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CRITIQUE of
ANTHROPOLOGY

Critique of Anthropology

30(3) 287–312

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DOI: 10.1177/0308275X10372462

coa.sagepub.com



The internal logic of the cosmos as ‘justice’ and ‘reconciliation’: Micro-level perceptions in post-conflict Guatemala

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Abstract

Recently there has been greater interest from academics and practitioners in the role of ‘traditional’ justice mechanisms in politics of peace, reconciliation and transitional justice efforts after a period of large-scale human rights violations. However, this call for ‘culturally sensitive’ approaches remains at a rhetorical level. This article attempts to fill the knowledge gap of empirical local studies and focuses on post-conflict processes in Guatemala. It explores the actual and potential role of particularities of Mayan Q’eqchi’ culture in local social reconstruction processes after the internal armed conflict. Based on extensive ethnographic field research, the article explores how concepts of justice and reconciliation are locally and culturally understood. It uncovers the existence of multiple ways of understanding these concepts and further, the fact that they are perceived very differently from interpretations in international law and transitional justice studies. Impunity, as defined by international law, is not the end of accountability, nor truth recovery or reparation. Here, the internal logic of the cosmos through an invisible spiritual force, fosters social and spiritual repair at community level, contributing to the lack of demands of justice by Q’eqchi’ survivors.

Keyword

Transitional justice, human rights violations, Guatemala, armed conflict, ethnographic field research, survivors’ perspectives, social recovery processes, cultural context, Maya Q’eqchi’, local and cultural approaches

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An important and recent development in peacemaking and transitional justice policies has been the use of traditional and informal justice systems. For all its shortcomings, the implementation of the Gacaca courts in Rwanda, a local dispute settlement mechanism to address the legacy of the genocide, is recognized worldwide as an emblematic experience and ambitious exercise in mobilizing 'traditional' justice in post-conflict societies (Penal Reform International [PRI], 2002; Waldorf, 2006). Also other countries have mobilized traditional mechanisms of conflict resolution in post-conflict processes. The most well-known examples are the *mato oput* rituals, part of the Acholi justice system in northern Uganda, and the incorporation of traditional leaders in the truth and reconciliation commissions in Sierra Leone and Timor-Leste. Even Kofi Annan, the then UN Secretary-General, officially acknowledged that: 'due regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their vital role and to do so in conformity with both international standards and local tradition' (UN, 2004: 12). International non-governmental organizations (NGOs) and donor countries have supported and even promoted those traditional justice instruments: 'a hype was born' (Huysse, 2008). However, it is remarked that: 'It is commonplace to hear that culture and context "matter", and that any intervention – peace-building or otherwise – must be "culturally sensitive". This has been truer of rhetoric than reality' (Pouligny et al., 2007: 3).

These experiences with the mobilization of traditional approaches to justice and reconciliation into transitional justice strategies have contributed to the growing awareness among transitional justice scholars that the transitional justice template is highly abstract, general, legalistic and top-down. Recently, a consensus has emerged in favour of changing lenses and broadening the scope to local approaches (McEvoy and McGregor, 2008). Indeed, it is crucial to acknowledge the indivisibility of the local and international dimensions of transitional justice. As Engle Merry (1997, 2006) has emphasized, it is necessary to take into account transnational processes to understand and theorize on local legal phenomena. Therefore, similar to the 'localization/vernacularization' of human rights (Engle Merry, 2006; Goodale, 2007), the transitional justice field too should focus more on what happens when the global (transitional justice efforts from the state or international actors) meets the local (communities and survivors), and vice versa (Viaene and Brems, 2010). The current trend in this field is to use population-based surveys to ensure a broad scope when informing and evaluating transitional justice policies (Pham and Vinck, 2007). Yet this methodology fails to explore the deeper local and cultural logics in which needs, perceptions and attitudes are embedded. Only a few in-depth studies, based on ethnographic field research, have examined the encounter between globalized discourses on justice, reconciliation, truth and reparations on the one hand, and their appropriation or failure in a specific local and cultural context on the other (though see Honwana, 2005; Johnston and Slyomovics, 2009; Pouligny et al., 2007; Shaw, 2007; Theidon, 2006).

This article contributes to filling this gap of ethnographic studies in relation to transitional justice issues. It explores local Mayan Q'eqchi' understandings from

Guatemala on justice and reconciliation. This forms part of a broader research project on the role of cultural context in transitional justice, which examines how particularities of Q'eqchi' culture could play or are already playing a role at the local level in the aftermath of the internal armed conflict. The Q'eqchi' were one of the Mayan groups severely affected by the conflict and are currently the second-largest Mayan group of Guatemala. I draw upon over 20 months of ethnographic research between July 2006 and May 2009 in the Alta Verapaz department, specifically the micro-regions of Nimlasachal, Nimlaha'kok and Salacuim, which are part of the municipality of Cobán. In post-conflict processes an ethnographic approach is very appropriate since it helps to understand those processes on the people's own terms, to study sensitive topics and to move beyond black and white views (Shaw, 2007; Theidon, 2007). I have chosen to use methodological triangulation, or multiple data collection techniques to reinforce an in-depth understanding of the research question. First, to disentangle the language tangle of Spanish-Q'eqchi', preliminary consultation determined the proper Q'eqchi' terms and concepts with two linguists, widows, elders, spiritual guides and two foreigners with more than 30 years' experience with Q'eqchi'. Here it is worth noting that external actors, such as (inter)national NGOs and donor agencies, often perceive language tangles as just a consequence of insufficient understanding of local languages and oral traditions. However, a close scrutiny of the semantic logics of terms related to justice, reconciliation, truth and reparation can open windows to cultural understandings that are beneath the visible surface.¹ Furthermore, several linguistic workshops with legal translators, linguists and elders, and additional focus groups with elders were held. Indeed, the analysis of logical relations and semantic fields hidden in Q'eqchi' words and expressions that refer to their normative system, is very helpful in understanding the cultural perception of the conflict and its impact.² Over 25 semi-structured focus group discussions with victims, witnesses and ex-PAC were organized in different communities.³ Opinions and concerns regarding issues of justice, reconciliation, coexistence, reparation and truth recovery were examined. For the majority of the participants it was their first opportunity to express their opinions regarding these issues. Further, numerous formal and informal interviews were conducted with community leaders, spiritual guides, and local and foreign people with experience of the conflict and social recovery in the communities. Participant observation took place during daily life activities, community meetings and commemorative ceremonies in the different regions. Also, key stakeholders of national human rights groups, indigenous victim organizations and interlocutors of civil society were interviewed.

The first section of this article sketches the armed conflict, the perception of justice and reconciliation at macro-level, and transitional justice efforts with impact at the micro-level. Next, the basic principles of the Mayan normative system are examined to better frame Q'eqchi' perceptions of justice and reconciliation. The third section discusses survivors' local and cultural understandings of the conflict. Further, the analysis of ethnographic data reveals the absence of a demand for justice for those responsible for atrocities. The following section explores the underlying reason for this. This local and cultural analysis demonstrates that

beneath the surface there is substantial activity that, at first glance, is invisible. Indeed, without falling into an overly romanticized reading, Q'eqchi' survivors have managed to mobilize 'local and cultural practices and attitudes'⁴ to face the legacy of the atrocities and to find a new *modus vivendi*. The final section localizes justice and reconciliation at Maya Q'eqchi' community level and reveals that impunity, as defined by international law, is not the end of accountability, nor truth recovery or reparation. Apparently, the internal logic of the cosmos through an invisible force creates a space in which the perpetrator can reintegrate into communal life and through which victims' pain and suffering are acknowledged.

Guatemala: dealing with the legacy of 36 years of internal armed conflict

In December 1996, comprehensive Peace Agreements were signed between the Guatemalan government and guerrilla forces, which brought an end to 36 years of conflict. During the military regimes of Generals Lucas García and Ríos Montt (1978–83), the counter-insurgency strategy, with its forced disappearances, large-scale massacres and scorched-earth campaigns targeted the rural Mayan population, resulting in the death or disappearance of approximately 200,000 people, 600 massacres, 400 destroyed villages, mass displacements and a refugee stream to Mexico. According to the final report of the UN-sponsored Commission for Historical Clarification (CEH, 1999), the Guatemalan state was responsible for 93 percent of human rights violations and guerrillas accounted for 3 percent. The report acknowledged that between 1981 and 1983, 'the Army identified groups of Mayan people as the internal enemy, because it considered that they constituted or could constitute the basis of support for the guerrillas', and concluded that the acts of the Guatemalan state against the Mayan people amounted to genocide (CEH, 1999: Conclusions). The great majority of victims (83.3 percent) were indigenous Mayans. The organization of Mayan men in PACs in the early 1980s to defend villages against guerrilla attacks was one of the key 'mechanisms of horror' (REMHI, 1998) of this counter-insurgency war. Officially participation in the patrols was voluntary; in fact, it was obligatory for all males aged between 15 and 60, on penalty of severe punishment or death. The PACs were the embodiment of the militarization of rural areas and, at the peak of violence, they numbered some 1 million men. They were responsible for numerous human rights violations as they were forced to take over military tasks like sweeping areas for guerrillas and attacking so-called subversive villages (Popkin, 1996; Remijnse, 2002). There was nowhere else in Latin America where 'an army managed to mobilize and divide an indigenous population against itself to such an extent – even to the point of forcing victims to become accomplices and kill one another' (Schirmer, 1998: 81). According to the CEH, this conflict was rooted in the historical and structural marginalization of and discrimination against the majority indigenous Maya population, and the economic and political dominance of the non-indigenous minority.

With regard to the Alta Verapaz department, the CEH report shows that, after El Quiché and Huehuetenango, it was the third worst-affected department in terms of human rights violations and the Q'eqchi' ethnic group was the second worst-affected (CEH, 1999: vol. 2, 321). The most severely hit municipalities in the Alta Verapaz department were: Cobán, Chisec and San Cristobal. Due to the scorched-earth methods, at least 40 percent of the Q'eqchi' were displaced from their communities and some 20,000 were forced to live as refugees hiding in the mountains for months or years (Flores, 2001). During the early 1980s Cobán suffered 33 massacres, with 40 villages destroyed and burned (Huet, 2008).

In the wake of the peace negotiations, Guatemala undertook official and unofficial initiatives to deal with its past atrocities in response to demands from civil society. While a discussion of Guatemala's efforts is beyond the scope of the present article, it is important to describe the perception of justice and reconciliation at the macro-level, and the interventions at micro-level.

Accountability remains fragile because the impunity of the armed forces for past atrocities persists after more than a quarter of a century. Of the 669 documented massacres by the CEH, only in three cases have those materially responsible been successfully prosecuted. There is a clear lack of interest in the judicial system in investigating and prosecuting the people responsible, which contributes to the feeling of omnipresent impunity. The absence of major changes resulted in a weak state responding to interests of the elite in opposing transformation of the root causes of the conflict (Impunity Watch, 2010).

Further, the term 'reconciliation' remains contested for several reasons. Reconciliation has been used by the military to promote amnesty. Following the example of countries in the region, in 1996 an amnesty law – the Law of National Reconciliation – was proclaimed to protect perpetrators from prosecution.⁵ Further, the Catholic Church, through follow-up of the project for Recovery of Historical Memory (REMHI),⁶ promoted the word in their discourses on truth, justice and forgiveness. A striking statement is: 'Sow the truth, and justice and reconciliation will be the harvest.' Nonetheless, human rights activist Helen Mack states that a shared conceptualization of reconciliation is lacking and a real reconciliation process has never been stimulated (Mack, 2005).

At micro-level the involvement of individuals and communities was remarkable in the processes of truth recovery through collecting testimonies that were set up by the truth commissions, CEH and REMHI, in the mid 1990s.⁷ In that time, civil society was active in promoting exhumations of mass graves and building local memorial monuments in the different affected regions (Sieder, 2002). In some regions exhumations are still taking place and are supported by civil society groups. Currently, state interventions which have direct influence on local communities are the National Reparations Programme (PNR) for victims, active since 2005 and the compensation of the ex-PACs since 2003.⁸

It is important to note that the Peace Agreements of 1996 not only ended the conflict, but also presented a commitment to redefine the nation-state as 'multi-ethnic and pluri-cultural'. Indeed, the Agreement on the Rights and Identity of

Indigenous Peoples (signed in 1995) expresses this official commitment, calling for constitutional and legal recognition of Mayan organizational forms, political practices and customary law, plus the cultural and socio-economic rights of indigenous people. Yet, as Sieder and Witchell (2001) note, indigenous movements, by advancing their claims through the law, have used legal discourses of international human rights and multiculturalism, projecting an essentialized, idealized and atemporal vision of harmonious and millenarian Mayan culture for greater autonomy and representation.

Significantly, both truth commissions recognized that the majority of victims were Mayans, and in the same period of the 1990s there was a strong demand from indigenous movements for collective rights. However, neither the state nor human rights organizations nor indigenous victim organizations made any reference to the role or potential of Mayan cultural resources and practices in dealing locally with the atrocities.⁹ Recent empirical research is lacking in the different affected regions as to how communities are 'picking up the pieces',¹⁰ and how survivors, victims and ex-PACs, perceive the official and non-official efforts or lack of response.¹¹

Before moving on to a discussion of Maya Q'eqchi' perceptions on 'justice' and 'reconciliation' in the post-conflict context, a brief review of the cornerstones of what has been conceptualized as a Mayan normative system, is now presented.

Maya normative system: the sacred, harmony, respect and shame

Here it is important to note that the idea of a 'Maya culture' as a homogeneous whole is problematic. Instead the complex, fluid and hybrid character of culture should be acknowledged (Cowan et al., 2001; Pitarch et al., 2008). Indeed, as will be discussed in the next sections, the impact of the internal armed conflict, and influences of Christianity and of human rights discourses, should not be overlooked. Only a few local studies have addressed in depth the philosophical base of the Mayan normative system and its forms of administration of justice (Esquit and Ochoa, 1995; IDIES, 1998; Saqb'ichil-Copmagua, 1999). These studies, mainly conducted during the 1990s, should be seen as active attempts at reconstruction of this system.

The legitimacy of the Mayan normative order lies in oral history, because that is where its foundations are located (Esquit and Ochoa, 1995). It also resides in the community and its institutions, such as the family, elders and traditional authorities.

According to the Mayan cosmovision, no distinction is made between the social, natural and sacred spheres that make up the cosmos. All norms reference the sacred aspect or part of any possible level. Here the concept of the sacred, 'assumes the existence of interrelations between all elements of Creation and that all elements of Creation have a function related to the balance in Nature. The human species is just one of the links in this totality' (Saqb'ichil-Copmagua, 1999: 68). Maize, family altar, caves, churches, hills and millstones are sacred. The sacred is

not only limited to the relationship with the deity, such as the *Tzuultaq'a* (lit. 'Hill-Valley') or mountain spirits for the Q'eqchi', but also assumes the character of a social and holistic relationship (Esquit and Ochoa, 1995).

The focus is not the struggle between order and chaos but on reaching harmony between these two concepts through shame, respect and obedience. Shame, respect and obedience are intimately associated with the maintenance of order presented in an ideology of harmony, and they play central roles in the organization of social relations. Shame is understood as 'the powerful feeling that wounds the mind in a very painful manner' (Esquit and Ochoa, 1995: 21). The attitude of obedience and respect identifies a recognition of and dutifulness towards the norms. Being disrespectful implies a loss of shame.

Transgression is understood as the result of an action derived from or evidence of having committed a fault, or from the presence of inadequacy or badness (Esquit and Ochoa, 1995). A fault can be defined as an attitude of disrespect provoked by inattention and/or ignorance. Inadequacy or badness is behaviour that arises from an individual's own will. Further, every transgression of the norm embarrasses the perpetrator and also his family, by showing them to the community as people 'outside the order, the straight path' (Saqb'ichil- Copmagua, 1999: 37). The acts which deviate from the straight path shatter the internal balance and harmony of the person, and between the person and the community, and/or between the person and the deity. So, every transgression leads inevitably to a sanction, whereby the person is punished by the community or supreme being (Esquit and Ochoa, 1995).

Conflict resolution in the Mayan normative system is reconciling and compensating, seeking to restore social harmony. Crucial is the use of extended discussions and dialogue to reach a mutually satisfactory solution, where family, local authorities and elderly as spiritual guides can be consulted as third parties. The character of sanction is mainly reparative and the common mechanisms include: calling attention to and acknowledgement of wrongdoing or lack of respect, restitution of compensation and community work. Only in extreme cases, such as causing the death of another through witchcraft, are the accused and their family expelled by the community (IDIES, 1998).

Survivors' local and cultural understanding of the conflict: Maya Q'eqchi' perceptions

Currently, 92.8 percent of the population in Alta Verapaz is indigenous and the majority are Q'eqchi' and monolingual (PNUD, 2005).¹² Mayan Q'eqchi' spirituality surrounds daily activities such as agriculture and health issues. *Tzuultaq'a* is a central concept determining the identity and being of the Q'eqchi' (Cabarrús, 1979; Haeserijn, 1975; Wilson, 1995). It is omnipresent, guiding and overseeing all actions of daily life. The idea of a personal, transcendent God is not inherent to their cosmovision; however they do not ignore the Christian God, as the majority of Q'eqchi' are Catholic. *Tzuultaq'a* 'yo'yo' means *Tzuultaq'a* lives and is keeper of

the earth and all its inhabitants. The Q'eqchi' must ask permission from *Tzuultaq'a* with a *majejak* (an offering-sacrifice ceremony) to cultivate land. According to Wilson (1995), all the influences on the Q'eqchi' identity, such as the pre-Columbian period, the colonial experience, the Catholic Church and the conflict, are projected upon the collective figure of the *Tzuultaq'a*. He states that (1995: 15): 'The mountain spirit is a "recurring" symbol that disappears and emerges reinvented in each strategic context.'

It is important to note that, towards the end of the 1980s, social reconstruction in the Q'eqchi' region proceeded slowly because there was little aid from government and national or international organizations. Today, compared to other regions, Alta Verapaz lacks a strong presence of international agencies, NGOs or the state in projects designed to support survivors. Almost 25 years after the massacres, the survivors still have to face structural inequities. Alta Verapaz has the highest number of land conflicts in the country.¹³ Further, the people must deal with poverty caused by the contrast between the high cost of living and very low incomes, discrimination and abandonment by the state, and finally disunity provoked by the conflict (Huet, 2008). Further, social reconstruction is very difficult when people who have committed atrocities in their own community and region are living side by side with the victims. However, the necessity for social and economic survival makes it inevitable that people divided by the violent conflict will find a way to coexist. The way survivors reconstructed different social ties varied from community to community, depending on the different ways in which they had been affected by the conflict, the possibility of obtaining land during the reallocation process and the persistent clout of ex-chiefs of the PAC.

In this complex process Q'eqchi' survivors mobilized local and cultural practices and attitudes to understand the violence and to reshape social and spiritual ties and relationships. Here, an examination of the lived experiences gives a more holistic understanding of those forms and strategies.

The conflict as nimla rahilal: huge suffering and pain

Q'eqchi' victims and ex-PAC members, use the term *nimla rahilal* when referring to the period of conflict. *Nimla* is large; *rahilal* means suffering and pain (physical, emotional and spiritual). *Nimla rahilal* refers to suffering or pain that is the result of a 'final' loss, for example, the loss of a family member or harvest, home or money due to natural disaster. A final loss implies a type of pain that cannot be repaired; it is an irreparable loss. Indeed, the scars left by the *nimla rahilal* will not disappear, as a survivor explains: 'It is like a thorn in our souls, it is like having a knife in our stomachs.' An ex-PAC member compares the impact of the conflict on communal life with a destroyed beehive: 'because now everybody is going their own way and you cannot bring them together any more'.

Counter-insurgency measures not only violated people's human rights and caused human suffering; it also violated and transgressed social and spiritual norms established by the communities, which led to the breakdown of their *tuq-tuukilal* (tranquillity, harmony, peace).

Beyond human rights violations: 'They desecrated the cosmos and us as humans'

Muxuk, *maak* and *q'etok aatin* are concepts that refer to different types of transgressions and cause imbalance and disharmony on the personal, interpersonal and community level, and also in relation to the cosmos.

The word *muxuk* means to desecrate, defile and violate the sacred or spiritual value of something. When the dignity (*loq'al*) of a person is desecrated, the people say that *muxuk* has occurred. This concept refers to sexual assault and rape. Yet, it is also possible to desecrate *Tzuultaq'a*, maize, a rock, tortilla or house by displaying unacceptable behaviour. Significantly, *xoo'e'xmux*, a term which frequently appears during interviews with survivors, means: '*they desecrated the cosmos and us as humans*'. This reflects the desecration of the natural, social and spiritual world, because of the bombings and the destruction of the holy maize fields and other crops.

Muxuk has been done in various ways; they [the army] dishonoured all the sacred hills [*Tzuultaq'a*]. Because they threw big bombs, big grenades on the sacred hills, the sacred valleys, true, there we saved ourselves in the sacred hills, the mountains have a deity, true and we defended ourselves over there. Everybody defiled our dignity. (woman)

During the conflict, the army manipulated various symbols and concepts of the Q'eqchi' culture such as *maak*. In the military camp Acamal, through which many thousands of displaced people passed, the army implemented a formal programme of ideological re-education.¹⁴ The army trifled with the concepts of sin, guilt (*maak*) and paying for this guilt (*tojok maak*). As a result, the Q'eqchi' identified the cause of events of the conflict in a context of sins and transgressions, rather than in the army's scorched-earth strategy (Huet, 2008; Wilson, 1995). In other words, the conflict was presented as an evident expression of the sin of the population of having opposed the state. Nevertheless, the ideological brainwashing in the camps failed, because now the survivors are saying: '*Li tojok maak sa' kampameent. 'Ka' ta wi' qamaak? Maak'al*', which means: 'Paying for guilt in the camp. What is our sin? We don't have any!'

Also, the militarization of the concept of *chaq'rab* (the code of norms) is significant. One official explained his interpretation of the *chaq'rab* to a community, stating that:

God created heaven and Earth and put them under his rule to maintain balance and harmony between all the elements. This same God supervises the Law from the heavens, but he entrusted the observance of this law on earth to the army. (Huet, 2003: 69)

A last concept is *q'etok* (to bend, to fail to do something), which refers to disrespecting and disobedience to norms that are socially and spiritually accepted.

Q'etok aatin is a profound expression and means 'to bend the word', signifying disobedience, breaking one's word or ignoring someone's counsel. 'Respect the word' is a key norm in Mayan culture and is considered an ethical sign of familial and communal obedience (Esquit and Ochoa, 1995: 21). This expression appears in people's complaints regarding constant non-compliance with promises made by politicians and the state. The CEH (1999) stated that the conflict, with its brutal violence and imposition of the PACs caused a rupture in the Mayan social fabric and indigenous authority system, disrupting the social norms and elements of their cultural identity. The army deliberately destroyed sacred places. So it is argued that the counter-insurgency tactics almost completely dismantled and destroyed nature and the sacred, leading to *q'etok* of their world.

No vengeance, no demand for 'justice'

Only God knows it. He will compensate for it. God will take vengeance. We can't do it, this one [Rios Montt] we can't bring him to court. Never can we bring one of our brothers to court. Only God will return the compensation for the suffering that he caused to the communities, to the villages. We are not saying one word of what he did, that what he did, without knowing who really did this. Only God knows who led this idea to bring the problems. Only God knows who directed it, who brought this problem to us. (elderly woman)

How do survivors feel toward the people responsible, materially and intellectually, for the *nimla rahilal* suffered?

Survivors almost never spontaneously demand prosecution of the perpetrators during the focus group discussions and interviews. Once they actually start speaking about justice, they almost never express a wish to sue the responsible national or local authorities. Only a few people, leaders who have received training in human rights issues from the REMHI-Alta Verapaz team, the UN Verification Mission (MINUGUA) or local NGOs, mention justice as being necessary as it is not their first concern.

Analysing the field data, several reasons can be identified in order to understand this. First, many victims still do not know the reasons for this conflict, or even who was in power at the time. Second, regarding the offences committed by the PACs, many survivors are aware that these patrollers were commanded to act by the army.

Survivors raise the question: what benefit would a prosecution bring for them? If the intellectual perpetrators are in prison they cannot help victims.

I would like [Rios Montt] to help us: he left us in difficulty. He destroyed our houses; they destroyed our belongings, our millstone, so they should give us a replacement. (elderly woman)

Significant is the opinion of a survivor whose father, sister and brother were killed by soldiers, and whose uncle, father-in-law and brother-in-law died in a massacre

carried out by guerrillas. He was forced to participate with the patrollers. This man does not think about taking vengeance or demanding justice. Instead, the most important thing for him is that aid reaches every survivor:

Hopefully the government, yes, I wish that they help us with the suffering that we had to live with, that they help us with this pain, because I don't want, and I don't like, that only some are helped. And I, as I'm not a son of the government, because all of us are sons of the government, not only me, not only those who suffered violence in the mountains, we are all children of the government.

The National Reparations Programme (PNR) pays compensation to the relatives of a limited category of victims that were killed. Yet, as discussed elsewhere, to receive money for your dead, as well as the procedures, generate sentiments of guilt, frustration and dissatisfaction among victims (Viaene, 2010). What victims actually ask is for the government to restore their destroyed possessions and to give them title to their lands.

As mentioned, complex social, economic and power realities should not be overlooked in understanding social recovery at the local level. Here, a too romanticized and harmonious reading of those local social reconstruction processes must be avoided. Therefore other explanations for the lack of demand for prosecutions could be: the lapse of time between the massacres and the resettlement, fear of the local perpetrators, lack of familiarity with the official justice system and lack of presence of human rights organizations that advocate demands for justice.

However, analysis of the interviews uncovered a more influential reason: people know that those responsible bear the guilt of having exceeded their position and of elevating themselves to a place of supreme being by deciding between life and death, and are paying for their faults in this life.

Survivors say: '[The] blood of the dead, and our tears, will fall down on those people.' This reflects the meaning of *q'oqonk*: the internal logic of the cosmos that, through an invisible spiritual force, fosters a new *tuqtuukilal* or tranquillity.

The internal logic of the cosmos as 'justice' and 'reconciliation'

We are doing *q'oqonk*, let's say, justice for those who were president before. I reflected on this well that we aren't doing this [demanding justice]; there will be no justice because we leave it in the hands of God how much we suffered. (widow)

An invisible spiritual force: manifestations of transgressions

Whereas concepts such as *muxuk*, *maak* and *q'etok aatin* refer to types of transgressions, the concepts that reveal that there was a transgression are *awas*¹⁵ and *q'oqonk*.

It is stated that both concepts belong to the domain of the *secretos* or secrets of the Mayan cosmovision, which are guarded by the elderly and transmitted orally to other generations.¹⁶ Applying these secrets led to an improvement of social life and a realization that certain things cannot be done because their consequences directly affect the transgressor, his family and the community (Saqb'ichil-Copmagua, 1999). These *secretos* are conveyed when the time is ripe for it and can therefore be seen as levels in an educational process. Both concepts are considered to imply a prohibition that should be respected; otherwise an imbalance is provoked and a sanction is the consequence. Therefore it can be stated that they refer to an ethical and moral code.

Here, the notion of *q'oqonk* (the stem is *q'oq*) is examined more profoundly as it arose in relation to the notion of justice during the interviews. It is a phenomenon that relates closely to transitional justice in a broader sense. Given that it belongs to a different philosophical, epistemological and ontological frame of reference, it remains complex to translate it and understand its profound meaning. A unique written description was found in Haeserijn's dictionary (1975: 203), in which he describes *q'oq* as 'pain or sadness that somebody or something feels for being treated badly/wrongly and that will be converted into a retributive punishment of the causer of the pain or sadness'.

Crucial in Maya cosmovision is the dynamic understanding of balance and harmony. A transgression cannot be repaired as it is impossible to return to the original situation. So the imbalance of social relations created by this transgression cannot be repaired, though it may be transformed into a new balance or harmony by instilling shame in the causer, offering him advice and guidance so that he recognizes his fault and asks for forgiveness. In this process of correction and education, the family, the elderly and local authorities play a significant role.

However, sometimes a person consciously and intentionally harms someone and does not acknowledge the transgressive attitude. Behaviour that affects someone's dignity, such as mistreatment, contempt, humiliation, disrespect, adultery, discrimination, not sharing food, murder and also exceeding one's position in the community provokes a situation where the causer receives *q'oq* of the hurt person. In fact, the person will suffer *q'oq* once his deviant behaviour has accumulated to a certain level. The elders use the image of a ceremonial bowl that fills up with the tears of hurt parents, and say that one day their child, as the cause of their suffering, will drink from it when it is full. In the eyes of Q'eqchi', this *q'oqonk* is like a 'scientific law: it will happen'. Q'eqchi' know that unresolved conflicts related to certain transgressions against other humans or things with sacred value will be resolved by spiritual interventions which transcend their human capacity.

A striking narrative is that of an elderly woman in which she relates the mistreatment and contempt she and her husband suffered for a long time from their son-in-law, the father of the son-in-law and their own daughter. The father-in-law and his son mistreated and disrespected the girl for a long time and, under pressure from her family-in-law, this girl disrespected her own parents. As a consequence, their seven grandchildren, the children of the daughter, died when they were

still babies. The elderly woman says that the daughter and the husband received her *q'oq* through the children.

Not only humans suffer pain and distress caused by the behaviour of others. Also, the *Tzuultaqa'*, the maize, the spirits of the dead and animals can cry, suffer, and feel pain. Therefore, the causer of this suffering can also receive the *q'oq* of these things. For example, a very significant expression is 'the maize weeps', when people treat sacred maize without respect.

But the maize is making the *q'oqonk*; it is crying there; they [small animals] hear when the maize is crying; the small animals come to pick it up. But it is crying and it is *q'oqonk* – that's what it's doing. The sacred corn that we've sowed in the earth is doing *q'oqonk*, but why? Because it is not the right way we sow the earth: maybe there is no pom and no candle; it is because we just threw [the seeds]. . . . Then what do its [*Tzuultaqa'a*] animals do? There it comes again: it sends its animals. They enter to defend the sacred maize. (elderly man)

The interviewees explained also that the result of *q'oqonk* is that the causer will suffer a fatal accident, incurable illness and/or will live in poverty. In addition, it is important to distinguish *q'oq* from witchcraft. Witchcraft is the effect of a conscious attitude, as when a person contacts a witch to make somebody ill or kill someone; *q'oq* is the invisible spiritual force of the pain, tears and sadness that somebody or something feels due to being treated wrongly.

The retributive consequence is not suffered in some afterlife but now, in this world, by the person who behaved wrongly or one of his children or grandchildren. All those interviewed concurred that it isn't possible to cure somebody who is suffering *q'oq* either by medical treatment or ritual.

But *q'oq* doesn't have a remedy. It doesn't have a remedy any more because God gave it. It is like a poison that was thrown over a person. He remains suffering the *q'oq*. It hurts a lot – this *q'oq* that he started to suffer. It doesn't have a remedy. (elderly man)

In short, when a person deliberately and persistently harms someone or something and does not recognize his transgression nor seek to rehabilitate someone's dignity, it appears that an internal logic of the cosmos ensures that the imbalance created in social and spiritual relations is substituted by a new balance. *Q'oqonk* can be seen as a consequence of transgressions of norms and implies prohibitions that are to be respected. So, these invisible spiritual forces can be grasped as consequences of the internal logic of the cosmos. Survivors, from remote as well as more urbanized communities, related that there has been an increase of cases of *q'oq* since the conflict. *Q'oqonk* also affected specific chiefs of PACs or commissioners who, by jealous enjoyment of power or pride, exceeded their position during the conflict and caused terror and fear in the communities. These cases of *q'oq* related to the armed conflict reveal that, during the conflict, certain key values of the Q'eqchi' ethical and moral code have been severely and repeatedly transgressed. The conflict had

created a space wherein certain people deliberately and persistently could harm others.

I turn next to a discussion of a specific case related to the conflict from a community at 30 minutes drive from Cobán city that ties together the insights presented above. It is the case of an ex-commissioner, responsible for a massacre and several disappearances, who in 1990 became blind and lame.

Emblematic case of the ex-commissioner who became blind and lame

Before he was commissioner. Yet now he isn't any more; he is now very little, he doesn't see any more, he doesn't see any more because his eyes are changed. His eyes are changed, but he lifts himself up with a post; this man walks. And he is the one who ordered my husband... And now he is alive, but maybe he is paying for it now, because he doesn't see any more. He does his needs in his house; he doesn't leave the house any more. (widow)

In June 1982, a few soldiers dressed as civilians killed 34 people on the road from Sanimtaq'a community to Samaq cooperative, to which their land belonged. From the cooperative, a letter had been sent to call the people to work in the cooperative. While the people were walking toward the cooperative, the soldiers attacked. It seems that a commissioner from Samaq accused these people of helping the guerrillas. Every man of the cooperative had to patrol the community. Some of them were obliged to guide soldiers into the mountains to seek out guerrilla camps or camps of refugees who sought protection in the mountains. According to the people, some of the chiefs of the patrollers and commissioners exceeded their duties and abused their power. In 2002 an exhumation of the massacre was performed. None of the people who disappeared ever came back. The massacre and disappeared men are mentioned in the database of the final report of the CEH.

Twenty years ago, the man responsible for the massacre became blind and lame. He rarely leaves his house because he can only walk with crutches and needs assistance and help with everything he does.

The opinions of widows who were victims of the massacre and also the widows' ideas regarding the leaders of this man's own community whom he caused to disappear, are here presented.

He accused them over there in the [Military] Base, and now harm is done to him. All at once, it is no longer him; he doesn't see his way any more; his leg hurts, they say.

Moreover, all of them know that the man is now suffering *q'oq*: he is paying for his errors (*tojok maak*):

He is responsible for those who died. Therefore, he is suffering *q'oq* now in this world. But, as the word of God says, what you do in this world you will suffer for, not in

another place. And those who were killed by his words, from his mouth, are already with God and he is still paying for his guilt in the world. Because he called those who were killed, they don't have any guilt. . . . Now he is suffering *q'oq* of them [who died] . . .

It is striking that during the interviews none of the widows of either group of victims demanded justice. They expressed the fact that they were not reacting, because it was not their role to judge him, as only God may judge.

God knows what happened and where He will place it and how long the punishment will be. For us, it doesn't matter, neither do we hate him.

At this point, we might question the reason for a general absence of demands for justice, and an unwillingness to demand it. As previously explained *q'oqonk* refers to and is related to prohibitions that one must respect to maintain balance and harmony. If the widows actually respond to what the man has done, they, or one of their children or grandchildren will receive *q'oq* for their own behaviour towards this man. So the widows fear receiving retributive punishment for the suffering and pain that they will cause the ex-commissioner and his family by sending him to jail. It is argued that the internal logic of the cosmos through *q'oqonk* puts to an end the vicious cycle of human vengeance, pain and suffering.

Yes they have fear of *q'oq*, as said the *compañeras*; it is true that we have fear of *q'oq*, because we have heard that it is not good to respond to what you are suffering. Maybe it is like this: maybe you as a mother will not suffer it, maybe you have passed it on already, you are already an elderly woman, but your children are grown. They are the ones who will suffer for you, for what you are doing as a mother. And so I understand the word that it is not good to respond, it is not good to take vengeance. . . . The things we do, we take revenge and so we are bringing this problem down to us; we are bringing it; we are sowing the problem for our children. . . . God has it really clear; that is how I'm feeling it; I'm afraid of *q'oq*. It doesn't matter to me. I'm not the one who will judge: it is God who will judge us.

The widows also stated that they do not hate the man and *behave in a good manner toward him (k'amok ib' sa usilal)*. The widows of his community talk with him and help him by giving him food.

We are good to him, we do not hate him. We talk with him, as the other lady said, he suffers too much in his house, yes, he suffers a lot. He is left without anything, so we are helping him; we are seeing him in his suffering, with his illness, yes. Like this we are talking good with this brother. Therefore we have forgiven him, not only for the big injury he made. The lady brings aid, maybe maize, beans, sugar, so we are going, yes. We leave this with him. So, we talk good to him, we don't hate him.

The fact that there is communication again and some widows give him food indicates that there is again a relation between them and the man, a new *modus vivendi* or *tuqtuukilal*. Food and *li aatin*, the word or dialogue, are signs that there is *sum aatin* or relationship,¹⁷ because food invites the word or dialogue. For example, a *majejak* always ends with a meal for the participants; without that there is no *majejak*.

'Reconciliation': to bear the fault and behave toward each other in a good manner

Reflecting on the presence of *q'oqonk* in this specific case, it is interesting to explore if there exists a notion of reconciliation with the transgressor who is now suffering for his behaviour during the conflict.

The issue of reconciliation in Mayan culture and in this study on the Q'eqchi' is a very complicated theme. Nevertheless, some reflections are interesting in order to comprehend the way survivors are dealing with the persons who are suffering *q'oq*. A detailed examination of syncretism between elements of an ancient Mayan culture and of Christianity is beyond the scope of this article. Yet one cannot ignore the close relationship between the concept of reconciliation and the Christian concept of forgiveness.¹⁸ For example, in the Catholic liturgy in Q'eqchi', the following phrase is used to express forgiveness: *xkuyb'al xsach'b'al li maak* (*kuyuk* = to bear; *sach'oc* = delete; *maak* = sin). Indeed, as result of the Catholic appropriation of the word *maak* it is generally translated as sin or guilt. Further, this concept has been discussed by Cabarrús (1979), who distinguishes two types of *maak* or sin/guilt. One originates from doing things that are inherently bad and punishable; the other is deduced from a lack of performing the necessary ritual acts. In his interpretation of *maak* as sin, he notes that the Q'eqchi' move in a world of prohibitions in which everything is a sin or could be regarded so. Cabarrús has a very critical view of this symbolic order and states that: 'the Q'eqchi' lives in a state of fear and proof of this is the excessive ritualization which surrounds their lives'. Sieder (1997: 61), however, argues that it should be emphasized that these notions of prohibitions and guilt are not:

merely 'autochthonous', a product of some primordial essentialist order, but have historically been manipulated by external forces, be they the Catholic Church, German plantation owners at the end of the nineteenth century or the army during the height of the civil war.

Significantly, as pointed out above, *maak* has been severely manipulated by the army during the conflict.

Hence, it is important to emphasize that currently among Q'eqchi' linguists and spiritual guides there exists much criticism against the Jesuit Cabarrús's concept of *maak* as sin. His interpretation is very Catholic-inspired, thus denying the profound

Q'eqchi' spiritual connotation. Interestingly:

in the Mayan religion, this concept of sin originally did not exist because there is no God outside this world who commands humans and the world. If there was a concept of sin, then it would only be the fracture in the relations between humans and in the relation between humans and nature' (Marco Antonio Paz, quoted in Esquit and Ochoa, 1995: 42)

Therefore, it is arguable that *maak* refers more to a fault, error or infraction of the norm through inattention or ignorance, than to sin. Further:

That is the reason that, in the ceremonies of the Mayan religion, respect is being asked, forgiveness is being asked, it is not from God, they ask forgiveness from the companion, from the brother, the father, the mother, from the friends who are there, against those who had committed a fault, and they ask forgiveness from nature, because one might have abused her. (Ibid)

In this post-conflict context, it is important to note that the coordinator of the REMHI-Alta Verapaz team affirms that the use of the term 'reconciliation' rose and has been spread largely in the region through her work with REMHI and her group of animators of reconciliation during the 1990s. It has been strongly related to the concept of giving forgiveness, *perdonar* or *kuyuk maak* to the perpetrators.

Nonetheless, in the Q'eqchi' language, a clear equivalent for the term 'reconciliation' does not exist. Based on the analysis of the linguistic data, it is argued that the unity of the expressions *kuyuk maak* and *k'amok ib sa usilal* reflects this idea of reconciliation.

Kuyuk maak means 'to bear a fault, an error' and *k'amok ib sa usilal* is interpreted as 'behave toward each other in a good manner'. These are inseparable, as they have an internal cohesion.

It is the same in which they result: the *kuyuk maak* as *k'amok ib' sa usilal*, result in the same two, because when a brother steals something from me, just as we said earlier, he took something of me; it is not possible to quarrel with him just for this; it is better to forgive, to talk to him in goodness. I forgive him and I talk in goodness, so this is *kuyuk maak*; it makes the goodness [*usilal*]; the two words mean the same. (elderly man)

The causer of the fault or the pain and suffering, is the person who in the first instance must bear fault. The processes of correction help the causer to recognize this fault. Indeed, recognizing one's fault is the acceptance of one's responsibility for the fault.

The affected person is the one who will behave toward and together with the causer of his suffering in a good manner, after having accepted the fault. Also, the affected person needs to bear the other's fault. The *majejak* or ceremony is

generally the space where both parties meet to reunite their thoughts and to seek tranquillity and goodness between them. A spiritual guide (*aj iliionel* – who sees the hidden) explains this with the following expressions: *xjunajinkil wi chik li qanaleb'*, *k'amok ib sa' usilal*. This means: to reunite our thoughts, to behave toward each other in a good manner.

So, how can the imbalance reflected in *q'oq* that someone is suffering, be restored?

As previously explained, *q'oq* that one suffers cannot be cured. The only solution is an offer to God/*Tzuultaq'a*/supreme being, which should result in creating tranquillity in the hearts of each person, between the people and the deity:

They'll cure themselves with a ceremony, because this is *q'oq* between you [and the God/*Tzuultaq'a*/supreme being], so he'll do it. Immediately God's word comes, it comes and reunites the rest. Then they meet with the one that had a fight: they go down on their knees, they perform the ceremony among them, the men and the women who had the fight, then God's word comes, then the rest [of the participants] put on the ceremony – they pray about that to ask for its cure, that those ideas are forgotten. Then, that's how they remain in the eyes of God, and with that they stay in peace. Then the other believes it in his heart. That's how *q'oq* exists; that is how they see the meaning of *q'oq*; that's how we are before God. (elderly man)

Therefore, as another elderly man explains: 'He [someone who is suffering from *q'oq*] mistreated the other one, so the other one bore the guilt, so he didn't reply. He didn't reply, neither with a fight, with anger; no, it just remained in his heart.' Indeed, as the widows expressed above, it is not up to them to respond.

As previously said, originally there existed in the Maya cosmovision no conception of sin like that found in Christianity, because there exists only the idea of imbalance in the relations between men and between men and nature. Yet syncretism between Mayan cosmovision and Christianity cannot be denied, as, in the opinions on reconciliation regarding the perpetrators, the expressions of *kuyuk maak*, Dios (God), *q'oq*, *mayejak* and *k'amok ib sa' usilal*, *tojok maak* (to pay your fault), are frequently intertwined.

This discussion of the case of the blind and lame ex-commissioner reveals the existence of multiple ways of understanding justice, reconciliation and truth recovery in post-conflict processes.

Other narratives of q'oqonk in the context of the conflict

As mentioned above, many narratives were collected of ex-PACs and commissioners suffering from *q'oq* throughout the different regions.

Interestingly, some survivors remember the circumstances in which 83-year-old General Lucas García died in 2006 and interpret this also as *q'oqonk*. Apparently,

he suffered during his last years from Alzheimer's disease and became totally immobile (see *La Prensa Libre*, 2005).

I think that it is *q'oq* that this person received, like General Lucas, who died. How many years was he ill – ten years or twelve years? How many doctors and hospitals are there in the United States? He couldn't be cured, because he ordered to kill people in Guatemala. He is the cause of the conflict. Let's say, also the cause of Rios Montt. I think he will pay for this also, because here [in this life] we pay for what we do. And I think that it is also *q'oq* of little girls, the people and women who were pregnant. This is what they will receive, because it is true. Because the people that died don't have any guilt. (man)

Important to note is that this invisible spiritual force not only has its effects in the social sphere, but also in the natural sphere. Significantly, elderly people gave explanations for the failed corn harvests and unhealthy poultry over the years. The elders attribute this to the loss of knowledge of rituals and *q'oq* of the food destroyed during this conflict.

Because there is more *q'oqonk* before God, let us say, that what was done, or the holy maizecobs, the holy maize, the holy beans, they [soldiers] took away their existence, without guarding them. Sometimes maybe there was no sowing and there wasn't any harvest; they died in the mountain. And it came over us, *q'oq* came over us. (elderly man)

Some people even attributed the massive wave of violence in the capital by youth gangs (*maras*) and murders of women (*feminicidio*) to *q'oq* or 'the consequence of all the blood of people without guilt that coloured the country during the conflict'.

Localizing justice and reconciliation at Maya Q'eqchi' community level

The ways Q'eqchi' survivors deal with the impact of extreme abuse and transgression of the social and spiritual order in their own community or region affirms that: 'transitional justice is not the monopoly of international tribunals or of states: communities also mobilize the ritual and symbolic elements of these transitional processes to deal with the deep cleavages left – or accentuated – by civil conflicts' (Theidon, 2006: 436).

The various stories of those who are suffering *q'oq* contain similar elements. The protagonists are people who collaborated with the army by giving them names of suspected guerrilleros, which led to the death of those people. Most of them killed civilians with *ganás* or pleasure. Jealous pride and enjoyment of power made them exceed and abuse their position as chief of the patrollers and commissioner. These people decided on the life or death of the villagers.

Some have died in strange circumstances and others are suffering from incurable illnesses. The people of the community, and also the villagers of communities nearby, have heard of these people and understand very well what the origin of their suffering is. The people who are still alive are blind, lame, poor and dependent on others to perform simple actions, to move about in the community and survive. They are in a powerless situation totally opposite to their position during the conflict. The internal logic of the cosmos put them in a shameful situation, not only for themselves, but also for their family. Indeed, as outlined above, inducing shame is one of the basic principles of the Mayan normative system. At first sight surprisingly, in the case of the blind and lame ex-commissioner, even his own victims are helping him which reveals the existence of a new *modus vivendi* or *tuqtuukilal*.

In addition, the situation in which these people are found, is comparable to the image of 'to drop his head' or *kubsiik aawib*. This invisible spiritual force lets them 'bend – kneel' in public, in front of those who suffered: the community and the deity. The image of kneeling is very strong in the Mayan cosmivision, because this attitude shows respect and humility to the cosmos. The act of making an offer to the deity in a cave, in front of an altar, in a church or during a *majejak*, is always performed while kneeling.

The presence of *q'oqonk* exposes the fact that the suffering or dead exceeded their positions and helps to uncover the truth and wrongdoing. It also has a reparative effect because survivors receive recognition of their pain and harms. An invisible space is created through which perpetrators reintegrate into the community, paving the way for reconciliation among survivors. This helps to explain how victims and 'perpetrators' are living side by side. Indeed, as Honwana states: 'Beyond the verbal sphere, an inclusive use of symbols and symbolic actions can be an equally important road to reconciliation' (2005: 98). *Q'oqonk* does not simply attend to an individual problem, it lifts the problem to community level. Thus, *q'oqonk* has interrelated functions. It serves to prevent transgressions as it implies a prohibition that should be respected and thus has an educational function. Once somebody is suffering *q'oqonk* it has a retributive and restorative effect on the person, the family and the community. At least, at the local level of the Q'eqchi' communities, impunity, as defined by international law, is not the end of accountability nor truth recovery, reparation or reconciliation.

Conclusions

This local and cultural analysis reveals the existence of multiple ways of understanding justice and reconciliation and challenges strongly the international obligation to prosecute the perpetrators of gross human rights violations. Indeed, it challenges the assumption among transitional justice scholars and practitioner that all victims of atrocities want to see the perpetrators brought to court. In fact, Q'eqchi' perception not only does not support this assumption, but may even hinder this, for fear of *q'oqonk*. Further, this is, in fact, a cultural equivalent of retributive and restorative justice and this should be acknowledged; nevertheless,

a risk must not be overlooked. The history of the armed conflict has shown there is a real danger of manipulation and politicization of elements of Mayan culture by the army, and therefore this cultural knowledge can be abused, becoming a justification for the prevalent impunity.

Hence, it is worth clarifying that *q'oqonk* should not be seen as a response to the failure of state institutions to provide accountability, but rather as 'well-established local tradition(s) of settling accounts with histories of individual and collective violence' (Igreja and Dias-Lambranca, 2008: 81). Indeed, the survivors managed to mobilize local and cultural practices and attitudes to face the legacy of the atrocities and to find a new *modus vivendi*. Similarly, in the context of post-conflict reconstruction Culbertson and Pouligny demonstrate that local groups 'return to tradition' to solve conflict after mass crime, but also recognize (2007: 272): 'that innovation is part of every culture's reality, and that borrowing and grafting ideas from the outside and reshaping old concepts to new experiences are also important local strategies... They should be understood as such and not romanticized.'

Here, the absence of demanding justice among Q'eqchi' survivors stands in strong contrast with other regions, or Mayan groups such as the Maya Achi of Rabinal, where there is a strong demand for justice. In fact, survivors of the Río Negro massacre near Rabinal filed criminal complaints against the military and several PAC members to the court of Salamá in 1993.¹⁹ Also, survivors of the Plan de Sanchez massacre near Rabinal received compensation from the state as a result of two judgments of the Inter-American Court of Human Rights in 2004. Both cases were initiated by national and international human rights organizations using the frame of international human rights law.

So this raises the very intriguing question of whether this absence of a demand for justice is related to the specificities of the Q'eqchi' cosmovision and/or the historically lower presence of human rights organizations that, among other issues, strongly advocate justice. Indeed, the idea of a culture 'uncontaminated' by external influences and transnational discourses is problematic. In fact, it is interesting to what extent and how (inter)national legalistic discourses of transitional justice penetrate and reshape local and cultural views embedded in a normative system where harmony and tranquility are central, rather than retributive justice. Indeed, the transnational character of transitional justice should be acknowledged.

Nevertheless, the most pressing question of this research is: what is to be done with these multiple ways of understanding justice, reconciliation, reparation and truth in peacemaking and transitional justice policies? To the extent that room is made for accommodation of non-Western mechanisms to deal with the past, are we ready to acknowledge that these mechanisms may be situated in a field that makes Westerners decidedly uncomfortable, i.e. the spiritual? For those who originate from societies that have struggled to achieve secularism, this may be the hardest bit: accepting the strong presence and role of spiritual and symbolic processes of dealing with the past in certain post-conflict societies, and taking them as seriously

as the Western credo of courts and prisons. It may be similarly hard for those whose mindset is determined by Western conceptions of international law to realize the importance of building transitional justice interventions on the local perceptions of justice, truth, reparations and reconciliation.

Notes

The author wishes to thank Eva Brems, Bernard Dumoulin, Alfonso Huet, Carlos Fredy Ochoa and Koen De Munter for their human warmth during the field research and all of the former, together with Luc Huyse and Rachel Sieder, for their incisive and helpful comments on earlier versions of this analysis. Also, the author wishes to thank Juan Santiago Quim Can and Dario Caal for tying up the last puzzles, and Manuel Paau and all of the other Q'eqchi' for allowing her to write this. Without their support, it would not have been possible to complete this article. The author is grateful to the Research Foundation-Flanders (FWO) for funding the research.

Earlier drafts of this article were presented at the conference of the International Peace Research Association (IPRA) July 2008 in Leuven (Belgium), at the conference of the Red Latinoamericana de Antropología Jurídica (RELAJU) October 2008 in Bogotá (Colombia) and at the conference 'Taking Stock of Transitional Justice', organized by the Oxford Transitional Justice Research, University of Oxford (United Kingdom), June 2009.

All translations are the responsibility of the authors.

1. Similarly, Tim Allen (2006: 131) explains in his research on northern Uganda that in the Lwo language 'ideas about "amnesty", "forgiveness", "reconciliation" and the setting aside of punitive judgment are not conceptually distinct'. Rather, the concept *timo-kica* can be used for all of them. Therefore, talk of "forgiveness" may not mean what it suggests in English'.
2. I agree with Esquit and Ochoa (1995) that this method is a fundamental step in the analysis of the Mayan order and that it is necessary to apply it to such issues as reparation, reconciliation, healing, justice and truth.
3. All interviews were in Q'eqchi', with an interpreter, and were recorded.
4. This phrase is used in order to bypass the – largely irrelevant – debates in transitional justice on what is traditional and what is not, and is broad enough to encompass a wide range of phenomena (see Viaene and Brems, 2010).
5. However, amnesty was ruled out for the internationally proscribed crimes of torture, genocide and forced disappearance.
6. REMHI was the second truth commission organized by the Catholic Church and was set up to support the CEH; it was initiated in 1995 and presented its report *Guatemala: Nunca Más* in 1998, a year before the report of the CEH.
7. However, the results of the CEH, though in lesser way of the REMHI, have rarely been diffused throughout the country or even given back to the people who testified.
8. For a fuller discussion of the encounter between these state interventions and local cultural realities see: (Viaene, forthcoming).
9. Whereas, as outlined above, this is currently the case in the African continent.
10. A phrase which I borrow from Pouligny et al. (2007).
11. See for example the studies of Zur (1998), González (2002) and Sanford (2003), though their research was conducted in the 1990s.

12. Monolingualism among the Q'eqchi' is 65.7 percent, the highest in the country.
13. Between 2000 and 2006 there were 464 land conflicts, with a concentration in the municipalities of Cobán and San Pedro Carcha (Secretaría de Asuntos Agrarios Presidencia de la República Guatemala, 2007).
14. Another example of these manipulations was the sign above the entrance to the Cobán military base, which reads, 'Military Base of Cobán, Home of Soldier *Tzuultaq'a*.'
15. Haeserijn (1975: 51) described *awas* as:

the positive effect produced when a thing is used or treated according to its nature. . . and the bad effect, the punishment which that thing gives, when it is used against its nature. People generally judge '*awas*' according to its negative effect.

Further:

the pedagogic effect. . . of the concept of '*awas*' is very broad. Man learns that, in his actions, he must take into account the rights of the others and of things, if he does not, the '*awas*' is there to punish the transgressor.

Sieder (1997: 61) argues that 'the relative absence of punitive sanctions among Q'eqchi' communities – at least in part – is linked to the concept of *awas*'. *Awas* also exists in similar form with the Maya Quiché and Kaqchikel (Esquit and Ochoa, 1995).

16. There exists an array of secrets which are related to the cycle of sowing, harvesting and the use of maize or protecting the maize against harm or they are related to the forces of the cosmos that can act over people.
17. *Sum aatin* is also the word for a couple as husband/wife.
18. One wonders to what extent there is a syncretism or a coexistence between two similar value systems. Personal Interview Dario Caal, Q'eqchi' and Catholic priest, La Tinta, 1 April 2009; Dario Caal is one of the few Q'eqchi' Catholic priests, he was also involved with the reallocation of internally displaced Q'eqchi' during the end of the 1980s and the early 1990s.
19. In 2008 six ex-PACs were sentenced to 780 years' imprisonment.

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