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Transitional Justice and the Trinity:
A Christian Ethic for Reconciliation and Peacebuilding

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M.A., Claremont School of Theology, 2009

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An abstract of
a dissertation submitted to the Faculty of the
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Abstract

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This dissertation proposes a social trinitarian interpretation of the image of God as the foundation for a theory of reconciliation as the restoration or creation of rights-respecting relationships. In making this argument I lend theological support to advocates of “reconciliationism” in transitional justice and international peacebuilding. Transitional justice and international peacebuilding are disciplines that focus on questions about the nature and pursuit of justice and peace in transitional and post-conflict societies. Reconciliationists have answered those questions by suggesting that to do justice and create a sustainable peace the focus in transitional societies should be on the restoration of right relationships. This dissertation, then, is a contribution to the growing literature on reconciliationism.

Advocates of reconciliationism have generally assumed human interdependence as a starting point for their work. However, this assumption has not been sufficiently developed or grounded. I, therefore, defend a theology of human interdependence that locates the image of God in human relationships intended to embody the divine perichoretic relationships. This theological anthropology is simultaneously able to ground human rights and practices of restorative justice as requirements of reconciliation after the violation of those rights.

In making this argument I claim that reconciliationism is the appropriate approach to transitional justice and peacebuilding for Christians to take because it is the one most consistent with a trinitarian theological anthropology. In addition, I argue that this theology of interdependence requires a Christian theology of reconciliation that emphasizes justice, both as restorative justice and as human rights, rather than prioritizing forgiveness. Finally, I suggest that theologies and philosophies of human interdependence can be a ground for an overlapping consensus on the need for reconciliationism in transitional societies.

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Acknowledgments

This dissertation is the product of years of research on and experiments in the pursuit of reconciliation after violence and injustice. These years have included personal experiences, congregational ministry, social justice activism, countless hours of reading and writing, and time spent “on the ground” in contexts of violence and gross poverty from Los Angeles to Nairobi. The argument presented here would not have been made without the voices of people at Normandie Church of Christ in Los Angeles, Mercy House in Southern California, Made in the Streets in Nairobi, Kampala Church of Christ and the Better Living Resource Center in Kampala, Uganda, and Federal Way Church of Christ in Federal Way, WA. I am grateful for these people and places and I am sure that the influence of these voices appears in these pages.

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Portions of this research have been presented at a variety of conferences including the American Academy of Religion, the Society of Christian Ethics, the Christian Scholars’ Conference, the Nootbar Institute on Law and Religion at Pepperdine University, and the Religion, Conflict, and Peacebuilding Colloquy at Emory. These presentations have led to fruitful conversations with scholars across a variety of disciplines, and they have surely improved the argument of the dissertation. This is especially true of the members of the Graduate Political Theology Workgroup at the American Academy of Religion, who spent the time to read, comment on, and discuss an earlier version of chapter three. Finally, portions of several chapters have been published in the *Journal of the Society of Christian Ethics*, *Journal of Religion, Conflict, and Peace*, and the *Journal of Law and Religion*. I am grateful to each of them for their support of my work.

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Chapter One: Introducing Reconciliationism

In this dissertation I argue that the Christian confession that human beings are created in the image of a God who is Trinity provides a theology of human interdependence that can serve as the foundation for a Christian ethic of political reconciliation in transitional justice and peacebuilding. Reconciliation in this formulation, I will argue, is the restoration or creation of rights-respecting relationships—including interpersonal, economic, social, political, and cultural relationships. This ethic of reconciliation is consistent with emerging international practices of restorative justice, strategic peacebuilding, and the promotion and protection of economic, social, and cultural rights. Rather than creating a Christian ethic of transitional justice and peacebuilding “from scratch,” then, this dissertation provides theological reasons for Christians to partner with those who advocate approaches to transitional justice and peacebuilding that pursue a just reconciliation through practices of restorative justice, grassroots peacebuilding, and human rights in ways that move toward the restoration or creation of rights respecting relationships.

In making this argument I am writing for both “internal” and “external,” or primary and secondary, audiences. As a work in Christian social ethics, this dissertation intends to further conversations within the discipline about the nature of justice, peace, and reconciliation in the contemporary world, especially in transitional contexts. This is the “internal” conversation. As a work in transitional justice and peacebuilding, however, this dissertation extends beyond Christian, or even religious, ethics. I hope that peace studies

scholars, no matter their “comprehensive doctrines,” find it helpful for thinking through the perennial questions it addresses.¹ More ambitiously, I suggest that the way I answer these questions might contribute to an “overlapping consensus” across comprehensive doctrines that could sustain shared practices of reconciliation in transitional societies.² This is the “external” conversation.

The primary audience I have in mind in writing this dissertation, then, is Christian ethicists and social activists, especially those engaged with issues of international justice and peace.³ I aim to provide them with theological reasons to support “reconciliationism,” a phrase coined by political scientist Lisa Baglione, in international law and politics.⁴ Reconciliationism is an interdisciplinary approach to transitional justice and peacebuilding that pursues reconciliation (defined in this dissertation as the restoration or creation of rights-respecting relationships) in the wake of widespread violence and injustice.

¹Drawing on the work of political philosopher John Rawls, I use “comprehensive doctrines” to refer to any philosophical or theological orientation around which one’s morality and social ethic is based or grows out of. For instance, Utilitarians have a comprehensive doctrine centered in maximizing utility and the churches of Christ, generally, ground their vision of morality in a particular interpretation of the Protestant Bible. See generally John Rawls, *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005).

² The concept of “overlapping consensus,” as I am using it, is also taken from the work of John Rawls. By this I mean that cooperation in solving practical social and political problems can occur among people across comprehensive doctrines in the interest of the common good or the public interest. Their “thick” reasons for addressing specific problems in specific ways might differ, for instance Buddhists and Christians might have very different reasons to support the abolition of the death penalty, without this necessarily impinging upon their ability to collaborate in this shared practical goal. See Rawls, *Political Liberalism*.

³ I find this audience, in general, to be the most appropriate audience for scholarship in Christian social ethics. If Gary Dorrien is correct that Christian social ethics is “a tradition that began with the distinctly modern idea that Christianity has a social-ethical mission to transform the structures of society in the direction of social justice,” it seems to me that the work of Christian social ethicists is to participate in and aid this project by speaking to Christians pursuing justice and peace work “on the ground” as well as to fellow theologians and ethicists. Gary Dorrien, *Social Ethics in the Making: Interpreting an American Tradition* (West Sussex: Wiley-Blackwell, 2011), 1.

⁴ Lisa A. Baglione, “Peacebuilding: A Time to Listen and Learn from Reconciliationism,” *Polity* 40.1 (2008): 120-35.

Reconciliationism is a relational approach to justice and peace, and is often understood by advocates and practitioners as an alternative to the dominant approach in these fields, sometimes referred to as “the liberal peace.”⁵ The liberal peace is an approach to international justice and peace that emphasizes the creation of a negative peace through the rapid use of national or international criminal trials, the establishment of a market economy, and the introduction of democratic elections.⁶ The primary liberal peace actors, in this framework, are the International Criminal Court, the United Nations, the World Bank, the International Monetary Fund, and international nongovernmental human rights organizations such as Human Rights Watch and Amnesty International. The liberal peace has become so influential, in fact, that political scientist Daniel Philpott has claimed that it is a new international theology complete with its own pope, magisterium, and cathedral.⁷

In defending a Christian account of reconciliationism as the restoration of rights-respecting relationships, I am arguing that justice is necessary for reconciliation. In fact, I argue that reconciliation is the fullest expression of justice. In short, there can be no reconciliation without justice. This argument challenges the claims of some recent theologians that forgiveness has a priority over justice in reconciliation. In this dissertation

⁵ For example see Dominik Zaum, “Beyond the Liberal Peace,” *Global Governance* 18 (2012): 121-132; Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012); and the essays in Daniel Philpott and Gerard F. Powers, eds., *Strategies of Peace: Transforming Conflict in a Violent World* (Oxford: Oxford University Press, 2010).

⁶ Scholars in peace studies often distinguish between “negative” and “positive” peace. A negative peace is a situation in which overt physical violence is no longer a regular occurrence. A positive peace is a situation in which the root causes of physical violence, such as systematized and racialized poverty or political marginalization (often described as forms of “structural violence”), do not exist or are able believed by the victims of structural violence to be remediable through peaceful means. On negative peace, positive peace, and structural violence see the field-defining essay Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6.3 (1969): 167-191.

⁷ Daniel Philpott, “Peace after Genocide,” *First Things*, June/July (2012): 39-41.

I also aim, therefore, to convince Christians that they should understand the restoration of rights-respecting relationships as central to the achievement of reconciliation. Justice is necessary to achieve reconciliation and is not secondary to forgiveness in the process.

In making this claim I challenge certain influential Christian accounts of reconciliation that prioritize forgiveness over justice in reconciliation. The most compelling of such accounts, in my view, are social trinitarian accounts of forgiveness like those provided by L. Gregory Jones and Miroslav Volf.⁸ As will become clear in later chapters, I share their social trinitarian commitment to do Christian ethics with explicit reference to the Trinity. However, I argue that a social trinitarian approach to the ethics of reconciliation need not prioritize forgiveness over justice. Rather, I argue that a social trinitarian theology of the image of God requires justice as the restoration of rights-respecting relationships for reconciliation to occur. As a part of the “internal” conversation, then, I make the case that a Christian ethic of reconciliation is one that centers practices of restorative justice and human rights.⁹

⁸ See L. Gregory Jones, *Embodying Forgiveness: A Theological Analysis* (Grand Rapids: Eerdmans, 1995); L. Gregory Jones and Célestin Musekura, *Forgiving as We've Been Forgiven: Community Practices for Making Peace* (Downers Grove, IL: Intervarsity Press, 2010); Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press, 1996); and Miroslav Volf, “Forgiveness, Justice, and Reconciliation: A Christian Contribution to a More Peaceful Social Environment,” in *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation*, eds. Raymond G. Helmick, S.J. and Rodney L. Peterson (Radnor, PA: 2001): 27-50.

⁹ Restorative justice is a relatively recent approach to criminal justice in modern societies that works from the assumption that crimes are primarily violations against persons and relationships rather than against the state or some platonic form of justice that exists in an ethereal space. Every crime or injustice, in a restorative view, involves at least three primary constituencies: victim(s), offender(s), and the community/ies in which the victim(s) and offender(s) are members or in which the injustice took place. In this view, restoring victims of crime (individual and communal) and meeting their needs should be given primacy in responses to crime because they are the ones who bear the primary effects of the crime.

The practice of restorative justice often entails some means by which offenders and victims meet. If these instruments work as they are intended they will end with victims having the opportunity to express to offenders the ways that their crimes have affected them, offenders will provide an acknowledgment of their crime and its effects as well as an apology, and offenders will perform an agreed upon concrete action to make right what they have made wrong. Communities, then, will welcome offenders as members of the

I am not writing for Christian ethicists only, however. I am also writing for advocates of reconciliationism across disciplines and confessions.¹⁰ I hope that my explicitly Christian theological anthropology will convince reconciliationists that their arguments can be aided by the intentional integration of theological and philosophical anthropologies of interdependence into their accounts of political reconciliation.¹¹ Some reconciliationists, such as Desmond Tutu and Charles Villa-Vicencio, have done this from within a southern African framework by utilizing the philosophical ideal of ubuntu. I will draw from and build on their work inasmuch as I find the questions they raise and the constructive moves they take toward an ethic of interdependence particularly helpful.

community in good standing with commitments and protections that similar crimes will not occur in the future. If there are contextual influences that contributed to the injustice, such as social injustice, that will also be acknowledged and addressed by the community to make specific crimes and/or injustices less attractive to offenders in the future. Daniel Van Ness and Karen Heetderks Strong refer to the elements of the practice of restorative justice as encounters (such as mediation, conferencing, or circle processes), amends (such as apologies and restitution), reintegration (of the offender into a right relationship with the community), and inclusion (of the victim throughout the justice process). See Daniel W. Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice*, 4th ed. (New Providence, NJ: Bender & Company, 2010), 61-136. There are some scholars who prefer the terms “reparative justice,” because sometimes there was no original “right relationship” to be “restored,” or “transformative justice,” to emphasize the need for the transformation of social structures as well as relationships, rather than “restorative justice.” I will use the terms interchangeably, but will usually use the term restorative justice as it is the dominant term in the literature. For a short introduction to the field of restorative justice see Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002).

¹⁰ The most influential “schools” of reconciliationism are probably Eastern Mennonite University’s Center for Justice and Peacebuilding (<https://www.emu.edu/cjp/>) and its affiliated book series “The Little Books of Justice and Peacebuilding” (<http://www.emu.edu/cjp/publications/little-books/>), and the Kroc Institute for International Peace Studies at the University of Notre Dame (<http://kroc.nd.edu/>) and its affiliated book series “Studies in Strategic Peacebuilding” (<http://global.oup.com/academic/content/series/s/studies-in-strategic-peacebuilding-ssp/>) published by Oxford University Press. It is important to note, however, that these institutions are not homogenous nor are they the only institutions at which reconciliationists have influential roles. Rather, there are advocates of reconciliationism around the world and who are members of numerous international justice and peace organizations. For example, see the essays in Mohammad Abu-Nimer, ed., *Reconciliation, Justice, and Coexistence: Theory and Practice* (Lanham, MD: Lexington Books, 2001). Also, see the work of The Institute for Justice and Reconciliation in Cape Town, South Africa.

¹¹ Theological anthropology is an area of study, traditionally associated with Christian theology, that refers to the study and/or doctrine of the human, especially in its relationship to God. In this sense, it is closely related to the philosophical study of ontology (the nature of being, existence, and reality). What is a human being? What makes human beings unique? How are human beings related to God? Are humans fundamentally good or evil? Is there a metaphysical basis for human equality? These are the kinds of questions that are asked in the study of theological anthropology.

However, I will go beyond their work inasmuch as the theological anthropology I propose is able to link restorative justice and human rights at an ontological level in a way that ubuntu does not (or at least was unable in South Africa's truth and reconciliation commission).

Thirdly, I am writing for those in the fields of transitional justice and peacebuilding more broadly to lend support to reconciliationism. Specifically, I aim to contribute to this literature by proposing a relational theological anthropology able to ground human rights and a theory of justice as reconciliation. Jarem Sawatsky has argued that justpeace ethics (a name he gives to commonalities he identifies between some accounts of restorative justice, grassroots peacebuilding, and conflict transformation that I am calling "reconciliationism") assumes both human interdependence and particularity and that these assumptions are a central value in achieving a just peace.¹² I think this is right, and I develop a theological anthropology able to support an ontology of interdependence-in-particularity in this dissertation. Proposing this theological anthropology, I hope, will demonstrate the possibilities of thinking afresh the ethics of transitional justice and peacebuilding that exist by re-examining the philosophical-theological roots that undergird mainstream practices in these disciplines.

I defend a theology of interdependence-in-particularity by interpreting the Christian doctrine that human beings are created in the image of God in light of the Christian confession that God is Trinity. Specifically, I argue that God's perichoretic relations are that which humans are created to embody. "Perichoresis" is the traditional term in Christian

¹² See generally Jarem Sawatsky, *Justpeace Ethics: A Guide to Restorative Justice and Peacebuilding* (Eugene, OR: Cascade Books, 2008).

theology for the interdependent relationships between Father, Son, and Spirit in the Trinity. Inasmuch as human relations reflect God's perichoretic relations, I will argue, God's image is present on earth. Inasmuch as human relations deny or subvert human interdependence they obscure God's image on earth. Such subversions are what constitute injustices. To do justice after injustice, then, is to restore or create relationships that image God's own perichoretic relationships. In addition, inasmuch as the image of God grounds human rights, a claim many Christian theologians make,¹³ the violation of interdependence is a violation of human rights. An interdependent and relational interpretation of the image of God, then, provides a theological anthropology able to sustain practices of restorative justice as well as ground human rights, including economic, social, and cultural human rights.

I do not expect non-Christians, or even all Christians, to accept every detail of this argument (though I suspect it will be persuasive to a good number). However, I do anticipate that approaching these questions in this way will encourage scholars of transitional justice and peacebuilding to acknowledge their own anthropological commitments and make them clear in their work. It is my sincere hope that they will also recognize the possibilities of theories of human interdependence to contribute to peacebuilding and transitional justice.

¹³ For example, the claim that human rights are grounded in humanity's possession of the image of God is a centerpiece of contemporary Catholic Social Teaching. See Thomas Massaro, S.J., *Living Justice: Catholic Social Teaching in Action* (Lanham: Sheed & Ward, 2000), 115-119. See also Pope John XXIII, *Pacem in Terris*, Encyclical letter on establishing universal peace in truth, justice, charity, and liberty, Vatican website, April 24, 2014, http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html.

The Thesis

My claim, to be fleshed out throughout this dissertation, is that to confess that humans are created in the image of a God who is Trinity is to claim that human beings are creatures who are fully human when in socially and politically just relationships because it is then that they reflect God's own perichoretic relationships.¹⁴ Homo sapiens are most "human," from a Christian perspective, when they image God. When Homo sapiens do not embody God's perichoretic relationships they act in inhuman/e ways; they dehumanize other homo sapiens as well as themselves. "Humanity" is the image of God; inhumanity is the violation of that image. The measure of justice in human relationships, then, is the degree to which they reflect the perichoretic relationships that constitute the life of the Trinity.

Historically, Christian theologians have described the relationships between the persons of the Trinity with the term *perichoresis*. This is the Greek name used to describe the interconnected, interdependent, and interpenetrating relationships of the Father, Son, and Holy Spirit that both constitute and are constituted by the particular persons of the Trinity. This doctrine teaches that the Christian God is an eternally existing communion of love in which the interdependent divine persons (Father, Son, and Spirit) are who they are precisely because they are in particular, life-giving relationships with one another. Humans are created, Christians believe, in the image of this perichoretic God.¹⁵

¹⁴ For a brief, though underdeveloped, move in this direction in Christian ethics see Lisa Sowle Cahill, "A Theology for Peacebuilding," in *Peacebuilding: Catholic Theology, Ethics, and Praxis*, edited by Robert J. Schreiter, R. Scott Appleby, and Gerard F. Powers (Maryknoll, NY: Orbis Books, 2012), 307-311, 318-320.

¹⁵ I develop these claims more fully in chapter three.

Inasmuch as the rise of human rights around the world since World War II has been about humanization, as opposed to the dehumanization it purportedly fights, this theological claim about humanity can contribute to furthering human rights. Historically, universal human rights have been understood to be grounded in the inherent dignity that humans possess.¹⁶ Christians have generally embraced this claim because they understand it to be a natural consequence of the Christian doctrine that human beings are created in the image of God.¹⁷ However, rarely has this doctrine been connected with the Christian doctrine of perichoresis.¹⁸ This is a mistake, I believe, and reframing the doctrine of the image of God in light of the doctrine of perichoresis proves to be especially relevant to the ethics of reconciliation.

From within a trinitarian interpretation of the image of God, the violation of human relationships that were created to image the divine relationships is a violation of human rights inasmuch as human rights are, from a Christian perspective, grounded in the image

¹⁶ For example, the first sentence of the preamble of the UDHR reads: "Whereas the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

¹⁷ Even those Christian theologians and philosophers who do not ground universal human rights in the image of God, because they do not believe it is possible to identify what constitutes the image, argue that if the image of God could be identified it would be a sufficient ground for such rights. For instance, Nicholas Wolterstorff and David Gushee have both made such an argument. This dissertation argues that we can identify God's image in human relationships, particularly when those relationships reflect the perichoretic divine relations. See Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton: Princeton University Press, 2008); and David P. Gushee, *The Sacredness of Human Life: Why an Ancient Biblical Vision is Key to the World's Future* (Grand Rapids: Eerdmans, 2013).

¹⁸ Ron Highfield does exactly this in tracing the history of the doctrine of the image of God throughout Christian history. In rejecting most traditional approaches, Highfield lifts up the perichoretic relations of the divine persons as relations that are inherently and eternally dignified. This reality, he suggest, undercuts accounts of the image of God and human dignity centered in human reason or excellence. However, he does not then describe humans as created in the image of the God he describes. Rather, he proceeds to make a similar move as Wolterstorff in defending bestowed, rather than inherent, human dignity that is bestowed because of God's love for humans. I argue that this shift away from inherent dignity and rights is not necessary when we return to the question of the image of God in light of the relational perichoretic dignity of the divine persons. See Ron Highfield, "Beyond the 'Image of God' Conundrum: A Relational View of Human Dignity," *Christian Studies* 24 (2010): 21-32.

of God that humans bear. “Dehumanization,” then, is the act of violating the image of God by living in ways that deny the interdependent relations we are created to image. While the full emulation of the perichoretic relations is not possible in this life, the divine relations are that which humans are created to image, and are the eschatological *telos* for human relationships. Thus, God’s perichoretic relations provide a framework for understanding and interpreting human injustice inasmuch as injustice is the failure to embody God’s perichoretic relations in our various relationships.

In other words, injustices are those actions and social-political systems that violate interdependent human relationships. According to this perspective, murder, for example, violates human rights because it is an active denial that another human being bears and is a part of the image of God. Murder denies human interdependence and permanently severs relationships. Similarly, social systems that segregate people based on race or religion are violations of human rights because they deny the interdependence of all people regardless of social location. Such systems intentionally thwart human interdependence and dehumanize all involved in the process. As a final example, genocide is a crime against humanity, in part, because it asserts that a group of people are not a part of the interdependent relations of all humans that bear God’s image in the world. It violates the rights of humanity by attempting to sever the relationships that make *Homo sapiens* “human;” that is, bearers of God’s image in the world.¹⁹

¹⁹ Though it is beyond the scope of this dissertation to address the question of principled nonviolence, I note that this theological anthropology supports the claims of many pacifists and advocates of nonviolent social change that violence must be rejected as a tool for social reform or revolution because of the interrelated nature of reality. For instance, Martin Luther King Jr. noted “the fact that all life is interrelated” as one of the core foundations for his principled nonviolence. Importantly, the end of nonviolent social action rooted in human interdependence, he claimed, “is redemption and reconciliation ... the creation of the beloved community.” Martin Luther King Jr., “An Experiment in Love,” in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King Jr.*, ed. James M. Washington (San Francisco: Harper Collins, 1986), 18, 20.

As I alluded to earlier, this trinitarian theological anthropology is relevant to three separate conversations in the literature on reconciliation, transitional justice, and peacebuilding. First, it challenges social trinitarian theologies of reconciliation that prioritize forgiveness by providing a social trinitarian theology of reconciliation that situates both restorative justice and human rights as equally as important as forgiveness. In fact, as will be argued later, from within a social trinitarian theology of reconciliation forgiveness can be an act of justice itself. Second, the proposed theological anthropology supports “reconciliationism” in transitional justice and peacebuilding as the appropriate approach for Christian justice and peacebuilding actors inasmuch as it is an explicitly Christian theory of justice grounded in the Christian confessions of God as Trinity and of humans as created in the image of the God who is Trinity. If injustice is the violation of interdependent relationships, part of what it means to do justice is to restore, repair, or create such relationships. In short, to do justice is to move toward reconciliation. Third, it provides a theological ground for positive human rights²⁰ and therefore lends support to scholars who have argued for the more intentional and equal integration of economic, social, and cultural rights in transitional justice and international peacebuilding processes. In fact, this theological anthropology suggests that the restoration of relationships is

Similarly, see Ellen Ott Marshall’s linking of King’s account of agape, Thich Nhat Hanh’s account of interbeing, and Desmond Tutu’s account of ubuntu in her construction of a transformative ethic of political engagement in Ellen Ott Marshall, *Christians in the Public Square: Faith that Transforms Politics* (Nashville: Abingdon Press, 2008), 3-15.

²⁰ In human rights discourse there is often a distinction drawn between “negative” and “positive” rights. Negative rights are rights that humans have a right or freedom *from*, like torture, murder, or an imposed religion. Positive rights are rights that humans have a right or freedom *to*, like education, honorable work, or cultural expression. In the literature on grounding human rights the focus is almost entirely on negative rights. Indeed, there is still a debate some circles about whether there are such things as economic rights. However, the primary international human rights documents all recognize at least some forms of positive rights as rights.

actually the restoration of human rights, including positive rights, inasmuch as human rights emerge from the perichoretic-imaging relationships being restored or created.

I argue, therefore, that from a trinitarian perspective the image of God is constituted by the whole of humanity and its interdependent relationships rather than any particular trait possessed by individual humans. When the relationships that constitute humanity are just, then the image of God is manifest in the world and respected; when human relationships are unjust, they violate God's image and the human dignity resultant from bearing that image. In a trinitarian framework, then, the "inherent dignity" assumed in international declarations of universal human rights is located in the interpersonal, social, cultural, economic, and political relationships that humans have with one another.

When these various relationships are just, meaning they recognize, respect, and embody human interdependence, they are dignified. When they are unjust, meaning they deny human interdependence, they violate inherent human dignity. The violation of this dignity, and therefore the violation of the rights that are grounded in and emerge from this dignity, dehumanizes the victim(s) and the perpetrator(s) of the injustice. This double dehumanization occurs because unjust relations affect both victims and perpetrators of injustice. In the words of theologian Andrew Sung Park, sin affects the sinner and the sinned-against.²¹ In this framework "crimes against humanity," the name often given to the gross violation of human rights, are actual crimes against all of humanity because "humanity" is the interdependent relationships all humans have with one another, which constitute the image of God on earth. What is needed to do justice after such crimes, in light

²¹ See Andrew Sung Park, *From Hurt to Healing: A Theology of the Wounded* (Nashville: Abingdon Press, 2004).

of the doctrine of the Trinity, is social and political reconciliation through protecting and pursuing human rights.

Reconciliationism

The proposed trinitarian theological anthropology and theory of justice is relevant to debates in transitional justice and peacebuilding in two ways: (1) it provides a relational and interdependent theory of what it means to be human that supports justice as the restoration of rights-respecting relationships, and (2) it provides an ontological ground for universal human rights, including economic, social, and cultural rights. This theological anthropology, then, is a theological foundation for Christians to pursue reconciliationism in transitional justice and peacebuilding.

Reconciliationism encompasses an approach to the ethics and practice of transitional justice and peacebuilding that has been variously called “strategic peacebuilding,”²² “reconciliation,”²³ “restorative peacebuilding,”²⁴ “conflict transformation,”²⁵ “justpeace ethics”²⁶ or some combination of these terms.²⁷ According to

²² See Lisa Schirch, *The Little Book of Strategic Peacebuilding* (Intercourse, PA: Good Books, 2004); and Daniel Philpott and Gerard F. Powers, eds, *Strategies of Peace: Transforming Conflict in a Violent World* (Oxford and New York: Oxford University Press, 2010).

²³ See especially the work of John Paul Lederach in his monographs *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace Press, 1997); and *The Moral Imagination: The Art and Soul of Building Peace* (Oxford: Oxford University Press, 2005). Also see Charles Villa-Vicencio, *Walk with Us and Listen: Political Reconciliation in Africa* (Washington, D.C.: Georgetown University Press, 2009); and Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (Oxford: Oxford University Press, 2012).

²⁴ Alliance of NGOs on Crime Prevention and Criminal Justice, “An Introduction to Restorative Peacebuilding,” Briefing Paper #1 (2007): 1-8.

²⁵ For example, see John Paul Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse: Syracuse University Press, 1996); John Paul Lederach, *The Little Book of Conflict Transformation* (Intercourse, PA: Good Books, 2003); and Thomas W. Porter, *The Spirit and Art of Conflict Transformation: Creating a Culture of Justpeace* (Nashville: Upper Room, 2010).

Lisa Schirch, strategic peacebuilding occurs “when resources, actors, and approaches are coordinated to accomplish multiple goals and address multiple issues for the long term.”²⁸

According to John Paul Lederach and R. Scott Appleby strategic peacebuilding “draws intentionally and shrewdly on the overlapping and imperfectly coordinated presences, activities, and resources of various international, transnational, national, regional, and local institutions, agencies, and movements that influence the causes, expressions, and outcomes of conflict.”²⁹ From this perspective “a comprehensive definition and description of peacebuilding” includes more than the cessation of violence. Rather, from a strategic peacebuilding perspective “peacebuilding occurs in its fully realized mode when it addresses every stage of the conflict cycle and involves all members of a society in the nonviolent transformation of conflict, the pursuit of social justice, and the creation of cultures of sustainable peace.”³⁰

Strategic peacebuilding practices are multiple and occur across societal levels. They are top-down, bottom-up, and from the middle-out.³¹ Schirch identifies four primary activities of strategic peacebuilding: waging conflict nonviolently (including monitoring

²⁶ Jarem Sawatsky, *Justpeace Ethics: A Guide to Restorative Justice and Peacebuilding* (Eugene, OR: Cascade Books, 2008).

²⁷ Other works that embody this general approach are Raymond G. Helmick, S.J. and Rodney L. Petersen, eds., *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation* (Philadelphia: Templeton Foundation Press, 2001); Ronald S. Kraybill et al., *Peace Skills: A Manual for Community Mediators* (San Francisco: Jossey-Bass, 2001); Daniel Philpott, ed., *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice* (Notre Dame: University of Notre Dame Press, 2006); and Robert J. Schreiter, R. Scott Appleby, and Gerard F. Powers, eds., *Peacebuilding: Catholic Theology, Ethics, and Praxis* (Maryknoll, NY: Orbis Books, 2010).

²⁸ Schirch, *Little Book of Strategic Peacebuilding*, 9.

²⁹ John Paul Lederach and R. Scott Appleby, “Strategic Peacebuilding: An Overview,” in *Strategies of Peace*, 22.

³⁰ *Ibid.*, 23.

³¹ On these three peacebuilding “capacities” see Lederach, *Moral Imagination*, 79.

and advocacy, direct nonviolent action, and civilian-based defense); building capacity (including training and education in human rights and conflict transformation, development, military conversion, research and evaluation); reducing direct violence (including institutionalizing credible legal procedures, humanitarian assistance, peacekeeping, military intervention, cease-fire agreements, peace zones, early warning programs); and transforming relationships (including trauma healing, conflict transformation, restorative justice, transitional justice, governance, and policymaking).³² Each of these four primary practices encompasses the work of political, legal, and civil society actors.

This vision of peacebuilding is necessarily a multifaceted and long-term approach to building a sustainable peace.³³ Strategic peacebuilders reject the short timelines for conducting elections and building markets usually imposed by liberal peacebuilding institutions. Peace does not come overnight. It is a long process that often takes generations. Lederach and Appleby suggest that the time it takes to create a sustainable peace “will be at least as long as it took the conflict to gestate, turn violent, and run its course.”³⁴ According to this logic peacebuilding will often take several decades before it approaches a sustainable positive peace.

Advocates of political reconciliation have suggested similar practices as strategic peacebuilders. Daniel Philpott, for instance, has argued that an ethic of political

³² Schirch, *Little Book of Strategic Peacebuilding*, 26.

³³ “Peacebuilders recognize that peace is built over time, through processes of encounter and reflection that address not only practical issues of conflict but also deeper issues of relationships, human development, and structural realities ... Peacebuilders seek to be a long-term presence that helps harness the energy of conflict and directs it positively to change and renew the human community.” Kraybill et al., *Peace Skills*, 7.

³⁴ Lederach and Appleby, “Strategic Peacebuilding,” 25.

reconciliation consists of six practices: building socially just institutions, acknowledgement, reparations, apologies, punishment, and forgiveness. Charles Villa-Vicencio adds practices of encounter, listening, and traditional African practices of reconciliation to that list. These practices are many of the practices that Schirch would list as strategic peacebuilding practices of “transforming relationships.”

“The central meaning of reconciliation,” Daniel Philpott says, “is the restoration of right relationship.”³⁵ His extended definition of political reconciliation is,

... a concept of justice that aims to restore victims, perpetrators, citizens, and the governments of states that have been involved in political injustices to a condition of right relationship within a political order or between political orders—a condition characterized by human rights, democracy, the rule of law, and respect for international law; by widespread recognition of the legitimacy of these values; and by the virtues that accompany these values. Political reconciliation comprises six practices that each aim to restore persons and relationships with respect to the distinct wounds that political injustices have inflicted on them.³⁶

Charles Villa-Vicencio suggests that political reconciliation involves “a minimum level of political harmony and cooperation between former enemies as a basis for pursuing holistic justice, which includes accountability, human rights, economic development, and the rule of law.”³⁷ For him reconciliation is “both *process* and *goal*” that is ultimately “about sustainable peace.”³⁸

Reconciliationism, then, is a relational approach to peace and justice that attends to relationships “between individuals and within families; [in] communities; organizations;

³⁵ Ibid.

³⁶ Ibid., 58.

³⁷ Villa-Vicencio, *Walk with Us and Listen*, 2.

³⁸ Ibid., 170-2.

businesses; governments; and cultural, religious, economic, and political institutions and movements.”³⁹ The unique contribution of reconciliationists across the disciplines of peacebuilding, restorative justice, conflict transformation, etc. is this profoundly relational approach. Thus, strategic peacebuilders view civil society initiatives as equally important as, if not more important than, international legal and political interventions. Local and everyday experiences of justice, restoration, and reparation are, in a reconciliationist perspective, vital to the creation of a just and sustainable peace.

For example, practices and institutions that provide safe spaces for dialogue and storytelling function in conjunction with truth commissions and legal trials as spaces for truth to be told; locally run development projects (such as microloans for women small business owners) contribute to the economic well-being of those affected by violence as much as, if not more than, integration into the global economy; and community-led reconstruction projects and trauma healing programs provide spaces for democratic participation on a more regular basis than casting votes in national elections.

A key assumption of reconciliationism is that “violent conflict creates deep disruption in relationships that then need radical healing.”⁴⁰ Violence does not occur only because of political competition, economic inequality, the lack of legal recourse to resolve conflicts, or other causes typically addressed by liberal peacebuilding. Violence does occur to large degrees for these reasons, but violence also occurs because of the “ordinary” and regular dehumanization of at least one group of people. Indeed, violence that results in international intervention almost always requires that at least one group of persons has

³⁹ Schirch, *Little Book of Strategic Peacebuilding*, 9.

⁴⁰ Lederach and Appleby, “Strategic Peacebuilding,” 28.

been dehumanized in public discourse, through public policy, or in the process of the violent conflict. “In this respect, the framing question for strategic peacebuilding seems to be: how do we heal broken humanity?”⁴¹

“How do we heal broken humanity?” This question presumes that there is a “humanity” that exists, that it can be broken by the actions of humans, and that it can be healed by humans. For a just and sustainable peace to be achieved, from this perspective, requires that re-humanization is possible. One underlying value of such a question is human interdependence. On one level this interdependence is descriptive. In a globalized world many of our economic, political, and other choices directly or indirectly affect people around the world. On another level this interdependence is at least moral, if not ontological. What affects one affects all because we are all a part of humanity. A “crime against humanity” is literally a crime against all humans even if committed against one human or one group of humans because we are interconnected at more than a descriptive level.

Lisa Schirch has argued that “peacebuilding requires an ethic of interdependence” because “humans are interdependent; the unmet human needs or rights of any individual or group ripple outward and affect the whole of humanity.”⁴² Jarem Sawatsky has argued that “justpeace ethics begin with a vision of an interconnected, relationship-centered world” in which “interconnectedness is both the end goal and the means” to get to a justpeace.⁴³ Interconnectedness or interdependence, then, emerges as one of the most fundamental virtues of reconciliationism.

⁴¹ Ibid.

⁴² Schirch, *Little Book of Strategic Peacebuilding*, 15.

⁴³ Sawatsky, *Justpeace Ethics*, 28.

The theorist whose work is the most influential in reconciliationism is arguably John Paul Lederach. Lederach has argued that because “formal and governmental international mechanisms for dealing with conflict are limited”⁴⁴ peacebuilders “must address and engage the relational aspects of reconciliation as the central component of peacebuilding.”⁴⁵ According to Lederach, reconciliation as an approach to peacebuilding is a systemic approach that works across societal levels. “Relationships ... are the centerpiece, the beginning and the ending point for understanding the system. This ... is the essential contribution brought by reconciliation as a paradigm. It envisions protracted conflict as a system and focuses its attention on relationships within that system.”⁴⁶ By creating encounters for actors across the system reconciliationism seeks to create new relationships, new contexts for relationships, and new foundations upon which relationships can be built. For these relationships to lead to a sustainable peace, practices of “reconciliation must [help actors in conflict situations to] envision the future in a way that enhances interdependence.”⁴⁷ Thus, these new relationships must be relationships that recognize interdependence and work to make that interdependence one that humanizes rather than dehumanizes.

Such an approach to peacebuilding requires a vision, Lederach calls it a “moral imagination,” that has “the capacity to imagine ourselves in a web of relationships that includes our enemies; the ability to sustain a paradoxical curiosity that embraces

⁴⁴ Lederach, *Building Peace*, 15.

⁴⁵ *Ibid.*, 24.

⁴⁶ *Ibid.*, 26.

⁴⁷ *Ibid.*, 27.

complexity without reliance on dualistic polarity; the fundamental belief in and pursuit of the creative act; and the acceptance of the inherent risk of stepping into the mystery of the unknown that lies beyond the far too familiar landscape of violence.”⁴⁸ Reconciliationism does not presume that there are universal answers to contextual problems; nor does it presume that peacebuilding tools that have been successful in one context will be appropriate in another context. As Thabo Mbeki and Mahmood Mamdani recently stated when reflecting on political violence in South Sudan, “Human rights may be universal, but human wrongs are specific.”⁴⁹ The response to ensuring these universal rights and righting specific wrongs must, therefore, be consistent with international law as well as contextually relevant. This necessity raises a variety of tensions in transitional societies.

Reconciliationism attempts to negotiate these tensions and in the process rejects both “human rights fundamentalism,”⁵⁰ which insists upon pursuing retributive policies despite their potential negative impacts on peace, and radically contextual approaches to peacebuilding that hide particular injustices under the veil of “culture” or “tradition.” Thus, the moral imagination that undergirds reconciliationism is

the capacity to imagine something rooted in the challenges of the real world yet capable of giving birth to that which does not yet exist. In reference to peacebuilding, this is the capacity to imagine and generate constructive responses and initiatives that, while rooted in the day-to-day challenges of

⁴⁸ Lederach, *Moral Imagination*, 5.

⁴⁹ Thabo Mbeki and Mahmood Mamdani, “Courts Can’t End Civil Wars,” *New York Times*, February 5, 2014, accessed April 25, 2014, <http://www.nytimes.com/2014/02/06/opinion/courts-cant-end-civil-wars.html? r=0>.

⁵⁰ “Human rights fundamentalism” is a phrase taken from Mahmood Mamdani. See Mahmood Mamdani, “Beware Human Rights Fundamentalism!” *Mail and Guardian*, March 20, 2009, accessed September 11, 2013, <http://www.mg.co.za/article/2009-03-20-beware-human-rights-fundamentalism>.

violence, transcend and ultimately break the grips of those destructive patterns and cycles.⁵¹

Lederach's practice of moral imagination is composed of four virtues: relationship, paradoxical curiosity, creativity, and risk.⁵² This is not dissimilar to Sawatsky's list of interconnectedness, particularity, transformation, and humility as the primary virtues of justpeace ethics. Nor is it dissimilar from Ellen Marshall's list of love/interrelatedness, moral ambiguity, and theological humility as the grounds for transformative political action.⁵³ Each of these articulations of reconciliationist praxis (Lederach uses the terms reconciliation and peacebuilding, Sawatsky justpeace ethics, and Marshall conflict transformation) highlight human interdependence alongside contextually appropriate practices of imagining and embodying new forms of relationship. In short, social-political action that aims toward social transformation is always relationship-centered, contextual, and in-process. It is highly attuned to the personal and relational impacts of all social-political action, entails both risk and humility, and continually moves toward the transformation of life-diminishing actions into life-giving actions.

At the heart of reconciliationism, then, is a focus on interdependent relationships. This recognition enables people in cycles of conflict to imagine alternatives to violence that build on human interdependence because "if there is no capacity to imagine the canvas of mutual relationships and situate oneself as part of that historic and ever-evolving web [of

⁵¹ Ibid., 29.

⁵² Lederach, *Moral Imagination*, 34.

⁵³ Ellen Ott Marshall, *Christians in the Public Square: Faith that Transforms Politics* (Nashville: Abingdon Press, 2008).

humanity], peacebuilding collapses.”⁵⁴ Paradoxical curiosity, creativity, humility, and risk emerge from the ambiguities and serendipities of peace and human relationships. Peace, according to Lederach and others, is more an art than a science. Actions for peace never come with a guarantee that they will succeed. However, they are necessary if something new, a sustainable and just peace, is to emerge from the rubble of violent conflict.

Philpott's *Just and Unjust Peace*

Daniel Philpott's recent *Just and Unjust Peace: An Ethic of Political Reconciliation* is perhaps the most comprehensive and robust defense of reconciliationism from a political scientist.⁵⁵ Philpott is a political scientist who engages political philosophy and religious ethics. His text is intentionally interdisciplinary and serves as a kind of summary of much of the work that has gone before him in reconciliationism. I will, therefore, use his text as an exemplar of reconciliationism and as an entry point for my own contribution to the ethics of transitional justice and peacebuilding.

Philpott begins by arguing that the justice of the liberal peace is too narrow because it is too focused on “individual rights, a just distribution of wealth, just punishment, and other matters of desert, entitlement, and rights.”⁵⁶ The Abrahamic religions, Philpott argues, instead contain holistic visions of justice guided by divine mercy that lead to the reconciliation of offending persons to God and their community. Drawing upon biblical scholarship he argues that the Jewish and Christian scriptures provide a restorative vision of justice. The Hebrew words *mishpat* and *sedeqah*, for example, imply a holistic vision of

⁵⁴ Lederach, *Moral Imagination*, 35.

⁵⁵ This section includes portions of my review of this book in the review essay James W. McCarty III, “New Directions in International Justice,” *Journal of Law and Religion* 29.1 (2014): 197-205.

⁵⁶ Philpott, *Just and Unjust Peace*, 5.

justice rather than a purely retributive one. In addition, the Hebrew word *shalom* is a comprehensive vision of peace akin to what peace scholars describe as a “positive peace.” In the words of the ancient Hebrew prophet Hosea, justice and *shalom* looks like a world in which swords are transformed into plowshares, spears into pruning hooks, and everyone would have their own vine and fig tree under which they could rest. In short, structural violence would cease and all would have enough.⁵⁷ Drawing on an ecumenical array of theological works, Philpott argues that the Christian New Testament constructively receives this tradition from its Jewish ancestry and intensifies it in Paul’s theology of justification. The biblical justice of God, Philpott argues, is a restorative or transformative justice. Here he joins the interpretations of biblical and theological scholars such as Christopher Marshall, Willard Swartley, John De Gruchy, and others.⁵⁸

Drawing on these ancient resources Philpott therefore argues that justice in the aftermath of mass atrocity is political reconciliation. “The central meaning of reconciliation,” he says, “is the restoration of right relationship.”⁵⁹ In other words, justice is political reconciliation. The six practices that Philpott identifies as those that comprise the ethic of political reconciliation are: (1) building socially just institutions, (2) acknowledgment (of wrongs), (3) reparations, (4) apologies, (5) punishment, and (6) forgiveness. According to Philpott, the virtue that undergirds each of these practices, and the ethic in general, is mercy.

⁵⁷ Hosea 4:3-4

⁵⁸ Christopher Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids: Eerdmans, 2001); Willard M. Swartley, *Covenant of Peace: The Missing Peace in New Testament Theology and Ethics* (Grand Rapids: Eerdmans, 2006); and John W. De Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002).

⁵⁹ *Ibid.*

“A merciful action,” according to Philpott, “is one whose end is the relief of [the] distress, suffering, and rupture” of the victim or perpetrator of a wrong.⁶⁰ The mercy of political reconciliation is “an understanding of mercy that is older, richer, wider, and more comprehensive” than liberal theories of mercy which oppose it to justice. The mercy that undergirds the ethic of political reconciliation is “found in the Jewish, Christian, and Islamic scriptures,” and, therefore, “does not contradict justice when conceived of as reconciliation.”⁶¹ Thus, even punishment can be merciful when its purpose is restoration.⁶²

Central to Philpott’s argument for political reconciliation is a delineation of the “political.” He describes the political as “that portion of relationships that concerns persons as citizens of states and states as members of the international order.” “Right conduct” by political actors, then, “centrally involves respect for basic human rights and the rights entailed in international laws governing war.”⁶³ Right relationships, in this view, are rights-respecting relationships. Importantly, “relationships” are not limited to interpersonal relationships but also encompass the political, economic, social, and cultural.

Though he does not provide a robust defense of its institutions and practices, Philpott assumes and situates his ethic in the context of contemporary international human rights law. Oliver Richmond similarly argues that “[s]o much has been invested in the liberal project (of justice as rights) ... that it would be very difficult to move into a radically

⁶⁰ *Ibid.*, 63.

⁶¹ *Ibid.*

⁶² *Ibid.*, 219.

⁶³ *Ibid.*, 54.

new agenda that was not, in some way, indebted to the liberal project.”⁶⁴ What is distinctive about strategic peacebuilding (and reconciliation), he says, is that while it is consistent with certain aspects of “the liberal project,” especially human rights, it encompasses “a much broader pluralism of method, ontology, and practice ever proposed before in the quest for a self-sustaining, locally rooted *justpeace*.”⁶⁵

Philpott, therefore, works from the assumption that all people have rights. He argues that the violation of these rights entails wrongs which cause relational wounds that must be restored. The restoration of these wounds and political relationships, then, is the doing of justice. There are two types of wounds, according to Philpott, that occur when political injustices occur: primary and secondary wounds. Primary wounds are those that are the direct result of the injustice: the violation of rights, the violation of bodily integrity, the “standing victory” of an injustice when it has not been judged as wrong, and the like. They are the direct result of injustice and the violation of right relationship. Secondary wounds are those that grow out of the primary wounds: individual and communal memories, emotions, and judgments that can result in new political injustices. Secondary wounds are often those that require generations to be healed. Philpott’s ethic of political reconciliation is especially helpful in that it addresses both primary and secondary wounds that result from political injustice. The liberal peace, in its emphasis on criminal trials and the like, addresses primary wounds almost exclusively, though the language of “wounds” is not used in the literature of the liberal peace.

⁶⁴ Oliver P. Richmond, “Conclusion: Strategic Peacebuilding Beyond the Liberal Peace,” in *Strategies of Peace: Transforming Conflict in a Violent World*, eds. Daniel Philpott and Gerard F. Powers, (Oxford and New York: Oxford University Press, 2010), 362.

⁶⁵ *Ibid.*

For example, there were several people in post-apartheid South Africa who were survivors of human rights violations who testified before the Truth and Reconciliation Commission about the disappearance of a family member. In telling their story, and sometimes in confronting the perpetrator who killed their family member, some learned what happened to their loved one and where they were buried. To the surprise of many in the West, when asked what would be an appropriate reparation for their loss several people responded that they would like to be able to give their family member a proper burial. Seen through the lens of particular wounds, the ignorance of the location of a family member and the inability to give them a proper burial (a secondary wound) are as much an injustice as the original murder of the person (a primary wound). While one cannot resurrect a dead child, one can honor them. While the primary wound can never be healed, the secondary wound can, and the healing of each wound is an act of justice that moves toward reconciliation.

Importantly, the six “practices provide no fixed and determinate solution for each circumstance and leave ample room for prudential judgment” because “the nature and scale of the injustices to which they respond and the political possibilities in any time and place will affect greatly which of the six practices will be realized and to what degree.”⁶⁶ While reconciliationism does not prescribe universal practices to be used across transitional societies, because relational wounds are so particular and contextual, as an ethic it provides guidelines by which particular practices can be judged. Specifically, it judges the degree to which these practices, or the lack of them, contribute to or detract from the restoration of right relationships. Each practice can address particular wounds

⁶⁶ Philpott, *Just and Unjust Peace*, 287.

caused by political injustice. No one practice can achieve political reconciliation on its own. Political reconciliation is a long-term process in which each of the six practices listed by Philpott, or the four categories of practices listed by Schirch or practices born of the virtues listed by Lederach or Sawatsky, is implemented in contextually appropriate ways.

Punishment and forgiveness are the two most controversial of the six practices in a reconciliationist ethic (though they are controversial to different constituents for different reasons). How can punishment be compatible with reconciliation? And how can forgiveness be compatible with justice? Whereas much of the literature on transitional justice attempts to answer these questions in universal ways, Philpott responds by pointing out the particular wounds that these practices address. If a society were to be fully reconciled politically they would need to implement a multiplicity of practices in a holistic manner over an extended period of time. Each practice addresses a unique wound or set of wounds and, therefore, must be complemented by the other practices. No one practice can lead, by itself, to reconciliation; a holistic integration of the practices across social spheres is required. Political realities, however, make this nearly impossible in transitional societies. Thus, particular societies should implement as many of the practices as they can, without the expectation that they will be able to implement them all, to achieve as much justice, and therefore come as close to reconciliation, as possible.

For example, “restorative punishment,” according to Philpott, has as its main purpose the task of defeating an injustice’s “standing victory by communicating censure.”⁶⁷ Reconciliation and punishment are compatible, therefore, because of what punishment communicates. It communicates a communal censure of specific political acts. Secondly,

⁶⁷ *Ibid.*, 219.

Philpott suggests that punishment may lead to the restoration of the wounds a perpetrator inflicts on their own soul by providing them the opportunity to be penitent. Here Philpott rejects the arguments of “balance retributivism,” that the pain of injustice requires the pain of punishment to balance the cosmic scales of justice, as well utilitarian arguments about the deterrence effect of trials, as false.⁶⁸ As a form of communication and/or encouragement to reform, however, punishment is justifiable and compatible with a vision of political reconciliation.

Like punishment, Philpott argues that forgiveness can be an act of justice as reconciliation. Inasmuch as victims practice their agency in offering forgiveness, he argues, they restore victims to their roles as political actors which are oftentimes denied them during political violence or by an unjust political regime. And, inasmuch as forgiveness declares past actions as no longer reasons for revenge, forgiveness redresses the secondary wounds of memories, emotions, and judgments which may have been the cause of future violence. In each of these ways, forgiveness can be an act of restorative justice. Forgiveness is not an act of justice in just the same way as punishment (or reparations or acknowledgment or the like) is, because it addresses a unique set of wounds, but it is not necessarily opposed to justice when justice is understood as the healing of relational wounds caused by political injustices.⁶⁹

The justice of political reconciliation is therefore multiple. It comes in different practices that address different political wounds. Because it is relational it is highly contextual. It is also a long-term project that requires the remaking of political virtues,

⁶⁸ *Ibid.*, 68-69.

⁶⁹ *Ibid.*, 251-85.

institutions, and practices. “Reconciliation is wider than the liberal peace ... in the range of wounds that it redresses, wider in the practices through which it redresses these wounds, and wider in the participants that it involves. Reconciliation’s concept of restoration is much broader than liberalism’s stress on rights.”⁷⁰ This is not to say that the protection, promotion, and redress of rights are incompatible with a vision of justice as reconciliation. Quite to the contrary, human rights are central to any theory of international justice. However, they are not the only practice of justice relevant in transitional societies. The protection, promotion, and redress of rights are merely one set of justice practices relevant to transitional societies and/or necessary for reconciliation.

Here and in other places Philpott hints at the need for a new ontology of international justice. Oliver Richmond elsewhere explicitly argues that a justpeace approach, “that is a postliberal, emancipatory, empathetic, or caring peace,” requires “wider methodological, ontological, and epistemological reflection” than is usually found in transitional justice and peacebuilding literature.⁷¹ The liberal peace does not have a broad enough concept of justice to sustain practices of reconciliation, and its limited vision and practices of justice, as I will demonstrate in the next chapter, negatively impacts its ability to create sustainable peace. Philpott says that while an ethic of political reconciliation “converges with the liberal peace insofar as it endorses human rights, democracy, the rule of law, the laws of war, and trials...one can endorse these rights, norms, and institutions without sanctioning such philosophical values as autonomy.”⁷² In

⁷⁰ Ibid., 72.

⁷¹ Richmond, “Conclusion,” 362.

⁷² Ibid., 84.

its relational focus, reconciliationism highlights values such as mutuality and interdependence alongside autonomy.

However, Philpott does not provide an alternative ontology that might ground human rights and democracy while also grounding a restorative theory of justice. He assumes the compatibility of human rights and reconciliation without demonstrating their compatibility at an ontological level—and it is not clear that a theory of restorative justice and reconciliation necessarily be compatible with a theory of human rights. This is not a lacuna unique to Philpott. Rather, it is prominent in the fields of transitional justice and international peacebuilding. And it is this lacuna that I seek to address in this dissertation.

Jarem Sawatsky suggests that justpeace ethics assumes human interdependence and particularity, even if this assumption is not always explicitly stated, rather than the autonomy and universality that undergirds the liberal peace.⁷³ Schirch, Lederach, and others surveyed earlier make similar arguments. I find this assumption to be a persuasive and helpful, though underdeveloped, one that has great potential for contributing to an ethic of reconciliationism and the creation of sustainable peace in the wake of violent conflict. I argue in this dissertation that a social trinitarian interpretation of the image of God provides a theological anthropology able to ground this assumption and is the way forward for a Christian ethic and practice of reconciliationism that can move beyond the liberal peace while incorporating and expanding its emphasis on human rights.

I am generally in agreement with Philpott's account of the practices of political reconciliation as restorative justice. His careful treatment of their unique power to heal the wounds caused and restore the relationships damaged by injustice is especially compelling.

⁷³ See Jarem Sawatsky, *Justpeace Ethics: A Guide to Restorative Justice and Peacebuilding* (Eugene, OR: Cascade Books, 2008).

And I agree with him that political reconciliation, for practical and principled reasons, must be compatible with an international regime of human rights protection and promotion. His six practices of building socially just institutions, acknowledgement, reparations, apologies, punishment, and forgiveness are indeed practices of reconciliation as restorative justice. Strategic peacebuilding practices as outlined by Lisa Schirch and others are also compatible with Philpott's six practices. A combination of restorative justice and strategic peacebuilding practices, what I have collectively called reconciliationism in this dissertation, is the best way forward for international justice and peacebuilding.

However, Philpott and others leave the question of theological anthropology unanswered. He insists that political reconciliation must function within an international system of human rights, and also states that human rights can be defended without the philosophical foundation of autonomy that undergirds the ICC and other international justice and peace institutions, but does not provide an alternative anthropological ground. He does state that "faiths that profess a God who creates human beings in the divine image, confers love on them, and gives them universal commands in regard to their treatment of others" are especially well positioned to ground human rights, but does not actually propose such a ground.⁷⁴ And he goes on to state that restorative justice "contains no original argument for human rights."⁷⁵ He, therefore, leaves this question unanswered. What is needed is a theological anthropology able to ground the restoration of relationships—interpersonal, political, economic, cultural, and social—as a human right.

⁷⁴ *Ibid.*, 28.

⁷⁵ *Ibid.*

This is where a perichoretic interpretation of the *imago dei* is helpful for reconciliationists. It addresses the problem of grounding practices of reconciliationism as acts of justice while providing a way for integrating those practices as actions of justice in contemporary transitional justice and peacebuilding because they redress the violation of rights. Specifically, because God's image is interdependent human relationships the wounding or rupturing of such relationships constitutes the violation of human rights that are grounded in God's image. The restoration or creation of interdependent relationships constitutes the recognition and restoration of God's image and, therefore, human rights. Restorative justice, then, is a requirement of human rights. It is what redressing the violation of human rights looks like.

Similarly, from within a social trinitarian perspective positive rights *are ontologically grounded* as human rights. Economic justice, for example, is a human rights issue. Exploitative economic systems and structures violate right economic relationships by denying human interdependence and performing structural violence upon the poor. Thus, they are a violation of human rights and diminish the humanity of all those involved. Cultural rights, to language for example, are human rights and the violation of those rights diminishes the humanity of all because it tarnishes the image of God in the world. When humans deny other humans their particularity it is a blatant transgression of the need for particularity in interdependence. I could add example upon example but the logic is clear and each context is unique. Humans created in the image of a perichoretic God violate human rights when they violate life-giving relations that reflect the divine communion of particular others. Justice after this occurs is restorative justice. It is a reconciling justice. Though the achievement of perichoretic human relationships is not possible in the present

world it is the ontological model upon which human rights have their foundation. The justice of human rights, in short, is a reconciling justice.

A Note on Method

In this dissertation I employ a method that goes back to the beginning of Christian social ethics. I use the triad of faith, history, and ethics first employed by Ernst Troeltsch to construct an ethic of reconciliation.⁷⁶ In rejecting the traditional dogmatic method of theology, Troeltsch proposed a historical method which claimed that ethics is the practical negotiation between the normative claims of a tradition and the experiences of history. Rather than a pursuit of abstract universals, ethics is a pursuit of practical compromises guided by normative commitments while attentive to the lived material and historical constraints of human action. This method guides this dissertation in two ways.

First, attention to the history of transitional justice in the twentieth century provides the questions to be answered. These questions, again, are: “What does justice after its gross violation require?” and “What is the best way to create a sustainable peace in the wake of violent conflict?” I join a decades-long interdisciplinary conversation about the nature of a just peace and the means of creating one. Second, this dissertation tests normative claims against historical developments. Reconciliationists have asserted interdependence in their advocacy for an alternative approach to the liberal peace. I draw

⁷⁶ See generally Ernst Troeltsch, “Historical and Dogmatic Method in Theology,” in *Religion in History*, trans. James Luther Adams and Walter F. Bense (Minneapolis: Fortress Press, 1991), 11-32. For interpretations of this method in Troeltsch’s work see Claude Welch, “Ernst Troeltsch: Faith, History, and Ethics in Tension,” in *Protestant Thought in the Nineteenth Century*, vol. 2 (New Haven: Yale University Press), 266-301; and Thomas W. Ogletree, “The Public Witness of the Christian Churches: Reflections Based Upon Ernst Troeltsch’s *Social Teaching of the Christian Churches*,” *Annual of the Society of Christian Ethics* (1992): 43-74. For monograph-length uses of this method in Christian social ethics see H. Richard Niebuhr, *Christ and Culture* (New York: Harper & Row, 1951); Thomas W. Ogletree, *The World Calling: The Church’s Witness in Politics and Society* (Louisville: Westminster John Knox, 2004); and Marshall, *Though the Fig Tree Does Not Blossom*.

on multiple case studies throughout the dissertation—post-WWII Germany, South Africa, Northern Uganda, and Greensboro, NC—to highlight the relative (in)ability of justice and peace practices used in these contexts in contributing to the creation of a sustainable peace. In addition, I highlight ways that reconciliationism and/or a social trinitarian theological anthropology might be able to contribute to a more sustainable peace.

In my historical studies I have become convinced of the reconciliationist approach to international justice and peace. However, I have not found this approach to be the dominant one among Christian theologians. Thus, reconciliationist approaches to transitional justice and peacebuilding have inspired me to answer the theological question of the nature of reconciliation in a new way. Specifically, the problems of developing a theological theory of restorative justice as reconciliation and grounding positive rights led to a reimagining of the doctrine of the image of God from a social trinitarian perspective. Reimagining the doctrine of the image of God in this way contributes to historical conversations about transitional justice and peacebuilding by centering the question of theological anthropology as a ground for justice and peacebuilding. Thus, history has informed the proposed theology, and the proposed theology constructively interprets history.

The historical method begins with a critical step: the normative claims of a tradition are examined in light of historical experience. Thus, I focus on the normative claim of reconciliationists that human interdependence is a central value for reconciliationist praxis. I find these claims to be underdeveloped. I develop them by drawing on social trinitarian theology. By combining these two discourses (reconciliationism and Christian theological ethics), I propose a new ethic in which political reconciliation “occupies the

space of ethics and must negotiate constantly between faith and history.”⁷⁷ In other words, this dissertation is a proposal for an approach to transitional justice and peacebuilding. It is not a final word. Rather, it is an invitation for others to include theological anthropology in their accounts of the ethics of international justice and peace. I suspect they will find interdependence, especially the account presented in this dissertation, especially helpful for integrating multiple justice practices in an ethic of reconciliation.

This method, or some variation upon it, remains one of the fundamental approaches taken by Christian ethicists seeking to make practical recommendations for public actions and political policies. It is an ethic that produces norms to guide public action without prescribing the specific action to be taken in any specific situation. In some ways, it is the foundation for the influential hermeneutical circle which guides much liberation theology and ethics inasmuch as it first insisted on the necessity of attending to historical experience in theological reflection as a relativizing phenomenon with normative implications. As this dissertation seeks to provide a framework for a practical Christian ethic of transitional justice and peacebuilding, by providing the theological scaffolding to support reconciliationism and its emerging practices, I join those ethicists who have employed this method and borne fruit with it.

Conclusion

My argument will unfold in four primary moves. In chapter two I trace the history of modern transitional justice and peacebuilding with special attention to the limits of the liberal peace approach, the role of reconciliationist practices, and the possibility of commonality between reconciliationism and other approaches, such as postliberal and

⁷⁷ I take this phrase from Ellen Marshall’s description of hope. Marshall, *Though the Fig Tree Does Not Blossom*, 13.

feminist approaches, to international justice and peace. In this chapter I demonstrate the inability of the liberal peace, especially its attention to retributive justice, to achieve its goal of creating sustainable peace in transitional societies. Specifically, I highlight critiques of the liberal peace that highlight the need for the more intentional integration of restorative justice, contextually relevant practices of reconciliation, and the protection of positive human rights.

In chapter three I propose a social trinitarian theology of the image of God as a theological anthropology able to ground both restorative justice and positive human rights. Through a study of the achievements of ubuntu philosophy to ground restorative justice in South Africa, and its inability to integrate restorative justice with human rights, I suggest a theological anthropology able to be the foundations for a theory of justice as the restoration of rights-respecting relationships. Specifically, I argue that a perichoretic interpretation of the image of God provides such a theology and can sustain such practices. Because it grounds restorative justice in an image of God ontology it is able to be compatible with the protection of human rights. Thus, reconciliation from a social trinitarian perspective, I argue, is the restoration or creation of rights-respecting relationships.

In chapter four I use this theological anthropology to challenge popular Christian theologies of reconciliation that prioritize forgiveness over justice in reconciliation. I argue that they do not properly define justice from a social trinitarian perspective and therefore wrongly prioritize forgiveness over justice in the process of reconciliation. In fact, a social trinitarian theology of the image of God, I argue, conceives of forgiveness as an act of justice when it contributes to the restoration of rights-respecting relationships. A Christian

theology of reconciliation, then, is one that centers multiple forms of justice rather than prioritizes forgiveness over justice. I conclude the chapter by examining the Greensboro Truth and Reconciliation Commission (GTRC) as an example of what reconciliationist praxis might look like. Specifically, the GTRC's recommendations for the implementation of contextually relevant practices and institutions of restorative/reparative justice, social justice, and human rights are reflective of the highly contextual nature of reconciliationist praxis. Finally, in chapter five, the conclusion, I summarize these arguments and propose several norms to guide reconciliationist praxis in transitional and post-conflict contexts.

Chapter Two:

Reconciliationism in Transitional Justice and Peacebuilding

In this chapter I provide an overview of the fields of transitional justice and international peacebuilding with special attention to the ways dominant practices have emphasized individualistic and universalistic notions of retributive justice. Inasmuch as this emphasis in international justice has proven insufficient for establishing a sustainable peace in transitional societies, this chapter will demonstrate the need for a new direction in transitional justice and peacebuilding. I argue that this new direction is one that recognizes interdependence-in-particularity and emphasizes practices that restore or create rights-respecting relationships. I find signs pointing in this direction in this historical overview, especially in South Africa, but they need to be better developed. I contribute to this development by proposing a theological anthropology of interdependence as the ground for reconciliationism. This overview, then, will identify the key questions to which this dissertation responds (about the nature of justice and its relationship to peace). This chapter also demonstrates the potential for a theological anthropology of interdependence to answer these questions. This proves its relevance to the fields of transitional justice and peacebuilding.

What is Transitional Justice?

Transitional justice is that unique form of justice that characterizes times of transition between political systems.⁷⁸ In the twentieth century, such transitions have

⁷⁸Ruti Teitel defines transitional justice in this way: "Transitional justice can be defined as the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes." Ruti G. Teitel, "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69. John Elster defines transitional justice in this way: "Transitional justice

usually been from an oppressive or totalitarian government to a more liberal and democratic government.⁷⁹ The justice-focus of such periods tends to revolve around the ways the contemporary political regime should address the injustices, oftentimes gross human rights violations, of the prior political regime as well as the appropriate way of integrating a previously disintegrated society. Transitional justice, then, is the attempt to do justice both to the past and to the future by appropriately *punishing* those who actively oppressed and/or excluded others from political citizenship and *integrating* both perpetrators and those citizens who were survivors/victims of human rights violations.

For the sake of analysis, there have been three primary approaches to the ethics of transitional justice taken by scholars: the retributive approach, the realist approach, and the restorative approach. The retributive approach assumes the normative logic and structures of western legal systems, namely, procedures of due process, the individualization of guilt and/or innocence, a focus on “negative rights,” retributive punishment as the primary tool of both “balancing the scales” and deterring future crimes, etcetera. It also assumes that violations of human rights, especially gross violations,

is made up of the processes of trials, purges, and reparations that take place after the transition from one political regime to another.” Elster, *Closing the Books*, 1. While the vast majority of scholars argue that transitional justice exists as a unique form of justice, Eric Posner and Adrian Vermeule argue that there is nothing extraordinary about transitional justice. Rather, they argue that transitional justice, while applying to extreme situations, is simply “ordinary justice.” See Eric A. Posner and Adrian Vermeule, “Transitional Justice as Ordinary Justice,” *Harvard Law Review* 117, no. 3 (2004). While their treatment of the topic is helpful in tempering the passion of those who see truth commissions, for example, as violations of justice that would never be acceptable in a “stable” society, they too quickly dismiss the importance of the word *transitional* in “transitional justice.” There is a real difference between trading jail time for cooperation during a criminal trial in an existing state and granting amnesty from criminal prosecution for political crimes if one confesses to specific human rights violations during a former regime’s reign, for example.

⁷⁹ John Elster has demonstrated that throughout history, specifically ancient Athens and 19th century France, politicians and philosophers have understood justice in transitional times to be different from justice in “ordinary” times. However, the modern field of transitional justice is overwhelmingly concerned with twentieth century transitions to democratic forms of government. In many ways these modern transitions are unique. However, they are not totally dissimilar to historic transitions. See John Elster, *Closing the Books: Transitional Justice in Historical Perspective* (New York: Cambridge University Press, 2004).

require accountability on the part of perpetrators in the form of domestic or international criminal prosecutions if justice is to be done. If such prosecutions are not pursued, it is argued, justice has been violated. Retributive justice is the supreme legal, and in practice political, virtue. This approach was more popular in the early years of transitional justice, but it still has influential proponents today.⁸⁰

The realist⁸¹ approach shares the core commitments of the retributive approach, but lifts the aims of politics and the goal of negative peace to an equal or greater importance as those of law and argues that justice must be minimally compromised for either peace or the building of a new democracy. The vast majority of scholars, especially scholars of human rights and international law, fall into this category. Much of this literature is focused on determining how much “compromise” is acceptable in a given context before the amount of injustice invalidates any resulting political stability and/or peace. The realist approach views transitional justice as “a pragmatic balancing of ideal justice with political realism that instantiates a symbolic rule of law capable of constructing

⁸⁰ For examples of the retributive approach see Naomi Roht-Arriaza, “State Responsibility to Investigate and Prosecute Grave Human Rights Violations in International Law,” *California Law Review* 78.2 (1990): 449-513; and Juan E. Méndez, “Accountability for Past Abuses,” *Human Rights Quarterly* 19.2 (1997): 255-82. Perhaps the clearest exemplar of this approach is the international nongovernmental organization Human Rights Watch. For example, in response to an outbreak of political violence after a contested election in Kenya, Kenneth Roth, Executive Director of Human Rights Watch, argued that “[t]here are only two choices: [retributive] justice or impunity.” He was clear that in his mind the only moral choice was retributive justice. Kenneth Roth, “Justice or Impunity: What will Kenya Choose?” *Human Rights Watch*, April 3, 2009, <http://www.hrw.org/news/2009/04/03/justice-or-impunity-what-will-kenya-choose> (accessed March 20, 2014).

⁸¹ See Diane Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,” *The Yale Law Journal* 100.8 (1991): 2537-2615; Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon, 1998); Ruti Teitel, *Transitional Justice* (Oxford and New York: Oxford University Press, 2000); and Amy Gutmann and Dennis Thompson, “The Moral Foundations of Truth Commissions,” in *Truth v. Justice: The Morality of Truth Commissions*, eds. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000): 22-24

liberalizing change.”⁸² The justice of transitional justice from this perspective is “a partial and nonideal conception of justice.”⁸³ Within a realist approach, then, the tragic realities of political life require the compromise of (retributive) justice to achieve peace. Here justice and peace are social goods of equal worth, but it is clear that from within this framework justice must oftentimes be compromised for the achievement of peace.

The third approach defines justice primarily in restorative rather than retributive terms. Advocates of this approach to transitional justice have tended to be peacebuilding and religious actors who work on the level of civil society or participate in truth and reconciliation commissions and/or community justice and peace initiatives. In this model of transitional justice, reconciliation is understood to be the proper goal of transitional justice. Truth and reconciliation commissions, civil society initiatives, indigenous justice and reconciliation practices, and economic redistribution policies are considered practices of justice equally important to the justice of criminal trials within the restorative framework.⁸⁴ They are not merely compromises for peace. They are acts of justice. Thus, justice is a virtue with multiple expressions across social spheres, and each is important for establishing a sustainable peace and moving toward a reconciled society. In addition, no one form of justice, including retributive justice, has any priority over any other form of justice from within a restorative approach. Reconciliationists, then, are advocates of the restorative approach in transitional justice.

⁸²Teitel, *Transitional Justice*, 213.

⁸³ *Ibid.*, 215.

⁸⁴ See Desmond Tutu, *No Future Without Forgiveness*; Charles Villa-Vicencio, *Walk with Us and Listen*; Daniel Philpott, *Just and Unjust Peace*.

These three approaches have not always existed in the way they do today. Rather, the practice of transitional justice has evolved from an almost purely retributive vision after World War II toward a (oftentimes begrudging) combination of retributive and restorative practices alongside traditional tools of international diplomacy. Ruti Teitel has identified three key phases in the development of contemporary transitional justice: the post-war phase, the post-Cold War phase, and the steady-state phase.⁸⁵ According to Teitel, there are three key historical political shifts that drive this genealogy: first, the end of World War II and the subsequent development of international human rights law; second, the end of the Cold War and the concomitant democratization of several Eastern-bloc countries along with the Soviet withdrawal of guerrilla forces throughout South America; and third, the creation of the International Criminal Court and the globalization of liberal ideals of democracy and human rights. Dustin Sharp has argued that this genealogy should be amended because there should be, and is in fact now emerging, a fourth phase of transitional justice in which “a greater embrace of participatory and community-level approaches to justice rooted in local norms and traditions” and “a more holistic approach to the scope of justice issues addressed in transition, including questions of economic justice” are integrated alongside the steady-state institutions.⁸⁶ In other words, advocates of the restorative approach are having an influence in the practice of transitional justice. This dissertation can be read, in part, as theological support for a normative shift to such a fourth generation of transitional justice inasmuch as the reconciliationism I advocate

⁸⁵ Teitel, “Transitional Justice Genealogy,” 70.

⁸⁶ Dustin N. Sharp, “Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice,” *Harvard Human Rights Journal* 26 (2013): 152.

explicitly links local approaches to justice, especially forms of restorative justice, with positive rights like economic rights.

Phase I Transitional Justice

The post-war phase, following WWII, presumed the necessity of criminal trials in the wake of conflict, and the Nuremberg Trials were the model and epoch of Phase I transitional justice. Nuremberg has had a profound shape on transitional justice inasmuch as people have since looked to it as the ideal model for responding to mass violence; especially, crimes against humanity, genocide, and violations of human rights.⁸⁷ After WWII international criminal trials and tribunals became the expected norm for transitional justice. The appropriate response to the violation of human rights, according to this model, is international retributive justice. In the words of transitional justice historian Jon Elster, the vision of justice in this phase was that of “pure legal justice.”⁸⁸

⁸⁷ In fact, the term “genocide” and international human rights norms and laws were direct responses to WWII and the lack of adequate legal and political categories to deal with the Holocaust. Genocide is defined in United Nations General Assembly Resolution 260A (III) Article 2 in this way: “genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.” According to the Rome Statute of the International Criminal Court ‘crimes against humanity’ are “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender...enforced disappearance of persons; the crime of apartheid; other inhuman acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.” These categories of crime did not exist until Raphael Lemkin quite literally worked himself to death to get them inscribed in international law after WWII. See Samantha Power, *“A Problem from Hell:” America and the Age of Genocide* (New York: Harper, 2002), 1-60, for an accessible account of how these terms came to be part of international law.

⁸⁸ Elster, *Closing the Books*, 84.

However, Nuremberg was never emulated during Phase I. The practical and political difficulties of organizing international trials during the years of the Cold War proved insurmountable. Moreover, western colonial powers were concerned that “their own soldiers would be tried for violations they committed in the colonies.”⁸⁹ Thus, after Nuremberg there was no comparable international tribunal until near the end of the twentieth century—significantly into Teitel’s second phase of transitional justice. Indeed, Nuremberg stood more as an unachievable ideal than a practical model for many decades after WWII. What was originally touted by many as a revolution in international law and politics was in reality a historical anomaly. For various reasons “pure legal justice” proved to be unrealizable from the very beginning of the era of international human rights law. Thus, amnesties and victor’s justice were the norm outside of the context of World War II trials. However, the philosophical specter of “pure legal justice” has never ceased to hover over the practice of transitional justice in spite of its relative impracticability. It is for this reason that Teitel speaks of subsequent evolutions away from this model as compromises of justice.

A Case Study in Phase I Justice: The Frankfurt-Auschwitz Trials

While there were no international trials modeled on Nuremberg during Phase I, there were a variety of national trials that emphasized retributive notions of justice to the exclusion, or at least diminishment, of other forms of justice. One such set of trials was The Frankfurt-Auschwitz Trials. These trials were German Holocaust trials held from 1963-1965 and were the first major Holocaust trials conducted by the Germans themselves.

⁸⁹ Paige Arthur, “How ‘Transitions’ Reshaped Human Rights: A Conceptual History of Transitional Justice,” *Human Rights Quarterly* 31.2 (2009): 342.

Whereas at Nuremberg the Allied nations prosecuted Nazi leaders, at Frankfurt-Auschwitz Germany prosecuted Germans for their crimes against other German citizens during World War II. Twenty-two persons affiliated with the Nazi war effort were tried and seventeen were convicted of various crimes. Many viewed these trials as an opportunity for the German public to come to acknowledge their generally unrecognized guilt from the most infamous war of the twentieth century. Inasmuch as this was the case, the Frankfurt-Auschwitz Trials were a deliberate attempt to achieve historical justice alongside retributive justice. However, as Devin Pendas eloquently argues in his book on the subject, that effort largely failed.⁹⁰

Pendas highlights the ways that the trials sensationalized crimes in order to ensure convictions. The German legal system at the time viewed the motivation of people in committing a crime as a particularly important component of any trial. Proving a malevolent intention was necessary for securing a guilty conviction. To prove guilt in the context of something as widespread as the administration of the Holocaust the prosecution needed to prove malevolent intentions and not just immoral actions (since the genocide was technically “legal” under existing German law—as in Nuremberg, questions of *post facto* justice hovered over the trials). So, to demonstrate people’s malevolent intentions defendants who were convicted were often painted as sadistic torturers who took pleasure in going “above and beyond” the call of duty in murdering masses of Jews even though the call of duty was to violate the human rights of large numbers of people.

Many survivors, on the other hand, testified about daily life in Auschwitz. They used the opportunity to testify in public to bear witness to their lives and the lives of all those

⁹⁰ Devin O. Pendas, *The Frankfurt-Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (Cambridge: Cambridge University Press, 2006).

who did not survive the Holocaust. Their testimonies made plain the widespread nature of Nazi collaboration and exposed a Germany that was often hidden from the view of ordinary citizens during and after the war. However, their narratives were often so wide-ranging that they created the perception in the public that so many people were involved that it would be difficult for Germans to embrace any sense of collective guilt or responsibility when there were “monsters” being tried who sadistically tortured people when it was unnecessary. The everyday running of the Holocaust machine lost its gravity in the context of having to prove people were guilty of specific crimes at specific times in specific places. In this way, “the trial devalued the experiential truth of Auschwitz recounted by the survivor witnesses.”⁹¹ The public story was not about German responsibility but about the “moral monsters” who lived in their midst.

This created a palpable tension in the courtroom throughout the trial process. Pendas describes this as a contest between “the justice *of* law” and “a justice *beyond* law.”⁹² In other words, the structures of the courtroom created an atmosphere that was conducive only to liberal notions of criminal justice. At Frankfurt-Auschwitz, the “justice of the law” was the only justice done. The emphasis on retribution created the conditions in which any attempts to achieve “justice beyond the law” were undercut or aborted.

For example, while survivor testimonies were compelling and informative, they often proved to be slightly out of place in the context of the German criminal trial. “The justice of law” is the justice of a defendant being innocent until proven guilty and the procedures of the criminal court. The “justice beyond law” is a justice that entails the

⁹¹ *Ibid.*, 291.

⁹² *Ibid.*, 40.

proper telling of history, appropriate bearing of responsibility, and constructive forward steps towards confession, repentance, and reparation. In the end, the former was achieved more than the latter.

There were some in the trial who attempted to frame the proceedings in a way that put the entire Nazi regime and German complicity on trial. The structure of the criminal proceedings, however, made that goal unattainable. The Frankfurt-Auschwitz Trials remained a liberal criminal trial through and through. This meant that, in the end, they failed to shape collective memory about the nature of the Holocaust away from a focus on the actions of a few extremists, a few “bad apples,” towards a systematic, society-wide process that made nearly everyone complicit. Historical justice was subverted. Pendas summarizes the inability of the trial to do historical justice in this way:

The whole character of German criminal law is designed to individuate and specify criminality and criminals, to prioritize the significance of their individual, subjective motives for action. But such distinctions can be misleading, if not perverse, when applied to the Holocaust, since it is a crime that makes sense only in its totality...differentiating the perpetrators of the Holocaust on the basis of presumed motivation means necessarily to fragment the Holocaust into a series of distinct, often unconnected crimes or half-crimes, none of which begins to add up to the whole crime of genocide. This belies the true character of the Holocaust as a total social act, like war, one that can only be fetishized or ideologized when not identified as such. *This is why the Auschwitz Trial could sincerely strive for justice on one level – the level of criminal punishment – while simultaneously generating a kind of injustice on another level – the level of historical consciousness.*⁹³

Frankfurt-Auschwitz, inasmuch as it attempted to adhere strictly to the rules and procedures of liberal criminal trials, was unable to achieve any justice other than retributive justice. The nature of the German courtroom predetermined what kind of justice could be achieved and what kind of narrative could be told. It was a fragmented and

⁹³ Ibid., 298-9.

individualist narrative of distinct acts of moral depravity rather than a narrative of the systematic violation of a people's human rights. Crimes against "humanity" were not on trial; crimes against individual persons were. Strict adherence to standards of western jurisprudence, developed over centuries to ensure justice for defendants, proved wholly inadequate for a crime such as genocide.

Frankfurt-Auschwitz is not unique in this regard—it is representative. Criminal trials after the gross violation of human rights are constrained in their ability to achieve justice unless one conceives of justice only in retributive terms. Retribution in Phase I transitional justice, as it was in Frankfurt-Auschwitz, was directly linked to a vision of human being and agency that emphasizes individual thoughts, motivations, and actions. Crimes in liberal criminal trials are viewed through the lens of reason rather than through social, cultural, or political lenses. Thus, systems or peoples cannot be judged to be criminal because only individuals can be judged on the rationality of their motivations. In short, Phase I transitional justice, what Elster called "pure legal justice," proved incapable of achieving any justice other than retributive justice because it conceived of people, in Pendas' words, "not as social actors, but as atomized nomads."⁹⁴

The inability of criminal trials to achieve any justice beyond individualized retributive justice, and the political realities of the Cold War, led transitional societies to practically abandon them for decades. In their place amnesties were often implemented after transitions from one political regime to another. In response to the injustice of amnesties after the gross violation of human rights and mass violence, however, many civil society actors around the world began insisting on historical, social, and restorative justice

⁹⁴ *Ibid.*, 301.

alongside or in place of retributive justice. The most well-known tool for achieving these other forms of justice was the truth (and reconciliation) commission.

Phase II Transitional Justice

The post-Cold War phase, or second generation, emerged in the new political climate that followed the collapse of the Soviet Union and its concomitant political transitions across Latin America, Eastern Europe, and parts of Africa. These transitions, unlike the end of WWII, were usually not total military victories. Often these transitions occurred by negotiated peace treaties or were facilitated by elections or international interventions of various types. In situations such as these Teitel tells us that “the relevant values in balance were hardly those of the ideal rule of law.”⁹⁵ Rather, “pragmatic principles guided the justice policy” and transitional justice “was linked to a conception of justice that was imperfect and partial.”⁹⁶ In other words, because retributive justice was too great a threat to peace transitional justice policies were judged to be illegitimate or “second-best” options.

The goals of transitional justice in this period, partly because there were often no complete “victors” in Phase II transitions, were legitimacy, stability, peace, and the establishment of the rule of law rather than the fulfillment of retributive ideals of justice. The political goal of peace often required what some international lawyers and human rights activists considered “imperfect and partial” justice. “Pure legal justice” was deemed incompatible with peace. While the legacy of Nuremberg-style trials and the desire for retributive justice never faded from consideration in transitional societies and the

⁹⁵ Teitel, “Transitional Justice Genealogy,” 76.

⁹⁶ *Ibid.*

international conscience, in Phase II it became one among numerous goals, and for a number of mitigating circumstances was often the least feasible and/or attractive goal in transitional societies. Thus, in Phase II the truth commission became a common tool in transitional societies pursuing justice.

Priscilla Hayner, the foremost comparative scholar of truth commissions, defines truth commissions in this way:

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with a final report; and (5) is officially authorized or empowered by the state under review.⁹⁷

There have been dozens of truth commissions since the first one in Uganda in 1974 and the first widely-known one in Argentina, which began in 1983.⁹⁸ Each truth commission is unique and they have varied in shape, scope, length, and aim. However, they are generally seen as both addressing the past by finding and telling “the truth” about a previous political regime and as laying the foundation for a democratic future, due to a belief that knowing the truth is a form of justice necessary for a successful democratic society.

A cousin of the early truth commissions is what came to be known as Truth and Reconciliation Commissions (TRCs). The first TRC, in name, was in Chile in 1990-91, but the first TRC to take the promotion of reconciliation seriously as a stated goal of the commission’s work was South Africa’s TRC begun in 1995.⁹⁹ After the South African TRC,

⁹⁷ Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions*, 2nd. Ed. (New York: Routledge, 2011), 11-2.

⁹⁸ Hayner, *Unspeakable Truths*, 256.

⁹⁹ *Ibid.*, 257-8.

social-political reconciliation (including at times forgiveness and healing) and restorative justice became important goals—along with retributive justice, truth-finding, democratization, and the like—to be considered in transitional justice processes around the world. For example, since South Africa there have been at least fourteen truth commissions that have included reconciliation in their name.¹⁰⁰

The addition of reconciliation as a value and goal of transitional justice spurred much literature and debate about the nature of justice in transitional societies. This debate has led to a general consensus that transitional justice is partial, multiple, and/or contextual rather than an abstract ideal to be achieved.¹⁰¹ In other words, the realist approach to transitional justice became dominant even while the restorative approach began gaining traction. In many ways this evolution is a direct response to Phase I and its vision of justice in purely retributive terms. In the time between Nuremberg and the South African TRC, many transitional societies chose to implement general amnesties and/or truth commissions with no bearing on potential prosecutions because of their inability to execute trials in the model of Nuremberg. They could conceive of no feasible way between trials and amnesty; justice is either retributive or it is not done at all (or, as was argued in some of the earliest truth commissions, is traded for truth). In this way, an ideal notion of justice, specifically retributive, may have hindered the achievement of other forms of

¹⁰⁰ Ibid., 258-62.

¹⁰¹ See, for example, Teitel, *Transitional Justice*, 6: “The thesis of this book is that the conception of justice in periods of political change is extraordinary and constructivist: It is alternately constituted by, and constitutive of, the transition. The conception of justice that emerges is contextualized and partial: What is deemed just is contingent and informed by prior injustice.” See also Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998), 4: “First, the variety of circumstances and contexts for each nation, and indeed each person, must inflect and inform purposes in dealing with the past and methods that work or can even be tried ... Saying that context matters is not the end of the analysis. Rather, it is the beginning.”

justice in transitional societies. Justice as participation, recognition, reparation, historical justice, and restorative justice were often not pursued because they were deemed not to be “pure” justice at all. Thus, general amnesties were not uncommon in Phases I and the early years of Phase II. General amnesties have generally been rejected since South Africa, however, partly because of the legacy of TRC’s conception of justice in restorative terms rather than as “pure legal justice.”

A Case Study in Phase II Justice: South Africa’s Truth and Reconciliation Commission

South Africa is an important case study in Phase II transitional justice and peacebuilding for two key reasons. First, other than Nuremberg and other WWII related trials, the South African Truth and Reconciliation Commission (TRC) has probably spurred more scholarly English-language literature than any other transitional justice mechanism. Therefore, it is a frequent reference point for many of the scholars I am in dialogue with in this dissertation and serves as the archetype of Phase II transitional justice. Second, it has inspired multiple other TRCs around the world in the short time since its completion. It is important to understand the key details of South Africa’s TRC if one is to understand the unique features of subsequent TRCs.

South Africa transitioned out of an oppressive regime based on a racist ideology that excluded the vast majority of the population from citizenship rights based on their race. To protect this racist political arrangement the ruling government used military force, secret police units, state-condoned torture, and repressive political policies to subjugate the non-white population. The country experienced roughly a half-century of nonviolent and violent conflict between the ruling National Party and the various revolutionary groups and parties, most notably the African National Congress and the Inkhata Freedom Party.

Violence by state forces reached its most gruesome peak in the 1980s, and violence between the state and revolutionary groups was on the rise up until a negotiated peace agreement and the first truly democratic election in South Africa in the early 1990s.¹⁰²

This context is important for a variety of reasons. First, unlike WWII, there was no unilateral military victory by any side of this conflict. Rather, democratic government came through a negotiated peace agreement that included a provision for amnesty. Thus, large-scale and/or nationally public trials could not be imposed by a military victor. Second, while on the brink of a seemingly inevitable civil war the country never devolved into this state, though the tensions and violence were of a level proportionate to such a situation. Third, again unlike WWII, the two opposing political communities were required to live together after the end of the conflict. Fourth, the root causes of the conflict, specifically racism and economic injustice, were still palpably present in South Africa after the negotiated peace, again unlike WWII. Fifth, a minority group that was once in power now found itself relatively out of political power (though it maintains much social and economic power).

Throughout the first phase of modern transitional justice the working assumption was that transitional societies emerged out of contexts of international warfare. Political transitions post-WWII developed in multiple different directions, however, and South Africa's transition, in many ways, embodies the key components of those developments. For example, the legacy of Western racism and colonialism was a driving factor in South Africa's history and conflict. While not wholly dissimilar to anti-Semitism, western racism

¹⁰² On this history see generally Leonard Thompson, *A History of South Africa*, 3rd ed. (New Haven: Yale University Press, 2001); and Nancy L. Clark and William H. Worger, *South Africa: The Rise and Fall of Apartheid*, 2nd ed. (New York: Routledge, 2013).

toward black Africans is a unique historical phenomenon. Also, the dynamics of Cold War politics significantly influenced both the internal nature of the conflict and the relation of international bodies to South Africa up until the end of the Cold War. For instance, the United States was reluctant to condemn apartheid because South Africa's National Party stood as an ally in the fight against Communism on a continent where there were deep concerns about its influence on the revolutionary politics of the 1970s and '80s. Lastly, the great economic disparities between the first-world and two thirds-world that are a defining component of the global age of capitalism existed within the national borders of South Africa itself. In these and other ways the South African transition is an emblematic political transition of the second half of the twentieth century.

In this context the transitional government of South Africa, led by Nelson Mandela, chose to pursue a very small number of domestic criminal prosecutions¹⁰³ and established the first Truth and Reconciliation Commission in the world that included the promotion of national reconciliation as an explicit goal. It is important to note that the TRC leadership (specifically, Chairperson Desmond Tutu and Deputy Chairperson Alex Boraine) self-

¹⁰³ There were a few high-profile trials and inquests of notorious state police forces charged with some of the most famous and egregious human rights violations. These trials demonstrate the ways in which criminal trials can work against the aims of transitional justice. For instance, "The Craddock Four," a high-profile group of murdered activists, were granted two inquests before a magistrate only to be told after the second one that the judge could not determine a responsible party. Another extremely high-profile trial was that of former Defense Chief Magnus Malan, put on trial along with several others during the work of the TRC for authorizing an assassination squad that killed thirteen women and children. After a drawn-out public trial, and twelve million rand spent, Magnus and everyone else charged were found not guilty. Finally, in the most famous trial, that of the commanding officer of state-sanctioned "death squads," Eugene de Kock, a guilty verdict was found for multiple violations of human rights. However, this case has been charged with "scapegoating" de Kock in such a way, he was given the nickname "Prime Evil," that his conviction actually detracts from the story of state-sponsored and systemic human rights violations by grounding them in the actions of "bad apples" and "evil" individuals like de Kock. The South African case, it seems to me, demonstrates clearly the, at best, mixed-bag that is criminal trials in the pursuit of justice in transitional contexts. See Dumisa B. Ntsebeza, "The Uses of Truth Commissions: Lessons for the World," in *Truth v. Justice*, 161-3; Martha Minow, "The Hope for Healing: What can Truth Commissions Do?," in *Truth v. Justice*, 249; and Pumla Gobodo-Madikizela, *A Human Being Died that Night: A South African Woman Confronts the Legacy of Apartheid* (New York: Mariner Books, 2003), 60-70.

consciously envisioned its structure and work to be a “third way”¹⁰⁴ between two options they deemed unacceptable for their situation; namely, Nuremberg-style prosecutions and a general amnesty.¹⁰⁵ Nuremberg-style prosecutions were deemed unacceptable for several reasons, both practical and principled: the negotiated peace treaty included an amnesty provision; the implementation of prosecutions for everyone who violated human rights laws would be impossible due to limitations in financial and human resources; and the goal of reconciliation in a racially-divided society was deemed necessary to create a functioning society and it was deemed that mass prosecutions would hinder that goal. Also, mass prosecutions were rejected because of an explicit appeal to the traditional southern African value of ubuntu, which served as the philosophical and moral foundation for interpreting the TRCs work as an exercise in restorative justice.¹⁰⁶

In addition to promoting national reconciliation, the TRC was tasked with creating a comprehensive history of apartheid and the resistance to it. The TRC was composed of three main committees: the Human Rights Violations Committee (HRVC), which was tasked with listening to and documenting survivor/victim testimonies; the Amnesty Committee (AC), which was tasked with listening to the confessions and applications for amnesty of perpetrators for specific crimes and determining whether they should be granted amnesty for their testimony; and the Reparation and Rehabilitation Committee (RRC), which was

¹⁰⁴ Tutu, *No Future Without Forgiveness*, 30. “Our country’s negotiators rejected the two extremes and opted for a ‘third way,’ a compromise between the extreme of Nuremberg trials and blanket amnesty or national amnesia. And that third way was granting amnesty to individuals in exchange for a full disclosure relating to the crime for which amnesty was being sought.” See also Alex Boraine, “Truth and Reconciliation in South Africa: The Third Way,” in *Truth v. Justice*, 141-57.

¹⁰⁵ Tutu, *No Future Without Forgiveness*, 19-30; and Boraine, *A Country Unmasked*, 280-3.

¹⁰⁶ *Ubuntu* is an African philosophical concept that emphasizes the communal nature of human existence and the ontological interconnectedness of humanity. More will be said on it in following chapters.

tasked with making recommendations to the government for appropriate reparations to victims of human rights violations.

The HRVC was a public forum, sometimes broadcast over radio and/or television, in which victims were invited to tell stories of crimes committed against them. These were first person narratives that often employed religious and cultural language to describe horrific events. In addition, there were often opportunities for victims to confront offenders, and offenders sometimes offered apologies and even received personal forgiveness from their victims in these hearings. When most people think of the TRC, especially in the West, it is the HRVC hearings that they have in mind because of the emotional and public nature of the testimonies.

The AC was tasked with taking the testimonies of perpetrators to determine whether they told the whole truth about the human rights violations they committed. If they were deemed to have told the whole truth they would be granted amnesty from future criminal prosecutions regarding the crimes they confessed to because they would have contributed to the writing of a new national history. Offenders did not have to show remorse to be granted amnesty, but they did have to be judged by the commissioners to have told the complete truth regarding the violation in question. The AC did not grant any individual a general amnesty; offenders were only granted amnesties for the specific human rights violations they were judged to have told the whole truth about. The AC meetings, because of the forensic nature of its work, resembled a criminal court in ways the HRVC meetings did not.

The RRC was a private committee that was tasked with investigating claims made in the HRVC to determine the amount of reparations that victims were to receive. Upon making this determination the committee made recommendations to the government about who should receive reparations and how many reparations they should receive. This committee worked for nearly a decade longer than the HRVC and AC. It is generally judged as having been the least effective committee of the three because relatively few reparations were paid to victims of human rights violations. While the committee itself did not have the power to dispense reparations, the fact that the majority of their recommendations for reparations were ignored has meant its work was largely symbolic.

In theory, the work of these three committees should have achieved a rather robust measure of restorative justice. The HRVC provided space for victims to tell their stories (and to be heard by the public), to be recognized as survivors of a violation of their rights, and, in some cases, to receive an apology. In these ways it provided a space for formerly excluded people to be recognized and officially participate in the political life of the nation. The AC provided a means by which perpetrators could be reintegrated into the community by means of public confession of their wrongdoing and the potential granting of amnesty. The RRC should have served as the means for victims to receive some form of restitution, reparation, or compensation for their wounds. However, the RRC was the least effective and least supported committee in the TRC. Even Archbishop Tutu has spoken publicly of the failure for adequate reparation to have been administered

after the recommendations of the committee.¹⁰⁷ According to him, economic and social justice are the “unfinished business” of the TRC and the lack of political will to pursue them threatens to kill the reconciliation and just peace the TRC was intended to help create.¹⁰⁸ In large part this is due to a lack of political will; the TRC was tasked with making recommendations for reparations, but it had no power or resources to implement the reparations itself.

Unfortunately, the three committees of the TRC did not always complement each other in such a way as to embody collectively a form of national restorative justice. Rather, they often contradicted or undermined one another’s work. As we have seen, the relative lack of reparations has short-changed the amount of justice victims who testified before the HRVC were promised. Generally speaking, the HRVC, which was the committee chaired by Tutu, was the most successful committee in achieving its goals. This is, in large part, because its “product” was limited to contributing to the writing of a history of apartheid South Africa and providing a public forum in which victims could be heard as members of the political community. Unlike the other two committees, the HRVC was not tasked with making concrete decisions about reparations to be dispensed or amnesties to be granted. Rather, it was a space of affirmation of the victims of human rights violations. It was not, however, without its problems.

Specifically, its definition of what constituted a human rights violation, and therefore who was a victim of such a violation, was limited to extreme violations of

¹⁰⁷ Desmond Tutu, “‘Unfinished Business’ of the TRC’s Healing,” *Mail & Guardian*, April 25, 2014, accessed April 25, 2014, <http://mg.co.za/article/2014-04-24-unfinished-business-of-the-trc-healing>.

¹⁰⁸ Ibid.

bodily integrity such as torture, murder, and sexual violation.¹⁰⁹ One reason this decision was made was to create a task that was manageable; since apartheid was a human rights violation itself the work of the committee could have become unwieldy quite quickly had they not limited the scope of their work. This practical concession is understandable, but it had unintended effects. For example, not unlike the Frankfurt-Auschwitz Trials, it highlighted the especially grotesque crimes and criminals and, therefore, obscured the everyday violations of human rights that made up the life of many black South Africans. Again, injustice in a context of gross human rights violations became hyper-individualized and the systemic nature of such crimes was obscured.

The decision to concentrate on bodily violations of human rights was especially harmful for women as they too often became spectacles in which they were asked to describe horrible sexual violations in detail before the watching nation or with the offender in the room.¹¹⁰ These stories were often the stories that made the front page of the newspaper or the lead story on the evening news.

¹⁰⁹ Promotion of National Unity and Reconciliation Act, No. 34 of 1995, Ch. 1, Sec. 1, accessed April 25, 2014, <http://www.justice.gov.za/legislation/acts/1995-034.pdf>. On Tutu's understanding of the practical implications of this definition see Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1997), 105-106.

¹¹⁰ "The most frequently reported gross violation of human rights suffered by women deponents recorded by the Commission falls into the category of 'severe ill-treatment'...The definition of severe ill-treatment is circuitious but the following violations were considered to fall into the category of severe ill-treatment: rape and punitive solitary confinement, sexual assault, abuse or harassment; physical beating resulting in serious injuries; injuries incurred as a result of police action during demonstrations; 'burnings'; injury by poisoning, drugs or other chemicals; mutilation; detention without charge or trial; banishment or banning; deliberate withholding of food or water to someone in custody; failure to provide medical attention to someone in custody; destruction of a house through arson or other attacks. These categories suggest the range and materiality of violence but do not consider other forms, such as forced removals, structural violence, or symbolic violence. Submissions to the Commission suggested that 'severe ill-treatment' could be interpreted more broadly to include forced removals, economic inequity and racial classification, but the Commission retained its focus on violations of rights and bodily integrity." See Fiona C. Ross, *Bearing Witness: Women and the Truth and Reconciliation Commission in South Africa* (London: Pluto Press, 2003), 19.

Women's experiences of apartheid effectively became hyper-sexualized. Those women who did not testify about their own sexual violations often spoke of a family member who was killed or who disappeared, especially a husband or son. Thus, when women were not being sexualized they were often essentialized in a domestic fashion.

Of course, many women exercised their agency by telling their stories, in their own language, to a public and sometimes national and international audience. The voices and stories of women became a central part of public discourse, and they were often treated as heroines for their bravery in facing hardship or in telling their story. The testimonies of the women at the HRVC are, perhaps, the most enduring memory of the TRC for many people. The focus on the violation of negative rights in the HRVC, however, led to an overemphasis on physical crimes and a glaring lack of attention to economic, cultural, and social crimes. In addition, it served to revictimize some women by exposing them to public scrutiny and shame or by essentializing them as only domestic, rather than also political, actors.¹¹¹

Whereas the HRVC was able to create a space which resembled a community forum in which survivors were able to tell their stories in their own language, the AC functioned more like a courtroom. It functioned in this way for a number of reasons. Offenders often came to the AC trying to gain amnesty without revealing the worst of their offenses and, therefore, were sometimes cross-examined. Also, because the commissioners were tasked with making determinations of whether offenders were telling the complete truth, rather than affirming victims in their agency as was often

¹¹¹ Ibid., 8-50.

done by commissioners in the HRVC, the hearings often had an adversarial tone rather than the pastoral tone often invoked by Tutu. In striking this tone, the AC did not regularly fulfill its role in the restorative justice process; it rarely served as a space that was able to make concrete moves toward the reintegration of offenders into the communities that they violated. Some made confessions, but many were judged not to have told the truth.¹¹²

Richard Wilson has demonstrated that the competing visions of restorative justice (in the HRVC) and human rights (in the AC and HRVC) led to confusion throughout South Africa, and that the language of human rights actually subverted the national goal of reconciliation as restorative justice.¹¹³ He argues that the language of justice as rights (in a traditional sense) was more effectively utilized and spread at the grassroots level than the language of justice as restoration and that, therefore, most people thought of justice in terms of punishment for the violation of individual rights than as the restoration of relationships between people. Megan Shore has similarly argued that the different institutional logics of the HRVC and the AC, namely community forums versus western-style legal courtrooms, created competing visions of justice in the work of the TRC itself.¹¹⁴ It may be, then that the retributive vision of mainstream human rights discourse won out over the restorative justice of the *ubuntu* vision cast by Mandela and Tutu. If it did not “win

¹¹² Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Surrey: Ashgate, 2009), 75-106.

¹¹³ See Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press, 2001).

¹¹⁴ Shore, *Religion and Conflict Resolution*, 141-172.

out,” it at least worked to contradict the goal of reconciliation through restorative justice.

Because of this conflict, within the TRC and in the wider public, the RRC was rather impotent to do its own work in any significant manner. If human rights violations are only the violation of bodily integrity, the vast majority of South Africans who were “only” negatively affected by apartheid through social, cultural, and economic crimes would receive no repair of the harm they endured. They received no justice in regards to the specific injustices they endured. As is too often the case in transitional societies, violations of positive economic, social, and cultural rights were not treated as issues of justice of equal importance as violations of negative rights.

Thus, in Phase II transitional justice the integration of forms of justice other than retributive justice, especially restorative and reparative justice, was uneven and oftentimes contradictory. The retributive vision of “pure legal justice” continued to have a large influence, and those who pursued other forms of justice such as restorative justice were the ones tasked with defending their vision of justice as true visions of justice at all. Mainstream transitional justice literature spoke, and often still speaks, of such pursuits as “impartial,” “imperfect,” or “compromised” justice rather than as actual forms of justice. However, for a variety of reasons truth commissions continued to be implemented in transitional societies, evolved, and have become a regular part of the transitional justice toolkit.

Phase III Transitional Justice

We are now, according to Teitel, in Phase III of the genealogy of transitional justice; the “steady-state” phase. The delineating feature of this phase is the normalization of transitional processes. “What was historically viewed as a legal phenomenon associated with extraordinary post-conflict conditions,” Teitel informs us, “now increasingly appears to be a reflection of ordinary times.”¹¹⁵ Human rights violations seem to be a norm of political life in numerous countries. Tragically, though the creation of international human rights law and the Nuremberg Trials was partially intended to deter future genocides and gross violations of human rights, international trials have become a necessarily regular part of international political life. Violent civil conflicts are in process daily. As I write, Syria has been accused of using chemical weapons against its own citizens. This action has spurred an international debate about military intervention and the role of the ICC in light of human rights violations committed in a civil war. This news follows on the heels of a military coup in Egypt in which reports of human rights violations, including mass killings, have been a regular part of the news cycle. In addition, South Sudan is experiencing intermittent violence that some worry could be the early stages of what could become genocide. Institutions that were once justified as exceptional measures needed to address exceptional crimes have now become permanent fixtures in international law and politics.

The most obvious symbol of this normalization, and the institutional embodiment of Nuremberg’s legacy, is the establishment of the International Criminal Court (ICC). Whereas it was once necessary to create international criminal trials and tribunals “from scratch,” in the Nuremberg Trials and the international criminal tribunals for Rwanda and

¹¹⁵ Teitel, “Transitional Justice Genealogy,” 89-90.

the former Yugoslavia, the creation of such special tribunals has now become normalized in the functioning of the permanently standing ICC.¹¹⁶

“Pure legal justice,” it may seem, has reclaimed the day. However, this entrenchment of Phase I mechanisms has not meant the decline of Phase II mechanisms. On the contrary, the use of truth commissions, alongside indigenous justice and reconciliation practices, has also become normalized in transitional societies. What we commonly see in phase three has tended to be some combination of Phase I and Phase II mechanisms. Sierra Leone stands as one clear example of this phenomenon. In the wake of their civil war they completed a TRC, encouraged traditional reconciliation ceremonies, and have had high level perpetrators face international criminal trials at the ICC, most famously former Liberian President Charles Taylor.

So, transitional justice has gone through three significant evolutionary phases in the last half of the twentieth century and the beginning of the twenty-first century. These phases are distinguished, in Teitel’s account, according to the unique historical-political circumstances of different eras of the twentieth and twenty-first centuries. And for Teitel it has been these historical-political circumstances that have been the driving force behind the evolution and popularization of different transitional justice mechanisms. In her telling, the pursuit of “pure legal justice” has been the norm that has been compromised by these evolving political circumstances and contexts. However, reconciliationists insist that rather than being compromised the justice of transitional justice has widened to encompass more practical expressions of justice by moving beyond legalism. In the words of Michael Walzer,

¹¹⁶ Ibid., 90. “Half a century after World War II, the ICC symbolizes the entrenchment of the Nuremberg Model: the creation of a permanent international tribunal appointed to prosecute war crimes, genocide, and crimes against humanity as a routine matter under international law.”

there are “spheres of justice,” and the various transitional justice mechanisms that have emerged provide relative degrees of justice in their respective spheres.¹¹⁷

While Phase I mechanisms do not have a monopoly in the contemporary practice of transitional justice, they are often still considered the norm against which all other justice practices are measured. And there is often tension or division among transitional justice practitioners regarding the appropriate balance of Phase I and Phase II mechanisms that often revolve around normative arguments about the nature of justice and the efficacy of trials for creating peace.

A Case Study in Phase III Justice: Kony 2012

For example, in 2012 an international controversy erupted regarding an intractable violent conflict that began in northern Uganda and has affected surrounding countries. The United States-based nonprofit organization Invisible Children released an online documentary titled *Kony 2012* on March 5 of that year.¹¹⁸ Within a week of its release it had been seen by over one hundred million people, and it became “the most widely shared human rights video ever.”¹¹⁹ The video, which featured Chief Prosecutor at the ICC Luis Ocampo, urged a variety of celebrities to use their influence to spread the word about Kony and his crimes. It also urged several US and world leaders to support the active pursuit and capture of Joseph Kony, leader of the Lord’s Resistance Army and a man indicted for war

¹¹⁷ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983). On the various forms of justice relevant to transitional justice, including reconciliation, see Alexander L. Boraine, “Transitional Justice: A Holistic Interpretation,” *Journal of International Affairs* 60.1 (2006): 17-27. See also Rosemary Nagy, “Transitional Justice as Global Project: Critical Reflections,” *Third World Quarterly* 29.2 (2008): 275-289; and Louise Arbour, “Economic and Social Justice for Societies in Transition,” *NYU Journal of International Law and Politics* 40.1 (2007): 1-27.

¹¹⁸ The video can be viewed online at <http://youtu.be/Y4MnpzG5Sqc> (accessed December 31, 2013).

¹¹⁹ Lucy Harding, “Kony 2012 in Review,” *Journal of Human Rights Practice* 4.3 (2012): 461.

crimes and crimes against humanity by the ICC in 2005. Specifically, it urged the United States to send military troops to aid the Ugandan military, accused of its own human rights violations, in its attempts to capture Kony. The primary purpose of the film, then, was to raise public awareness and put political pressure on world leaders to intervene in Uganda (militarily if necessary) and arrest Joseph Kony so that he could face an international criminal trial.

The video was praised by a variety of international human rights organizations including the ICC, Human Rights Watch, and Amnesty International.¹²⁰ However, it was also critiqued by a variety of activists and scholars. The video was accused of oversimplifying the conflict, reinforcing racist and colonial images of Africans and Africa, and perpetuating “white savior” ideologies and practices that diminish or deny the agency of Africans.¹²¹ In addition, it highlighted the activity of the ICC without mentioning the peacebuilding and restorative justice work of local organizations including the Acholi Religious Leaders Peace Initiative (ARLPI).¹²² The ARLPI is an interfaith peacebuilding and reconciliation

¹²⁰ See “Joseph Kony 2012: International Criminal Court chief prosecutor supports campaign,” *The Telegraph*, March 12, 2012, accessed December 31, 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/uganda/9137982/Joseph-Kony-2012-International-Criminal-Court-chief-prosecutor-supports-campaign.html>; Anneke Van Woudenberg, “How to Catch Joseph Kony,” *Human Rights Watch*, March 9, 2012, accessed December 31, 2013, <http://www.hrw.org/news/2012/03/09/how-catch-joseph-kony>; and “Efforts to arrest Joseph Kony must respect human rights,” *Amnesty International*, March 8, 2012, accessed December 31, 2013, <http://www.amnesty.org/en/news/efforts-arrest-joseph-kony-must-respect-human-rights-2012-03-08>.

¹²¹ See Harding, “Kony 2012 in Review,” 461-462; Kamari Maxine Clarke, “Kony 2012, the ICC, and the Problem with the Peace-and-Justice Divide,” *Proceedings of the Annual Meeting (American Society of International Law)* 106 (2012): 309-313; and the collection of essays by international scholars, journalists, and activists in Amanda Taub, ed., *Beyond Kony 2012: Atrocity, Awareness, & Activism in the Internet Age* (Leanpub, 2012). PDF e-book.

¹²² The ARLPI describes itself in this way: “The Acholi Religious Leaders Peace Initiative (ARPLI) is an interfaith peace building and conflict transformation organization formed in 1997 as a proactive response to the conflict in Northern Uganda. ARLPI brings together leaders of six different religious sects/denominations (Anglican, Catholic, Muslim, Orthodox, Pentecostal, & Seventh Day Adventist) and their respective constituencies to participate effectively in transforming conflicts in Northern Uganda and the surrounding

organization that has helped to establish a peace agreement, advance women's rights, work for redress for land that has been confiscated during the conflict, and encouraged the reintegration of child soldiers into the communities that they are from and have harmed.

In addition to raising awareness and building political pressure for the active pursuit of Joseph Kony, the film served as a recruitment tool for a planned night of action in which youth and others around the world would plaster "Wanted" posters on school campuses and in public places. I personally saw these posters in Atlanta, GA and in San Juan, Puerto Rico within the span of a few days after the planned night of action that April. Lars Waldorf has argued that this approach to human rights activism—namely, highlighting the arrest and criminal trial of a high profile international criminal—dispenses with former humanitarian strategies of "pity," i.e. showing images of human suffering with the goal of fundraising for relief efforts, and embraces a strategy of "prosecution."¹²³

Pumla Gobodo-Madikizela, a leading interpreter of South Africa's TRC, has called this vision of justice "prosecutorial justice."¹²⁴ The creation of the ICC has spurred an international fascination with criminal prosecutions as a primary tool for ending violent conflicts. Waldorf calls this approach an "embrace [of] muscular human rights" and "human rights on steroids" in which humanitarian concern is paired with international criminal

region." The organization's mission statement is, "ARLPI is an interfaith organization that works for peace and development by transforming violent conflict through dialogue, negotiation, mediation and reconciliation in order to promote sustainable peacebuilding and development in Northern Uganda." Acholi Religious Leaders Peace Initiative, "About Us," Acholi Religious Leaders Peace Initiative, accessed December 31, 2013, <http://www.arlpi.org/about-us>.

¹²³ Lars Waldorf, "White Noise: Hearing the Disaster," *Journal of Human Rights Practice* 4.3 (2012): 470.

¹²⁴ Pumla Gobodo-Madikizela, "Transcending the Dictates of Prosecutorial Justice: Forgiveness of Perpetrators in Cultural Context," in *Just Peace: Ecumenical, Intercultural, and Interdisciplinary Perspectives*, eds. Fernando Enns and Annette Mosher (Eugene, OR: Pickwick Publications, 2013), 151-179.

prosecutions, and in the case of *Kony 2012* with potential international military action.¹²⁵

“*Kony 2012*,” Waldorf informs us, “offers a militant and millenarian version of human rights” that understands justice solely in terms of retribution.¹²⁶

In her work on the interaction of international law and local contexts in Africa, Kamari Clarke has argued that “by focusing on political and civil rights, the neoliberal rule of law project [i.e. the liberal peace] has produced conditions for securing rights in the contemporary arena in a way that has left unaddressed a way to make sense of economic, social, and cultural rights as necessary preconditions for rights themselves.”¹²⁷ According to her, this has meant the privileging of “law” over justice. Or, as Devin Pendas put it in his reflections on the Frankfurt-Auschwitz trials, it privileges the “justice of the law” while diminishing the importance of “justice beyond the law.” Through her anthropological work Clarke has found that “people’s sense of justice can be achieved through a range of means—economic redistribution, the rebuilding of legal and political infrastructures in war torn areas, the end of sexual violence, and so on.”¹²⁸ In light of this larger analysis she argues that *Kony 2012* “is one of a series of flawed ... humanitarian gestures that claim that ... justice equals law.”¹²⁹ For Clarke these dynamics represent the larger trend of a “divide” between peace and justice that can be located in a false universalism that does not pay

¹²⁵ Waldorf, “White Noise,” 470-471.

¹²⁶ *Ibid.*, 470.

¹²⁷ Kamari Clarke, “Rethinking Africa through its Exclusions: The Politics of Naming Criminal Responsibility,” *Anthropological Quarterly* 83.3 (2010): 646-647.

¹²⁸ *Ibid.*, 647.

¹²⁹ Clarke, ““*Kony 2012*, the ICC, and the Problem with the Peace-and-Justice Divide,” 310.

close enough attention to local contexts and the ways that justice is understood in those contexts.¹³⁰

For example, prior to *Kony 2012* local leaders in northern Uganda, including the ARLPI and Betty Bigombe, former Minister of State for the Pacification of the North, were in on-again, off-again peace talks with the LRA. These talks had led to periods of peace that, for a variety of reasons, eventually devolved back into violence. At the time the ICC indictment of Kony and four other LRA leaders was announced Bigombe was in the midst of another round of peace talks with LRA leaders. However, the warrant curtailed this process and peace talks have not resumed since. Clarke informs us that in response to the timing of the indictment “the ICC was condemned by large numbers of Ugandans and human rights groups”¹³¹ because they preferred the continuation of peace talks with the hope of being able to bring a greater number of Kony’s soldiers, many of them abducted from their communities as children, into a process of reconciliation.

What emerged [however] was a presumption on the part of ICC actors that justice was not possible without its adjudicatory power...At the heart of this disagreement were two competing ideas of justice. First, to large numbers of the people of northern Uganda, justice was connected to any forum through which they could return home in safety and, from there, foster the growth of new forms of trust that could form the basis for sustainable peace. But, from the perspective of the ICC, the primary image of justice was that of Joseph Kony and his other four commanders being found, extradited, and brought to trial. The former emphasized the need to address structural injustice, while the latter placed an emphasis on individualized criminal responsibility as the basis for adjudication, and thus justice.¹³²

¹³⁰ Linda Keller has argued that this “divide” can be bridged, including in Uganda, with some well-established rules for when the ICC should defer to local methods of justice. See Linda M. Keller, “The False Dichotomy of Peace versus Justice and the International Criminal Court,” *Hague Justice Journal* 3.1 (2008): 12-47.

¹³¹ Clarke, “*Kony 2012*, the ICC, and the Problem with the Peace-and-Justice Divide,” 310-311.

¹³² *Ibid.*, 311.

As Clarke demonstrates in her ethnographic description of people living in Northern Uganda, the justice imposed by the ICC is often not the justice, or not the only version of justice, desired by people affected by violent conflict.¹³³ In its single-minded pursuit of a “prosecutorial,” “muscular,” and “militant” retributive justice it can trample upon local and contextually appropriate forms of justice including practices of restorative justice. In addition, this neoliberal conception of justice, as Clarke puts it, does not incorporate social, economic, and cultural rights within its purview. Often this work falls to local organizations like the ARLPI, but is then not viewed or treated as actions of justice by international actors. Rather, they are viewed as “peacebuilding” work as if the work of building peace is separate from the work of doing justice.

The demands of justice in northern Uganda are multiple. They include the arrest and trial of Kony and other LRA leaders, but are not limited to retribution. Rather, they include the reintegration of abducted children into the community, as well as reparations made by those children while soldiers in the LRA. It also includes the restoration of land rights lost during the conflict and other forms of economic development. Also, the ARLPI and others have suggested that forgiveness is a form of justice necessary to a sustainable peace. Finally, former child soldiers must receive the counseling, job training, and education that they have been denied for too long. What is desired in northern Uganda, in addition to the end of the conflict, is restorative and social justice in multiple forms.

What is Liberal Peacebuilding?

Liberal peacebuilding is a field closely related to transitional justice, though primarily the purview of scholars of international studies rather than international law.

¹³³ See her extended account in Kamari Maxine Clarke, *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa* (Cambridge: Cambridge University Press, 2009).

Liberal peacebuilding is generally recognized to have been inaugurated in Former Secretary General of the United Nations Boutros Boutros-Ghali's *An Agenda for Peace*.¹³⁴ It is an approach to peacebuilding that emphasizes the rapid establishment of liberal democratic practices, especially free elections, and a free-market economy that is integrated into the global capitalist economy.¹³⁵ It is nearly a truism in international studies that democratic and capitalist countries do not go to war with one another. Thus, they are less prone to be engaged in international violence than non-liberal countries. Liberalism in politics and economics, then, is viewed as the road to peace.

These assumptions dominated the early years of peacebuilding. A general strategy of rapidly establishing competitive elections and creating market economies to participate in the global market in “post”-conflict countries became the model that was applied across societies and continents. Along with the United Nations, the World Bank and the International Monetary Fund were the key international institutions that established this approach as the norm for building peace. In time, criminal prosecutions and the ICC also became a part of the liberal peacebuilding toolkit.

There are problems with this approach, however. Even Roland Paris, the most influential contemporary defender of liberal peacebuilding, argued in his discipline-changing text *At War's End: Building Peace After Civil Conflicts* that this approach confuses the peace that has been established between stable democracies with the way to build

¹³⁴ Boutros Boutros-Ghali, *An Agenda for Peace*, UN document A/47/277-S/24111 (17 June 1992).

¹³⁵ On this point see Roland Paris, “Peacebuilding and the Limits of Liberal Internationalism,” *International Security* 22.2 (1997): 56.

peace within an emerging democracy that has recently experienced violent conflict.¹³⁶ Specifically, he argues that the rapid promotion of competitive elections and competitive markets can lead to violence within a state where the rule of law is not established, nonviolent practices of conflict resolution are not institutionalized, and where violence is still a viable tool to gain political or economic power. In contexts where violent competition has recently been the norm, reintroducing competitions for political power and money can easily cause a negative peace to devolve into renewed violence. Thus, he argues that liberal peacebuilders should pursue a strategy of “Institutionalization Before Liberalization.”¹³⁷ Others have referred to this approach as peacebuilding as statebuilding.¹³⁸

Paris’s critique is not a dismissal of liberal peacebuilding. Rather, it is an internal critique. He says, “Peacebuilders should continue to seek to transform war-shattered states into liberal market democracies, but with a different technique—by constructing the foundations of effective political and economic institutions *before* the introduction of electoral democracy and market-oriented adjustment policies.”¹³⁹ He argues that because western peacebuilders generally live in stable democracies with well-established liberal institutions they have ceased to address the problems tackled by the earliest liberals,

¹³⁶ Roland Paris, *At War’s End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press, 2004).

¹³⁷ *Ibid.*, 179-211. For a similar account see Michael Barnett, “Building a Republican Peace: Stabilizing States After War,” *International Security* 30.4 (2006): 87-112.

¹³⁸ See Charles T. Call and Vanessa Wyeth, eds., *Building States to Build Peace* (Boulder, CO: Lynne Rienner Publishers, 2008); and Roland Paris and Timothy D. Sisk, *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations* (New York: Routledge, 2009). For a critical take on peacebuilding as statebuilding see Oliver P. Richmond, “Failed Statebuilding versus Peace Formation,” *Cooperation and Conflict* 48.3 (2013): 378-400.

¹³⁹ *Ibid.*, 179.

specifically Enlightenment philosophers like Thomas Hobbes and John Locke. Liberal peacebuilders have assumed stable democratic contexts rather than the state of nature. Transitional and post-conflict societies, Paris suggests, are more like the state of nature than they are like the United States or Great Britain. Thus, liberal peacebuilders should ask how to establish a stable state rather than assume that liberal practices stabilize states. Paris argues, drawing on Thomas Hobbes, that a strong authoritarian presence is necessary to establish liberal practices and institutions. Before competitive democratic and market practices are implemented liberal peacebuilders should “bring the Leviathan back in.”¹⁴⁰ Otherwise, the competition associated with elections and a market economy may devolve into renewed violent conflict.

This proposal has been controversial. Paris’s recommendation that “peacebuilders should delay liberalization and limit political and economic freedoms in the short run”¹⁴¹ to establish the conditions and institutions necessary to sustain them in the long run has been criticized as illiberal, paternalistic, and colonialist. Strong critics of liberal peacebuilding see this as evidence of the unjust nature of the entire enterprise of liberal peacebuilding. Paris is clear that the goal of liberal peacebuilding is “transforming these states into liberal market democracies.”¹⁴² Critics of neoliberal globalization are clearly opposed to such a goal, and advocates of local ownership of the peacebuilding process see this interpretation of peacebuilding as an imposed goal intended to benefit global capitalists rather than the people directly affected by the conflict. “In many post-conflict

¹⁴⁰ Roland Paris, “Bringing the Leviathan Back In: Classical versus Contemporary Studies of the Liberal Peace,” *International Studies Review* 8.3 (2006): 425-40.

¹⁴¹ Paris, *At War’s End*, 188.

¹⁴² *Ibid.*, 185.

environments different groups, often locally constituted, perceive liberal peacebuilding to be ethically bankrupt, subject to double standards, acultural, unconcerned with social welfare, and unfeeling and insensitive towards its subjects.”¹⁴³ Liberal peacebuilding is tied to the state and “the elites that control them” rather than “to the local context, to civil society or to deeper layers of society.”¹⁴⁴

Two critics of liberal peacebuilding who believe the liberal peacebuilding project should be abandoned are Roger Mac Ginty and Oliver Richmond. One particular reason they and others believe it should be abandoned is because the internationalist approach of liberal peacebuilding is often in practice predominately an outsider project. Thus, they advocate for a local turn in peacebuilding.¹⁴⁵ Liberal peacebuilding’s reliance upon international institutions and Western systems of government and economics, they argue, are at best contextually inappropriate and at worst neocolonial projects intended to benefit the world’s most wealthy and powerful rather than the poor in conflict-ridden societies. A local turn would better reflect local values, practices, and needs in the wake of violence. The primary goal of peacebuilding should be a contextually appropriate sustainable peace for the people directly affected by the violence rather than the integration of usually poor states into a global political and economic system from which they have benefitted little.

¹⁴³ Oliver Richmond, Annika Björkdahl, and Stefanie Kappler, “The Emerging EU Peacebuilding Framework: Confirming or Transcending Liberal Peacebuilding,” *Cambridge Review of International Affairs* 454.

¹⁴⁴ Ibid.

¹⁴⁵ Roger Mac Ginty and Oliver P. Richmond, “The Local Turn in Peace Building: A Critical Agenda for Peace,” *Third World Quarterly* 34.5 (2013): 763-83. See also two review essays which highlight this turn to the local in peacebuilding: Grant Dawson, “Theory, the Local, and the Liberal Peace: New Books on Peacekeeping and Peacebuilding,” *Civil Wars* 13.4 (2011): 458-66; and Andrea K. Talentino, “Think Local: Reconsiderations on the Liberal Peace,” *International Studies Review* 13.3 (2011): 506-13.

Mac Ginty calls his approach “hybrid peace.”¹⁴⁶ Oliver Richmond has called his approach “post-liberal” peacebuilding.¹⁴⁷ Both approaches, however, emphasize the role of the local in peacebuilding. They argue that international liberal actors, ideals, and structures should interact with local actors, ideals, and structures to create contextually hybrid peace processes in particular locations. Rwanda, for example, has had an international criminal tribunal alongside traditional justice practices called *gacaca*.¹⁴⁸ Sierra Leone, as another example, has combined international trials, in this case through the ICC, with a TRC and traditional reconciliation ceremonies. While these processes have had mixed results, they are indicative of how local values, needs, and practices interact with international institutions that pursue the liberal peace to create hybrid and contextually appropriate processes of justice-seeking and peacebuilding.

Another critique of liberal peacebuilding, and of dominant approaches to transitional justice,¹⁴⁹ is a feminist critique of state-actors, liberal ideals, and western colonialism.¹⁵⁰ Feminist critiques of state-centered justice and peacebuilding highlight the ways that the law and the state work against the rights and needs of women both by

¹⁴⁶ Roger Mac Ginty, “Hybrid Peace: The Interaction Between Top-Down and Bottom-Up Peace,” *Security Dialogue* 41.4 (2010): 391-412.

¹⁴⁷ Oliver P. Richmond, “A Pedagogy of Peacebuilding: Infrapolitics, Resistance, and Liberation,” *International Political Sociology* 6 (2012): 115-31.

¹⁴⁸ On the tensions and controversies between these approaches see Anuradha Chakravarty, “Gacaca Courts in Rwanda: Explaining Divisions within the Human Rights Community,” *2 Yale Journal of International Affairs* (2006): 132-45.

¹⁴⁹ On the similarities between critiques of transitional justice and liberal peacebuilding see Chandra Lekha Sriram, “Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice,” *Global Society* 21.4 (2007): 579-91.

¹⁵⁰ See Pamela Scully, “Should We Give Up on the State? Feminist Theory, African Gender History and Transitional Justice,” *African Journal on Conflict Resolution* 9.2 (2009): 29-43; and Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006).

excluding them from formal peace processes and by emphasizing internationalist and “masculine” ideas of justice in the liberal peace.¹⁵¹ Rather, like Lederach and other reconciliationists, feminist peacebuilders tend to define peacebuilding activities, as Elisabeth Porter does, as “all processes that build positive relationships, heal wounds, reconcile antagonistic differences, restore esteem, respect rights, meet basic needs, enhance equality, instill feelings of security, empower moral agency and are democratic, inclusive and just.”¹⁵²

In addition to a critique of overly hierarchical and internationalist definitions and practices of justice and peace, many feminists argue that women are often treated as passive victims rather than as agents in the conflict and/or in peacebuilding.¹⁵³ Indeed, Anu Pillay, former advisor for Liberia’s truth and reconciliation commission (which included a special report dedicated to women), argues that even that country’s transitional justice mechanisms, which was the first African country to elect a female head of state, had a tendency to treat women as objects rather than subjects.¹⁵⁴

Feminists also critique many “local turns,” such as those proposed by Richmond and Mac Ginty, as returns to traditional patriarchal practices which obscure the rights and needs of women and/or exclude them from leadership as much as state and international

¹⁵¹ See generally Sanam Naraghi Anderlini, *Women Building Peace: What they Do, Why it Matters* (Boulder: Lynne Rienner Publishers, 2007).

¹⁵² Elisabeth Porter, *Peacebuilding: Women in International Perspective* (Abingdon: Routledge, 2007), 34.

¹⁵³ Helen Scanlon and Kelli Muddell, “Gender and Transitional Justice in Africa: Progress and Prospects,” *African Journal on Conflict Resolution* 9.2 (2009): 9-28.

¹⁵⁴ Anu Pillay, “Truth Seeking and Gender: The Liberian Experience,” *African Journal on Conflict Resolution* 9.2 (2009): 91-100.

institutions do.¹⁵⁵ Rather, a turn to the “everyday” is often proposed. By this is meant a focus on the ways that women pursue peace, justice, and stability through “everyday” practices of friendship, mothering, healing, and participation in community and economic life.¹⁵⁶ These practices, it is believed, will better create what Guatemalan peacebuilder Luz Méndez envisions as a sustainable peace: “Children attending school ... Families living in dignified houses ... No children dying from malnutrition. No women dying in childbirth. Women ... walking on the streets without the threat of sexual violence.”¹⁵⁷ The intentional integration of the work of women in civil society, religion, and other “unofficial” capacities and locations are heralded as spaces in which these rights and needs of women can be secured and in which peace can grow.¹⁵⁸ For example, Lesley Connolly argues that women’s socioeconomic rights and freedom from “everyday violence” should come to the fore in transitional justice and peacebuilding work, and that this can be accomplished by taking a more integrated and relational approach to transitional justice and peacebuilding.¹⁵⁹

¹⁵⁵ See Catherine O’Rourke, “The Shifting Signifier of ‘Community’ in Transitional Justice: A Feminist Analysis,” *Wisconsin Journal of Law, Gender, and Society* 23.2 (2008): 269-91.

¹⁵⁶ See Emiko Noma, Dee Aker, and Jennifer Freeman, “Heeding Women’s Voices: Breaking Cycles of Conflict and Deepening the Concept of Peacebuilding,” *Journal of Peacebuilding and Development* 7.1 (2012): 7-32.

¹⁵⁷ *Ibid.*, 17.

¹⁵⁸ For an example of what such practices have looked like in Liberia see Anu Pillay, Marpue Speare, and Pamela Scully, “Women’s Dialogues in Post-conflict Liberia,” *Journal of Peacebuilding and Development* 5.3 (2010): 89-93. For an extended account of Liberian women’s everyday peace practices in the diaspora see Annie Hardison-Moody, “When Religion Matters: A Practical Theological Engagement of Liberian Women’s Narratives and Practices of Healing Post-Conflict (PhD diss., Emory University, 2012). For descriptions of women’s work in peacebuilding beyond Liberia see Kemi Ogunsanya, “Women Transforming Conflicts in Africa: Descriptive Studies from Burundi, Côte d’Ivoire, Sierra Leone, South Africa and Sudan,” *ACCORD Occasional Paper Series* 2.3 (2007), accessed April 25, 2014, http://www.accord.org.za/images/downloads/op/op_2007_3.pdf.

¹⁵⁹ Lesley Connolly, “Justice and Peacebuilding in Post-Conflict Situations: An Argument for Including Gender Analysis in a New Post-Conflict Model,” *ACCORD Occasional Paper Series* 1 (2012), accessed April 25, 2014, <http://www.accord.org.za/images/downloads/op/ACCORD-occasionalpaper-2012-1.pdf>.

Fionnula Ní Aoláin and her collaborators have utilized such critiques to expand the idea of “human security” in transitional contexts beyond ceasefires and peace agreements to the ability for women to be secure in their daily activities, to place gender as the central analytical lens through which to pursue post-conflict justice and peace, to insist on the deliberate inclusion of women at every stage of the peace process, and to expand the purview of transitional justice and peace actors to include social and economic rights.¹⁶⁰ According to Ní Aoláin, international justice and peace processes and institutions have been patriarchal because they have imposed masculine visions of peace, both international and traditional, through their emphasis on peace agreements, criminal trials, and civil and political rights.¹⁶¹

In disproportionately focusing on negative rights, negative peace, and retributive justice, these processes and institutions have effectively made the concerns of women in contexts of conflict of secondary concern or of no concern at all. In those situations in which women’s concerns have been conscientiously integrated into these procedures they have worked to overemphasize certain wrongs that women experience, especially “extraordinary” sexual wrongs, and underemphasize or ignore the social, economic, and “ordinary” wrongs that women often continue to experience in transitional contexts.¹⁶² What security, justice, and peace look like for women in transitional societies, Ní Aoláin et al claim, is something like a woman being able to travel to her local market to trade her wares while her children are in school without fear of experiencing violence along the way.

¹⁶⁰ Ní Aoláin, Fionnuala, Dina Francesca Haynes, and Naomi Cahn, *On the Frontlines: Gender, War, and the Post-Conflict Process* (Oxford: Oxford University Press, 2011).

¹⁶¹ Fionnula Ní Aoláin, “Women, Security, and the Patriarchy of Internationalized Transitional Justice,” *Human Rights Quarterly* 31.4 (2009): 1055-1085.

¹⁶² Ní Aoláin et al, *On the Frontlines*, 173-174.

This level of peace and security, unfortunately, has often not been the result of liberal peacebuilding. And, according to Ní Aoláin et al, it will not be the result of future peacebuilding projects unless a gender lens becomes central to their analyses and practices.

What we see from these critics, postliberal and feminist, are rejections of the emphasis in liberal peacebuilding on mainstream, top-down peacebuilding practices intended to integrate countries into the global economy and shape them to be liberal democracies. While these critics do not necessarily reject the idea of a liberal polity, human rights, or neoliberal economics, they do not believe that they are the only legitimate justice goals in transitional societies. In addition, they argue that an over emphasis on retributive justice, neoliberal economics, and liberal political practices can obscure or even make invisible “local” and “everyday” practices of justice, peacebuilding, and reconciliation that are vital to a sustainable peace. As an alternative, they recommend the intentional integration of a variety of justice and peacebuilding practices, across societal levels and among a wide variety of social actors, into a more cohesive whole that recognizes the work of civil society organizations and individual citizens as being equally important to the work of politicians and international actors. There are also disagreements between the various critics of liberal peacebuilding. However, the majority of them agree that justice should be understood in multiple ways across society and that a more intentional integration of these various justice and peace practices could lead to transitional justice and peacebuilding efforts that create contexts in which a just peace can be built and sustained.

In response to these criticisms Roland Paris has defended liberal peacebuilding as the only viable approach to peacebuilding in our world.¹⁶³ While recognizing that “[e]fforts to promote liberal democratic governing systems and market-oriented economic growth...have been more difficult and unpredictable than initially expected,” Paris disagrees with the “hyper-critical school of scholars and commentators who view liberal peacebuilding as fundamentally destructive or illegitimate” because their criticisms “are both unwarranted and imprudent.”¹⁶⁴ Indeed, he insists that liberal peacebuilding missions have done more good than harm.

Paris’s argument moves along two main lines: first, that critics either misstate or overstate their case, and, second, that there is no viable alternative to liberal peacebuilding. Indeed, he insists that many of the criticisms, such as the critique that liberal peacebuilding is too “top-down” and does not foster local agency, emerge out of liberal principles themselves. Thus, he asks whether these critics are really liberals in disguise. Paris, therefore, suggests that critics should position themselves as reformers, rather than dismantlers, of liberal peacebuilding.

Paris’s article, originally published in *Review of International Studies*, was the inspiration for and was included in an edited volume exploring the effectiveness and ethics of liberal peacebuilding. Titled *When War Ends*, this volume takes Sierra Leone as a case study. Because Sierra Leone has remained relatively peaceful since its transition it has

¹⁶³ His defense has not been without its critics. See Neil Cooper, Mandy Turner, and Michael Pugh, “The End of History and the Last Liberal Peacebuilder: A Reply to Roland Paris,” *Review of International Studies* 37.4 (2011): 1995-2007.

¹⁶⁴ Roland Paris, “Saving Liberal Peacebuilding,” in *When War Ends: Building Peace in Divided Communities*, ed. David J. Francis (Surrey: Ashgate, 2012), 27-29.

generally been lauded as a case of liberal peacebuilding “getting it right.”¹⁶⁵ It pursued liberal and market reforms, sent high-level leaders to the ICC, implemented a TRC, and integrated a variety of civil society programs that emphasized reconciliation by using traditional indigenous practices.

Contra claims that Sierra Leone was a successful liberal peacebuilding project, Carla Castañeda argues that government discourse in Sierra Leone “has assumed that macro-economic stability at the national level will trickle down into community and social peace, in the fashion of a ‘trickle-down peace.’”¹⁶⁶ In this reading, the creation of a negative peace through the establishment of democratic elections and a neoliberal economy “is intended to trickle-down as social, political and cultural security/peace.”¹⁶⁷ The invisible hand of the negative peace created by liberal peacebuilding, then, will naturally guide the creation of a positive peace. Against this reading, Castañeda insists that “[p]eace is not a linear process nor does it follow economic logic,”¹⁶⁸ and, therefore, requires changes across social spheres and in contextually appropriate ways.

Specifically, in Sierra Leone the relative “success” of democracy and free market economics in Sierra Leone has not resulted in decreased hunger or increased access to adequate health care. Macroeconomic growth does not necessarily impact the lives of everyday people. Indeed, too much macroeconomic growth without on-the-ground felt

¹⁶⁵ See Bryan Crawford-Garrett, “Sierra Leone: A Case the International Community Finally got Somewhat Right,” in *When War Ends: Building Peace in Divided Communities*, ed. David J. Francis (Surrey: Ashgate, 2012), 103-22.

¹⁶⁶ Carla Castañeda, “Trickle-down Peace: How Liberal Peacebuilding May Be Failing Sierra Leone,” in *When War Ends: Building Peace in Divided Communities*, ed. David J. Francis (Surrey: Ashgate, 2012), 123.

¹⁶⁷ *Ibid.*, 124.

¹⁶⁸ *Ibid.*, 125.

impacts can deepen the tensions that originally erupted into violent conflict, and Castañeda suggests this is the case in Sierra Leone. By focusing on the technical problems of having fair elections and an increasing presence on the global market, a shared vision of the common good has been neglected. Thus, she suggests “an encompassing peacebuilding discourse that privileges social and distributive action at the same level as it does macroeconomic growth that builds peace intentionally, not by trickle-down proxy.”¹⁶⁹

Several other authors interrogate Paris’s optimism about liberal peacebuilding. Even the volumes’ other most straightforward defender of liberal peacebuilding, Bryan Crawford-Garrett, qualifies his defense by saying that Sierra Leone has struggled “in the attempt to address the underlying causes of the war, foster institutions, or consolidate democracy.”¹⁷⁰ Oscar Mateos argues that “the liberal peacebuilding processes originate a ‘virtual peace’ that does not take into account the social aspects related to welfare” that determine the quality of peace.¹⁷¹ And the book concludes with M.A. Mohamed Salih’s conclusion that “Sierra Leone’s peacebuilding and reconstruction efforts have made the social subservient to the liberal, with major deficiencies in responding to the social problems which contributed to war in the first place.”¹⁷²

Thus, “[w]hile democratic and human rights objectives have been achieved under liberal peacebuilding arrangements, it has failed in addressing the fundamental social

¹⁶⁹ *Ibid.*, 142.

¹⁷⁰ Crawford-Garrett, “Sierra Leone,” 122.

¹⁷¹ Oscar Mateos, “Post-conflict Peacebuilding in Africa: Between ‘Virtual Peace’ and the Search for Legitimacy,” in *When War Ends: Building Peace in Divided Communities*, ed. David J. Francis (Surrey: Ashgate, 2012), 85-6.

¹⁷² M.A. Mohamed Salih, “Coming to Terms with Liberal Peacebuilding in Post-war Liberia and Sierra Leone,” in *When War Ends: Building Peace in Divided Communities*, ed. David J. Francis (Surrey: Ashgate, 2012), 181.

problems confronting the poor in post-war societies such as Liberia and Sierra Leone.”¹⁷³

This emphasis on the inability of liberal peacebuilding to address issues of entrenched poverty, inequality, gender violence, women’s rights, and social justice has become an important critique that echoes critiques of transitional justice’s inability to address social, economic, and cultural rights.¹⁷⁴ Alongside accusations of liberal peacebuilding being anti-democratic and hierarchical, of being the new face of western colonialism, and of being removed from the needs and values of local populations, these social and economic justice critiques have been difficult to overcome.

Peacebuilding is at an impasse. Its institutions reinforce and perpetuate those liberal institutions and practices, like competitive elections and market economies, which can exacerbate conflict and reignite violence while providing the liberal values of human rights that undergird the majority of global action for justice and peace. The primary means of addressing the violation of human rights, namely criminal trials, has also proven to be ambivalent in its ability to both do justice and secure peace. Liberal peacebuilding and transitional justice have been unsuccessful, then, inasmuch as they have not created a “sustainable just peace” in the majority of contexts in which it has been applied because it has focused too much on elections and markets and trials and not enough on issues of locality through the recognition of cultural and group rights and inequality through the defense of economic rights.

¹⁷³ Ibid., 183.

¹⁷⁴ See for example Dustin N. Sharp, “Addressing Economic Violence in Times of Transition: Toward a Positive-Peace Paradigm for Transitional Justice,” *Fordham International Law Journal* 35. 3 (2012): 780-814; and Louise Arbour, “Economic and Social Justice for Societies in Transition,” *New York University Journal of International Law and Politics* 40.1 (2007): 1-27.

In contrast to this approach, Michelle Parlevliet¹⁷⁵ provides a compelling framework for linking human rights and reconciliation by emphasizing the need for thinking beyond criminal prosecutions and the crafting and signing of peace agreements toward integrating social, economic, and cultural rights as well as imagining new relationships to secure a positive, rather than merely negative, peace.¹⁷⁶ Drawing upon her own experience in South Africa and drawing upon relevant scholarship on Northern Ireland, Parlevliet identifies “three particular dynamics” that can undercut the creation of a just and sustainable peace in transitional contexts: underconnection, underrealization, and undervisioning.¹⁷⁷

According to Parlevliet, underconnection occurs in two ways: a lack of connection between the work of state negotiators and community and civil society intervention efforts, and a limited connection between addressing the symptoms and root causes of a particular conflict. We have seen the former critique made by a variety of critiques across the literature in transitional justice and peacebuilding. The second critique is also made by postliberal and feminist critics, for instance Lesley Connolly makes much of the roots of violent conflict being various forms of structural violence, but it has not been as central to

¹⁷⁵ The following paragraphs related to Parlevliet’s essay are a slightly edited version of portions of a previously published review essay. See James W. McCarty III, “The Ambivalence of Peacebuilding: Theories and Contexts,” *Journal of Religion, Conflict, and Peace* 5.1-2 (2012): <http://religionconflictpeace.org/volume-5-issue-1-and-2-fall-2011-spring-2012/ambivalence-peacebuilding>.

¹⁷⁶ Michelle Parlevliet, “Icebergs and the Impossible: Human Rights and Conflict Resolution in Postsettlement Peace Building,” in *Human Rights and Conflict Resolution in Context: Colombia, Sierra Leone, and Northern Ireland*, eds. Eileen F. Babbitt and Ellen L. Lutz (Syracuse: Syracuse University Press, 2009), 248-88.

¹⁷⁷ Parlevliet, 249-50.

my account to this point.¹⁷⁸ I highlight it now because Parlevliet provides a helpful framework for understanding the connection.

Parlevliet suggests that international actors “underconnect” because, as in Paris’ proposal for Institutionalization before Liberalization, they are often too removed from local actors to integrate international initiatives for prosecutions or economic development with local initiatives for community reconciliation or small-scale economic projects that might not significantly impact GDP but might materially affect survivors. In addition, specific acts are often judged, in criminal courts and elsewhere, without reference to social context. So, violations of civil and political rights get treated in ways that elevate them above violations of economic, social, or cultural rights.

Underrealization refers to the “limited implementation” of human rights documents and treaties as well as a narrow interpretation of what counts as a human right. She argues that successful peacebuilding depends upon a legal and political stance that “the relational aspect of (violent) conflict is not necessarily beyond the human rights sphere.”¹⁷⁹ In her account, which a social trinitarian account supports, human rights are “a means to effectuate certain kinds of relationships in the public sphere rather than being an end in their own right. The relationships they revolve around are those between the state and individual citizens or groups, *as well as among the individuals and groups themselves.*”¹⁸⁰ In short, “prosecutorial justice” (Gobodo-Madikizela), “muscular human rights” (Waldorf),

¹⁷⁸ Connolly, “Justice and Peacebuilding in Post-Conflict Situations,” 26-30.

¹⁷⁹ Ibid., 273.

¹⁸⁰ Ibid., 273-4.

and “the neoliberal rule of law project” (Clarke) under-realize human rights because they focus too much on prosecuting perpetrators and effectively ignore their relational aspects.

Undervisioning, finally, refers to the lack of a shared vision for a common future between the primary parties and communities in the conflict. She argues that “the idea of transforming destructive conflict into sustainable peace founded on a culture of human rights more often than not requires a leap in imagination and belief.”¹⁸¹ Here the reconciliationist virtues of humility, risk, ambiguity, and creativity espoused by Lederach and others are especially apropos. Sustainable peace requires more than the cessation of violence or the prosecution of criminals. It requires enemies to envision and work toward a shared future in which they are reconciled. This is in many ways the hardest work after violence, but it is some of the most important inasmuch as it affects relationships in the long-term.

In explicating these theses Parlevliet uses the image of an iceberg to describe violent conflict. “The top of the iceberg, pointing above the waterline, represents violations of rights resulting from violent conflict ... Below the waterline, however, is the bottom of the iceberg, which symbolizes human rights violations as causes of conflict.”¹⁸² The “violations of rights resulting from violent conflict” include things such as bodily harm and death. Those “human rights violations” that are “causes of conflict” include various economic and social injustices which fuel the cycles of violence that represent the “tip of the iceberg.” In Northern Ireland human rights violations both served to fuel the conflict, by parties

¹⁸¹ Ibid., 288.

¹⁸² Ibid., 254.

justifying their violence as retaliation for violations of their rights, and were the result of the conflict.

Drawing on the image of the iceberg, which she reminds us is much larger underneath the water than above it, Parlevliet insists that a “postsettlement environment is not necessarily also a postconflict one.”¹⁸³ Rather, “postsettlement may be *postviolent* conflict, but not *postconflict*.”¹⁸⁴ Though violence, which is the portion of the iceberg above the water, may cease, the sources of violence can remain hidden “underneath the water.” Thus, a peace settlement is only a first step toward securing peace. The longer, and harder, work is addressing not only explicit violence (above the water line), but also structural and cultural violence (below the water line).

This requires a “broader interpretation of rights” which recognizes that they “exist in a social context and are reciprocal.”¹⁸⁵ Connecting these various spheres of social life makes it possible to shape a peaceful society. Doing this “involves an internalization of rights norms, values, and principles so that they guide people’s behaviors, attitudes, and belief systems in relation to the self, others, and the state.”¹⁸⁶ In this way, a kind of peacebuilding virtue ethic that recognizes that the creation and sustenance of positive peace requires the formation of peaceful social actors through peaceful social institutions.

Finally, Parlevliet helpfully points out that a key difference between Northern Ireland and South Africa was the presence of a common social vision in South Africa.

¹⁸³ Ibid., 257.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., 275-6.

¹⁸⁶ Ibid., 276.

Whereas negotiations in Northern Ireland focused on the achievement of a negative peace, and the various parties still often envision different ends (a united and sovereign Ireland or remaining within the United Kingdom), South Africa's transitional government consciously and publicly pursued a "rainbow nation" and *ubuntu* society that constitutes a *new* South Africa that includes all parties in the conflict. In Megan Shore's words, they worked to create a moral, and not merely political, community.¹⁸⁷ This is what Parlevliet means by visioning. In response to the hurdles of underconnection, underrealization, and undervisioning, Parlevliet proposes the pursuit of positive peace through connection, realization, and visioning that, when done well, can "constitute the parameters for a *peace-building system* that incorporates the merits of human rights and conflict-management approaches and insights in the postsettlement phase."¹⁸⁸

Her "peacebuilding system" is akin to Lederach's "web" of peacebuilding and strategic peacebuilding's insistence on integration across societal levels. In addition, her helpful image of the iceberg provides a metaphor for understanding the necessary link between violations of social, economic, and cultural rights with the bodily violation of political rights. They are more often than not intimately connected. In short, Parlevliet provides a compelling argument for reconciliationism at a descriptive and practical level, in light of the particular shortcomings of the liberal peace, though she does not explicitly use the language of reconciliation to describe her peacebuilding system. The general thrust of her argument, however, is consistent with the reconciliationist accounts of Schirch, Lederach, Philpott, and others.

¹⁸⁷ Megan Shore, *Religion and Conflict Resolution: Christianity and South Africa's Truth and Reconciliation Commission* (Surrey: Asgate, 2009), 138-9.

¹⁸⁸ Parlevliet, "Icebergs and the Impossible," 288.

Conclusion

The liberal peace has overemphasized neoliberal and retributive justice. This tendency has led to disjointed and ineffective transitional justice and peacebuilding missions. Most recently, this approach has been demonstrated in the ICC's heavy-handed approach to justice in Northern Uganda. In their pursuit of retributive justice for a few high-profile criminals they have made it more difficult for local actors to pursue varied and holistic justice practices that might lead to reconciliation. Peace processes have been abbreviated and international NGOs, such as Invisible Children, have partnered with the ICC to push for the increased militarization of the conflict. In the process, local actors and organizations have been overshadowed and have publicly pushed back against both the ICC and Invisible Children. These are just the most recent example of retributive justice being prioritized by influential actors over other forms of justice.

Importantly, even in situations where reconciliationist approaches have been pursued, as in South Africa, the pursuit of restorative and other forms of justice have been divorced from or pitted against retributive justice. In the words of Parlevliet, there has been a problem of underconnection. In addition, there has been a consistent lack of integration of economic, social, and cultural rights *as rights* in transitional justice and peacebuilding. The tendency to underemphasize positive rights has been one of the most consistent critiques of liberal peacebuilding across disciplines and political commitments. In South Africa, this tendency to emphasize the violation of negative rights and effectively marginalize violations of positive rights manifested in an emphasis on bodily violations such as torture, murder, and rape. One effect of defining human rights violations in this way

was a hyper-sexualization and –domestication of female victimhood, and an impotent reparations program for economic and social crimes.

This tendency of retributive justice to overshadow other forms of justice is not new or confined to African countries. It also occurred in post-WWII Germany. The attempt of the German government to achieve some form of historical justice and collective responsibility for the Holocaust was hindered by the Frankfurt-Auschwitz Trials because in order to secure guilty convictions the trials emphasized individual crimes committed against individual victims. The inherently social and political crime of genocide was effectively rendered invisible. Rather, a series of individual moral monsters were found guilty for their particular moral deprivations.

A growing number of scholars have suggested new directions for transitional justice and peacebuilding to move. Primarily, these recommendations include the more intentional integration of restorative justice practices, local and community justice and peace initiatives, economic justice, and the integration of positive rights. These suggestions, I argue, can be integrated into a reconciliationist approach to transitional justice and peacebuilding. However, these recommendations have rarely been implemented, and where they have their implementation has been uneven. There are several reasons for this uneven implementation, but one important reason, as demonstrated in the cases of South Africa and Northern Uganda, are because these practices are often viewed or treated as lesser versions of justice than retributive and human rights visions of justice. To overcome this specific difficulty in implementing the recommendations of reconciliationists (as well as many of the suggestions of postliberals and feminists) these practices have to be understood in a way that is compatible with the international human rights regime. I have

already outlined the reconciliationist approach in the previous chapter and suggested that a theological anthropology of interdependence could contribute to that project. In the next chapter I will elaborate on a social trinitarian theology of the image of God and demonstrate its ability to ground a theory of justice that incorporates both human rights and restorative justice.

Chapter Three:

Toward a Social Trinitarian Theology of Reconciliation

Human beings are created in the image of a God who is Trinity. Throughout this dissertation I argue that a sustained examination of this Christian confession provides a theological anthropology able to ground reconciliationism. This theological anthropology provides an ontological ground for the claim that human beings are interconnected and interdependent, and this assertion undergirds reconciliationism and the vision of justice it espouses. In this framework, reconciliation *is* justice. In short, a trinitarian interpretation of the image of God grounds an ethic of political reconciliation that does not violate or transcend justice but is constitutive of justice.

In chapter one I presented the core philosophical and theological assumptions of a reconciliationist approach to transitional justice and peacebuilding. Specifically, I demonstrated that a belief in human interdependence is foundational and suggested that a social trinitarian theology of the image of God provides an ontological ground for such claims. In chapter two I detailed the major developments and arguments in the literature on transitional justice and peacebuilding, with reference to three key historical examples, and argue that the liberal peace has generally been unsuccessful in achieving the goal of sustainable peace in transitional societies. I also identify commonalities between the recommendations of several postliberal and feminist scholars with the recommendations of reconciliationists who advocate for the integration of restorative justice practices, the pursuit of social, economic, and cultural rights, and the radical contextualism of “local” and “everyday” practices of peacebuilding.

In this chapter I develop the argument of the dissertation through three moves. First, I demonstrate the possibilities for a focus on interdependence to contribute to reconciliationist praxis through an examination of the promise and limits of the use of the philosophical concept of ubuntu during South Africa's transition. Ubuntu is a southern African idea that emphasizes human interdependence and was a foundation of the reconciliation process in post-apartheid South Africa.¹⁸⁹ The incorporation of ubuntu as a ground for reconciliation in South Africa's constitution and in the work of the TRC was innovative and demonstrated the promise of a focus on interdependence in transitional justice and peacebuilding. However, it came up short in achieving every aspect of the reconciliation it promoted. South Africa did not redress certain relational wounds, especially economic ones, in part because South Africa's transition included competing visions of justice. While the emphasis on ubuntu was helpful for justifying the incorporation of restorative justice practices in South Africa, it did not have a large impact on people's understanding of justice as human rights. Drawing on the thought of Desmond Tutu, I argue that a social trinitarian theological anthropology would better ground the integration of restorative justice and human rights in transitional contexts than ubuntu did.

Second, I provide a brief history of what has come to be called "social trinitarian" theology and argue for an ontological turn within it. In short, I argue that the Christian doctrine that humans are created in the image of God should be interpreted in light of the Christian confession that God is Trinity. This ontological turn addresses some of the

¹⁸⁹ South Africa's interim constitution (accessed April 27, 2014, <http://www.constitutionalcourt.org.za/site/constitution/english-web/interim/>) and the Promotion of National Unity and Reconciliation Act 34 of 1995 (accessed April 27, 2014, <http://www.justice.gov.za/legislation/acts/1995-034.pdf>), which was the formal declaration of the TRC and its aims, included explicit references to ubuntu as a foundation for the work of justice, peace, and reconciliation.

concerns of critics of social trinitarianism, and provides the foundation for a theory of justice that integrates practices of restorative justice with human rights. Justice, within this framework, is the restoration or creation of rights-respecting relationships.

Third, I trace the difficulties that Christian theologians have had grounding *universal* human rights in the doctrine of the *imago dei* and argue that a social trinitarian ground, like that suggested in part two, is able to achieve this goal. With this social trinitarian theology of justice as reconciliation in hand I will then be prepared to examine critically Christian theologies of reconciliation that prioritize forgiveness (chapter four) and demonstrate what an ethic of reconciliationism might look like in contemporary practice (chapter five).

Experiments with Ubuntu in South Africa

Desmond Tutu on Reconciliation as Restorative Justice

South African Anglican Archbishop Desmond Tutu was a leading religious voice in the fight against apartheid in South Africa. After apartheid was dismantled and a democratic government was instituted, South Africa's first president, Nelson Mandela, appointed him Chairperson of the Truth and Reconciliation Commission of South Africa. In both of those roles he drew upon Christian liberation theology, the Black Consciousness Movement in South Africa, and traditional southern African cultural and philosophical traditions to advocate for liberation from apartheid and reconciliation between all people in the new South Africa.¹⁹⁰ For Tutu these two goals—liberation and reconciliation—are not separate or antithetical. Rather, they go hand-in-hand; there can be no liberation without reconciliation and vice versa. Reconciliation is not possible without justice. Justice

¹⁹⁰ On the sources of Tutu's theology see Michael Battle, *Reconciliation: The Ubuntu Theology of Desmond Tutu* (Cleveland: The Pilgrim Press, 1997).

is not complete until there is reconciliation. The work of justice, therefore, is the work of reconciliation.¹⁹¹

On this point Tutu is in agreement with those Christian theologians that highlight the need for justice in reconciliation. Whereas some worry that the pursuit of justice without a vision of reconciliation will inevitably lead to injustice (a concern that Tutu shares), Tutu and others primarily worry that any reconciliation work that prioritizes forgiveness over social justice will create an unjust peace.¹⁹² Miguel De La Torre, for instance, says, “Reconciliation is ... a process of changing the political, social, and economic power relationships that presently exist between those who benefit from the prevailing order and those who exist on its underside.”¹⁹³ Similarly, Allan Boesak and Curtiss Paul DeYoung claim that “social justice is the centrifugal power at work ... in every reconciliation effort.”¹⁹⁴ This is a stance that Tutu affirms, despite popular portrayals of Tutu as prioritizing forgiveness in reconciliation (a misperception that the title of his book, *No Future without Forgiveness*, exacerbated).¹⁹⁵

¹⁹¹ In a meeting of the leaders of the South African Council of Churches and then Prime Minister P.W. Botha Desmond Tutu said, “The same Gospel of Jesus Christ which compels us to reject apartheid ... or whatever else it may be called, as totally unchristian, is the selfsame Gospel that constrains us to work for justice, for peace and for reconciliation.” In one sentence, Tutu affirmed the interdependence of liberation and reconciliation. Tutu, *Rainbow People of God*, 42.

¹⁹² For example, Miguel De La Torre argues, “Reconciliation needs to become a verb that describes the act of moving from injustice toward justice. The absence of strife is neither peace nor reconciliation ... Seeking peace at all costs can lead to a very unjust justice.” Miguel De La Torre, *Liberating Jonah: Forming an Ethics of Reconciliation* (Maryknoll, NY: Orbis Books, 2007), 140.

¹⁹³ *Ibid.*, 91.

¹⁹⁴ Allan Aubrey Boesak and Curtiss Paul DeYoung, *Radical Reconciliation: Beyond Political Pietism and Christian Quietism* (Maryknoll, NY: Orbis Books, 2012), viii.

¹⁹⁵ Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999).

During the anti-apartheid movement Tutu preached a political theology grounded in both the Christian scriptures and his South African context. This theology demanded that the apartheid government be dismantled and that the new, emerging society should prioritize the poor and oppressed.¹⁹⁶ Tutu's God is not neutral; in his reading of the Bible God always "takes the side of the weak and oppressed."¹⁹⁷ He called the apartheid government evil, and promoted an unashamedly liberationist theological message. The goal of his activism was the total end of apartheid and the creation of a multiracial society based on principles of social justice and political equality. During the transitional period after apartheid and during the first few years of the new democracy Tutu was the chairperson of the Truth and Reconciliation Commission. In this role Tutu was just as adamant about the importance of forgiveness and its necessity for reconciliation as he was about the necessity of social justice and liberation during apartheid. In pursuit of this reconciliation he refused to call the worst human rights violators "monsters," and insisted that they remained a part of the moral and human community and, therefore, had the capacity to repent and be redeemed. In light of this possibility, Tutu maintained that forgiveness of even the most brutal perpetrators had to remain a live option. This option must remain live because full justice, as restoration, is impossible without it. Tutu's ministries of liberation and reconciliation were and are organically linked.

However, there are many who have understood Tutu primarily as a theologian of forgiveness rather than (or in opposition to) a liberation theologian. This is partly due to

¹⁹⁶ There are two primary collections of Tutu's sermons, and both highlight the contextual liberation message in his sermons across the decades. See Desmond Tutu, *Hope and Suffering: Sermons and Speeches* (Grand Rapids: Eerdmans, 1984), and Desmond Tutu, *The Rainbow People of God: The Making of Peaceful Revolution* (New York: Doubleday, 1994).

¹⁹⁷Tutu, *Rainbow People of God*, 72.

the fact that many misunderstand liberation theology as merely a political project of overthrowing racist, colonial, or capitalist governments. It is also due to the philosophical baggage that many bring to the word forgiveness. For those in transitional justice and liberal peacebuilding who work from within the parameters of the liberal peace, forgiveness cannot be a part of justice. Rather, it is understood as the dismissal of the requirements of justice. While a supererogatory act that is often to be commended at the interpersonal level, forgiveness at the social and political level, it is believed, is unjust and should be rejected. When people working with these assumptions hear Tutu advocate forgiveness in politics they hear someone who rejects the claims of justice. From Tutu's Christian African Liberationist perspective, however, forgiveness is necessary for justice rather than antithetical to justice.¹⁹⁸

For example, people concerned about the liberal peace often cringe when they hear Tutu say things like, "The victims of injustice and oppression must be ever ready to forgive. That is a gospel imperative," because they imagine this must be a sacrifice of justice.¹⁹⁹ In doing so, however, they either ignore or deem it contradictory or irrelevant when Tutu follows such statements, often immediately, by insisting that wrongdoers confess, apologize, and make "restitution and reparation,"²⁰⁰ or face criminal prosecution.

¹⁹⁸ It is important to note that not all liberation theologians would be as comfortable as Tutu in appropriating the language of restorative justice, as opposed to "liberatory" or "revolutionary" justice, and that many would be hesitant to speak of forgiveness in the exuberant way that he is wont to do. However, it is clear in light of this brief survey that Tutu's understanding of liberation as restored relationship in community—as *reconciliation*—is not so dissonant with mainstream liberation theologies as is often assumed.

¹⁹⁹ Tutu, *Rainbow People of God*, 222.

²⁰⁰ *Ibid.*

For example, in a speech in March 2003, Tutu conveyed the importance of fundamental socio-economic rights and development with these rhetorical questions:

“Can you explain how a black person wakes up in a squalid ghetto today, almost ten years after freedom? Then he goes to work in town, which is still largely white, in palatial homes. And at the end of the day, he goes back home to squalor? I don’t know why those people don’t just say, “To hell with peace. To hell with Tutu and the truth commission.”²⁰¹

During and soon after the work of the TRC Tutu regularly insisted on the necessity of economic reparations for victims. Without reparations, he warned, South Africa “might just as well kiss reconciliation goodbye.”²⁰² In his memoir of being the Chairman on the TRC, Tutu concludes his reflections by insisting that “unless houses replace the hovels and shacks in which most blacks live, unless blacks gain access to clean water, electricity, affordable health care, decent education, good jobs, and a safe environment,” in short unless social justice is secured, reconciliation will be no more than a dream.²⁰³ Since the TRC completed its work and several of its recommendations have been left unheeded, Tutu has also called on the state to prosecute perpetrators who were not granted amnesty for their participation in the TRC.²⁰⁴ And then, in 2011, Tutu called for a wealth tax to aid in addressing the myriad social problems that are the continuing legacy of apartheid. This tax would amount to one percent of one’s stock exchange holdings and would be used to

²⁰¹ Joseph Nevins, “Truth, Lies, and Accountability: In Search of Justice in East Timor,” *Boston Review*, January 1, 2007, accessed July 8, 2013, <http://www.bostonreview.net/nevins-truth-lies-accountability>.

²⁰² Tutu, *No Future Without Forgiveness*, 58, 229.

²⁰³ *Ibid.*, 274.

²⁰⁴ BBC News, “Tutu Urges Apartheid Prosecutions,” accessed July 8, 2013, <http://news.bbc.co.uk/2/hi/africa/4534196.stm>.

benefit the country's poor who are still battling the effects of the apartheid ideology and system.²⁰⁵

It is clear from these statements that Tutu has argued for social justice in South Africa as necessary for reconciliation. He has never insisted that the only thing that is necessary for reconciliation is social justice, but he has never denied or minimized its importance either. Both justice and forgiveness, in Tutu's theology, are necessary for the restoration of communion. How does Tutu hold together such rigorous demands for a variety of forms of justice with a generous spirit ready to offer forgiveness to any who would ask for it? It is because Tutu holds to a theological anthropology that is able to incorporate human interdependence with positive human rights.

Ubuntu and the Image of God

According to Tutu, his commitment to and vision of justice as reconciliation largely emerged out of a specific African philosophical idea, *ubuntu*, and his Christian commitment that human beings are created in the image of God. *Ubuntu* is described by Tutu in this way:

Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, "Yu, u nobuntu"; "Hey, so-and-so has *ubuntu*. Then you are generous, you are hospitable, you are friendly and caring and compassionate ... It is to say, "My humanity is caught up, is inextricably bound up, in yours." We belong in a bundle of life. We say, "A person is a person through other persons." It is not, "I think therefore I am." It says rather: "I am human because I belong. I participate, I share." A person with *ubuntu* is open and available to others, affirming of others ... for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed, or treated as if they were less than who they are ...

²⁰⁵ Boesak, "Subversive Piety," 144.

To forgive is not just to be altruistic. It is the best form of self-interest. What dehumanizes you inexorably dehumanizes me.²⁰⁶

Philosopher Thaddeus Metz elaborates on the meaning of ubuntu as: 'One becomes a moral person insofar as one honours [sic] communal relationships,' or 'A human being lives a genuinely human way of life to the extent that she prizes identity and solidarity with other human beings,' ... According to this moral theory ... actions are wrong ... just to the extent that ... [they] fail to respect friendship or the capacity for it."²⁰⁷ Though nearly every scholar writing about ubuntu in English takes pains to be clear that it is very difficult, if not impossible, to translate ubuntu into another language, they provide similar definitions as those provided by Tutu and Metz.²⁰⁸ These definitions highlight the relational aspects of personhood, the necessity of community for the formation of persons, and the interdependence between individual and communal goods. Often, though not always, this vision of human personhood is contrasted with "Western" visions of the person as overly individualistic, consumeristic, or as an autonomous actor whose good is understood without reference to the good of others.

There are times, in fact, when Tutu draws a strong contrast between ubuntu and predominant visions of human being and personhood as he sees them in the West. He describes these philosophical anthropologies as overly individualistic and

²⁰⁶ Tutu, *No Future Without Forgiveness*, 31.

²⁰⁷ Thaddeus Metz, "Ubuntu as a Moral Theory and Human Rights in South Africa," *African Human Rights Journal* 11 (2011): 540.

²⁰⁸ For example see Yvonne Mokgoro, "Ubuntu and the Law in South Africa," *Buffalo Human Rights Law Review* 4 (1998): 15; and Mluleki Mnyaka and Mokgethi Motlhabi, "The African Concept of Ubuntu/Botho and its Socio-Moral Significance," *Black Theology* 3.2 (2005): 215-237.

antagonistic. Rather than competition driving social interaction, as in free-market capitalism, in an ubuntu framework it is cooperation that drives social interaction. Rather than a rational autonomous individual being the fulfillment of human nature, in an ubuntu framework it is the person-in-relationship who is the most human. In one place he goes so far as to say, “The completely self-sufficient person would be subhuman.”²⁰⁹ In his strongest articulations, then, Tutu states that separating one’s self and actions completely from a consideration of the good of others is an act of dehumanization.

Tutu writes that he learned this understanding of personhood from traditional southern African sources. However, this relational anthropology is similar to other traditional cultures throughout sub-Saharan Africa. For example, John Mbiti, in his classic book *African Religions and Philosophy*, has said,

[T]raditional [African] religions are not primarily for the individual, but for the community of which he is a part ... To be human is to belong to the whole community ... A person cannot detach themselves from the religion of his group because to do so is to be severed from one’s roots, one’s foundation ... and the entire group of those who make a person aware of their own existence.²¹⁰

The influences of such a worldview are famously seen today in the incorporation of traditional community justice and reconciliation practices in transitional African societies. For example, *palava/er* hut ceremonies have been used in Liberia,²¹¹ *gacaca* courts have

²⁰⁹ Tutu, *No Future without Forgiveness*, 265.

²¹⁰ John S. Mbiti, *African Religions and Philosophy*, 2nd rev. ed. (Portsmouth, NH: Heinemann, 1990, orig. ed. 1969), 3.

²¹¹ See Republic of Liberia Truth and Reconciliation Commission: Volume Three: Appendix IV: Towards National Reconciliation and Dialogues: The Palava Hut or Peace Forums: http://trcofliberia.org/resources/reports/final/volume-three-12_layout-1.pdf (accessed December 30,

been used in Rwanda,²¹² *fambul tok* ceremonies have been employed in Sierra Leone,²¹³ and *mato oput* and other reconciliation practices rooted in Acholi culture have been implemented in Northern Uganda.²¹⁴ The results of these programs are mixed, with Rwanda's *gacaca* courts receiving especially negative evaluations from scholars and Liberia's *palava/er* processes receiving generally favorable evaluations, but the point here is about their attractiveness in transitional African societies. Their attractiveness in the African context is due, in part, to the ways that they resonate with traditional values and practices of community and relationality. It should be noted, however, that the implementation of traditional justice practices has been uneven and their effectiveness is dependent upon a number of variables including but not limited to the nature of the conflict and the transition, their implementation, their incorporation of reparations, and their relationship to Western-style criminal prosecutions.

The dangers of such a highly communitarian worldview are evident to many schooled in western philosophical traditions. The possibility of the needs and rights of individuals being subsumed under the "social good" is evident. The patriarchy of many traditional African cultures which prioritize the community over the individual continues to impinge on the rights of women, children, and others in

2013); and Anna Floerke Scheid, "Under the Palaver Tree: Community Ethics for Truth-telling and Reconciliation," *Journal of the Society of Christian Ethics* 31.1 (2011): 17-36

²¹² See Anuradha Chakravarty, "Gacaca Courts in Rwanda: Understanding Divisions within the Human Rights Community," *Yale Journal of International Affairs* 2 (2006): 132-145; and Max Rettig, "Gacaca: Truth, Justice, and Reconciliation in Postconflict Rwanda?" *African Studies Review* 51.3 (2008): 25-50..

²¹³ See Fambul Tok International's website (<http://www.fambultok.org/>) and the website of the documentary film on their work (<http://www.fambultok.com/>), each accessed December 30, 2013.

²¹⁴ See Linda M. Keller, "Achieving Peace with Justice: The International Criminal Court and Ugandan Alternative Justice Mechanisms," *Connecticut Journal of International Law* 209 (2008): 210-279; and Cecily Rose and Francis M. Ssekandi, "The Pursuit of Transitional Justice and African Traditional Values: A Clash of Civilizations—The Case of Uganda," *International Journal on Human Rights* 7.4 (2007): 101-125..

many communities. Indeed, there are many who similarly criticize such a position from within various African religious and philosophical perspectives.

And, despite protestations that the individual is not subsumed into the community within an *ubuntu* framework, Tutu's rhetoric often reads as if he is succumbing to these dangers. For instance, he has said, "Social harmony is for us the *summum bonum*—the greatest good. Anything that subverts, that undermines this sought-after good, is to be avoided like the plague."²¹⁵ This statement read on its own, or in the context of an abstract understanding of *ubuntu*, is indeed a dangerous statement.

However, at other times he directly contradicts this sentiment. In his insistence that there can be no peace without social justice, he highlights the need for political conflict rather than a temporary "social harmony."²¹⁶ In his insistence that civil disobedience and nonviolent protest was a *requirement* of Christian discipleship in apartheid South Africa, Tutu highlighted conflict over "social harmony."²¹⁷ In his consistent declarations that apartheid was an unjust, unbiblical, and unchristian political system that needed to be dismantled, Tutu chose to be in conflict rather than harmony with much of white South Africa.²¹⁸ In word and deed, then, Tutu often chose the route of constructive conflict over "social harmony." How

²¹⁵ Tutu, *No Future Without Forgiveness*, 31.

²¹⁶ See, for example, Tutu, *Rainbow People of God*, 92-3.

²¹⁷ For an extended examination of the Christian justifications for civil disobedience used in apartheid South Africa, including Tutu's, see Joel A. Nichols and James W. McCarty III, "When the State is Evil: Biblical Civil (Dis)Obedience in South Africa," *St. John's Law Review* 85.2 (2011): 593-625.

²¹⁸ See, for example, Tutu, "Your Policies are Unbiblical, Unchristian, Immoral and Evil: A Letter to P.W. Botha," in *The Rainbow People of God*, 145-56.

does he reconcile these actions with his more sanguine statements of ubuntu, such as the one quoted above?

Tutu sees no contradiction between the implications of an ubuntu anthropology and the necessity of social conflict to bring about social change because his understanding of ubuntu is always paired with the conviction that human beings are created in the image of God. For Tutu, the classical Christian doctrine of the *imago dei* means that every individual human being is sacred and, therefore, possesses an inherent dignity which should never be violated. To violate that dignity is, according to Tutu, to commit blasphemy.²¹⁹

When speaking about the image of God and human dignity Tutu often emphasizes that every individual is a “God-carrier” and that each person is unique and of immeasurable worth.²²⁰ His convictions about the image of God, then, have been the impetus for him to advocate for the rights and needs of individuals even in situations where it might be harmful to “social harmony.” For Tutu, an appropriate theological anthropology, therefore, is one that rightly recognizes the interdependence of individual persons of sacred worth.

Ubuntu states that we are in inseparable relationships with one another, and those relationships place demands upon us. Taken together with the image of God, ubuntu demands that one defend this dignity in others without violating the dignity of perpetrators. Oppressor and oppressed, perpetrator and victim, have the same

²¹⁹ “To treat a child of God as if he or she were less than this is not just wrong, which it is; it is not just evil, as it often is; not just painful, as it often must be for the victim; it is veritably blasphemous, for it is to spit in the face of God. Each of us is a “God carrier,” as St. Paul put it. Human beings must not just by rights be respected, but they must be held in awe and reverence.” Desmond Tutu, *God Has a Dream: A Vision of Hope for Our Time* (New York: Doubleday, 2004), 63.

²²⁰ Ibid.

inherent dignity because they are created in the image of God. Similarly, because they are interdependent (in ubuntu) the violation of human rights dehumanizes both the perpetrator and the victim. The perpetrator is dehumanized because they have acted in ways that separate themselves from the community and the good of others. They have not acted with ubuntu. The victim is dehumanized because they have not been treated with the dignity they deserve as bearers of the image of God. The perpetrator has treated the victim as if the perpetrator's humanity is not bound up in the victim's humanity. In light of this connection between the humanity of every person in a situation of gross injustice, Tutu always advocated for nonviolent methods of social change. His practice of nonviolent social protest was a direct fruit of his dual commitment to ubuntu and the *imago dei* in everyone.

Similarly, in responding to human rights violations uncovered in the TRC or elsewhere Tutu advocated restorative justice. From a human rights perspective, there can be no reconciliation without justice. Amnesty is not an option, and forgiveness alone cannot achieve reconciliation. Indeed, forgiveness cannot have a priority in reconciliation from within a human rights perspective. Justice is as important as forgiveness for moving toward, let alone achieving, reconciliation. However, the justice that is necessary, from an ubuntu perspective, is not the justice that is typically assumed in human rights discourse. When human rights actors speak of justice what they usually have in mind is criminal punishment because they work from within a retributive framework. The human rights community typically understands the violation of human rights to create an obligation for violators to

receive a just punishment, often understood as a severe prison sentence, if justice is to be done.

While from within an *ubuntu-imago dei* framework justice is also required for the achievement of reconciliation, this justice is not understood in primarily retributive terms. Rather, the justice that is envisioned when Tutu says that there can be no reconciliation without justice is restorative justice understood in social terms. If one holds the ontological conviction that all human beings are interdependent, then one conceives of injustice as the violation of those interdependent relations. To do justice after injustice, so conceived, is to restore those violated relationships. *Ubuntu-imago dei* justice, therefore, is always restorative justice.

Ubuntu and Reconciliationism

Charles Villa-Vicencio, a theologian, national research director for South Africa's TRC, and a scholar of transitional justice and international peacebuilding, has argued that "[p]olitical reconciliation is the litmus test of a successful political transition and peace endeavor,"²²¹ and that "the reluctance of proponents of transitional justice to address substantial concerns relating to economic development need to be redressed by giving more attention to the concerns of peace builders."²²² In contrast to "those who draw on the tenets of the International Criminal Court to insist that perpetrators who bear the greatest

²²¹ Villa-Vicencio, *Walk with Us and Listen*, 1.

²²² *Ibid.*, 8. He also says, "This book, which was written at the interface between transitional justice and peace building, seeks to correct the emerging tendency to prioritize prosecutions at the cost of reconciliation by some exponents of transitional justice ... Justice and reconciliation need to be inherently linked to ensure sustainable peace (p. 4)."

responsibility for international crimes must, *of necessity in all cases*, be prosecuted,”²²³ Villa-Vicencio argues for “a balance between justice and reconciliation” that is a balance “between different forms of justice.”²²⁴ Political reconciliation, according to Villa-Vicencio, involves “a minimum level of political harmony and cooperation between former enemies as a basis for pursuing holistic justice, which includes accountability, human rights, economic development, and the rule of law.”²²⁵

Villa-Vicencio insists “transitional justice is a process that needs to be holistically understood” and that a positive peace “includes the capacity of societies to deal with conflict nonviolently and to be willing to build healthy structures and institutions to deal with the underlying causes of conflict.”²²⁶ Here his language sounds very much like that of Philpott, Lederach, and other reconciliationists. However, his account of political reconciliation is distinct from their accounts inasmuch as he focuses on a theological-philosophical anthropology for grounding the work of reconciliation. Drawing from his work in South Africa’s TRC, Villa-Vicencio argues that ubuntu provides a framework for a relational and dialogic approach to transitional justice and peacebuilding.

The “essence” of ubuntu, according to Villa-Vicencio, is that “[w]e are who we are in relation to those around us;” the “underlying principle” is that “human existence is interconnected and communal.”²²⁷ Whereas apartheid in South Africa led to “the loss of

²²³ Ibid., 1-2.

²²⁴ Ibid., 2.

²²⁵ Ibid.

²²⁶ Ibid., 3.

²²⁷ Ibid., 114.

humanity,” ubuntu affirms that all persons “share a common humanity.”²²⁸ It is especially important in transitional societies because ubuntu requires that one take one’s enemies into the orbit of one’s moral universe. No one, even perpetrators and those who have violated human rights, are excluded from the moral and political community. The exclusion of persons from the moral or political community would result in the dehumanization of the one excluded and those excluding. Thus, ubuntu requires a commitment to dialogue with everyone, including, perhaps especially, one’s enemies.

Thus, Villa-Vicencio places “encounter” and dialogue as the central practices of his ethic of political reconciliation. Drawing upon the thought of Hannah Arendt and Jean-François Lyotard, he says that political speech, and listening to the political speech of others, in the context of a culture of human rights is the kind of engagement through which “a person realizes his or her full capacity and promise as a human being.”²²⁹ Quoting Lyotard, he says, “A human being ‘does not precede but results from interlocution.’”²³⁰ In practice, ubuntu requires encounters of dialogue, even with enemies, through which persons and a community are formed. The transformation of conflict, therefore, is a profoundly relational exercise that necessarily changes one’s view of the other, as well as one’s understanding of the self, because it draws enemies into a process of mutual humanization.

Along these lines, South African feminist law scholar Narnia Bohler-Müller argues for what she calls a “jurisprudence of care” that “holds the promise of shifting the emphasis

²²⁸ Ibid.

²²⁹ Ibid., 70.

²³⁰ Ibid.

towards context and away from concerns about the creation of precedents of universal application.”²³¹ She argues, in a similar fashion as Villa-Vicencio though drawing on different sources, that speech acts construct the self and communities and are, therefore, essential to the practice of justice. Everyone involved in justice processes, especially victims, must be able to speak in those practices if they are to be just. Narrative discourses enable persons in conflict to recognize shared humanity and to construct visions for a more human future.

For Bohler-Müller, storytelling in jurisprudence grows directly out of an ubuntu anthropology. She suggests that “*ubuntu* could be utilised to promote a different set of ideals ... ideals not rooted in certain styles of western (eurocentric) [sic] thinking that rely on theories of atomistic individualism, where individuals are perceived to exist within a legal wasteland where nothing is connected to nothing.”²³² Rather, *ubuntu* suggests that “an individual is unique and different, not because she is ‘free’ from others, but because her relations with others make her unique—the who-I-am is always already exposed to another and shaped by a freedom dependent on the freedom of others.”²³³ In other words, both Villa-Vicencio and Bohler-Müller would understand victims’ testimonies in the HRVC, especially those when perpetrators were present, as contexts pregnant with the possibility of justice.

Speaking and listening, however, can be dangerous affairs. If left to the level of “encounter” such dialogues could be times of perceived danger, oppression, exclusion, or

²³¹ Narnia Bohler-Müller, “Beyond Legal Metanarratives: The Interrelationship between Storytelling, *Ubuntu*, and Care,” *Stellenbosch Law Review* 18.1 (2007): 133-160.

²³² *Ibid.*, 140.

²³³ *Ibid.*

disrespect. Words can destroy peace as much as build it. Perpetrators can hijack such encounters so as to cause victims to relive their victimization. Victims, often those who have been powerless for a long time, may not be able to exercise the power to speak. Some people may refuse to listen and enter such encounters with the intention of giving a monologue rather than engaging in a dialogue. These are all risks of dialogues between enemies.

However, there are risks that accompany the refusal to dialogue as well. Lack of dialogue encourages harmful propaganda, the dehumanization of one's enemies, and the lack of participation in the construction of a new society in which enemies become politically reconciled citizens of a nation. Thus, the location "and choreography of encounters and engagement can be as important as the timing."²³⁴ And the timing is important. Villa-Vicencio does not suggest a universal timeline for such dialogues in transitional societies, but he does insist that they are necessary for eventual movement toward reconciliation.

One way this choreography might look is in a TRC. Generally, Villa-Vicencio thinks South Africa's TRC was successful in this regard. However, "[a]t best the TRC hearings could only be part of a longer healing process."²³⁵ According to Villa-Vicencio, that "longer healing process" needs to include economic justice, up to and including reparations. "The major challenge facing restorative initiatives in a postconflict situation is to ensure that the initiatives open the way to future conflict prevention, which embraces economic

²³⁴ Villa-Vicencio, *Walk with Us and Listen*, 71

²³⁵ *Ibid.*, 95.

transformation and restores political engagement between those torn apart by conflict.”²³⁶

Here Villa-Vicencio echoes the criticisms of Tutu and others regarding the failure to implement the economic justice measures suggested in the TRC report.

“Simply put,” Villa-Vicencio says summarizing his theory of political reconciliation, “this suggests that unjust material and social conditions need to be redressed *before* meaningful dialogue can take place. And yet ... that encounter and dialogue are necessary to unleash the commitment that is necessary to enable this to happen.”²³⁷ Dialogue and social and economic justice are simultaneously required for reconciliation, but the pursuit of one can hinder the pursuit of the other. Thus, context is vitally important to the sequence and “choreography” of both dialogue and the pursuit of economic justice.

Another way this choreography might appear is in traditional indigenous practices. In Africa, especially, this may be the case. Villa-Vicencio argues that “sustainable justice and reconciliation” requires the integration of the ICC and traditional justice and reconciliation practices.²³⁸ Through culture, ritual, sacred space, and community involvement traditional practices in multiple African countries contribute to “the restoration of relations between the living and the dead through acknowledgment, reparations, and reconciliation.”²³⁹ And this integration is increasingly happening, if only in a piecemeal fashion, in new transitional contexts. “The reality is, however, that retributive impulses promoted through international courts and tribunals invariably take precedence over traditional practices in

²³⁶ Ibid.

²³⁷ Ibid., 81.

²³⁸ Ibid., 130.

²³⁹ Ibid., 143.

most transitional situations.”²⁴⁰ The principled pursuit of retribution can hinder peacebuilding as much as a single-minded pursuit of reconciliation can.

Political reconciliation, then, has two sides: material and subjective.²⁴¹ Often missing from the literature in transitional justice and peacebuilding is the subjective side, meaning those relational wounds and ruptures that are not measurable or directly related to the legal and political goals of the liberal peace. This part of the process and goal of reconciliation is often replaced with an abstract vision of justice. Reconciliationism insists, however, that justice is contextual and relational and must attend to the actual wounds and relational ruptures caused by injustice. This requires a move toward the intentional and contextual integration of civil society initiatives and indigenous and religious reconciliation practices, formal institutions of restorative justice, and the local and everyday pursuit of a shared life. It also requires the pursuit and protection of economic, social, and cultural rights alongside the pursuit and protection of negative rights. The integration of restorative justice practices and the pursuit of positive rights must always be contextually appropriate. They must address the particular wounds caused by particular conflicts, and must work together to cast a shared vision for the future and to form citizens with the virtues necessary to sustain that vision.

This task has proven to be quite difficult in transitional contexts. One reason, as we saw in the previous chapter, is because the visions of restorative justice and human rights are often understood to be at odds. In South Africa this was evident in the popular imagination, as demonstrated in Richard Wilson’s fieldwork, and in the contradictory

²⁴⁰ *Ibid.*, 131.

²⁴¹ *Ibid.*, 164. “If economic inclusivity is the material ingredient required to promote political reconciliation, the transcending of ethnic divisions is the social or subjective side of the process.”

institutionalization of these visions in the HRVC and AC and in the virtual ignoring of positive human rights as evidenced in the failure to implement the recommendations of the RRC. While restorative justice and human rights are intimately linked in the mind of Desmond Tutu, in practice they were contradictory in South Africa's transition. Ubuntu was integral to the foundation and creation of the TRC, but the sister doctrine of the image of God was not. Rather, a retributivist perspective on human rights that was not linked to ubuntu functioned as the primary understanding of justice from a human rights perspective. Justice as reconciliation and justice as human rights were understood to be distinct rather than linked. I will argue in the next two sections that a social trinitarian theology of the image of God is equipped to overcome this dichotomy because it links human rights to interdependence at the ontological level.

A Brief History of Social Trinitarian Theology

The doctrine of the Trinity is perhaps the most unique of all Christian doctrines, and is one of its most central.²⁴² It is also its most perplexing. In short, the doctrine of the Trinity is the historic Christian response to the seeming paradox that arises from the fact that the Christian scriptures and the baptismal formula speak of God as Father, Son, and Holy Spirit while simultaneously proclaiming that there is only one God, the one named YHWH in the Hebrew Bible. In confessing the Trinity in its creeds the historically recognized Christian church rejected several other proposed options. The two most significant options rejected in the creeds were Modalism, the idea that there is one divine

²⁴² Stanley Grenz says, "In fact, what sets Christianity apart from the other religious traditions is the confession that the one God is Father, Son, and Spirit. As a consequence, no teaching lies at the center of Christian theology, if not of Christian faith itself, as does the doctrine of the Trinity." Stanley J. Grenz, *Theology for the Community of God* (Grand Rapids: Eerdmans, 1994), 53. On the centrality of the doctrine of the Trinity to Christian theology also see Khaled Anatolios, *Retrieving Nicaea: The Development and Meaning of Trinitarian Doctrine* (Grand Rapids: Baker Academic, 2011).

being who is revealed and has interacted with the world in three modes throughout history, and Arianism, the idea that the Son and the Spirit were created beings and, therefore, lesser deities than the god who created the world. The creedal confessions of the Trinity were originally intended to reject the ideas that there is only one God who is “three-faced” or that the three divine persons revealed in the Christian scriptures are unequal. Against these doctrines the historically recognized Church, in its creeds, confesses the equal divinity of Father, Son, and Spirit; however, none of the creeds expound upon exactly *how* this is so. Thus, throughout history much of Christian theology has been devoted to explaining this seeming impossibility.²⁴³

The basic doctrine of the Trinity has historically been that there are three divine persons who share one divine substance or essence. Thus, there is one divine *ousia* (Greek for essence) and three divine *hypostases* (a Greek word often translated as “person,” and means something like “independent realities”). This paradoxical combination of *ousia* and *hypostases* can be summed up in four seemingly contradictory but equally true statements: God is one (*ousia*), God is three (*hypostases*), God is a diversity (*hypostases*), and God is a unity (*ousia*).²⁴⁴ Throughout history different thinkers, traditions, and denominations in the Christian Church have emphasized one or more of these sentiments to greater or lesser degrees, with these varying degrees of emphasis leading to disagreements and conflicts

²⁴³ For an accessible presentation of this history see Justo L. Gonzalez, *The Story of Christianity, Vol. 1: The Early Church to the Dawn of the Reformation*, 2nd ed. (New York: HarperOne, 2010), 69-260. For a detailed study of the early controversies surrounding the doctrine of the Trinity see Lewis Ayres, *Nicaea and its Legacy: An Approach to Fourth-Century Trinitarian Theology* (Oxford: Oxford University Press, 2004). For a helpful survey of contemporary and global trinitarian theology see Veli-Matti Kärkkäinen, *The Trinity: Global Perspectives* (Louisville: Westminster John Knox Press, 2007).

²⁴⁴ On these four statements as making up the “content of trinitarian doctrine” see Grenz, *Theology for the Community of God*, 66-9.

between and within these denominations. The most historically significant such disagreement led to the eventual schism between what is now known as Eastern Orthodoxy and Roman Catholicism.

One way that theologians have told the story of the broad differences between Eastern (Eastern Orthodox Churches) and Western (Roman Catholic and Protestant churches) formulations of the Trinity is that the West has historically focused on the eternal attributes of God in God's essence (*ousia*) while the East has historically focused on the three divine persons as they have related, and continue to relate, to themselves and the world (*hypostasis*).²⁴⁵ In light of these different emphases, western theologians and churches have usually declared that the three are one because they share a divine essence while eastern theologians and churches have usually declared the oneness of the Trinity because of the interdependent nature of the intra-divine relations. This emphasis on unity and essence in the West is often attributed in these histories to a neo-Platonic emphasis on transcendental eternal forms or more recently on universal norms which are to guide life on earth. In short, it is often argued that the West has focused on the divine essence, rather than the divine persons, because it has often felt the need to answer the questions of, or make sense from within the assumptions of, ancient Greek, and later Enlightenment, philosophy.²⁴⁶ The result of this emphasis in the West, says Catherine LaCugna, is that

²⁴⁵ Indeed, theologians as denominationally and geographically diverse as John Zizioulas (Orthodox, Greece), Catherine LaCugna (Roman Catholic, USA), and Jurgen Moltmann (Protestant, Germany) have told such a story. Of course, such a story paints in very broad strokes and counter-examples to such a story are readily available. For a collection of the diversity of claims regarding the history of trinitarian theology see Robert J. Woźniak and Giulio Maspero, eds., *Rethinking Trinitarian Theology: Disputed Questions and Contemporary Issues in Trinitarian Theology* (London: T&T Clark, 2012).

²⁴⁶ For one such extended account see Colin E. Gunton, *The One, The Three and the Many: God, Creation and the Culture of Modernity* (Cambridge and New York: Cambridge University Press, 1993).

“[Western] Christianity found itself in the strange position of having a trinitarian doctrine of God on the books, but in practice its theology had become unitarian.”²⁴⁷ German Protestant theologian Jürgen Moltmann has called such stances “moral monotheism.”²⁴⁸ While the historic doctrine of the Trinity is intended to secure the monotheistic nature of the Christian faith, modern theologians often draw a distinction between “monotheism,” with some adjective such as “mere” or “moral” or “simple” preceding it, and trinitarianism.

One reason the doctrine of the Trinity fell out of favor for many years in the West, so the story goes, was because in an increasingly technological and “practical” world it seemed overly speculative and impractical or “to have no point other than a fruitless attempt to reconcile apparently contradictory numbers.”²⁴⁹ Thus, it was rejected for a time as unnecessary for “relevant” Christian theology and ethics. This attitude began to change, however, and a multitude of attempts at revitalizing the doctrine of the Trinity in the West have been proposed since the mid-twentieth century. One influential attempt, which has inspired much reflection, is Roman Catholic theologian Karl Rahner’s claim that, “The ‘economic’ Trinity is the ‘immanent’ Trinity and the ‘immanent’ Trinity is the ‘economic’ Trinity.”²⁵⁰ In theological language, the “immanent Trinity” refers to the eternal shared life of the three persons of the Trinity; the “economic Trinity,” on the other hand, refers to that of God which is known through God’s interaction with the world, primarily as revealed in

²⁴⁷ Catherine Mowry LaCugna, “God in Communion With Us: The Trinity,” in *Freeing Theology: The Essentials of Theology in Feminist Perspective*, ed. Catherine Mowry LaCugna (San Francisco: Harper Collins, 1993), 90.

²⁴⁸ He says, “The modern world’s devotion to what is ethical and pragmatic has led to the disintegration of the doctrine of the Trinity in moral monotheism.” Jürgen Moltmann, *The Trinity and the Kingdom*, trans. Margaret Kohl (SCM Press, 1981; reprint, Minneapolis: Fortress Press, 1993), 8.

²⁴⁹ Colin Gunton, *The Christian Faith: An Introduction to Christian Doctrine* (Malden, MA: Blackwell Publishing, 2002), 179-80.

²⁵⁰ Karl Rahner, *The Trinity*, trans. Joseph Donceel (New York: Herder and Herder, 1970), 22.

scripture and the life of Jesus Christ. By claiming that the economic Trinity is the immanent Trinity and vice versa Rahner meant that one cannot know anything about the nature and being of God except by what God has revealed. Thus, all speculation about God's immanent life, usually by drawing on the categories of ancient Greek philosophy, are, in the end, irrelevant if not first grounded in what we know of God through God's economic life as revealed in scripture, especially the life of Christ.

This insight by Rahner has inspired a significant expansion of Western (Roman Catholic and Protestant) theologians engaging seriously the doctrine of the Trinity and, in turn, reading scripture using trinitarian lenses. These engagements have led to creative and constructive theologies that have challenged long-held assumptions about Christian theology and ethics. Jürgen Moltmann, for example, argued in his groundbreaking book *The Crucified God* that "a truly Christian theology has to make Jesus' experience of God on the cross the centre of all our ideas about God."²⁵¹ He remained faithful to this claim when he turned his attention to the Trinity in *The Trinity and the Kingdom* where he argued that the Bible reveals that "the history of the world is the history of God's suffering ... it is this experience of God that reveals the triune God."²⁵² The biblical narrative's movement to and from the cross of Jesus, argues Moltmann, reveals God as Trinity *and* as a God who suffers, *including in God's relations with Godself*.²⁵³

Moltmann's claim that (the immanent) God suffered directly challenges the classic assumption and doctrine that God (in God's immanent life) is impassible (i.e. free from

²⁵¹ Jürgen Moltmann, *The Crucified God*, trans. R.A. Wilson and John Bowden (SCM Press, 1974; reprint, Minneapolis: Fortress Press, 1993), x.

²⁵² Moltmann, *The Trinity and the Kingdom*, 4.

²⁵³ See *ibid.*, 21-96.

experiencing suffering, pleasure, or change). By reengaging scripture through trinitarian lenses one of the most influential theologians of the twentieth century both challenged long-held dogmas of the Christian faith *and* addressed one of the primary challenges to twentieth century theology: mass human suffering from World War II, the legacies of colonialism, contemporary globalized poverty, and modern warfare. In response to such global oppressions Moltmann asserts that God as Trinity suffers with the oppressed. Similarly, Roman Catholic and feminist theologian Catherine LaCugna, inspired by Rahner and moving in the general direction of Moltmann, argued, "If Christian theology had let go the insistence of God's impassibility [because it focused too much on God's immanent life through the categories of ancient Greek philosophy] and affirmed that God suffers in Christ [because this is the story of Christian scripture], it could have kept together, against Arianism, the essential unity and identity between the being of God and the being of Christ [without appeals to a divine substance abstracted from the divine persons]."²⁵⁴ Such a creative deployment of orthodox Christian faith and language to reconstruct Christian theology demonstrates the potential of modern trinitarian theology.

Alongside a reengagement with scripture through trinitarian lenses, the renewed interest in the Trinity has led Western social trinitarian theologians to reengage the work of Eastern theologians, ancient and modern, whom they claim have historically focused on God's *hypostases* rather than God's *ousia*. These ecumenical engagements have brought two key theological insights to the forefront of modern trinitarian theology: first, divine personhood is now often understood relationally, and, second, the ancient notion of

²⁵⁴ Catherine Mowry LaCugna, *God for Us: The Trinity and the Christian Life* (San Francisco: Harper Collins, 1991), 43.

perichoresis (a Greek word used to describe the interdependence of the divine persons) has reentered the theological lexicon. These theological insights have been employed to challenge philosophical and theological anthropologies that emphasize individual autonomy and rationality rather than relationality and interdependence.

Relationality and Divine Personhood

Eastern Orthodox theologian John Zizioulas has influentially argued that rather than understanding a person as an autonomous and rational individual, as is often the case in the post-Enlightenment West, we should look to the persons of the Trinity to understand what it means to be a person. For Zizioulas and others, the Western individualistic emphasis goes all the way back to St. Augustine and his project of locating the image of the Trinity in the interior life of individual human beings,²⁵⁵ and was entrenched in the philosophical and political movements of the Enlightenment. However, when we look to the Trinity as formulated in the East to understand personhood we see that rather than being self-sufficient individuals the divine persons are ontologically relational persons. “God is a relational being: without the concept of communion it would not be possible to speak of the being of God” and therefore “[i]t would be unthinkable to speak of the ‘one God’ before speaking of the God who is ‘communion,’ that is to say, of the Holy Trinity.”²⁵⁶

²⁵⁵ “Individualism is present in the very foundation of this culture. Ever since Boethius in the fifth century identified the person with the individual ... and St. Augustine at about the same time emphasized the importance of consciousness and self-consciousness in the understanding of personhood, Western thought has never ceased to build itself and its culture on this basis.” John D. Zizioulas, *Communion and Otherness: Further Studies in Personhood and the Church*, ed. Paul McPartlan (London and New York: T&T Clark, 2006), 1, 33. For a similar account see LaCugna, *God for Us*, 97-104.

²⁵⁶ John D. Zizioulas, *Being as Communion: Studies in Personhood and the Church* (Crestwood, NY: St. Vladimir’s Seminary Press, 1985), 17.

In this way, for Zizioulas, and according to him in the patristic era, “communion becomes an ontological concept.”²⁵⁷

Because God is eternally Trinity God “has no ontological content, no true being, apart from communion ... even God exists thanks to an event of communion.”²⁵⁸ Thus, “it is communion which makes beings ‘be’: nothing exists without it, not even God.”²⁵⁹ Being, or personhood, is ontologically relational. There are no persons without the relations that exist between and are constituted by other persons. The idea of an isolated person, or a state of nature that might exist before the communion of persons, is a misguided myth with sometimes tragic ethical, political, and legal consequences. Human persons are ontologically persons-in-relation. In his first book on the subject, Zizioulas argues that we should therefore understand “being *as* communion.” In the sequel to this groundbreaking text Zizioulas furthers this argument by insisting that there can be no true communion without otherness. In fact, communion generates otherness. There can be no communion unless there are others to be in communion with. And otherness requires that there be another that one is other than. Otherness, like communion, is an ontological category. Thus, according to Zizioulas, the Trinity teaches us that God is a communion of Others.²⁶⁰ Whereas otherness is often understood to be predicated on isolation, separation, and

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ “As a result, finally, otherness is inconceivable apart from *relationship*. Father, Son and Spirit are all names indicating relationship. No person can be different unless he is related. Communion does not threaten otherness; it generates it.” Zizioulas, *Communion and Otherness*, 5.

exclusion in much of western thought and institutions, in a trinitarian understanding of personhood Otherness actually requires communion.

This is so because God is eternally in relations as Father, Son, and Spirit. Indeed, God's names make no sense outside of relationship. "Father," for instance, implies relationship with the begotten Son and proceeding Spirit.²⁶¹ The Father is eternally a father in relationship with the Son and the Spirit. The name "Father" cannot be used to describe a lonely monad or a "principle of being" or "the One." Rather, it must be used to describe one who is in eternal relationship. Indeed, it makes little sense from a Christian confessional perspective to speak of God as Father or Son or Spirit in isolation. When a Christian says "God," she or he is (ideally) saying Father and Son and Spirit simultaneously. The Christian God is a God eternally in interdependent relationship.

Such an understanding does not necessarily imply that uniqueness or particularity is subsumed in relationship or communion. Rather, according to Zizioulas, "the way to make someone or something unique is to see this particular being in relation to everything that exists ... In a relational ontology there is no Other without Others, for every being obtains its identity through its relations and not through separation."²⁶² No other being, no

²⁶¹ I recognize the dangers of consistently referring to God in masculine terminology and am sensitive to the claim that this practice has, over the centuries, contributed to the oppression of women. Here I follow feminist theologian Catherine LaCugna's maintenance of the biblical and traditional formula "Father, Son, Spirit" because the picture of fatherhood given by Jesus, as in the parable of the prodigal son, is one that overturns patriarchal practices. Thus, when naming the persons of the Trinity I follow LaCugna in maintaining the traditional practice of naming Father, Son, and Spirit. See LaCugna, "God in Communion With Us," 99-108. In addition, I am in agreement with Jürgen Moltmann that speaking of a father who begets the Son "means a radical transformation of the Father image; a father who both begets and bears his son is not merely a father in the male sense. He is a motherly father too. He is no longer defined in unisexual, patriarchal terms but ... bisexually or transexually. He has to be understood as the motherly Father of the only Son he has brought forth, and at the same time as the fatherly Mother of his only begotten son." Moltmann, *The Trinity and the Kingdom*, 164.

²⁶² Zizioulas, *Communion and Otherness*, 73.

other person, is related to all other beings in exactly the same way as another person. Thus, it is relationship that constitutes particularity. The fact that no one is related to my parents, my spouse, my godchildren, the factory workers who make the clothes I wear, and my dissertation committee in just the same way as I am is what makes me a particular and unrepeatable person. Just as the persons of the Trinity depend on one another to be who they are, we depend upon others for our own particularity. We are who we are, to a larger extent than we often admit, because others are who they are. We do not exist as particular people because of who we would be isolated in a state of nature or an “original position.” Rather, we are the particular people we are precisely because of the relationships we have with other people.

This relational ontology, argues Zizioulas, is the opposite of the separatist ontology that undergirds western individualism in which “protection from the other is a fundamental necessity.”²⁶³ Whereas Western individualism suggests that what makes one a unique rights-bearing person is that which transcends context and relationship, the ontology of personhood represented in the Trinity admits no particularity outside of those relations. Thus, the trinitarian “person” is not the same as the “individual.” An individual, according to Zizioulas, requires exclusion and separation. We have individuals in the west, in part, because we have not had a proper trinitarian understanding of divine personhood. Rather, we have come to believe that “the ‘self’ is realized through the rejection and not the acceptance of the Other.”²⁶⁴ The “self” is an essence rather than a person-in-relationship.

²⁶³ Ibid., 1. Ironically, as Colin Gunton points out, western individualism has tended to lead to two homogenizing tendencies which consume particularity: totalitarian communism and, since the end of the Cold War, neoliberal global consumerism in which every “individual” is able to purchase a Coca-Cola anywhere in the world. See generally Gunton, *The One, The Three and The Many*, 11-123.

²⁶⁴ Zizioulas, *Communion and Otherness*, 2.

From a trinitarian perspective this is all wrong. The personal self, as opposed to the individualistic self, recognizes that “[t]he person is an identity that emerges through relationship ... This is what distinguishes a person from an individual.”²⁶⁵ Therefore, to be a person is to be in unique relationships with other persons. It is the uniqueness of each relationship, therefore, that constitutes the particularity that is the uniqueness of each person in relationship.

Zizioulas is not the only theologian to make the argument that the notion of personhood we learn from the Trinity, namely person-in-relationship, is contrary to the modern notion of personhood. For example, Colin Gunton, a “conservative” Reformed theologian, argued in his Bampton Lectures at Oxford University that in order to overcome the fragmentation that is the result of the modern construction of personhood through excluding others we need “an account of relationality that gives due weight to both one and many, to both particular and universal, to both otherness and relation.”²⁶⁶ That account must be based, he says, on “a conception of God who is both one and three, whose being consists in a relationality that derives from the otherness-in-relation of Father, Son and Spirit” because “communion is intrinsic to [God’s] being ... Internally, God is a fellowship of *persons* whose orientation is entirely to the other.”²⁶⁷ According to Gunton, the inability of Western philosophy to deal adequately with the problem of “the one and the many” by successfully integrating the particularity of each human person and experience with the necessarily social and relational nature of human existence, has led to homogeneity

²⁶⁵ Ibid., 9.

²⁶⁶ Colin E. Gunton, *The One, The Three and The Many: God, Creation and the Culture of Modernity: The Bampton Lectures 1992* (Cambridge and New York: Cambridge University Press, 1993), 6-7.

²⁶⁷ Gunton, *The Christian Faith*, 186.

(namely totalitarian communism and neoliberal consumerism) and disengagement. Disengagement, according to Gunton, “means standing apart from each other and the world and treating the other as external, as mere object.”²⁶⁸ In other words, the prevailing institutional practices born out of modern philosophy and culture assume that others are not necessary for one’s own personhood.

Moltmann, a radically different kind of Reformed theologian, has similarly diagnosed a theological-philosophical anthropological problem in modern thought and argued that in light of the Trinity “person” and “relationship” “have to be understood in a reciprocal relationship” because “there are no persons without relations; but there are no relations without persons either.”²⁶⁹ Likewise, Catherine LaCugna insists that “[a]n isolated person is a contradiction in terms” because “God is *essentially relational*.”²⁷⁰ Because divine personhood is the basis for all personhood, we must insist with these theologians that human personhood is similarly relational. Specifically, to be a person is to be a particular person in unique relations with particular Others, relationships which both constitute and are constituted by the persons in them. In this way, others are “no longer the limitation on my freedom;” rather, they are “an expansion of it.”²⁷¹

Perichoresis

Divine relationships are not merely any kind of relationships, however. They are of a certain quality. Throughout the centuries the primary way of describing the trinitarian

²⁶⁸ Gunton, *The One, The Three and The Many*, 14.

²⁶⁹ Moltmann, *The Trinity and the Kingdom*, 172.

²⁷⁰ LaCugna, *God for Us*, 288-9.

²⁷¹ Moltmann, *The Trinity and the Kingdom*, 216.

relations is that they are relations of love. The author of 1 John could declare “God is love,” in an ontological sense, because in the Trinity God is eternally existing relationships of love between Father, Son, and Spirit. In addition to love, Christian theologians have used the words “interdependent,” “interconnected,” and “interpenetrating” to describe the trinitarian relations. The most robust word the tradition provides to describe the “inter-” nature of the relations, however, is the Greek word *perichoresis*. Catherine LaCugna describes *perichoresis* in this way:

...the three divine persons mutually inhere in one another, draw life from one another, “are” what they are by relation to one another. *Perichoresis* means being-in-one-another...No person exists by him/herself or is referred to him/herself ... Rather, to be a divine person is to be *by nature* in relation to other persons. Each divine person is irresistibly drawn to the other, taking his/her existence from the other, containing the other in him/herself, while at the same time pouring the self out into the other...While there is no blurring of the individuality of each person, there is also no separation. There is only the communion of love in which each person comes to be...what he/she is...*Perichoresis* provides a dynamic model of persons in communion based on mutuality and interdependence.²⁷²

In trinitarian theology it has traditionally been used as

a way of showing the ontological interdependence and reciprocity of the three persons of the Trinity: how they [are] what they [are] by virtue of their interrelation and interanimation, so that for God to be did not involve an absolute simplicity but a unity deriving from a dynamic plurality of persons.²⁷³

While the Christian scriptures and creeds testify to the Trinity, they do not explain the Trinity. They provide no theoretical explanation for how the one God is Father, Son, and Spirit. The Christian scriptures consistently insist that there is only one God, but tell a story in which there are three divine actors: a Creator whom Jesus calls “Father,” Jesus himself,

²⁷² LaCugna, *God for Us*, 270-1.

²⁷³ Gunton, *The One, The Three and The Many*, 152.

who is revealed as God incarnate, and the Holy Spirit who moves in and through hearts, the Church, and the world to bring people to respond both to the Father's creation and sustenance of the world and to the Son's ministry in and to the world. It is the Spirit who enables the Word who was with the Father in creation, namely Jesus, to be received by a fallen world. God's activity in history, then, is always trinitarian activity. The Christian scriptures tell a story in which there are clearly three divine persons acting to redeem the world. The creeds name and confess this story in such a way as to ensure the equality of the three persons of the Trinity, but that is as far as they go.

Thus, Christian theologians, going back at least to the Cappadocians—fourth century theologians Basil the Great, Gregory of Nyssa, and Gregory of Nazianzus from Cappadocia (in modern-day Turkey)—have proposed the notion of *perichoresis* to explain the seeming paradox of one and three. The doctrine of *perichoresis* insists that the persons of the Trinity constitute and are constituted by each other person. They are not simply three individuals who come together to create a unity. Nor are they a homogenous community with different names in which particularity is subsumed in community. Rather, they are co-constitutive. There is no God without Father, Son, and Spirit in a perichoretic relationship.

The Father cannot be who the Father is, for example, without eternally begetting the Son and being the one from whom the Spirit proceeds. And the Son is not the Son without being born of the Father and being the Word which the Spirit takes into the world. And the Spirit is not the Spirit without proceeding from the Father and carrying the Word/Son into the world. There would be no Word for the Spirit to carry if there were no Son. There would be no Word to be received if the Spirit were not there to carry it. And there would be no Son or Spirit if there were no Father to send them. These three constitute the very being

of the Others while simultaneously being constituted by the Others. It is a circle of eternal interdependence which relies on the presence of Others for its loving communion.

Catherine LaCugna and others, therefore, provide us with the helpful metaphor of dance to describe the trinitarian relations. Just as a dance requires particular individuals to create an interdependent communion that is unique in itself, God is an eternal dance between Father, Son, and Spirit.

The most famous and influential artistic portrayal of the Trinity is Andrei Rublev's icon of the Trinity. Its continuing influence can be seen in that so many books on the Trinity have it as its cover image.²⁷⁴ Rublev was a medieval Russian painter of frescoes and icons for the Russian Orthodox Church. His most famous icon is of the Trinity. In it he paints the three visitors to Abraham and Sarah in Genesis 18, who promise the couple that God will give them a son in their old age, as the three members of the Trinity. The first verses of the story read, "YHWH appeared to Abraham by the oaks of Mamre, as he sat at the entrance of his tent in the heat of the day. He looked up and saw three men standing near him." There is nothing to insist that this is an appearance of the Trinity, and Jews surely reject such an interpretation, but Christian mystical theology has often interpreted the story in such a way.

In Rublev's icon the three visitors—Father, Son, and Spirit—sit in an open circle, almost as if inviting the viewer into the trinitarian life. Indeed, the Orthodox doctrine of *theosis* (deification) is that salvation is the process of being drawn into the trinitarian life of God's eternal love. In meditating upon this icon one feels invited into the perichoretic

²⁷⁴ Of works referenced in this chapter, Stanley Grenz's *Theology for the Community of God* and Colin Gunton's *The Christian Faith* use the icon as their primary cover image. In addition, Catherine LaCugna makes reference to it in her essay "God in Communion With Us."

relations of the Trinity—to have a seat at the table. On the table between them is the Eucharistic cup, and in the background is Abraham and Sarah’s tent transfigured into a temple alongside the tree of life. The three gaze at one another as they exist in reciprocal relations. They are particular in clothing and position, and yet are in union as a coherent whole mutually inviting each other and the viewer to enter into their life. The icon is an icon which has embodied, for centuries, the insight that God’s being is an eternal communion of distinct and equal Others.

This is in contrast to some medieval paintings which portrayed the Trinity as a three-faced body.²⁷⁵ The difference between an emphasis on the mutual relations between three distinct and equal persons and the idea of a single substance giving expression to three “faces” of God is clear. The point is not that there is some strong distinction between an “Eastern” and a “Western” conception of the Trinity. Both traditions use very similar language, though there are important differences, to speak of the God revealed in the Bible as both one and three. And movement towards a reconciliation between Roman Catholicism and Eastern Orthodoxy has occurred in recent years. It is important, however, to recognize that different emphases in formulations of the doctrine of the Trinity, creedally, artistically, and in theological literature, can contribute to different formulations of personhood. This is especially true when these different emphases impact how the doctrine that human beings are created in the image of God is understood.

²⁷⁵ Justo L. González, *The Story of Christianity: Volume 1: The Early Church to the Dawn of the Reformation* (San Francisco: Harper, 1984), 160.

The Image of God in Christian Ethics

One way of reengaging scripture through social trinitarian lenses is to start at the very beginning of the Bible and its profound declaration that humans are created in the image of God. To ask the question of the image of God in a trinitarian key implies that human beings are, ontologically, relational and interdependent creatures. Justice—the core virtue of social and political life—must, therefore, be understood in a relational way. To construe justice in another way, especially a hyper-individualistic or antagonistic way, would be to espouse a virtue founded on a mistaken understanding of what it means to be a human person. It is important to note, however, that the majority of Christian ethicists, especially in the twentieth and twenty-first centuries, have not talked about the image of God with any direct reference to perichoresis or God’s relational personhood. Rather than interpreting the doctrine in a trinitarian and relational way the majority of Christian thinkers have interpreted the doctrine in individualistic ways that highlight what it is about individual human beings that bears God’s image.²⁷⁶ They have primarily done so by attempting to find some unique human essence that elevates humans above other animals which must, therefore, be the image of God.²⁷⁷ This approach, I argue, is flawed theologically, because it is not properly trinitarian, and is flawed ethically because it naturally leads to an understanding of human rights that is overly individualistic and focused on “negative” rights, to the detriment or denial of “positive” rights. This overemphasis on individual and negative rights leads to difficulties in grounding positive

²⁷⁶ Ian A. McFarland, *The Divine Image: Envisioning the Invisible God* (Minneapolis: Fortress, 2005), 2.

²⁷⁷ For overviews of these approaches see Wolterstorff, *Justice*, 311-361; and Gushee, *The Sacredness of Human Life*, 16-36.

human rights, and, therefore, several practices of reconciliationism defended in this dissertation (such as restorative justice practices and positive human rights).

Much of the inspiration for recent reflection on the doctrine of the image of God has come from the rise of international human rights declarations and law in the twentieth century. An important reason for this reflection is the claim that, as expressed in the Universal Declaration of Human Rights (UDHR), the “inherent dignity” of human beings grounds or leads to “the equal and inalienable rights of all members of the human family,” and that the recognition of this dignity and these rights is “the foundation of freedom, justice, and peace in the world.”²⁷⁸ Many Christians see in the UDHR’s claim that humans carry an “inherent dignity” a claim naturally tied to the Christian claim that humans are created in the image of God. Perhaps the clearest example of this mutual influence is found in contemporary Catholic Social Teaching. The idea that the doctrine of the *imago dei* grounds the inherent dignity that grounds universal human rights is one of the primary commitments of Catholic Social Teaching today. For example, moral theologian Thomas Massaro lists it as the first of nine key themes in contemporary Catholic Social Teaching.²⁷⁹ And nearly every Catholic theologian who has written on behalf of the Catholic Peacebuilding Network has named it as a core conviction of contemporary Catholic moral theology.²⁸⁰ Going back at least to the 1963 papal encyclical *Pacem in Terris*, the promotion and protection of universal human rights as the way to secure international peace and

²⁷⁸ These claims are to be found in the first line of the Universal Declaration, which can be found online at <http://www.un.org/en/documents/udhr/>.

²⁷⁹ Thomas Massaro, S.J., *Living Justice: Catholic Social Teaching in Action* (Lanham, MD: Sheed & Ward, 2000), 115-9.

²⁸⁰ See the essays in Robert J. Schreiter, R. Scott Appleby, and Gerard F. Powers, *Peacebuilding: Catholic Theology, Ethics, and Praxis* (Maryknoll, NY: Orbis Books, 2010).

justice, grounded in the Christian doctrine of *imago dei*, has been a centerpiece of Catholic Social Teaching.²⁸¹ Indeed, going back several centuries before that, Christian theology has had a tradition of “natural rights” that are part of the cultural and intellectual foundation, alongside Enlightenment and Romantic conceptions of humanity, that undergirds the contemporary international human rights apparatus.²⁸²

It is not only Roman Catholics, however, who see universal human rights as central to contemporary Christian social ethics. Theologians and church leaders from across Protestantism have held up universal human rights as a major achievement of modern life congruent with, if not reliant upon, core Christian theological convictions.²⁸³ Reformed theological ethicist Max Stackhouse, for instance, insists that the “standard secularist account” of human rights is inadequate and that “the foundations of human rights claims are essentially theological.”²⁸⁴ Going further, he claims that these theological foundations were “formulated historically by the Christian biblically based tradition”²⁸⁵ and that “human rights developed nowhere else but out of key strands of the biblically rooted

²⁸¹ The English transcript of “*Pacem in Terris* (Peace on Earth): Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty” can be found online at http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html.

²⁸² For an exhaustive account of this history see Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625* (Grand Rapids: Eerdmans, 1997).

²⁸³ For example, Jürgen Moltmann notes theological affirmations of human rights in Reformed, Lutheran, and Ecumenical, alongside Roman Catholic, declarations. See Jürgen Moltmann, *Ethics of Hope*, trans. Margaret Kohl (Minneapolis: Fortress Press, 2012), 219.

²⁸⁴ Max L. Stackhouse, “Why Human Rights Needs God: A Christian Perspective,” in *Does Human Rights Need God?*, eds. Elizabeth M. Bucar and Barbra Barnett (Grand Rapids, MI: Eerdmans, 25-40. In a similar way, law professor Michael Perry has argued that the idea of human rights is “ineliminably religious.” See his essay “Is the Idea of Human Rights Ineliminably Religious?”, in Michael J. Perry, *The Idea of Human Rights: Four Inquiries* (New York and Oxford: Oxford University Press, 1998), 11-41.

²⁸⁵ Stackhouse, “Why Human Rights Needs God,” 26

religions.”²⁸⁶ This does not, for Stackhouse, exclude the possibility that other foundations can be found in other religious and/or philosophical traditions, but he does think that it is important to recognize the unique history and compatibility of the modern human rights regime with Christian theological convictions.²⁸⁷

Similarly, Christian philosopher Nicholas Wolterstorff has argued that the biblical tradition contains a vision of justice as “inherent rights” that provides a foundation for the modern idea of human rights.²⁸⁸ However, Wolterstorff does not ground these rights in the *inherent dignity* that is the result of being created in the image of God. Rather, he grounds universal human rights in the resultant dignity of the *bestowed worth* that comes from every individual being equally loved by God. In short, Wolterstorff argues that God’s universal love for every individual bestows the worth necessary for every individual human being to possess rights to each individual. In making his argument for universal human rights being grounded in the bestowed worth that is the result every individual human being equally loved by God, Wolterstorff rejects all attempts to ground the inherent dignity upon which universal human rights are based in the *imago dei*. He does this because he sees no way beyond an impasse in the literature; namely, every account of dignity tied to

²⁸⁶ Ibid., 33.

²⁸⁷ Stackhouse is not the only scholar who has argued that contemporary human rights discourse is historically dependent upon the Christian doctrine of *imago dei*, and also upon Christian intellectual traditions such as natural law and certain Protestant traditions of religious freedom. See Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625* (Grand Rapids, MI: Eerdmans, 1997), John Witte Jr., *God’s Joust, God’s Justice: Law and Religion in the Western Tradition* (Grand Rapids, MI: Eerdmans, 2006), John Witte Jr., *The Reformation of Rights: Law, Religion and Human Rights in Early Modern Calvinism* (Cambridge: Cambridge University Press, 2008), and David P. Gushee, *The Sacredness of Human Life: Why an Ancient Biblical Vision is Key to the World’s Future* (Grand Rapids, MI: Eerdmans, 2013).

²⁸⁸ Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, NJ: Princeton University Press, 2008).

the image of God inevitably excludes some portion of humanity and, thus, cannot be *universal*. The primary approach guilty of this is the “capacities approach.”²⁸⁹

Capacities approaches attempt to ground universal human rights in some specific capacity unique to *homo sapiens* as the location of the *imago dei* and, therefore, as the ground of universal human rights. For example, Immanuel Kant and those theologians influenced by him ground universal human rights in the unique rational autonomy of humans. Human beings are the only creatures who can use reason; thus, this is where one can find the image of God and ground inherent human dignity.²⁹⁰ The possession of the capacity to reason which can discern free-standing universal principles, then, becomes the essence of what makes humans *human*, and therefore must be the image of God. The problem with this, as Wolterstorff makes clear, is that not all human beings possess the capacity to reason. For example, infants, the severely mentally challenged, Alzheimer’s patients, feral children, and others do not have this capacity and, thus, must be understood to be excluded from having the capacity in which dignity is grounded. Therefore, without such dignity they do not have such rights. Clearly, such an approach cannot ground *universal* human rights.

The approach of biblical scholars using historical-critical methods, and those theologians influenced by them, is slightly different. Drawing upon the archaeology of

²⁸⁹ Christian ethicist David Gushee also rejects grounding universal human rights in the image of God or any other aspect of “biological humanity.” Rather than using Wolterstorff’s language of “bestowed worth,” though, Gushee claims that “humanity’s sacred worth is an ascribed status willed by God.” See Gushee, *The Sacredness of Human Life*, 46. For a similar account see Ron Highfield, “Beyond the ‘Image of God’ Conundrum: A Relational View of Human Dignity,” *Christian Studies* 24 (2010): 21-32.

²⁹⁰ An example of this reasoning in Christian ethics and moral theology is found in Thomas Massaro’s claim that we “somehow reflect the image of God in our rational minds and in our physical bodies.” Massaro, *Living Justice*, 115.

ancient Near Eastern cultures and a close reading of Genesis 1:28, specifically the divine command to “have dominion over ... every living thing that moves upon the earth,” they argue that the image of God is found in the human capacity to govern. It was a common practice in the Ancient Near East for kings to establish a victory stele in territories in which they had achieved a military victory. These steles were often statues in the form of the king or at least carried the king’s name on their surface. In addition to victory steles, victorious kings often established a governor or representative to speak and act on his behalf in the conquered territory. Hebrew Bible scholars have argued that God has established humans as something analogous to a victory stele or royal representative. This interpretation suggests that it is the ability of humans to govern or practice dominion that is the reflection of God’s image.²⁹¹ This has its own problems, however. The most obvious, given that this is another iteration of the capacities approach, is the fact that most humans do not actually govern, and many do not possess the capacity to govern. Again, this interpretation does not seem to provide a ground for *universal* human rights.

Capacities approaches are not the only attempts by theologians to identify the substance of the *imago dei*, however. Drawing on the doctrine of the Trinity, some have argued that it is human relationality that bears God’s image in the world. For example, Colin Gunton says, “Human being in the image of God is to be understood relationally rather than in terms of the possession of fixed characteristics such as reason or will, as has

²⁹¹ See generally Nathan MacDonald, “The *Imago Dei* and Election: Reading Genesis 1:26-28 and Old Testament Scholarship with Karl Barth,” *International Journal of Systematic Theology* 10, no. 3 (2008): 303-5. See also Randy Beck and David VanDrunen, “The Biblical Foundations of Law: Creation, Fall and the Patriarchs,” in *Law and the Bible: Justice, Mercy, and Legal Institutions*, eds. Robert F. Cochran Jr. and David VanDrunen (Downer’s Grove, IL: InterVarsity Press Academic, 2013), 27-31.

been the almost universal tendency of the tradition.”²⁹² And Evangelical theologian Stanley Grenz argues that the “image of God is a social rather than an individual concept,”²⁹³ and that since the image “emerges in its ultimate sense ... as humans show forth community ... sin is ultimately our human failure to live in community with God, each other, and the natural environment.”²⁹⁴ Those who have taken up and developed this trinitarian interpretation of the *imago dei* are sometimes referred to as “social trinitarians.”

These social trinitarians can be found across the Christian theological spectrum: liberationists (Leonardo Boff),²⁹⁵ feminists (LaCugna, Elizabeth Johnson), Evangelicals (Miroslav Volf,²⁹⁶ Grenz), Roman Catholics (Rahner,²⁹⁷ Boff, LaCugna, Johnson), Reformed (Karl Barth, Gunton, Moltmann), and Eastern Orthodox (Zizioulas) theologians have developed this idea over the last century. While there is wide-ranging diversity between social trinitarian theologies, there are commonalities across them. On a very basic level social trinitarians argue that human life should reflect the life of the Trinity: a life of mutuality, equality, freedom, and love. For example, Elizabeth Johnson has argued that “only a community of equals related in profound mutuality, only a community pouring

²⁹² Gunton, *The One, The Three and The Many*, 3.

²⁹³ Grenz, *Theology for the Community of God*, 175.

²⁹⁴ *Ibid*, 187.

²⁹⁵ Leonardo Boff, *Trinity and Society* (Maryknoll, NY: Orbis Books, 1988).

²⁹⁶ Miroslav Volf, “The Trinity is Our Social Program”: The Doctrine of the Trinity and the Shape of Social Engagement,” *Modern Theology* 14, no. 3 (1998): 403 - 23.

²⁹⁷ Karl Rahner, *The Trinity* (London and New York: Burns & Oates, 1970).

itself out for justice, peace, and the integrity of creation, corresponds to the triune symbol.”²⁹⁸

More specifically, social trinitarians tend to make theological arguments against overly hierarchical modes of social and political life based upon the radical equality between the persons of the Trinity. Those who wrote before the end of the Cold War, for instance, made strong claims against totalitarian governments and argued for radical forms of democracy. Claiming that human beings are created in the image of a trinitarian God, or that humans are called to imitate the trinitarian relations, social trinitarians insist that human relations, in the Church and/or in the world, are to be relations defined by mutuality and interdependence.

In making these arguments social trinitarians have primarily drawn upon the doctrine of *perichoresis*. Colin Gunton affirms this view²⁹⁹ and Jürgen Moltmann argues that

If, on the basis of salvation history and the experience of salvation, we have to recognize the unity of the triune God in the perichoretic at-oneness of the Father, the Son and the Holy Spirit, then this does not correspond to the solitary human subject in his relationship to himself; nor does it correspond, either, to a human subject in his claim to lordship over the world. It only corresponds to a human fellowship of people without privileges and without subordinances.³⁰⁰

Thus, since “the Trinity corresponds to a community in which people are defined th[r]ough their relations with one another ... the image of God must not merely be sought for in human individuality; we must look for it with equal earnestness in human sociality.”³⁰¹

²⁹⁸ Elizabeth Johnson, “Trinity: To Let the Symbol Sing Again,” *Theology Today* 54.3 (1997): 311.

²⁹⁹ Gunton, *The Christian Faith*, 38-47.

³⁰⁰ Moltmann, *The Trinity and the Kingdom*, 157.

³⁰¹ *Ibid.*, 199.

John Zizioulas, writing explicitly from an Eastern Orthodox perspective, affirms such a perichoretic interpretation of the *imago dei* when he says,

The Cappadocian Church Fathers developed and bequeathed to us a concept of God, who exists as a communion of free love of unique, irreplaceable and unrepeatable identities, that is, true persons in the absolute ontological sense. It is of such a God that man [sic] is meant to be an 'image'. There is no higher and fuller anthropology than this anthropology of true and full personhood ...Throughout the entire history of Western thought the equation of person with the thinking, self-conscious individual has led to a culture in which the thinking individual has become the highest concept in anthropology. This is not what emerges from the thought of the Cappadocian Fathers. It is rather the opposite of this that results from a study of their thought. For according to it, true personhood arises not from one's individualistic isolation from others but from love and relationship with others, from communion.³⁰²

Finally, LaCugna declares, "*Perichoresis* is ... the intradivine model for persons in the human community. *Perichoresis* takes place within God, and the human community is supposed to mirror or imitate this *perichoresis* in its own configuration."³⁰³ Thus, human relations, like the relations of the divine persons, are to be relations of equality, mutuality, and love. This is what it means to be the image of God on earth.

Perichoresis and the Image of God

It is on this point that LaCugna and other social trinitarians have received the strongest criticism of their position.³⁰⁴ The criticisms of this position are multiple. Social trinitarians are accused of conflating the human and the divine in inappropriate ways.

³⁰² Zizioulas, *Communion and Otherness*, 168.

³⁰³ LaCugna, *God For Us*, 276.

³⁰⁴ See primarily Karen E. Kilby, "Perichoresis and Projection: Problems with Social Doctrines of the Trinity," *New Blackfriars* 81 (2000): 432-45, and Kathryn E. Tanner, "Kingdom Come: The Trinity and Politics," *The Princeton Seminary Bulletin* 28.2 (2007): 129-45. See also David N. Power and Michael Downey, *Living the Justice of the Triune God* (Collegeville, MN: Liturgical Press, 2012), 22-51, and David H. McIlroy, *A Trinitarian Theology of Law: In Conversation with Jürgen Moltmann, Oliver O'Donovan, and Thomas Aquinas* (Eugene: Wipf & Stock, 2009).

Others argue that the Trinity is politically ambivalent; it has historically supported hierarchical or patriarchal political systems as much as democratic or feminist ones (especially in subordinationist formulations of the Trinity in which the Father seems to rule over the Son and Spirit). Social trinitarians are accused of interpreting the doctrine of the Trinity in ways that simply confirm already held political positions or of espousing a vision of social life that is too utopian to be practical. And social Trinitarians are accused of simply projecting onto God what they want God's life and/or human life to be like.

The heart of these criticisms is twofold: social trinitarian theologies are said to claim to know too precisely exactly what God is like *in se*, and they assume that there is an inappropriate (or too much of an) affinity between divine and human personhood in such projects, often by projecting the "best" of human personhood onto God. In doing so, these theologies argue for social and ecclesial projects that are utopian, unrealistic, or simply projections of what the writer happens to think would make for the best society. Thus, Kathryn Tanner, in rejecting social doctrines of the Trinity, says, "God is not us, and this sets up the major problem for theologies that want to base conclusions about human relationships on the Trinity. The chief complication is how to move from a discussion of God to a discussion of human relationships, given those differences."³⁰⁵ Thus,

Direct translation of the concept of trinity into a social program is problematic because, unlike the peaceful and perfectly loving mutuality of the Trinity, human society is full of suffering, conflict, and sin. Turned into a recommendation for social relations, the concept of trinity seems unrealistic, hopelessly naïve, and, for that reason, perhaps even politically dangerous. To a world of violent, corrupt, and selfish people, the concept of trinity seems to offer only the feeble plaint, "Why can't we all just get along?"³⁰⁶

³⁰⁵ Tanner, "Kingdom Come," 136-7.

³⁰⁶ *Ibid.*, 140.

Inasmuch as social trinitarians have proposed the immanent life of the Trinity as an aspiration to be achieved or strived for, these critiques are, to an important degree, correct. Humans are not God and cannot “achieve” the life of God. Inasmuch as social trinitarians are “guilty-as-charged” we should take the advice of Karen Kilby and others to have an apophatic trinitarian theology.³⁰⁷ We should let God be God and confess that we are not. However, proposing the life of the Trinity as an aspiration to be achieved is not the only way to relate the doctrine of the Trinity, specifically *perichoresis*, to social life. Specifically, an ontological turn in social trinitarian theology can avoid the dangers named by Kilby and Tanner while maintaining the commitment that the doctrine of the Trinity is relevant to social ethics.

Before defending that claim, however, it is important to note that most social trinitarians understand the trinitarian relations to be, at most, an analogy for social life rather than something that can be “directly translated” to human societies. On this point, Tanner does not charitably read social trinitarian theology. Most social trinitarians agree with something akin to Miroslav Volf’s claim that the Trinity is more of a “social vision” than a “social program.”³⁰⁸ In fact, for social trinitarian theologians—including Volf, Zizioulas, LaCugna, Moltmann, Grenz, and Gunton—social existence that fully imitates and participates in the life of the Trinity is, in the end, only possible eschatologically. A fully perichoretic existence is only possible when the Kingdom of God is manifest. This eschatological nature, however, does not mean that *perichoresis* has *nothing* to contribute

³⁰⁷ Karen Kilby, “Is an Apophatic Trinitarianism Possible?” *International Journal of Systematic Theology* 12.1 (2010): 65-77. See also Power and Downey, *Living the Justice of the Triune God*, 24-5.

³⁰⁸ Volf, “The Trinity is Our Social Program”.

to Christian social ethics. It is important that humans created in the image of the divine persons know something about those persons and what they are like. In this way, the Trinity and *perichoresis* are vitally important to theological anthropology and Christian ethics.

However, as the previously quoted passages indicate, the rhetorical effect of some of the more poetic flourishes found in social trinitarian theology come dangerously close to the concerns of Kilby, Tanner, and others. Thus, I am persuaded by the critics of social trinitarianism that we should not project our own projects onto God. Still, with others, I am convinced that the Trinity and *perichoresis* can be helpful in constructing a social ethic. However, this is not to be done by promoting the trinitarian relations as something to be achieved through human merit rather than through grace. Instead, I propose an ontological turn that interprets the doctrine of the image of God through perichoretic lenses.

In proposing an ontological turn in social trinitarian theology, I am proposing a more modest claim about how the doctrine of the Trinity can inform social ethics than the aspirational theologies critiqued by Tanner, Kilby, and others. Rather than putting forth *perichoresis* in the fullest sense as something to be achieved by humans, I suggest that *perichoresis* is the measure by which we rightly judge the (in)justice of human actions and social-political systems. Human rights are violated when interdependent relationships are violated; human rights are restored when a rights-respecting relationships is restored. Violations of interdependent relationships constitute injustices (and in some cases human rights violations) because they mar God's image on earth, which is fundamentally relational. A social trinitarian theology of the image of God, then, need not be linked to an over-realized eschatology or political naïveté. Rather, it provides a language, namely that of

interdependence, that grounds human rights and the contextually appropriate restoration of relationships as equal forms of justice.

Importantly, such a move allows for the construction of contextually relevant ethics in its focus upon the form that human relations take across social institutions. Because a perichoretic vision of justice is highly relational it is highly contextual. One does not judge the (in)justice of an act by its conformity to some universal principle. Rather, one judges the (in)justice of an act by the relational wounds it creates or heals. It pays attention to the ways particular acts and/or social systems recognize or deny interdependent relationships. In many ways, then, social trinitarian theology has as much to teach us about what society is not, or what injustice *is*, than what society should be. In this way a social trinitarian theological anthropology has direct relevance to the Christian understandings of sin, justice, human rights, and reconciliation.³⁰⁹

Specifically, the claim that divine *perichoresis* is the image in which human beings are created suggests that it is human relationships that (potentially) bear God's image in the world. If it is human relationships that bear God's image then it is those relationships that contain the dignity necessary to ground universal human rights. The violation of human rights, then, is the violation of interdependent human relationships. Humans exist in a multitude of relationships. We exist in interpersonal, familial, political, economic, and cultural relationships, to name a few. And these relationships, especially political and economic, are mediated through a wide variety of social institutions. The violation of *any of these relationships*, by individual persons or the institutions that people constitute, in such

³⁰⁹ I am not the only one who has paid attention to the critics of social Trinitarianism, but maintains that such an approach can provide insights into the doctrine of sin and a Christian vision of social life. See, for example, Joy Ann McDougall, "The Return of Trinitarian Praxis? Moltmann on the Trinity and the Christian Life," *Journal of Religion* 83.2 (2003): 177-203.

a way as to deny or transgress human interdependence by denying communion to others is a violation of the rights which emerge from the dignity that is grounded in God's image. Injustice, and in specifically biblical language "sin," is therefore the violation of the relationships that constitute our personhood, and even humanity itself, which, when they give life, image God on earth. This theological anthropology grounds a social ethic of restorative justice and political reconciliation that is compatible with human rights.

This addresses Tanner's and Kilby's concerns about "projection," aspirationalism, and utopianism. A social trinitarian theological anthropology is not one that proposes a naïve vision of people living in harmony. Rather, it names the interdependent and relational character of human personhood and provides a measure by which the relative (in)justice of particular acts and social-political institutions can be judged. In this, it is more "realistic" than hyper-individual accounts of human nature, justice, and morality. It is more realistic because it is capable of accounting for the relational and systematic injustices of something like the Holocaust or apartheid which, as was demonstrated in chapter two, liberal criminal courts (and truth commission committees modeled after them) often obscure or deny.

In response to Tanner's first critique, that social trinitarians assume they know too clearly what God is like *in se*, I respond that while Christian theology has traditionally named God's relationships as perichoretic—as interdependent relationships of love—the concrete nature of that relationality is revealed in scripture. Social trinitarian theology provides the language of perichoresis, but it does not provide the details of that perichoresis. However, this does not mean that we are unable to understand what human relationships in the image of God's perichoretic relationships might look like.

We *do* know what it would look like for humans to image God's perichoretic relationships because we see the way that Jesus interacted with fellow humans in word and deed. Thus, Christian discipleship, that is a lifestyle of following Jesus, is perichoretic in nature without humans having to know exactly what God is like *in se*. Rather, with Rahner and the social trinitarians that follow his lead, we know *all that we need to know* about God's immanent life based upon God's economic life in the life of Jesus of Nazareth.³¹⁰

In turning to Jesus' life I am making a move similar to the one that Tanner proposes as an alternative to a trinitarian vision of social life. She has proposed a radical focus upon the person and life Jesus Christ as "the key" to the Christian life.³¹¹ Why, then, do I insist on drawing upon social trinitarian theology? First, the life of Jesus is not distinct from the life of the Trinity. Indeed, the life of Jesus is constitutive of the Trinity's life. Second, and perhaps more importantly, social trinitarianism provides a theological foundation, language, and image for the human interdependence at the heart of reconciliationism, namely perichoresis. In my experiences and studies of working for peace, justice, and reconciliation domestically and internationally, I have become persuaded that an ethic of interdependence is vital to sustainable justice- and peacebuilding work because it uniquely motivates people to envision a future in which they are in life-giving relationships with

³¹⁰ On the use of discipleship and Christology as a starting place in Christian ethics see Dietrich Bonhoeffer, *Discipleship: Dietrich Bonhoeffer Works, Vol. 4* (Minneapolis: Fortress Press, 2001); Howard Thurman, *Jesus and the Disinherited* (Nashville: Abingdon Press, 1949); John Howard Yoder, *The Politics of Jesus: Vicit Agnus Noster*, 2nd ed. (Grand Rapids: Eerdmans, 1994); Glen H. Stassen and David P. Gushee, *Kingdom Ethics: Following Jesus in Contemporary Context* (Downers Grove, IL: IVP Academic, 2003); Glen H. Stassen, *A Thicker Jesus: Incarnational Discipleship in a Secular Age* (Louisville: Westminster John Knox Press, 2012). For an account that explicitly links discipleship-oriented Christology and social trinitarian theology see Moltmann, *The Crucified God*; Moltmann, *The Trinity and the Kingdom*; and Jürgen Moltmann, *The Way of Jesus Christ*, trans. Margaret Kohl (Minneapolis: Fortress Press, 1993). In addition, as I will argue at the conclusion of this chapter, Desmond Tutu's linking of ubuntu and Liberation Theology is a form of the intentional linking of discipleship and social trinitarian thought.

³¹¹ Kathryn Tanner, *Christ the Key* (Cambridge: Cambridge University Press, 2010).

their present enemies. A vision of interdependence opens the space for people to imagine and pursue relationships different than the exclusionary ones that are at the heart of so many conflicts. When that ethic of interdependence is grounded in the social trinitarian anthropology proposed in this dissertation, reconciliationism does not have to be opposed to or contradictory of the pursuit of human rights. Rather, a social trinitarian theological anthropology declares that reconciliation and human rights are forms of justice that are ontologically linked.

My argument is straightforward: God is Trinity. Humans are created in the image of that God who is Trinity. The image of God, then, is trinitarian. *Perichoresis*, the historic way to talk about God's trinitarian relations, declares that God is an interdependent communion of Others. Thus, God's image is found on earth when humans live in interpersonal, social, and political relations that create communion among others. In addition, God's image is sufficient to establish the inherent dignity that grounds human rights.³¹² That image is perichoretic human relations as demonstrated in the life of Jesus. When human relations are something other than this they mar, disfigure, or obscure God's image on earth and, therefore, violate the rights that are grounded in that image. The violation of human rights is therefore the violation of interdependent relationships. To do justice after injustice, then, is to restore God's image through establishing more just relationships which aim toward a perichoretic, or reconciled, existence. A trinitarian understanding of human rights and

³¹² In rejecting attempts to ground the inherent dignity upon which human rights are based in the image of God Nicholas Wolterstorff does not deny that the *imago dei* is sufficient to ground such worth; rather, he believes that it does indeed ground such worth but is unconvinced that any attempt to identify the image can be universal to all humans. I believe that a trinitarian-perichoretic ground, by its relational nature, is such a universal formulation of the image of God.

justice, then, is one that incorporates human rights and restorative justice and, therefore, undergirds a theological ethic and praxis of reconciliationism.

Conclusion

I began this chapter with an exploration of ubuntu, especially as employed by Desmond Tutu, and the achievements and failures of its use in South Africa's transition. I argued that while it provided a robust philosophical defense for the use of restorative justice practices in South Africa its implementation was uneven. Citing the sociological studies of Richard Wilson and the institutional analysis of Megan Shore, I demonstrated that there were (at least) two competing visions of justice in South Africa's TRC: a restorative one informed by ubuntu and a retributive one informed by mainstream human rights discourse. The relative (un)success of the HRVC, AC, and RRC served to demonstrate these contradictions and failures.

Desmond Tutu does not have any difficulty understanding restorative and human rights practices as complementary, mutually beneficial, and interconnected. I demonstrated that this is because he combines ubuntu philosophy and its emphasis on community and interdependent relationships with the biblical claim that every human being is created in the image of God. For Tutu, the two are intimately linked. However, restorative justice and human rights were not always linked in the TRC and often contradicted each other in practice.

I have also argued that a social trinitarian interpretation of the image of God can overcome these contradictions at the ontological level. If humans are created in the image of God's perichoresis it is humanity's interdependent rights-respecting relationships that bear God's image in the world. Injustice, then, is the violation of

such relationships. Justice after injustice, therefore, is the restoration or creation of rights-respecting relationships that recognize and embody interdependence. A Christian theology of reconciliation is one that requires the doing of contextually appropriate forms of justice, and a Christian theology of justice must be one that leads to reconciliation.

For Tutu ubuntu serves as an indigenous southern African philosophical parallel for perichoresis.³¹³ It serves to highlight the interdependence of human being in a similar way to *perichoresis*. However, it does not carry all of the meaning that *perichoresis* does inasmuch as it is not directly linked to the trinitarian relations. And, while Tutu did not separate reconciliation and human rights, in practice the TRC did. This was due in part, I have argued, because the restorative justice and human rights were viewed as competing visions of justice. The majority of people did not view them as compatible. I have proposed a social trinitarian theological anthropology as a more robust formulation of the connections between interdependence and human rights that Tutu holds together because it provides an ontological ground for reconciliationism as justice.

Importantly, in the one place I am aware of where Tutu explicitly links ubuntu, the image of God, and the Trinity, he does so to insist upon the importance of justice across social spheres as the implications of the *imago dei*. He advocates a reconciliationist vision. He says,

³¹³ Michael Battle says, "The spirituality of Ubuntu fits harmoniously with the Christian understanding of God as Trinity. In this way, the theological term for Ubuntu when it comes to the image of God is *perichoresis*. This Greek word, *perichoresis*, expresses a realization that the way in which God's essence and activities are constituted is through relationships, that is, by interrelation of persons." Michael Battle, *Ubuntu: I in You and You in Me* (New York: Seabury Books, 2009), 109.

We are each a God-carrier, a tabernacle of the Holy Spirit, indwelt by God the holy and most blessed Trinity. To treat one such as less than this is not just wrong ... It is veritably blasphemous and sacrilegious. It is to spit in the face of God. Consequently injustice, racism, exploitation, oppression are to be opposed not as a political task but as a response to a religious, a spiritual imperative. Not to oppose these manifestations of evil would be tantamount to disobeying God. God has created us for interdependence as God has created us in his image—the image of a divine fellowship of the holy and blessed Trinity. The self-sufficient human being is a contradiction in terms, is subhuman. God has created us to be different in order that we can realize our need of one another ... I learn how to be human through association with other human beings.³¹⁴

Through his dual use of ubuntu philosophy and *imago dei* theology, Tutu demonstrates that linking human relationality and human dignity is a powerful theological-anthropological ground from which to advocate a restorative vision of justice that incorporates the pursuit of human rights. In such a formulation, securing human rights can serve as a means for moving toward reconciliation. I join him in making this claim, but I deepen it by linking human interdependence explicitly with human rights by grounding both of them in a social trinitarian interpretation of the image of God.

³¹⁴ As quoted in Battle, *Ubuntu*, 31-2.

Chapter 4:

Going Beyond Forgiveness in Social Trinitarian Theologies of Reconciliation

In the previous chapter I argued that a social trinitarian theology of reconciliation requires a focus on human rights and restorative justice. The primary contribution of recent social trinitarian theology to the ethics of reconciliation, however, has emphasized forgiveness in reconciliation. I interrogate this tendency in this chapter and argue that it is an incomplete account of a Christian theology of reconciliation. Instead, I argue that a social trinitarian theological ethic of reconciliation should place justice, defined as the restoration of rights-respecting relationships, at the center of its vision.

Though social trinitarian accounts of reconciliation that prioritize forgiveness are incomplete, they provide important insights into a Christian theology of reconciliation. Specifically, they help us to see the ways that injustices are violations of right relationship. They also make clear the ways that forgiveness contributes to the restoration of these relationships. Forgiveness, then, is not necessarily opposed to justice as restoration but contributes to that goal. In addition, they help us to see the tendency of certain forms of justice to perpetuate injustice when not directed toward reconciliation. This is particularly true of Miroslav Volf's social trinitarian account of injustice as "exclusion" and reconciliation as "embrace." In particular, Volf's account of injustice as exclusion highlights the ways that injustices are denials of interdependent relationships because they create and exclude "others" from particular human and moral communities.

In the remainder of this chapter, then, I will critically examine social trinitarian theologies of reconciliation. Inasmuch as social trinitarian theologians have given

forgiveness a priority in the process of reconciliation, I will argue that their accounts are incomplete and need to be supplemented with a social trinitarian theology of justice as the restoration of right-respecting relationships. I will draw on their accounts, however, inasmuch as they help us to see that forgiveness can further the goal of restoring relationships and that injustices emerge from the denial and transgression of interdependent relationships. I will then use a case study, The Greensboro Truth and Reconciliation Commission, as an example of the ways forgiveness can be one form of justice among many in the pursuit of reconciliation but is insufficient when practiced without being accompanied by other forms of social justice.

Even a quick read of the Christian scriptures reveals that forgiveness is a central theme. Jesus teaches that divine forgiveness is linked to human forgiveness, and that Christians are to forgive each other when repentance for a wrong is made.³¹⁵ In addition, Jesus embodies a radical notion of forgiveness in his forgiveness of his crucifiers even as he is being killed.³¹⁶ And Jesus is not the only one to talk about the subject. The Pauline letters include the admonition to forgive “as the Lord has forgiven you” as a tool for congregational conflict transformation.³¹⁷ And even in places where Paul does not explicitly teach forgiveness, as in the practical ethical exhortations in Romans 12, it is

³¹⁵ Matthew 6:12-15, 18:21-35; Mark 11:25-26; Luke 6:37b, 11:4, 17:3-4. Importantly, while many Protestant denominations emphasize the Pauline notion that human forgiveness is a response to divine forgiveness the Amish take Jesus’s teaching here at face value and link God’s forgiveness for their sins to their willingness to forgive each other’s sins. See Donald B. Kraybill, Steven M. Nolt, and David L. Weaver-Zercher, *Amish Grace: How Forgiveness Transcended Tragedy* (San Francisco: Jossey-Bass, 2007), 88-98.

³¹⁶ Luke 23:34

³¹⁷ Colossians 3:12-15; Ephesians 4:23

implied in his teaching to reject vengeance and “overcome evil with good.”³¹⁸ Indeed, the central story of the Christian scriptures is the story of God working to reconcile humans, *in part* through the practice of forgiveness, with Godself, one another, and all of creation.

It should be no surprise, then, that the topics of forgiveness and reconciliation have been a popular topic in Christian theology and social ethics in recent years. Inspired by research on the psychology of forgiveness, various political apologies, the emergence of restorative justice practices around the world, and South Africa’s Truth and Reconciliation Commission (and those TRCs that followed), Christian theologians and ethicists have debated the finer points of the Christian vision of reconciliation and its application in contemporary social and political life.

Donald Shriver has argued, against those who claim that forgiveness is a wholly individual and/or private phenomenon, that forgiveness is an appropriate political practice.³¹⁹ L. Gregory Jones has argued that forgiveness is a virtue learned in an ecclesial community, rather than merely a decision made by an individual actor in response to a specific wrong, and is therefore more about a way of life than it is about the absolution of guilt.³²⁰ And Miroslav Volf has argued that, in a world where the pursuit of justice is often unjust, forgiveness as “embrace,” modeled on the Trinity’s relationship with the world, is the practice necessary for reconciliation in a world of “exclusion.”³²¹ Volf even goes so far

³¹⁸ Romans 12:14-21

³¹⁹ Donald W. Shriver Jr., *An Ethic for Enemies: Forgiveness in Politics* (New York and Oxford: Oxford University Press, 1995).

³²⁰ L. Gregory Jones, *Embodying Forgiveness: A Theological Analysis* (Grand Rapids, MI: Eerdmans, 1995).

³²¹ Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville: Abingdon Press, 1996).

as to claim that the “the will to embrace,” for Christians, must be universal. Even “secular” philosophers such as Hannah Arendt³²² and Jeffrie G. Murphy³²³ have argued that forgiveness in political and social life, for good or ill, is at most rooted in, or at least most comfortable within, Christian theology and practice. Forgiveness, it may seem (and to the surprise of Christian social ethicists from earlier in the twentieth century), is the primary contribution of Christian theology to modern politics and social life.

In recent Christian accounts of reconciliation, then, the role of forgiveness has been central.³²⁴ This is especially true in social trinitarian theologies of reconciliation. However, forgiveness is not the only relevant value or virtue in a Christian ethic of reconciliation, and those who claim it is the *primary* value or virtue must do more to defend that claim than they have. Against the tendency to prioritize forgiveness in reconciliation, I develop my argument in chapter three that a social trinitarian theology of reconciliation is based on a foundation of human rights and restorative justice.

I make this argument in three steps. First, I provide a brief history of forgiveness in Christian social ethics. This history culminates in the current trend of prioritizing forgiveness in Christian ethics of reconciliation, especially in social trinitarian theology. Second, I interrogate two social trinitarian accounts of reconciliation that prioritize

³²² Hannah Arendt, *The Human Condition: A Study of the Central Conditions Facing Modern Man* (Garden City, NY: Doubleday and Company, 1959), 212-3.

³²³ Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy* (Cambridge: Cambridge University Press, 1988); Jeffrie G. Murphy, *Getting Even: Forgiveness and Its Limits* (Oxford and New York: Oxford University Press, 2003); and Jeffrie G. Murphy, *Punishment and the Moral Emotions: Essays in Law, Morality, and Religion* (Oxford and New York: Oxford University Press, 2012), especially the essay “Christian Love and Criminal Punishment,” pp. 43-65.

³²⁴ Several recent accounts have pushed against this tendency to emphasize forgiveness. For example see the emphasis on social justice in reconciliation in De La Torre, *Liberating Jonah*, and Boesak and De Young, *Radical Reconciliation*. De Gruchy, in his *Restoring Justice*, emphasizes restorative justice alongside forgiveness in his account of reconciliation. One way the theological argument of this dissertation could be read is as an attempt to combine each of these approaches into a cohesive account.

forgiveness. Both of these authors, L. Gregory Jones and Miroslav Volf, claim to integrate justice into their theologies of reconciliation. However, I argue that they are unsuccessful in doing so because they do not provide a trinitarian account of justice alongside their trinitarian accounts of forgiveness. Their proposals are at best incomplete because of this absence. Third, I suggest that the trinitarian account of justice provided in the previous chapter demonstrates that there is, in fact, no priority of forgiveness in a Christian ethic of reconciliation. Rather, social trinitarian theology provides a robust notion of restorative justice that also grounds human rights. Thus, a Christian ethic of reconciliation is an ethic of justice as restoration that emphasizes human rights as the means for restoring relationships. Having said that, while the emphasis on forgiveness in reconciliation in recent Christian ethics is overdone, the recent work done by scholars such as Shriver, Jones, and Volf is important in understanding the appropriate role of forgiveness in Christian social ethics.

A Brief History of Forgiveness

Based on the emphasis on forgiveness that one finds in the brief survey of biblical passages that began this chapter, one might assume that forgiveness has always had an important place in Christian social ethics. However, this has not been the case. In fact, it is only within the last twenty years that the idea has been taken seriously as a realistic and appropriate part of Christian social ethics. In the post-Enlightenment world Christians and other religious persons have had to justify the ways that their religious beliefs intersect with the political life of the societies in which they live. This question has especially occupied political scientists and Christian ethicists in the religiously plural and politically non-confessional United States.

One of the most profound answers to this question came from the preeminent Christian social ethicist of the twentieth century, Reinhold Niebuhr. Niebuhr argued that implementing a religious ethic of love in social and political life was unfeasible and undesirable; therefore, Christians (and all citizens) should focus on the pursuit of a “rational ethic” of justice when engaging in political life.³²⁵ Justice, according to Niebuhr, is the responsible balancing of interests and power. Christian love, on the other hand, is indiscriminate and self-giving with no regard to one’s own interest or the maintenance of power.

Niebuhr’s account of the differences between the virtues that govern interpersonal relations and political life is indebted to Max Weber’s account of the differences between, and appropriate spheres for, the “ethics of ultimate ends”—namely, religion—and the ethic of responsibility in politics.³²⁶ For Weber, there is an inherent conflict between the two and the one who pursues the former would be wrong to pursue the latter. “The ethics of ultimate ends,” like love or forgiveness, and “the ethics of responsibility” belong to two different spheres of life.³²⁷ While not drawing as sharp a distinction between “ultimate ends” and “responsibility” as Weber, Niebuhr also argued against the too easy application of religious ideals in social and political life. Religious actors cannot help but be informed by their deeply held convictions (and should be so informed), he understood, but he argued

³²⁵ Niebuhr’s most enduring work along these lines is Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics* (New York: Charles Scribner’s Sons, 1932). See page fifty-seven, for his language of a religious ethic of love and a “rational ethic” of justice.

³²⁶ And his account of those virtues being “love” and “justice,” as he defined them, was indebted to Anders Nygren’s formulation of Christian love as *agape* in his influential book *Agape and Eros*. See Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, MI: Eerdmans, 2011), 62-72, for a compelling account of Niebuhr as an agapist in the tradition of Nygren.

³²⁷ See Max Weber, “Politics as a Vocation,” in *From Max Weber: Essays in Sociology*, eds. H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), 77-128, especially pp. 115-28.

that they should not attempt to implement them *tout court* in the political sphere. Thus, while always existing as a regulating ideal for society, Niebuhr argued, the highest aspirations of the Christian vision for social life were intended for, and should be confined to, the sphere of interpersonal relations.³²⁸ Included within this vision of the relationship of Christian love—understood as a disinterested, sacrificial, and unconditional doing of good for others, including enemies—was forgiveness. Thus, for Niebuhr, and for many others, forgiveness did not have a place in the political life of a nation or between nations.³²⁹

This position was the dominant position in social ethics for the majority of the twentieth century. At the end of that century, however, Christian social ethicists provided a robust defense of forgiveness in politics that has helped spur a growth industry in scholarship on forgiveness. Shriver's book, *An Ethic for Enemies: Forgiveness in Politics*, which is often quoted by scholars across disciplines, was one of the first major publications that credibly defended forgiveness as an appropriate political pursuit after the end of the Cold War—and he did so drawing upon explicitly Christian sources. While various political transitions and developments since Shriver wrote his book have provided new case studies to thicken descriptions of political forgiveness in action, his work laid the foundation upon which nearly every theorist has built. Rejecting simple accounts of forgiveness as a one-off

³²⁸ For instance, Niebuhr insisted that Jesus's ethic of nonviolence, in concert with Leo Tolstoy, was one of non-*resistance*. Indeed, in the light of this ethic, Niebuhr surmised, even non-physical coercion, say through a boycott, was inherently violent because coercive. Thus, no Christian could practice Jesus's nonviolence and engage in political life in a responsible way. However, one should seek to follow Jesus's example of self-sacrificial love and non-resistance in one's interpersonal relationships.

³²⁹ See Nigel Biggar, "Reinhold Niebuhr and the Political Possibility of Forgiveness," in *Reinhold Niebuhr and Contemporary Politics: God and Power*, eds. Richard Harries and Stephen Platten (Oxford and New York: Oxford University Press, 2010), 141-53.

event that excuses wrongdoing, he defined political forgiveness as “an act that joins moral truth, forbearance, empathy, and commitment to repair a fractured human relation.”³³⁰ In defining political forgiveness in this way Shriver provided two key ideas that have had a driving influence in the ethics of forgiveness and reconciliation.

First, he argued that “[f]orgiveness begins with memory suffused with moral judgment.”³³¹ In other words, “forgive and forget” is not forgiveness at all. Rather, “remember and forgive” is a more accurate statement. The act of forgiveness requires that one recognize a past wrong *as a wrong* and, thus, requires truthful memory and the recognition of injustice done. In this way, it does not excuse or ignore wrong or injustice. Rather, it names it as wrong and responds to it with forgiveness.³³² Indeed, forgiveness without judgment is impossible since the act of forgiveness presupposes that one has recognized and named some action as being wrong and causing harm in the first place. Forgiveness does not excuse wrongdoing; rather, it responds to wrongdoing with the end of reconciliation in mind. This argument has proven to be a powerful corrective against the argument that forgiveness is too dismissive or accepting of injustice.

The second part of Shriver’s definition that is relevant here, and has been already hinted at, is the claim that forgiveness “aims at the renewal of a human relationship.”³³³

³³⁰ Shriver, *An Ethic for Enemies*, 9. He continues, “Such a combination calls for a collective turning from the past that neither ignores past evil nor excuses it, that neither overlooks justice nor reduces justice to revenge, that insists on the humanity of enemies even in their commission of dehumanizing deeds, and that values the justice that restores political community above the justice that destroys it.”

³³¹ *Ibid.*, 7

³³² Importantly, Shriver and other Christian theologians point out that forgiveness does not exclude punishment; forgiveness and legal punishment are not incompatible. However, forgiveness does exclude vengeance. Forgiveness and justice are compatible; forgiveness and vengeance are incompatible. This has been an important distinction in the literature. *Ibid.*, 8.

³³³ *Ibid.*

This insight, that forgiveness is not only backwards looking but also looks toward the future, has provided the ground for restorative justice and peacebuilding practitioners to use forgiveness as an effective tool in the legal and political spheres. In addition, this recognition that forgiveness *aims* toward renewing relationships, rather than establishing renewed relationships, has helped to distinguish forgiveness and reconciliation from one another. Forgiveness is one move toward reconciliation; it is not the achievement of reconciliation. While there are some who still write as if they are simply two words for the same phenomenon, every serious scholar of social and political reconciliation since Shriver has made it a point to draw a clear distinction between the two.

After beginning his book by providing this definition, Shriver goes on to explore several examples of political forgiveness at the national and international levels. Specifically, he looks at the forgiveness between the United States and its primary enemies in World War II, as well as between the United States government and two groups of its citizens who have experienced historic injustices; namely, Japanese Americans interned during WWII and African Americans who are the descendants of slaves. In exploring these examples from history Shriver highlights the importance of high profile individuals representing groups and nations of people, as well as symbolic acts of repentance such as memorials. In addition, Shriver makes it a point to say that full reconciliation is often impossible without some form of material reparation. Here he moves beyond talk of forgiveness to talk of justice. Thus, though not the focus of his work, Shriver recognizes the necessity of at least reparative justice, in some degree, to achieve social reconciliation. Reconciliation according to Shriver is a result of the mutual interaction between

forgiveness and justice. Up to this point Shriver's account is consistent with the social trinitarian account provided in the previous chapter.

According to Shriver, forgiveness is an act. However, he also highlights that political forgiveness is something that occurs progressively and over time. Thus, political forgiveness is achieved through a series of separate acts. In speaking of political forgiveness in this way Shriver speaks as if collectives, in the collectives themselves or as represented by certain individuals, can act or "decide" to forgive in a similar way that an individual can. In addition, he speaks as if groups, or representatives of groups, can accept forgiveness on behalf of the whole group. In doing so, Shriver falls into the trap that others have fallen into: speaking as if the phenomenon of forgiveness (and/or reconciliation) between individuals, which often appears as a singular act or a series of specific decisions, is the same as the phenomenon of forgiveness between/among social and political groups of people.

The blurring of the distinction between interpersonal forgiveness and social-political forgiveness has been the cause of much confusion in the literature. Specifically, it tempts people to speak as if social groups are monolithic or that all members of a group experience forgiving, being forgiven, or reconciliation in the same way. The relational emphasis of social trinitarian theology avoids this monolithic tendency by insisting on the necessity of redressing particular wounds with contextually relevant actions. Each wound requires a unique means of healing. Forgiveness, even when pursued by representative figures, is not able to achieve reconciliation between groups without the integration of a variety of justice practices.

It was against the tendency of Shriver and others to speak of forgiveness as a rational decision that can be reached by an individual or collective in response to specific injustices that theologian L. Gregory Jones argued in his major book on forgiveness. In *Embodying Forgiveness* Jones argued that the tendencies in contemporary philosophical and psychiatric literature to talk about forgiveness in rationalistic and therapeutic ways, as an individual decision about the absolution of guilt for wrong deeds committed or as a means for individual healing and mental health, was foreign to the Christian understanding of forgiveness as a communal virtue and was negatively influencing Christian theology and practices of pastoral care.³³⁴

In his defense of forgiveness in politics Shriver traced the history of forgiveness from the New Testament through the Protestant Reformation. In tracing this history Shriver shows that forgiveness evolved from a communal practice tied to public confession in the earliest churches into one that was primarily understood as a private concern to be mediated in secret between a parishioner and God. He viewed this change as a negative rather than positive change. Therefore, Shriver reclaimed the early notion of forgiveness as necessarily public and communal in order to justify its use in the realm of politics. Jones, while agreeing with Shriver's general account of this historic change within Christian practice,³³⁵ focused his critiques on his claim that the individualism of modernity, and the

³³⁴ Jones, *Embodying Forgiveness*, 35-53.

³³⁵ *Ibid.*, 38. "[A]s Christianity increasingly distanced itself from its Jewish roots and became the established religion in the fourth century, practices and conceptions of forgiveness began to take different shapes. This was only intensified by schisms in the eleventh and sixteenth centuries ... For example, in Western Christianity the confession of sin, which was in its origins primarily—though not exclusively—a communal practice, moved from the community to individualized and increasingly privatized contexts. Further, Christian piety turned increasingly inward; God's forgiveness became principally an individual transaction between God and a particular person ... with virtually no consequences for either Christian community or social and political life."

therapeutic nature of late-twentieth-century American culture, had infiltrated the Christian community to such an extent as to overly individualize and subjectivize forgiveness. This, in combination with the evolution of Christian practices through the centuries, perverted the general understanding of forgiveness by Christians, according to Jones.

What both Shriver and Jones point out is that Christian and modern ideas about forgiveness had become so individualized that they obscured or denied the public and communal nature of forgiveness.³³⁶ Whereas the medieval Catholic practice of confession, practices of Protestant piety, and twentieth-century therapeutic culture made it possible for forgiveness to be granted (or received) in the privacy of a confessional, one's "prayer closet," or a therapy session, Jones and Shriver argue that the Christian understanding of forgiveness is inherently relational and public. It is inherently relational because it must occur between at least two parties, and in the case of social-political reconciliation it occurs between entire groups of people. It is inherently public inasmuch as it is a political or communal act and is a response to a violation of *justice*, which is always a public concern.

Forgiveness, the Trinity, and Christian Virtue

Thus, both Shriver and Jones argue for bringing forgiveness into various public spheres (Shriver thinking primarily about the political sphere³³⁷ and Jones thinking primarily about the ecclesial sphere). However, Jones goes one step further than Shriver in

³³⁶ Jones is especially critical of Lewis Smedes and his book *Forgive and Forget*. See his treatment of this book in Jones, *Embodying Forgiveness*, 48-53.

³³⁷ And Shriver is not the only one who has made such an argument. Indeed, even beyond the works cited earlier, Christian philosopher Nicholas Wolterstorff has argued in multiple places that forgiveness is an appropriate action of states. See Nicholas Wolterstorff, "The Place of Forgiveness in the Actions of the State," in *The Politics of Past Evil: Religion, Reconciliation, and the Dilemmas of Transitional Justice*, ed. Daniel Philpott (Notre Dame: University of Notre Dame Press, 2006), 87-111, and Nicholas Wolterstorff, "Does Forgiveness Violate Justice?", eds. Niek Brunsveld and Roger Trigg, "Religion in the Public Sphere," *Ars Disputandi Supplement Series* 5 (2011): 9-29. See also his extended treatment of the topic in Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, MI: Eerdmans, 2011), 161-206.

challenging the individual nature of recent discourses about forgiveness. Whereas Shriver speaks of forgiveness as a rational *act*, a decision to be made in response to specific instances of injustice, Jones argues that forgiveness is a virtue that must be learned in a forgiving community and practiced over a lifetime.³³⁸ In this way, Jones frames forgiveness primarily as the Christian response to *Sin* and only secondarily as the response to specific *sins*. His question is not that of the individual Kantian or Utilitarian actor; namely, “Is it the right or best decision to forgive in this or that situation?” His question is the question of the virtue ethicist; namely, “What does it mean to be a forgiving person, no matter the situation?”

Jones grounds this account of forgiveness as a Christian virtue—if not *the* Christian virtue—in the doctrine of the Trinity. For Jones, any Christian account of forgiveness must be grounded within an overall framework shaped by the life of the Trinity. In fact, all of Christian morality must fall within this framework.³³⁹ Thus, he asserts, “The primary context of a Christian account of forgiveness is the God who lives in trinitarian relations of self-giving communion and thereby is willing to bear the cost of forgiveness in order to restore humanity to that communion.”³⁴⁰ It is the trinitarian context of the Christian account of forgiveness, according to Jones, that distinguishes the Christian account from other accounts by giving forgiveness priority over other values. The Jewish covenantal

³³⁸ “That is, forgiveness is at once an expression of a commitment to a way of life, the cruciform life of holiness in which people cast off their ‘old’ selves and learn to live in communion with God and with one another, and a means of seeking reconciliation in the midst of particular sins, specific instances of brokenness.” Jones, *Embodying Forgiveness*, 5.

³³⁹ See generally L. Gregory Jones, *Transformed Judgment: Toward a Trinitarian Account of the Moral Life* (Notre Dame, IN: University of Notre Dame Press, 1990).

³⁴⁰ Jones, *Embodying Forgiveness*, 133.

account and generically theistic accounts, for instance, emphasize the need for repentance above and before forgiveness.³⁴¹ In a like manner secular accounts either have no room for forgiveness or, like non-trinitarian theistic accounts, prioritize repentance or justice over forgiveness. It is the trinitarian nature of Christian life, then, that makes the difference in Christian ethics and makes the priority of forgiveness intelligible. Specifically, it is the life of the Trinity, especially as it is made manifest in the life and death of Jesus Christ, which makes the difference between the Christian understanding of forgiveness and other understandings evident. Thus, those Christian philosophers and theologians who talk about forgiveness without reference to the doctrine of the Trinity, like Shriver, while understanding the *importance* of forgiveness in a Christian account of social life misunderstand the *nature* of such forgiveness as reflective of, and constituted by, the trinitarian relations.

According to Jones, Christians prioritize forgiveness because of their call to “become holy by embodying [God’s costly] forgiveness through specific habits and practices that seek to remember the past truthfully, to repair the brokenness, to heal divisions, and to reconcile and renew relationships.”³⁴² This holiness “is willing to bear the cost of forgiveness” because “human beings are made in the image and likeness of the Triune God, a God characterized by perfect communion.”³⁴³ Thus, “our destiny is eternal communion with God that manifests the endless self-giving relations of love.”³⁴⁴ And this destiny is

³⁴¹ For Jones’s account of the difference between the Jewish and Christian visions of forgiveness see *ibid.*, 101-13.

³⁴² *Ibid.*, xii. Not coincidentally, this account is not very different from Shriver’s definition.

³⁴³ *Ibid.*, 114.

³⁴⁴ *Ibid.*

manifest now, on this side of the eschaton, by embodying forgiveness. The “craft” of forgiveness, as Jones describes it, is something that is learned and practiced over a lifetime in relationship with exemplars and friends. Specifically, it is learned through formation in the communal Christian practices of baptism, Eucharist, confession, prayer, repentance, and loving enemies. In their own particular fashion each of these practices is a reminder of and participation in the way of costly forgiveness. Forgiveness, then, is a practice that is learned and formed through participation in the life of Christian community.³⁴⁵

Jones asserts that “at the heart of the Christian doctrine of God is the conviction that God lives as the loving friendships, the self-giving relationships, of Father, Son, and Holy Spirit.”³⁴⁶ The self-giving and loving nature of the trinitarian relationships is seen most clearly in the witness of Jesus Christ. Specifically, we see in the life and ministry of Jesus “the proclamation and embodiment of a world in which ‘pardon is all-powerful.’”³⁴⁷ Jones goes on to say that in the death and resurrection of Jesus “God overcomes our propensity for violence by binding it up into God’s own trinitarian life.”³⁴⁸ In this way, “in the face of human sin and evil God’s love moves toward reconciliation by means of costly forgiveness.”³⁴⁹

³⁴⁵ Ibid., 164, fn. 1. Jones’s conception of a “practice” is informed by Alisdair MacIntyre’s famous definition of the term. In fact, Jones quotes MacIntyre’s famous definition of “practice” in full: “By a ‘practice’ I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence that are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.” Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame: University of Notre Dame Press, 1984), 187.

³⁴⁶ Jones, *Embodying Forgiveness*, 112.

³⁴⁷ Ibid., 111.

³⁴⁸ Ibid., 113.

³⁴⁹ Ibid.

It is in this trinitarian context, and through formation in a community of forgiveness, that Christians are able faithfully to engage the world as forgiven forgivers. Forgiveness, according to Jones, assumes neither a “pie in the sky” vision of human existence nor one in which there is no room for hope. The crucifixion of Jesus leaves no room for an insufficient understanding of injustice and violence, yet the resurrection leaves no room for despair or nihilism. A Christian account of forgiveness is based in an interpretation of the world that is neither too optimistic nor too pessimistic. Rather, a Christian account of forgiveness is based on a *realistic* interpretation of the world. However, the only realistic, because ultimately true, interpretation of the world is one that interprets reality through the lens of the shared life of the community of persons that make up the Trinity and, therefore, that understands the proper end of those created in God’s image to be restored, renewed, and “perfect communion.” A realistic interpretation of the world is one that recognizes that, since Christ, “pardon is all-powerful.” To pursue an overly individualistic or therapeutic approach to forgiveness or to abandon forgiveness as unrealistic or opposed to justice, then, would be to live in a way inconsistent with the way things really are. The goal of forgiveness, in light of the relationship between the Trinity and the world and the in-breaking of the Kingdom of God as exemplified in the life of Jesus, is a restored and renewed community of self-giving love. Jones notes that Christians recognize that this will not be achieved short of the eschaton, but they learn to live in the eschatological community by their participation in the community of faith in the here and now.

Human forgiveness, then, is modeled on divine forgiveness, and “costly forgiveness”³⁵⁰ is the way that God has chosen to make peace with God’s enemies, i.e. sinful humans. It is not a “cheap grace,” to use the words of German theologian Dietrich Bonhoeffer; rather, it is a grace infused with judgment. It is a grace that presupposes the doing of wrong and recognizes it as such by naming it sin. However, the act of judgment is not intended to be the last word. Rather, it is intended to spur the sinner (wrongdoer/perpetrator/oppressor) toward repentance and, eventually, restored relationship. Forgiveness, according to Jones, motivates and demands repentance, not the other way around. Those who recognize and accept their status as forgiven, according to Jones, are unable to refuse that forgiveness to others or to do repentance when they sin against others. It is surely good when wrongdoers repent upon recognizing the injustice of the wrong they have done even without the offer of forgiveness. However, just as God’s forgiveness comes before and spurs human repentance so must Christians live a forgiving life in relation to their neighbors and enemies before those who do wrong to them do repentance for specific sins.³⁵¹ Forgiveness is a virtue that is embodied over a lifetime, according to Jones, and not primarily a specific decision regarding a specific past act. Forgiveness is not primarily about the absolution of past guilt but about the embodiment of the trinitarian relations in earthly life. “[P]eople are mistaken,” he says, “if they think of

³⁵⁰ “Costly Forgiveness” is one of Jones’s favorite ways of talking about Christian forgiveness. The index to *Embodying Forgiveness* lists twenty-nine entries under “Costly Forgiveness,” with several entries covering multiple pages. He says plainly, “Christian forgiveness involves a high cost, both for God and for those who embody it.” Jones, *Embodying Forgiveness*, 5.

³⁵¹ Jones mentions stories in which Jesus declares the forgiveness of sins to persons before they repent or confess on multiple occasions as examples of the nature of Christian forgiveness. A particularly favorite story of his along these lines is the story of the woman who washed Jesus’s feet with her hair. See Luke 7:36-50

Christian forgiveness primarily as absolution from guilt; the purpose of forgiveness is the restoration of communion, the reconciliation of brokenness.”³⁵²

Thus, embodied forgiveness is a response to *Sin* as much as it is to particular *sins*. It is an orientation to life with others rather than a series of individual moments within a life. The Christian life of forgiveness is the way that humans unlearn sin, and all of its injustice and violence, and learn the trinitarian way of Christ. Inasmuch as modern philosophy has assumed that ethics is about “Kantian deontology and Benthamite/Millian utilitarianism,”³⁵³ and inasmuch as modern theology has accepted the anthropological categories of rational agent and the state of nature, popular understandings of forgiveness have become far too individualistic and focused on specific past events. Before persons forgive specific sins committed against them they must unlearn the ways of sin through participation in a community that rejects vengeance and violence as the way things are.

Of course, this account of forgiveness is exactly the kind of account that has caused people like Niebuhr and Weber to dismiss forgiveness, as well as other “idealistic” religious values, as inappropriate to political life. How can anyone who is not an orthodox Christian accept such a vision of forgiveness? How can people living in secular and/or pluralistic societies make this idea of forgiveness intelligible to a wider public? How can large pluralistic polities ever hope to form and sustain people capable of shared practices powerful enough to embody such forgiveness (especially when a large majority of Christian churches seem unable to do so!)? Where exactly are these communities found if they do exist? This kind of forgiveness seems, at best, to be possible only in small, tightly knit

³⁵² Jones, *Embodying Forgiveness*, 5.

³⁵³ *Ibid.*, 217.

communities (as in the response of the Amish community of Nickel Mines, Pennsylvania to the school shooting that occurred there in 2006)³⁵⁴ or by spiritual heroes like John Lewis, an American civil rights leader and politician who forgave a former Ku Klux Klan member who nearly killed him during a peaceful protest, or Pope John Paul II who forgave the man who attempted to assassinate him. And what role does justice play in this account of the Christian moral life?

Jones is not unaware of such questions and concerns regarding his account of forgiveness. For instance, he subsumes repentance, which is a particular form of justice, into the process of forgiveness, and insists that the acceptance of forgiveness necessitates further action by the forgiven to make right, as much as it is possible, what was made wrong. However, it is forgiveness that motivates repentance and not the other way around. Forgiveness has a chronological as well as a theological priority over repentance.

The priority of forgiveness does not preclude other forms justice either. Forgiveness does not remove the possibility of punishment, even in ecclesial communities in the form of excommunication, and the refusal of the forgiven to repent may make punishment unavoidable or reconciliation impossible. The important point for Jones is that any of these moves—repentance, restitution, punishment, estrangement—are part of a life that embodies forgiveness by always hoping for and moving toward renewed and restored relationships. In other words, the goal of repentance, restitution, punishment, or estrangement, just like the goal of forgiveness, is the eventual creation of relationships that move toward reflecting the trinitarian relations. In the end, however, each of these other

³⁵⁴ See Kraybill, et al, *Amish Grace*.

values and responses to wrongdoing and injustice is secondary to the “priority of forgiveness.” Forgiveness is, in the end, the trinitarian way of Jesus Christ in the world.

While Jones acknowledges the possibility of “secular parables,” borrowing Karl Barth’s phrase, of forgiveness outside of the Christian faith that bear resemblance to the truth known in trinitarian community, he insists that true forgiveness is known most fully within the Christian community of faith. He says,

Whether dealing with ‘secular parables’ or the understandings and practices of other religious traditions, we need the practice of discernment to separate authentic forgiveness from its simulacra. George Hunsinger’s characterization of this practice is instructive: “In considering any secular word as a possible expression of truth, the Christian community will need to strike a delicate balance between faithfulness and perplexity, suspicion and openness, and self-affirmation and self-criticism. It will need to remain faithful above all to its own special task of speaking true theological words in the freedom above and power promised to it.”

Such fidelity is exercised in the recognition that, from a Christian perspective, the truth in either secular or religious traditions and practices of forgiveness will find their true home not only in their original context but, more determinatively, by being set in the context of the Triune God.³⁵⁵

Put more simply Jones says, “Hence there *ought* to be a difference between how Christian philosophers investigate the issues, from within a doctrine of the Triune God, and how philosophers who inhabit other (religious or nonreligious) traditions do so.”³⁵⁶

Jones believes that the Christian doctrine of the Trinity is the only context in which true forgiveness can finally be understood. And it is only the Christian community of faith in which this trinitarian context, in which the Trinity is in an “always-already” state of forgiving humanity, is explicitly recognized as true. Of course, this context will not be fully clear until the eschaton, and Jones seems quite open to many more people than confessing

³⁵⁵ Jones, *Embodying Forgiveness*, 223.

³⁵⁶ *Ibid.*, 224.

Christians being present in the eschatological community of God, but it is still most clearly seen on this earth in Christian communities in which baptism, Eucharist, confession, repentance, prayer, and love of enemies is routinely practiced.

In making this argument Jones does not preclude the possibility of such costly forgiveness being practiced outside of such communities, but it clearly creates difficulties in embodying this form of forgiveness in the political sphere. For instance, he says that by “being initiated into the craft of forgiveness” one will eventually learn “how to diagnose and discern the craft of forgiveness in the situations and contexts that we and others face in the world around us.”³⁵⁷ In other words, the craft of costly forgiveness that moves toward the embodiment of trinitarian community is possible in “the world,” but it takes prior training in that craft within the appropriate community to “have the eyes to see” such a craft being practiced in politics or business, for example.

However, even with these qualifications it is difficult to see how Jones is able to translate such a theory of forgiveness outside of specific ecclesial communities. His proposal is so tradition bound that even “secular parables” require Christian translators to make plain the truth of ambiguously trinitarian forgiveness outside of the Church. In his desire to reconfigure forgiveness as a Christian virtue learned through participation in a community reflective of the trinitarian relations he has effectively cut-off the possibility of this vision of forgiveness being extended in any significant way outside of ecclesial life. Without intending to, he appears to affirm the inclinations of Niebuhr and Weber about the inapplicability of an ethics of “ultimate ends” in the political life of nations. This would, in the end, not be a problem for his proposal—there is nothing inherently “wrong” about

³⁵⁷ *Ibid.*, 227.

religious communities having a special ethic for those who have chosen to be a part of such a community—except that he wants it to be so extended. Indeed, it is important for Jones that his project be “public” inasmuch as he assumes that God is redeeming *the world* through costly forgiveness. However, no matter how much he may want his account to be intelligible, convincing, and practicable to a wider public, he fails in extending this vision into the world. This is a rather surprising twist for one who seeks so fervently to model his ethic on the example of Jesus Christ, the one whose ethics were always practiced “in the world” and rejected by the leaders of the religious communities of his day.

Jones’ account is helpful in demonstrating the ways that the trinitarian relations inform the Christian life of reconciliation. Specifically, he helps us to see that forgiveness is compatible with the recognition of injustice as injustice. Forgiveness, in this account, is not something that overlooks, ignores, or denies wrongdoing but is something that explicitly names injustices as wrongs against persons and relationships. In addition, Jones helps us to see the ways that forgiveness can contribute to the restoration of right relationships. Inasmuch as forgiveness can be a part of reflecting God’s perichoretic relationships and restoring relationships it is a part of a theological ethic of reconciliationism.

However, because he subsumes repentance under forgiveness, denies the possibility of “true” forgiveness outside of Christian communities, and talks very little about the ways that acts of justice can similarly lead to the restoration of right relationships, the rhetorical effect of his argument is to downplay, if not deny, the necessity of justice for reconciliation. It is not his intention to make that argument. Rather, he simply wants to prioritize forgiveness in a Christian theology of forgiveness. However, the result of prioritizing forgiveness chronologically and theologically is that justice is effectively removed from

playing an active role in his theology of reconciliation. In the end, he cannot do what he wants to do—prioritize forgiveness at the same time as affirming the necessity of justice for reconciliation.

Miroslav Volf's Social Trinitarian Theology of Reconciliation

The Sin of Exclusion

Croatian theologian Miroslav Volf³⁵⁸ agrees with Jones and Shriver that forgiveness is an appropriate public virtue, and that Christian forgiveness is relevant to political practice.³⁵⁹ In addition, Volf is in full agreement with Jones's account of the necessity of the trinitarian context for Christian forgiveness, the idea of forgiveness as a "craft" or process which is learned and practiced over time, and with the priority of forgiveness in the Christian vision of social life. However, whereas Jones only hints, and not successfully, at the possibilities for such an ethic in social and political life beyond the life of particular Christian communities, Volf boldly attempts to make the case for such a stance through his account of "exclusion" in the modern world and "embrace" as the response with a realistic hope for breaking cycles of vengeance and violence and creating healed and reconciled communities. The impact of his account of reconciliation as embrace in contemporary Christian theology cannot be overstated. In my own research, his account of the priority of forgiveness in reconciliation is the most referenced account in Christian theology and ethics today.

³⁵⁸ This section includes revised portions of my previously published essay, James W. McCarty III, "The Embrace of Justice: The Greensboro Truth and Reconciliation Commission, Miroslav Volf, and the Ethics of Reconciliation," *Journal of the Society of Christian Ethics* 33.2 (2013): 111-129.

³⁵⁹ See Miroslav Volf, "Forgiveness, Reconciliation, and Justice: A Christian Contribution to a More Peaceful Environment," in *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation* (Philadelphia: Templeton Foundation Press, 2001), 27-49.

Like Jones, Volf insists that the doctrine of the Trinity should inform ecclesial practice, the moral formation of Christians, and the shape of Christian social and political engagement. And again like Jones, Volf understands such a social vision to place a priority upon forgiveness in a Christian understanding of reconciliation. However, whereas Jones simply affirms the necessity of justice for the achievement of reconciliation without much explication (and effectively undercuts this affirmation with his account of forgiveness), Volf has gone to great lengths to make clear the role and importance of justice *and* its place within an overall vision of embrace.

Like Shriver and Jones, Volf begins by diagnosing a problem facing modern societies. Whereas Shriver and Jones identify the problem they are attempting to correct as misguided notions of forgiveness that privatize (Shriver) and subjectivize (Jones) its practice, Volf begins with the problem of the formation of identity in the modern world and its influence upon violent conflict. Specifically, he identifies group identities (race, ethnicity, religion, gender, and their intersections) as the source and location of many of modernity's most intractable conflicts. Writing as a Croat in the wake of the Bosnian conflict, Volf is deeply impacted by the proliferation of ethnic and religious conflicts after the Cold War. Therefore, he insists that "[v]arious kinds of cultural 'cleansings' demand of us *to place identity and otherness at the center of theological reflection* on social realities."³⁶⁰

At the heart of Volf's *Exclusion and Embrace*, his most well-known and developed treatment of these themes, is his account of exclusion. His account of "embrace," in fact, "is intelligible only against the backdrop of a powerful, contagious, and destructive evil" which

³⁶⁰ Volf, *Exclusion and Embrace*, 17.

he names exclusion.³⁶¹ Against those who see the history of modernity as a continual march to more and more inclusion (which is at one level true) Volf argues that, in fact, modern secular inclusion is the foundation for horribly unjust, and oftentimes violent, exclusions. He reminds us that “[t]hose who are conveniently left out of the modern narrative of inclusion because they disturb the integrity of its ‘happy ending’ plot demand a long and gruesome counter-narrative of exclusion.”³⁶² The colonization of the Americas, the trans-Atlantic slave trade, Nazism, apartheid, and the various other atrocities of modernity are an eternal challenge to the narrative of democracy, diversity, and cosmopolitanism that is the crown of the modern project. “There is far too much ‘cleansing’ in the history of the West for the horror about ethnic cleansing in the Balkans to express legitimately anything but moral outrage about—*ourselves*,” Volf reminds us.³⁶³ Thus, while wanting to avoid the temptation to locate a root of *all* sin, such as pride or lust or violence, Volf does proclaim that “[e]xclusion names what permeates a good many of sins we commit against our neighbors”³⁶⁴ in the modern world.

Exclusion, as Volf explains it, is an *interpersonal* and *intrapersonal* phenomenon. It grows out of harmful constructions of the self and can occur in the form of “elimination,” “assimilation,” “domination,” or “abandonment.” Each of these forms of exclusion are means of “the *pursuit of false purity* [which] emerges as a central aspect of sin.”³⁶⁵ Getting to the heart of the matter Volf says,

³⁶¹ Ibid., 30.

³⁶² Ibid., 59.

³⁶³ Ibid., 60.

³⁶⁴ Ibid., 72.

Sin is here the kind of purity that wants the world cleansed of the other rather than the heart cleansed of the evil that drives people out by calling those who are clean “unclean” and refusing to help make clean those who are unclean. Put more formally, sin is “the will to purity” turned away from the “spiritual” life of the self to the cultural world of the other, transmuted from spirituality into “politics” broadly conceived ... ³⁶⁶

Thus, the practice of exclusion can be described as “the politics of purity.”³⁶⁷ This account of the sin of exclusion should not sound unfamiliar to Christians. Disciples of the one crucified, in part, for continually crossing religious, ethnic, and gender purity boundaries, rather, should find this description of a good many sins to be quite accurate.

Exclusion in its most extreme form is elimination. Elimination is the killing of those who are outside, other, or impure. Exclusion as elimination on a social level manifests itself most fully as genocide and ethnic cleansing. The other side of the coin of exclusion as elimination is exclusion as assimilation. Rather than being killed, an individual or group of people can be so assimilated into the dominant group as to cease to exist as distinguishable from the dominant group. “Cultural genocide” may be an appropriate way to sum up this form of exclusion. Perhaps the most dramatic example of this form of exclusion is the treatment of the native peoples by their colonizers in the Americas.

Exclusion in its other forms is not as extreme, but is still gravely unjust. Exclusion as domination, for instance, is “to assign ‘others’ the status of inferior beings.”³⁶⁸ This form of exclusion was most easily seen during the eras of Jim Crow in the United States and

³⁶⁵ Ibid., 74.

³⁶⁶ Ibid.

³⁶⁷ Ibid. Volf goes on to say: “The ‘will to purity’ contains a whole program for arranging our social worlds—from the inner worlds of our selves [sic] to the outer worlds of our families, neighborhoods, and nations. It is a dangerous program because it is a totalitarian program, governed by a logic that reduces, ejects, and segregates.”

³⁶⁸ Ibid., 75

apartheid in South Africa. There is also exclusion as abandonment in which people made vulnerable are left to endure the effects of that vulnerability without the necessary means to escape it. According to Volf, this is seen “in the way the rich of the West and North relate to the poor of the Third World” and “in the manner in which suburbs relate to inner cities,” for example.³⁶⁹

Finally, every form of exclusion is supported and made possible by “symbolic exclusion.”³⁷⁰ In Volf’s account, symbolic exclusion is “exclusionary language and cognition” which is necessary because “[b]efore excluding others from our social world we drive them out, as it were, from our symbolic world.”³⁷¹ For instance, Jews in Nazi Germany were portrayed as rats, Tutsis in Rwanda were called “cockroaches” and “tall trees,” Africans in slavery in the United States were described as monkeys and gorillas, black Africans in apartheid South Africa were understood to be outside the special covenant between God and Afrikaners, and various stories of religious others being symbolically excluded from their societies—from Christians as cannibals in ancient Rome to Jews as Christ murderers throughout history—can be told. And eventually, as Volf warns us, “[t]he rhetoric of the other’s inhumanity *obliges* the self to practice inhumanity.”³⁷²

And why do we exclude in these horrible ways? Volf provides three reasons: first, because we have the tendency to scapegoat others to ease our consciences about things we

³⁶⁹ Ibid.

³⁷⁰ “Symbolic exclusion is often a distortion of the other, not simply ignorance about the other; it is a willful misconstruction, not mere failure of knowledge. We demonize and bestialize not because we do not know better, but because we *refuse* to know what is manifest and *choose* to know what serves our interests.” Ibid., 76.

³⁷¹ Ibid., 75.

³⁷² Ibid., 76.

hate about ourselves or that expose our own sinfulness; second, “because we are uncomfortable with anything that blurs accepted boundaries, disturbs our identities, and disarranges our symbolic cultural maps;” and third, sometimes we exclude simply “because in a world of scarce resources and contested power we want to secure possessions and wrest the power from others.”³⁷³ According to Volf, then, two of the three impetuses for exclusion have to do with issues of identity and sense of self.

We are all caught in some form of these webs of exclusion—we cannot escape them. And while this solidarity in the sin of exclusion might in theory be able to serve as a resource for withholding judgment upon others, it has too often served in practice to reinforce injustice and escalate violence. Indeed, “in a world so manifestly drenched in evil everybody is innocent in their own eyes.”³⁷⁴ For Volf, this is why many liberation movements eventually fail. The paradox of movements for liberation is that they provide the language of innocence and righteousness to people who practice exclusion. Without wanting to deny that in specific instances of injustice there can be clear perpetrators and victims, oppressors and oppressed, Volf claims that people move too easily from specific situations to broad generalizations when using these categories. Thus, whole groups of people see themselves as victims and entire other groups of people who are in some way different from them as perpetrators. The language of liberation and justice, then, provides the justification for their violence performed upon those others. Indeed,

[f]rom a distance, the world may appear neatly divided into guilty perpetrators and innocent victims. The closer we get, however, the more the line between the guilty and the innocent blurs and we see an intractable

³⁷³ Ibid.

³⁷⁴ Ibid., 79.

maze of small and large hatreds, dishonesties, manipulations, and brutalities, each reinforcing the other ... Intertwined through the wrongdoing committed and suffered, the victim and violator are bound in the tragic and self-perpetuating solidarity of sin.³⁷⁵

And in protracted conflicts nearly every person and people group could point to periods of extreme injustice as evidence of the guilt of the other and their own innocence and justified response. Indeed, this was exactly the case in Volf's own Bosnia.³⁷⁶

Volf's analysis of the "righteous" sources of modern violence—namely, the language of victimization and liberation—is not dissimilar to accounts of violence in the modern world given by literary theorist René Girard and political philosopher Charles Taylor. Building on the project of Girard, Taylor has described the rise of what he calls "categorical violence."³⁷⁷ According to Taylor, certain instances of violence in the modern world are different than violence in the pre-modern world in that modern violence is often committed against whole categories of people simply for existing *as that "category"* rather than for revenge or purely political, economic, or even religious reasons.

People in the modern world are not born into "fixed" identities. One's identity is not necessarily given to one before birth based on tribe, caste, or lineage. Rather, our identities are in constant construction, and they are often based on exclusion. We know who we *are*

³⁷⁵ Ibid., 81-2.

³⁷⁶ "Hatred of Albanians, hatred of Croats, hatred of Muslims (both Albanians and Bosnian, were combined and reinforced through endless loops of victimization not accountable to evidence or reason. Then the language of eternal victimization was flipped into a code in which charges of genocide against Serbs became a signal to begin genocidal operations against Bosnian Muslims." Michael A. Sells, *The Bridge Betrayed: Religion and Genocide in Bosnia* (Berkeley: University of California Press, 1996), 67. Sells's entire book is a must-read text for those interested in issues of genocide, religion, and conflict, especially the ways in which cycles of victimization escalate such conflicts.

³⁷⁷ Charles Taylor, "Notes on the Sources of Violence: Perennial and Modern," in *Beyond Violence: Religious Sources of Social Transformation in Judaism, Christianity, and Islam*, edited by James L. Heft, S.M. (New York: Fordham University Press, 2004), 19.

by defining who we are *not*. In a globalized world where millions of people cross boundaries and people's identities are in a constant state of flux this can lead to mass violence.³⁷⁸

In categorical violence one group of people (People A) constructs their identity in opposition to another group of people (People B). The problem is that both People A and People B live within the same geographical space. So, over time People B is identified as polluting People A's identity. This pollution may be understood to be religious, ethnic, and/or political (and often all three). However, once People A construct their identity in such a way that People B's existence threatens to pollute the existence of People A the only way to ensure the future existence of People A is to purify themselves from the pollutant by destroying People B. The primary sin of People B in this scenario is simply their existence as People B.

However, the process goes both ways for Taylor. As soon as the first injustice or atrocity is committed against People B they view themselves as wholly innocent victims who are justified in responding to their oppression. Once they respond in kind, however,

³⁷⁸ See *Ibid.*, 28-9. "The modern horizon is described in terms of the contemporary notions of 'identity.' Identities, unlike the fixed horizons in which premoderns moved, (a) are one among many, and (b) need to be defined, further determined. On the individual level, (b) holds because of the ethic of authenticity, the idea that each human being, or each group, has its own way of being human. On the social level, (b) holds largely because of the sense that either (1) we have never really had our moment; our identity has been suppressed by some intolerant majority or some rapacious empire, and/or (2) as history changes, we have to redefine ourselves to continue our authentic form of life. We have to tell our story in a way that culminates in today's identity...But the tensions are also intensified by democracy, or sovereignty based on popular will, which requires a political identity. We have to be on our own, in order to live out our way; and we cannot be challenged by others who might want to dispute the legitimacy of that way...In this context, others become an identity threat...But this is of a new kind and in an unprecedented context. The context is that of popular sovereignty, which may make it impossible to live with a minority...[The minority] are a legitimacy challenge and hence an identity threat. Under the principle of [popular sovereignty], the political identity of a state must be ultimately decided by the people. But if we include this minority in our 'people,' they may easily vote to change our political identity...This is why the twentieth century has been both the age of rising democracy and the heyday of ethnic cleansing. This is not mere coincidence."

People A then claim historical justification for their portrayal of People B as threats to their existence. At this point both People A and People B understands themselves as innocent victims, *and* both of them have historical incidents to which they can point to justify their self understanding. This is what Taylor calls “the victim scenario.”³⁷⁹

What makes categorical violence especially insidious, for Taylor, is the way the dynamics of the modern globalized world intensify these historic human tendencies. Global geopolitical and religious identities are magnified because of international politics and economics in such a way that people’s identities are now constructed in ways unknown in the ancient world. Even worse, these identities are infused and undergirded by robustly moral language so that those who are not in your “category”—whether that be political (for example, the struggle between democracy and communism), religious (for example, the tension between Muslims and Hindus in India), or ethnic (for example, the Hutu massacre of the Tutsis in Rwanda)—are not only *different* but *evil*.³⁸⁰

In instances such as this, moral judgments made upon another people’s perceived politics or religion is applied to their intrinsic nature. When one believes another is truly evil or inherently unjust it becomes much easier to justify their slaughter. As soon as this move is made it becomes quite easy to impute such moral judgments upon any who oppose or criticize one’s actions. In this way the categories are not static; rather, they often continue to include more and more people and, therefore, justify more and more violence. The construction of identity in the modern, globalized world lends itself to group identities that require the creation of evil others who must be scapegoated and excised from one’s

³⁷⁹ Ibid., 29.

³⁸⁰ Ibid., 29-30.

own existence. Genocide and ethnic cleansing, then, are only possible through this combination of archaic modes of managing violence and the political organization of the modern world.

Volf's story of exclusion is not dissimilar to Taylor's story of categorical violence because, like Taylor, Volf sees the construction and constant redefinition of personal and communal identity as a defining feature of modern life. In an increasingly differentiated world, in which persons play an increasing number of social roles and in which contact between different groups of people (cultural, ethnic, religious) becomes more frequent, a stable and constant notion of "the self" is threatened. One has no "permanent station" in the modern world, and every evolution or new encounter threatens radically to alter one's sense of self and identity. A healthy person requires a healthy "center" to ground the self in the midst of increasingly diverse diversity.

The least healthy way that this is done is by identifying one's center, or one's group's center, in some unchangeable essence that is constantly threatened by the existence of some other. This is an easy temptation because any notion of "the self" requires a notion of "the other." There must be boundaries for there to be an identifiable self. Therefore, the challenge is to identify and cultivate a center to the self that is flexible enough to avoid exclusion as elimination or domination *and* stable enough to maintain a self that avoids assimilation.

Reconciliation as Embrace

Volf's proposal for a self that is able to be both flexible and stable is a self with a "de-centered center."³⁸¹ Specifically, the center of the Christian self is the God revealed most

³⁸¹ Volf, *Exclusion and Embrace*, 71.

fully in “Jesus Christ crucified and resurrected who has become part and parcel of the very structure of the self.”³⁸² Such a trinitarian self does not have an unchangeable center; rather, the center is “self-giving love made possible by and patterned on the suffering of the Messiah.”³⁸³ The center is a dynamic verb rather than static noun. A self like this—a self with a de-centered center modeled on the indiscriminate self-giving love of the Trinity manifest most clearly in the death and resurrection of Jesus—is a self able to move to “embrace” the stranger, the enemy, and the other in a world whose logic is that such persons should be excluded.

Just as God embraces sinful humanity—analogically described in the father’s embrace of his wayward son in Jesus’s parable of the prodigal—so should humans embrace one another. Such a willingness to embrace is the way to move toward reconciliation in a world of exclusion. According to Volf, such an embrace entails four key “moments”: repentance, forgiveness, making space in oneself for the other, and the healing of memory.³⁸⁴ Full embrace cannot occur without each of these moments, and yet the fourth moment, the healing of memory, is not wholly possible until the final reconciliation in the eschaton. However, the *will* to embrace is possible and must govern the epistemological stance of social actors. The *desire* to embrace must be indiscriminate and be the guiding vision for social action. For there to even be a *possibility* of achieving embrace the will to embrace must guide social life.

³⁸² Ibid., 70.

³⁸³ Ibid., 71.

³⁸⁴ Ibid., 100.

While rejecting any straightforward linear “process” of reconciliation as embrace, for Volf forgiveness, which is the practical manifestation of the indiscriminate will to embrace, is the moment that takes priority. This unconditional willingness to embrace even one’s enemy is the precondition for creating a more peaceful world. Thus, Volf advocates “the struggle for *a nonfinal reconciliation based on a vision of reconciliation that cannot be undone.*”³⁸⁵

The first of Volf’s four moments, repentance, is a necessity of both victim and oppressor if embrace is to occur. For Volf, it is so obvious that oppressors should repent that it can almost go without saying. He devotes very little space to the subject. However, what he does say is that “genuine repentance of the oppressor will lead to the ‘injustice’ of superabundant restitution, which seeks to offset the injustice of the original violation.”³⁸⁶ Volf is not specific about what “superabundant restitution” may look like, but he insists that oftentimes full restitution is both impossible and undesirable. Taking the necessity of oppressors to repent for granted, Volf spends more space defending his claim that victims also need to repent for reconciliation to occur. Consistent with many theorists of nonviolence Volf argues that victims must repent *of the ways of the oppressors* if they hope to achieve true social transformation rather than a reversal of the roles of oppressor and victim. The simple pursuit of (retributive) justice naturally leads to this reversal, according to Volf, and that is why the will to embrace is necessary for reconciliation. Again, for Volf, this is where liberation theologies and movements have often fallen short. In their desire for and pursuit of liberation they have too easily accepted the *means* of the oppressors and,

³⁸⁵ Ibid., 110.

³⁸⁶ Ibid., 118.

therefore, have failed to transform societies toward reconciliation. Rather, liberation movements have often escalated violence and perpetrated greater atrocities than those committed against them in their pursuit of liberation without the goal of reconciliation. Repenting of the desire to use the means of oppressors, then, is a first step toward embrace.

The second moment of embrace is forgiveness. Like with the repentance of victims, Volf emphasizes the practical importance of forgiveness—the normative importance should be clear in light of the trinitarian example of Jesus—as a tool that “breaks the power of the remembered past and transcends the claims of the affirmed justice and so makes the spiral of vengeance grind to a halt.”³⁸⁷ Forgiveness, like the repentance of victims, is necessary for social *transformation* rather than simple social *change*. Importantly, Volf rejects any notion of “forgive and forget” and affirms the need for justice and memory in his advocacy of forgiveness, though he goes on to say that eventually all wrongs must be forgotten, in the eschaton, and that justice can never be fully satisfied and must, therefore, be transcended. However, in forgiveness justice is not violated because, as Shriver reminded us, forgiving requires the recognition and naming of a wrong *as wrong*. Retribution in many cases can never be fully met, and there are many cases in which there can be no possible restitution for an offense (like murder or rape). However, this does not mean that forgiveness ignores, violates, or trumps justice. Rather, “forgiveness enthrones justice” because it “provides a framework [i.e. “embrace”] in which the quest for properly

³⁸⁷ Ibid., 121.

understood justice can be fruitfully pursued.”³⁸⁸ Thus, forgiveness does not *violate* justice but *transcends* it.

However, forgiveness is not embrace. Rather, “the active suffering of forgiveness” is “the boundary between exclusion and embrace.”³⁸⁹ In other words, forgiveness, while ending a cycle of reciprocal violence, does not automatically create embrace. To move past this boundary one must make room in themselves for the other; one must be willing to accept the enemy into their life in such a way as to transform the self and the other. New identities not grounded in the exclusionary centers of the self that created the original exclusion must be formed. This is the third moment of embrace.

Inasmuch as Christ is “the victim who refuses to be defined by the perpetrator, [and] forgives and makes space in himself for the enemy”³⁹⁰ in his crucifixion and resurrection, and inasmuch as “the very nature of the triune God is reflected on the cross of Christ” and this example “is what the life of the Trinity is, translated into the world,”³⁹¹ then in imitation of the way that God pursues reconciliation with humanity humans should pursue reconciliation with one another. As people created in the image of the triune God we achieve reconciliation with our fellow human beings by living into a communal view of self that images the life of the Trinity in which “the identity of each Trinitarian person cannot be defined apart from other persons.”³⁹² Relationships, even to enemies, define personhood. A person is more than and distinct from the relationships they are a part of,

³⁸⁸ Ibid., 123.

³⁸⁹ Ibid., 125.

³⁹⁰ Ibid., 126.

³⁹¹ Ibid., 127.

³⁹² Ibid., 128.

just as the persons of the Trinity are distinct from each other. However, a person cannot be a person—and a particular person cannot be that particular person—removed from the relationships that constitute that person, just as it makes no sense to speak of the divinity of any single person of the Trinity outside of their relationships to each other. To live in such a way as to refuse such relationships with others, even our enemies, is to live in defiance of the nature of creatures made in the image of the Trinity. Indeed, this is often what humans actually do—live as though one can be fully human without embracing, and even excluding, those who are “other”—and which leads to such horrific results as genocide.

Finally, the fourth moment of embrace is the healing of memory. Volf talks about the healing of memory in two ways that on the surface seem distinct but which mean the same thing: remembering rightly and forgetting. To remember rightly, according to Volf, is to remember all of history within the context of God’s love of and costly reconciliation with the world. To remember rightly, then, is ultimately to forget sin and evil in the eschatological presence of God reconciled with the universe. Volf’s advocacy of forgetting has caused much criticism. “How can you encourage victims to forget,” he is angrily asked. However, Volf does not advocate eschatological forgetting lightly. He wrestles deeply with the proper place of remembering in social life and the role memory can play in the prevention of future injustices. Memory is, according to Volf, so powerful that it brings the past into the present and refuses to let the past remain in the past. Indeed, Volf advocates eschatological forgetting because he believes, in the end, “no heaven can *rectify* Auschwitz.”³⁹³ The memory of the Shoah, and other such atrocities, are so powerful they

³⁹³ Ibid., 135.

would make heaven impossible, Volf claims. So, they must be “remembered” in the context of God’s embrace of the whole universe and, therefore, forgotten after all. And while this proposal has been heavily criticized, and Volf has written an entire book to respond to those critics,³⁹⁴ it is not necessary to explore this concept any further here because in making his case for eschatological forgetting Volf ardently affirms the necessity of temporal remembering. Without being in the eschatological presence of God there is no place for forgetting the victims of our exclusions. In the end, then, Volf is an ardent advocate of humans who are living in temporal bodies remembering suffering and not letting the memory of history’s victims disappear.

It is clear at this point that Volf grounds his account of the necessity of embrace in an account of the limits, and even dangers, of justice. A just end requires just means. Liberation without reconciliation creates new, and often worse, oppressions. Remembered injustice threatens existing justice. In short, in a world of exclusion “justice” inevitably comes into conflict with “justice.” In other words, justice, as culturally and historically conditioned, is not universal. For justice to be effective there must be agreement on the nature of justice. However, in a pluralistic world such agreement is not possible. The justice of the Hutus was not the justice of the Tutsis. The justice of the Palestinian Israelis is not the justice of the Jewish Israelis. And the justice of the Serbs was not the same as the justice of the Bosniaks and Croats in the former Yugoslavia. And in the midst of conflict Volf believes that it is impossible to successfully adjudicate between divergent visions of justice when injustices have occurred on both sides. When people pursue justice as liberation, or even as *suum cuique*, such justice, if pursued to its end, will inevitably be unjust. Thus,

³⁹⁴ Miroslav Volf, *The End of Memory: Remembering Rightly in a Violent World* (Grad Rapids, MI: Eerdmans, 2006).

“agreement on justice depends on the will to embrace the other and that justice itself will be unjust as long as it does not become a mutual embrace.”³⁹⁵

How does one pursue embrace if the pursuit of justice will inevitably be unjust? Volf’s suggestion is to live into the hybridity of modern life by practicing “enlarged thinking” and “double vision” in our engagement with others. In enlarging our thinking we let “the voices and perspective of others, especially those with whom we may be in conflict, resonate within ourselves, by allowing them to help us see them, as well as ourselves, from *their* perspective, and if needed, readjust our perspectives as we take into account their perspectives.”³⁹⁶ Just as the persons of the Trinity are constituted by their relations with one another, so must we be in our relations with one another. In imitating Christ, “who made our cause his cause ... and creates in us the space for the interests of others,” we become “ready to perceive justice where we previously saw only injustice—if indeed the cause of the others is just.”³⁹⁷ Rather than having justices compete, those who practice enlarged thinking and double vision, i.e. those who are willing to embrace the other in conflict, can move toward true reconciliation by framing their understanding of justice within the larger vision of embrace.

And it is here that we find the crux of Volf’s argument. According to Volf, “*the will to embrace the unjust precedes agreement on justice.*”³⁹⁸ In his focus on social actors rather than social institutions the importance of the epistemological orientation of actors becomes central. Thus, in perhaps the most succinct summary of his account of embrace, Volf says,

³⁹⁵ Ibid., 197.

³⁹⁶ Ibid., 213.

³⁹⁷ Ibid., 215.

³⁹⁸ Ibid. Emphasis in original

Both the “clenched fist” [of exclusion] and the “open arms” [of embrace] are *epistemological stances*; they are *moral conditions of moral perception* ... The clenched fist hinders perception of the justice of others and thereby reinforces injustice; the open arms help detect justice behind the rough front of seeming injustice and thereby reinforce justice. To agree on justice in conflict situations you must want more than justice; you must want embrace. There can be *no justice without the will to embrace*. It is, however, equally true that there can be *no genuine and lasting embrace without justice*.³⁹⁹

According to Volf, then, true knowledge of justice, let alone the realization of justice, is dependent upon the will to embrace. *And* there can never be embrace—reconciliation is impossible—without the achievement of justice.⁴⁰⁰ However, the justice that comes out of the will to embrace is never the partial justice of one’s historical community, justice as *suum cuique* or *Justitia* (the Roman goddess of justice personified by a woman wearing a blindfold holding a sword and scales). Rather, the justice known through the will to embrace and achieved in the process of embrace is a “transcended justice.”⁴⁰¹ Transcended justice is a relational justice that images the self-giving and loving relationships of the Trinity.

However, this does not mean that there is no proper space for traditional notions of justice to be practiced in societies during or after conflict. Drawing from Reinhold Niebuhr, and echoing Dietrich Bonhoeffer, Volf insists that while perfect justice would be nothing short of love we live in an imperfect world. Indeed, “imperfect justice is the kind of necessary injustice without which people cannot be protected from violent incursions into

³⁹⁹ Ibid., 216.

⁴⁰⁰ Ibid., 220. “The knowledge of justice depends on the will to embrace...Embrace is part and parcel of the very *definition* of justice. I am not talking about soft mercy tempering [sic] harsh justice, but about love *shaping* the very content of justice.”

⁴⁰¹ Ibid., 223. “If you want justice and nothing but justice, you will inevitably get injustice. If you want justice without justice, you must want love. A world of perfect justice is a world of love...In short, a world of perfect justice would be a world of *transcended* justice, because it would be a world of *perfect freedom and love*.”

their proper space.”⁴⁰² Thus, the “unjust justice” of retribution and restitution is “indispensable for satisfying the demands of love in an unjust world.”⁴⁰³ However, even this “imperfect justice” which is a “necessary injustice” must still be pursued in the context of love. And for Christians, “all these indispensable actions against injustice must be situated in the framework of the will to embrace the unjust. For only in our mutual embrace within the embrace of the triune God can we find redemption and experience perfect justice.”⁴⁰⁴

The Justice of Embrace?

Volf’s trinitarian account of reconciliation as embrace as the necessary response to exclusion is a laudable one. His account of exclusion is an insightful analysis of the dynamics of many of the conflicts of the twentieth century (and today). In addition, his trinitarian account of identity and personhood is an important corrective to those overly static and individualized accounts that lead to exclusion. And his attempt to integrate justice into his vision of reconciliation is, in my estimation, more successful than Jones’s similar, though less developed, attempt. Specifically, the importance of Volf’s insistence that justice, though distinct from forgiveness, must be guided by the same vision of embrace that guides forgiveness if it is to transform societies, rather than reinforce means of power holding that depend on violence and oppression, cannot be overstated. However, the question must be asked, “Is Volf successful in integrating justice into his account of reconciliation?”

⁴⁰² Ibid.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid., 224-5.

Like Jones, Volf *wants* to affirm the compatibility of forgiveness and justice and integrate justice into his account of reconciliation. However, Volf falls short on four important points. First, in his attempt to affirm the necessity of justice for reconciliation he is far too vague about *what* justice he has in mind and *how* that justice is to be pursued. The justice he names that transcends traditional forms of justice is the justice of recognizing and naming of wrong in the act of forgiveness. If this is the extent of the justice in embrace then he is victim to the same trap of subsuming justice into forgiveness that Jones is. However, this is not the only way that he speaks about justice in embrace. In other places he speaks of *true* or *perfect* or *transcended* justice as love. The pursuit of true/perfect/transcended justice will occur in the context of love and the desire for embrace. However, when Volf moves beyond the abstract to speak about practical forms justice might take they read like the traditional notions of justice that he consistently critiques. The difference between his account and Niebuhr's, from whom Volf draws inspiration, is that whereas Niebuhr identified certain traditional forms of justice, including war, as wholly legitimate in an imperfect world Volf speaks of such justice, in short succession, as "imperfect justice," "necessary injustice," and "unjust justice."⁴⁰⁵ Indeed, in his concession to "imperfect justice," and donning "soldier's gear instead of carrying one's cross," Volf seemingly makes a fatalistic concession to the impossibility of faithful Christian discipleship. Unlike Niebuhr, Volf does not justify the pursuit of "unjust justice" in the name of responsibility for politics. Rather, Volf insists on a vision of forgiveness akin to Jones's account while seeing more clearly than Jones the necessity of various forms of justice in political and social life. Thus, in some places Volf advocates radical self-giving as the way of

⁴⁰⁵ Ibid., 223.

God in a violent world,⁴⁰⁶ and in others admits that there are times when this way is undesirable or impossible. Volf provides no way of reconciling these positions other than a seeming acquiescence to the tragic nature of life in a world of exclusion.

This ambiguity grows partly out of Volf's stated focus on the moral agency of individuals, which leaves question of social arrangements unaddressed.⁴⁰⁷ Volf recognizes, of course, that "social arrangements condition social agents," but he focuses his energy on describing which kinds of "social agents [should] fashion social arrangements."⁴⁰⁸ This focus on agents to the exclusion of arrangements, however, allows Volf to take his project only so far. His account of the necessity of the individual *desire* for embrace, especially in light of the Trinity made manifest in the life and death of Jesus, is compelling—and I believe correct. However, his account of how that desire is birthed and nurtured is quite truncated. Though his account is more "ecumenical" than Jones's, inasmuch as Volf recognizes true agents of embrace outside of the Christian faith that are more than mere "secular parables," Volf's account of how such agents are formed is absent. Indeed, there are times in which it seems that the "indiscriminate will to embrace" required to overcome exclusion only comes through a special infusion of divine grace. And, while it is likely true that instances of such grace occur (and regularly), one cannot create a social ethic out of miraculous intervention.

It is here that we see Jones's account at its most persuasive, for Jones *does* have a robust account of how social arrangements shape social agents and might shape agents

⁴⁰⁶ For example see *ibid.*, 190, "Though the goal of self-giving is the mutuality of perfect love, the road toward this goal in a world of enmity often leads through the narrow paths of one-sided giving of the self for the other. The model for the goal is the eternal embrace of divine persons; the model for the difficult road toward the goal is Christ's embrace of sinful humanity on the cross."

⁴⁰⁷ See *ibid.*, 20-2.

⁴⁰⁸ *Ibid.*, 22.

capable of “costly forgiveness.” Indeed, like Volf, he has a rich account of how life in the modern world shapes social agents incapable of a life of forgiveness or embrace. For Jones, this has much to do with the privatization of forgiveness and the intrusion of a therapeutic culture upon Christian thought and practice. However, Jones’s solution is the one that Volf sees as impracticable in the modern world—seclusion. Namely, Jones focuses on the ways that one social institution, churches, can contribute to forming agents capable of forgiveness. Jones recommends the reformation of *one* social institution, which he sees as the only one capable of producing such agents on a regular basis, which is grounded in a historical tradition with the resources to withstand modernity’s onslaught. However, in this narrowed focus Jones does not account for the ways that various other social institutions may complement or counteract the formation that occurs in churches (if actually existing churches can form people as Jones suggests).

Thus, in advocating the priority of forgiveness in reconciliation these theologians are unable to do something that they want to do and that they claim is central to their projects—they are unable to integrate justice in their accounts of reconciliation as “costly forgiveness” or “embrace” in any concrete way. They bring us far along in our understanding of forgiveness—that it is public and communal, that it does not excuse injustice, that it is not the same as reconciliation while moving toward reconciliation, and that it is best understood in light of the trinitarian witness of the life of Jesus—but they are unable to account for or describe the justice that they deem necessary for the achievement of reconciliation.

The perichoretic theological anthropology proposed in the previous chapter, however, provides a theory of justice compatible with a theology of embrace. Justice from a

social trinitarian perspective is the restoration of rights-respecting relationships. Relationships need to be restored because they have been violated. The image of the perichoretic God who is Trinity is located in the interdependent relationships of humans. The violation of relationships—interpersonal, economic, political, or otherwise—is also the violation of human rights because, from a social trinitarian perspective, the violation of relationships is the violation of the image of God. Doing justice after injustice, then, requires forms of justice that move toward embrace. Embrace is not possible without the pursuit of restorative justice and human rights, including positive human rights.

A social trinitarian theory of justice, then, does not require the cycles of exclusion that worry Volf. “Rights talk” does not have to be exclusive talk. Rather, human rights can be guided by a vision of embrace when conceived from within a perichoretic theological anthropology because the protection of human rights requires the creation of relationships that respect human interdependence. Volf’s account of a “de-centered center”—of a self that is formed in relationships with others (including enemies)—helps us to understand the ways that human relationships imitate the divine perichoretic relationships. We constitute and are constituted by our interpersonal, political, and social relationships. To exclude any person or groups of people from participating in such co-constitutional relationships is to deny them their human rights. To redress the violation of these rights those relationships must be restored. Rights talk, then, can be restorative talk. Rights talk is, in the end, part of the language of reconciliation.

The restoration of rights-respecting relationships is the telos of all acts of justice. Human rights emerge naturally from a perichoretic interpretation of the image of God. Thus, human rights are an important means of reconciliation. Justice so conceived is as

necessary for embrace as forgiveness. Thus, there is no priority of forgiveness from a social trinitarian perspective. Rather, justice as the restoration of rights-respecting relationships and forgiveness, which is one means for that restoration, go hand-in-hand in political reconciliation.

In the end, Volf's account of reconciliation as embrace provides a convincing account of the importance of forgiveness in transitional contexts for reconciliation. He grounds this account in a social trinitarian theology of personhood in a pluralistic world. Against exclusionary definitions of the self he advocates for forms of moral and self-formation that do not exclude persons from the human community. Rather, he proposes a theology that embraces differences and incorporates them into one's understanding of the self. On all of these points Volf's social trinitarian theology of forgiveness is helpful.

However, he does not provide a social trinitarian theology of justice to accompany his account of forgiveness. In this way his account is incomplete in the same way that Jones's account is incomplete. In prioritizing forgiveness, social trinitarian theologians have either subsumed justice under forgiveness or simply assumed the dominant practices of retributive justice that they reject as incompatible with a theology of reconciliation. They declare that justice is necessary for reconciliation, but they have not provided theories of justice comparable to the theories of forgiveness they provide. So, they are left advocating contradictory visions of "unjust justice."

If more attention were given to providing a social trinitarian theology of justice, I have argued, they would not have left the impression that justice is at best a secondary concern in the ethics of reconciliation. In the previous chapter I demonstrated how social trinitarian theology not only provides a theory of justice compatible with forgiveness in

reconciliation, but presented a theology of justice that places justice at the center of the work of reconciliation. From a social trinitarian *imago dei* perspective, reconciliation is the restoration of rights-respecting relationships. Restorative justice practices and human rights are both central to the work of reconciliation. This claim does not deny the place of forgiveness in reconciliation, but it does challenge the priority that Volf and Jones give to forgiveness in that process. Rather, a social trinitarian theology of reconciliation should center multiple forms of justice, including forgiveness as a form of restorative justice, at the center of its praxis. Forgiveness does not have priority over justice. Forgiveness is simply one form of justice among many others that may be appropriate for healing particular wounds and restoring particular relationships.

A Case Study: The Greensboro Truth and Reconciliation Commission

I have chosen is the Greensboro Truth and Reconciliation Commission (GTRC) as a case study of reconciliationist practice that does not prioritize forgiveness over justice for several reasons. First, it was inspired by South Africa's TRC and appeals directly to ubuntu and restorative justice as foundations for the commission's work. Second, I suggest that several of its recommendations are the kind of contextual and particular recommendations that would emerge from reconciliationist praxis. It is illustrative, therefore, of the particular nature of justice that is necessary in a reconciliationist perspective. Third, the fact that the GTRC is a response to a specific event that has impacted a particular community is reflective of the kind of contextual emphasis that a relational and social trinitarian lens brings to questions of justice. Fourth, it is an example of a case in which forgiveness has proven incapable of achieving reconciliation absent specific forms of social justice. Finally, it is an example of the long-term timelines that reconciliationists insist are

necessary to redress injustice and create sustainable peace. Reconciliation has not yet been achieved in Greensboro, but more wounds have been healed and rights-respecting relationships restored, created, and institutionalized than had been through previous attempts at prosecutorial and litigious forms of justice.

The Greensboro TRC

On November 3, 1979, the sounds of protest songs and marching feet were violently interrupted by the sounds of gunshots and screams when a public rally turned deadly in Greensboro, North Carolina. The Communist Workers Party (CWP) had just begun a multiracial “Death to the Klan” rally in the city’s primarily black Morningside Homes public housing community when local representatives from the Ku Klux Klan and the Nazi Party (Nazi-Klan) interrupted the demonstration by shouting threats and using firearms. In the ensuing moments thirty-nine gunshots were fired—21 from the Nazi-Klan and 18 from the CWP—resulting in the deaths of five CWP demonstrators. In addition, ten others sustained non-fatal injuries. In the years following this event no members of the Nazi-Klan, the organizations who initiated the violence, were convicted of any charges. Accused Nazi-Klan members were acquitted on the grounds of self-defense by all-white juries on two occasions, once in a state criminal trial and once in a federal criminal trial.⁴⁰⁹ Eventually, the widow of Dr. Michael Nathan, one of the people killed, received \$351,000 in damages from the city of Greensboro as the result of a civil trial.⁴¹⁰ No other victims received any material compensation.

⁴⁰⁹ Greensboro Truth and Community Reconciliation Project, *Greensboro Truth and Reconciliation Commission Report, Executive Summary*, Greensboro, NC: Greensboro Truth and Community Reconciliation Project (2006): 15. Hereafter referred to as GTRC, *Chapter Name*.

⁴¹⁰ GTRC, *Chapter 10: Injustice in the Justice System*, 305.

Rather than doing justice and creating the conditions for reconciliation, these legal trials continued the injustices and deepened the racial and class divisions that led to the violence of November 3, 1979 (known as the Greensboro Massacre). That is why a group of concerned citizens, including several prominent members of the CWP, organized the Greensboro Truth and Community Reconciliation Project (The Project) which spurred the creation of the Greensboro Truth and Reconciliation Commission (GTRC). After the Greensboro City Council declined the invitation to sponsor or be a major contributor to the proposed GTRC, The Project recruited funding from corporate and individual donors. The GTRC, then, is one of a growing number of “unofficial truth projects” that closely resemble government authorized truth commissions that have become commonplace in transitional nations.⁴¹¹

The GTRC self-consciously pursued an ethic of reconciliation that they believed was compatible with human rights. This localized and grassroots movement for social and political reconciliation used the language of ubuntu, restorative justice, and human rights, and its final report highlights the necessity of various forms of justice across multiple social spheres to move toward reconciliation after significant and prolonged injustice.⁴¹² Specifically, the GTRCs numerous recommendations for justice as restoration, participation, and recognition highlights the wide-ranging need for varieties of social justice in social and political reconciliation.

⁴¹¹ See generally Louis Bickford, “Unofficial Truth Projects,” *Human Rights Quarterly* 29, no. 4 (2007): 994-1035.

⁴¹² In fact, ubuntu was such an important philosophical foundation for their work that they named their newsletter that supplied updates on the GTRC’s work the “Ubuntu Weekly.” GTRC, *Introduction*, 33.

After years of failed attempts at achieving retributive or reparative justice for the Greensboro Massacre, several victims decided to pursue restorative and transformative justice through the means of a truth and reconciliation commission.⁴¹³ Inspired by South Africa's Truth and Reconciliation Commission, The Project implemented their own version of such a commission with the assistance of the International Center for Transitional Justice, which sent advisors to assist The Project in the organization and functioning of the GTRC.

The GTRC had as its mandate the task "to examine the 'context, causes, sequence and consequences,' and to make recommendations for community healing around the tragedy in Greensboro, N.C., on Nov. 3, 1979."⁴¹⁴ In other words, their goal was to discover and declare the truth about the Greensboro Massacre and make recommendations for reconciling the individuals and communities affected by it and its legacy. In continuity with previous truth commissions, and especially South Africa's TRC, the GTRC had a special focus on hearing the voices of the victims, retelling history through the experiences of victims, and discovering and telling the truth as a means to pursue a just communal reconciliation. In addition, the GTRC report highlights patterns of institutional abuse and pushes against the excuses of those in power that injustices committed under their authority were committed by outsiders or a few "bad apples." Rather, it highlights institutional failures and injustices that created the conditions for individuals to commit human rights violations as well as deepened their negative impact in the years following

⁴¹³ Restorative justice and transformative justice are the terms used in the GTRC report to describe the forms of justice pursued and achieved in their work. These forms of justice are, by definition, different from the justice pursued in legal and civil courts and, therefore, cannot be achieved in these more traditional justice mechanisms. See GTRC, *Introduction*, 16-7 and GTRC, *Chapter 10: Injustice in the Justice System*, 259.

⁴¹⁴ GTRC, *Executive Summary*, 2.

the initial violation. Finally, like other truth commissions the GTRC was limited in its authority to implement the changes it judged necessary to address past injustices and move toward reconciliation. It made several concrete suggestions but had no power to implement them.⁴¹⁵ However, the suggestions it made are illustrative of the radical contextuality of justice from a reconciliationist perspective.

The GTRC report presents a multi-layered history of race and labor relations in North Carolina that challenges the popular perception that the Greensboro Massacre was an anomaly perpetrated primarily by outsiders of Greensboro. Throughout the document it is plainly stated and clearly demonstrated that the Greensboro Massacre was a natural result of years of racial and labor strife in the city and not a random event without any connection to the history and politics of Greensboro. Thus, a truth commission initially organized to examine a specific injustice quickly became an exercise in examining decades of history.

Throughout the final report the popularly held perception that Greensboro was a relatively progressive city in regards to racial justice is consistently challenged. Instead, Greensboro is presented as a city with a history of racial injustice that was often explained away by government officials and the media by scapegoating individuals, especially Nelson Johnson, one of the leaders of the CWP and initiators of the GTRC who had a history of civil rights activism in the city, rather than addressing systemic issues. In this way, the GTRC report challenges the social imaginary⁴¹⁶ that citizens of Greensboro had held for decades.

⁴¹⁵ See GTRC, *Introduction*, 9-13, for the GTRC's self-understanding of how it relates to previous truth commissions.

⁴¹⁶ See Charles Taylor, *Modern Social Imaginaries* (Durham: Duke University Press, 2004), 23.

Similar to the way that South Africa's TRC contributed to changing the social imaginary that was once dominated by apartheid ideology, the GTRC forces a change in the self-perception of many Greensboro residents that their city was exempt from some of the worst aspects of the American South's shameful history of racial injustice.⁴¹⁷

The GTRC tells a story of Greensboro as a city with a long history of racial tension and injustices, North Carolina as a state with a long history of persecution of labor organizers, and both the city of Greensboro and the state of North Carolina as a breeding ground of Ku Klux Klan activity. Greensboro is presented as a microcosm of the broader story of struggles for racial justice and labor rights across the United States. In Greensboro, then, race and labor historically intersected in such a way as to obscure the racism inherent in local politics. In the case of the Greensboro Massacre, the killing of several Greensboro civil rights activists in a primarily black underserved community by Nazis and Ku Klux Klan members, and subsequent acquittal of the killers by all-white juries, was publicly portrayed as a "shootout" between two groups of Greensboro "outsiders"; namely, Communists and the Klan. The GTRC report exposes this popular portrayal as false and makes the historical intersections between race, labor, and government actors its central story.

In light of this account of historical events and contexts that led to the Greensboro Massacre, the GTRC report assigns blame to several group actors. The Nazi-Klan is named as the instigators of the violence and is assigned the majority of the blame for the longstanding tension between the Nazi-Klan members and members of the CWP because of

⁴¹⁷ See James W. McCarty III, "Nonviolent Law? Linking Nonviolent Social Change and Truth and Reconciliation Commissions," *West Virginia Law Review* 114, no. 3 (2012): 969-1005, especially pp. 998-1003, on the role of South Africa's TRC in remaking the South African social imaginary.

the disproportionate amount of violence in the histories of these groups.⁴¹⁸ The CWP is also assigned blame, however. They are held responsible for their violent rhetoric leading up to the march, such as naming their gathering a “Death to the Klan” rally, and for their use of the Morningside Homes community as the starting place for the march without gaining permission from the community to do so even though several CWP members were concerned that there might be violence. Finally, the GPD is also assigned blame in the report for their lack of presence at the march despite knowledge that there were threats and plans of violence from the Klan-Nazis.⁴¹⁹ Indeed, the GTRC came to the conclusion that the simple presence of uniformed police officers at the event would have prevented the violence from ever occurring.

The GPD is accused, specifically, of institutional failures that created the possibility for the Greensboro Massacre to occur. Despite knowing about the planned interruption of the march, the planned route of the march, and the likelihood of several Klan-Nazi members bringing weapons, the GPD did not place officers near the starting place of the march. Instead, the closest officers were stationed blocks away and inexplicably left their post before the march began. And the GTRC found that after the massacre the GPD misled the public about the events of that day to shift public responsibility away from the police department.

In light of these institutional injustices the GTRC report made several concrete suggestions for moving toward reconciliation. First, that the City of Greensboro recognize November 3, 1979 as an important day in the city’s history, and that institutions and

⁴¹⁸ GTRC, *Conclusion*, 306.

⁴¹⁹ GTRC, *Introduction*, 7.

individuals who were responsible for the violence in any way provide public apologies for their contribution to the violence. And important figures from both the CWP, including the aforementioned Nelson Johnson, and the Ku Klux Klan have offered public apologies for their role in the Greensboro Massacre. This recommendation, then, was successful in spurring action toward its implementation. In addition to these verbal articulations of apology and repentance, the report encourages the City build a monument to the victims and encourages local museums to work together to build an exhibit dedicated to the Greensboro Massacre.

However, the recommendations of the report do not end at the level of these public acts of confession, apology, and memorial. In addition to apologies, the GTRC report recommends multiple institutional changes toward social justice in the city including but not limited to: living wages for city and county employees, required anti-racism training for city and county employees, annual City reports on race relations, the creation of a citizen's committee to serve as a police review board, the creation of a public school curriculum addressing the Greensboro Massacre, and the implementation of a new juror selection system that will increase the pool of potential jurors and combat the disproportionate number of white citizens on juries. The report provides recommendations deemed helpful or necessary for reconciliation directed toward individuals, city and county government departments, civil society organizations, faith groups, the police department, and the media. From a reconciliationist perspective, these actions are more than recommendations. They are the requirements of a reconciling justice that makes relationships right.

Learning from Greensboro

As explicitly stated in the report, this wide-ranging view of the requirements of achieving reconciliation is grounded in the GTRC's recognition that, "Communities are made up not only of people, but also of institutions. When people within a community are hurt by violence or oppression, institutions often play a role. This means that institutions must be ... part of the reconciliation that follows."⁴²⁰ In other words, injustice and reconciliation do not occur between individuals only. Rather, injustice and reconciliation are social and political phenomena. Injustice is multi-relational. It is rarely a singular (or one-time) occurrence because it is often "social conditions or public policies [that have] allowed people to harm others" or "may even have encouraged the harm."⁴²¹ Thus, any attempt at reconciliation that does not address the level of the social and political is incomplete because all actors in the injustice are not involved in the reconciliation process.

For example, take the recommendation for new juror selection criteria. One reason that the GTRC was commissioned was because multiple legal trials had failed to assign any guilt to the Klan-Nazis or to the GPD for the violence that day. The juries for these trials were completely composed of white citizens. Though the Nazi-Klan interrupted the march, initiated the violence, and all who died were members of the CWP, these all-white juries found the Nazi-Klan innocent of all charges. To redress this particular injustice, namely racially homogenous juries that do not reflect the diversity of the community in which crimes are committed and result in disproportionate numbers of racial minorities being incarcerated, the GTRC recommended several means of ensuring racially and

⁴²⁰ GTRC, *Introduction*, 20.

⁴²¹ *Ibid.*

socioeconomically diverse juries that will be less likely to both be blind to certain racial dynamics and perceived to be biased by communities affected by crimes.

As another example, take the recommendation for the institution of citizen police review boards. In response to their failure to protect certain citizens during the Greensboro Massacre, the GPD covered up their negligence through denials and media cover-ups. As was suspected by those affected by the violence, the historical recovery work of the GTRC uncovered a pattern of secrecy and denial about the GPD's knowledge of potential violence and their inadequate response to that violence. The recommendation for a citizen run police review board, like the recommendation for a more diverse juror selection process, is intended to redress a very specific harm. The GPD and the courts failed the victims of the Greensboro Massacre through their initial injustices and in the decades-long failure to repent for those injustices. They created relational ruptures with individuals, the Morningside Homes community, and the broader African-American and labor community. To make right the particular harms they caused the GTRC recommended particular and contextually relevant acts of restorative and transformative justice.

The GTRC recommended acts of forgiveness, memorial, restoration, reparation, and social and economic justice after their investigative work was completed. Upon examining the history of race and labor conflicts in Greensboro and North Carolina, and listening to the testimonies of a variety of people involved in and affected by the Greensboro Massacre, the GTRC report published a tale of institutional racism and a failure to treat all citizens equally, individual acts of hatred and violence, and a legacy of distrust and relational rupture caused by these historical deeds. In response, they recommended very specific actions be taken to redress these specific wrongs and establish practices to minimize the

probability of similar injustices occurring in the future. Everyone involved in the Greensboro Massacre and/or the GTRC is not necessarily reconciled to every other individual or institution impacted by them. However, the GTRC and its recommendations mark a way forward that addresses specific relational wounds and attempts to restore or repair them. In these ways, the GTRC is an example of what an ethic of reconciliationism might look like in practice.

The GTRC serves as an example of the kind of contextual justice that reconciliationism requires. Relational ruptures at the individual and institutional levels require appropriate actions to redress particular injustices. While political reconciliation surely includes the possibility of forgiveness, it also demands restorative and social justice as integral to its achievement. There is no reconciliation without restorative justice across multiple social levels that are contextually appropriate to the injustice being redressed. This is justice as restoration and justice as human rights. It is also reconciliation.

Conclusion

In this chapter we have seen that forgiveness is both central to a Christian vision of reconciliation and that it is relevant to social and political life. In addition, we have seen that forgiveness is not the same as reconciliation. Forgiveness is a means toward reconciliation; it is not the totality of reconciliation. Shriver, Jones, and Volf have all focused on the role of forgiveness in reconciliation, and both Jones and Volf have given it the place of priority in reconciliation. Finally, both Jones and Volf have shown that the Christian vision of reconciliation is best understood from within a trinitarian context. The God who is the eternally perichoretic relations is the same God who calls Christians to the ministry of

reconciliation. This ministry of restoring relationships is not incidental to God's nature but is constitutive of God's own life.

However, Jones and Volf do not adequately integrate justice into their accounts of reconciliation because of the priority they assign forgiveness. In my view, this is because they did not take their insights about the Trinity and its import on Christian ethics far enough. Both Jones and Volf's account of the trinitarian nature of reconciliation is dependent upon the imitation of the Trinity as revealed in Jesus. In focusing on the imitation of Christ, especially on the cross, they do not tackle the question of theological anthropology, even though they affirm that humans are created in the image of God who is Trinity. If they had tackled the question of theological anthropology directly, in light of their affirmation that humans are created in the image of a God who is Trinity, they would have found the resources to better integrate justice, including human rights, into their accounts of reconciliation. They would have been able to provide a theory of justice as the restoration of rights-respecting relationships—as *reconciliation*—rather than as something that opposes, transcends, or takes second place to forgiveness. In neglecting to provide a trinitarian theology of justice their trinitarian theology of forgiveness wrongly positions reconciliation as primarily the consequence of transcending justice rather than fulfilling justice.

In contrast to a theology of reconciliation that prioritizes forgiveness, I have provided a trinitarian theology of justice as reconciliation. I have done so by advancing a perichoretic interpretation of the image of God that grounds a theory of reconciliation as the restoration of rights-respecting relationships. In practice, as the GTRC demonstrates, this will look like a combination of forms and practices of justice including restorative

justice, forgiveness, and human rights. In the following chapter I will summarize this argument and provide practical recommendations for practicing reconciliation in transitional contexts.

Chapter Five:

A Framework for Reconciliationism in Action

In the first four chapters of this dissertation I have outlined a social trinitarian theology and ethic of reconciliation in transitional justice and peacebuilding. I traced the main themes of the reconciliationist approach to transitional justice and peacebuilding, especially the theme of interdependence (chapter one), and surveyed the history of reconciliation in twentieth and twenty-first century international justice and peace processes (chapter two). Drawing on the uneven experiments with restorative justice grounded in ubuntu in South Africa, I proposed a social trinitarian theology of the image of God as an ontological ground for reconciliationist claims about human interdependence that is simultaneously able to ground human rights and practices of restorative justice (chapter three). This theological anthropology, I submit, is able to ground human rights, including positive rights, in a way that incorporates practices of restorative justice. Finally, in chapter four I argued against the tendency in social trinitarian theologies of reconciliation to prioritize forgiveness by highlighting weaknesses and missing pieces in their accounts of reconciliation, and by utilizing their claims about the image of God and the ways that forgiveness works to restore relationships to contribute to the theology and ethic of reconciliation proposed in chapter three. Perhaps most importantly, that chapter demonstrated that rather than forgiveness having a priority over justice in reconciliation, forgiveness is an act of justice that contributes to the restoration of rights-respecting relationships.

In the first four chapters I have developed a theological response to the questions of transitional justice presented in chapter one. These questions, again, are: “What does

justice require after its gross violation?” and “What is the best way to create a sustainable peace in the wake of violent conflict?” One answer to these questions in recent years has been an approach I have called “reconciliationism.” In presenting the reconciliationist answers to these questions I demonstrated that there is often an underexplored theological and/or philosophical anthropology of interdependence at the heart of reconciliationist ethics. In light of this commitment, some reconciliationists have argued that the framing question for a reconciliationist ethic and praxis is, “How do we heal broken humanity?”

Taking this assumption and framing question seriously, I have provided a trinitarian theological anthropology that is able to ground reconciliationist claims about human interdependence and the healing of humanity by interpreting the Christian confession that humans are created in the image of God in light of the doctrine of perichoresis. This relational theological anthropology provides a theology of reconciliation as the restoration or creation of rights-respecting relationships. To do justice after injustice, then, is to heal the particular relational wounds of actions that violate interdependent relationships. This healing can be in the form of practices of restorative justice and/or human rights. Importantly, these rights grounded in interdependent relationships are social, cultural, and economic rights as well as civil and political rights.

Because this theology of justice as the restoration or creation of rights-respecting relationships is highly relational, it is also highly contextual. The form justice takes after injustice is determined by the particular wounds that must be healed. In this sense, there is no “universal” approach to transitional justice and peacebuilding in a reconciliationist account. Rather, actions of justice that lead to reconciliation are as many as there are injustices. In light of my insistence that a reconciliationist ethic of peacebuilding and

transitional justice must be highly contextual and attuned to the actual relational wounds caused by specific injustices, I conclude this dissertation by outlining those areas to which a reconciliationist approach to transitional justice and peacebuilding must attend to heal the relational wounds of gross injustice and violence without prescribing any universal practices without reference to a specific context: history, culture, context, personal relationships, institutional relationships, and future relationships.

History

As the cases of South Africa and Greensboro make clear, no instance of mass violence and injustice emerges “out of the blue.” Rather, they are the culmination of a (often long) history of social injustice, personal indignities, and ideological conflict. Often these histories are marked by periods of dehumanizing rhetoric or political policies that create deep enmity between various groups of people. No reconciliation is possible, therefore, without attending to and healing the historical wounds that have festered and led to the primary wounds that trials, TRCs, and the like are intended to address. Forms of justice that heal historical wounds can be formal acknowledgment in the form of apologies, memorials, and artistic displays. They also include teaching history in a way that does not obscure the experiences and wounds of victims, paying reparations and symbolic acts of repentance for past crimes, and restoring historical material losses when such action is possible.

Culture

Because injustice and relational ruptures always happen within particular contexts the forms of justice that can restore relationships must always be contextually relevant. Contextually relevant forms of justice must emerge from the people who have been most

directly affected by violence and injustice. For instance, in Liberia a part of the reconciliation process after their civil war has been traditional *palava hut* practices in which aggrieved parties and local leaders enter a hut, or assemble under a tree, and do not leave until appropriate means of addressing particular injustices are agreed to. In other African contexts, such as Sierra Leone and Uganda, similar, though culturally specific, practices have been implemented.

Context

By context I mean the social, political, and economic contexts in which injustices occurred and must be understood. In short, individual crimes are not to be the primary crimes to be addressed; the violation of negative rights should not be prioritized over the violation of positive rights. This is especially true of economic crimes, gendered crimes, and the violation of rights to cultural practices (like language), education, healthcare, and the like. In South Africa, for example, black African students were denied the right to be educated in their native languages. Similar policies have affected indigenous peoples in the Americas and in Australia. The denial of cultural practices, as much as bodily violations, are violations of rights-respecting relationships that must be redressed and the wounds caused by them healed. Similarly, economic crimes, such as racist hiring practices and wage-slavery, must also be redressed if there is to be reconciliation.

Institutional Relationships

Thus, the way that social, economic, and political institutions function and relate to various peoples must be transformed if reconciliation is to occur. Laws must be changed to treat all equally. Political practices must become more participatory. Economic activities must be restructured to benefit all. Cultural practices should include the traditions and

values of every people group. Institutions should reflect rights-respecting relationships even when individuals do not. When institutions embody rights-respecting relationships in their organization and activities they contribute to a culture of reconciliation and participate in the moral formation of citizens capable of being reconciled in their own lives.

Personal Relationships

In focusing on history, culture, context, and institutional relationships it may seem that the reconciliationist approach proposed here is unconcerned with justice and reconciliation between individuals or that it views such relationships as incidental to societal reconciliation. That perception would be wrong. However, it is important to highlight these forms of relational wounds because Christian advocates of reconciliation that prioritize forgiveness obscure the importance of such actions as consistent with or relevant to personal reconciliation. Personal reconciliation is ultimately incomplete without societal reconciliation; if positive rights and institutional relationships are deemed, at best, to be of secondary importance to reconciliation people will remain in unjust social, political, and economic contexts in which rights-respecting relationships are difficult if not impossible. Having said that, individual persons pursuing personal reconciliation are not incidental to more widespread reconciliation efforts. Rather, individual actions of repentance, forgiveness, and the like are also acts of justice inasmuch as they heal wounds and restore rights-respecting relationships. Healing personal and institutional wounds and restoring personal and institutional relationships are all necessary for reconciliation to occur.

Future Relationships

Reconciliationism is not only focused about past and present relationships. Rather, with its generational focus, it looks toward future generations by creating the conditions in which it is easier for former enemies to live reconciled lives. By addressing the historical, contextual, cultural, institutional, and personal violation of rights-respecting relationships reconciliationism seeks to heal primary wounds and prevent secondary wounds from becoming new primary wounds. In other words, it seeks to create the conditions in which new injustices do not occur so that healing can continue relatively uninterrupted and reconciliation becomes more likely. Reconciliation in the immediate aftermath of mass violence or injustice, or among all who were directly affected by such injustice/violence, is impossible. Movements toward reconciliation are always possible; the full achievement of it is not. However, creating conditions in which reconciliation becomes more possible is quite doable. Reconciliationism seeks to achieve that goal. Therefore, it is always future-focused even as it addresses past injustices.

Conclusion

What I have advocated in this dissertation is a social trinitarian theology of reconciliation as the restoration or creation of rights-respecting relationships that can ground an ethic of reconciliationism in transitional justice and peacebuilding. Reconciliationism is an approach to international justice and peace that understands restorative justice to be compatible with human rights law. In fact, it understands the way to respond to the violation of human rights as acts of restorative justice leading to reconciliation. It aims for the strategic integration of justice practices across social and political levels and institutions that aim toward the restoration of rights-respecting

relationships, from apologies by heads of state to everyday local practices of justice and peacebuilding in civil society. These practices include criminal trials, economic reparations, the institution of nonviolent methods of conflict transformation, truth commissions, memorials, indigenous practices of reconciliation, and the creation of laws and institutions capable of ensuring the continuation of justice after the early years of the transition.

Reconciliationism as an approach to transitional justice and peacebuilding works from several assumptions that are not necessarily held by advocates of other approaches to international justice and peace, particularly advocates of the liberal peace. These assumptions are often foundational moral commitments such a vision of justice as the restoration of relationships, the necessity of risk for the establishment of peace, and openness to creativity in responding to gross injustice and violence. A core assumption of reconciliationism that often goes underexplored in the literature on the topic is human interdependence. A radical notion of interdependence is found in the literature on strategic peacebuilding, reconciliation studies, conflict transformation, and certain streams of restorative justice.

The commitment to human interdependence-in-particularity undergirds the radical relational and contextual focus of reconciliationism. Because humans are interdependent, peacebuilders must pay attention to every relationship affected by an act of injustice or violence. Because humans are radically particular, peacebuilders must pay close attention to the specific harms or wounds caused to persons and their relationships. In addition, a commitment to interdependence-in-particularity insists that peacebuilders take all parties into account when considering harms caused and wounds to be repaired. In short, interdependence does a lot of “work” in the ethics of reconciliationism.

Despite the influence that interdependence has in reconciliationist accounts of justice and peace, it is rarely examined in an in-depth way. Rather, it is usually asserted or only given a few sentences of defense. This dissertation has attempted to fill this void in the literature by providing a social trinitarian interpretation of the Christian doctrine that humans are created in the image of God. Specifically, I have argued that humans are created in the image of God's perichoretic relationships. Injustice from this perspective is the violation of interdependent relationships; justice is the restoration or creation of such relationships. In addition, inasmuch as the inherent dignity that undergirds human rights can be grounded in the image of God, and that image is located in interdependent human relationships, the violation of interdependent relationships also constitutes the violation of human rights. Thus, a social trinitarian theological anthropology declares that justice is the restoration or creation of rights-respecting relationships. From this perspective, I have argued, an ethic of reconciliationism is not only compatible with international human rights but actually demands that human rights be a central part of any ethic and practice of reconciliation. Thus, I propose that Christians should adopt an ethic of reconciliationism in transitional justice and peacebuilding, as opposed to a liberal peacebuilding or muscular human rights approach, because it is consistent with Christian theological anthropological commitments.

I have not provided a blueprint for specific actions in this dissertation. I have not articulated six practices of political reconciliation like Philpott or four categories of action for strategic peacebuilding like Schirch. Generally, I find both of them helpful in the specific practices they recommend. I avoid categorizing the types of practices appropriate for an ethic of reconciliation because the theological anthropology proposed in this dissertation is

highly contextual. Inasmuch as injustice is the violation of relationships rather than the violation of a universal moral order, the response to injustice must be appropriate to the relationships violated and the ways they were violated. I am convinced that typical practices of restorative justice, including truth and reconciliation commissions, can be translated across contexts to certain degrees, but I leave the form that restorative practices might take in particular contexts quite open. The relationships violated and the means of the violation will go a long way toward determining the most appropriate ways to restore those relationships.

I do find the emerging pattern of combining national or international criminal trials with truth commissions and indigenous reconciliation practices promising, though not sufficient, and encourage the continuation of this practice. In addition, I have argued the social, economic, and cultural rights should be more intentionally integrated into transitional justice and peacebuilding practices. Here I join those, such as Dustin Sharp, who have argued for a “fourth generation” in transitional justice. I also join postliberal and feminist peacebuilders in their advocacy for the integration of practices and institutions intended to redress economic, structural, and gendered violence as they are experienced on the ground. Each of these practices—punishment, truth telling, forgiveness, reconciliation ceremonies, economic reparations, and the like—are able to be justified from within a social trinitarian theology of the image of God because they are understood as contributing to the restoration of rights-respecting relationships. Exactly how each practice is applied in different contexts will be determined by a multitude of factors beyond the scope of this dissertation. However, the theology provided is able to demonstrate that they are each matters of justice relevant to the restoration of rights-respecting relationships.

However, even though I do not provide specific practices that are to be applied universally across contexts I do suggest seven foundational norms that should guide reconciliationist praxis in contextually relevant ways.

- 1) Injustices are to be understood as the violation of rights-respecting relationships. These relationships can be interpersonal, social, political, economic, or cultural.
- 2) Justice after injustice, then, is to be understood as the restoration or creation of rights-respecting interpersonal, social, political, economic, or cultural relationships.
- 3) Any action that contributes to 2 is an act of justice in that it heals particular wounds caused by acts described in 1.
- 4) From this perspective forgiveness can be an act of justice. Forgiveness, then, does not have a priority over justice in reconciliation nor is it opposed to justice in reconciliation. Rather, it is one form of justice among others that contribute to the achievement of reconciliation.
- 5) Every just act (3) is as important as any other just act. Thus, local reconciliation practices, economic development, and the promotion of women's health, as just a few examples, are as important as criminal trials or the implementation of elections for creating a just and sustainable peace.
- 6) The proper balance and strategic integration of just acts across social and political levels should be determined by the context. Specifically, they should be determined by the particular nature of wounds caused and resources (material, theological, cultural, etc.) available in that context. For example, civilian police

review boards are an act of justice relevant to Greensboro that may or may not be relevant in another context.

- 7) Reconciliation is a long process that will take generations. This does not diminish any one just act. Rather, it elevates often ignored acts of justice as equally important as trials, elections, and liberalization.

A Christian ethic of international justice and peacebuilding is an ethic of reconciling justice. Grounded in a social trinitarian interpretation of the image of God, the Christian vision of justice is both a restorative one and one of human rights. Reconciliation demands justice. This has been the primary argument of this dissertation. However, my proposal is not relevant only to Christian ethicists. In drawing on and being inspired by ubuntu to utilize the Christian doctrine of perichoresis I have hinted that the possibility for an overlapping consensus with non-Christian ethical systems is possible. Specifically, I have linked a particular southern African tradition with the Christian theological tradition. We have seen that Narnia Bohler-Müller has similarly argued that ubuntu is compatible with a feminist ethic of care, and Catherine LaCugna has argued that feminist theory and theology is compatible with social trinitarian thought. Daniel Philpott and others have drawn on the international restorative justice movement, and its grounding in various traditional communities, as a resource for constructing an ethic of political reconciliation. And Ellen Ott Marshall has suggested, rightly I believe, that Engaged Buddhism's ethic of interbeing is compatible with ubuntu and a Christian ethic of love.⁴²²

From this short list it is possible to say that Christians, feminists, adherents of a variety of traditional religions and communities, "secular" restorative justice activists, and

⁴²² Marshall, *Christians in the Public Square*, 1-16.

Buddhists (at least) can work together in an overlapping consensus in the pursuit and practice of restorative justice and positive human rights. I submit this dissertation as an encouragement to others to pursue scholarship on interdependence in reconciliationism across theological and philosophical systems so that the work of reconciliation continues to spread as it has in recent years.

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