

# PEACEBUILDING

*Catholic Theology, Ethics, and Praxis*

Edited by

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## Reconciliation

### *A Catholic Ethic for Peacebuilding in the Political Order*

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It is only fitting that Catholic philosophers and theologians take a great interest in the restoration of societies that have suffered through international wars, civil wars, genocide, invasion, dictatorship, and anarchy. The definitive “hour” of Jesus and the participation of believers in this hour through the sacrament that the church calls “the source and summit of Christian life”<sup>1</sup> are, after all, quintessentially restorative events: sin, evil, and death are defeated and friendship with God and justice are restored, though neither victory is yet consummated. Is peacebuilding not an *imitatio* of just this transformation? In the wake of a century in which evil and death took on the proportions of two world wars, the Holocaust, Cambodia, Rwanda, Bangladesh, Sudan, Congo, the partition of India, the massacres of 1965 in Indonesia, Stalin’s Russia, Armenia, Timor-Leste, and Bosnia, such an interest is all the more fitting. Yet, while, during this time, the church offered a marvelous succession of teachings on the ethics of war, economic justice and development, human rights, labor, and democracy, and enduring concepts like solidarity, subsidiarity, the preferential option for the poor, and the gospel of life, it has published no encyclical on restoring peace in broken societies. Might now be the time for one?

Over the past quarter-century a spate of endings has rendered peacebuilding a preoccupation of political actors all over the globe. The “Third Wave” of democratization brought an end to dictatorships in Eastern

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Europe, Latin America, Africa, and East Asia, while a wave of peace settlements has brought civil wars to a close around the globe. Both sorts of endings leave successors to deal with past injustices and to build new regimes.<sup>2</sup> Peacebuilding has become the most difficult challenge for the United Nations and arguably for U.S. foreign policy since the end of the Cold War in Somalia, Bosnia, Kosovo, Iraq, Afghanistan, and elsewhere. As Maryann Cusimano Love's chapter shows, the U.S. Department of Defense, Department of State, and Agency for International Development, along with the World Bank and scores of nongovernmental organizations (NGOs) have made peacebuilding an important priority, too. So have sectors of the Catholic Church: pastors and prelates in Chile, Brazil, Guatemala, El Salvador, Colombia, Northern Ireland, Bosnia, Timor-Leste, the Philippines, Rwanda, Burundi, and South Africa, and organizations like Catholic Relief Services, Caritas, and the Community of Sant'Egidio all over the world.

But what concept of justice governs these efforts? This is where guidance is sorely needed. The church has hardly remained silent on the subject of peace, of course. In Chapter 10 Kenneth Himes describes how it has developed the concept vigorously, at least since Pope John XXIII's 1963 encyclical *Pacem in Terris*. It has offered no systematic ethical guidance, though, for societies facing the dilemmas of "dealing with the past," to borrow the phrase used in Northern Ireland, and of fashioning a more just future. What sort of punishment do human rights violators merit? Are amnesties justifiable? May trials be abjured to achieve a peace agreement? May leaders apologize on behalf of nations? Do representatives of past generations merit reparations? Who owes them? Can states practice forgiveness? Ought mass crimes be forgiven at all? Does forgiveness imply compromising a struggle against an unjust regime or the waging of a just war? Questions like these are posed regularly by victims of human rights violations, perpetrators, citizens, civil society leaders, and politicians in societies that are dealing with the past, and by the international organizations, outside states, and NGOs that seek to influence these efforts. They form the agenda of a Catholic ethic of transitional justice.

Neither is it the case, though, that the church has offered no teaching at all for societies facing past evils. One of Pope John Paul II's lesser known encyclicals, his 1984 *Dives in Misericordia* (*Rich in Mercy*), was revolutionary in just this regard. It taught that mercy is a virtue for social and political orders, to be practiced through forgiveness and reconciliation. Unheard of in statecraft, political forgiveness had been rare in papal teaching as well; Pope Benedict XV's commendation of it at the end of World War I had been its only previous appearance. John Paul II's teaching was not a fluke, though. He would resound it in several subsequent addresses, most famously after the attacks of 9/11/01, when he appended to Pope Paul VI's famous dictum "no peace without justice" the corollary "no justice without forgiveness."<sup>3</sup> Benedict XVI has continued these themes, even naming himself partly for Benedict XV and his witness for peace and reconciliation. Other theologians, too, both Catholics and other Christians, have proposed

reconciliation for today's politics, often emphasizing forgiveness, and have sought to construct a theological foundation for it.<sup>4</sup>

But the principles advanced in these theologies, path-breaking as they are, leave largely unanswered the specific ethical questions faced by societies dealing with the past. Behind each of these ethical questions is a demand for the enactment of a particular dimension of peacebuilding—punishment, forgiveness, building just institutions, reparations, and the like. Considered in isolation, though, these dimensions are often incomplete. They are complementary. Tensions may also arise between them. They seem contradictory. So, they must be integrated. John Paul II stressed, for instance, that forgiveness did not negate justice, including the just use of force.<sup>5</sup> A Catholic ethic of peacebuilding would assimilate all of these dimensions while attending to each one's particularity.

A proposal for such an integrated ethic, or at least the essentials of one, I unfold in this chapter. While it shares the concern of the other essays in this volume with theology, peacebuilding, and the role of the church, it focuses distinctly on the political order. Though the church is often a participant in transitional justice, here I envision it as the articulator of an ethic to be practiced by political authorities. The ethic's orienting concept is reconciliation, which I construe as a concept of justice and of peacebuilding that envisions a holistic, integrated repair of the wounds that war and dictatorship leave behind. This way of thinking about justice and peacebuilding is not customary in today's global politics, where the "liberal peace," a paradigm rooted in the philosophy of the Enlightenment, dominates the thinking of the international organizations, NGOs, donor agencies, and outside states who are most involved in political transitions around the globe. Reconciliation, by contrast, is rooted primarily in biblical texts, which Catholic theologians have begun to tap systematically for social ethics only in the past generation, as well as natural law, which is more familiar to the tradition. As I argue, these different sources yield different, though also partially overlapping, ethical approaches.

### Reconciliation: A Concept of Justice

In the dusty aftermath of colossal injustice, talk about justice may sound surprising. Yet, talk about justice takes place, even where evil is exponential. Far more than a quieting of guns and stability in the streets is demanded by victims, politicians, and other members of societies making transitions from war and authoritarianism, by the outside governments, NGOs, and international organizations who influence these transitions, and by the ocean of analysts and academics who comment on them. Their demands can be grouped into two paradigms. The first, because it is widely held among the United Nations, the World Bank, NGOs, the U.S. Government and its relevant agencies, other Western governments, and ideological allies of these organizations within transitional societies, has come to be known among

analysts as the "liberal peace."<sup>6</sup> Its commitments are those of the liberal tradition that succeeded Hobbes: equal liberties, elections, impartial courts, the rule of law, distributive justice, and economic development, as articulated variously by John Locke, Immanuel Kant, John Stuart Mill, John Rawls, as well as more recent liberal thinkers. A corollary to this consensus, dealing specifically with past unjust deeds, arises from human rights advocates and lawyers: punishment for perpetrators and reparations for victims. What they most extol are successful trials of war criminals; their signature accomplishment is the International Criminal Court. What they most decry are amnesties; their greatest failure was the blanket amnesties in Latin America during the 1980s.

But other inhabitants of sites of catastrophe and other outside supporters have put forth very different demands: acknowledgment of the suffering of victims, the confession and transformation of perpetrators, public apologies, acts of forgiveness, public memorials, the healing of a wide array of wounds, and the overcoming of hatred and enmity. Combined and linked, these demands make up a second paradigm: reconciliation. Most succinctly and traditionally defined as "restoration of right relationship," the concept has emerged recently and forcefully in numerous settings of past (and sometimes ongoing) war and dictatorship. It was eponymous for truth commissions in Chile, South Africa, Peru, Sierra Leone, and elsewhere, and it even became a central point of reference in recent debates over American policy in Iraq. It is disproportionately, though not exclusively, the religious who advocate reconciliation. Religious leaders preaching reconciliation lent prominent leadership to transitional justice efforts in South Africa, Sierra Leone, Timor-Leste, Peru, Chile, Guatemala, and post-unification Germany. Churches and religious NGOs have led civil society reconciliation initiatives in Rwanda, Bosnia, Kashmir, and Pakistan. Numerous theologians have reflected on reconciliation in recent years.

But if reconciliation is an alternative paradigm, it still needs development, especially in its political application. Indispensably, several theologians have offered deep and sophisticated theologies of reconciliation; in this volume Lisa Cahill (Chapter 11) and Robert Schreier (Chapter 13) contribute their own. But through what sorts of practices is reconciliation enacted in politics? How are states, international organizations, and civil society organizations supposed to pursue it? How are these practices to be justified ethically? What dilemmas attend them and how are these to be resolved? What is needed is an ethic that connects philosophically and theologically grounded concepts of reconciliation with actual political practices—an ethic of political reconciliation.

Such an ethic, I argue, is in fact a concept of justice. This idea will ring strange to modern liberals, for whom justice means rights and duties, liberty and equality, the fulfillment of contracts, distributive claims, or this or that kind of criminal justice. Even many advocates of reconciliation, not to mention critics, speak of it as something other than justice. Many view it, rather, as being in tension with justice, supplementary to justice, or simply

the restoration of standard liberal forms of justice. Here, though, I aim to defend a concept of justice that envisions the holistic restoration of right relationship in social orders riven by the wounds of political injustice. Reconciliation is not entirely opposed to liberal approaches to dealing with the past, for it can incorporate human rights, reparations, and punishment (though on a different justification), which, after all, are also dimensions of social restoration. Still, reconciliation is distinct for its holism and its integration of a wide range of restorative measures. It encompasses but exceeds contemporary liberal ideals.

Catholic theology is well equipped to develop this ethic. The core idea of reconciliation as a concept of justice finds its support in the Bible, a source of ethics that Catholic theologians have only begun to tap systematically since the Second Vatican Council.<sup>7</sup> Other components of the ethic, like human rights and the foundations of political authority, are rooted in natural law and articulated freshly in papal encyclicals since the Second Vatican Council. In the spirit of the council's project of "ressourcement," my aim here is to retrieve from the biblical texts a way of thinking about justice that, when conjoined with contemporary commitments to human rights and international law, forms the core of an ethic of peacebuilding for modern states who are dealing with the past.

### The Argument from Biblical Language

English translations of the Hebrew scriptures contain a certain linguistic feature that proves crucial to a Catholic approach to political reconciliation: The Hebrew words that translate into "justice" also frequently translate into "righteousness." These words are *sedeq* (or, in its feminine form, *sedeqah*) and *mishpat*. Close to each other in meaning, they often appear together, one denoted as "justice," the other as "righteousness": "Cloud and darkness surround the Lord; justice (*mishpat*) and right (*sedeq*) are the foundations of his throne" (Ps 97:2).<sup>8</sup> But if the Old Testament means by justice something quite close to righteousness, what does it mean by righteousness? Surveying the term's many appearances, Bible scholar Elizabeth Achtemeier explains that it always means right relationship—between parents and children, siblings, priest and worshipers, merchants and buyers, kings and subjects, judge and disputants, members of a community and the widows, orphans, poor, and resident aliens among them, and between each person and God, each living up to the demands of a particular relationship, all of these relationships aggregated into a comprehensive right relationship within an entire community and between an entire community and God.<sup>9</sup> Frequently, especially when forming a hendiadys, *sedeq* and *mishpat* are terms of political and social justice, expressing a pattern of divine action that earthly kings are to mimic.<sup>10</sup>

This justice that reflects righteousness includes but exceeds judicial norms. As I will explain is true for political reconciliation, this justice is not only a state of affairs but a process of restoration involving rectifying the plight of

the poor and the dispossessed; freeing those who are trapped in poverty, debt, and slavery; giving bread to the hungry; canceling debts; and judging and punishing oppressors.<sup>11</sup> Second Isaiah 40–55 pronounces most clearly the restorative character of justice, using the term again and again to describe God's comprehensive restoration of a people that has gone astray, ultimately through a messianic suffering servant. Justice here is "saving justice"—an active, transforming process.

The close tie between justice and righteousness is reinforced in the Christian scriptures, where the whole family of Greek words beginning with *dik-* commonly translate both into the family of English words that begin with "just" as well as words that draw upon "right."<sup>12</sup> The Apostle Paul frequently uses the language of justice, especially the concept of justification, to describe Christ's saving work on the cross. Central to a Catholic view of justification (and to many Protestant ones, too) is the idea that it not only declares but also makes the sinner just—that is, righteous.<sup>13</sup> Justification bears communal fruits as well: concern for the weak and the poor, the mutual bearing of burdens, and peace and harmony.<sup>14</sup>

The upshot of this linguistic reflection is that the meaning of reconciliation is quite close to the meaning of justice. The concept of right relationship that is at the core of reconciliation can be understood in two senses. First, it can mean the process of restoring right relationship. Second, it can mean the state or condition of right relationship that results from this restoration. If, in turn, justice means comprehensive right relationship or righteousness, then we can further understand reconciliation as a process of restoring justice or as the state of justice that results from this restoration. It is in these senses that reconciliation is a concept of justice—the core claim of a Catholic, biblically based approach to the ethics of political reconciliation.

The word *reconciliation* (or *reconcile*) shows up in the New Testament fifteen times, twelve of these in the letters of Paul, who adopts reconciliation as his central metaphor for expounding the Christian gospel.<sup>15</sup> The Greek roots of these words are *katallage* and *katallosso*, which can mean either an exchange of goods or money or else a transformation of enmity and alienation between persons into a state of friendship and peace—that is, right relationship.<sup>16</sup> Both of these meanings converge in the New Testament, which describes God exchanging places with humanity, taking humans' sin upon himself, and defeating it through his death on the cross, thereby freeing humanity to enjoy friendship with God and with one another.

Along with justice, there are two other concepts that in modern parlance seem to be distinct from reconciliation but whose biblical meaning is practically convergent with it. The first of these concepts—peace—converges with reconciliation in the sense that it is a state of justice, a state of right relationship. For the argument at hand, this is an especially significant convergence, for it parallels reconciliation's role as an ethic of peacebuilding for political orders. The Hebrew word for peace, *shalom*, is used to characterize

the life of the Jewish community, where it means health and prosperity, economic and political justice, and honesty and moral integrity in relations between persons—something much like comprehensive righteousness.<sup>17</sup> Hebrew scriptures make explicit the intimate link between peace and the justice that is a state of comprehensive righteousness.<sup>18</sup> The New Testament word for peace, *eirene*, is the direct translation of *shalom* from the Septuagint, the Greek translation of the Jewish scriptures, and here again involves material welfare, justice, and right order in a community.<sup>19</sup>

The other concept that converges closely with the justice that is reconciliation, this one corresponding to the sense in which reconciliation is a process of restoring right relationship, is mercy. Such an ambitious role for mercy will seem strange to children of the Enlightenment, who have understood mercy much more narrowly and conditionally as being a release from deserved punishment, an exceptional departure from justice.<sup>20</sup> But in *Dives in Misericordia* John Paul II draws from scripture in proposing that mercy is “manifested in its true and proper aspect when it restores to value, promotes and draws good from all the forms of evil existing in the world and in man”—a much wider, transformational virtue that indeed resembles reconciliation. Several times in this encyclical he argues that mercy in fact complements justice. Elsewhere in *Dives in Misericordia*, though, John Paul II suggests an even more radical relationship in which mercy not only complements justice but “accomplishes,” “restores,” “reveals the perfection of,” “confer[s] a new content [on],” and serves as “the most profound source of” justice. This far more intimate and defining relationship between justice and mercy is only possible if justice is something much like reconciliation—a holistic transformation of ruptured relationship to right relationship. It is at the end of *Dives in Misericordia* that John Paul II arrestingly and innovatively applies mercy to political orders. Should it indeed belong in politics, mercy is the virtue that animates political reconciliation.<sup>21</sup>

The language of scripture, then, can support a case that reconciliation is a concept of justice that involves a restoration of right relationship, animated by mercy, and a resulting state of right relationship, characterized by peace. In their biblical meaning these concepts are far closer to one another than they are in their modern Western meaning, indeed so close that they virtually converge:

- reconciliation = a process of restoring comprehensive right relationship or righteousness = a process of restoring justice = mercy
- reconciliation = a state of right relationship or righteousness = a state of justice = peace

### The Argument from the Biblical Narrative of God’s Response to Evil

The notion of justice as reconciliation can also be discerned in the narratives of scripture, particularly in its descriptions of God’s response to evil. Parallel to the ethic of political reconciliation, this response is holistically



restorative, involving acknowledgment of injury and injustice, material restoration, the restoration of liberty and equality, repentance, and forgiveness. It also involves punishment of the unjust. But as I argue further below, punishment, too, can be understood as restorative—"restorative punishment," as one theologian has called it.<sup>22</sup> What is not found in the scripture, though, at least when it is comprehensively considered, is a God whose reconciliation is conditional upon a punishment that first "pays up for" evil and injustice, measure for measure.

Considered in all of these dimensions, God's response to evil is quite different from the attempt to find a logical, philosophical "solution" to the problem of evil on the part of Enlightenment philosophers and their progeny.<sup>23</sup> The God of scriptures never delivers any such answer, not even in response to the pleading of Job. Rather, as Jewish scholar Jon Levenson argues, God's solution is action—the taming and containing of evil and the restoration of the covenants in which God establishes the character of right relationship. Similarly, the ethic of political reconciliation that I set forth here consists of practices that restore persons and relationships in the specific senses in which political injustices wounded them. Such restoration, like God's restoration, is real but partial. A final victory, the consummate restoration, is postponed—excruciatingly postponed in the eyes of biblical writers: "O Lord how long shall I cry for help and you will not listen! Or cry out to you, 'Violence!' and you will not intervene" (Hb 1:2).<sup>24</sup>

In the Old Testament, God responds to his people's repeated turning away from him through a continual restoration of his covenant that involves *tikkun olam*, "repairing the universe." Return to the land; return from exile; a guarantee of life; freedom for prisoners, slaves, and the oppressed; a cancellation of debts; sight for the blind; comfort for the poor, the widow, and the orphan; defeat of the wicked; and the broad restoration of justice, of right relationship—Jewish scripture describes all such repair.

The Gospels of the New Testament then identify Jesus as the fulfillment of Isaiah's prophecy of the suffering servant—the very servant who "brings justice to victory" in the words that Jesus quotes directly from Second Isaiah according to the Gospel of Matthew.<sup>25</sup> Many of Jesus' actions and teachings reveal the restorative character of this justice: three parables of mercy in the Gospel of Luke, including the shepherd who rejoices in finding the lost sheep for whom he left behind ninety-nine others to seek, the woman who similarly exults in finding the one lost coin for which she scoured her home, as well as the prodigal son; Jesus' parables of the unforgiving servant and of the vineyard worker in the Gospel of Matthew; his saving of an adulterous woman from stoning in the Gospel of John; and many other stories in which he heals people from debilitating illness, forgives their sins, and he even raises Lazarus from the dead. The restorative justice of Jesus culminates in the "hour" of his death and resurrection.

Over the centuries Christian theologians have reflected on this hour and its meaning through a host of theories, metaphors, models, and doctrines. The Catholic Church, like the Orthodox and many mainline Protestant

churches,<sup>26</sup> has never exalted any one of these concepts as official but has always drawn upon one or another of them to teach about Christ's atonement. Many of these, though far from all of them, carry with them the logic of restorative justice.

The church fathers of the first millennium—most vividly, Saint Athanasius and Saint Irenaeus of Lyon—adopted victory, as in a battle, as their prevalent metaphor. Connoting the crushing stranglehold of sin, evil, and death, and the even more dramatic and thorough unshackling, restoration, and conquest accomplished by the God of life, the victory trope stresses the actual transformation of brokenness.

It was Saint Anselm's *Cur Deus Homo* ("Why God Became Man") that pivoted decisively away from interpreting Christ's death and resurrection as a restorative victory and inaugurated several centuries of harsh, legalistic interpretations—or so say eight centuries of his critics, beginning with Saint Anselm's contemporary Peter Abelard and running straight through today's theologians. Saint Anselm indeed took a legalistic turn, his central notion of satisfaction connoting a penalty that must be paid for sin. But more recent theologians have reinterpreted him as being less retributive and more restorative than his venerable line of critics have claimed—a reinterpretation with which Cahill expresses sympathy in this volume. In rendering satisfaction to God through his death on the cross, Christ is at the same time restoring the beauty, order, and design of the universe, including its social structures. Such a restoration enacts both mercy and justice, argues Saint Anselm.

It was Saint Anselm's successors whose thought was far more legalistic, transactional, and retributive and far more squarely a departure from the victory metaphor. Though they built upon Saint Anselm's propensity toward legalism and system, they developed something quite different—what has come to be known as the penal substitution theory of the atonement. The theory appears most starkly in the thought of Protestant reformers, especially John Calvin and his theological descendants. Christ himself is punished for humanity's sins as a condition of expiating the wrath of God the Father, the logic runs, an expiation that vindicates God's law and wins a not-guilty verdict for humanity but does not actually restore persons and relationships—sanctification is a separate and subsequent process. Such a view, theologian Timothy Gorrige argues, has translated readily into the conviction that breakers of public law must endure a harsh sentence of proportionate pain in order to balance out their misdeeds, apart from any restoration that might take place in and between victims, offenders, and members of a community.<sup>27</sup>

Far more promising for an ethic of political reconciliation is the twentieth-century revival of thinking very much along the lines of the early church's victory approach, with an encouraging twist: a more explicit application of Christ's triumphant recapitulation to the social and political realm. Protestants like Karl Barth, Miroslav Volf, and Jürgen Moltmann have expressed the idea, as have Catholics like John Paul II and Gustavo Gutiérrez.<sup>28</sup> Their

thought raises the possibility of a holistic theology of political reconciliation for modern political orders, one that integrates several practices into a common concept of justice.

### Reconciliation in Modern Politics

How is this biblical notion of justice—a holistic restoration of right relationship, animated by mercy, to a comprehensive state of peace, *shalom*—to be realized in modern politics? Political authority itself is a key ingredient. Modern Catholic social thought has long rendered it indispensable to right relationship in human communities. The present ethic takes a broad view of political authority as the site of its practices of reconciliation. These might take place within a state, between states that have fought a war, or between an intervener state and its target state, as with the United States and Iraq. But if states pursue reconciliation with legitimacy, they also do so with proper limits. Governments concern themselves with right relationship between people insofar as they are subjects of the law, that is, as citizens of political orders or as outsiders who bear human rights. In an ethic of political reconciliation this is indeed the primary meaning of the “right relationship” that is restored: the mutual recognition and practice of human rights among and between citizens and governments. The modern church has come to affirm the centrality of human rights, democracy, and the rule of law to the common good. But it is worth stressing that this common good—right relationship in and among political orders—is only a subset of the biblical justice of right relationship within a community and between its members and God. It is beyond the state’s authority, and often its competence, to promote reconciliation between people in respects that do not at all bear upon their role as citizens—for instance, solely in their roles as friends or as members of families, communities, churches, and other civic associations. The state can promote reconciliation among its citizens and remain a limited state, much as modern liberal democracy envisions it.

Reciprocally, the church itself rightfully contributes to the political order, including its reconciliation, but refrains from performing the state’s governing tasks itself.<sup>29</sup> In recent decades the church and organizations like Catholic Relief Services have followed this model in working directly to repair the emotional, spiritual, and psychological wounds that citizens have suffered in conflicts in Rwanda, Colombia, Burundi, Guatemala, and elsewhere, as John Paul Lederach’s and David O’Brien’s chapters discuss. They have followed it, too, in publicly urging the state to address past injustices in Timor-Leste, South Africa, Chile, El Salvador, and many other places, and further in offering its prelates as truth commissioners or even organizers of truth commissions, as was Bishop Juan Gerardi Conedera in Guatemala.<sup>30</sup> And finally, they have followed it in doing what this essay and other essays in this volume by Todd Whitmore, Peter-John Pearson,

and Kenneth Himes seek to do—setting forth norms of justice for the state's activities.

But if the role of the state is limited as well as complemented by the political activity of other actors like the church, the reconciliation that it properly performs is more comprehensive than the restoration of rights and the rule of law alone. The very restoration of rights and the rule of law—the state's characteristic end—requires addressing the wide range of wounds that results from the violation of victims' rights in the name of the political order and its performance of a wide range of practices that aim to repair these wounds in the realization of a just political order. Such capacious restorative activity, even though it is more circumscribed than biblical *sedeq* or *shalom*, is nevertheless patterned on and to some degree approximates these biblical notions.

The justice of reconciliation indeed much resembles what has come to be known as restorative justice. The concept arose in the 1970s as an approach to criminal justice in New Zealand, Australia, the United States, and Canada. The U.S. Catholic bishops have endorsed it as a Christian approach to crime and punishment.<sup>31</sup> It was Anglican Archbishop Desmond Tutu, as chair of South Africa's Truth and Reconciliation Commission in the mid-1990s, who most famously applied it to political orders. Though its advocates do not agree on everything that restorative justice means, three themes emerge in common: (1) A crime—or here, a political injustice—is a rupture of relationship among offender, victim, and community, not merely an offense against the law; (2) response to crime ought to be oriented toward repairing these relationships and the several dimensions of injury and harm that they leave behind; and (3) such repair ought to involve the active participation of victims, offenders, and members of the community.<sup>32</sup>

What exactly is it that reconciliation seeks to restore? In modern political communities, right relationship is broken through political injustices—unjust deeds or structures that people carry out or build in the name of political programs and ideals. Perpetrators include both agents of the state and members of opposition forces. Here, the ethical context is systemic political injustices: those occurring on a large scale and in some way affecting nearly everyone in a society. But exactly which sorts of acts and laws are unjust? Actual truth commissions, tribunals, lustration schemes, reparations settlements, and political apologies have appealed repeatedly, as if to an oracle, to the norms defining human rights and the laws of war that are embedded in numerous international documents: war crimes, crimes against humanity, genocide, torture, and recently, rape, but also sometimes to other political and civil rights as well as economic injustices.

But if political injustices are defined as the violation of human rights or the laws of war, the dimensions along which they wound people are far more concrete, textured, and multiform. There are at least six dimensions along which wounds sever right relationship.

1. The first dimension approximates the very definition of political injustice: the violation of the victim's basic human rights. Since being a citizen whose rights are guaranteed and upheld by the law is in itself an aspect of human flourishing, this violation can also constitute a form of woundedness.
2. A political injustice does not entail merely the denial of a legal status that a victim ought to have guaranteed, but also, even more directly and perceptibly, harms his or her very person—a second dimension of woundedness. Diminishing the most basic aspects of the person's flourishing, both body and soul, these include death, the death of loved ones, permanent injury from torture or assault, grief, humiliation, trauma, loss of wealth and livelihood, the defilement of one's race, ethnicity, religion, nationality, or gender, sexual violation, the conquest and subordination of one's community, the taking of one's land, and many other harms. All of these assault the human dignity which, in Catholic teaching, the state has a duty to guarantee.
3. A third dimension of woundedness is victims' ignorance of the source and circumstances of the political injustices that harmed them, an ignorance that compounds the harm itself. Most commonly giving voice to it are relatives of the missing and the dead. Their testimonies can be found in truth commission reports from around the world. "If they can just show us the bones of my child, where did they leave the bones of my child?" asked the mother of one missing South African political activist.<sup>33</sup>
4. Deepening this harm is a lack of acknowledgment of victims' suffering on the part of members of the community, either through ignorance or indifference. This is a fourth dimension of woundedness. "For the victims," writes South African political philosopher André du Toit, "this actually is a redoubling of the basic violation: the literal violation consists of the actual pain, suffering and trauma visited on them; the political violation consists in the refusal (publicly) to acknowledge it."<sup>34</sup> In a Catholic perspective, such lack of acknowledgment is a failure to exercise the solidarity with the suffering that imitates Christ's own identification with the poor and the afflicted.
5. The fifth and sixth dimensions of woundedness focus on the perpetrator. The fifth dimension is what may be called the standing victory of the perpetrator's political injustice.<sup>35</sup> This injustice leaves behind not only material, psychological, and spiritual harm, but also the victorious, unchallenged triumph of the message of disregard for the victim's dignity that characterizes the perpetrator's act. That in itself is a harm to the victim and to the shared values of the community and magnifies the assault on dignity manifested by the violation itself.
6. A political injustice not only wounds its victim, but can also, like a discharging cannon, recoil back to wound the perpetrator. That evil injures the soul of the wrongdoer, often manifested in severe psychological

damage, resonates deep in the Catholic tradition, where sin does not just incur a mark in a “liabilities column” but has consequences, real and effective, in the life of the sinner.

All of these dimensions of woundedness reflect harms that political injustices inflict directly, and so may be called *primary wounds*. In episodes of systemic injustice, they are replicated thousands, sometimes millions, of times over. But there is also a secondary, indirect sense in which wounds harm—by forming judgments that then lead citizens to commit further injustices like massacres, genocide, torture, other war crimes, and international aggression, or to withhold vitally needed legitimacy from fledgling constitutional orders. These secondary wounds, as these further injustices may be called, arise from emotions of fear, hatred, resentment, and revenge that attend memories of the original injustices themselves.<sup>36</sup> Names like Rwanda, Northern Ireland, Bosnia, Kosovo, the Basque Country, Iraq, Israel and Palestine, Kashmir, the Rape of Nanking, Hiroshima, and Dresden confirm that secondary wounds can undermine just political orders within or between states, sometimes for generations.

Political reconciliation aims to restore people and relationships with regard to the distinct ways in which political injustices have wounded them, both primary and secondary. Recognizing that political injustices create a multiplicity of wounds, ones that dis sever multiple bonds and obligations among victims, offenders, other citizens, and the state, and that redound in judgments and actions that sunder political orders and relations among orders, it proposes a matching multiplicity of restorative practices. These six practices, again, include building institutions of social justice, acknowledgment, reparations, punishment, apology, and forgiveness. Each in its own way aims to transform the injury, trauma, ignorance, indifference, disdain, lack of accountability, deprivation of citizenship, and the many other diminishments that political injustices create to a condition of comparatively greater human flourishing.

The intrinsic value of these restorations is the first justification for these practices. Through acknowledgment the community recognizes victims’ suffering, affirms their right to restored citizenship, sometimes brings to light information about their suffering, and sometimes brings perpetrators to acknowledge and feel contrition for their crimes. Other practices work in parallel fashion, addressing particular wounds in particular ways. Through a collective apology, a head of state delegitimizes the standing victory of those who committed war crimes in the state’s name, provides recognition to the other state’s victims, and invites the members of its community to participate in this apology and recognition. Accountability, reparations, forgiveness, and the building of just institutions each address certain wounds in certain ways, too. Because all of these practices deal with the wounds that political injustices directly inflict, they may be thought of as *primary restorations*.

These restorations may then redound to produce an additional fruit—transformations in people's judgments about the character of the political community—that, multiplied and accumulated, can serve as a kind of "social capital" that furthers the wider project of restoring political orders and relationships between political orders following war and dictatorship. When victims gain recognition, reparations, apology, restoration of their basic rights, and a nullification of the message that the perpetrator's injustice communicated, when perpetrators come to feel remorse and to witness the nullification of their own message, when members of the community become aware of the crimes that took place during the war or the dictatorship and of the present regime's commitment to deal with them, all of these parties, through all of these practices, are more likely to bequeath legitimacy upon a new regime based on basic rights and thus fortify its stability and longevity. They may also increase their trust in one another, renew their assent to the national identity, and become more willing to deliberate with their fellow citizens. Legitimacy, trust, strengthened national identity, and assent to democratic deliberation: these forms of social capital that counter the momentum of secondary wounds are the second justification for the ethic and may be thought of as *secondary restorations*.

Both justifications correspond to respects in which political reconciliation conducts its restorative work. The ethic can now be stated as a definition. *Political reconciliation is a concept of justice that involves the will to restore victims, perpetrators, members of the community, and states who have been involved in political injustices to a condition of right relationship in the political order or between political orders—a condition characterized most fundamentally by the guarantee and recognition of basic rights. It comprises six practices that aim to restore persons and relationships with respect to the distinct wounds that political injustices have inflicted upon them. These restorations may in turn generate emotions and judgments that bequeath upon the political order legitimacy, trust, and national loyalty, forms of social capital that in turn promote the stability of just institutions, economic growth, peace among states, and other social goods.*

Again, the political authority and its laws—both domestic and international—are fundamental to political reconciliation. Laws are not abstract, impersonal rules that have little to do with right relationships within a community, but in fact set forth the terms of right relationship among the members of a community. The modern state, in turn, legislates, executes, and judges the law, and so is essentially tied to it, not least when it conducts the six practices, which involve imprisonment, the raising and disbursement of reparations, judicial procedures that are subject to due process, rules of testimony, search and seizure, subpoena, debarment from employment, pronouncements of apology in the name of the state, and the like. There is one other ground for the role of the state. Because political injustices are committed in the name of the political order, either to sustain it or to overthrow it, the state, which has the authority to speak for this order, has a special

obligation to repair the wounds that result from these injustices, nullifying their message, declaring the victory of a new set of political values, and performing its particular decommissioning work.

A final distinctive feature of the present ethic of political reconciliation runs as a leitmotif through arguments for restorative justice—the active participation of the parties to the political injustice in the repair of its wounds. If reconciliation integrally involves the state, it is not accomplished alone through its formal legal processes, but through victims, offenders, and members of the community who variously reflect, accuse, defend, demand, narrate, recognize, learn, listen, affirm, show remorse, acknowledge, forgive, and empathize. Mirroring the two justifications for reconciliation, participation is integral to the repair of most of the wounds that political injustices create.

Against these aspirations toward reconciliation runs the sober fact of power politics. The practices will always remain partially achieved, compromised by power, hampered by deep differences over their justice among victims, perpetrators, and other citizens, burdened by their sheer complexity, and weakened by political institutions that have been destroyed and then repaired partially or not at all. Not to be forgotten is the role of original sin in a Catholic ethic, a reality that makes such partiality unsurprising. To think of peace holistically is not to argue that it will be achieved holistically in the political realm, but only that its components are interdependent and ought to be integrated. In part, the ethic provides a set of standards by which the justice of any peace can be evaluated. But it is not one of mere ideals or proposals. In fact, all of the practices do occur, however messily. In these can be found a mixture of breakdown and breakthrough, of disastrous failures as well as moments when “hope and history rhyme,” in the words of poet Seamus Heaney. The predicament that emerges is one where restorative practices occur but are suffused with blemish. Precisely such a predicament calls for an ethic. If the practices were ineffectual, the ethic would be futile; if they did not involve partiality, compromise, and intractable dilemmas, the ethic would be pointless.

### Practices of an Ethic of Political Reconciliation

Enacting reconciliation in the political order are six practices. Imitating the biblical concept of justice, they are multiple, interdependent, and holistic, each of them repairing wounds in one or more dimension so as to bring about a measure of right relationship in or between political orders. The practices complement one another, one often completing what is lacking in another. Together, they model the character of God’s own response to evil—action that restores justice in several dimensions.

Attending each practice is a corresponding set of ethical standards, explicating its just conduct, and a set of ethical dilemmas, identifying problems that each one evokes. These dilemmas are only deepened by the ethic’s partial



achievement. In practice, some practices will be realized more fully than others; some will fail to occur altogether. Nor will, or should, the practices take place in any particular order. They will always be enabled by, confined by, and necessarily adapted to particular circumstances, much in the fashion of *bricolage*. It is not possible here to tackle these dilemmas in detail, but only to identify them and suggest avenues for addressing them. It is rather a framework of an ethic of political reconciliation that is offered.

### Building Socially Just Institutions

When a dictatorship or a war, civil or international, comes to an end, it ought to be replaced by a regime and a settlement based on human rights, constitutional democracy, respect for international law, and a commitment to a just economic distribution. Establishing, legitimating, operating, and enforcing socially just institutions (states and relationships between states) is an indispensable practice of reconciliation. It restores the wound embodied in the law's previous failure to protect basic human dignity. It creates legitimacy for a new regime among its members. In the transitions of the past generation, numerous peacebuilding activities have performed this practice: mediation of war, peace negotiations, conflict resolution, demobilizing and reintegrating armed factions, conducting and monitoring elections, settling refugees, creating new constitutions, and operating international peace-keeping forces, among others.

The standards that govern this practice—human rights, constitutional democracy, and the like—are ones that the church has taught firmly, most explicitly since the Second Vatican Council. They are also shared by the “liberal peace” principles that are enshrined in international legal documents. But the practice is not without its controversies. Some pertain to sequencing: At what point in a transition should certain components of just institutions be introduced? Others pertain to culture: Should new constitutions in Afghanistan and Iraq match international standards for religious freedom or does respect for Islamic law justify their truncation?

Here I focus on a separate dilemma that arises from the holistic character of the six practices. It involves the tension between the peace and stability required for building just institutions and other practices that restore justice but whose pursuit may postpone a peace settlement or regime transition: punishment of human rights violators, repentance, the payment of reparations, and sometimes even elements of just institutions like democracy. It is a tension articulated by human rights activists who protested El Salvador President Alfredo Cristiani's 1993 call for national reconciliation even while he granted a blanket amnesty to death squad leaders and killed the momentum of the country's truth commission; and by South African black theologians who penned the *Kairos Document* in 1986 to protest the stance of “church leaders” who called for reconciliation while only weakly opposing apartheid. Each criticism takes reconciliation to task for short-changing justice.

Paul VI's famous statement "no peace without justice" must be the guiding principle here.<sup>37</sup> Adapted to the present ethic, a peace without socially just institutions, accountability, and the like, falls far short of the holistic peace and justice of reconciliation. It fails to restore right relationship in some crucial respect. Much the same insight lies behind the church's enduring teachings that war and revolution are in principle justifiable: peace requires justice. Just this insight lies, too, behind the church's commendation of nonviolent resistance, a form of opposition that, by uniquely practicing charity towards the enemy, incorporates reconciliation into its means as well as its end. Each in its own way, both war (insofar as it is just) and nonviolent means, can further the justice of reconciliation by bringing an end to unjust institutions, repelling aggression, and putting a stop to war crimes.

So presumptively, the building of just institutions and other practices of reconciliation ought not to be sacrificed for the sake of stability and peace. The dilemma becomes especially acute and complex, though, when it appears that a costly and bloody war or dictatorship can be ended—and the opportunity to build just institutions advanced—through granting amnesty to leaders of military factions or dictatorships in return for their consent to a peace agreement or regime change. Recent transitions to democracy in Chile, Uruguay, and South Africa were advanced in this way. The dilemma has also occurred in Bosnia, Kosovo, Uganda, and several other locales, where international criminal tribunals have sought to try war criminals.<sup>38</sup>

It is difficult to resolve this dilemma systematically. Should the choice be an unavoidable one, then the presumption against forgoing a practice of reconciliation, in this case, punishment, might be overcome and amnesties granted. But it must always be asked whether amnesty is truly required. It has been argued, for instance, that at one phase of the current conflict in Uganda prospective International Criminal Court indictments actually brought combatants to the table, while at another phase these indictments discouraged negotiations. It is also worth asking whether international norms and institutions might soften the choice. As international legal norms against amnesty become fortified, they may strengthen negotiators to insist that they do not have the power to grant amnesty or prevent further prosecution, even if they do not forgo prosecution at the moment. Finally, the horizon of time ought not to be ignored. Even if prosecution is not forgone at the time of a settlement, it is possible that at a future date a national government, judicial process, or international institution will be able to prosecute. In Chile's transition to democracy, for instance, the Chilean Supreme Court upheld a 1978 amnesty law for military leaders, but over the next few years an evolution of court decisions permitted a substantial number of prosecutions of military generals, and even an indictment of General Augusto Pinochet, to take place. To the extent possible, then, individual practices of reconciliation ought not to be sacrificed, but if one must be, it ought to be preserved as much as possible.

## Acknowledgment

The suffering that political injustices inflict upon victims—injury, the loss of loved ones, psychological trauma, impoverishment—is compounded when the community fails to recognize it and is deepened further when victims remain ignorant of the perpetrator, deeds, or motives that brought it about. Victims' memories of the event typically do not omit its essentially political meaning.<sup>39</sup> It was not simply another person who tortured, assaulted, raped, or widowed them, but a soldier who acted on behalf of stability and security, the people's liberation, Christian civilization, or the communist revolution, but always in the name of the political order—the same order whose universal obligation, the church insists but the soldier denies, is to uphold a common good that includes the victims' irrevocable human rights. Lack of knowledge and recognition are themselves primary wounds, but also sources of alienation from and revenge against fledgling political orders—secondary wounds. Healing is urgent. In acknowledging victims, communities confer upon them knowledge of the circumstances of their wound, recognize their suffering, name their wound an injustice, express empathy, and recognize their fully restored citizenship. The community thus communicates and invites victims to share a new memory of the injustice.

Acknowledgment imitates God's own remembrance of the poor, the victimized, and the forgotten, and his will for their complete restoration, a will realized most fully through Jesus Christ. Several contemporary theologians have made this idea the centerpiece of their sociopolitical thought. In dying on the cross Jesus identifies with victims, taking up their suffering into his own. But he does not stop there, German theologian Jürgen Moltmann insists. He then wills and enables their full restoration through his resurrection. Moltmann proposes a political theology that imitates this identification and liberation in the social realm. Likewise, the Catholic Church's teaching on solidarity—the virtue of willing the good of all, especially the poor—enacts socially the love of Christ for his people.<sup>40</sup>

So, too, in recognizing the suffering of victims of political injustice, the community acts in solidarity with them and wills their full restoration as citizens. Following the pattern of the ethic, such acknowledgment is crucial but incomplete. Crucially, it recognizes the political dimension of the injustice and performs the political dimension of the victim's restoration. But political actions alone are unlikely to bring about the victim's long-term healing, which may require long-term pastoral, psychotherapeutic, and community-level care.

It is the truth commission—over thirty of which have taken place around the world in the past generation—that undertakes acknowledgment most thoroughly among public forums. An official body charged with investigating the human rights violations of a past regime or war, it records the testimony of victims, sometimes holds televised or otherwise public hearings, and almost always publishes the results of its investigation in a report, thus

establishing a public record of injustices. Public burials, commemorations, monuments, museums, and the rewriting of school textbooks are also forms of public acknowledgment. Less obvious but potentially powerful is public deliberation, in which citizens debate past injustices in newspapers, television, radio, parliaments, lecture halls, and the like.

Reflecting the holism of reconciliation as a concept of justice, public acknowledgment can sometimes fortify other practices of reconciliation and support secondary restorations. Accounts of several truth commissions around the world report testimonies of victims claiming to have been restored by public acknowledgment and deciding to forgo opposition to the new political order and revenge against their perpetrator—a secondary restoration. Journalist Tina Rosenberg tells of Mzykisi Mdidimba, who claims that her testimony of being tortured by the apartheid state before 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 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."<sup>41</sup> By creating a public record of past injustices, acknowledgment helps to delegitimize previous dictatorial regimes and legitimize nascent democracies, also a secondary restoration. It serves to defeat perpetrators' "message of victory" and communicate censure—both tasks of restorative punishment, as we shall see. Acknowledgment has also elicited repentance and apology on the part of perpetrators. Finally, the testimony that truth commissions gather can contribute to conducting trials and determining reparations.

What makes for good acknowledgment? What forms best restore? What are the limits of a political ethic in promoting it? Might acknowledgment sometimes re-open wounds and beget revenge and instability rather than healing? Do truth commissions and their reports seek to impose an authoritative "truth" that, in Orwellian fashion, suppresses public discussion and dissent? Critics have asked all of these questions about acknowledgment; I can explore none of them here. Rather, I propose the chief virtue of acknowledgment: personalism.

If acknowledgment repairs wounds by providing knowledge and recognition for victims of injustice, then it works most powerfully when it is thorough, direct, and personal. A victim might end up being only briefly mentioned or tallied as a statistic in a truth commission report; this is personalism at its weakest. Far more effective were the seven hundred *animadores* (volunteers) who carried out the investigative work of Guatemala's Recovery of Historical Memory Project (REMHI), the truth commission that the Guatemalan Catholic Church created in 1995 to investigate Guatemala's thirty-year civil war. Trained as "agents of reconciliation," taught not simply to record facts and figures but also to offer emotional, psychological, and spiritual support for victims, these volunteers traveled around the country and interviewed victims over three years, including those in rural areas where the worst atrocities took place.<sup>42</sup> Other

countries have split their truth commissions into many local bodies where both victims and perpetrators are acknowledged directly by people in their own community. For instance, Timor-Leste's Commission on Reception, Truth, and Reconciliation, which spread its work among numerous village-level forums, was conceived in this way. On this level acknowledgment can function best as one of the practices that contribute to justice that restores.

### Reparations

Reparations are a material payment—money, mental and physical health services, and the like—to victims of political injustices by perpetrators, the state, or both. It is typically a national government, national court, or, more rarely, an international court that determines them. In the recent spate of transitions to democracy and civil-war settlements, they have become increasingly common.

There are at least two kinds of arguments for reparations. The first is fairly straightforward in principle, though it can be intractably complex in its application. It is that reparations ought to restore to victims what they lost. The dimension of woundedness that they address is the harm to the person of the victim—economic, physical, psychological—that the injustice inflicted. The obligation here is much like the obligation to repair the harm from sin that the *Catechism* associates with penance.<sup>43</sup> Now, any thoughtful proponent of reparations will point out that devastating harm can never be reversed, least of all by material payments, particularly and obviously when the harm is death or permanent injury. But often judges can determine an approximate, proportionate, and at least partially restorative compensation. In political circumstances perhaps the most intuitive version of this claim is proffered by those whose property was unjustly seized by a dictatorship or combatant in a civil war; here, the actual property or its equivalent in value ought to be restored. Disputes in locales as diverse as post-communist Europe and post-genocide Rwanda have shown these claims to be anything but straightforward, especially when property has changed owners, when original claims to ownership are unclear, and the like. But in those cases where rightful ownership is clear, the compensation argument works fairly well. Far more difficult are claims made by descendants of dead victims: If their great-grandfather had not been a slave, a massacre victim, or had his property ruthlessly expropriated, they would be better off by a certain amount, they assert. As critics like Jeremy Waldron have argued, though, such counterfactuals and the compensation that they are supposed to establish are virtually impossible to assess. How does one sort out the causal impact of the injustice that an ancestor suffered from the sundry other factors that have shaped a descendant's well-being?<sup>44</sup>

But there is another case for reparations that depends far less on counterfactuals or determinations of amounts. It can be called the symbolic-expression argument. Its moral and theological logic converges strongly with the logic behind the practice of acknowledgment. Through

reparations, the community recognizes victims' suffering, remembers it as an injustice, endorses their citizenship, wills their restoration, and, when things go well, persuades them to grant legitimacy for a new regime. The material dimension gives added force to these restorations and also seeks to alleviate, insofar as this is possible, the harm to the victims' very person, a crucial dimension of woundedness. The amount of reparations is less important than in the compensation argument, though not irrelevant. Still plausible is a "soft proportionalism" that demands that greater harms result in greater reparations. Theologically, the argument for reparations is largely the same as the argument for acknowledgment, though it stresses that God's will for the victims' restoration includes their material restoration: slaves are set free, the rights of the poor and oppressed are vindicated. The role of restitution in the Levitical law imitates this divine logic in the communal sphere.<sup>45</sup>

Victims have objected that reparations are "blood money"—attempts by governments to "pay them off" or purchase their silence about crimes whose evil money can never eradicate. The mothers of the "disappeared" Argentine dissidents who marched in Buenos Aires' Plaza de Mayo protested their government's attempts to grant them reparations in just this way, as did some victims of forced labor and slavery during the Holocaust, when Germany sought to compensate them in the late 1990s. Here is where the holistic justice of an ethic of reconciliation can strengthen its component practices. The practice of reparation works best when it is accompanied by acknowledgment and apology, just the sort of communications that victims believe reparations lack. A settlement on Germany's reparations for forced labor finally went through in 2000 when German President Johannes Rau offered a public apology and agreed to establish a school curriculum that would keep the memory of the Holocaust alive for future generations.<sup>46</sup> Reparation can succeed when situated in a set of multiple practices that seek to heal several dimensions of woundedness.

### **Punishment**

To listen to debates in countries dealing with past injustices all over the world, punishment does not fit well with an ethic of reconciliation. Time and again, reconciliation, mercy, restorative justice, and forgiveness are pitted against punishment, retribution, imprisonment, and accountability. It is often proponents of the liberal paradigm, especially members of the human rights community, who take the side of punishment and warn against calls for reconciliation that would deny it. Their arguments have oscillated between retributivism and consequentialism, the two justifications for punishment that have dominated the West since the Enlightenment.

Like retributivists, liberals stress that human rights violators deserve punishment simply because they committed a heinous crime. Punishment ought to be proportionate to the crime, usually takes the form of imprisonment, and is always to follow a fair trial. Though retributivism comes in many

varieties, at its purest it requires punishment apart from any restoration of offenders or relationships, simply because it restores a balance—a society's fair proportion of rights and responsibilities, a metaphysical equilibrium, or a tally between rights and wrongs in the mind of God. Echoed here is the penal substitution view of the atonement. Like consequentialists, human rights advocates also stress the good effects that punishment brings—preventing perpetrators from violating human rights again, deterring future war criminals, and most commonly, providing the accountability needed for a new constitutional liberal democracy to enjoy legitimacy.

But punishment need not be at odds with reconciliation as a concept of justice. It can in fact be a component practice of an ethic of political reconciliation when it is justified according to a “restorative” rationale, one that affirms several aspects of retributivism and consequentialism but also departs from both in key ways, that is consistent with and complements the other practices in the ethic, and that finds deep justification in the Bible and in modern Catholic social teaching.

Like retributive justice, restorative punishment affirms that perpetrators of crimes deserve proportionate punishment, that punishment involves deprivation and suffering, and that due process of law is essential to its determination. But the central rationale for punishment is the restoration not of a societal or cosmic balance, but of persons, relationships, and political orders. The wounds that punishment addresses are the standing victory of the wrongdoer's message of injustice and the disorder in the soul of the wrongdoer himself. Like acknowledgment and reparations, punishment is a political community's communication. It censures the wrongdoer for violating the community's just values and invites the perpetrator to recognize his or her injustice, show remorse, apologize, and eventually rejoin the community. Restorative punishment does not forgo what criminologists call the “hard treatment” of imprisonment or other forms of hardship, which are essential to communicating the gravity of the offense. For the criminal who accepts the punishment, it can serve as a material expression of remorse, a penance. Punishment can also restore by restraining wrongdoers, deterring future violators, and creating legitimacy for a new political order. But unlike consequentialism, its validity does not ride upon these benefits. It does not even ride upon whether the perpetrator comes to repent for his or her deed. Even if none of these occurred, punishment would still serve as a community's penitential communication.<sup>47</sup>

The logic of punishment in scripture runs much along these lines, according to Christopher D. Marshall. In the Old Testament, punishment is part and parcel of God's response to evil, which is to constrain it and to restore the right relationship of *shalom* according to God's covenant. To be sure, in many episodes God delivers death and destruction to evildoers, sometimes on a large scale. What scripture's overarching narrative does not contain, though, is a measure-for-measure repayment of sin with punishment. Many passages, in fact, aver that God is willing to forgive the penitent without a prior payment of penance.<sup>48</sup> Even the large-scale punishments can

be interpreted as having a long-term restorative purpose for the nation of Israel (if not for its individuals!). Marshall argues, too, that the purpose of trial and punishment in ancient Israel was the restoration of relationships, of *shalom*, in the community. Punishment is even a manifestation of mercy—not mercy as Enlightenment philosophers have understood it, a departure from justice, but the biblical mercy described by John Paul II that wills the restoration of all that is sinful and broken.<sup>49</sup>

Today's *Catechism of the Catholic Church* similarly articulates punishment on restorative lines. The “primary aim” of punishment, it declares, is to “redress the disorder” that the offense has caused—that is, its sundering of rightly ordered relationships. The *Catechism* also quotes Thomas Aquinas in saying that punishment's purpose is medicinal—healing, restorative.<sup>50</sup> Comments the *Compendium of the Social Doctrine of the Church* on punishment: “There is a twofold purpose here. On the one hand, *encouraging the reinsertion of the condemned person into society*; on the other, *fostering a justice that reconciles*, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.”<sup>51</sup>

For political orders dealing with past injustices, restorative punishment implies forms of accountability that repair a whole array of wounds, reintegrate perpetrators into the community, involve victims and community members, and are integrated with the other practices. In the case of those who are most responsible for planning and overseeing major war crimes and other large-scale human rights violations, only long-term imprisonment can communicate the gravity of their offense and give credibility to the rule of law in a future regime. Perpetrators of single or isolated acts of murder, rape, assault, and torture ought to be imprisoned as well. Though restorative justice might contribute its own rationale for imprisonment, it becomes much more distinct in its advocacy of complementary institutions, such as public forums, that emphasize exposure of deeds for the public record, shaming, restoration, the acknowledgment of victims, and the reintegration of perpetrators, at least those of lesser crimes, into communities. Even perpetrators of the most serious crimes might face a public forum like these in addition to trials. Forums might include national truth commissions but also rituals and public events on the regional, city, and village levels. Countries like Sierra Leone, Timor-Leste, Germany, and Rwanda have indeed adopted a combination of imprisonment and public forums designed for reconciliation.

An ethic of restorative punishment must confront numerous other questions and dilemmas to be complete—ones of due process of law, determinations of culpability, prosecution of human rights violations that were not illegal under the positive law of the regime where they were committed, and the difficulties of punishment in countries whose judicial institutions have been destroyed. One of the most common and difficult issues in transitional settings is that of amnesties. Blanket amnesties are a moral failure in an ethic of restorative punishment; they prevent imprisonment for those who



deserve it. Above, I argued that they might be acceptable only when demonstrably necessary for a peace agreement. When amnesties must be granted, then, if possible, they ought to be conditional upon perpetrators' participation in a public forum or at least their public confession of their deeds. Colombia's Justice and Peace Law of 2005, for instance, allows paramilitary troops to demobilize but requires human rights violators among them to confess their deeds for a public record in order to receive a reduced prison sentence. South Africa is also famous for its exchange of amnesty for confession at a public hearing, often in front of victims and community members. In this way other dimensions of restoration are elicited even as one is partially compromised.

### Apology

Like reparations, public apology is becoming a more and more common practice. It can be expressed by an individual perpetrator or else by a head of state or other leader speaking in the name of a nation or political organization. U.S. President George H. W. Bush, for instance, apologized to Japanese Americans who were interned during World War II. Through a public apology, a perpetrator nullifies the standing victory of his own message of injustice, commits to healing his own soul, and helps to delegitimize the political injustice of the previous regime or war and establish legitimacy for new institutions. In Chapter 13 Robert Schreier discusses the role that might be played by the church's sacrament of reconciliation, by which the penitent is reintegrated into the church community. Although a public apology does not have the status of a sacrament, several of its dimensions model what takes place there. The perpetrator openly expresses remorse for his or her deed and assumes full responsibility for it. Because the apology is public, it reinforces the community's acknowledgment of the victim. It also involves an appeal for forgiveness, another restorative practice. Apology does not annul deserved punishment and so is consistent with the practice of restorative punishment. A perpetrator might even choose to accept punishment as a penitential expression of apology.

Characteristic questions about public apology are these: On what basis can the leader of a corporate entity like a state apologize for the crimes of its members or perhaps for the misdeeds of a previous leader who is long dead? In apologizing, does the leader supplant the prerogative of the group's members to apologize?

A promising answer is found in "Memory and Reconciliation," the document that the International Theological Commission prepared to explain the church's *mea culpas* of the Jubilee Year 2000. The church may apologize for the sins that past members committed in its name, the document averred, because of its connection to them through the mystical body of Christ. But it cannot apologize for their "subjective" decision to sin, only for the ongoing "objective" effects of their sin. Analogously, a president,

prime minister, or leader of an armed faction can apologize for the crimes that members or a previous leader committed in the name of the state or faction because of the person's authority to speak for that corporate entity. But there is a second sense in which members of the group retain the prerogative to join their voice with or to refuse to endorse the leader's apology, either because they believe they were not complicit in it, do not believe it was an injustice, or do not feel prepared to support the communication. Perpetrators carry the same prerogative. Only they can decide if they want to renounce the evil that they committed and join in advancing the dimension of reconciling justice that apology accomplishes.

### Forgiveness

Of the six practices that make up an ethic of political reconciliation, forgiveness is the most rare, surprising, controversial, striking, and potentially transformative. Rare: It is a recent entrant and still uncommon in global politics. Perhaps the only head of state to have practiced it is South Africa's Nelson Mandela. Other heads of state, like President Patricio Aylwin of Chile, have entreated their citizens to forgive even though they did not practice forgiveness themselves. More commonly, religious and civil society leaders urge both their followers and other citizens to practice forgiveness for political injustices. In the Catholic tradition Benedict XV's proposal of forgiveness for European states following the First World War stands as a striking if largely forgotten example.<sup>52</sup> Victims of political injustices also practice forgiveness more often than political leaders do, though it is difficult to say how often. Perhaps the best indicator for the practice of forgiveness, though still quite an imprecise one, is the emergence of the language of forgiveness and reconciliation in countries dealing with their past. South Africa, Chile, El Salvador, Timor-Leste, Guatemala, Rwanda, Sierra Leone, Bosnia, Northern Ireland, Poland, and Germany are all examples.

Surprising: Forgiveness as a political act does not have a strong pedigree in Western thought or in the practice of the nation-state anywhere. Of the six practices, it is the one that most falls outside the liberal peace, with its stress on the restoration of rights, punishment, and reparations. As I mentioned above, it is also new to the social teachings of the church. Aside from Benedict XV's early and isolated advocacy, no pope strongly and systematically advocated forgiveness as a political practice until John Paul II did in *Dives in Misericordia* in 1984 and in several subsequent statements.<sup>53</sup>

Forgiveness is an act of love through which victims of wrongdoing renounce their justified anger and resentment against their perpetrators along with all claims that the wrongdoers owe them something for their deed. But forgiveness is not just a cancellation; it is also a construction. Forgivers exercise a will to look upon perpetrators in a new way, namely, as persons who are no longer wrongdoers but are now "in good standing." They transform their memory of the perpetrators' deeds from ones that continue to

wound to ones that have been overcome by a superseding act of mercy. They will, too, the restoration of the perpetrators' soul. They invite the perpetrators to apologize, repent, and make reparations if they have not done so already. In these ways forgivers will a restoration of right relationship, or reconciliation. The precise content of this new relationship depends on context. In political forgiveness, it will be a political injustice that the victims forgive and right relationship as fellow citizens that the victims invite.

Forgive political injustices? Even mass atrocities? Restore the soul of perpetrators of war crimes? Critics of forgiveness object, sometimes vitriolically, that it disempowers victims, risks further wounding, condones evil, voids just retribution, undervalues resentment, disrespects those who do not share its commonly religious grounds, and is improperly imposed by governments.<sup>54</sup> The case for forgiveness, then, begins not just with a definition, but with an explanation of what it is not. It does not condone evil but begins with an explicit naming and condemning of it. Nor does it involve a forgetting of evil, but rather presupposes a remembrance of it, though it then seeks to transform this memory. Forgiveness does not mean yielding to or accepting unjust acts, structures, or conditions; it does not preclude the just use of force. It does not mean that victims return to a condition of vulnerability to violence or other mistreatment or relinquish their right of self-defense. In many cases, especially ones of political injustice, forgiveness will achieve some portion of the restoration of right relationship but will stop short of a full restoration of friendship.

Unavoidably, a definition of forgiveness begins to look like a defense of forgiveness. In a Catholic perspective this defense is rooted in theological reasons. Forgiveness is an *imitatio dei*, the believer's enactment of God's own atoning act of forgiveness through Jesus Christ's death and resurrection. It is obedience to a commandment, namely, Jesus' injunction that we forgive our neighbors seventy times seven times. It is also a participation, a sharing in God's redemptive activity, as theologians like Jürgen Moltmann and Alan Torrance have argued.<sup>55</sup> With eternal, unconditional love, the only sort that could be greater than the evil of even the worst mass atrocities, Jesus intimately identifies with the suffering of, and indeed takes up into his very self, each particular victim of injustice, thereby upholding the victim's eternal dignity. In the same act he looks upon the perpetrator as one restored and invites the perpetrator to participate in this very restoration. Perpetrators are thereby liberated from their sin while victims are liberated from the bitterness, hatred, and despair of their loss. Forgiveness is indeed a participation in the restoration of right relationships, of God's covenant, and of *shalom*, a participation in God's decisive defeat of evil, and in the mercy that wills the healing of all that is sundered—a participation in reconciliation. In this spirit John Paul II argued in his messages for the World Day of Peace of 2002 and 2004 that social peace is only possible through forgiveness and reconciliation.<sup>56</sup>

Concretely, it is in the restoration of several of the wounds of political injustice that forgiveness promotes social reconciliation. In naming, condemning, and responding to evil, it defeats the perpetrators' message of injustice. Through actively responding to evil and defining a new set of relationships, victims become restored in their agency. Victims can also experience a healing of the debilitating, corrosive effects of anger and resentment. By being forgiven, the soul of the perpetrator may also come to be healed; sometimes being forgiven even leads perpetrators to repentance and apology. Forgiveness can also establish a right relationship between victims and perpetrators, one that in the political context will take the form of respected citizenship. Finally, forgiveness can elicit the secondary restoration of harmony and stability in the political community: How much more difficult South Africa's transition would have been had not Nelson Mandela and other African National Leaders not magnanimously chosen the way of forgiveness? To note these possibilities of forgiveness is not to assert blithely that forgiveness will bring metanoia in perpetrators. Sometimes it has done so; perhaps far more often it has not. But note, too, that many of these restorative effects can take place even in the case of "stubborn perpetrators," including the defeat of the message associated with their acts. Through all of these restorations, forgiveness accomplishes justice, the justice of reconciliation. Here again, reconciliation proves dissonant from modern liberalism, where forgiveness is pitted against justice. But the logical consequence of calling reconciliation a concept of justice is that forgiveness, which constructs right relationship, including in the political order, is also an act of justice.

As one practice in the ethic of political reconciliation, forgiveness complements the other practices. In full reconciliation, forgiveness is accompanied by apology and reparations. Forgiveness in no way implies forgoing the struggle for social justice when it is egregiously absent. Most important, in contrast to modern liberal political thought and to debates in transitional settings around the world, forgiveness is compatible with punishment in an ethic of reconciliation. This is so because each practice is justified in restorative terms and in fact accomplishes a different dimension of restoration. Indeed, a victim could consistently will both forgiveness and punishment at the same time. In forgiving, the victim defeats the wrongdoer's message of injustice by naming it, asserting his or her own dignity as a subject, and then inviting the perpetrator also to name it, disclaim it, and show remorse for it. In willing punishment, the victim insists that the defeat of the wrongdoer's message requires punishment, both as a communication from the community, and should the wrongdoer accept it, as the wrongdoer's own communication of penance. The victim's desire for punishment does not stem from a claim that the perpetrator owes something, but from the desire to defeat the standing victory of the injustice. The fact that the state carries out the punishment only furthers its compatibility with forgiveness. Acting on behalf of the community and its laws, the state is best situated to communicate the values behind the law to the wrongdoer. It can also, of course,

ensure other important aspects of ethical punishment like a fair trial, due process, and proportionality. In this scenario, victim, perpetrator, and state each seek to defeat the message of wrongdoing from a different direction—a kind of division of restorative labor. Such is indeed the logic of restorative justice, where many parties are involved in different ways.

Things become a little more complicated when the state itself is a party to forgiveness. Imagine if the forgiver was a victim who has now become a head of state—like Nelson Mandela. As president of South Africa, Mandela chose to forgive his jailer, several apartheid leaders, and, perhaps implicitly, all apartheid leaders. This may not exactly have been collective forgiveness. Mandela did not say that he was acting on behalf of the ANC or its members. Still, as president, he was implicitly commending forgiveness to other victims of apartheid. Yet, he also endorsed the Truth and Reconciliation Commission, which at least in principle was supposed to punish perpetrators who did not confess—and even those who did were to suffer the punishment of exposure and censure. In fact, prosecutions hardly happened, and one can debate how much public exposure really punished. But for argument's sake, we can ask: Was Mandela acting contradictorily?

Arguably, his presidential forgiveness was justifiable. But it does require a kind of artificial division of his self into two selves—something like the way that William Shakespeare wrote of the “king’s two bodies” in his play *Richard II*. As a victim and as a leader of South Africans who had been victims of apartheid, Mandela could forgive and carried a special prestige in encouraging others to forgive. In doing so, he was relinquishing malice. Naming the evil of apartheid, he invited its leaders and its followers alike to become respected citizens in a new South Africa. On behalf of his people he made a commitment not to seek revenge or even a balancing retribution. But as a head of state, he also had an executive responsibility to carry out the punishment that the law prescribed on behalf of the community—justifiable as restorative punishment. Wrongdoers still had to suffer deserved punishment; the failure of some to be punished was a failure of justice, even restorative justice. Notice that I have not argued that forgiveness was the reasoning behind South Africa’s amnesty. Even if full prosecution had been pursued, Mandela could have still consistently practiced forgiveness. These logics can be reconciled, then, by thinking of Mandela as having two roles—one as a leader of victims of apartheid, and one as head of state. In each role he could carry out the separate practices of reconciliation, each of which has restoration as its purpose.

It is appropriate to conclude by remembering that nothing in this restorative logic implies that forgiveness is ever easy, especially when it is directed toward colossal political injustices. Forgiveness itself proceeds in stages that involve first identifying the scale of the evil and then working toward a psychological readiness to forgo anger. Victims might take years to reach this readiness; some may never do so. Because of the deeply inward, often gradual character of this process, others, not least political leaders, should

avoid pressuring it and should always respect a victim's right to choose or refuse forgiveness. Philosopher Margaret Holmgren argues insightfully that forgiveness is more of a virtue than an obligation.<sup>57</sup>

### Reconciliation: A Catholic Ethic, a Global Ethic

Forgiveness, like the other practices in an ethic of political reconciliation, advances a concept of justice that involves the restoration of right relationships. It is a surprising concept of justice, one that differs from (although it also overlaps with) the concept of justice that predominates in constitutional liberal democracies and in international law. It is a concept of justice that reflects the character, purposes, and actions of God as revealed in the biblical texts, natural law, and in centuries of the church's reflection.

Of course, most political orders are not predominantly Catholic, many have populations that are mixed between Catholics and non-Catholics, and in some, like Sudan, Timor-Leste, and the former Yugoslavia, the Catholic population has been a disputant faction in a civil war. A strong majority of the world's political orders conduct their constitutional affairs in secular language, as does the United Nations and many IGOs and NGOs that are involved in transitional justice. Are these not obstacles to the realization of a Catholic political ethic in modern global politics?

In secular and pluralistic political contexts, there is no reason at all why proponents of a Catholic ethic of reconciliation cannot seek to find corresponding rationales in other traditions and in secular idioms. The church indeed "urges her sons to enter with prudence and charity into discussion and collaboration with members of other religions," states the Second Vatican Council document, *Nostra Aetate*. Indeed, several of the core ideas in reconciliation as a concept of justice arguably find strong parallels in the other Abrahamic faiths, Judaism and Islam, perhaps in still other religions, and in the thought and practice of native peoples in North America, Maori tribes in New Zealand, and the *ubuntu* tradition in South Africa. Many of these core ideas can be expressed in secular language as well. To claim such correspondences is not at all to argue that each tradition will bring the same warrants, meaning, or interpretation to reconciliation. Rather, what motivates interreligious dialogue about reconciliation is the hope that pluralistic societies will find enough common agreement on its principles to forge practical cooperation in healing the wounds of their past injustices and creating a just political order. Such cooperation, such healing, such justice are ultimately what might be hoped for from an effort to apply an ancient and eternal idea to modern political circumstances. We await an encyclical.

## Notes

<sup>1</sup> *Catechism of the Catholic Church* (2001), no. 1324; Second Vatican Council, *Lumen Gentium* (1964), no. 11.

<sup>2</sup> The exact number of countries that have become democracies since the Third Wave began in 1974 is disputed. Democracy theorist Larry Diamond estimates that between 1974 and 1996, between thirty-six and seventy-seven states became democracies, depending on how one counts democratization. See Larry Diamond, "Is the Third Wave of Democratization Over? An Empirical Assessment," Working Paper no. 236, Kellogg Institute, University of Notre Dame, March 1997; available on the kellogg.nd.edu website.

<sup>3</sup> The post-9/11 address was "No Peace without Justice. No Justice without Forgiveness," Message for the Celebration of the World Day of Peace (January 1, 2002).

<sup>4</sup> See, for instance, Robert Schreier, *The Ministry of Reconciliation: Spirituality and Strategies* (Maryknoll, NY: Orbis Books, 1998); Miroslav Volf, "Forgiveness, Reconciliation, and Justice: A Theological Contribution to a More Peaceful Environment," *Millennium* 29, no. 3 (2000): 861-77.

<sup>5</sup> John Paul II, "No Peace without Justice. No Justice without Forgiveness," no. 5.

<sup>6</sup> See Oliver Richmond, "Patterns of Peace," *Global Society* 20, no. 4 (2006).

<sup>7</sup> John R. Donahue, SJ, "The Bible and Catholic Social Teaching: Will This Engagement Lead to Marriage?" in *Modern Catholic Social Teaching: Commentaries and Interpretations*, ed. Kenneth R. Himes (Washington DC: Georgetown University Press, 2005); John C. Haughey, ed., *The Faith That Does Justice* (New York: Paulist Press, 1977).

<sup>8</sup> Moshe Weinfeld, *Social Justice in Ancient Israel* (Minneapolis, MN: Augsburg Fortress Publishers, 1995), 25-33.

<sup>9</sup> Elizabeth Achtemeier, "Righteousness in the OT," in *The Interpreter's Dictionary of the Bible*, ed. George A. Buttrick (Nashville, TN: Abingdon, 1962), 80-82.

<sup>10</sup> Weinfeld, *Social Justice in Ancient Israel*, 57-65.

<sup>11</sup> Ibid.

<sup>12</sup> Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime and Punishment* (Grand Rapids, MI: Eerdmans, 2001), 51.

<sup>13</sup> N. T. Wright, *Evil and the Justice of God* (Downers Grove, IL: InterVarsity Press, 2006), 117-18.

<sup>14</sup> John R. Donahue, SJ, "Biblical Perspectives on Justice," in Haughey, *The Faith That Does Justice*, 100-102.

<sup>15</sup> John W. De Gruchy, *Reconciliation: Restoring Justice* (Minneapolis, MN: Fortress Press, 2003), 46 and 51.

<sup>16</sup> Ibid. See also Eric Doxtader, "Reconciliation in a State of Emergency: The Middle Voice of 2 Corinthians," *Journal for the Study of Religion* 14, no. 1 (2001): 50; De Gruchy, *Reconciliation*, 51.

<sup>17</sup> Perry Yoder, *Shalom: The Bible's Word for Salvation, Justice, and Peace* (Newton, KS: Faith and Life Press, 1987), 10-23; Howard Zehr, *Changing Lenses* (Scottsdale, PA: Herald Press, 1990), 130-32.

<sup>18</sup> Psalm 85:10 and Isaiah 32:16-17.

<sup>19</sup> Ulrich Mauser, *The Gospel of Peace: A Scriptural Message for Today's World* (Louisville, KY: Westminster/John Knox, 1992), 33.

<sup>20</sup> See Claudia Card, "Mercy," *Philosophical Review* 81 (1972); Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (New York: Cambridge University Press, 1988).

<sup>21</sup> John Paul II, *Dives in Misericordia* (1984), nos. 2, 4, 6, 7, 12, 13, and 14.

<sup>22</sup> Marshall, *Beyond Retribution*, 131–40.

<sup>23</sup> See Susan Neiman, *Evil in Modern Thought: An Alternative History of Philosophy* (Princeton, NJ: Princeton University Press, 2002).

<sup>24</sup> I follow closely here the interpretation of Jon D. Levenson, *Creation and the Persistence of Evil* (Princeton, NJ: Princeton University Press, 1988); Wright, *Evil and the Justice of God*.

<sup>25</sup> See Wright, *Evil and the Justice of God*, 64.

<sup>26</sup> Some Protestant denominations come close to such exaltation, teaching, for instance, the enduring validity of the penal substitution doctrine of the atonement.

<sup>27</sup> Timothy Gorrige, *God's Just Vengeance: Crime, Violence, and the Rhetoric of Salvation* (Cambridge, UK: Cambridge University Press, 1996), 140.

<sup>28</sup> See, among their many other writings, Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, trans. Sister Caridad Inda and John Eagleson (Maryknoll, NY: Orbis Books, 1988); Jürgen Moltmann, *The Crucified God: The Cross of Christ as the Foundation and Criticism of Christian Theology* (Minneapolis, MN: Fortress Press, 1993).

<sup>29</sup> Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Libreria Editrice Vaticana; English trans., Washington, DC: United States Conference of Catholic Bishops, 2004), nos. 424–26.

<sup>30</sup> See Daniel Philpott, "When Faith Meets History: The Influence of Religion on Transitional Justice," in *The Religious in Response to Mass Atrocity: Interdisciplinary Perspectives*, ed. Thomas Brudholm and Thomas Cushman (Cambridge, UK: Cambridge University Press, 2009), 174–212.

<sup>31</sup> United States Conference of Catholic Bishops, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (November 15, 2000).

<sup>32</sup> Zehr, *Changing Lenses*; Marshall, *Beyond Retribution*.

<sup>33</sup> Brandon Hamber and Richard A. Wilson, "Symbolic Closure through Memory, Reparation and Revenge in Post-Conflict Societies," *Journal of Human Rights* 1, no. 1 (March 2002): 40.

<sup>34</sup> André du Toit, "The Moral Foundations of the South African TRC: Truth as Acknowledgment and Justice as Recognition," in *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 133.

<sup>35</sup> Murphy and Hampton, *Forgiveness and Mercy*, 124–38.

<sup>36</sup> On the role of emotions in ethnic conflict, see Roger D. Peterson, *Understanding Ethnic Violence: Fear, Hatred, and Resentment in Twentieth-Century Eastern Europe* (Cambridge, UK: Cambridge University Press, 2002).

<sup>37</sup> Paul VI, "If You Want Peace, Work for Justice. Message for the Celebration of the Day of Peace" (January 1, 1972).

<sup>38</sup> For an excellent empirical account of this dilemma, see Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28, no. 3 (2003).



<sup>38</sup> See David Becker, "Dealing with the Consequences of Organised Violence in Trauma Work," in *Berghof Handbook for Conflict Transformation* (Berlin: Berghof Research Center for Constructive Conflict Management, 2004), 6; available on the <http://berghof-handbook.net> website.

<sup>39</sup> Moltmann, *The Crucified God*, 25, 53, 63, and 31; John Paul II, *Sollicitudo Rei Socialis* (1987).

<sup>40</sup> Tina Rosenberg, "A Reporter at Large: Recovering from Apartheid," *The New Yorker*, November 18, 1996, 92. See also Thomas Buergenthal, "The United Nations Truth Commission for El Salvador," in *Transitional Justice: A Decade of Debate and Experience*, ed. Neil J. Kritz, vol. 1 (Washington DC: United States Institute of Peace, 1995), 292, 321.

<sup>41</sup> Michael Hayes and David Tombs, eds., *Truth and Memory: The Church and Human Rights in El Salvador and Guatemala* (Leominster, UK: Gracewing, 2001), 34, 107, and 25; Paul Jeffrey, *Recovering Memory: Guatemalan Churches and the Challenge of Peacemaking* (Uppsala, Sweden: Life and Peace Institute, 1998), 51; Recovery of Historical Memory Project, *Guatemala: Never Again!* (Maryknoll, NY: Orbis Books, 1999), xxiii–xxix.

<sup>42</sup> *Catechism of the Catholic Church*, no. 1459.

<sup>43</sup> Jeremy Waldron, "Superseding Historical Injustice," *Ethics* 103, no. 6 (1992).

<sup>44</sup> See Marshall, *Beyond Retribution*, 125.

<sup>45</sup> See J. D. Bindenagel, "Justice, Apology, Reconciliation and the German Foundation: Remembrance, Responsibility, and the Future," in *Taking Wrongs Seriously: Apologies and Reconciliation*, ed. Elazar Barkan and Alexander Karn (Stanford, CA: Stanford University Press, 2006).

<sup>46</sup> For philosophers and theologians who have articulated a view of punishment along these lines, see Jean Hampton, "The Moral Education Theory of Punishment," *Philosophy and Public Affairs* (Summer 1984), 245–73; Herbert Morris, "The Paternalistic Theory of Punishment," in *Punishment and Rehabilitation*, ed. Jeffrie Murphy (Belmont, CA: Wadsworth, 1985); R. A. Duff, *Punishment, Communication, and Community* (New York: Oxford University Press, 2001).

<sup>47</sup> See, for instance, Mi 7:18–20; Ex 34:6; Nm 14:18; Neh 9:17; Ps 86:15, 103:8, and 145:8; Jl 2:13; Jon 4:2; and Nahum. For passages expressing God's willingness to restore, see also Jer 31:20; Is 54:7–8; Hos 11:7–9; Neh 9:30–32; Tb 3:2–3, 11–12; 8: 16–17; 1 Mc 4:24; 2 Chr 30:9; Wis 15:1; Sir 2:11.

<sup>48</sup> Marshall, *Beyond Retribution*.

<sup>49</sup> *Catechism of the Catholic Church*, no. 2266.

<sup>50</sup> *Compendium of the Social Doctrine of the Church*, no. 403.

<sup>51</sup> For a recent Catholic argument for forgiveness in politics, see Stephen J. Pope, "The Convergence of Forgiveness and Justice: Lessons from El Salvador," *Theological Studies* 64 (2003).

<sup>52</sup> See John Paul II, "Offer Forgiveness and Receive Peace. Message for the Celebration of the World Day of Peace" (January 1, 1997); idem, "No Peace without Justice. No Justice without Forgiveness."

<sup>53</sup> See Thomas Brudholm, "On the Advocacy of Forgiveness after Mass Atrocities," in *The Religious in Response to Mass Atrocity: Interdisciplinary Perspectives*, ed. Thomas Brudholm and Thomas Cushman (Cambridge, UK: Cambridge University Press, 2009).

<sup>54</sup> See Moltmann, *The Crucified God*; Alan Torrance, "The Theological Grounds for Advocating Forgiveness and Reconciliation in the Sociopolitical Realm," in *The*

*Politics of Past Evil*, ed. Daniel Philpott (Notre Dame, IN: University of Notre Dame Press, 2006).

“ See the *Compendium of the Social Doctrine of the Church*, no. 517; John Paul II, “No Peace without Justice. No Justice without Forgiveness,” no. 9; John Paul II, “An Ever Timely Commitment: Teaching Peace.” Message for the Celebration of the World Day of Peace (January 1, 2004), no. 10.

“ Margaret R. Holmgren, “Forgiveness and the Intrinsic Value of Persons,” *American Philosophical Quarterly* 30 (1993): 350–51. For the stages of forgiveness, see Robert D. Enright, “Counseling within the Forgiveness Triad: On Forgiving, Receiving Forgiveness, and Self-Forgiveness,” *Counseling and Values* 40, no. 2 (1996); and Robert Schreiter, Chapter 13 in this volume.