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# “The Other Justice”

Las Abejas' conception of justice after the Acteal massacre  
viewed in light of restorative justice theory

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## **Abstract**

Las Abejas formed as an organization in 1992 as a indigenous, Catholic, pacifist organization, working for peace and indigenous rights in Chiapas, Mexico. This group is in solidarity with the Zapatistas who uprose against the government in 1994. The 22<sup>nd</sup> of December 1997, 45 of the members of Las Abejas were killed by a paramilitary group while fasting and praying for peace. This incident came to be known as the Acteal massacre.

This study explores Las Abejas' active pursuit for justice after the Acteal massacre. It examines their conception of justice and their concrete ways of acting to obtain justice in their communities. Their understanding of justice is analyzed in light of restorative justice theory. The study is based on documents by the head board of the organization as well as on interviews with people who work or have worked with Las Abejas in different ways. Las Abejas conception of justice, which they refer to as “The Other Justice” will be viewed as based on their identity as a resistance movement, which is grounded in their indigenous, religious, pacifist and global identity. Four elements appeared as essential in their conception of justice after the Acteal massacre: justice as a form of punishment, as truth, as in need for autonomy and as a structural issue.



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## **Chapter 1: Introduction**

In this chapter, I will firstly say a few words about my own background and the motivation behind writing this dissertation, before I move on to the topic of the study and the theoretical perspective on it. After that, I will present the research question for the study, and briefly explain what the selected material consists of and which method of analysis has been applied to it. The last part of the chapter will provide an overview of the structure and organisation of the paper.

### **1.1 Background and Motivation**

My first encounter with Las Abejas was in 2012, as part of a brigade in Chiapas through *Latin-Amerikagruppene* (LAG). LAG is a Norwegian organization working in solidarity with various grass-root movements in Latin America; this particular year in Chiapas, Mexico. Through my brigade, I had the opportunity to stay with a family in a Las Abejas community for a week. We also had a meeting with the chief representatives of Las Abejas, who told us of their history as an organization. After the meeting, one of the community members showed us the church where the massacre had taken place, showing holes in the walls left by the bullets that had been shot. He himself was a survivor of the massacre, and had lost his whole family except his aunt who had taken care of him ever since. This was an emotional encounter for me, and awoke in me feelings of both sadness and inspiration. The feeling of sadness came from an empathy I felt with the story of the horrible things these people had experienced, and the difficult feelings they must still have been living with. The feeling of inspiration came from their decision not to take revenge, nor to hate those who had committed this crime against them, but rather forgive and work towards a just and good community to live in. I was fascinated that a group whom had experienced something so dreadful and evil would choose to react in such a peaceful way. I saw that even though they were living in an extremely corrupt and unjust political context, they had already achieved a lot, and had no intention of giving up their struggle for justice. I wanted to know more about their concrete strategies for obtaining justice in their society without solely relying on the official judicial system. “Autonomía es vida, sumisión es muerte” – “autonomy is life, submission is death” as they say, which explains much of their attitude to life. Las Abejas do not simply have a distrust in the government, they believe that autonomy is necessary for their existence. They are in other words dedicated to being empowered and not to be passive in their pursuit of justice.

### **1.2 Presentation of topic**

Mexico is a country with a high occurrence of criminal cases, in most cases blamed on the drug war.

At the same time, the impunity rate of the criminal system of Mexico stands at 98 per cent (Ferdman in Quartz, 18<sup>th</sup> of July, 2013). Chiapas, the southernmost state in Mexico, is a state rich in natural resources. For the people on the lower end of the social ladder, the land's wealth of resources is both a blessing and a curse. A neo-liberal political agenda on the side of the government and on the side of international corporations has a strong influence, benefiting the few, to the detriment of the many (Poynton, 1997:65-73). In the midst of this, Las Abejas is one of the social movements working for the rights of indigenous people, vulnerable because of the many interests in their land and the resources it contains. On the 1<sup>st</sup> of January 1994, the Zapatistas declared “Ya Basta!” - “Enough already!” and revolted against the government which on that day had joined NAFTA, the free trade agreement with the United States and Canada. The Zapatistas “demanded respect for ethnic diversity, indigenous autonomy, and the right to full inclusion and participation of marginalized groups in the present political system” (Stålsett, 2004:144). Since the armed rebellion, a strategy of counter-insurgency on the side of the State against social movements has shown its face. Las Abejas supported the demands of the Zapatistas, but swore to nonviolent means. The Acteal massacre is viewed by the members of Las Abejas as part of this conflict between the neo-liberal agenda of the government on the one side, and those in resistance to this on the other. A deeper account of the background to the massacre and the interpretations of it will be provided in chapter two.

This study will explore the many ways in which Las Abejas work to obtain justice since the Acteal massacre. Since this incident, Las Abejas have not stopped denouncing the injustice of the massacre in itself, nor the lack of action from those responsible for the massacre to make right the wrong. Las Abejas have formed connections with socialist movements from all over the world, also working for justice for various cases. Las Abejas are not only focusing on their own case, but they see the massacre as part of a greater structural injustice in Chiapas. Las Abejas have traditional ways of conflict solving that could be an interesting topic to study in themselves. However, the Acteal massacre was carried out by a party which does not acknowledge, much less take responsibility for the wrong that was committed. Thus, an internal conflict solution is out of question. The situation is desperate for the victims, who are still living in fear because the paramilitaries who committed the massacre are being released from prison, and have not been disarmed since the massacre. Yet, Las Abejas are actively using non-violent methods to work for a more just society to live in, claiming that in order to stop the spiral of violence, this is the only legitimate way to go (Communiqué, 7<sup>th</sup> of May, 2011).

The present study focuses on the survivors' strategies for recovery after the massacre. In his classic work on restorative justice, *Changing Lenses*, Howard Zehr (2005) claims that victims need to be empowered. He argues:

Justice cannot simply be done to and for them. They must feel needed and listened to in the process. Since one dimension of the wrong was that they were robbed of power, one dimension of justice is to return power to them. At minimum, this means they must be a key in determining what their needs are, how they should be met, and when they should be addressed. (Zehr, 2005:194)

This is the key motive of my thesis – to describe the victims' opinion of how to obtain justice in the aftermath of a wrongdoing that has torn up and devastated their society. My hope is that Las Abejas' peaceful way of reacting to injustice can be inspirational and helpful to other people in similar situations, and that their conception of justice may make a contribution to the development of a different way of thinking about justice, directly benefiting people affected by a wrong.

Las Abejas speak of the justice they struggle for as “The Other Justice”. They place their idea of justice in contrast to hate, vengeance and the justice of the government. The idea behind a restorative justice theory is also viewed in contrast to the justice of the contemporary criminal system. Thus, I believe, a restorative justice theory is a suitable framework through which to view Las Abejas' understanding of justice. Although the theory of restorative justice was developed as a reaction to the contemporary criminal system, its principles are not new. However, while it seems to me that restorative justice theorists often point at old European justice systems, or at religious perspectives to explain that this way of thinking about justice has been practiced before, the perspectives of justice held by indigenous people today seem to be forgotten, or at the best, placed on the sideline. I do however believe that indigenous perspectives could make a big contribution to the development of restorative justice theory. Thus, this study may hopefully make an interesting academic contribution by describing “The Other Justice” of Las Abejas and viewing it within the framework of restorative justice theory.

Restorative justice is a developing theory which so far consists of three different main concepts. In brief, these include a concept which values the encounter between the affected parties of a conflict, a harm-focused concept focusing on repairing the harm caused by a wrongdoing, and a concept which sees the wrongdoing as part of a structural injustice, viewing the problem holistically. In the present study all three concepts will be incorporated as they include different perspectives useful in the analysis of Las Abejas' understanding of justice. I have also expanded on various concepts

relevant to the theory that will be fruitful in the analysis, such as truth-telling, forgiveness and commemoration. The theoretical framework will not be used as a rigid scheme into which I attempt to force Las Abejas' concept of justice. As the theory of restorative justice is continuously in a state of development, this study is meant to be a contribution showing one perspective from the case of an indigenous group with forms of conflict resolution within their community, working to obtain justice after a injustice committed by an external force.

### 1.3 Research Question

The main research question for this study is:

*What concept of justice do Las Abejas have as a response to the Acteal massacre viewed in light of restorative justice theory?*

To be able to answer this question, I will attempt to answer the following sub questions:

7. *How do Las Abejas understand the concept of justice?*
8. *What concrete actions are Las Abejas taking in order to obtain justice in their community after the Acteal massacre?*
9. *How may restorative justice theory be used in order to explain Las Abejas' concept of justice?*

### 1.4 Method and Material

The selected material for this study consist of public and unofficial documents written by the chief representatives of Las Abejas, supplemented by interviews with five informants who are working or have worked with Las Abejas. The selected documents from the chief representatives of Las Abejas consist of three communiqués dealing with the subject of justice. The fourth document is a report and the fifth a strategic work schedule, both written in 2012 and translated into Norwegian by my former fellow brigade member, Jørdi Maria Losnegård. The report is titled “Summary: Report for three months by the head board of Las Abejas”<sup>1</sup>, reporting events from June to September the year of 2012, while the strategic work schedule is titled “Improvement and strengthening of the Organization”<sup>2</sup>. The interviews were conducted in San Cristóbal de las Casas in Chiapas. I chose to conduct a content analysis of the documents while using a semi-structured interview style with the

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1 In the list of references, this document has been referred to as: Organización de la Sociedad Civil Las Abejas (2012) *SAMANDRAG: TREMÁNADSRAPPORT FRÅ SENTRALSTYRET I BIENE*: Periode: juli- september 2012. Unpublished manuscript. Las Abejas, Chiapas

2 In the list of references, this document has been referred to as: Organización de la Sociedad Civil Las Abejas (2012) *Bienes strategiske arbeidsplan FORBETRING OG STYRKING AV ORGANISASJONEN*: Perioden januar-desember 2012. Unpublished manuscript. Las Abejas, Chiapas

informants. To answer my research questions, my initial plan was to mainly rely on semi-structured interviews with members of Las Abejas. As this proved not to be possible, I was forced to change my method. Because of my experience with LAG, I was able to come in contact with interview subjects who are among the people willing to be interviewed who know Las Abejas the best. By staying in Chiapas for a month I was also able to learn a lot about the social context surrounding Las Abejas that I otherwise would not have been able to learn about. A description of the applied method and a discussion of its strengths and weaknesses will be discussed in chapter four.

In the theoretical chapter I have attempted to incorporate various relevant angles in order to get a good overview of the topic, and in this way be able to discuss my findings in the light of the theory. There are however some works that stand out as being more important than the others. These are Howard Zehr's "Changing lenses: A new focus for crime and justice" (2005), emphasizing the need for empowerment of victims, Daniel Philpott's, "Just and Unjust Peace" (2012) discussing the concepts of restorative punishment and forgiveness, *The meaning of restorative justice* by Gerry Johnstone and Daniel W. Van Ness in "A restorative Justice Reader" (2013) edited by Gerry Johnstone, presenting the different conceptions of restorative justice, Van Ness' discussion about *Accountability* in "Restorative Justice, Reconciliation, and Peace-building", edited by Jennifer J. Llewellyn and Daniel Philpott (2014), and lastly "Restorative Justice: An Introduction to Restorative Justice" (2015) by Daniel W. Van Ness and Karen Heetderks Strong, discussing principles and values within restorative justice.

### **1.5 Outline**

The first chapter presents the motivation behind the study, the study topic and the theoretical framework which will be applied in the analysis.

The second chapter provides background information about the historical and socio-political context around Las Abejas and the Acteal massacre.

The third chapter presents the restorative justice theory which will be used as a framework to analyze Las Abejas' concept of justice. An expansion on concepts relevant to the theory will be provided, including truth-telling, commemoration and forgiveness.

The fourth chapter is an account of the research methods used in the dissertation, discussing its strengths, weaknesses and the ethical issues raised. I will explain how I proceeded to collect my

data and what challenges I met on the way. Lastly the interview objects and the documents will be presented.

The fifth chapter presents the results from the analytical part of the study organised into an indigenous perspective, a pacifist perspective, a religious perspective and a global perspective. These themes together will explain Las Abejas' concept of justice in a post-massacre context.

The sixth chapter provides a discussion of the findings viewed in the light of the theoretical framework of restorative justice.

The paper's last chapter concludes the dissertation by showing how the findings have answered the research questions. Then I will suggest some ways in which my findings have implications for theories relating to justice theories, especially restorative justice theory. I will also reflect on the limitations of the research and propose areas for further research.

This chapter has shown the motivation behind the study, and introduced the topic of the dissertation, including the research question and sub questions. Furthermore, the method and the material have been presented. The following chapter will expand on the historical socio-political context around the Acteal massacre.

## Chapter 2: Background

In order to understand what relevance restorative justice theory might have to the case of Las Abejas, one will need an introduction to the background of the subject of this dissertation. In this way the Acteal massacre will be, if not understandable, more contextualized. This chapter will show the historical social context prior to the formation of Las Abejas and explain how they formed as an organization. The final part of the chapter will describe how the massacre took place, how it has been interpreted, and briefly how Las Abejas have handled the situation.

### 2.1 The indigenous people people of Chiapas

Chiapas is a state where about 60% of the population lives in rural areas, while comparatively in the whole of Mexico 71% live in urban areas (Tavanti, 2003:43). The state consists of 35% indigenous people, and the Maya language is the mother tongue of 50-90% of the people (Womack, 1999:4). The Highland region of Chiapas, where Las Abejas belong, consists of 81% indigenous people, and in Chenalhó, where Las Abejas are concentrated, 98.4% of the population are indigenous people, being one of the municipalities with the highest concentration of indigenous people people (Tavanti, 2003:44). In relation to this, Chiapas also has the largest number of indigenous people people in Mexico who do not speak Spanish (Tavanti, 2003:51). This last aspect may partly explain the split between the *mestizos*<sup>3</sup> (mixed race) and the indigenous people, as well as the exclusion of the latter in societal and political matters.

The indigenous people also experience discrimination through a nationalism where a *mestizo* identity is posited over indigenous people identities (Poynton, 1997:66). According to Poynton (1997:65), indigenous people are not necessarily faced with prejudice on the basis of their race in itself, but the culture tied to it. This may cause the indigenous people to feel they should change their behavior or appearance to assimilate themselves with the *mestizos*. According to Poynton (1997:66), the majority of Mexicans “though partially or wholly of Indian descent, do not identify as ‘indigenous people’”. The Zapatistas also use the slogan “never again a Mexico without us”, raise the Mexican flag and sing the national anthem continually. This can firstly show how indigenous people feel they are ignored as Mexicans. It can also illustrate how important it is regarded for the people of Mexico to feel Mexican, even when they are in resistance to the nation state.

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3 According to Poynton (1997:66) “*Mestizaje* is the idea that *mestizo* Mexico is a post-colonial, mixed race population – the modern Mexican is formed and informed by this cosmology. Those citizens are neither European nor Indian, they are Mexican”.

## **2.2. Modernization**

The period of modernization in Chiapas took place between the last decade of the 19<sup>th</sup> century and the first decade of the 20<sup>th</sup>. To modernize was a goal of the elites, and involved a strengthening of the government (Benjamin, 1996:33). Political centralization and economic development reinforced each other, though on behalf of antiquated local and regional institutions (Benjamin, 1996:33-34). Governor Emilio Rabasa and his successors took determining steps towards modernization (Benjamin, 1996:34). One of their strategies was to remove obstacles to modernization and to carry out necessary reforms and projects to do so. As antiquated local and regional institutions inhibited economic expansion and development, they were either reformed or dismantled. This strategy also led to the government geographically extending its administrative control and increasing the numbers of the police (Ibid). Another step was a bureaucratization of the government. This was in order to be able to control and regulate “district officials and local governments, public education and health, taxation and public expenditures” (Ibid). A third step was the concrete efforts made to modernize the regional economy by, among other things, building roads, schools and hospitals, and by constructing telegraph and telephone networks” (Ibid).

This modernization has laid the basis for the social structures in Chiapas today. According to Poynton (1997), marginalization of the indigenous people is caused by political and social structures based on the exploitation of land and the exclusion of indigenous people. Chiapas is a state rich in natural resources, and the production of these resources has only increased over the last decade. However, due to a synergy between rural bosses, landowners, police, and a corrupt political system, Chiapas has remained a state of inequalities (Tavanti, 2003:42). Tavanti (2003:48, 58) explains the poverty among the indigenous people in Chiapas by their lack of access to land, and states that this is one of the central causes of rebellion. He also stresses that to peasants in Chiapas, land is not only a mean for economical survival; it is also linked to their religious and cultural survival as Mayan people (Tavanti, 2003:50).

## **2.3 The Church in Chiapas**

Before the Zapatista uprising, Chiapas was unheard of outside of Mexico by most people except a few anthropologists and backpackers. The state was however not forgotten by the Catholic Church who considered the region a part of their missionary field. Samuel Ruiz García was Bishop of the diocese of San Cristóbal from 1960 to 1999 (Kovic, 2003:60). He came to know the indigenous population very well through his visits to the communities. In order to fight the poverty he faced,

his first plan was to teach the people Spanish as well as teaching them the Bible (Womack, 1999). His, and the dioceses' approach to evangelization changed after the Second Vatican Council in 1968 "from a top-down model of disseminating information on salvation and prayer to a participatory model that attempted to place the concerns of the poor at the center of its work" (Kovic, 2003:60). His way of thinking was however mostly influenced by the indigenous people he encountered himself. They had a critical stance towards the Catholic Church, viewing it as part of the colonizing power. One of the questions the Bishop was confronted with by the indigenous people was: "does this God you are talking about only save souls, or does he save bodies too?" (Womack, 1999:29). The earlier conservative Bishop later said that "I came to San Cristóbal to convert the poor, but they ended up converting me" (Samuel Ruiz García quoted in Womack, 1999:27). Las Abejas were, however, still influenced by what they themselves call "The Word of God". In an interview by Kovic in 1993, a member of Las Abejas told her: "It was when the Word of God arrived that we learned that we had rights, that they [the government] could not squash us" (Kovic, 2003:60).

In 1989, Bishop Samuel Ruiz García initiated the founding of a non-profit civil organization named Fray Bartolomé de Las Casas Center for Human Rights (from now on referred to as Frayba). This organization is still active today and is among other things working on the Acteal case. According to themselves, they are independent of any government or political ideology or religious creed, but have a Christian ecumenical inspiration. Put in their own words, they work "in defense and promotion of human rights, especially for the indigenous people villages and communities in the state of Chiapas, Mexico" (Human Rights Center Fray Bartolomé de Las Casas, 2015). Frayba has followed Las Abejas from before their foundation until this day, and has been a crucial companion for the organization in their search for justice.

## **2.4 The foundation of Las Abejas**

Las Abejas took form as an organization in Chiapas in 1992, two years before the Zapatista uprising. This was the start of a Catholic, pacifist, civil society resistance movement consisting of Tzotzil Mayan indigenous people. The event that led up to the foundation of this group was a dispute in their community. Three siblings, two women and a man, had inherited a piece of land to share. Due to his *machismo*<sup>4</sup> way of thinking, the man had not recognized his two sisters' right to inherit land being women, and had given their land to his nephews. This had caused a conflict in the community as the people had supported the women in getting their land back. This conflict ended

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<sup>4</sup> *Machismo* is a sexist way of thinking which puts men over women, and is deeply rooted in the culture all over Latin America.

up with two men being killed, and two hurt. Five men from the community had tried to help take the two who had been hurt to the hospital in San Cristóbal de Las Casas, but when they came there they were accused of having killed and hurt the people themselves, and were abruptly arrested. This led to their community organizing a large group to march and protest against the arrests which they believed was a result of corruption. Due to “the disappearance of evidence” the men were released, and the protest succeeded. The community experienced on that day how their non-violent resistance to the unjust act proved to be efficient. Subsequently this group of indigenous people decided to organize themselves to defend indigenous people's rights in Chiapas and in the whole of Mexico.

Las Abejas state that they work for justice and democracy. They say they are constructing their own autonomy, demand fulfillment of the San Andrés accords, and state that most of all, they seek to defend their land against mega projects developed by trans-national corporations in co-operation with the government. Las Abejas also state that they build their work on “The Word of God”. In relation to this, they explain the name of their organization in the following way:

We have chosen the name on the basis of our ways of working and organizing. Bees make honey, distribute work, and only take back to the beehive what is pure. They work hard to survive, always united under a queen. As the bees take great pains with their work, so do we in our organization. We work together, and everything is for everybody. (Las Abejas, 2012)

The queen of Las Abejas is according to themselves “The Word of God”. I have also heard the queen being defined by Las Abejas as “God” or “The Kingdom of God”.

## **2.5 NAFTA**

In 1992, the Mexican constitution was amended and the indigenous people were, for the first time, recognized as part of the nation (Poynton, 1997:66). The recognition was of cultural factors such as language, traditions, and of particular social organizations, but not of economic or social rights. (Poynton, 1997:66-67). However, by 1994, the North American Free Trade Agreement<sup>5</sup> (NAFTA) and the IMF had pushed through an amendment to the Mexican constitution which removed the inalienability of Indian lands (Poynton, 1997:67). According to Tavanti (2003:42), “the structural adjustment programs enforced by the Salina de Gortari's administration (1988-1994), in order to integrate Mexico into the NAFTA, benefited the rich Mexican and foreign investors at the expense of the poor and indigenous people sectors of the population”. The uprising of the Zapatistas on the 1<sup>st</sup> of January 1994 was timed to occur on the day the NAFTA agreement came into effect, as a clear

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5 NAFTA is a free trade agreement between The United States, Canada and Mexico.

protest against it (Stålsett, 2004:144).

## **2.6 The Zapatista uprising**

When the Zapatistas took up arms to rise against the state, the world finally noticed the indigenous people of Chiapas and the demands they had. Las Abejas supported their demands for justice, democracy, education, health, land and dignity for the indigenous people. However, Las Abejas never wanted to support the Zapatistas in the use of violence to achieve their goals. Swearing to peaceful means, though still in resistance, they proclaimed themselves an “active non-violent” civil society organization (Las Abejas). In *Rebellion in Chiapas*, John Womack Jr. (1999) describes the rebellious spirit of the indigenous people in Chiapas. He points to Samuel Ruizes García's statement that the indigenous people had come to feel they were subjects of their own lives (Womack, 1999:23). According to Womack (Ibid), there are those indigenous people who revolted with the Zapatistas, and there are those who “consciously, conscientiously, and collectively” chose not to revolt, but organized themselves in other ways. He explains that the difference between these two groups was not “geographic, chronological, economic, social, ethnic, or religious, or in political intelligence or courage” (Ibid). The difference laid in the choice of strategy to obtain the same goal.

Through the uprising, the Zapatistas were able to occupy large areas of land, though after some days of combat, they were forced to admit their hopeless numbers compared to the military. In a continued violent confrontation they would have been eradicated, so they chose to look for other means to achieve their goals. As already mentioned, they did achieve getting the attention of people, both Mexicans and people from all over the world. The public opinion of Mexicans mainly agreed that they did not want violence or a war, but sympathized with the demands of the Zapatistas. (Womack, 1999:44). EZLN used this opportunity to force the Mexican government to go into negotiation with them. The conflict turned into an attempt at dialogue. Bishop Samuel Ruiz García was chosen as mediator for the negotiations between the two parties. He had the confidence as a neutral figure of both sides. These dialogues led to the San Andrés Peace Accords.

## **2.7 The San Andrés Peace Accords**

In 1996 as a result of their dialogues, the federal government and the EZLN signed a series of accords in the Zapatist stronghold of San Andrés, which the documents consequently were named after. These documents were a historical contribution to the debate about indigenous people's rights (Poynton, 1997: 70). One of these documents radically proclaimed:

Autonomy is the concrete expression of the exercise of the right of self-determination, expressed as a framework erected as a part of the National State. The indigenous peoples may therefore decide on their forms of internal governance and the ways in which they organize themselves politically, socially, economically, and culturally. (San Andrés Peace Accords, 16<sup>th</sup> of February, 1996)

Shortly after the signing on the 16<sup>th</sup> of February 1996, several indigenous autonomous communities were created throughout the northeast of Chiapas. Among others were the autonomous municipality of Polhó, comprising 42 of the 97 communities in the municipality of Chenalhó where Las Abejas belong (Tavanti 2003:6, 9).

An all-party Commission of Harmony and Pacification (COCOPA) was formed by the Mexican Senate to consider the accords of San Andrés. By November 1996, COCOPA had proposed a series of constitutional changes in the line with the San Andrés accords, which the executive rejected. (Poynton, 1997:71-72). In January 1997, the Mexican government offered instead a recognition of local judicial pluralism. This recognition did not approve of indigenous autonomy, as the Zapatistas had demanded, but assured rather that the State's legal authorities could apply their own laws in cases where there was a discrepancy between a customary indigenous law and the existing Mexican law (Poynton, 1997:72). This was far from the original agreement, and was understood by the Zapatistas to be a rejection of the San Andrés Peace Accords, and therefore as a standoff on the part of the government (Ibid). When Vicente Fox from the National Action Party was elected as President in the year 2000, new hope emerged on the side of the indigenous people due to his promises of renewed dialogue with the indigenous community. The EZLN had been demanding the renewal of peace negotiations, the withdrawal of Mexican military forces from seven key bases in Chiapas, the release of all Zapatista prisoners, and the passage into law of the COCOPA initiative of the San Andrés Accords (Radio Zapatista, Feb. 22<sup>nd</sup> 2013). The President did close down the seven military bases and released all but nine Zapatista political prisoners, but refused to implement the San Andrés Accords without changes. Today, the agreements have still not been implemented.

## **2.8 The National Indigenous people Congress**

During dialogue between the EZLN and the government, the EZLN had continuous contact with the National Indigenous people Congress (CNI). This congress was founded with the help of the Zapatistas, but has according to Poynton (1997:68) “become the main voice of the enlivened indigenous people movement in Mexico, representing over thirty indigenous people groups”. Indigenous people as a whole had not been able to force through a negotiation about the rights of

the indigenous people with the government, but the EZLN was able to do so. Since the EZLN could not invite the CNI to join them in the negotiations, they discussed matters with them unofficially and in this way brought the opinions of the CNI to the table.

Indigenous communities are often run by popular assemblies which the municipal authorities can instruct. However, due to the power given by the state to the municipal authorities (known as *caciques*) in many places, these have been disempowered (Poynton, 1997:69). The indigenous people agenda of the CNI and the Zapatistas involves the removal of the *caciques* from the indigenous communities across the country (Poynton, 1997:68-69). According to Poynton (1997:68), CNI and the EZLN are conscious to “tie the indigenous people movement to other progressive and popular movements in Mexico and to keep the question of Indian peoples and democracy linked, so as not to lose the initiative and become isolated”.

## **2.9 Acteal massacre**

### **2.9.1 Before the massacre**

During the 90's, the majority of the people of Chenalhó opposed the Institutional Revolutionary Party (PRI)<sup>6</sup> government and the municipal *caciques*, who also belonged to the same political party (Moksnes, 2004:110). The reasons for their breaking bonds with the PRI were land shortages caused by demographic growth, the economic crisis and the ensuing cuts in government support to the rural areas (Rus *et al.* 2003:1-26). Those who stayed loyal to the PRI were rewarded with a large increase in allocated areas (Moksnes, 2004:110). Many of those who supported the PRI in Chenalhó were Presbyterians who wanted support for their right to practice their religion (Ibid). A division also occurred between diocese-adherent Catholics. When a Zapatista base group started to form after the Zapatista uprising in Polhó in Chenalhó, Catholics were pushed to either side with the Zapatistas or choose a non-violent path (Moksnes, 2004:111). Those who swore to non-violence continued their allegiance with the Bishop and the pastoral workers (Ibid). It was however the division between the supporters of the government and the opposers of it that caused deep fractions within indigenous communities in Chenalhó, as well is in the whole of Chiapas.

In April 1996, when the Zapatista *base de apoyo* (support base) was constituted in Polhó, the tension in the municipality heightened significantly (Tavanti, 2003:6). In August, the Zapatistas also

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<sup>6</sup> The Institutional Revolutionary Party were in power for 71 years until they lost the general elections in the year 2000.

occupied a quarry that had provided gravel and sand used to pave the road from Chenalhó to the neighboring municipality of Pantelhó, which until then had benefited a PRI peasant organization supported by the government (Tavanti, 9). This was a great provocation to the *priistas*<sup>7</sup>.

By the fall of 1996, the number of military personnel had increased in the region, and paramilitaries had appeared in the northern region, harassing villagers who were critical of the government. (Moksnes, 2004:112). According to Moksnes (2004:113), the paramilitaries were “principally recruited among young landless men in the villages who were frustrated by their lack of a stable means to support their families”. To join the paramilitary was a chance to earn money and to gain a feeling of importance and power. In July 1997 at the order of the municipal president, lists had been drawn up for each village indicating who the adherents of the PRI were and who were not (Bellinghausen, 1997). By the fall, paramilitary groups were being formed throughout the north-eastern area of the municipality where there was a strong presence of the PRI (Moksnes, 2004:113). From September, they started demanding “war-taxes” to cover their expenses, beating and arresting those who refused to pay. Villagers were also forced to participate in the harassment of Zapatista neighbors (Ibid).

The paramilitaries’ aggressions caused a mass flight of villagers belonging to either the Zapatistas or Las Abejas (Moksnes, 113). Some were forced out of their homes because they refused to pay the “taxes”, and some fled because they simply feared for their lives. By November, thousands in the municipality were displaced, fleeing to either San Cristóbal de las Casas or to other safer villages where they had family members or friends, though most fled to villages in Chenalhó where the presence of their own groups were strong (Ibid). Days before the the Acteal massacre, Zapatistas who had found refuge in Acteal fled due to rumours of violence (Moksnes, 114). Members of Las Abejas chose to stay because they did not think the paramilitaries would attack a pacifist group.

### **2.9.2 The 22<sup>nd</sup> of December, 1997**

The attack started at 10:30 when shots were first heard. On that day, forty five members of Las Abejas were massacred while praying and fasting for peace in their church in Acteal. The shots continued until 16:30 when the offenders drove away in pick-up trucks (Tavanti, 2003:10, 13). According to Frayba, there were up to 300 men, although only a total of 85 were arrested in the end. Among those killed were 21 women, five of them pregnant, 9 men, and 15 children. 25 were also wounded, some seriously (Frayba, 1998:3). The offenders were identified by the survivors as a

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7 Common name for members of the PRI

paramilitary group connected to the PRI. During the massacre, Public Security police officers stood by the local school 200 meters away from the scene (Frayba, 1998:5). According to Frayba, they also detained three witnesses who tried to denounce what was happening (Ibid.) It wasn't until ten hours after the shooting began that the state police were mobilized to come to Acteal. On the night of the 22<sup>nd</sup>, ex-State Attorney and Executive Secretary of the State Council for the Public Security Police ordered the bodies to be removed from the scene before the journalists could arrive (Frayba, 1998:5).

The question as to whether the murders should be defined as a massacre or a genocide has been extensively discussed. According to the judicial concept of international law, genocide is the intent to destroy totally or partially a national, ethnical, religious or racial group. Las Abejas do have a religious character, and are ethnically Mayan Tzotzil people. According to Frayba (1998:22), however, since the motive of the massacre was the political opinion of the victims, the case lacks the elements to be legally considered an act of genocide.

### **2.9.3 Interpretations of the Acteal massacre**

Until today two different interpretations of the Acteal massacre still exist; one explaining it as a inter-communitarian war, and the other as a consequence of a counterinsurgency plan against indigenous people (Tavanti, 2003:69). Federal prosecutor General Jorge Madrazo's initial report after the massacre explained the case as a result of an existing inter-communitarian or tribal war (Weiberg, 2000:170). According to a report from Frayba (1998:10):

The massacre caused great indignation all over the world, to which the government reacted with declarations that this was an internal affair of the country and therefore it would not accept any foreign intervention. This brought along a new anti foreigner campaign, expelling and threatening foreigners who, for instance, wished to visit the graves of the murdered. At the same time, however, the Secretary of State made declarations outside the country trying to distort the Acteal massacre and reduce it to an inter community conflict.

To most *priístas* in Chenalhó, the Acteal massacre is proof that a military presence is necessary to guarantee peace between conflicting communities (Tavanti, 2003:85). According to Moksnes (2003:114), five days after the massacre “the government had installed twenty military camps in Chenalhó with two thousand soldiers”.

As this dissertation will be examining Las Abejas' concept of justice after the Acteal massacre, I

will use their interpretation of the massacre as a point of reference. My motive is not to present an objective presentation of “the truth” of what happened on the 22<sup>nd</sup> of December 1997 in Acteal. In their plan of work from 2012, Las Abejas describe how they interpret the history behind the massacre, and what they have done in response to this:

In 1997, the government chose to intensify their strategy of counter-insurgency (COIN) from earlier years, and our organization was looked upon as a military target. As a consequence of this, the military formed, armed and trained paramilitary groups that pressed, threatened and chased us from our villages. In addition to this, they began burning our houses, stealing our things, abducting people and internally displacing whole communities. On the 22<sup>nd</sup> of December that year, one of these paramilitary groups attacked the refugee camp in Acteal. They killed 45 persons and hurt 26, of whom three are still receiving medical treatment. Since that day we have pursued a judicial process to punish those who were intellectually responsible for the massacre.

### **2.10 The road towards justice**

Since the massacre, Las Abejas have been relentless in their search for justice. In the year 2000, Las Abejas marched 1,100 kilometers from Acteal to the Basilica of Guadalupe in San Cristóbal de las Casas, a march that lasted for 52 days. That year, they also created a negotiation commission to establish talks with the government to present their demands as an organization. On the 12<sup>th</sup> of October they marched again to San Cristóbal de las Casas, protesting against the impunity of the paramilitaries and demanding respect of their rights as an indigenous people group. On the 16<sup>th</sup> of October the displaced people from Yibeljoj were relocated to their community. In the year 2001, Las Abejas went to negotiations with the government regarding the facilitation of the return of the displaced, which resulted in many being relocated to their communities. However, in the year 2002, Las Abejas had an internal evaluation of their organization, where many rejected the co-operation with the government. This caused a split in the organization, as a result of which the autonomous members remained as Las Abejas, and the government-friendly members left the organization.

In 2012 several of the paramilitary who had been arrested after the massacre were released by the Supreme Court, their release explained by the fact that the judicial process had been incorrectly followed from the very beginning by the attorney. The prisoners were never declared innocent or guilty. Many of those who had been arrested had been detained without a sentence, some for up to ten years. None of the arrested admitted their guilt. According to Frayba, although family members of the murdered had written lists of people they had witnessed committing the crime, the police wrote their own list of the guilty which the court used instead. Several of the paramilitaries who

were released moved back to the same communities as Las Abejas, where they had come from.. According to Frayba, they were given houses and land by the government. Finally, Las Abejas chose to go to the Inter-American Court of Human Rights<sup>8</sup> with their case because the national court had not come to any conclusion with the process, and because the suspects had been released from prison.

As this chapter has attempted to illustrate, the historical and current socio-political situation around the Acteal massacre is characterized by polarization and violence. In the middle of this, the indigenous peoples' struggle for their rights and for justice show, the way I see it, an inspiring courage. I will now proceed to presenting the theoretical framework that will be the basis for the analysis of Las Abejas' concept of justice after the Acteal massacre.

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<sup>8</sup>According to their own webpage, the Inter-American Court of Human Rights is “an autonomous judicial institution whose purpose is the application and interpretation of the American Convention on Human Rights. The Court exercises its functions in accordance with the provisions of the aforementioned Convention and the present Statute” (Inter-American Court of Human Rights, 2014).

## **Chapter 3: Theoretical Framework – Restorative justice theory**

This chapter will provide a presentation of restorative justice theory, which later will be utilized in the analysis of Las Abejas' concept of justice after the Acteal massacre. I will firstly proceed with a brief introduction to restorative justice theory. Then three main concepts of this theory will be discussed: an encounter concept, a reparative concept and a transformative concept. Here, an extended focus will be put on the concepts that are most fruitful for my material, such as truth-telling, punishment, forgiveness and memory. The chapter will give reasons for my choice of theoretical perspective and chosen concepts.

### **3.1 Restorative justice**

Much of the existing literature about restorative justice asserts that a single accepted concept of restorative justice does not exist. In *Restoring Justice: An Introduction to Restorative Justice* (Van Ness and Strong, 2015:44), the authors explain that restorative justice is a complex idea whose meaning continues to develop gradually with new discoveries. Recent literature about restorative justice classifies the theory into three primary concepts that I will adapt in this study: an encounter concept, a reparative concept and a transformative concept (Johnstone and Van Ness, 2013:14-20; Van Ness and Strong, 2015:43-44). Johnstone and Van Ness (2013:14) explain that this classification is meant to avoid ignoring the differing ideas about the theory, and to avoid presenting the movement as more limited than it actually is. Van Ness and Strong (2015:44) still propose a definition of the theory:

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior. It is best accomplished through cooperative processes that include all stakeholders.

However, according to Van Ness (2014:124), the important contribution of restorative justice “is not its specific processes for bringing victims and offenders together, but the principles and values that underlie restorative thinking”. These values, he explains, focus on building an environment in which inclusive, cooperative responses to conflict become viable alternatives to the coercive responses typically used in serious crime (Ibid). He claims that this is because even though coercive responses may end overt conflict, they do not build peace (Ibid). In the discussion chapter, elements from all three concepts will be used.

### **3.2 The encounter concept**

In the encounter concept within restorative justice, an encounter between the victim and the offender is emphasized and valued:

Rather than remaining passive while professionals discuss their problem and decide what to do about it, victims, offenders and others affected by some crime or misconduct meet face to face in a safe and supportive environment and play an active role in discussion and in decision-making ... outside highly formal, professional-dominated settings such as the courtroom. (Johnstone and Van Ness, 2013:14)

The idea of this concept is that those who are affected by a conflict have a right to be involved in the discussions and decisions about what the consequences of it should be. An important value in this concept is inclusion (Van Ness and Strong, 2015:50). It is argued that such a process under the right circumstances can lead to rehabilitation, deterrence and reinforcement of norms (Johnstone and Van Ness, 2013:15). Another benefit is that the encounter may help the victim understand the offenders' circumstances that led to the commission of the crime (Robinson, 2003:375-6). Howard Zehr (1990:27) argues that in order to recover from the trauma of crime, victims need answers to questions that only their offenders can answer, and need to have their own feelings validated by others. According to Johnstone and Van Ness, the encounter has a transformative potential which has led some to use this method to “allow the parties to achieve personal growth even if they do not settle claims that victims have against offenders” (Johnstone and Van Ness, 2013:15). Other benefits are that it offers victims avenues for receiving restitution, and can contribute to reduced fear and an increased sense of safety (Robinson, 2003:375-6).

### **3.2.1 Participation**

Johnstone and Van Ness do however stress that an encounter process in itself cannot guarantee that the results be “restorative” (Johnstone and Van Ness, 2013:16). However, to proponents of restorative justice theory, participation appears to be a main principle in itself (McCold, Llewellyn and Van Ness, 2007:2). McCold, Llewellyn and Van Ness (2007:3) also state that restorative justice is democratic in this sense, rather than being authoritarian. Zehr (1990:28) explains how the encounter is important for the victim because for reparation to take place, victims need a sense of control or involvement in the resolution of their own cases. Thus, an empowerment of the victim seems to be emphasized. According to Zehr (1990:24), one of the reasons why crime is so traumatic for its victims is namely that it upsets their belief in personal autonomy. He states that “to be deprived unwillingly of personal power, to be involuntarily in the control of others, is intensely degrading and dehumanizing” (Zehr, 1990:25). As will be discussed later in the study, even though an encounter between the parts involved in the Acteal massacre theoretically could have been

fruitful in leading towards a process of reconciliation, this is not a realistic scenario at the moment. This concept of restorative justice does thus not seem to be the most relevant for the case of Las Abejas. Nevertheless, Zehr's theory about the importance of personal autonomy does seem to be very useful in the analysis of Las Abejas' concept of justice after the Acteal massacre.

### **3.2.2 Truth-telling**

An important part of the encounter between the affected parties in a conflict is the focus on truth-telling. Van Ness (2014:125) argues that this aspect is not taken seriously in trials:

... trials have evidentiary limitations that may prevent a full disclosure of what happened and why, they do little to help restore the dignity of victims because they focus on perpetrators, they limit the likelihood of public admission and explanation by perpetrators of what took place, and they seldom offer a forum to victims and survivors that allows them to tell their stories.

In relation to this, it should be noted that truth may not necessarily be the opposite of a lie, but may also be the opposite of a distorted truth, or a lack of truth. Marie Breen Smyth (2007:26) discusses this latter lack of truth as a “non-truth” or “anti-truth”, and claims that in “situations of war and violent conflict, a culture of silence typically develops around the most dangerous and fearful aspects of the conflict”. “Non-truth”, she explains, “is a silence that is associated with conflict, as a result of taboos that operate in conflicted societies, about open discussion on topics related to the conflicts” (Ibid). Smyth (2007:25) argues that the power to define truth lies with the powerful. She explains that in a conflict where the powerful do not want the truth to come out, “another truth, driven underground, often regarded as subversive, dangerous and unpatriotic, provides an alternative discourse” (Ibid). She claims that in the period after the conflict, this discourse must be heard and “integrated into the dominant account, if the perception and practice of law and the understanding of the truth are to move beyond the divisions of the past” (Ibid). Although it can be argued that one cannot wait for the conflict to end before this discourse is brought forward. In the opinion of Smyth (2007:38), we cannot expect politicians or the powerful to bring up the truth. This, she claims, is rather “the role of those who are prepared to risk themselves in the interests of establishing the truth and having it recognised and entered into public discourses about the past” (Ibid). Heidi Grunebaum (2011:35) states, however, that the incorporation of the known into public knowledge and into the official historical record takes place through institutional recognition and acknowledgement. Smyth (2007:29) agrees with this statement by saying that when everybody actually knows the truth about what happened in a conflict, a public truth recovery process is not

about a discovery of what was or what is, but more about a public acknowledgement of it. She claims that this demands a formal insertion of that knowledge into “the dominant discourse so that it authoritatively overrides previous problematic accounts of events” (Ibid). According to Grunebaum (2011:36), the symbolic power of the South African Truth and Reconciliation Commission “as an institutional acknowledgement of acts of brutality and assassination denied by the apartheid state in its wars against the truth, its own historical records saturated by its foundational criminality, cannot be overrated”.

In order to look into how truth may be interpreted, the four different dimensions of truth that the South African Truth and Reconciliation Commission identified in their last report may be useful. The first truth they identified is a forensic or objective truth. Robert Schreiter (2008:16) claims that this is the type of truth that Truth and Reconciliation Commissions try to establish. It is a narration of exactly what happened in the given situation, who the perpetrators were, and what the consequences were for the victims. According to Smyth (2007:38-39), “It seem that the truth referred to by advocates of truth recovery is most usefully considered to be factual truth, a statement of what is or was. Such factual truth may contain facts garnered from different standpoints, but there is a core validity to such truth that requires to be established”. The second truth is a personal or a narrative truth. This truth “situates the truth within the identity of those who tell the story” (Schreiter, 2008:16). The third is a dialogical truth. This type of truth is “what emerges as the different parties probe the story together in order to explore the meaning of their respective narratives” (Ibid). Schreiter (Ibid) points out that this type of truth is rarely revealed, as victims and offenders most often are not willing or able to meet each other. The fourth is a restorative truth, which is “the wisdom that emerges from the exchanges in dialogical truth, carrying with it lessons about the past and for the future” (Ibid). According to Schreiter (Ibid), this may also emerge from reflections on personal or narrative truth as well. Grunebaum (2011:34) notes that the discernments between these truths overlap each other, “particularly as far as the constitutive function of testimony in providing the narrative frames of reference is concerned”. She also criticizes that “these distinctions reify hierarchical knowledge practices that cast “expert” researchers (such as “social scientists”) as makers and interpreters of historical meaning” (Ibid). Her argument is as follows:

The authority of evidence as “data” (verified by methodological protocols of properly scientific and historiographic interpretation consigns the interpretative agency of the witness-narrator as a maker of collective meaning (beyond the realm of her/his “personal truth”) simply to the role of a “victim” with a “story” to tell. (Grunebaum, 2011:34)

According to Grunebaum (Ibid), the TRC report thus looks at a positivist knowledge as more valuable than the oral testimony. Likewise, Van Ness (2014:133) argues that this is the case in court processes.

Court processes seek legal truth, the truth that emerges from a formalized process dominated by lawyers. Evidence is introduced through testimony and exhibits, both constrained by rules of evidence. Furthermore, it is elicited during questioning by attorneys who seek that which supports their side's position in the adversarial judicial process.

In response to this, he argues that restorative justice is more inclusive:

Restorative processes (from victim offender dialogue through truth commissions) encourage more active, voluntary conversations that can give the parties a much more robust and nuanced understanding of what took place than is possible in court, where there is little or no opportunity for the parties themselves to elaborate, to ask questions of the others, or to provide background information that while of great interest to them is irrelevant to the narrow legal issues debated in court. (Van Ness, 2014:133)

### **3.3 The reparative concept**

The reparative concept of restorative justice is harm-focused: “Restorative justice is not limited to the question of whether laws were broken but goes beyond to examine the resulting harms and how those might be repaired” (McCold, Llewellyn and Van Ness, 2007:2). Proponents of a reparative concept of restorative justice argue that “the imposition of pain upon offenders, while it occasionally provides us with a slight and short-lived sense that justice has been done, generally fails to deliver a rich and enduring experience of justice” (Johnstone and Van Ness, 2013:17). Restorative justice demands accountability, but has a different view of it than a punitive justice. Walgrave (2008:60) notes that punishment is typically justified as a method of holding offenders responsible for what they have done. However, from a restorative perspective this is a limited form of responsibility that requires offenders to passively accept hard treatment in return for their criminal acts (Van Ness, 2014:134). A restorative justice values rather an “active” responsibility “of which the perpetrator accept the wrongfulness of his or her behavior” (Ibid). However, one cannot take for granted that such an active form for responsibility will be taken. I will now firstly look into a retributive form of punishment to see how it is justified, before I look into the concepts of restorative punishment, amends, reintegration, forgiveness and memory.

#### **3.3.1 Retributive punishment**

In his recognized book within criminal justice theory, *Punishment and Responsibility*, H. L. A. Hart (2008) suggests five elements to define what punishment is in the context of a criminal system. Firstly, he says, “it must involve pain or other consequences normally considered unpleasant” (Hart, 2008:4). Secondly, “it must be for an offense against legal rules” (Hart, 2008:5). Thirdly “it must be of an actual or supposed offender for his offense” (Ibid). Fourthly, “it must be intentionally administered by human beings other than the offender” (Ibid). Lastly, “it must be imposed and administered by an authority constituted by a legal system against which the offense is committed” (Ibid).

Regarding punishment, a commonly discussed issue is what the appropriate response should be to a crime. This issue considers whether punishment is a proper response to crime, and if so, what the proportionality of the punishment should be. Hart (2008:231) argues from a retributionist stance that the punishment of the offender must “in some way match, or be the equivalent of, the wickedness of his offense”. What the “equivalent” of an offense is may however have varied answers. Retributive punishment is however not the same as revenge, according to Philosopher Robert Nozick (1981:366-368), who offers five factors that differentiate retribution and revenge:

- (1) While a victim may seek revenge for an injury, harm, or slight that is not necessarily a wrong, retribution responds to an actual wrong (Nozick, 1981:366).
- (2) Revenge may be limitless, while retribution respects proportionality (Nozick, 1981:367).
- (3) Revenge is personal, while an agent of retribution does not necessarily have a tie to the victim of the wrong (Ibid).
- (4) Revenge involves an emotional pleasure in the sufferings of the guilty in itself, while retribution does not (Ibid).
- (5) Revenge has little concern with the generality of the punishment, while retribution is committed according to general principles, desiring just punishment for everyone in similar circumstances (Nozick, 1981:368).

Another question one may ask regarding punishment is how one can determine who is to be punished. Hart (2008:231) states “a person may be punished if, and only if, he has voluntarily done something morally wrong”. According to Daniel Philpott (2012:213), the rule of law is a prominent rationale for juridical punishment, stating that trials “stem the cycle of revenge by taking retribution out of the hands of citizens and placing it in the hands of authorities. The rule of law has an important aspect which is the principle of *no punishment without law*. This means that “punishment cannot legitimately be imposed on a person if they have not violated a criminal law which was

declared as such in advance of their conduct” (Tadros, 2011:316). Even if conventional trials are less participatory, Philpott (2012:229) claims they are more suitable to guarantee the rule of law than community forums are. Although the law should be the same for everybody, the consensus in the international legal community is that the leaders who have “conceived, planned, and ordered atrocities rank highest in culpability; others rank lower” (Philpott, 2012:226). In the opinion of Philpott (Ibid), these are the kinds of distinctions that good judicial procedure is capable of making and communicating.

Different theories of punishment give different answers to why one should punish. Hart (2008:231) explains that in retributive perspective, the justification of punishment is that “the return of suffering for moral evil voluntarily done is itself just or morally good”. This means that retributionists believe that the suffering of wrongdoers is “intrinsically valuable” (Tadros, 2011:35). Immanuel Kant has been an important influence on this way of thinking. The victim of a crime is not in the first place the victim, but rather the idea of justice itself. Punishment also has a preventative function. Victor Tadros believes the main justification of punishment is the protection of victims from further crimes. According to Tadros (2011:294), “punishing offenders can be justified on the grounds that it deters other people from committing crimes”. Tadros argues for this in the following way:

Because he had harmed her, the offender owes an obligation to the victim to protect her from future threats that others might pose to her. This grounds the permission manipulatively to harm him. He may be harmed to ensure that his duty to protect the victim is carried out. Just as she could use him as a shield against a future threat that she faces, so she can harm him to deter others from committing offences. (Tadros, 2011:294)

This protection is from the offender, and from other parts that would be willing to commit the same crime, but do not want to suffer under the punitive consequences that the crime leads to. Thus punishment has an educational value. It teaches the offender and the community that the crime committed is not acceptable. The punishment of isolating an offender from the society also has a practical consequence of physically holding the person away from the victims, giving the victim and the society the security that the offender cannot repeat the crime as long as he or she is imprisoned.

Even if punishment in itself may be justified on different grounds, the legitimacy of the state to punish also needs justification. Tadros (2011:304) argues for this legitimacy by claiming that the

state's punishment is more likely to be more effective than the individual punishment of wrongdoers. His second argument for the state's legitimacy to punish is that they will “almost always do better than individuals in identifying who is liable to be punished, reducing the risk of disproportionate punishment and punishment of the innocent” (Ibid). He does however give the impression that these arguments are easier to defend in the case of reasonably stable and effective democratic states. This presumption can be problematic in cases where the state itself is guilty in a crime, and does not have an interest in being condemned.

It can be worth noting that the contemporary criminal systems do not always simply punish, but use programs for rehabilitation of criminals as well. According to Van Ness and Strong (2015:3), these programs are helpful in addressing the underlying problems that led to the decision to commit a crime, but still fail to address all the injuries surrounding the crime. They claim that both punishment and treatment models of criminal justice focus on the actions of the offenders, but “deny victim participation in the justice process, and require merely passive participation by the offender” (Van Ness and Strong, 2015:23). This is the main critique by restorative justice theorists on punishment and treatment models. Restorative justice focuses rather on “the harmful effects of offender's actions and actively involves victims and offenders in the process of reparation” (Van Ness and Strong, 2015:23-24).

### **3.3.2 Restorative punishment**

In *Just and Unjust Peace*, Philpott (2012) speaks of a restorative punishment. When speaking of punishment in a restorative way, he argues that the purpose of punishment is the repair of persons, relationships, and communities with respect to the harm that crime or political injustice inflicts on them (Philpott, 2012:219). Understood restoratively, he says, punishment is “a dimension of the justice that is embodied in reconciliation, animated by mercy and aiming at peace” (Philpott, 2012:208). Van Ness (2014:134) distinguishes restorative punishment from a retributive kind by looking at the result it leads to:

What distinguishes “restorative punishment” from retribution is how it affects the people and groups who were harmed by the crime. If it helps restore those who were harmed, then the sanction can be viewed as restorative. If it merely balances the scales of pain, then it is retributive.

Philpott (2012:223) stresses that it is “morally essential that this communication is performed by the state or a legally constituted international authority, for such an authority, at least when it is

governed by the rule of law, has the legitimacy to vindicate, uphold, and restore the laws of the community”. However, he notes, the restorative principles “dictate that courts ought to be as close to the people and as participatory as possible without compromising due process standards” (Philpott, 2012:248-249). As will be described, Las Abejas seem to have a similar way of thinking about punishment when it comes to the holistic perspective of it, although they definitely would question the state's reliability in upholding justice.

A restorative punishment seeks a desire for punishment on the side of all parts with the aim of repairing harm. Van Ness (2014:134) describes the voluntary assumption of responsibility as “an opportunity for an offender who claims to have changed to demonstrate that to the victims, to the surrounding community, and to those responsible for the justice system”. Philpott (2012:231) notes that the perpetrator's punishment would be valid even if he did not repent, but upholds that restorative punishment “seeks and invites his transformation and accountability”. If a perpetrator accepts a punishment, he says, “The hardship becomes his participation in the defeat of the evil he committed – much like a penance. Hardship or deprivations, then, are goods and not a return of evil for evil, harm for harm” (Philpott, 2012:223). In this way, Philpott (2012:235) argues that restorative punishment upholds the dignity of victims. Restorative punishment also applies the principle of soft proportionality, “allowing punishments to be adapted to the range and kind of harms done and the kind of restoration that needs to take place within a given political community” (Philpott, 2012:224). Van Ness (2014:134) suggests in this context that an offender for instance may “be required to perform services or pay compensation as a means of repairing the harm caused”.

### **3.3.3 Amends**

As Philpott (2012:237) notes, Western-style criminal trials do not normally issue reparations to victims, “it is instead civil trials that deliver settlements to victims, but these are not usually the sort of trials that take up the cases of human rights violations”. So what happens when perpetrators of gross human rights violations are States or persons acting as their agents, as the case of the Acreal massacre appears to be? Van Ness (2014:122) writes that two movements arose in the second half of the twentieth century to challenge the State's monopolistic claim to jurisdiction in domestic and international criminal matters. The first being the victim's rights movement, seeking “to use criminal tribunals as forums in which victims can seek redress” and the other being the restorative justice movement, seeking “opportunities for addressing the relational harms that result from criminalized behavior” (Ibid). According to the victim's rights movement, victim's rights to remedies should exist simply because of their victimization, and should exist independently of the

State's decision to prosecute an offender (Bassiouini 2006:203-279). Thus, they suggest that new, supra-national tribunals should provide relief for victims. However, the restorative justice movement argues that formal criminal justice processes only has limited potential for building peace. Van Ness (2014:123) argues:

Processes dominated by judges and lawyers, following detailed rules of procedure, determining whether carefully crafted statutes had been violated have their place in addressing law-breaking, but they are not well suited to deal with the other harms that victims and communities experience, their relational and material injuries.

Nevertheless, according to Van Ness and Strong (2015:50), the offering of amends is a key value within restorative justice. However, according to a restorative justice system, all stakeholders should be involved in the process of the decision making about the amends. The aim is that those responsible for the harm resulting from the offense should take responsibility for repairing it to whatever extent is possible. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law<sup>9</sup> (2006) suggests five ways that reparation should take place after an offense. These forms of amends include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Although these principles are intended to offer guidance to governments, and do not rise to the level of international law, they are useful recommendations for how to make right the wrong of an offense:

- (1) *Restitution*, defined as the restoration of “liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property” (Basic Principles and Guidelines, 2006:7).
- (2) *Compensation* requires economical provision of any assessable damage, physical, psychological or moral, proportional to the gravity of the violation and the circumstances of the case (Basic Principles and Guidelines, 2006:7-8).
- (3) *Rehabilitation* concerns medical and psychological care as well as legal and social services (Basic Principles and Guidelines, 2006:8).
- (4) *Satisfaction* requires actions such as preventing further violations, truth-telling, searching for the identity for the bodies of those killed, public apologies, and commemorations and tributes to the victims (Ibid).
- (5) *Guarantees of non-repetition* include actions such as ensuring effective civilian control of military and security forces; provide that the defendant State will abide by international standards;

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<sup>9</sup> Hereby referred to as Basic Principles and Guidelines

strengthening the independence of the judiciary; protect lawyers, medical personnel, media and human rights defenders; promoting monitoring and prevention mechanisms; and making any necessary law reforms (Basic Principles and Guidelines, 2006:8-9).

### **3.3.4 Re-integration**

Johnstone and Van Ness (2013:17) criticize punitive justice systems for ignoring the harm which the crime has caused to people and the relationships that need to be repaired. McCold, Llewellyn and Van Ness (2007:2) claim that a principle of restorative justice is that it is relational. They claim that the response to crime “should be one that not only repairs but also strengthens community relationships” (Ibid). In their words,

Restorative justice is relational. It offers a vision of justice that is concerned primarily with addressing the harm that wrongdoing causes to relationships between and among individuals, groups and communities. Restorative justice invites one to see the world relationally.

This means that the value of the perpetrator also is important. According to Philpott (2012:230), not only the victim, but also the perpetrator's soul is of concern in restorative thinking “in part because if neglected, it might lead him to commit future crimes”. Van Ness and Strong (2015:50) likewise argue that an important value of restorative justice is reintegration: “The parties are given the means and opportunity to rejoin their communities as whole, contributing members rather than continuing to bear the stigma of the harm and the offense”.

### **3.3.5 Forgiveness and memory**

After the issues of accountability and re-integration have been discussed as part of a reparative concept of restorative justice, the issue of forgiveness should also be viewed in this context. Las Abejas have, as has been explained, chosen to forgive the perpetrators of the Acteal massacre, but still demand justice. To understand what forgiveness means, it may be useful to first explain what it is not. Schreiter (1998:66-68) states that to forgive is not to forget, but to remember in a different way. He points to the danger of perpetrators hiding their responsibility for their misdeeds by suppressing the memory of it (Schreiter, 2008:10). According to Schreiter (Ibid), “erasure of memory is a tool used by perpetrators to domesticate erstwhile victims into accepting injustice and to forego investigating wrongdoers and punishing wrongdoers”. Therefore, he warns that when there are calls to forget or overcome the past, one must be conscious of who is asking for this (Ibid). Philpott (2012:254) likewise stresses that the advocacy of forgiveness best begins with the voices of

victims. He agrees that political forgiveness does not “supplant the memory that memorials, commemorations, reparations, and revised textbooks sustain nor hold that victims ought to forget deeds or perpetrators, even if that were possible” (Philpott, 2012:262). He claims it is wrong and unrealistic to demand that a victim forgets the wrong deeds committed against him or her. According to Schreier (2008:9), memory is namely an essential part of identity. Philpott (2012:262) claims that forgiveness is only possible if the victim thinks of the perpetrator “not as someone who never committed wrongs, but as one who now has a new status”. Philpott (2012:262) also makes it clear that forgiveness does neither mean condoning. “If a wrong is no longer a wrong”, he says, “then there is nothing to forgive”.

Philpott (2012:260) suggests that forgiveness in part involves relinquishment, “namely of revenge or of any kind of punishment understood as an exaction of payment to the victim”. He states that forgiveness further involves an internal relinquishment of the victim; “a forgoing of anger, resentment, and the victim's active construal of the perpetrator as one to be condemned and brought low for his deeds” (Philpott, 2012:260). He is aware of the criticism of forgiveness as relinquishment, that it can sacrifice justice “insofar as it falls short of taking seriously the dignity of the victim and the validity of moral order” (Philpott, 2012:259). According to Paul Leer-Salvesen (1998:115), an offender's asking for forgiveness may be interpreted by the offender as a new form of submission: “I am not finished with you yet. You are to forgive me before I let you be!”. However, he also argues that an offender's asking for forgiveness implies, when it is at its most sincere, a lifting up of and an acknowledgement of the victim's worth as a human being (Leer-Salvesen, 1998:114). Taking this aspect of dignity into consideration, Philpott (2012:260) argues that true forgiveness nevertheless requires a will to construct. By this he means the victim's choice to “revise her enduring view of a perpetrator in a fashion that is restorative”. The constructive dimension of forgiveness, he says, “involves the victim's further affirmation that he sees the perpetrator as being in good standing. That is to say, he does not speak against the perpetrator or urge other to condemn, excoriate, or bring her down. The victim speaks and acts so as to will reconciliation” (Philpott, 2012:260). Philpott (2012:263) shows how forgiveness can be restorative by explaining the difference between constructive forgiveness and resentment in the manner in which they seek the defeat of evil:

Resentment seeks it by actively asserting the perpetrator's evil against him, denouncing him for his deed, and perhaps drawing other's attention to it. Forgiveness seeks this defeat by willing a world in which the perpetrator has rejected the evil and in which the evil has been transformed and overcome.

Murphy and Hampton have a different perspective that can be included in this context. They claim that although forgiveness may restore the moral equality between the perpetrator and the victims, this does not necessarily mean in every respect, for instance in the equality of trust (Murphy and Hampton, 1998:22). They claim that it may be possible for a victim to forgive even though a trust towards the other parts has not been restored.

### **3.4 The transformative concept**

Van Ness and Strong (2015:44) explain that the transformative concept of restorative justice is far more expansive than the other two “because it has to do with broken relationships at multiple levels in society”. Here, justice is looked upon in a more holistic way. There is a rejection of an assumption “that we exist in some sort of hierarchical order with other people (or even with other elements of our environment)” (Johnstone and Van Ness, 2013:20). Van Ness and Strong (2015:44) explain that it “addresses not simply individual instances of harm, but goes beyond to structural issues of injustice, such as racism, sexism and classism”. According to this view, there is no point in making “sharp distinctions between crime and other forms of harmful conduct, but simply respond to all harmful conduct ... in much the same way – by identifying who has been hurt, what their needs are and how things can be put right” (Zehr, 2002:38). Restorative justice is conceived as a way of life we should lead, rather than being limited to a criminal system (Johnstone and Van Ness, 2013:16). This way of life “addresses all of our relationships, and it offers a way in which broken relationships can be repaired (often through challenging existing societal injustices)” (Van Ness and Strong, 2015:44). It can seem like this concept of restorative justice is the most relevant to the case of Las Abejas. Neither they nor anybody else are trying to arrange a conflict resolution encounter between the parties that were involved in the Acteal massacre. As I will come back to later, I will argue that Las Abejas instead are working towards obtaining justice in their society in a more holistic way, and that they do not look upon the the Acteal massacre as an isolated case of injustice.

#### **3.4.2 A liberation theological perspective**

Returning to the issue of societal injustice, as has already been mentioned, Las Abejas express that they are anti-neoliberalists. They have also been influenced for a long time by being part of the Catholic Church in Chiapas, which seen from the perspective of the indigenous people has often been a critical voice against the state and its politics. As the Catholic Church in Chiapas has been part of the social movement of liberation theology, it might look as though the thoughts of this theology may be useful in viewing Las Abejas' concept of justice.

One of Liberation theology's fathers, Gustavo Gutiérrez (1988), uses the theory of dependence to explain under-development and unjust social structures in Latin America. He explains this theory with these words: "The dynamics of the capitalist economy lead to the establishment of a center and a periphery, simultaneously generating progress and growing wealth for the few and social imbalances, political tensions, and poverty for the many" (Gutiérrez, 1988:51). The way he views it, the under-development of poor countries is a by-product of the development of other countries. The development of the rich countries is, in other words, built at the expense of the poor. In the opinion of Gutierrez, the under-development in Latin America can be viewed in the light of this theory. (Gutiérrez, 1988:51-52). He also makes it clear that this theory is not only valid in considering relationships between countries, but also applies to internal structures within a country (Gutiérrez, 1988:52). In response to this development, Gutierrez claims: "the untenable circumstances of poverty, alienation, and exploitation in which the greater part of the people of Latin America live urgently demand that we find a path toward economic, social, and political liberation" (Gutiérrez, 1988:55). He urges that this liberation has to come from the oppressed themselves in order for it to be authentic and complete. This is important, he says, because the liberation must stem from values proper to the poor (Gutiérrez, 1988:57). Such is the essence of the political message of the Liberation theology movement.

### **3.4.3 Mayan justice**

The Mayan view of justice in Chiapas does also seem to be in accordance with the transformative concept of restorative justice. According to SIPAZ (1999), for the indigenous, the main idea of justice is to come to an agreement. In general, they do not insist on a "right" without the consent of the people involved. The thought behind this is that if a person involved does not agree with the solution of a conflict, the probability is that that reprisal and a spiral of revenge will be the consequence instead of a reconciliation (Ibid). According to indigenous Mayan conflict resolving, a satisfactory solution is needed to avoid future conflicts. It is thus crucial to find the causes and the consequences of the conflict in order to be able to come to a good agreement (Ibid). SIPAZ (Ibid) cites an indigenous people who were part of one of their reconciliation workshops: "To achieve justice is to find a way to remain as brothers and sisters and stop thinking of ourselves as enemies".

Anthropologist Carlos Lenkensdorf (2011) who has studied a Mayan Tojolabal group in Chiapas describes their communitarian way of thinking in his book *Aprender a Escuchar*, meaning "to learn to listen". In this group, like many other Mayan groups including Las Abejas, consensus is the way

of structuring and governing the community. The group also has an interesting way of thinking of the concept of *us*. Lenkensdorf (2011:123) explains that if a person has committed a crime, the community thinks of this in the sense that *one of us* has committed a crime. Even if the person has committed a crime, he or she is still considered a brother or a sister of the community. The whole community views it as their responsibility together to find a way to repair the damage that has been caused (Lenkensdorf, 2011:124). The community asks the offender to give an account of what he or she has done. They listen to this, and they look for an agreement in order for him to be able to be reintegrated within the community. The offender has to participate in the reparation of the harm, and in this way reincorporate him/herself into the community (Ibid). This way of thinking does not simply put the responsibility for a crime on the offender. The offender is a product of the community he or she is part of. Therefore, the community as a whole has to take responsibility for the offender's deeds, and need to find a solution together. After a process of concientization, the indigenous restorative method works for reintegration and lessens, in this way, the risks of recidivism (SIPAZ, 2014).

In the Mayan Tzeltal language, reconciliation is spoken of as “a return of the heart” (SIPAZ, 1999). This way of thinking views reconciliation as a reconstruction of relations. After an offender has committed a crime, the victim cannot give this person his or her heart. If the offender asks the victim to give his or her heart back, and the victim chooses to do so, this leads to a reconstruction of a relationship (Ibid). The offender must show a willingness to do right what he or she has done wrong, and if the victim recognizes this will, trust can be restored.

There are still challenges to the traditional indigenous justice system. One challenge is the varying political participation of women in the communities. Another is the lack of recognition from the part of the government regarding the authority of these traditional systems. The indigenous authorities are also limited due to the disunity of the indigenous communities. SIPAZ (1999) claim that certainly, when there is a higher homogeneity and unity in the communities, it is often easier to come to a consensus. However, they stress, it is important not to idealize homogeneity as in many cases it could signify the exclusion of dissident voices and the expulsion of many (Ibid). According to them, a tolerance and a willingness to learn from differences is important (Ibid).

This chapter has provided a presentation of restorative justice theory, including the three concepts of encounter, reparation and transformation. I have emphasized the concepts that appear to be the most relevant for understanding Las Abejas' concept of justice after the Acteal massacre. The

following chapter will give an account of the applied research method and research design, as well as a presentation of the selected material.

## **Chapter 4: Method**

This chapter will give an account of my choice of research method and design. A description of the selection process will be provided, also showing how the dissertation was affected by problems that showed up during the collection of data. Furthermore, I will discuss the quality of the measurement validity and reliability, as well as ethical considerations in the sampling process and limitations as to the sample. The last part of the chapter will be a presentation of the sample, including the documents and the interview objects.

### **4.1 Description of method and design**

This dissertation is a qualitative study of Las Abejas' concept of justice after the Acteal massacre. The study thus has a phenomenological epistemological foundation. I decided to use a qualitative method in order to have an in-depth view on their concept of justice, rather than using a quantitative approach to be able to generalize, but not having the same opportunity to dig deep into their way of thinking. I have used a case study design, which “entails the detailed and intensive analysis of a single case” (Bryman, 2008:66). As Bryman (2008:71) points out, it is not the purpose of this type of research design to generalize on other cases or to populations beyond the case. My aim is rather to generate an intensive examination of Las Abejas' concept of justice, in relation to which I then engage in a theoretical analysis. The two research designs I have used to obtain this information consist of the following:

1. A content analysis of official and unofficial documents by the chief representatives of Las Abejas; including three communiqués, one report and one strategic work schedule.
2. Five semi-structured interviews with interview subjects who work or have worked with Las Abejas, and are well acquainted with the organization.

#### **4.1.1 Change of method**

The original intention of this study was to hear personal interpretations of Las Abejas' official concept of justice through individual structured interviews with different members of the organization. This could not go ahead as planned due to a denial of permission to do so by the chief representatives of Las Abejas. They explained that they had had a bad experience with an infiltrator in 2012, who had interviewed them and given all the information to the government. This caused great problems to the organization, and forced them to deny interviews with anyone after that time. Even though I had brought a letter of recommendation from LAG, they apologized and explained that they had to follow their organization's policy of not giving interviews no matter who the person

was. Therefore, I was forced to change my method. Instead of seeking nuances and a deeper look into their interpretations of justice through individuals in the organization, I had to search for this information through people who knew Las Abejas well. I had originally also thought of interviewing a few of these people as a supplement to the personal interviews with members of Las Abejas, but now I only had the chance to focus on this.

#### **4.1.2 Inductive approach**

For the sampling of data, I used an inductive method where the generation of concepts and theories was relatively open-ended. According to Hellevik (2002:82), inductive research often eventually results in the use of a model for further investigation. Such was the case for my research. I did indeed have a presumption from the knowledge I had obtained about Las Abejas from before, that their concept of justice would be relevant to a restorative justice theory. Still, I was determined that I would not look for this information specifically to prove that this theory was applicable to their case, but rather remain open to examine whether this theory actually was relevant or not. I was in other words open to adjust my theoretical approach after what seemed most appropriate. In the end, restorative justice theory did actually prove to be very useful in the analysis of Las Abejas' concept of justice, although my conclusions will evaluate how appropriate the theory actually was.

My purposive sampling approach included a critical case sampling, which implies the sampling of “a crucial case that permits a logical inference about the phenomenon of interest” (Bryman, 2008:419), in this case their concept of justice. The case of Las Abejas was chosen precisely because I anticipated that it might allow restorative justice theory to be tested. My purposive sampling approach also included a criterion sampling, where I sampled all of the units that met the criterion of being relevant to Las Abejas concept of justice. I conducted this method of sampling to obtain as much relevant information as possible about the relevant subject, and therefore sought different types of samples, including interview objects as well as the different kinds of documents I could get hold of. The communiqués were easily accessible through Las Abejas' web page. I got hold of the report and the strategic work schedule through my brigade with LAG. These two documents are not accessible to the public, but have been very valuable in the collection of information about their concept of justice, as these documents describe not only their theoretical view of justice, but also very concretely how they seek to establish justice in their societies. All the documents include the topic of justice, but do not directly answer the questions I had. I could only ask about my questions in a direct way to my interview subjects. Not all of them had answers to all of the questions, but they all had knowledge about different areas concerning Las Abejas' concept of

justice, and highlighted different elements. Together, I would say, the documents and my interview subjects have given a complete picture of Las Abejas' concept of justice after the Acteal massacre.

#### **4.2 Selection process**

Through my experience as a participant in a solidarity brigade with LAG in Chiapas, I came to know many people and organizations I otherwise wouldn't have had the chance to meet, including Las Abejas. One of these contacts was the language school where we had our Spanish lessons. During my sampling period, which lasted one month, I spent the first two weeks in San Cristóbal de las Casas at a school which is called Bats'il K'op (meaning “the true word” in Tzotzil). This school is a non-profit organization that is very much involved in social work in Chiapas, thus knowing the social movements there very well. I wanted to freshen up my Spanish to be as prepared as possible for the interviews, as well as to be able to analyze the communiqués as well as possible. During the three hours of lessons every weekday, I did not only improve my language, but also learned about Las Abejas at the same time. Through Bats'il K'op I also got recommendations as to who I should contact for my interviews, the majority of which I did contact. I chose to ask the people who knew Las Abejas the most, although they had varied experiences with them. In this way I thought I would be able to learn about different perspectives on the topic of justice. After I visited the chief representatives of Las Abejas in Acteal and was denied permission to interview members of Las Abejas, I focused solely on getting in contact with these other interview subjects. During my language course I also studied the communiqués with the help of my teacher. I was able to understand them in a clearer way because I had the opportunity to ask about everything I did not understand, either because of the language or because of a lack of historical, cultural and social insight. The language course was thus, besides helping me improve my Spanish, an enormous help for me in learning about Las Abejas and the social context they were in, at the same time as it was a door opener to most of my interview subjects. It is although worth noting that they could trust me because of my membership of LAG and my role as a previous brigade member. Considering LAG's long history with social work in Chiapas, the people I contacted generally had confidence in me as a member of this organization, they trusted me that my work was serious, and they were more than willing to help me.

#### **4.3 Measurement validity and reliability**

In order to conduct a proper research project, one has to meet the demands of reliability and validity. Reliability is concerned with the question of whether the measures that are devised for concepts in the social sciences are consistent, and whether the results of a study are repeatable

(Bryman, 2008:46). Validity presumes reliability, and deals with the question of whether what one wanted to measure actually has been measured, and whether the results of a study can be generalized beyond the specific research context (Bryman, 2008:47-48, 173).

#### **4.3.1 Reliability**

The external reliability deals with the question of how reliable the research is in the sense of whether one can obtain the same results if the same research is done again under identical circumstances (Bryman, 2008:149-151). The possibility of replication entails ensuring that complete records are kept of all phases of the research process (Bryman, 2008:47). A structured interview makes it easier to follow up the demand of reliability, because the questions asked of the interview subjects will be exactly the same if conducted again. At the same time it restricts the ability to follow one's spontaneous impulses in the interviewing situation, and therefore to find nuances and details which may be important for the research (Kvale & Brinkmann, 2009b:245). As I used semi-structured interviews, this reduced the possibility of replication. My interview guide<sup>10</sup> did include main questions which were asked of all of my interview subjects. I was, however, flexible in varying my probing questions according to the different interview subjects. I judged it more important to obtain different perspectives depending on the different backgrounds and experiences of my interview objects. I am aware that this clearly reduces the reliability of the research. However, not using this method would have made the information I obtained much poorer in detail and perspectives, so I judged that using this method was more important than securing a higher level of reliability. I will although argue that the reliability is sufficient enough to be justifiable, as the same main questions were asked of all of my interview subjects. As my interview subjects had different backgrounds and experiences with Las Abejas, not all were able to answer all the questions to the same degree, and some were able to answer much more than others. However, the information they gave about the same topics were consistent with each other, therefore securing an internal reliability.

As mentioned above, I think the willingness of my interview subjects to be interviewed was largely because of my active membership of LAG and also because my language teachers at Bats'il K'op introduced me to them. For a replication of this research to be possible, some kind of involvement in social activism would most probably be useful. Many of my interview subjects would be in danger if the information I had about them were to be used in a wrong way, as the criminalization of social movements and activism in Mexico is a serious current issue. The contact with them

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<sup>10</sup> See attachment to thesis.

demanded a trust that one cannot take for granted. It can although be worth noting that I have recordings of all the interviews available; both the interview subjects and the translator's words. As mentioned, the communiqués are also to be found on the homepage of Las Abejas<sup>11</sup>.

#### 4.3.2 Internal validity

Internal validity deals with the question of whether there is a good match between my observations and the theoretical ideas I have developed. As I have been researching in order to learn about Las Abejas concept of justice after the Acteal massacre, I am aware of the weakness in not having been able to speak with members of Las Abejas directly. Because of this, I could not get interpretations of, and reflections concerning, the meaning of justice from members of Las Abejas themselves. One can therefore question the internal validity of this thesis. The observations I would have obtained from personal interviews with a selection of members of Las Abejas might have given me a different basis for the development of the theoretical ideas in my analysis. However, one strength of this changed method may be that a perspective of the organization coming from the outside by people who know them well may illuminate sides of Las Abejas that individuals in the organization would not have been able to see themselves.

Having interviews with members of Las Abejas would still have resulted with *my* interpretation of their expressions, and their message might have been somehow distorted. I believe that having been able to speak with non-indigenous people has made an understanding of Las Abejas easier. Because of their long relationships with Las Abejas, my interview subjects were often able to express to me their indigenous way of thinking and feeling in a language I could understand. Here, I do not mean a language that I can speak verbally, but a language based on concepts and a worldview I could relate to. According to non-indigenous Mexicans I spoke to in Chiapas, it can at times be impossible to understand what an indigenous person is actually saying even though they speak in Spanish. Their way of viewing life is so different from the *mestizos*. I am therefore aware of the limitations in having a translated message of Las Abejas first to Spanish, and then to English or Norwegian. A world view and a culture is to a high degree tied to a language, so there are certainly elements of one culture that it is not possible to translate with words or concepts of another.

The information for this dissertation is based on writings by the chief representatives of the organization and people from outside the organization who are non-indigenous. These people have talked on behalf of the whole organization. Although the documents cannot tell us reality as it is,

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<sup>11</sup> <http://acteal.blogspot.no>

they can certainly say something about Las Abejas (Kvale & Brinkmann, 2009:252). It is my impression that the document may to some degree tell us more about who Las Abejas wish to be than who they actually are. By interviewing members of the organization and maybe also through observation, I would have been able to see to some extent to what degree the official statements of the organization reflect the practical reality. Unfortunately I was not able to do this. One of my samples (the report) does however show very concretely how they have been working towards the goals they have set for themselves. It is also worth noting that the thoughts of my interview objects, who aren't members of Las Abejas, have not been viewed in isolation – they are viewed in the light of the official statements of Las Abejas. Everything the interview subjects said has been considered critically, and has been checked against the content of documents by Las Abejas themselves. The interviews have thus functioned as a supplement to their official communications.

Lastly, I would like to argue for the legitimacy of using the communiqués and the other two documents from the chief representatives as representative of the opinion of Las Abejas as an organization. What is certain about the public statements of Las Abejas is that they are official, and all those who are part of the organization should per se be in accordance with them. Considering their tradition of consensus in the community of Las Abejas, I have a strong impression that these statements would not have been published if not all members were in agreement with them. Also, even if I had interviewed a few members of Las Abejas – even if they were of different ages, sexes, communities, and/or had different experiences of the massacre – the sample all together would still not have been representative of Las Abejas as an organization; this would have required a quantitative approach. Such an approach would however not have been able to grasp an in-depth understanding of this concept. All in all, I would say the change of method led to a change of focus, which I do not think was necessarily either negative or positive – only different. Instead of focusing on individual perspectives of members of Las Abejas, I had to focus on the collective perspective. There is of course a chance that the voices of some members of the organization have not come through in the official statements. However, I do believe that some of these voices came indirectly through my interviews with my new interview subjects.

#### **4.3.3 External validity**

The external validity deals with the degree to which the findings can be generalized across social settings. This demands “rich accounts of the details of a culture” which “provides others with a “database” for making judgment about the possible transferability of findings to other milieu” (Bryman, 2008:390-392). In my thesis, the relevant question is whether the information I have

obtained is generalizable to Las Abejas as an organization. As this is a qualitative study based on documents by the chief representatives of the organization and on interviews with people who know the organization well, it is clear that it would not be fair to generalize this view as applicable to all members of Las Abejas. The interview subjects did show a high level of correspondence regarding the topics they spoke of. I would say the various pieces of information complemented and did not contradict each other. As mentioned above, my interview subjects were found through LAG and Bats'il K'op, and would define themselves as being on the political left. Among this activist milieu, I think these interview subjects were typical. I have this impression from my experience with all the grass roots' and social organizations I have met through LAG. My research is by no means statistically generalizable to the rest of Chiapas, Mexico nor to any other place in the world. However, without my choice of method in the timeframe I had at my disposal, I would surely not have been able to learn about Las Abejas' concept of justice after the Acteal massacre to such a deep level as I have.

#### **4.4 Ethical considerations**

The most important ethical concern I have in this dissertation is if the information coming from my research will actually benefit Las Abejas in any way. By writing this thesis I do not want to use a horrible situation for a group of people for my own credit or to no use. As a result of the massacre, Las Abejas have received attention from many people around the world. Many people before me have interviewed Las Abejas and written articles and books about them, but not all of this information has come back to Las Abejas themselves. My thesis is also written in English, and none of the members of the organization speak this language as far as I know. My choice of language is deliberate, however. I want as many people as possible to be able to learn from the case of Las Abejas, and English will reach further. It will be a contribution to English speaking people who cannot understand Spanish, as much of the information about this case has already been written in Spanish and is not available in English. To Las Abejas, I intend to explain what I have written with words as well as handing them a translated summary of my thesis.

I have also not had the opportunity to have a respondent validation of the thesis before I publish it. Because of this I want it to be clear that this thesis is my personal interpretation of Las Abejas' concept of justice after the Acteal massacre. I do not claim that the presentation I give of the organization is fully authentic and objective. It is an interpretation of their concept of justice using the resources that were available to me. However, when I spoke to the chief representatives of Las Abejas, they said they were happy that I was writing about them, and in this way spreading

information about them and their case. They gave me their blessing and encouragement to use the public writings they had to write this thesis. I honestly forgot to ask if I could use the report and their plan of work in my thesis as well, but as this was given to my co-brigade partner in 2012 to translate both into English and Norwegian without any restriction on its being given to anybody else, I have considered it reasonable to use these documents as well. The documents ask for economic support for the organization's work and describe the work they do to demonstrate their need for this. This makes me believe that it was most probably sent to different social organizations who work in solidarity with them. So although they aren't published on their website, they do not appear to be confidential.

#### **4.5 Limitations**

Even though I speak a basic Spanish and used my first two weeks in Chiapas at the language course to freshen up the language, I judged it best to use a translator for my interviews. The weakness of having a translator is that the translator may misunderstand something or tell you something the interview subject did not say, and there is a risk that difficult nuances in translation may disappear along the way. The translator might also omit something or add something the interview subject did not say for a variety of reasons. I did, however, not want to risk ending up in a situation where I did not understand something, or where I misunderstood a point. I had a greater trust in the translator's Spanish and English than in my own Spanish. My translator is an activist from Catalonia, who speaks good English. She has lived in Chiapas for many years and is familiar with the political and cultural discourse in Chiapas. Because of this, I think she was able to translate more smoothly than any professional translator lacking this experience. Having a translation also made the transcriptions afterwards much easier, since I recorded the whole interview and not just the translation. As I understood the majority of what was said in Spanish in the recordings, this gave me the opportunity to correct mistakes I noticed the translator had made, or adjust the wording in the translation if I thought it would be better, although this was rarely necessary. This ability gave me the advantage of being able to reduce the weakness of having a translation. I am also aware of the limitations of having the message of Las Abejas, who speak Tzotzil as their first language, expressed in Spanish, and then having this message again translated into English (for the interviews) or Norwegian (in the report and the strategic work schedule). This creates two points of weakness. This issue fortunately only concerned three of my interview subjects as the other two spoke in English. The two documents from the chief representatives that have been translated into Norwegian have, however, the strength of having been checked with the chief representatives to confirm that the translation actually expressed what they wanted to say. My co-brigade member went through the translation of

the report and the strategic work schedule with the chief representatives to make sure she had captured the intended message of the documents correctly.

Another issue that might affect my thesis in a limiting way is the degree of confirmability. As Bryman (2008:393) says, “it should be apparent that one has not overtly allowed personal values or theoretical inclinations manifestly to sway the conduct of the research”. My first meeting with Las Abejas was through LAG, which is based on the political left. The interview subjects I came in contact with were also through Bats'il K'op which is a school run by social activists, who would definitely also place themselves on the left side of the political scale. However, as Las Abejas themselves are anti-capitalists and have a more or less socialistic political point of view, I strongly doubt it would be possible to know them well unless one shared a similar viewpoint. As I explained above, they have had an experience with an infiltrator, and, as will be described thoroughly in the next chapter, are a resistance movement. Nevertheless, although I have a politically colored background, I have been conscious of this the whole time while working with this thesis and attempted to not let this affect the thesis in a negative way. I have tried to view the information of my interview subjects and the documents I have used by Las Abejas in a critical way in order to see their arguments from different perspectives.

#### **4.6 Sample**

As mentioned above, I have used two main methods in this thesis. The first is a content analysis of five documents by Las Abejas; some of them official, some of them not. As I am investigating *Las Abejas'* concept of justice, I considered it appropriate to use these documents as my primary sources, instead of the interviews. The supplementary sources consist of semi-structured interviews with five interview subjects consisting of people who work or have worked with Las Abejas in some way or another, and know them well as an organization. All interview subjects gave me permission to use their real name in the dissertation.

##### **4.6.1 Documents for content analysis**

Three of the documents are communiqués which among other things express their demands for justice as an organization. The communiqués are signed by the chief representatives of Las Abejas, and are a public announcement of the viewpoints of the organization as a whole. These documents are, as mentioned above, published on their official web page. The communiqués consist of one from the 21<sup>st</sup> of December 2009, titled “A presentation of "Las Abejas" in the Forum of Conscience and Hope: Building the Other Justice”. The second is from the 21<sup>st</sup> of December 2010, dealing with

the topic of autonomy, counterinsurgency, dependency and resistance. This document is titled “Pronouncement of the weaving encounter of resistance and autonomy against the counterinsurgency and the dependence”. The third document from the 22<sup>nd</sup> of August 2014 is titled “Five years since the release of the paramilitaries”, dealing with the issue of impunity from the side of the government.

The fourth document I have analyzed is a report written by the chief representatives of Las Abejas to an organization called Peace and Diversity Australia (PDA) This report, from the months of July to September 2012 is part of a working agreement between Las Abejas and PDA where the chief representatives has committed itself to write a report of the work of Las Abejas, so PDA, who supports Las Abejas economically, can be informed about the work they are doing. As it says in the report, “in this context we present the work that has been done in the time frame from July to September to follow up the strategic work schedule of Las Abejas” (Report, 2012).

The fifth document I have analyzed is the strategic work schedule of Las Abejas for the period from January to December, titled “Improvement and Strengthening of the Organization”. Their strategic work schedule and the report were both translated to Norwegian by Jørdi Maria Losnegård, one of my fellow brigade members from when we were working with Las Abejas in 2012. As they do not give interviews anymore, this information is valuable in order to see their way of thinking in a much more tangible way than the official communiqués.

#### **4.6.2 Interviews**

My first interview subject was Miguel Chanteu, a priest from France who had worked in Chiapas together with the Bishop Samuel Ruiz since the mid 60s, and had learned to speak the Tzotzil language. He was moved by the Catholic Church from Chiapas to another state after the massacre of Las Abejas because of his criticism of the authorities behind this act. He is no longer permitted by the State to approach the indigenous people in Chiapas as a priest, only as a tourist. According to him, his indigenous friends still call him Father Miguel.

My second interview subject was Rubén Moreno Méndez, a lawyer working for the human rights organization Frayba, who has worked with Las Abejas since before the massacre. Méndez himself has worked for Frayba since 2006, and is now responsible for their section working on the Acteal case. They are currently following up the case through the Inter-American court of Human Rights.

My third interview subject was Marina Pegés, the coordinator of SIPAZ in Chiapas. SIPAZ stands for International Service for Peace, and was founded in 1995 by a group of international organizations “with a long history of work in the areas of peace building, human rights, and nonviolent activism” who after the Zapatista uprising “recognized the need for a permanent international presence in Chiapas to help to avoid or lessen the risks of violent ends to conflict” (SIPAZ, 2015). Pegés has worked with Las Abejas through various projects since the start of 1998. According to Pegés, their focus of work with Las Abejas has been through inter-religious dialogue between Presbyterians and Catholics in Chenalhó. This interview was conducted in English.

My fourth interview subject was Martina Diaz, an activist working with the Mayan Women's group of Las Abejas. This group consisted of 130 women at the time of the interview with Diaz in October 2014. This group is, according to Diaz, known within Las Abejas as the “caja de oro” (meaning the box of gold) as they are responsible for a fund for the different working groups within the organization. According to Diaz, this work is however some sort of excuse to participate in the organization and talk about problems meeting them as women in their communities and families. This group organizes among other things the march of the 8<sup>th</sup> of March, and work for women's rights to participate and be listened to within Las Abejas and within their communities. This group is supported economically by the organization Peace and Diversity Australia, although Diaz is not a member of this organization.

My fifth interview subject was Rafael Landerreche, an intellectual and activist working who has been closely with Las Abejas since 1998. He is still working on a permanent basis with the organization through different projects, and is one of the people outside of the organization that one could say know them the best. He often accompanies student groups and social organizations who want to visit Las Abejas. The interview with him was also conducted in English.

This chapter has described the methodological approach used to obtain answers to the research question, including the challenges of a change of method. The qualities of the validity and reliability, as well as ethical concerns and limitations to the sample have also been discussed. Lastly, the chapter has provided a presentation of the utilized material. The following chapter will provide a thematic presentation of these findings.

## **Chapter 5: Findings – Searching for justice through resistance**

After analyzing the findings, I have come to the opinion that Las Abejas' concept of justice should be viewed as being based on their identity as a resistance movement. As will be shown in this chapter, my findings show that the justice Las Abejas speak of is what they call “La Otra Justicia”, meaning “The Other Justice”. The significance of “the other” seems to be meant as opposed to the justice of the government, as opposed to hate and as opposed to revenge. The four main ways in which Las Abejas practice their resistance have been identified as: indigenous, as pacifists, as religious, and through a global perspective. Las Abejas' concept of justice and their understanding of justice in a post-massacre context will be explained through these identities. The categorization does not mean that these identities are not related to each other, because they are, and therefore they need to be viewed in a complementary way. This categorization is not explicitly stated by Las Abejas themselves – it is meant as a useful a tool to systemize the data.

### **5.1 An indigenous perspective**

Las Abejas are to a high degree conscious of their identity as indigenous, and with this comes a demand for respect for their rights as indigenous people. This identity also includes in the case of Las Abejas an identity as peasants, as the majority of them work on coffee plantations (Strategic work schedule, 2012). This can explain why the organization was created to defend indigenous rights in Chiapas and in the whole of Mexico, and also to defend the land, which is the basis for their way of living (Strategic work schedule, 2012). By defending the land, Las Abejas seem to mean defending it against the state and its neo-liberal politics. In their plan of work, Las Abejas state the importance of respecting “our Mother Earth”, and thus against ownership of it, saying:

The land is not only where food is cultivated, the dead also lie there. Here lies the knowledge and experiences of life. In the land one finds the essence of life: what you know, what you are familiar with, what you do and what you can learn about life. The land is holy, it cannot be owned. Therefore, there is no true government. (Strategic work schedule, 2012)

To preserve their indigenous culture, Las Abejas value the wisdom of the elders. They state that, without the wisdom of the elders, it would be impossible to be the organization they are today (Report, 2012): “In our organization, we always listen to our forefathers and the elders. We always want to listen to the advice from these women and men of corn” (Strategic work schedule, 2012). One of the goals they promote in their report is to preserve the indigenous culture, their rights, and

their knowledge from thousands of years back. Another goal they list is to help and strengthen the working areas in the organization that seek to increase the living standards of the members. They say they want to do this at the same time as they preserve nature. They state that it is their strength when facing the global world system – their ability in collective organization with a respect for the earth (Report, 2012). In close relation to their identity as indigenous people, comes their struggle for autonomy and self-determination, as this can enforce their culture.

### 5.1.1 Autonomy

Landerreche said he had a strong impression that the Zapatistas were the first to use the concept of autonomy among the indigenous in Chiapas, and that there was not much talk or thought about this concept before that. The way he saw it, the Zapatistas gathered all the different demands of the indigenous people, put it in one bag and called it autonomy. Then, he said, this idea caught on in the minds of the people. Landerreche suggested that the indigenous people do not necessarily understand all that lies behind the concept, but that it functions like an ideal, or hope, that fits very well with their knowledge that they are different. Pegés from SIPAZ said that autonomy was something that already existing among the indigenous people in Chiapas long before the concept of it appeared. Thus she did not look at it as something they were going to invent one day. She pointed out that the indigenous people in Chiapas were in some way or other already working together and taking decisions, referring to their traditional way of governing the society. An important point my language teacher made me aware of in this context was that one cannot speak of autonomy as something you have or do not have – it is more useful to speak of how much you have it in terms of degrees or levels. Las Abejas pledge in their communiqué from December 2010:

We pledge to continue constructing our autonomy, strengthening our personal and collective identity, listening to the wisdom of our grandparents, analyzing the new, accepting what benefits and rejecting what can destroy us. To be critical, creative, promote alternative projects of education, production, appropriate judicial forms and government. (Communiqué, 21<sup>st</sup> of December, 2010)

Although the Zapatistas implemented the concept of autonomy strongly among many indigenous people in Chiapas, Landerreche pointed out that there was another concept that started developing before this in the Second Vatican Council, and further developed in the Dioceses Synod. This concept was the *autochthonous*<sup>12</sup> church. Landerreche explained that the Synod defined seven characteristic features they wanted the Church to be in the future in San Cristobal, and one of these features was the autochthonous Church. According to Landerreche, the idea was developed further

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12 Meaning the indigenous church, as opposed to the non-indiginouss church

by the indigenous people together with Don Samuel much more than it was in the Council. The idea of the autochthonous church is that the Catholic Church is universal, but must not impose the cultural values and styles it has imposed done in the past, but rather allow the local Church to grow within its own local culture. Landerreche meant this was something the Church had not allowed in Mexico for 500 years, as they had rather tried to impose a Western culture on the indigenous people. According to Landerreche, Las Abejas believe the gospel by itself is not a foreign culture, but is interwoven with cultures. What they want to do is to liberate it from the Western cultures; the Spanish culture that brought it there, and develop the faith and spirituality in their societies as far as it is possible, allowing the Church to develop according to the culture (Landerreche). Landerreche explained this is a very strong point among many indigenous Catholics in Chiapas, and that this is why they are currently writing a letter to the Bishop saying that he is not respecting the culture as far as the deacons are concerned. This point did also seem important to Father Miguel Chanteu who said people he knew in France looked at him as a great missionary for having been with the indigenous people to evangelize. He, however, said he evangelized no one, claiming; “God did not wait for the Spanish to become part of the indigenous culture. What we need to do is listen to how God speaks to the indigenous people, inside of their culture, and re-inforce this indigenous culture as a culture incarnated, which is Jesus, to give it more value” (Chanteu).

According to Las Abejas in their communiqué from the 21<sup>st</sup> of December 2010, this is how they understand autonomy:

- As the right we have to live as we wish, without having to ask for permission and without anybody imposing on us the way they want us to live.
- As the liberty of every people group to take decisions about our territory, our means, our organization, education among other things.
- As the thought of our own; to have, express and share our own ideas.
- As something that was initiated in the heart of every person; it is not only a goal, but a path which we walk and which we already are walking on.
- As the capacity to weave our alliances as we desire and globalize our struggles up from down below.
- As to know how to live through our own labour without depending on the help or the programs of the government.

Further they explain that this is what they want to construct, and that this is their struggle as well as the struggle of their ancestors (Communiqué, 21<sup>st</sup> of December, 2010). They claim; “we do not want to hurt anybody, we only want to live in liberty, enjoying the fruit of our Mother Earth which

we get through our labour” (Dec, 2010). According to Las Abejas, to build autonomy for the indigenous people allows the societies to concentrate on local problems and needs, and by doing so to slowly construct “the good life” for these societies (Strategic work schedule, 2012). By “the good life“ they say they mean to construct a new world - “a more just world, where there is space for everybody, and where the colour of the skin doesn't cause exclusion or death” (Ibid). They claim that the government do not want the best for the indigenous people in Mexico, and state that as every society has its own Cosmo-vision, they themselves know how to organize themselves in the best way and which norms they need to function as a community. They also say they know from their respective context what their needs are, and know how they should be met (Ibid). According to Las Abejas, there has been a lack of will from the state to care about this context, and therefore the huge problems in these marginalized areas continue. Because of this, they conclude that one cannot change living standards if the initiative does not come from the grass roots itself (Ibid). According to Pegés, autonomy is important to Las Abejas because of their dignity. As opposed to organizing themselves autonomously, Las Abejas state that:

To not do anything is the same as agreeing with the destructive system that favours the capitalists.  
To not do anything is the same as agreeing with the politicians who say the indigenous people are inferior and need to be governed by the outside and from the top. We know that to agree with this system is to allow the humiliation and thus dehumanization. (Strategic work schedule, 2012)

### **5.1.2 Authorities**

Before the formation of the organization of Las Abejas, there used to be the *asansinos* – the elders – who carried out the traditional ways of conflict resolution. Landerreche explained that since political divisions started in the communities, this traditional method has lost much of its strength. Las Abejas have retaken the old traditions, but have transformed them. Now, what used to be done by the elders is done within the organization by persons who are elected to be the “Judges”. According to Pegés, there is also still a traditional structure of conflict resolution outside of Las Abejas' juridical sphere. However, she explained that generally, you won't find a solution at a community level as most conflicts are solved through the organizations. Because of this, she said there is a crisis of the traditional judicial system as there is no respect for the jurisdiction of the elders any longer. Landerreche noted however that members of Las Abejas have experienced more respect from the municipal authorities since they have been organized and consequently have been backed by their organization. As an example, there are cases in which a Las Abejas member has a conflict to be resolved with a *priísta*. According to him, those who are wealthy or powerful are the

persons who have usually received help from this judicial system, and indigenous people have traditionally been discriminated, but after they have organized themselves, they have been treated more seriously.

Méndez described the three different forms of authorities present in the societies of Las Abejas. Firstly, there are the chief representatives – the *mesa directiva* – of Las Abejas. Diaz explained that the elected person is in charge for one year, and can be re-elected after three or more years. As explained in Las Abejas plan of work, their leaders are chosen ...

... through a system which follows our local traditions. Our leaders are chosen democratically in the general assembly every year. No one can sign up for the elections themselves. The general assembly chooses a person who has long experience of the pacifist struggle. This person must also show that his or her commitment to the organization is built on a conviction, and not on the basis of their own interests or problems.

According to Diaz, the general assembly consists of all the members of Las Abejas. Secondly, as mentioned, Las Abejas have the Judges to solve all kinds of problems, although not grave problems. As the functions as an “executive branch”, the Judges are the judicial branch in the organization. They are elected once a year at the same time as the chief representatives of the organization is elected. According to Pegés, typical examples of conflicts the Judges solve are violence in families between husbands and wives and regarding children, or people who are drunk or act violently when they are drunk. Based on talking and meeting, they find a solution and a punishment which the affected parties agree to. Méndez said the people look to the person who committed the fault as the person responsible to make amends for his or her wrong deeds. If the Judges are not able to solve a conflict in the community, the affected parties go to the municipal authority instead. Thirdly, there are the *comisariados*, who are responsible for conflicts related to the land. This group has an authority among more people than just the members of Las Abejas. They solve conflicts relating for instance to communal lands or ejidos.

### **5.1.3 Las Abejas' view of punishment**

According to Pegés, the solution to a conflict within the communities of Las Abejas would depend on the crime. An example she explained of a punishment was that if a drunk person caused problems, he or she would have to stay in one place until he or she sobered up. According to her, the aim of the conflict resolution is to recreate the situation before the crime. The way she saw it, rather than punishing, it would be a way to help the criminal consider his or her own behaviour. Méndez

explained that in Las Abejas' judicial system, they use a form of sanction which he thought could be considered a form of punishment, but that it was inflicted in a restorative way. He explained that if the person does not carry out the given sanction, the person will not be accepted in the community. However, if the offender undergoes his or her punishment, this is a part of the restoration of the damage that they have caused. He claimed that the latter act makes the people in the community talk of the person in a positive way and that the wrongdoers' "change of heart" makes him or her reluctant to commit more faults. In the view of Méndez, this is a form of reparation, demanding a responsibility from the person who has committed the fault. According to Landerreche, in the traditional system, the greatest punishment would be to shame the person who had been responsible for an illicit deed in front of the community. He claimed that culturally this has a very strong effect. According to him, even now, the worst a young person can feel is shame in front of the community. Landerreche explained that as a punishment, the person would be exhibited in front of all the community, and the "crime" would become publicly known. After this he or she would have to repent himself or herself. He also said Las Abejas acknowledge that there has to be some kind of change of heart in the person responsible for an illicit deed for there to be a solution to a conflict.

#### **5.1.4 The role of the State**

According to Chanteu, Las Abejas recognize the government as an authority, but believe it is the government that is responsible for bringing justice after the Acteal massacre. Even though Las Abejas look to the government as an authority, he explained that this does not mean that they want to depend on the government to be able to survive. He claimed that almost always the way the government acts toward the indigenous people is in a paternalistic way. In their communiqué from the 21<sup>st</sup> of December 2010, Las Abejas state that they cannot wait for justice to come from the outside. They say they need to construct another justice beginning in the community:

It is as the ancestors say; know how to listen to your heart and do not fall in the provocation nor in the temptation of revenge. Our people have known, and we have to recover the idea, of a justice which does not harm nor punish – only recovers and restores. (Communiqué, 21<sup>st</sup> of December, 2010)

This other justice they speak of, as opposed to the punitive justice of the government, is what they refer to as "the Other Justice".

#### **5.2 Perspective as a pacifist organization**

The civil society of Las Abejas is grounded on a belief in non-violence. According to their plan of

work from 2012, Las Abejas are a pacifist, political organization. They believe pacifism is the way to go towards peace, and actively use non-violent methods in their resistance. A goal Las Abejas present in their report is to promote peace and a non-violent alternative in Mexico and the rest of the world. They say that their organization knows that non-violence creates peace, and that revenge does not create true justice. Further, they state that despite the opposition and criminalization of the social struggle, it is important to continue the pacifist fight: “Without fear in our hearts we need to continue to report the violations” (Report, 2012).

### **5.2.1 Pacifist methods**

Pegés stated that in the first place, the people of Las Abejas were not displaced for being Zapatistas, but because they were denying giving money to buy arms to struggle against the Zapatistas. According to Méndez, the government were so against Las Abejas because in a way they were part of the Zapatistas, not with arms, but in other ways. He explained that Las Abejas mix political denunciations with religious elements like praying and fasting. In their plan of work, Las Abejas state they differ in the struggle because they struggle with non-violent methods. Their methods of working include among other things: striking with prayer and fasting, dialogue, demonstrations, sit-in demonstrations, pilgrimages, public protest letters, communiqués and conferences (Strategic work schedule, 2012). Las Abejas were also part of the peace belt which surrounded the meeting premises where the EZLN and the government were negotiating about the San Andrés Accords, as well as around the home of Samuel Ruiz who had received death threats (Strategic work schedule, 2012). In the year 2000, members of Las Abejas went on a pilgrimage to the Basilica de Guadalupe in Mexico city. They walked from Acteal to Tepeyac, 1100 km on 52 days. In this pilgrimage they demanded demilitarization, that the paramilitary groups should be internally disarmed, that the displaced should be able to come home, reconciliation between the different parts in their area, freedom of the political prisoners, justice after the Acteal massacre, respect of the San Andrés Accords, and a peace with justice and dignity for all of Mexico (Strategic work schedule, 2012). According to their report, the work Las Abejas does today concerning the Acteal massacre is divided into two parts. The first part is socio-political, through campaigns against impunity, communiqués and pacifist actions. The other part is judicial: it is based on laws and human rights. They also explain that the human rights centre Fray Bartolomé de Las Casas (Frayba) help them as judicial representatives. Lastly, regardless of their principles, Chanteu also noted that it would be “suicide” for Las Abejas to take up arms, because they would not have had a chance fighting against the military.

### 5.2.2 Religious and traditional mentality

According to Méndez, Las Abejas' pacifist stance could certainly be explained by their religious beliefs and by who is supporting them. Landerreche likewise stated that a big part of the explanation behind their pacifist views came from the Church. He told a story about an Indian man who had come to Acteal and said he knew they were non-violent, and wondered how they knew about Gandhi. They had answered that they did not know anything about Gandhi, but had read all about non-violence in the Bible, the gospel. However, he also explained that some of the explanation behind their pacifist view could also be found in the history, and in the character of the people in Chenalhó. As he pointed out, the Church has been everywhere in Chiapas, but the same kind of groups as Las Abejas have not appeared everywhere in the dioceses. He told a story to explain Las Abejas' pacifist stance, which he said was from the beginning of the 1900's:

With the revolution came the possibility of freeing themselves from the *cashlanes*, as they call the white people. And in some places like Chachihuitan and San Andrés, where there is a Zapatista stronghold, they killed the white men. They expelled them, and killed those who didn't want to go out, and they recovered the land. And in Chenalhó, we just had an old man who is an Indian anthropologist in Chenalhó, whose father was a leader at that time. And he said that everyone in the municipality told him, if you want, we can help you get rid of all those white people, we can kill all of them. And this man said: I thought that would be a good thing, but then I thought of all the innocent that would have died. And he said no, let's just take the power and the land away from them, but let them live here. So there's a historical reference that might have some relation with the attitude of the people in Chenalhó. So perhaps there is something with the character of the people from Chenalhó – more peaceful, but definitely there is the Word of God. (Landerreche)

### 5.2.3 A pragmatic aspect

There is also a pragmatic aspect to consider when it comes to the judicial process after the Acteal massacre. After the paramilitaries were freed from prison in 2005, many of them returned to their communities side by side with members of Las Abejas. Landerreche said that even though Las Abejas do not believe in punishment as a solution to conflicts, the imprisonment of the paramilitaries was a great help to them. He told a story to illustrate this:

There was a woman, a journalist from a TV station in Mexico, who wanted to carry out a series of interviews when the paramilitaries released from jail. And I was present when she was interviewing one of the survivors. And she asked him: How do you feel now that this paramilitary soldier is back in his home? And this man very naturally answered, turning the question to her: “How would *you* feel if the man who had killed *your* husband and *your* daughter lived in front of you, and you had to go out and see him every day?” (Landerreche)

In their report, Las Abejas state that the lack of justice which they have seen after the Acteal massacre does not give any guarantee that such acts will not occur again in the future. They claim that the impunity given to those materially and intellectually responsible for the Acteal massacre gives them the opportunity to commit similar acts again. Because of this they say they desire that those responsible for the massacre should be punished – that the Mexican state should punish the guilty (Report, 2012).

#### **5.2.4 Memory**

In their report, Las Abejas state that it is clear to them that “the way to create justice, when it comes to a crime of the state, is to create a historical memory”. They list that they have, with little outside help, made recordings and videos, written down information, conserved monuments and areas worthy of remembering, and taken care of objects that make history easier to remember and understand. In their plan of work, they mention that they mark the 22<sup>nd</sup> of every month with a ceremony, and arrange workshops to increase awareness among the members of Las Abejas. According to this document, it is important to them to make the young familiar aware of their history, as it is they who are “the present of our history now” (Strategic work schedule, 2012). The communiqué of the 22<sup>nd</sup> of August 2014 illustrates an example of how Las Abejas promote the memory of Acteal. They use the phrase “our memory tells us that ...”, and point to unjust historical happenings. In this way they insist that what they remember is the truth of what happened.

In their plan of work, Las Abejas claim the government wants certain historical happenings and tragedies, such as what happened in Acteal, to be forgotten. They say one of the most used strategies the state uses to achieve this is to manipulate what the victims themselves have said. Because of this, they express the opinion that Las Abejas’ pacifist work of spreading information has been very important. They say their organization has made sure that the voices of the survivors of Acteal and other victims of the COIN-war in Chiapas have been heard, and that in many cases these versions have replaced the public wrong information. They claim that “although the powerful control the media, and can press through their version, Las Abejas have through their struggle made sure it has been impossible to forget what happened in Acteal” (Strategic work schedule, 2012). Further, they express their distrust in the Mexican judicial system by expressing that there is no doubt the government officials and judicial administrators of the state are behind the COIN-strategy which led to the tragedy of Acteal. They state this system “only functions to give privileges to the few or to defend foreign political and economical interests” (Ibid). In addition to this they say that

they have seen little progress when it comes to the rehabilitation of the survivors and those who were directly affected by the massacre. Because of this, Las Abejas state they should not only work toward judicial goals, proclaiming:

The lack of action inside the judicial system demands a permanent campaign against impunity, where Las Abejas constantly organize pacifist activities that lead to an increased awareness. We want the voice of Las Abejas to be heard loud and clear among the inhabitants of Mexico, and in this way create awareness and a demand for justice. (Strategic work schedule, 2012)

### **5.3 Religious perspective**

Las Abejas' religious beliefs are also important in forming their identity as a resistance movement. To begin with, the civil society organization of Las Abejas was formed as a Catholic group. They are members of the Catholic Church, and have had an especially close relationship to the Bishop and Father Miguel Chanteu. When I spoke with Chanteu himself for my interviews, his opinion was that the work of the Church in Chiapas is to give back the indigenous people their dignity. There has, since the beginning of the formation of Las Abejas, been a willingness on the side of the Church to support the organization, and not just the other way around. Las Abejas plan of work says that through its nineteen years, the chief representatives of the organization have co-operated with the parish of San Pedro Chenalhó and their catechists through the working areas of health, women, communication, education, judicial area and with the choir. Landerreche explained that the structure of the Church among members of Las Abejas is organized in a very horizontal way. Although it may seem like it, Landerreche states that what we see among Las Abejas is not liberation theology, and noted that Don Samuel used to say the same. According to Landerreche, liberation theology is a phenomenon of book writing by intellectuals which came *after* what was happening in Chiapas. On the contrary, he claimed that liberation theology is a *reflection* of a practice such as that of Las Abejas. According to Landerreche, members of Las Abejas meet on a regular basis for what they call an “analysis of reality”. In these settings they study the Bible, and at the same time they always make an analysis of what is going on in their communities, in Mexico, and discuss how they can solve issues of their concern. This is one example of how their political and religious life are intertwined closely.

#### **5.3.1 The Word of God**

Las Abejas state explicitly that they are an organization based on the “Word of God”. According to Landerreche, Las Abejas use the metaphor that they are standing on two legs; one leg is grounded

on “the Word of God”, and the other on the words of their elders and those who came before them. He said that through his years working with Las Abejas, there were two things they had told him that came to their society with “the Word of God”. The first was respect for women. Although many organizations Las Abejas have been working with, such as human rights organizations, have promoted this value, he said Las Abejas state that they had learned the value of respecting women after being in encounter with the Church. The second was the importance of truth in the struggle for justice and reconciliation. Before “the Word of God” came to their society, the revealing of the truth had not been looked upon as an essential element in order to obtain justice. According to Rafael, autonomy is also valued, among other things, through a theological perspective among Las Abejas. He referred to a reading of the New Testament he had been part of together with some members of Las Abejas. The passage that had been discussed was from the 1<sup>st</sup> letter to the Corinthians, Chapter 6, vers 3: “Do you not know that we will judge angels? How much more the things of this life!”. According to Rafael, this passage had been interpreted as a solicitation to organize autonomously:

It's very clear, and it translates very easily into the lives of the people. You want to be called Christians and you're going to judge the angels – you are going to call yourselves autonomous, and when you have a problem you go and look for the judge in Chenalhó, or the attorney in San Cristóbal. If we don't learn to solve our problems, we don't have autonomy. We are saying we don't want the government; well we are calling the government into our problems. But that's a result of this social decomposition. So that has to be rebuilt. (Rafael)

According to Las Abejas, the Other Justice also can be understood in light of “the Word of God”:

The people who fight against the oppression have in their own heart the secret of the Other Justice. However, one has to learn to listen to it. To hear it we have the words of our ancestors, the wisdom of our forefathers. To understand it, we have the Word of God which for Las Abejas always have been our light and our strength. (Communiqué, 21<sup>st</sup> of December, 2009)

In the same communiqué, Las Abejas express that they know the road to the Other Justice is difficult and that there still is a long way to go. However, despite the difficulties they say they have hope, because “we know that death cannot overcome life”, and referring to Jesus they add; “A man who gave his life so his people could live spoke in the same way – so they could live free from injustice and oppression” (Communiqué, 21<sup>st</sup> of December, 2009). They also refer to the words of the Bishop of El Salvador, Monseñor Romero, and say these words gave them courage to keep fighting for justice. They cite:

The kingdom is already mysteriously present in our world; when the Lord comes, he will complete his perfection. This is the hope that encourages us. We know that all effort to improve society, especially when it is so filled with injustice and sin, is an effort that God blesses, that God wants, that God requires of us. (Monseñor Romero, 24 march, 1980)

### **5.3.2 Forgiveness**

According to Pegés from SIPAZ, Las Abejas' religious beliefs make the value of forgiveness important to its members. She explained that Las Abejas chose to forgive those who committed the massacre only a few days after the massacre. They considered that the paramilitaries had been manipulated, and would be judged by God in the end. It is worth noting, as Landerreche and Chanteu clarified, that the forgiveness Las Abejas speak of does not signify the same as forgetting. According to Landerreche, the Presbyterians and the Catholics in Chenalhó have different views on the meaning of forgiveness. After Acteal, Las Abejas have been criticized by their Presbyterian neighbors for not putting the massacre behind them, asking; "if you forgive, why do you not put it behind you?". Las Abejas do not look at forgiveness the same way. Every 22<sup>nd</sup> of the month, they commemorate the massacre with a public religious ceremony. According to Pegés, Las Abejas' construction of identity regarding martyrdom can also help explain their acceptance of the massacre. However, even though they choose to forgive, Las Abejas state clearly in their communiqué from the 21<sup>st</sup> of December 2009 that in order for there to be reconciliation in their society, the aggressors need to recognize in their conscience the wrong they have done. They bring forth what the current Bishop Don Felipe Aarizmendi said when the paramilitaries were freed from prison in the year of 2005: "Even if the judges and the laws say that someone is innocent, the one who is guilty will surely be guilty before his or her conscience" (Communiqué, 21<sup>st</sup> of December, 2009). With these words Las Abejas stress that the conscience is a powerful strength in the construction of the Other Justice. They also state that one cannot have conscience if one does not recognize the truth and if one does not preserve the memory of the history (Communiqué, 21<sup>st</sup> of December, 2009).

### **5.3.3 Characteristic methods**

Las Abejas as a religious resistance movement gives them unique methods of resistance, including prayer, fasting and pilgrimages (Strategic work schedule, 2012). According to their report, all ceremonies that they have include communion "to strengthen our faith and our non-violent struggle" (Report, 2012). Their political views and religious beliefs seem to go hand in hand. Las Abejas state that their political struggle is inspired by Jesus:

He fought for social justice, truth, and wanted the best for all. Jesus resisted the powerful without caring about the consequences that this would lead to. He was always against injustice and impunity. All the time he held on to his ideals and his struggle to create a better world. Along the way there were many traps, but he never fell into them and never let himself be provoked to depart from his non-violent methods. Jesus offered his life so the peace could prosper. We also want to live like this – because our struggle and our wish for justice come from the Word of God. (Strategic work schedule, 2012)

#### **5.4 A global perspective**

Las Abejas say they are a resistance movement. They say they want to defend life and human rights. To do so they say they will fight against all kinds of injustice: “hunger, diseases, poverty, unjust imprisonment, repression, exploitation, exclusion, mega projects, and all types of dominance which the indigenous communities in Chiapas, and the whole of Mexico, are victims of” (Strategic work schedule, 2012). As a brief summary of this point, Las Abejas pledge in their communiqué of the 21<sup>st</sup> of December 2010:

To work for unity, to know how to discover and not fall into the traps that the government puts in front of us, to weave the unity between different people, organizations and struggles. To create and benefit from alternative spaces of information and communication, continue in the defense of human rights for all; to share between ourselves experiences, information and analyses. To promote a permanent capacity in the communities that will allow us to preserve our criticism, creativity and resistance. Finally, we pledge to share the results of these encounters. (Communiqué, 21<sup>st</sup> of December, 2010)

Las Abejas express in their report that their organization does not only demand justice after Acteal; “we also defend human rights of other persons if these violations are due to his or her beliefs or belonging to an organization. Las Abejas have a bigger perspective of the Acteal massacre, saying in their communiqué from December 2009 that “it was a crime against the indigenous people of Chiapas and in the whole of Mexico, a crime against all of the people in Mexico, a crime against humanity” (Communiqué, 21<sup>st</sup> of December, 2009). According to Pegés, the conflict behind the Acteal massacre was out of the hands of Las Abejas. In their plan of work, Las Abejas say they desire to create a more just and humane society, stating that both their organization and their members fight under pressure from the global economical capitalist system. They say they know they cannot change this system from one day to another – “this is a long and hard struggle, and a struggle the societies in resistance fight every day” (Strategic work schedule, 2012). Thus, the issue of the Acteal massacre has in their view a root in the global economic and political system.

### **5.4.1 Global network**

In their presentation in their plan of work, Las Abejas state they help and are in solidarity with other non-governmental, social and political movements who seek autonomy and demand respect for the earth, territory, natural resources, life and human rights. Las Abejas have a clear self-comprehension as a resistance movement. They are anti-neo-liberalists, in resistance to the state, and they fight for justice together with other resistance movements. They proclaim in their plan of work that their organization must never remain passive on the sidelines, but always seek solidarity from “those who know that silence, forgetting and impunity does not bring justice” (Strategic work schedule, 2012). Furthermore, they add that it is important to spread information at a national and an international level, so “others can come to know about the government’s lies and acts in its war against the organized resistance” (Strategic work schedule, 2012).

Pegés from SIPAZ told of her organization's work after the massacre. They visited the refugee camp on several occasions with international delegations, and with people from embassies including ambassadors. She said these kinds of delegations occurred at least until 2000 and stopped after the first return of the displaced people to their own communities (Pegés). She also noted that those Las Abejas are talking with now in their search for justice are not part of the Mexican justice system. They are asking for others to intervene in that case, such as the inter-American commission of human rights. She said Las Abejas are asking them to sentence the Mexican state (Pegés). She explained that Las Abejas have had contact with a lot of different organizations, other indigenous people, and that they have different allies within and outside of Mexico. According to her, these allies encompass a political and a religious spectrum. Méndez from Frayba also explained that the relationship Frayba nowadays have with Las Abejas is searching for justice after the massacre in a judicial way. They have accompanied them through the official justice process in an international way now with the inter-American commission of justice. Landerreche also said that he often accompanies groups from schools or organizations from all over the world who want to visit Las Abejas and learn about their experience.

### **5.4.2 In resistance**

Like the Zapatistas, Las Abejas initiate their communiqués by naming whom they are addressing. Who they address vary from communiqué to communiqué, although one common factor is that they never address the government. The prologue of the communiqué from the 22<sup>nd</sup> of August 2014 can be used as a regular example:

To all social and political organizations  
To all defenders of human rights  
To the alternative media of communication  
To the National and International press  
To all adherents of the Sixth Declaration of the Lacandon Jungle<sup>13</sup>

Las Abejas do not have faith in justice coming from their government. One of their communiqués frankly states: “We know for sure that the bad government and its corrupt system of justice are not going to produce justice for Acteal. We are conscious that justice will not come from above there, because a government cannot apply justice when those who are responsible for a crime are the same people” (Comunicado, 22<sup>nd</sup> of August, 2014). In their comunicado from December 2010, they say they believe the repression of the government is pointed more than anything at human rights defenders, social strugglers, journalists and independent communicators (Comunicado, 21<sup>st</sup> of December, 2010). According to Pegés, Landerreche and Méndez, Las Abejas accuse the government of having undone the little justice they had done by releasing many of the paramilitaries they had imprisoned. According to Pegés, the significance the “Other Justice” has is that it is *not* the justice of the government. She said the justice they believe in is in opposition to the way the Mexican official judicial system works, which she said implies corruption, a lot of bureaucracy, a lot of inefficiency, as well as impunity.

Pegés explained that there is now a hypothesis that the message the state wanted to send to social movements was that if you are close to the EZLN, you can be killed, and a massacre like Acteal could happen to you. She stated that the message would not have been the same if they had killed 45 people belonging to the EZLN in Polhó. Las Abejas said in the comunicado from December 2010 that the state is bothering them because they want to live free; “they want to put an end to our autonomy, they want to impose their programs, they want to make us dependent on their programs ... but we maintain ourselves in resistance” (Comunicado, 21<sup>st</sup> of December, 2010). According to their comunicado from December 2009, Las Abejas claim the only way the government is able to impose their projects is by dividing and weakening the social organizations, communities and groups in resistance (Comunicado, 21<sup>st</sup> of December, 2009). Méndez explained that Las Abejas have always demanded that the government respects what the people say - how they resolve their problems, how they organize themselves. He said the state says they have a model for

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13 The Sixth Declaration of the Lacandona Jungle (Sexta Declaración de la Selva Lacandona) is a manifest by the EZLN issued the 28<sup>th</sup> of July in 2005, and is according to their own words “directed at the noble hearts of the simple and humble people who resist and rebel against injustices throughout the world”.

all the indigenous people, and that they respect their own ways of organizing, but that this is not true. In his opinion, Las Abejas are fighting to really have this model that the government say they already have, but that they do not. He said Las Abejas are now restoring their own way of organization, as they have a right to, referring to the ILO convention 169. Las Abejas also refer to this convention in some of their communiqués, although it is unknown how well acquainted all of their members are with it.

### **5.4.3 Information and action**

Las Abejas say they are aware of the significance of informing and creating awareness in society when it comes to the social reality they live in, and especially in the impunity we have seen after the massacre and after other tragedies; “We are aware that it is only in an informed society that justice can triumph, and where one can be sure that what happened will not happen again” (Report, 2012). Méndez explained how they remember the massacre every 22<sup>nd</sup> of the month, they write a official communique to let people know they are fighting, and that they are present at various meetings. Las Abejas also emphasize in their plan of work that alternative methods of living are necessary for them to survive as an organization. In their report they express that they want to be an organization which takes care of the needs and demands of its members as well. They say they need to start projects that will help their members in their everyday life, at the same time as they work against the system with protests and speeches (Strategic work schedule, 2012).

Diaz, who works with the women's group, told me of the important role their group has in this context. Even though they want to be recognized as “the women's group”, since their primary function is to work for their own rights, they are known to the rest of the organization as the “caja de oro”, meaning the “chest of gold”. Besides their work with women's rights, they are namely a savings group who are responsible for the “bank” of the organization where members can take up collective loans for other working areas within the organization. According to Diaz, this group is some kind of excuse for the women to meet and participate in the organization. This group is however very important as they are the only group within the organization which can contribute with economic support to the whole organization. They take a 2 per cent interest on their loans, where 1 per cent goes to the women's group and their maintenance of the “bank”, while the other 1 per cent goes to the other working areas of the organization. One example of another working area is the communication group, which consists of young members who work with spreading alternative media in Tzotzil through radio and other forms of media. Another example is the choir who sing about justice and the wrong acts of the government, and in this way transmit the beliefs of

the organization through music. Nowadays, Pegés explained, the women's group are buying and selling corn from the communities of Las Abejas, and redistributing them within the communities of the members of the organization. This is high quality corn at a low price, and helps the members remain non-dependent on the projects and support from the government. Diaz stated that because Las Abejas are in resistance, they need to provide for themselves the resources they need to keep moving forward as a movement. Because of this, she added, the areas of working are very important to the autonomy of the organization.

#### **5.4.4 The Other Justice**

In their communiqué from August 2014, Las Abejas state that “The Other Justice” is a type of justice thought of and constructed from the organized people, from women and men in Mexico “who also want a dignified and true justice like we do” (Communiqué, 22<sup>nd</sup> of August, 2014). They state that if there is no change of heart, “to speak of reconciliation is only a lie and a deception by the government who want to take a photo to create a belief that there are no more problems in Chiapas” (Communiqué, 21<sup>st</sup> of December, 2009). Pegés thought the concept of “La Otra Justicia” must have been from 2006 when “everything was otra-something”. Further she added: “I wouldn't be sure that it's a concept of the bees. It's more like something that was in the air. Something that was missing for all the social movements, the indigenous people. Just to know that the official judicial system is not an option since it's going to be used against you (Pegés).

In their report, Las Abejas acknowledge that with the social and cultural changes the indigenous communities are facing, it is necessary to learn new ways of conflict solving. Because of this, they explain that they went to a workshop for conflict solving and administrative conflicts at Frayba, together with the chief representatives. According to Pegés, an important work SIPAZ have done in Chiapas since the Acteal massacre is to arrange workshops such as this in indigenous communities. Diaz, working with the women's group, explained that this group does not work with the theme of justice. In her words; “they are at another level. And justice will be at a higher level”. Rather, she explained, they are working on the problems they feel every day in their daily life in their communities. In their report, Las Abejas also state that they have a goal to promote and defend women's rights, saying; “without women we cannot continue the struggle, only if we stand together and all are integrated can we obtain the social change one wishes for – men, women and children”. According to Diaz, they still have a long way to go in order to obtain this goal.

This chapter has provided answers to the sub-questions of how Las Abejas interpret the concept of

justice, and how they have acted to obtain justice in their community after the Acteal massacre. In the following chapter I will view these findings in light of restorative justice theory in order to answer the main research question of what concept Las Abejas have of justice after the Acteal massacre in the light of restorative justice theory.

## **Chapter 6: Discussion – Is “The Other Justice” a restorative justice?**

This chapter will reflect on the implications my findings have had on the question: what concept Las Abejas have of justice after the Acteal massacre in the light of restorative justice theory. Four main themes relating to the research question emerged. In order to obtain justice after the Acteal massacre, the following factors appear to be crucial: punishment, truth-telling, autonomy and structural change.

### **6.1 Punishment as justice**

One way Las Abejas are working to obtain justice after Acteal is by demanding that the wrongdoers be punished, and that they stand accountable for their deeds. As will be discussed firstly, there is a difference between Las Abejas' motivation for the demand for punishment of the intellectuals behind the massacre on the one side, and for the paramilitaries who committed the act on the other. Las Abejas do not, though, traditionally have the same concept of punishment for wrongs in their community as the government has, nor the Inter-American Court of Human Rights. Las Abejas have, as presented in the previous chapter, different methods for obtaining justice in their community. Their way of thinking about the role of punishment in obtaining justice will now be viewed in the light of restorative justice theory.

#### **6.1.1 Las Abejas' traditional understanding of punishment**

According to Landerreche, the cultural idea of reconciliation is very strong in the community. In the context of small, intimate communities such as those where the members of Las Abejas live, living in harmony becomes crucial. As he explained, “You live together, you see everybody every day. It is like a basic need of life; like food, like water – to live in harmony. The whole idea of the indigenous community is to live in harmony with the people and with Mother Nature”. The relational aspect of the conflict solving is emphasized as a result of their collective way of living. Las Abejas' ways of solving conflicts in their own communities seem thus to be in line with an encounter and reparative conception of restorative justice. Landerreche illustrated the importance of living in peace with a story from his own experience as part of an “analysis of reality” with members of Las Abejas:

Sometimes we do the analysis of reality; that’s a very old practice, where the people get together and study the Bible, or the “Word of God”, as they say. At the same time they always do an analysis of what's going on in their community, in Mexico, with the whole system, to try to relate what they are living with to the overall policies. That's called the “análisis de la realidad”. And usually when you do

that in a participatory manner, you ask everybody to say what problems they see in their communities. And then somebody rounds up with an overall view of that. I remember very clearly one occasion, people were making a list of all their problems in their communities, and one would say well, poverty, illness, lack of health services – that would be placed in the first place. But no, the first problem they listed was division in the community. So for them, this goes very close to their hearts, and therefore they look for reconciliation and harmony very strongly. (Rafael)

The judicial system of Las Abejas is participatory. The offender is given a chance to explain his or her side of the story, to repent, and to confess the wrongfulness of the act, and to make right the wrong. The victim is not ignored in the process. He or she is part of the decision making about what the consequences of the wrongdoing should be. In this participative way of solving the conflict, room is opened for re-integration and forgiveness. According to Landerreche, in Tzotsil, justice is *chapanel*, and to reach an agreement is *chapalkop*. He explained that these words have the same root, which means that the concepts of justice and reaching an agreement are closely related to each other. According to him, the idea of the judges and the tradition of conflict solving, is more than giving the sentence of who is guilty and who isn't, it is rather a peaceful conflict resolution aiming at reaching an agreement. The idea is that there is justice when there is an agreement.

In Las Abejas' traditional conflict solving, punishment does not seem to be important in itself. The inflicted consequence of a wrongdoing does not seem to be grounded in a belief that harm is deserved for it, but is rather given to make right the harm inflicted on the victim and the community around. As explained by my interviewees, punishment is conducted for instance by practically keeping a person away because of drunkenness. By doing so, this prevents harm to the community. Another form of punishment is by making amends. Landerreche explained that Las Abejas have a form of punishment which usually is either economic by being condemned to pay a fine, (which usually is not paid with money), or by having to do some kind of community service. Once the parties agree on what is required to make amends, the case is closed. Landerreche also described the effectiveness of shame. There is a practice where the wrongdoer is forced to stand and take responsibility for his or her deeds in front of the community. This can be a shameful experience as the people the wrongdoers are confronted in front of are people they have grown up with and know very well. According to Las Abejas' way of thinking, there has to be a change of heart, and the wrong will be made right.

Landerreche explained that before the formation of the different organization, when they had a unified community with the authority of the elders, the people did not have much choice but to

come to an agreement. If a wrongdoer did not agree on what was required to make amends, he or she would be excluded from the community, which would be a drastic option to choose. However, now that the communities are fractionalized, if someone does not like the agreement, they can go to another official. As Landerreche noted, the whole idea of the people solving their own problems stops when someone is not co-operating. He pointed to the counter-insurgency of the government and the economic system in Chiapas as major factors causing the destruction of the social fabric. One of the results of this situation, he explained, was that many people would not accept the agreements to resolve a conflict, and that there is a crisis of authority. Despite its richness, the indigenous traditional methods of resolving conflicts seem inadequate to respond to the new social order in Chiapas in the actual situation (SIPAZ, 1999). Furthermore, Las Abejas' own system of justice is of no use in the case of the Acteal massacre because their authority does not apply to the paramilitaries nor to the people intellectually responsible of the massacre. Different types of conflicts apparently need to be solved on different levels.

#### **6.1.2 A demand for punishment after the Acteal massacre**

Although Las Abejas traditionally have a restorative way of thinking about justice, it can be said that the Acteal massacre is not a traditional conflict in that sense. The relationship between the government and Las Abejas, as well as between the paramilitaries and Las Abejas, was not a good relationship in the first place. Thus, the relational basis for a re-integration had not been in place long before the massacre took place. Then, to talk about a making up of one's wrong becomes a complex issue. According to Van Ness and Strong (2015:100), making amends does not undo the past, but it takes steps to repair the harm caused. However, when harm was caused before the massacre as in the case of the Acteal massacre, even if the wrongdoers offered amends for the massacre, this would not solve the initial conflict.

Looking at the five proposed forms of amends in the UN Basic Principles and Guidelines, it becomes very clear that justice has not been obtained after the Acteal massacre. Regarding (1) *restitution*, some of the displaced people were relocated to their communities in the year 2000 and 2001, but there have been reports of continued displacements after the massacre right up to today. This is not in line with a "restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property" (Basic Principles and Guidelines, 2006:7). Regarding (2) *compensation*, Landerreche explained that the government has offered some food and medicine, but that Las Abejas refused this help because the government categorized the massacre as an inter-communitarian conflict. They did not want the

compensation because they thought it would be a mockery for the government to only help in this way when they had not taken responsibility for the wrong they had caused. Regarding (3) *rehabilitation*, the communiqués of Las Abejas bear witness that the injured have sought medical help at the hospital in San Cristóbal de las Casas and even in Mexico city, but have been met with discrimination by this system. Because they did not have enough money to pay for the treatment they needed, the injured have not received the rehabilitation that they needed. Regarding (4) *satisfaction*, effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth; a public apology; judicial and administrative sanctions against persons liable for the violations; and commemorations and tributes to the victims are some of the actions that have not been taken on the part of the government after the Acteal massacre. Lastly, considering (5) *guarantees of non-repetition*, the government has not demilitarized, but rather increased the militarization in Chenalhó since the Acteal massacre. Neither has a process towards disarming the paramilitaries taken place.

From the perspective of a reparative conception of restorative justice, it appears that in order to have a reparation, accountability is a necessity. The Acteal massacre is a case where the victims demand that the offenders be accountable for their actions. However, when those responsible deny participation in the massacre, or explain the massacre as an inter-communitarian conflict, they push the responsibility away from themselves, and in this way hinder a process of reparation for the victims. Without anybody taking responsibility for the damage, there is little that can be done for the victims. When the State itself is the direct or indirect perpetrator against its own civilians, a different party seems to be needed to take responsibility for litigation. Las Abejas are for their part working together with Frayba to persuade the Inter-American Court of Human Rights to judge the government's lack of action after the massacre, and are hoping for punishment for those intellectually responsible for the massacre through this process. They demand that those who planned the massacre take responsibility for their actions. Furthermore, Las Abejas are placing the responsibility to carry out the punishment of the paramilitaries on the government. The government has however not followed up their duties concerning this by liberating many of those they had arrested. In the words of Pegés, they undid the little justice they had done.

### **6.1.3 Forgiveness and reintegration**

When it comes to the intellectually responsible behind the massacre, Las Abejas express that they have not forgotten nor forgiven their acts of injustice by the government in its three levels: the federal, the state and the municipal authorities (18<sup>th</sup> of October, 2014). Las Abejas motivation for

demanding that the paramilitaries should be punished by being sent to prison seems to be that they want to keep them physically away from themselves. Even though they have forgiven them and consider that they have been brainwashed, they have no trust towards them. They do not want the Acteal massacre to be repeated by the same perpetrators, nor do they want a signal to be sent to a third party that committing such a crime does not have severe consequences. When Philpott says that forgiveness means that the perpetrator is in good standing in the eyes of the victim, it seems as if the meaning of forgiveness is complex for members of Las Abejas. Even though Las Abejas forgive, there has not been a process of reconciliation. Two of my fellow brigade members told me that when they had lived in Acteal for a period of their time in the brigade, they had become friends with a lady living there. After a while, they found out that she was a wife of a paramilitary man who at the time was in jail, accused of having been part of the massacre. They had sensed that visiting her was not appreciated by the members of Las Abejas, and had consequently stopped doing so. This lady was living in the middle of Acteal, with members of Las Abejas all around her while none of them had any contact with her. This is an example of the everyday reality of the conflict. Showing a different side of the story, Pegés said that in one of SIPAZ's workshops some people had confessed to members of Las Abejas that they participated, not in the massacre, but in the process of paramilitarization in the area. She said that they had been forgiven in the sense that they had been allowed to become members of Las Abejas. This is a clear example of the Mayan thinking of “the return of the heart”. Once the wrongdoers recognize what they have done and speak truthfully about it; the victim can give their heart back.

Nevertheless, the reality of the conflict around the Acteal massacre is that victims and the perpetrators live side by side, and reconciliation at a local level in the communities has still not taken place. After recognition of the fault and an offering to make amends, this could perhaps be possible, but would most probably need to be initiated by a third party. Such an initiative could go both ways. According to Schreiter (2008:7), “the impact of outside forces beyond those internal to the world of the two separated parties themselves may either enhance or impede reconciliation efforts”. In a perspective of an encounter concept of restorative justice, it is crucial that both parties are included in this process. Schreiter (Ibid) claims that one of the most important issues for building social reconciliation is establishing a shared identity between the two aggrieved or separated parties. Moreover, he says, “the purpose of a shared identity is not just to create a common past, but also to provide a platform for a different future” (Ibid). As traditions for conflict solving, reconciliation and forgiveness are already available within the culture of the indigenous, there can still seem to be hope for a better co-existence between the two parties.

## **6.2 Truth as justice**

Even though Las Abejas have entrusted the Inter-American Court of Human Rights to punish the responsible behind the Acteal massacre, their pursuit for justice does not stop here. An important way Las Abejas seem to be working towards justice after Acteal is by denouncing their own narratives of what happened, and by commemorating the massacre. I will now discuss how this is a strategy against impunity and against living with the feeling of fear. I will also describe how Las Abejas do not only speak “the truth” to obtain justice for their own case, but also do so about other cases they view as important to support. Lastly I will discuss what role truth plays in the struggle for justice and how this can be viewed in the light of a restorative thinking of justice.

### **6.2.1 Truth-telling and a ritualized memory**

According to Méndez from Frayba, the government did not seal off the site of the massacre, so the police were able to move the dead bodies away to avoid the press seeing what had happened. Because of this, he explained that different versions of what happened exist. He claimed that even today we still do not know the truth about the Acteal massacre. The way he understood it, to Las Abejas, “The Other Justice” is principally not forgetting what happened (Méndez). This is a different justice from the current state of the situation. Méndez thus described truth as an important factor of “The Other Justice”:

The relatives think that “The Other Justice” is not revenge. Neither is it to take the case into their own hands to judge the case by themselves. It is about telling the truth. That is why they denounce and talk a lot about what happened. That is why they make everybody listen to their word.

Furthermore, Las Abejas' collective memory of the massacre has been ritualized through a ceremony in Acteal every 22<sup>nd</sup> of December, and is open to sympathizers. The physical space dedicated to the memory and to the fight for justice seem to be highly valued. According to Tavanti, the office of the head board of Las Abejas is also located in Acteal because “their location recognizes the centrality of the Acteal massacre in the life, structure and identity of Las Abejas” (Tavanti, 2003:15). Today, Acteal is the central meeting place of all members of Las Abejas, as well as for visitors. According to Méndez, making a space to preserve the memory of Acteal is also part of Las Abejas' “Other Justice”:

That is why there is a big space in Acteal where they can pray, where a lot of people can meet, a lot of organizations, just to share the fight. Also the chapel is now a museum, because they want to show the visitors what happened there in the actual place where it happened. That's why they have some photos

there. And also on the webpage you can find who they are and why they fight.

In Acteal, the murdered from the massacre are buried. According to Schreiter (2008:14), to remember the dead by way of doing what they would have done, and by enabling others to follow in their path, creates a memorial in the honor of the deceased. To memorialize the dead to continue the struggle for peace and justice seem to be a way to namely honor the dead. They are still a part of their community and their struggle. Miguel Chanteu explained that the survivors of Las Abejas did not want the dead to be buried individually, but rather in a common grave. The common grave illustrate their strong sense of community. Tavanti (2003:88) explains this communitarian way of thinking in connection with memory:

Las Abejas wanted to have their martyrs buried together in the land where they shed their blood. They would all know that their martyrs were not dumped in an anonymous mass grave, but placed in a permanent memorial symbolising their collective memory and cultural identity in connection with their ancestors.

### **6.2.2 Fight against impunity**

It can be argued that the way Las Abejas do not put the massacre behind them may have a destructive effect on them as they might not be able to focus positively on the future. In the words of Schreiter (2008:15), the narrative of the victims is “often barely articulate, wracked as it is with the pain and suffering that has come about the evil deed. It tries to guard the event from slipping into oblivion”. He explains that victims in the early stage of the reconciliation process “often find themselves repeating this witnessing narrative over and over again. This is not only to keep the past in the present, but is also sometimes a result of the victims’ being ‘stuck’ in their own relationship to what has happened” (Schreiter, 2008:15). He argues that a transformation, or a “healing of memories”, is necessary if the “victims are to have any future beyond remaining hostages to the past” (Schreiter, 2008:12). Kovic argues that the members of Las Abejas are not trapped in the past, but are remembering the past in order to be able to move forward. For them, she says, “memory affirms dignity as it promotes the struggle for justice” (Kovic, 2003:72). Tavanti (2003:160) likewise argues that through Las Abejas' collective participation in public non-violent actions, “survivors overcome their victimization cycle and discover new healing energies for their wounds”. Active resistance, he says, “becomes an essential component in their healing process” (Ibid). Kovic (Ibid) points to how Las Abejas “argue that collective memory is necessary in the face of official memory, which denies the existence of paramilitary groups in Chiapas”. The constant commemoration of the massacre is thus not an action to receive sympathy and to remain in a

passive role as victims. It is a reaction against the state's version of the narrative of what happened on the 22<sup>nd</sup> of December 1997. Kovic argues that a “collective memory can resist impunity”, as those responsible for the massacre of Acteal have not been arrested (Ibid). As Las Abejas themselves phrase it: “it is not the bullet, but the forgetting that kills” (Strategic work schedule, 2012). Schreiter (2008:16) claims that truth-telling is now seen as fundamental for reconstructing divided societies as “conflict, especially armed conflict, can often only be maintained by distorting the truth to maintain one's position”. Las Abejas claim that the historical memory helps to avoid the hurtful act repeating itself (Ibid). One could thus look at their commemoration as a conscious strategy of resistance against the impunity of the government, and thus as a strategy to obtain justice after Acteal.

### **6.2.3 Resistance against fear**

According to Méndez, the relatives of the victims also look at “The Other Justice” as a condition where they can freely speak out about what happened without having the feeling of fear. After the massacre, one could think that a natural reaction for Las Abejas would be to keep quiet about what happened for fear that speaking out could lead to something similar happening again. According to Frayba, the majority of those who were took part in committing the massacre were not arrested, signaling that it is possible to get away with such an act without having to suffer negative consequences. Chenalhó was neither demilitarized nor disarmed after Acteal. In the midst of this, Las Abejas chose instead to speak out about what had happened. Schreiter claims that victims need a safe and hospitable social space to give their version of what has happened to them in order to be able to “move onto a new relationship with what has been lost” (Schreiter, 2008:15). In the situation of Las Abejas, it isn't difficult to argue that the “social space” Las Abejas use to witness to the massacre is unsafe. One might then say that Las Abejas have attempted to create this “safe space” themselves through the act of speaking out. According to Schreiter, hospitality “conveys reciprocity in trust, important to assure victims that they will not be victimized again, that they may come out of themselves, that others share their anguish. It is only then that the narrative can begin to change and open up new possibilities for meaning” (Schreiter, 2008:15-16). Las Abejas are not passively waiting for a safe situation to appear so they can witness to Acteal securely. They are demanding that the state takes responsibility for what happened, but they do not simply rely on the state for their safety. Las Abejas *do* still fear that a massacre like Acteal could happen again. However, this is the exact reason why they are denouncing what happened. They do it so in order that it will not happen again. Because of their efforts to spread their witness regionally, nationally and even internationally, many people have heard of the case of the Acteal massacre. Tavanti stresses that Las

Abejas' understanding of reconciliation “goes beyond justice and is not achievable through repressive memory” (Tavanti, 2003:xix). He explains that Las Abejas know that “as violence attempts to destroy people's identity, memory effectively resists violence by anchoring people to their collective identity” (Ibid). By including people in their memorialization of the massacre, repression of their truth-telling becomes more problematic.

#### **6.2.4 Truth concerning other cases**

Las Abejas do not only focus on telling the truth about their own case, but they also involve themselves in working against other cases of injustice where they are not the victims. Their strategy of not keeping quiet is, in other words, not only to obtain justice for Acteal, but rather is aimed at obtaining justice on a larger scale in the society around them. In their report, Las Abejas state that their organization is aware of the importance of informing and creating a consciousness in society when it comes to the social reality they are living in, especially the impunity they have seen after the massacre and other tragedies (Report, 2012). They state that they know that violence does not create peace, and that despite the criminalization of “the social struggle”, it is important to continue the pacifist fight (Ibid). As a consequence, they state that they will not stop reporting the violence they witness both in their own communities and in others (Ibid). Further they claim that “it is only in an enlightened society that justice can reign, and where one can be sure that what happened could never occur again” (Ibid). Because of this, Las Abejas are constantly showing their support for other oppressed people, such as political prisoners and other social movements in resistance. One of their most recent involvements has been in protesting against the kidnapping of the 43 students in Ayotzinapa on the 26<sup>th</sup> of September 2014.

#### **6.2.5 The role of truth in justice**

Landerreche stresses that even if it became clear that the government is guilty of the massacre and if the truth about the case became known to the public, this would not in itself change things. He claimed that declaring “the truth” is a political act that has to lead towards something. Smyth discusses how victims often look at the truth as something that will bring with it acknowledgement, closure, healing, reconciliation, reparations and in some cases the restoration of what was lost (Smyth, 2007:29). This is of course not always the case. Landerreche did however make it clear that one should not undermine the value of “the triumph of the truth”, and the important part this plays in “The Other Justice” of Las Abejas, although truth in itself does not bring justice. Lederach stresses that in order for there to be reconciliation; truth, justice, peace and mercy are all essential elements (Lederach, 1997:30). Similarly Landerreche argues that the possibility of a true

reconciliation is not possible without truth. This is also what Las Abejas believe, and Landerreche explains how this way of thinking came with “The Word of God”.

... this idea that there cannot be true reconciliation without truth is not really an idea native to the communities. This morning we had a meeting, we had a young indigenous man, he said that kind of thing ... they never had that [idea] before. That idea came in, he said, with the “Word of God”, with the work of the dioceses. And then, after that, with all the solidarity organizations that have come. ... But initially it came with the work of the dioceses, and they say with the “Word of God”. So this idea that there cannot be true reconciliation without truth, this is more of a Christian idea, and even a western idea than an indigenous idea. I remember Maria in SIPAZ was a leader of this attempt at reconciliation. She said their Indian heart is more ready to welcome reconciliation than their whole discourse of human rights. And that's true. But now they do have this view. And they expect this new kind of justice – whatever it is, it has to take the truth into account. (Landerreche)

### **6.3 Autonomy as Justice**

I will now argue that one concrete action Las Abejas has taken to aim towards a more just society is by organizing themselves autonomously. There are two arguments to this that I will discuss. The first is how this gives them the chance to have better control over their own society, organized in a way that is adapted to their customs and culture. It seems like Las Abejas view this as an opportunity to have a societal system that does not treat them as second-class citizens, but safeguards their feelings of dignity. The second aspect is how this action can help them psychologically to restore their sense of dignity after it was violated by the massacre. The challenges facing their form of organization will also be discussed.

#### **6.3.1 Control over own society**

Looking at Las Abejas' interpretation of autonomy in their communiqué from the 21<sup>st</sup> of December 2010, an analysis can be done about which the role that autonomy plays in the struggle for justice. The communiqué includes six points that describe how they understand the concept of autonomy. Firstly they say they understand autonomy as the right they have to live as they wish, without having to ask for permission and without anybody imposing on them the way they want them to live. Immediately this seems to come in conflict with the rule of law. Méndez from Frayba, however, makes it clear that Las Abejas are demanding this right referring to the ILO-convention 169. Mexico committed to the ILO-convention 169, also known as the Indigenous and Tribal Peoples Convention, 1989, on the fifth of September 1990. This major binding international convention recognizes the aspirations of indigenous and tribal peoples to “exercise control over

their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live” (ILO-convention 169).

The second point Las Abejas list is that they understand autonomy as “the liberty of every people group to take decisions about their territory, their means, their organization, education, among other things”. This means that their first understanding should not only apply to themselves but to all people. This understanding also brings up the importance of land and territory. The first point in Article 14 of the ILO-convention 169 recognizes: “The right of ownership and possession of the people concerned over lands which they traditionally occupy shall be recognized” (ILO-convention 169, Article 14). Tavanti explains that to the *Tzotzil* Mayan people, the work on the land is actually a necessity for survival. According to him, products from the land still remain a necessary supplement even to the economy of people who do not live primarily from agriculture in the Highlands (Tavanti, 2003:50). Las Abejas' ties to the land are however far more than an economic matter. According to Tavanti (Ibid), the religious and cultural relationship to the land is much stronger among indigenous peasants than non-indigenous peasants. He explains that this is because the land is linked “to their religious identity and cultural belonging as indigenous Mayan people” (Ibid). Autonomous organization thus becomes an attempt by the indigenous people to protect the basis for life that their land is, at the same time as safeguarding their identity. Autonomous organization can be seen as a strategic tool for the survival of the indigenous people *as* indigenous in Chiapas. A denial of this seems thus to be considered unjust by Las Abejas.

Las Abejas list thirdly, that they understand autonomy as thinking for themselves – to possess, express and share their own ideas. This demand comes under basic Human Rights concerning freedom of speech, belief, and political stance. Article 19 of the Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. (Article 19 of the Human Rights)

Fourth, they understand autonomy as “something that was initiated in the heart of every person; it is not only a goal, but a path which we walk and which we are already walking on”. Even though the usage of the concept of autonomy is relatively new among the indigenous people in Chiapas,

autonomy gives Las Abejas a security to safeguard their traditions within a safe context. This point also makes it clear that autonomy is a way of life, and is not static. Las Abejas demand a freedom to develop their traditions dynamically in response to the contemporary world around them.

Fifth, they understand autonomy as “the capacity to weave our alliances as we desire and globalize our struggles up from down below”. By “up from down below”, Las Abejas mean up from the grass-roots. This understanding is about their right to organize. This is also a Human Right: “Everyone has the right to freedom of peaceful assembly and association” (Article 20, first point).

The last point they list under their understanding of autonomy is as “to know how to live with our own labour without depending on the help or the programs of the government”. According to Méndez:

Las Abejas have always said that the government needs to respect what the people say. How they resolve their problems. How they organize themselves. Las Abejas is an organization in resistance. The government says that they have a model for all the indigenous people, and that they respect their ways of organizing, but this is not true. Las Abejas is fighting to really have this model that the government claim they have, but that they actually don't have. Las Abejas are restoring their own way of organization as they have a right to have it. As it says in the ILO convention. This is the way to have control over your own organization, they way to decide, and the way to do what you decide.  
(Méndez)

It may appear as if Las Abejas in the end desire a total separation from the state with total authority over themselves. As a response to such critique, the Zapatistas declared that autonomy is not separation, but “the integration of the most humiliated and forgotten minorities in contemporary Mexico” (quoted from Womack, 1999:292). Through autonomy, indigenous people in Chiapas would be able to have a voice in their society by the empowerment that this form of organization gives to them. As Stålsett puts it: “The Zapatistas resist in order to be included. Through resistance, they demand participation” (Stålsett, 2004:150). Autonomy made the traditional order possible, where consensus is the form used in decision making. Poynton argues that autonomy is “the guarantee of diversity at many levels” (Poynton, 1997:70). He also claims that the demand for autonomy among the indigenous people in Chiapas is a demand for a process of redistribution of power (Ibid). Rafael explained that Las Abejas think in a similar manner to the Zapatistas – if the government does not bring them a good life, they will look for that by themselves. This is in line with the second point in Article 8 of the ILO-convention 169 which states:

These peoples shall have right to retain their own customs and institutions, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights. (ILO-convention 169, Article 8)

It should be added that this right also includes a judicial system according to the first point in Article 9 of the ILO-convention 169 which states:

To the extent compatible with the national legal system and internationally recognized human rights, the methods customarily practiced by the peoples concerned for dealing with offences committed by their members shall be respected. (ILO-convention 169, Article 9)

### **6.3.2 Restoring dignity**

Marina stated that autonomy is important to Las Abejas because of their dignity. According to Las Abejas, to agree with the system that “favors the capitalists” is coherent with allowing a humiliation and dehumanization of themselves:

A bad, central government which does not support indigenous sovereignty leads to marginalization, exploitation, discrimination and extreme poverty. This is the basis for the discrimination and migration which affects many ethnic societies in Mexico. The government has not been able to find a genuine development method due to norms and laws which only favor some societies and ethnic groups in Mexico. (Strategic work schedule, 2012)

Las Abejas' choice to organize themselves the way they do is not a consequence of the massacre, but is rather something they have chosen to do since their foundation. Continuing along this road proved to be tough for them if one is to look at the massacre as part of a counter-insurgency against resistance movements.

Zehr stresses the degrading and dehumanizing effect a crime can have on its victims. He explains this as traumatic because the belief in personal autonomy is attacked. Leer-Salvesen describes a victim as a person who has been violated or hurt by another, explaining that the victim: “is not a target in itself, but rather a tool for an interest other than his or her own. The victim is subordinated to another person's will and need. He or she becomes an instrument and object meant to satisfy another person's desire” (Leer-Salvesen, 1998:114, author's translation). Las Abejas were indeed victims of another interest than their own. According to Zehr, victims need to be empowered, as “their sense of personal autonomy has been stolen from them by an offender, and they need to have

this sense of personal power returned to them” (Zehr, 27). According to him, this empowerment includes a sense of control over their environment and a sense of control or involvement in the resolution of their own cases (Zehr, 27-28). As the Acteal massacre left many victims, the feeling of an attack on the personal autonomy of each one of them constitutes an attack on a feeling of collective autonomy. In this context, it seems to be more relevant to speak of an attack against many victims' feelings of collective autonomy, which they want to restore together.

### **6.3.3. Challenges to autonomy**

One challenge to the autonomous organization of Las Abejas is the limited role women play in the political scene. It is important in this context to remember to look at the marginalization of the women of Las Abejas through intersectionality. I have heard on several occasions that indigenous women in Chiapas experience a triple marginalization; for being poor, for being indigenous and for being women. All these factors cannot be viewed separately, but as factors that reinforce each other. Diaz stated that the women of Las Abejas are not working with the theme of justice in their group as this issue is at a higher level:

They don't work with justice. They are on another level. And justice will be at a higher level. Nowadays they are working on what happens to them as women in their communities, with the problems they feel every day in their daily life. And you know the context in these communities with the high level of machismo and what happens to a woman if she goes out of the house without making tortilla. Will she be ok when she goes back home or not? They are working with what each woman explains. They are representatives of their communities, so they know a lot of problems of a lot of women in their communities. And they are trying to look for solutions: what they can do as women and as an organization of women with participation. They have worked on a lot of things before getting to this point. And they are so confident and have left their shyness to talk about the problems with their husbands. Because in the beginning, they didn't want to talk about the problems in their own houses or in their own communities. (Diaz)

Although Diaz claimed the women in Las Abejas are not working for justice, it can be argued that they are at a basic level. Hernández-Castillo (2001) explains in *The Other Word: Women and Violence in Chiapas Before and After Acteal* that indigenous women do “not only organize collectively for land distribution, legal reforms or credits for production. Through their collective organization they also challenge traditional roles within the domestic unit as well as cultural conceptions that justify inequality (Rosebaum, 1993 in Hernández-Castillo, 2001:115). According to Diaz, this is something that is going in the right direction, but is happening with very small steps at a time. Although the women's group plays a crucial role in the economy of the organization, Diaz

described their assembly more as an excuse to participate in the organization at all. The main objective of the group, she said, was to expand their influence in their organization and to work for their rights as women. However, the women's group of Las Abejas does not seem to be dismissing their traditions nor their duties in their families, but is nevertheless working to slowly increase their role in the organization. Hernández-Castillo (2001:122) explains that the indigenous women of Chiapas propose to reinvent traditional customs under new terms, rather than rejecting them. According to her: “Indigenous women asserted their rights to maintain cultural differences, while at the same time demanding the right to change those traditions that oppress or exclude them” (Ibid).

In a document presented to the National Indigenous Council (CNI) in October 1996, “the indigenous women extend their definition of the concept of autonomy and interpret it from their gendered perspectives” (Hernández-Castillo, 2001:123-124). In the words of Hernández-Castillo (2001:123-124):

They refer to economic autonomy defined as women's rights to have access to and control over modes of production; political autonomy, meaning basic political rights; physical autonomy; the right to make decisions concerning their own bodies and the right to a life without violence; and socio-cultural autonomy, the right to assert their specific identities as indigenous women.

After much discussion in the Congress, their gender demands and their proposals to widen the concept of autonomy were included in the resolutions (Hernández-Castillo, 124). Referring to the women, Hernández-Castillo (2001:128) argues:

The anthropological accounts of Chiapas' indigenous peoples cannot continue to ignore these new political actors which are changing not only the cultural dynamic of their own communities but also the political arena of the state and nation. The efficacy of their political strategies cannot be measured solely by their ability to influence constitutional changes or state policies. The changes in family roles, children's education and their own identities as women are also an important part of this struggle.

Another challenge to the autonomous organization of Las Abejas is the crisis of authority. One factor is that the indigenous people in the communities where the members of Las Abejas live have traditionally had the judicial system of the elders. Today, the elders have lost their authority due to the fractionalization of the communities, where the people organize themselves through organizations rather than at a community level. As Pegés explained, conflicts are now often solved within the different organizations. In addition to this, the government does not respect the legitimacy of its authority and system of justice. According to Diaz, the government is supporting

people in the communities with projects, while Las Abejas chooses not to accept them. This is contributing to the disunity within the communities, and is creating a clear difference between the people in resistance and the rest.

## **6.4 Structural justice**

Lastly, the findings of this study suggests that Las Abejas are not only looking for justice after the Acteal massacre, but also looking to address the issue of an unjust social structure larger than this specific case. In other words, it can be argued that Las Abejas are looking for justice holistically. I will now firstly explain how the Acteal massacre must be viewed as part of a larger picture of a conflict. I will then look at Las Abejas' form of resistance in the light of a transformative conception of restorative justice.

### **6.4.1 The bigger picture of the conflict**

SIPAZ (1999) notes that in situations already characterized by violence, it is difficult to find ways of reconciliation. The communities the members of Las Abejas live in are as described fractionalized between different political affiliations. According to SIPAZ (1999), even secondary conflicts, including those which could seem minor, are exacerbated by this polarization. They argue that it was this polarization that in the first place generated the conflict between the EZLN and the federal government (Ibid). Pegés described the Acteal massacre as a secondary conflict of the conflict between the EZLN and the government. According to her, what was at stake in Chenalhó in 1997 was a government which attempted to impede the development of the autonomous municipalities, such as Polhó, which were getting stronger at that point. However, in the main level of the conflict, or in the primary conflict, she meant Las Abejas were outsiders.

According to Pegés, the only solution to the Acteal massacre would be to change things within the San Andrés dialogues. Solving the case of Acteal, she said, would have implied a solution for the whole conflict of Chiapas. According to the EZLN, the unwillingness of the government to agree on the San Andrés Accords forced them to “embark unilaterally on a path towards autonomy”, and has in their opinion shown the “non-existent possibility of a transition towards democracy negotiated with the State” (Radio Zapatista, feb 20<sup>th</sup> 2013). Since the split of Las Abejas in 2002, the remaining part of the organization has been in line with the ideal of autonomy from the Zapatista model. According to the Zapatistas, the San Andrés dialogues were not only supposed to be concerned with indigenous culture and rights, but also with the issues of democracy and justice, wellbeing and development, reconciliation in Chiapas, women’s rights in Chiapas and an end to hostilities (Radio

Zapatista, feb 20<sup>th</sup> 2013). They argue that the government wrote them off as separatists, and ignored their clear stance as a movement of “national liberation”<sup>14</sup> (Ibid).

Since the disclosure of the dialogues, Chiapas has seen an increase in the military. The massacre has been interpreted by international human rights observers as low-intensity warfare, discouraging the civilian population from supporting the EZLN. It appears that to the authorities in Chiapas, any threat to their power is problematical. Tavanti (2003:88) also notes that military generals have always played a central role in the political sphere in Mexico. Between the Zapatista uprising and the massacre, the military had accumulated at least 35,000 soldiers in the state of Chiapas. After the massacre, Tavanti (2003:85) explains that numerous NGOs agreed that their presence reached up to 70,000 soldiers, most of them concentrated in the Zapatista areas and in the Highlands. He says that the Mexican authorities, by defining the Acteal massacre as an inter-communitarian war, legitimized the increase in the military as a way to maintain law and order over the “savagery” of the indigenous people (Ibid). According to Tavanti (2003:91), the Acteal massacre is interpreted by Las Abejas as an attack against indigenous people:

Particularly, the killing of Tzotzil-Mayan people in resistance represented an attempt to destroy indigenous identities and memories. According to Las Abejas and Zapatista autonomous communities, this interpretation of Acteal is supported by Chiapas' historic reality of impunity for crimes committed against indigenous people.

When Las Abejas say they are a resistance movement, the injustice described above is part of what they are resisting. The massacre is to them a result of a racist and discriminatory system, from which they want to protect themselves. It is clear that the global imposition of the market, political structures and cultural forces recognized as “globalization from above” correspond to an increasingly international resistance movement identified as “globalization from below” (Brecher, Costello and Smith 2000). By being in resistance to a globalization from above, they are preserving their rights and their dignity. In doing so, they appear to be searching for justice through a transformative conception of restorative justice. They believe that achieving a just society demands a deeper and more far-reaching transformation than simply a restoration after the Acteal massacre (Johnstone and Van Ness, 2013:19). However, while a holistic justice demands a transformation of structural injustice, it also looks for a lasting peace. According to Kovic (2003:59):

The struggle for peace of Las Abejas' more than 4,000 members addresses two central issues: (1)

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14 EZLN is an abbreviation of Ejército Zapatista de Liberación Nacional, meaning the Zapatista Army of *National Liberation*.

liberation, broadly defined as the eradication of oppression and domination, and (2) reconciliation, working to restore their own dignity while rejecting violence, vengeance, and hatred. For Las Abejas these two issues are closely linked; while liberation refers to structural political and economic changes, reconciliation involves strengthening on-the-ground relationships within the community.

At the same time as Las Abejas are looking for structural change, the reality from their everyday lives sees an urgent need for reconciliation at a local level. As explained in the previous chapter, they state that they want to find peaceful solutions through dialogue, in line with their long traditions of conflict solving. Las Abejas have a world view that can be fruitful in a process towards reconciliation, which I will now look into.

#### **6.4.2 A restorative world view**

Johnstone and Van Ness (2015:20) describe a transformative concept of restorative justice:

To live a lifestyle of restorative justice, we must abolish the self (as it is conventionally understood in contemporary society) and instead understand ourselves as inextricably connected to and identifiable with other beings and the “external” world”.

In their plan of work, Las Abejas state that in their culture, nature and humans are equal. They state: “where the *mestizos* think differently and separate the one from the other, we see a unity” (Strategic work schedule, 2012). However, do they see themselves as “inextricably connected and identifiable with” the perpetrators who planned and committed the massacre? For survivors of a massacre, this may seem excessively difficult. As Schreiter (2008:16) notes, a dialogical truth of a conflict is rarely revealed as victims and offenders are most often not willing or able to meet each other. According to Méndez, to arrange a dialogue with the members of the paramilitaries in their community is not a realistic scenario in the near future. The paramilitaries have, with a few exceptions, not accepted their guilt, nor shown any regret for their deeds. He explained that to Las Abejas, this does not only cause a feeling of fear, but a meeting with the paramilitaries would be too much of a difficult encounter for them emotionally. Regarding communication with the government, Las Abejas explain in a communiqué from 2009 that even though they initially participated with delegates in the San Andrés peace accords, they later discovered that the government did not want a dialogue. As they write: “while it spoke of peace, with its actions it promoted war through paramilitary groups” (Communiqué, 9<sup>th</sup> of August 2009). Nevertheless, Las Abejas seem to have an intention to recover a traditional idea of justice which clearly appears to be within a framework of restorative justice. A quotation already presented in the previous chapter underlines this point:

It is as the ancestors say; know how to listen to your heart and do not fall into the provocation nor into the temptation of revenge. Our people have known, and we have to recover the idea, of a justice which does not harm nor punish – only recovers and restores. (Communiqué, 21<sup>st</sup> of December, 2010)

In the words of Tavanti (2003:105), culture is not a static combination of a set of elements, “but a dimension of identity continuously in need of reconstruction, adaptation and re-negotiation”. Although the identity of Las Abejas as a resistance movement finds its roots in their Mayan tradition, it is important to understand that this identity is not static. Even though Las Abejas have their history and their traditions, the accompaniment of human rights observers and international organizations is also affecting their identity. According to Tavanti (2003:163), Las Abejas considers its non-violent resistance not separated from but in connection to the resistance of the EZLN and of international social movements. Las Abejas are not alone in their search for justice. They are being influenced by others, the same way others are being influenced by them as well. The consciousness of all the members of Las Abejas as part of a global resistance movement however should not be exaggerated. My friend from my brigade told me she had been asked by a member of Las Abejas how long it took her to walk from Norway to her village. The reality for the average Las Abejas member is that public transport is expensive for them, and most of their traveling happens on foot. Thus, traveling is something that does not seem to occur very often for the majority of the members. However, even though knowledge of geography is limited among most members of Las Abejas, many of them are in contact with human rights observers, and some have also been traveling around Mexico and even to El Salvador to give testimonies about their case.

#### **6.4.3 Non-violent resistance – a transformative resistance?**

Las Abejas' method of nonviolent resistance can be viewed as a strategy to obtain justice. Firstly, at the same time as Las Abejas use a legitimate way to show resistance, they simultaneously place the state in a bad light, and in this way put pressure on the state for a changed situation. Secondly, because of their non-violent stance, Las Abejas strengthen their possibility to win support by others. Kovic argues that their non-violent resistance “lessens the power of rulers by challenging their legitimacy at the same time that it increases the legitimacy of the nonviolent group and its ability to win broad-based support” (Kovic, 2003:70). The way she sees it, this is strategically valuable as it “is more difficult for the state to deny the demands of a nonviolent group, and it is even more difficult for it to justify the use of violence and repression against it” (Ibid).

Las Abejas' non-violent method towards obtaining justice is not only a strategy, but is a principle based on their tradition, a belief, and is grounded in their political network. In the words of Tavanti, “the intersection of the cultural-religious with the political-international dimensions explains how, for *Las Abejas*, nonviolent resistance is both a moral choice and a form of direct action” (Tavanti, 2003:163). This method of resistance is in line with a restorative thinking of justice. The method used to work for a transformation towards a more just society is in accord namely with their goal, their ideal, and their vision for the future. Justice is not looked at as something that will come one day, but is seen as demanding that those looking for it also use “just” ways to find it. This method is in line with their world view that respects humans and the nature. When they see the government and its neoliberal politics as a threat to nature, they can not be a violent threat to humans that they see as part of the same unity. As Kovic (2003:74) argues, Las Abejas' nonviolent resistance is “a reaffirmation of members' dignity, an attempt to redeem their humanity as they work to humanize those who might be labeled their enemies”. Their non-violent method safeguards their own dignity at the same time as defending the worth of their enemies.

There are many elements to Las Abejas' concept of justice after the Acteal massacre, and this chapter has shown that their understanding can be understood within a restorative justice framework. I have shown that Las Abejas concept of justice after the Acteal massacre can be understood as a form of punishment, as truth-telling, as a need for autonomy and as a structural issue. All these forms seem to be part of a restorative thinking, also providing new perspectives on the theory. The following chapter will draw the lines to clearly answer the research question of the dissertation.

## **Chapter 7: Conclusion**

This chapter concludes the dissertation. A summary of the written content will be provided to bring out my arguments thus far. In this summary, I will relate my findings and my discussion of them to my research questions, showing the significance of the study. I will also suggest some ways in which my findings have implications for restorative justice theories and draw attention to the limitations of my research I can see with the benefit of hindsight. Lastly I will propose areas of further research that are suggested by the findings.

### **7.1 Summary**

The findings of this study suggest that Las Abejas' concept of justice should be viewed in the light of their identity as a resistance movement. Las Abejas are in resistance as indigenous, religious people, as pacifists and as a movement with a global perspective. Viewed through these identities, Las Abejas' view of justice was described in chapter five. In the discussion in chapter six, the four themes were identified to explain Las Abejas' view of justice: punishment, truth, autonomy and structural justice. These themes were examined in the light of restorative justice theory. I will now summarize the implications of the discussion to answer the main research question.

Las Abejas' traditional understanding of the role of punishment in justice can clearly be looked at as part of a restorative justice framework. For Las Abejas, justice means to come to an agreement. In their conflict solving, all the affected parties of the conflict come together to come to an agreement. This system is grounded in a participatory principle in line with an encounter concept of restorative justice. The importance laid on the requirement of the offender to take responsibility for his or her wrong also seems to be highly valued. A punishment for the offender could be to pay a fine or to conduct a social service. This is in line with a reparative concept of restorative justice, aimed at repairing the harm caused by the wrongdoing. The offenders' obligation to take responsibility for their wrong in front of the community also appears to be effective. When the wrongdoer admits his or her fault, speaks truthfully about the wrong, and comes to the victim with this, he/she shows the change of heart which is looked on as crucial to obtaining justice. The challenge to their form of conflict solving however may be described as the crisis of authority. When the wrongdoer does not want to come to an agreement, the problem cannot be solved within this area of authority. In the case of the Acteal massacre, Las Abejas demand punishment for the people responsible for the crime. They do not want the punishment because they value it in itself, but to be safe and to defend their dignity by not letting themselves be trodden down. However, the punishment in itself does not

seem to solve the conflict. It would rather have been a small consolation compared to the enormous harm caused. However, for reparation to be possible, accountability appears to be necessary. Because the perpetrators have not been held accountable, the case has been entrusted to the Inter-American Court of Human Rights. Las Abejas have not forgiven the people intellectually responsible for the massacre, but have forgiven the paramilitaries as they are of the opinion that they had been brain-washed to do what they did. They do however want the paramilitaries to be kept away from themselves. The punishment implied by imprisonment is an example of the need to communicate publically that committing such an act has severe consequences. However, as my interview with Pegés from SIPAZ showed, admitting one's wrong and speaking truthfully about it has enabled members of Las Abejas to “give their heart back” to some of their enemies.

Truth has also been shown to be an important part of “The Other Justice”. By ritualizing the memory of the massacre, Las Abejas have created a space where people can meet and “share the struggle”. This appears to be a way of honouring the dead. By continuing the same struggle that the dead were part of, the memory of the dead functions as a symbol of an incentive to struggle for justice and peace. It has been argued that by commemorating the massacre, Las Abejas are not stuck in the past but rather continuing to promote the struggle for justice. This affirms their dignity by not accepting the injustice that has been done to them. Truth-telling also seems to be a conscious strategy to resist impunity and to resist living in fear. By denouncing what happened, many people have come to know about their case, not least on an international level. This puts pressure on the government to change the situation. Furthermore, Las Abejas do not only denounce the injustice of their own case but also that of other cases. They express the fact that enlightening the society about injustice is a resistance against impunity, and is a strategy to make sure that the wrongdoing does not occur again. Truth-telling appears thus to be a strategy to obtain justice on a larger scale in the society around them. However, truth in itself does not lead to justice. As Landerreche noted, action must be taken as a consequence of the truth-telling in order to obtain justice. Notwithstanding this, Las Abejas view truth as a central part of justice.

One way in which Las Abejas act to obtain justice in their community is by organizing themselves autonomously. By organizing autonomously, Las Abejas have the opportunity to control their own society in a way that is adapted to their culture and customs. In this way, they make sure they are not treated as second-class citizens. They refer to the ILO-convention 169 to uphold this right, also implying their right to land which is important both to protect their identity as Tzotzil-Mayan people and also for economic survival. They say that if the government will not bring them a good

life, they will look for that by themselves. To organize autonomously is to them a way of doing so. They look at a denial of this right as an injustice. Organizing autonomously is also a way to protect their dignity. They argue that agreeing with the system of the government is consistent with allowing a humiliation and dehumanization of themselves. This form of organization gives an empowerment to them, also as victims of a massacre. The empowerment includes a sense of control over their environment and a sense of control or involvement in the resolution of their own cases. As Zehr argues, when their sense of personal autonomy has been stolen from them by an offender, they need to have this sense of personal power returned to them. However, as explained in the earlier chapter, the system of autonomy is not without challenges. The women in the organization are still working to increase their participation in the decision-making in the organization. The crisis of authority also makes the practice of autonomy difficult.

Lastly, Las Abejas seem to look at the Acteal massacre as part of a bigger picture of injustice. As Pegés explained, the government coming to agreement with the San Andrés Peace Accords would solve much of the greater conflict within Chiapas. However, even though Las Abejas work for justice to be gained on a larger scale in society, they are still in need of a local reconciliation after the massacre. As Las Abejas have a holistic world view, much in line with a transformative concept of restorative justice, a good foundation for conflict solving is there. However, a meaningful exchange between the paramilitaries and Las Abejas does not seem to be a realistic scenario in the near future. For a process towards reconciliation to take place, a change of heart on the side of the perpetrators seems to be necessary. Nevertheless, Las Abejas' non-violent stance is in line with their holistic world view valuing Nature and human beings. This is their strategy to obtain justice as it legitimizes their struggle and puts those who use violence against them in a bad light. Their method is based on a traditional and religious principle. In their opinion, the only way to destroy the spiral of violence is by pursuing justice through this method. The method is very much in line with the restorative justice concept that the humanity of the oppressor must also be valued. By using non-violent means, Las Abejas are working to obtain justice in a way that corresponds with their aim of a peaceful, just society.

## **7.2 Implications**

Las Abejas are an example of a group of victims who do not passively wait for justice to come knocking on their door, but are actively pursuing it. This issue emphasizes an empowerment of victims, in this case initiated by the victims themselves, in order to protect their dignity. In this context, Las Abejas autonomous organization is an interesting way for victims to empower

themselves. They also organize together with other social movements as a strategy to struggle for justice at a larger scale than the specific conflict. Their ritualization of the memory of the massacre is also a way to promote the struggle for justice. This non-violent strategy to obtain justice is interesting within a restorative justice framework. Their method protects the dignity and humanity of the offender while not giving up the struggle for justice.

### **7.3 Limitations**

It is clear that in an examination of Las Abejas' conception of justice after the massacre, interviews with members of Las Abejas clearly would have been desirable. It would be easier to get an insight into their traditional ways of thinking about justice by directly speaking with them. As the research questions of this study is not explicitly answered in the documents, the presented results of the study is my interpretation of their understanding of justice. This interpretation could surely be different if someone else had conducted the study. Nevertheless, I believe important perspectives have been brought up. Although there surely are more perspectives that could be looked at in more detail, this only shows that the research about indigenous perspectives on justice is an area of study that has a richness which I believe would be valuable in the search for a restorative justice.

### **7.4 Suggestions for further research**

As insinuated, indigenous ways of conflict solving is an area that I believe is worth looking into to broaden the theoretical landscape of restorative justice. I believe there is much to learn from indigenous traditions when it comes to concrete ways of practicing a restorative justice. In a development of restorative justice theory, research should not be conducted over the heads of indigenous, but their perspectives should be listened to and included. At least, I believe much wisdom is to be found in Las Abejas' experiences from long traditions of conflict solving and from their continuing pursuit for a just society.

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## Appendix

Interview guide:

1. Could you shortly explain your relation to Las Abejas?
2. What strategies or demands do you think Las Abejas have to obtain justice in their community after the massacre?
3. Do you know what the concept of “La Otra Justicia” means to Las Abejas? If so, please explain.
4. Are you familiar with the internal juridical system of Las Abejas? If so, how does this work?
5. In what way do Las Abejas think of punishment as a response to injustice?
6. Why are Las Abejas pacifists?
  - How would you explain their non-violent reaction to the massacre?
7. What does the concept of autonomy mean to Las Abejas?
  - Is the concept of autonomy intertwined with their conception of justice?