

PEACE AFTER GENOCIDE

Torn societies need reconciliation, *Daniel Philpott* argues, not the international communities theology of prosecution.

Every country that in recent years has moved toward democracy and peace first suffered large-scale assaults on human dignity from dictatorship or civil war: genocide, massacres, torture, rape, maiming, abduction of children, illegal detention, the destruction of homes and livelihoods. Countries like South Africa, Rwanda, East Germany, Timor-Leste, El Salvador, Chile, Serbia, Argentina, and Albania all faced the questions: What is the meaning of justice when it has been so despoiled? Can past evil on this scale ever be overcome? Can it be transformed or redeemed? Should the guilty be punished, and if so, how severely? Can the tyrants and their victims be reconciled? Should they be? What difference, if any, does God make to the answers to be given?

These questions are the sorts to which theology has long provided answers. It should not be surprising, then, that the answers now supplied by the international community—United Nations officials, human-rights activists, international lawyers, and global diplomats—sound theological

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while they do not explicitly assert a theology. English political scientist Stephen Hopgood makes the point in what is my favorite title of an academic conference paper, "Sinners in the Hands of an Angry ICC." The ICC is the International Criminal Court, created in 1998 to prosecute perpetrators of genocide, war crimes, and crimes against humanity. Patterned after the Nuremberg trials of Nazi war criminals and then the international tribunals created for Rwanda and Yugoslavia earlier in the 1990s, it is the most ambitious expression of the international community's answer to the questions yielded by massive past injustices.

The broader doctrine from which the ICC operates—the international community's ersatz theology—can be called the liberal peace. To the question, "What is a sound response to past evil?" the liberal peace answers: The building of law and institutions, international and domestic, that protect human rights and punish violators of human rights. It assumes that elite officials and international organizations will build these laws and institutions.

Between protecting human rights and punishing violators, it is punishment towards which the international community has marshaled its greatest reformist energies. The reports of Human Rights Watch, Amnesty International, and the International Center for Transitional Justice (the world's leading non-governmental organization studying political transitions), as well as the U.N. documents on the justice of nations moving from tyranny to democracy, give prominence to judicial punishment among all possible measures for addressing past human-rights violations.

What the liberal peace shuns or at least ignores are moral goals that extend beyond the protection of human rights and the infliction of deserved punishment. It does not raise as a possibility, much less as an end, the transformation of hearts and minds and the fostering of virtues among the citizenry. It ignores the leadership of civil society, including religious leaders; the political value of religious ideas (real theology) in creating a functional future for these nations; and practices like forgiveness that allegedly prevent the just application of punishment.

In what sense is the liberal peace like a theology, even though it is decidedly and professedly secular? In its aspiration to satisfy the global demands of justice in response to gargantuan evil. In the centrality, the universality, and the completeness that it claims for its preferred laws and institutions. In the grandness with which its advocates speak about its aspirations. "By bringing perpetrators to trial, the ICTY aims to deter future crimes and render justice to thousands of victims and their families, thus contributing to a lasting peace in the former Yugoslavia," declares the

website of the International Criminal Tribunal for the former Yugoslavia.

Held almost universally in the international community, the liberal peace stands as the global orthodoxy for addressing past injustices. And an orthodoxy needs a church. The ICC even has a cathedral: It is housed in a pair of glass-and-steel towers in The Hague, soaring in their authority, resembling the headquarters of a European multinational corporation. It has a pope: the court's chief prosecutor, Luis Moreno Ocampo. An Argentinian lawyer who made his fame prosecuting generals of Argentina's "Dirty Wars" of 1976 to 1983, he has, more than anyone, given the ICC a public profile of an organization assertively pursuing arch-war criminals and insisting upon justice. It has a magisterium, found in successive documents of U.N. secretaries general beginning with Boutros Boutros-Ghali's *Agenda for Peace* in 1992. It has its saints, like Woodrow Wilson and Eleanor Roosevelt.

The liberal peace has a doctrinal tradition, too. Its doctrinal tradition is rooted mainly in Enlightenment thought, which proposed a new understanding of rationality to replace the medieval Christian understanding of reason and treated that rationality almost as if it were divine (think only of the French revolutionaries' Cult of Reason), proposed international organizations to keep the peace (Immanuel Kant, for instance, wanted a league of republics), and accorded a central place to individual rights, justifying them as protections for individuals in a precarious state of nature. It is this stress on political orders built on individual rights that gives the liberal peace its name. Its list of major theologians includes Rousseau, Kant, and John Rawls. Most of today's espousers of the liberal peace justify punishment, however, not by Kant's retributivism but through the later thought of utilitarians like Jeremy Bentham, who held that the purpose of punishment is to deter others from committing crimes and to rehabilitate the offender.

Deterrence and rehabilitation indeed stand as the two central justifications for punishment—core theological tenets—in the contemporary advocacy for the liberal peace and specifically in the international courts. The charters of the international tribunals for Yugoslavia and Rwanda and of the ICC speak strongly of deterrence. If a war criminal from Serbia or Sudan can be brought to trial, the reasoning runs, then a rebel commander in Liberia or Colombia will think twice before massacring civilians. Rehabilitation here means not that of individual criminals but of entire societies that have suffered war or dictatorship, as

when supporters of international tribunals describe punishment as “overcoming a culture of impunity.” The term implies that when the citizens of Cambodia or Argentina see their country’s war criminals or dictators tried and convicted, they will place more faith in the rule of law, and the society can move more easily toward a peace settlement or democracy.

The unforgivable sin in this theology is amnesty. If judicial punishment is the overriding goal of the liberal peace, a legal grant of pardon to a suspected war criminal can only merit the judgment: *Anathema sit!* Instead, human-rights activists and international lawyers cry *Nunca mas!* (Never again!). Those of them who advanced the international courts of the 1990s had been galvanized for judicial punishment in the 1980s when several Latin American military dictators received blanket amnesties. Still today, amnesty elicits their most vociferous ire.

So the liberal peace and its signature tribunals are like a theology, complete with institutions that are like a church, and this theology reigns as the global orthodoxy. But what fruit has the liberal peace borne? As of this writing, Ocampo has publicly indicted 27 people from seven sites of conflict, all of them African. The International Criminal Tribunal for Rwanda (ICTR) has indicted 92 persons and convicted 29 since 1997, while the International Criminal Tribunal for the former Yugoslavia (ICTY) has indicted 161 persons and convicted 50 since 1994. The ICTR is projected to have spent \$1.4 billion by the time it finishes its work, and the ICTY \$2 billion.

Have the results been worth the effort? The ICTR and ICTY have produced fewer than five convictions per year and have spent more than \$20 million on each one. The ICC has secured only a single conviction, the recent one of Congolese rebel leader Thomas Lubanga. Surely more will follow. Still, nine and a half years has been a long wait.

The trouble with tribunals, and the central response to past injustices in the liberal peace, however, runs deeper than their lack of visible success. The two main justifications for them, deterrence and the rehabilitation of societies, have proven flawed.

Consider deterrence. The moral appeal of the idea is clear. In a perhaps apocryphal story, Adolph Hitler recalled to his General Staff in 1939 the amnesty that outside powers gave to the Turkish officials who massacred over one million Armenians nearly a quarter century earlier, quipping “Who after all is today speaking about the destruction of the Armenians?” ICTY prosecutor Richard Goldstone argued that the international community’s failure to prosecute Pol

Pot, Saddam Hussein, and Somalia’s Mohammed Aidid encouraged Serbs to undertake ethnic cleansing in the early 1990s.

But does deterrence work? While some studies indicate that harsher punishments deter certain crimes, few show this effect for major human-rights violations, and the ones that do are much disputed. Soldiers who have decided that it is worth risking their lives to slaughter members of another ethnicity, nationality, or political persuasion are unlikely to be deterred by the threat of jail time. (They may even be willing to jeopardize military victory or effective occupation to accomplish such a goal, as did Nazi military leaders when, at great military cost, they systematically massacred civilians in the Soviet Union and southeastern Europe.) Often, even when threatened with being tried as war criminals, tyrants have already committed massive crimes and have little added punishment to fear from committing more, as was the case in Yugoslavia in the 1990s.

Dictators and their underlings will not feel threatened by international bodies as long as their regime appears strong. Should it weaken, they may well commit crimes to save it. Though some analysts cite evidence that indictments from the ICTY deterred war crimes in Yugoslavia, such claims are vastly overshadowed by the Serb massacre of some eight thousand Bosnian Muslim men and boys at Srebrenica in July 1995, with the Hague sulking in the north. Serbs later committed massacres against Kosovar Albanians despite the ICTY’s indictment of President Slobodan Milošević and other top Serbian leaders. Advocates of trials claim that if Western powers had been more willing to use force the threat of being tried by the ICTY would have deterred Milošević and his allies more strongly. Perhaps. But the day when outside powers can be counted upon to hunt down war criminals in conflicts where they have no other stake is still far away.

Doubts may be raised, too, about social rehabilitation, the second justifying rationale for international tribunals. It is far from inevitable that the judicial punishment of war criminals will build stability, and peace, and give popular legitimacy to the rule of law, as the rehabilitation rationale claims it will. Following the victory of the French resistance over the Nazi collaborationist Vichy regime in 1944, Albert Camus and the Catholic novelist François Mauriac debated how society should deal with the collaborators. At first, Camus favored execution for “men of treason and injustice” who had held high positions in the Vichy government. Only capital punishment for traitors could root out the injustice of this period and help France to establish a just regime.

Mauriac replied that instead the times called for charity, forgiveness, and reconciliation—for forgoing trials in favor of reintegrating former enemies. Two years later, Camus came to agree with Mauriac. The Provisional Government's courts had become circuses, meting out death and other harsh sentences to some collaborators while treating far more guilty ones much less harshly. Worse, mobs had summarily executed thousands of real and alleged collaborators in the streets, while maiming, raping, and brutally humiliating many others. Historians compare the period to the Reign of Terror of 1789.

Camus did not accept much of Mauriac's reasoning. He was not a Christian and did not agree with Mauriac's views of divine justice and forgiveness. He came to reason that given the consequences of pursuing retributive justice during times when vengeance reigned and judicial structures were shaky, it was better to forego punishment in the interests of a stable peace in which the French could begin to return to normalcy.

Far from rehabilitating societies, tribunals may instead deepen divisions, foment revenge, and further violence. A problem that bedevils today's international tribunals and reduces the possibility that they can effectively rehabilitate a society is their almost inevitable selectivity in prosecution. In civil wars with multiple factions, plucking criminals from one faction for prosecution may well raise cries of injustice from other factions and propel further conflict. Consider the Second Congo War, fought between 1998 and 2004, whose death toll exceeds that of any war since World War II. The war was fought not between the government and one rebel faction but rather an array of factions with names like the AFDL, the RCD-ML, the FAC, the UPC, the APC, the MLC, the RCD-Goma, and the FRP, as well as nine outside states. Since no one of these groups monopolized atrocity, arresting a commander from only one of them is bound to foment resentment and anger among the others.

The court's lack of enforcement powers makes such inflammatory selectivity virtually inevitable. The world's four largest states—the United States, Russia, China, and India—have not signed on as members of the court and cannot be relied upon for help in apprehending those the court indicts. The court is thus forced to cooperate with heads of state, making it unlikely that it will prosecute them or their generals.

Uganda exhibits exactly such a dynamic. Ocampo issued the ICC's first indictments against five leaders of the Lord's Resistance Army (LRA), including its commander, Joseph Kony, who are responsible for

the abduction of more than 20,000 children (and perhaps many more), mutilations, rapes, and the displacement of some two million Ugandans. Yet the Ugandan government's army is hardly innocent of atrocities either, having displaced, tortured, and killed numerous civilians in Uganda as well as in the Democratic Republic of Congo (DRC). Uganda's high officials, though, are likely to walk free, for the ICC has needed their cooperation to do its work. Today, the four indicted LRA leaders thought to be still alive are on the lam; Kony is probably in the eastern Congo. President Barack Obama recently sent special forces to apprehend them, but it is unclear whether the United States would turn Kony over to the ICC.

A similar dynamic has beset Rwanda. The ICTR depends on the cooperation of the current Rwandan government, dominated by Tutsis, and it has indicted and tried primarily Hutu orchestrators of the genocide of 1994 and only a few Tutsis. While Tutsis were mainly the victims of the genocide, their rebel army, the Rwandan Patriotic Force, committed its own crimes during its campaign to overthrow the Hutu government in 1994, while after 1994 the Tutsi government's army, according to reports of the U.N. and human-rights groups, massacred thousands of Hutu civilians in exile in the DRC. Such selectivity is hardly conducive to the "we are all Rwandans" message that the current Rwandan president, Paul Kagame, constantly preaches. It rather corrals power into Tutsi hands and inflames Hutu resentment.

International tribunals endanger peace and stability most when they seek to prosecute commanders while an armed conflict is still underway. Ocampo indicted the LRA leaders in 2004, when war was still roiling. Kony refused to sign the Juba peace accords in 2008—and bring an end to the war and its overt suffering—because his indictment at the ICC still stood. Eventually Ugandans themselves shared the judgment that prosecutions were perpetuating the war. Whereas a 2005 survey conducted by the Human Rights Center at the University of California, Berkeley showed 53 percent of the public preferring peace with trials, by 2007, 80 percent had come to prefer peace with amnesty. In March 2008, even Uganda's President Yoweri Museveni reversed his position, announcing that traditional tribal reintegration rituals and national tribunals could together replace trials at The Hague. Ugandans had become weary of the ICC.

Contrary to the international community's preference for prosecution, other conflicts teach the lesson that replacing dictatorships and civil wars with democracy and a stable peace sometimes requires

compromising with dictators and war criminals. Had South African apartheid leaders not been granted amnesty, they would not have left power, at least non-violently. When Chilean general Augusto Pinochet consented to a referendum on his presidency in 1988, he did so sheltered by an amnesty. In both cases, amnesty facilitated a transition to a healthy democracy following a long period of dictatorship.

So what can we conclude about the liberal peace and its quasi-theological commitment to judicial prosecution? First, quite simply, the record of international courts in securing convictions has been thin. Second, there are reasons, both logical and evidentiary, to doubt the prevailing rationales for judicial prosecution, deterrence, and social rehabilitation. Integral to both sets of doubts is the courts' lack of power to enforce their indictments. They too seldom catch criminals to deter them; in order to catch them the courts must rely on heads of state, thus breeding unfair selectivity and, consequently, further social instability. There is a large gap, then, between the scope of the liberal peace's ambitions and the reality of its accomplishments.

It would be mistaken, though, to reject the liberal peace and the new global orthodoxy wholesale. Both human rights and just punishment are morally worthy commitments. We need a firm notion of human rights to define past injustices and the sort of regime that overcomes them. To be sure, valid questions may be raised about whether Enlightenment justifications based on insecurity in the state of nature can truly ground human rights. Older accounts grounded in the dignity of the person created in the image of God are, in my view, far stronger. Still, the liberal peace is right to hold that laws and institutions ought to be based on human rights.

As for just punishment for architects of atrocity, it is laudable when it can be achieved, and sometimes it has been achieved. The ICTY brought to trial Serbian leaders Slobodan Milošević, Ratko Mladić, and Radovan Karadžić. After persistently chipping away at Chile's amnesty law, human-rights lawyers secured over 250 convictions for human-rights violators of the Pinochet period. Likewise, in Argentina, obstacles have been removed to the prosecution of perpetrators of the Dirty War. Trials of human rights violators are not without their successes.

Still, if the liberal orthodoxy contains a partial truth, its deficiencies beg for a reformation. Even if international tribunals, especially the ICC, were to meet with greater success in arresting arch-human-rights violators, deterring future violators, and bolstering the rule of law, they would remain morally unsatisfying as a response to massive evil. The larger problem with a theology that brings such a singular

zeal and gives such an overriding priority to judicial prosecution is that it reserves little attention for the vast suffering that genocides, civil wars, and dictatorships leave even after the tyrants have been replaced and the shooting has stopped.

The wounds of war and dictatorship extend far more widely. Victims who have been forgotten and ignored frequently demand recognition of their suffering, for instance. Victims urgently need stable governance and economic development. Enemies need to learn to live together again in villages in countries like Rwanda and Uganda where they have little choice but to do so. The greatest problem with the liberal peace is that it is too narrow.

Is there an alternative to the orthodoxy? Yes: reconciliation. Previously rare in the politics of the nation-state, a concern not just with punishment but with reconciliation has sprouted up dramatically in global politics over the past generation. It is mostly the religious who have sponsored reconciliation, and among the religious, mostly Christians.

South African Anglican Archbishop Desmond Tutu, the chair of that country's Truth and Reconciliation Commission, stands as the most famous embodiment of this concept. "There is no future without forgiveness," he told South Africans.

Catholic Archbishop John Baptist Odama has advocated reconciliation in Uganda. Brandishing the credibility that he has gained by venturing through the bush several times to meet with Kony in his hideout, Odama is a leading voice among Ugandans who oppose the ICC's indictments. Instead he exhorts Ugandans to forgive perpetrators and to reintegrate soldiers into their villages through rituals that involve repentance, restitution, and forgiveness. When I interviewed Odama in his residence in Gulu, Uganda, I asked him why Ugandans ought to forgive. He pointed to a crucifix on his lap, explaining that forgiveness is a participation in the redemptive work of Christ.

From Uganda, the site of the ICC's prosecutorial experiments, comes the story of Charlotte, abducted from her Catholic boarding school by the LRA in 1996 when she was thirteen years old. Her mother Angelina and other parents of abducted children began to meet at the Catholic cathedral every Saturday to fast and pray for their daughters. One day, praying the Our Father, they came to the words "forgive us our sins as we" and could not go on. Their bitterness and anger, they realized, separated them from God and blocked their prayers. They resolved to forgive their neighbors, their family members, their community members, and even the rebels. "Praying for those who had wronged us became our sacrifice," Angelina said.

The parents then began to speak with the community about forgiveness. Angelina even went to the mother of the rebel commander who was holding her daughter hostage and told her that she had forgiven her son, her clan, and her tribe. The parents also advocated for the release of all abducted children and began to receive international attention for their efforts. Worried about the publicity, Kony approached Angelina and offered to release Charlotte if the parents would stop demanding the release of the children the LRA had seized. Angelina refused: She would only stop if all of the children from the same school were released. Seven years after Charlotte was abducted, she escaped and was reunited with her parents.

But forgiveness profits from no towers in The Hague. The secretary general rarely mentions it in his statements on building peace. Few heads of state have practiced it, with the prominent exception of South African president Nelson Mandela. Ordinary people, though, have forgiven their enemies, in Rwanda, Sierra Leone, South Africa, Timor-Leste, South Africa, Uganda, Northern Ireland, and El Salvador.

Forgiveness is dangerous. In Guatemala in the mid-1990s, after a civil war that had lasted three decades, Catholic bishop Juan Gerardi mobilized the Catholic Church to conduct its own unofficial truth commission that uncovered over 14,000 human rights violations through a unique mode of investigation that supported victims pastorally. In 1998 he presented the commission's report at the cathedral in Guatemala City, urging Guatemalans to embrace the truth about the past, to repent, and to forgive. "Christ's mission is one of reconciliation," he announced. Two days later, officers of Guatemala's army bludgeoned him to death in his garage.

Reconciliation, sociologist Jonathan Van Antwerpen claims, has become a global heterodoxy to the liberal peace's global orthodoxy. Further, it poses a true theology against the liberal peace's analogous secular theology. Why has reconciliation arisen in global politics at this moment in history? The demand for it clearly comes from the global wave of societies addressing their past. But what accounts for its supply?

The explanation, argues South African theologian John de Gruchy in his book *Reconciliation*, lies in the growing conviction among Christian theologians in the twentieth century that God's reconciliation of the world to himself through Jesus Christ encompasses political orders, not merely relationships among persons or within families or church communities. Thinking along these lines have been theologians

as different as Albrecht Ritschl, P. T. Forsyth, Karl Barth, Jan Milic Lochman, and, more recently, Miroslav Volf and Donald Shriver.

De Gruchy might have placed more Catholic voices in his litany, including Pope Benedict XV, who commended forgiveness and reconciliation to European nations at the end of World War I, and Pope John Paul II, who also advocated mercy and forgiveness as political practices. The current pope told his first general audience in St. Peter's Square in 2005 that he had named himself Benedict in part for Pope Benedict XV and his witness for reconciliation. He has since invoked reconciliation with respect to the politics of Lebanon, the Middle East in general, China, Africa, and, in his Message for the World Day of Peace of 2011, religious freedom.

Understood biblically, reconciliation means a holistic restoration of relationship—the very achievement of the cross, according to traditional Christian theology. In the political realm, this encompasses the commitments of the liberal peace to human rights and even accountability for war criminals, but it also includes the redress of the wide range of wounds that tyrannical violence inflicts through a correspondingly wide range of practices that bring a measure of restoration to victims as well as perpetrators.

Pope John Paul II forcefully articulated this logic in his great but oft overlooked encyclical of 1980, *Dives in Misericordia*, where he affirms the importance of justice—meaning rights and desert—but goes on to argue that justice alone, detached from love and untempered by mercy, is prone to collapse into spite, hatred, and even cruelty. Mercy is not the Enlightenment's narrow notion of a cancellation of deserved punishment but is rather a will to "[promote] and [draw] good from all the forms of evil existing in the world and in man." Mercy is thus the animating virtue of reconciliation.

How, in practical terms, does reconciliation exercise this will to draw good from evil? To offer one example, victims of war and dictatorship often find their suffering forgotten or ignored by the surrounding community and cry out for recognition. Practices of public acknowledgment—through a truth commission, for example—can be restorative. Speaking to the *New Yorker*, Mzykisi Mdidimba, who had been tortured by the apartheid regime in South Africa, said that her testimony at South Africa's Truth and Reconciliation Commission "has taken it off my heart. . . . When I have told stories of my life before, afterward, I am crying, crying, crying, and felt that it

was not finished. This time, I know that what they've done to me will be among these people and all over the country. I still have some sort of crying, but also joy inside."

In Germany during the 1990s, victims of forced and slave labor during the Holocaust negotiating a compensation agreement with the German government objected that financial reparations alone would amount to blood money, an appeasement through payoff. Only when the government agreed to offer a public apology and to tell the victims' story through school textbooks did they agree. Here, as in the example of Mdidimba, the moral restoration that takes place is richer and more complex than rights and punishment alone can describe.

Yet Western liberals have attacked the importance of reconciliation and forgiveness. The political philosophers Amy Gutmann and Dennis Thompson reject not only Tutu's invocation of religion and charged that, by seeking to transform the attitudes, emotions, and moral judgments of citizens, he improperly imports soulcraft into statecraft and transgresses the autonomy of citizens—contemporary liberalism's most sacrosanct value. They also argue that the amnesty the South African government granted to perpetrators of human rights under apartheid in exchange for their testimony before the Truth Commission compromised justice and could be defended only if it were necessary for a transition to democracy, not by any idea of reconciliation.

True, forgiveness cannot be forced upon the victims of mass violence. Yet advising the global community and nations' political leaders not to advocate forgiveness, as Gutmann and Thompson do, unwisely partitions inner virtue from political practice. Where citizens' natural and understandable hatred, fear, and desire for revenge threaten to undermine a fragile peace agreement or an embryonic democracy, restorative political practices may well be essential not only for stability and the conditions needed for moving toward democracy but for what justice can be achieved.

Reconciliation need not reject punishment. It does not contradict the goals of the liberal peace even while it transcends them. Even Tutu did not rule out punishment in principle and looked upon amnesty as a necessary compromise. East Timor's Catholic bishop Carlos Belo, who won the Nobel Peace Prize for his advocacy of human rights, spoke the language of reconciliation but insisted on trials for Indonesian generals who had carried out civilian massacres. A theologically based concept of reconciliation favors

a restorative rationale for punishment, one that does not dispense with desert but that construes the purpose of punishment as repairing ruptures in right relationship. Restorative punishment comports with Thomas Aquinas' justification of temporal punishment as "medicinal" and with the *Compendium of the Social Doctrine of the Church's* averral that the purposes of punishment are "the reinsertion of the condemned person into society" and "fostering a justice that reconciles."

What does restorative punishment mean practically? For masterminds of mass crimes, nothing short of long-term imprisonment can express adequate penance.

Other perpetrators might receive accountability through public forums that are designed to restore communities. Timor-Leste, for instance, addressed its war of 1974 to 1999 by undertaking Community Reconciliation Panels for crimes less than rape and murder, such as arson, beating, and theft. Entire villages would gather and hear and acknowledge the testimony of victims, while perpetrators would tell their stories and often be led to repentance and a desire to make amends. Village elders and religious leaders would then determine a punishment, usually one designed to integrate the perpetrators back into the community through rebuilding houses or repairing roads.

Rwanda took a similar approach towards the 125,000 genocidaires who languished in prison following the atrocities of 1994. Although human-rights lawyers have been justified in criticizing *gacaca* courts for their low standards of due process and selectivity in prosecution, others have shown that acknowledgment, repentance, and forgiveness have taken place widely in the hearings, in good part due to the influence of churches. As restorative punishment illustrates, one of the greatest virtues of reconciliation is its realism: It enables people to live together again.

Restorative punishment, much like other practices of reconciliation, retrieves the distinctive logic of a religious tradition and brings it to bear upon modern liberal democracy.

The idea that laws and institutions are sustained by virtues and practices that they do not generate takes inspiration from Pope Benedict XVI's latest encyclical, *Caritas in Veritate*. There he argues that free economies depend on values like gratuitousness that are outside of and not normally associated with markets, and which are rooted in the love that God revealed in Jesus Christ. He argued something similar

for liberal democratic political orders and added other virtues like mercy, gift, forgiveness, and generosity.

The argument at hand places this reasoning in the context of political orders that are trying to build democracy and peace in the aftermath of colossal violence and oppression. The international community has placed its hopes for this task in governments based on human rights and the rule of law and even more so in international courts. These goals are not wrong; my argument for reconciliation takes no issue with them. In particular, laws and domestic institutions based on the rule of law and human rights are indispensable for justice. The problem with the liberal peace is in part that international courts have contributed little to building a just peace in political orders.

The larger problem, though, is that the wounds that wars and dictatorships inflict and that threaten

to undermine peace and democracy are far wider, deeper, and more variegated than can be addressed through establishing rights and delivering punishment. Unless a healing balm like that found in the restorative drama of Christianity is brought to the persons and societies that have suffered these wounds, then rights, the rule of law, and any hope for just punishment may well be doomed.

This conclusion is especially poignant in light of the past century, when violent suffering has taken on the proportion of two world wars, the Holocaust, Cambodia, Rwanda, Bangladesh, Sudan, Congo, Hiroshima, the partition of India, the massacres of 1965 in Indonesia, Stalin's Russia, Armenia, Timor-Leste, Bosnia, and the global practice of abortion. Having lived under both Nazi and Communist rule, Pope John Paul II knew keenly the world's need for healing and for mercy, reconciliation, and forgiveness. With the credibility of a sufferer, he wrote that "loud cries" of mercy should be the mark of our time. ■

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