

SUFFERING AND FORGIVENESS

Society cannot forgive on behalf of individual victims and is obliged to uphold standards that are important for the common good. May 2008.

I have two comments.

1. The subject of this Inter-Religious Forum is not suffering in general, or the pain that can be treated with panadol, but suffering inflicted through violation. I would like to suggest that we distinguish between the individual's response to his or her suffering of this kind and the proper response of society to the hurt done.

How the victim responds to his or her suffering or violation is a matter for them. Their response may include extending unconditional forgiveness to the offender and even trying to forget the offence. That is their personal decision. Those who find the strength to forgive in this way should be admired. They demonstrate magnanimity, from the Latin for 'great soulness', a rare human quality that is superior to revenge. Those who can forgive in this way also live up to the highest tenets of the prophet Jesus whose advocacy of love differentiated him from the harsh punishment for evil advocated in the Old Testament. For these reasons, the forgiveness extended by President Ramos-Horta to his 11 February 2008 attackers is admirable both personally and spiritually. Though difficult to emulate, his magnanimity is an example for all Timorese who, before him, have been shot at and wounded or otherwise violated by torture, detention, intimidation and other forms of violence.

However, suffering inflicted on an individual by a violation is more than an assault on that individual. It is also and equally importantly a violation of society. The standards necessary for good order, stability and the security of society are also challenged by violence directed to an individual. In this sense, the decision whether to forgive or to punish is a decision for society, not the individual. Society cannot always afford to be magnanimous. Society has a responsibility to protect the interests of all its citizens, to uphold standards, to deter impunity and to protect itself and its members from further violence. The society which is weak in these areas fails in its duty. Society's proper response is to require the perpetrator to fulfill certain conditions, that is to require due process. Islam is often wrongly perceived to favour punishment over forgiveness and Christianity the opposite. Both faiths in fact require the offender to undertake certain steps as pre-requisites to forgiveness. These conditions are reflected in most legal systems and include confessing the truth, committing not to re-offend, asking pardon and rectifying the offence in some way. CAVR also facilitated conditional forgiveness (the Community Reconciliation Procedure) which required perpetrators to tell the truth, demonstrate remorse and meet other conditions to qualify for reception back into the community they had offended.

As I see it, a concern to take the fundamental interests of society as a whole into account is behind the negative public reaction in Timor-Leste to the President's suggestion of pardon to Rogerio Lobato. I do not detect revenge on the part of the community or a devaluing of Rogerio Lobato's contribution to the national struggle. But there seems to be a strongly held view that principles critical to the survival and progress of this struggling new democracy must be upheld and that the President, in his Constitutional role as head of state, must be the first and foremost defender of due process. A public opinion poll, I believe, would show convincingly that most East Timorese are deeply uneasy about high-level initiatives, no matter how well-intentioned, that appear to compromise the justice system.

2. My second point relates to the issue of saying 'sorry' for suffering caused by actions and policies. The CAVR report recommends that those guilty of violations, or of contributing to violations, in Timor-Leste, whether national or international, including Indonesia, should apologise to the Timorese people. This is a substantive recommendation.

Some say an apology is not necessary because those in question have invested lots of money and development in Timor-Leste. Some even think it is insensitive and offensive to ask Indonesia and donors to apologise.

As Australia's recent experience shows, however, an apology can be a gesture of great power for which nothing else can substitute. In Australia's case, Prime Minister Rudd's apology on 13 February this year to the Aboriginal 'stolen generations' was welcomed with deep emotion and enthusiasm. Even after years of government services and development initiatives costing millions of dollars, Aboriginal communities still needed to have their suffering, and the role of governments in that suffering, recognized. They were hurt by the previous government's refusal to say 'sorry'. When it finally came on 13 Feb it released a flood of goodwill and it promises to mark an historic new beginning in race relations in Australia. At CAVR we experienced something similar when the leaders of the old political parties told a public hearing that they regretted their mistakes in 1975 that had hurt so many fellow Timorese.

We also learned from CAVR's public hearings that an apology is a pre-requisite for reconciliation or forgiveness. This is also true at the inter-state level. It will be no more easy for Indonesia (or others) to say sorry than it was for Canberra and it will take years and much effort on the part of victims and their supporters. But that day will come and it will contribute significantly to the bi-lateral process of healing and reconciliation between Indonesia and Timor-Leste that has hardly begun.

Source: At the Scene of the Crime, pp. 194-8. Pat Walsh (2011)