happen. Nobody is ever completely lost. Figure out how to facilitate it and figure out how to recognize it and celebrate it, and then go on to create or change formal institutions around it.