General Engineering   School of Engineering

Spring 2011

Restoring Peace: Toward a Conversation Between the Just War and Reconciliation Traditions

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Abstract: TRAGICALLY ETHNIC CONFLICTS HAVE BECOME ONE OF THE HALLMARKS of the post-Cold War era. In response to this, two distinct traditions appear to be emerging. The first continues the classical just war tradition while the second represents a new "reconciliation tradition/' built largely around questions of restorative justice in areas of social division. Our goal in this essay is to begin a rapprochement of these divergent traditions by asking the question, what does a restorative justice perspective offer to the just war tradition? We proceed in three stages: first, we survey the current state of the just war tradition; second, we introduce the reconciliation tradition, drawing on both reconciliation thinkers and the practical experience of experiments in social reconciliation in South Africa and Rwanda; and third, we draw these two traditions together with a series of constructive proposals for how the reconciliation tradition can enrich the just war tradition.

> The commitment to reconciliation ... is at the heart of the Christian and other religious traditions. For religious believers can imagine what some would dismiss as unrealistic: that even the most intense hatreds can be overcome by love, that free human beings can break historic cycles of violence and injustice, and that deeply divided peoples can learn to live together in peace.
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>   - United States Catholic Conference of Bishops[1]

These words were written by the United States Conference of Catholic Bishops on the occasion of the tenth anniversary of their landmark pastoral, *The Challenge of Peace.* The year was 1993, and the world had undergone vast changes in the interim between the peace pastoral and this response. Without a doubt, the bishops were responding to ethnic conflicts already raging in Bosnia, Croatia, Somalia, South Africa, East Timor, and elsewhere, but their message of social reconciliation reflects a commitment to restorative justice that would become all the more salient the following year when the ethnic cleansing campaigns in the former Yugoslavia would come to light and the genocide in Rwanda would break the post-Holocaust promise of "never again." In the

decade and a half since these events, ethnic conflicts continue to be one of the hallmarks of the post-Cold War era, but the conversation regarding the importance of restorative justice appears to be developing independently of the mainstream discussion of the morality of war and peace. This is not to say that restorative justice and social reconciliation have fallen by the wayside. Rather, two distinct traditions appear to be emerging. The first continues the just war tradition begun by Augustine, grounded in Aquinas, codified in the Renaissance by Vitoria, Suarez, and Grotius, and developed more fully in the latter half of the twentieth century by, among others, Paul Ramsey, Michael Walzer, and the Catholic bishops' peace pastoral. At the same time, a new "reconciliation tradition" has also emerged, which started with Archbishop Desmond Tutu and the Truth and Reconciliation Commission (TRC) in South Africa but is increasingly global in scope. Our goal in this essay is to begin a rapprochement of these divergent traditions by asking the question, what does a restorative justice perspective offer to the just war tradition? We will proceed in three stages: first, we will survey the current state of the just war tradition including the ongoing debates and the recent expansions and advances of the tradition; second, we will introduce the reconciliation tradition, drawing on both reconciliation thinkers and the practical experience of experiments in social reconciliation in South Africa and Rwanda; and third, we will draw these two traditions together with a series of constructive proposals for how the reconciliation tradition can enrich the just war tradition.

A Survey of the Just War Tradition

To assess the impact of restorative justice on just war, we must first explicate the current state of the just war tradition. For our purposes here, we will take *The Challenge of Peace* as the starting point and the "traditional·' viewpoint on what constitutes a just war. The development of the tradition prior to this document is well documented elsewhere, and it is our contention that by the mid-1980s the mainstream just war conversation had reached a consensus that is reflected in the bishops' statement.[2] Since that time, however, a number of different branches of the tradition have emerged to both challenge and build upon this traditional view of just war.

Traditional Just War

The Challenge of Peace took up the notion, first articulated by James Childress, that we hold a prima facie duty of non-maleficence. For the bishops, this duty tethered together the Catholic dual commitment to nonviolence and just war:

The Christian has no choice but to defend peace, properly understood, against aggression. This is an inalienable obligation. It is the *how* of defending peace which offers moral options. . . . Catholic teaching sees these two distinct moral responses as having a complementary relationship, in the sense that both seek to serve the common good. They differ in their perception of how the common good is to be defended most effectively, but both responses testify to the Christian conviction that peace must be pursued and rights defended within moral restraints and in the context of defining other basic human values.[3]

The just war response to unjust aggression thus recognizes that this prima facie duty of non-maleficence may be overridden by a greater duty to resist aggression even by violent means. The conditions under which this latter duty may supersede our duty to non-maleficence are codified in the well-known principles of *jus ad bellum:* just cause, comparative justice, legitimate authority, right intention, probability of success, proportionality, and last resort. Even once war has been deemed the moral path to peace and the maintenance of the common good, a further set *of jus in bello* criteria—discrimination, proportionality, and right intention—were established to compel maintenance of this moral commitment in the methods used to carry out the war.

The jus ad bellum and *jus in bello* criteria are well known, and we need not rehearse them here. However, it is important to note that, according to the peace pastoral, just war criteria are intended to be in service of the common good. In fact, the bishops go so far as to claim that sovereignty itself is "in the service of people" and that "all political authority has as its end the promotion of the common good."[4] Thus, right intention is one that ultimately serves the promotion of the common good. Legitimate authority is one that represents the people and uses that authority to serve the common good. Comparative justice, proportionality, and probability of success are all measured on a scale that ranges from "serves the common good" to "opposes the common good." If the principles *of jus ad bellum* and *jus in bello* are interpreted and applied in abstraction from the end—or telos—of the common good, these principles become but a hollow shell of the robust just war doctrine the bishops (and the ethicists that preceded them) intended.

Revisionist Just War

Since *The Challenge of Peace,* philosophers and theologians including James Turner Johnson, George Weigel, and Michael Novak have criticized the bishops' pastoral and what we

have termed here the "traditional" strand of just war thought as departing too greatly from the classical view of just war of Augustine, Aquinas, and the medieval jurists. This "revisionist" strand of the just war tradition is particularly concerned that the contemporary mainstream usage of the just war fails to understand the classical understanding of and relationship between the concepts of justice, peace, and order.

The revisionists argue first and foremost for a return to the Augustinian notion of peace as *tranquilitas ordinis*—"the peace of a rightly ordered and dynamic political community."[5] A just war is one that seeks *tranquilitas ordinis;* a framework that emphasizes the role of order and justice in the establishment of peace. A number of revisionist thinkers have accused the bishops of conflating the efforts to bring about a secular (though imperfect) peace in the temporal world with the eschatological promise of God's peace at the end of time. God's peace can transcend sin, evil, and violence; thus, once established, God's peace will be eternal. Conversely, the peace of the temporal world will be a constant struggle against sin and evil until the end of days. This struggle is the meeting point of the three social goods of peace, justice, and order. Peace, that is the *tranquilitas ordinis,* cannot exist without the preservation of justice and the maintenance of order.

On the question of justice, Johnson claims that the bishops' formulation of the concept in *The Challenge of Peace* lacked the "substantive normative content" that it has traditionally carried and instead adopted a "merely procedural" account of justice.[6] Johnson is especially critical of the turn toward Childress's interpretation of just war in prima facie deontological terms and the bishops' claim that Catholic just war begins with a "presumption against war." He views the rise of "presumption against war" language as a "pragmatic need to find a compromise between proponents of a traditional Catholic just war theory and those Catholics, who, under a variety of influences, have come to regard their faith as opposing war altogether."[7] The revisionist critique of the bishops' link between just war and Christian pacifism is extensive, and time and space do not permit an exhaustive summary of it here. However, it can be said that the revisionists understand classical Christian just war thought as an extension of a broader sociopolitical frame for how Christians are to order their societies in the temporal world. As Weigel puts it, "the just-war tradition is in fact a theory of statecraft. The just-war tradition is not merely a moral calculus through which one determines when the resort to war is morally legitimate, and what conduct within war is morally acceptable. No, in addition to the *ius ad helium* and *ius in hello,* the just-war

tradition, in its logic and in the interstices of its mutually reinforcing principles, contains within itself a *ius ad pacem,* ... a theory of this-worldly peace."[8] In other words, to live justly is to intend the end of *tranquillitas ordinis* and vice versa. In this view, a commitment to contemporary pacifism or to a just war theory that includes a "presumption against violence" is to intend peace without the requisite commitment to justice and order.

Johnson makes a point in a number of his works to show that the three social goods of peace, justice, and order each correspond to one of the three just war criteria outlined by Aquinas: right intention, just cause, and legitimate authority. For Johnson, the just war tradition is and should remain a deontological tradition with these three criteria as its "fundamental" criteria. The remaining *jus ad bellum* criteria (last resort, proportionality, reasonable hope of success, and comparative justice) are understood to be councils of prudence that are merely supportive to Aquinas' original three criteria. According to Johnson,

> [In the traditionalist view], the logic of the classic just war tradition is reversed, so that within *jus ad bellum* several recently invented prudential criteria are employed as if they were the most important, with correspondingly diminished attention to the fundamental deontological criteria, those described as "necessary" for Aquinas. . . .
>
> Once they are there, though, the question is how they are to be used. My own judgment is that they should be understood as supportive criteria, secondary to the primary deontological requirements.[9]

These distinctions, combined with the rejection of the language of a "presumption against war," have particularly profound effects on the ongoing debate regarding the legitimacy of preemptive war. From the revisionist perspective, if a sovereign nation (legitimate authority) recognizes a severe threat to its national security (just cause), then it may legitimately use military force as a prevention of the threat (right intention).[10] With preemptive war thus justified as a legitimate (though not necessary) means of statecraft, then the choice of when to utilize this means becomes a matter of prudential judgment. While it may be in a state's "prudent" interest to consider the councils of last resort or proportionality, these do not rise, in the revisionist view, to the level of a presumption against war.

The revisionist strand of the just war tradition also emphasizes the role of the nation-state in maintaining order, over and above international governing bodies such as the United Nations. As a result of their emphasis on legitimate authority, the revisionist branch of the tradition is quite

wary of ceding substantial power to an international governing body. According to Johnson, understanding just war as in the service of tranquillitas ordinis "contrasts markedly with the Utopian ideal of peace found in some religious and nonreligious thinking about the possibilities of international order, not to mention with the empirical reality of conflict within states and conflict between states and nonstate actors in the contemporary world."[11]

In the revisionist view, the establishment and even the moderate successes of United Nations must not be taken as the answer to violence and the realization of a global peace. As history has shown, the United Nations is still subject to the strategic interests of its members, and, in the view of the revisionists, the dreams of a powerful yet disinterested international force are Utopian at best. Even aside from the rising role of international bodies, the revisionist view takes issue with contemporary conceptions of the nation-state and, in particular, the understanding of the principle of competent authority. Since the Peace of Westphalia, international politics have operated under the norms of national sovereignty, territorial integrity, and noninterference. According to the revisionists, the problem with the Westphalian system is that it was established to protect the territorial rights of a people and their sovereign leader, but four centuries of history have shown that it is often the leader from whom the people need protection. On this point, Johnson renews his critique of the traditional view as overly procedural: the Westphalian notion of sovereignty is limited to "rule over a particular territory." He calls for a recovery of "the moral element in the classic just war conception of sovereign authority: a conception of sovereignty as responsibility for the common good." He continues: "Something is very deeply flawed in a conception that casts the mantle of sovereign protection over demonstrably evil rulers as diverse as Mobutu, Milosevic, Saddam Hussein, and Kim Jong II. The classic just war conception of sovereignty as moral responsibility provides a frame within which good rule can be distinguished from bad."[12] Inherent in the revisionist claim here is the notion that in the *tranquilitas ordinis,* the government is tasked with establishing order but is also subject to the restraints of justice, showing once again that the three social goods are inseparable. Moreover, Johnson is also reestablishing justice as a normative concept that transcends the individual state.

Twenty-First-Century Questions and the Traditionalist Response

At the 2009 meeting of the Society of Christian Ethics, Mark Allman lamented the fact that the US bishops remained silent on the occasion of the twenty-fifth anniversary of *The Challenge*

of Peace, despite the fact that the United States was currently fighting drawn out wars in two countries. The silence of the Catholic bishops, however, should not obscure the significant theological responses to both the revisionist critiques and the changing political landscape of the post-Cold War era. In response to revisionist critiques and with concern that the just war tradition has been co-opted by secular philosophy and watered down by its political usage, a new generation of theologians have taken up the traditionalist strain of thought and advanced it for the emerging questions of the twenty-first century. Theologians such as Lisa Sowel Cahill, David Hollenbach, Kenneth Himes, and Michael Schuck represent a strand of just war thinking that had both defended and advanced the traditional perspective. At the same time, others such as Glenn Stassen, although not just war theorists per se, have developed new perspectives that broaden and inform the conversation on war and violence and give more attention to nonviolent peacemaking strategies. In the introduction to this essay we described the just war tradition as "begun by Augustine, grounded in Aquinas, codified in the Renaissance, and developed more fully in the latter half of the twentieth century." The twentieth century chapter of this tradition, including the peace pastoral that we have used as a marker for the traditionalist strand of just war thinking, was largely a response to contemporary advances in weaponry and the catastrophic damage they may cause. With the end of the Cold War, however, the conversation has changed once again and a new chapter has begun. The emerging conversation is still concerned about the threat of nuclear weapons, but the question has shifted from one of mutually assured destruction between two superpowers to the increasing proliferation of such weapons to more and more nations. Moreover, the increased attention to international terrorism following the September 11 attacks has complicated the questions regarding both weapons of mass destruction and the meaning and limits of national sovereignty. Finally, among the scores of conflicts that have occurred since 1990, a significant majority of them have been at least partially rooted in ethnic, cultural, or religious differences, and a considerable number of these have included acts of genocide, ethnic cleansing, and vast human rights abuses, all of which have prompted new questions for those concerned with the morality of war.

The traditional just war perspective and its focus on formal interstate war is clearly inadequate for dealing with many twenty-first century questions of international terrorism; rogue states; and ethnic, cultural, and religiously based intrastate conflict. To this point, the traditionalists would agree in theory with the revisionist claim that the just war is only one element of statecraft

that must be understood in terms of a larger peacemaking strategy, *jus ad pacem,* to borrow Weigel's term. However, the traditionalists depart significantly from the revisionists on what would constitute a *jus ad pacem*. The earliest and most developed of such interpretations is Glen Stassen's just peacemaking theory. Stassen coined the term just peacemaking in 1992, as part of a response to a debate among Christian ethicists and in the general public regarding the impending American response to Iraq's invasion of Kuwait. Stassen felt as though the debate had been reduced to a question of justifying or not justifying an American military response to Iraqi aggression, and the debate left little regard for nonmilitary responses to the same.[13] Stassen recognized that, at least among Christian ethicists, both sides of the debate supported peacemaking initiatives, but "their debate with each other reduced the debate to making war or not making war." It was Stassen's belief that the procedural nature of contemporary just war thinking, although critiqued by the revisionists, offered the advantage of making it easy to understand, thus easier to debate about, and ultimately easier to make definitive claims about. "Because we had no clear model of an ethics of peacemaking on which to base our debate, but only the two models of the restraint of war, the points that were made in oral debate about peacemaking initiatives did not have a clear paradigm with which to resonate."[14]

Stassen suggests ten policies for just peacemaking: (1) support nonviolent direct action; (2) take independent initiatives to reduce threat; (3) use cooperative conflict resolution; (4) acknowledge responsibility for conflict and seek repentance and forgiveness; (5) advance democracy, human rights, and religious liberty; (6) foster just and sustainable economic development; (7) work with emerging cooperative forces in the international system; (8) strengthen the United Nations and international efforts for cooperation and human rights; (9) reduce offensive weapons and weapons trade; and (10) encourage grassroots peacemaking groups and voluntary associations.[15] Once again, the brief survey of the tradition we are offering here will not allow us to examine each of these points in detail, but one can see a theme emerging even in the titles of each of these strategies. Stassen stresses a move from militarization to diplomacy with an emphasis on universal human rights and global economic justice.

The stark difference between the revisionist understanding *of jus ad pacem* and the just peacemaking theory is primarily due to divergent views on what constitutes peace. Rather than an emphasis on the revisionist notion of an "ordered peace," Stassen recalls the biblical notion of

shalom in his definition of peace: "First, peacemaking must be understood holistically. It must include economic justice, human rights, defense of the eco-structure. It must include positive steps creating the conditions for well being, and not only limits on war or protest against war. It must include a realistic understanding that conflicts will arise, and mechanisms for resolving those conflicts must be built and used. This is what the realistic biblical term shalom means. Peacemaking . . . must be shalom-making. "[16]

Shalom stands in contrast to both the revisionist notion of an "ordered peace" and "the Utopian ideal of peace" that the revisionists are criticizing. The revisionist understanding of tranquillitas ordinis reflects, rather, a more Hobbesian anthropology in which the natural state of humanity is conflict, and the only remedy is a Machiavellian "armed peace." The biblical concept of shalom, conversely, draws on a more robust view of the human person and in turn offers a more robust understanding of peace. It accounts for the sinfulness of humanity that makes violence a reality while still holding a place for God's peace in the face of such violence. According to Robert Schreiter: "The biblical idea of peace, of *shalom,* is a rich one. It means much more than the cessation of violence and conflict. It is a state in which the world is meant to be. It is the best description of what the reign of God will be like: a place of safety, justice, and truth; a place of trust, inclusion and love; a place of joy, happiness and well-being."[17] Shalom understood in this way would appear to border on what the revisionists critique as "the Utopian ideal of peace." However, what Stassen had in mind is not Utopian but, rather, cautiously optimistic about the potential for shalom in this world. Stassen does not talk about the elimination of conflict but about dealing with conflict in productive ways. "No matter how well we do the work of just peacemaking, not all conflicts will be resolved. Some conflicts will still lead to war, or the brink of war. . . . We will still need a theory of the restraint of war—either just war or pacifism."[18]

While the revisionists place an emphasis on preservation of justice and the maintenance of order in their interpretation of Augustine's *tranquilitas ordinis* and reserve the more perfect vision of shalom for the eschatological peace of the kingdom of heaven, critics will respond that such a distinction is a misinterpretation of Augustine that too fully removes God from action in the present time. On the contrary, Augustine's *tranquilitas ordinis* remains indebted to the biblical ideal of shalom. In Cahill's words, "Although Weigel recognizes that political peace is a negative conception in relation to heavenly peace, he lifts Augustine's concentrated discussion of

'tranquility of order' out of its larger context of order in relation to God and treats it as though it referred primarily (not derivatively) to the political arena. The keeping of peace in that realm by coercive power is thus given an autonomy and legitimacy it does not receive in *The City of God"*[19]

The distinction Cahill points to is pivotal for understanding the relationship between the traditional just war theory and a theory *of jus ad pacem.* In the revisionist view, violence becomes one of a number of "tools of statecraft" but ceases itself to be morally repugnant. In the traditionalist view, conversely, the just war is a political tool, but it is moved to the end of the list of options because the consequences of war are so devastating. The best way to understand this shift is to look at the criterion of last resort. The revisionists, if they include it at all, make last resort subsidiary to what they see as the three primary criteria: right intention, just cause, and sovereign authority. The traditionalists not only retain the traditional understanding of last resort as equal to other^ *ad bellum* criteria, but if Stassen is included under this heading, then they have made great strides in developing what practices would constitute a first, second, and third "resort."

One other budding area of research is worth noting under this heading. Around the same time that Stassen was beginning to form his concept of just peacemaking, Michael Schuck was struck by the lack of attention paid to how nations exit wars justly. In response, he coined the term *jus post bellum* and briefly described three principles that he thought should be included in a set of *jus post bellum* criteria: repentance, honorable surrender, and restoration.[20] In practical terms, Schuck's principles fall short of being the well-honed criteria of a complete *jus post bellum.* They define an atmosphere of surrender and a posture of victory, but they do not offer precise criteria for the just ending of a war. However, building on Schuck's model and the just war theories of Michael Walzer, Canadian philosopher Brian Orend has laid out a more complete list of seven *jus post bellum* principles: punishment #1 (rights offenses), punishment #2 (wartime offenses), compensation, proportionality and publicity, rights vindication, discrimination, and rehabilitation.[21] Christian ethicists such as Kenneth Himes, Mark Allman, and Tobias Winright have since expanded upon both Schuck's and Orend's work and moved toward integrating their principles into the Christian just war tradition.[22]

While time and space here do not allow for a complete examination *of jus post bellum,* two aspects of this conversation need to be highlighted for the purpose of our argument. First, while none of the authors Usted earlier clearly articulate it, *jus post bellum* involves not one but two

questions: when to end a war and how to end a war. Schuck's proposal was entirely responding to the "how" question. The more recent use of the term, especially by Himes, has as its impetus the question of when to exit the ongoing wars in Iraq and Afghanistan. Orend's view is that wars should end when the rights violations that brought the states to war in the first place have been vindicated (his principle of "rights vindication"). Allman and Winright agree with Orend's premise that the end of war should be linked to the "just cause" of the *jus ad bellum* but they broaden those causes to include self-defense, restitution, redress, and legitimate punishment as acceptable just causes along with the defense of human rights. In reality, the changing nature of international politics and war in the post-Cold War era has raised serious questions about whether a definitive end of "war" can even be determined in cases with ongoing social and political discord.[23]

The question of when wars are complete is a topic worthy of its own chapter. What can be said here is that the ambiguity of this question only serves to emphasize the need for a robust *jus ad pacem* strategy. Conversely, our main concern in this essay is the "how" of *jus post bellum* and, in particular, the question of how the emerging thought on social reconciliation can add to *the jus post bellum* conversation and the broader just war tradition. Himes offers the following observation about Schuck and Orend (although his comments apply to the work of Allman and Winright as well): "My comment would be to underscore one norm, namely restoration, that both men have included as part of their proposals. Literal restoration of the state of affairs prior to a war is not possible. It is also not desirable since the prior state of affairs is what gave rise to conflict. Rather a secure and true peace requires the establishment of public order that satisfies basic human rights."[24] Himes is correct that restoration is a theme that runs through most conversations about *jus post bellum,* and he is quite right that the status quo ante bellum is not satisfactory. What we wish to emphasize further, however, is the role of social reconciliation in the "establishment of public order that satisfies basic human rights." In fact, a discussion of social reconciliation is a significant lacuna in the mainstream literature on *jus post bellum.* This essay hopes to correct this omission by turning to the emerging conversation on social reconciliation in the next section.

The Rise of the Reconciliation Tradition

Social reconciliation as a concept is only moments younger than the concept of social conflict. That is to say, as long as there have been wars between social groups there have also been

reconciliations between such groups. However, in referring to a reconciliation "tradition" that sits alongside the just war tradition, we mean the collection of thinkers and practitioners that have sought social reconciliation specifically under the rubric of restorative justice in the post-Cold War era.[25] While there were precursors to this tradition elsewhere, this tradition began in earnest with the Truth and Reconciliation Commission (TRC) in South Africa and the writings of Archbishop Desmond Tutu.

The reconciliation tradition is focused on dealing with the sins of the past in a concrete way to create a space for forgiveness, reconciliation, and, ultimately, "the establishment of public order" (to again borrow Himes's words). When assessing the options for addressing the violations of the apartheid era, Tutu identified three approaches with which to deal with the atrocities of the past. They can be summarized in terms of their professed ends: amnesty, justice, and truth. First, there are those who argue that the sins of the past are best kept in the past; that "forgive and forget" is the best approach to rebuilding after a conflict. This group will advocate for a general amnesty for all wrongdoers, in an effort to "move forward" and not dwell on the sins that kept us divided in the past. Not surprisingly, this approach is often advocated by those who were in power when the atrocity occurred. The problem with the amnesty argument is that it continues to deny the inherent humanity of the victims. In Tutu's words, "It would in effect be to victimize the victims of apartheid a second time around. We would have denied something that contributed to the identity of who they were."[26]

On the opposite end of the spectrum are those who advocate that retributive justice "must be done" and wrongdoers must be punished. Where the amnesty approach seeks to avoid the truth and leave it in the past, the retributive justice approach uses the truth as a means to an end. The truth is only useful insofar as it can be used to convict a criminal. Neither of these approaches seeks truth as an end in itself. The focus in tribunals is on the wrongdoer, not the victims. While retribution for the victim may be a byproduct of justice for the lucky few, the trial system is too expensive and too slow to offer retribution to all victims. In the fifteen years since the formation of the International Criminal Tribunal for the former Yugoslavia (ICTY) only 161 indictments have been served and 114 trials have been concluded.[27] For a tribunal that was meant to address "crimes committed against tens of thousands of victims in the former Yugoslavia," this can hardly

be described as a sweeping act of justice that punishes all wrongdoers and provides satisfaction to all victims.[28]

Not only does the retributive justice approach not achieve universal justice but it also does not reveal much of the truth since it only reveals what is necessary for conviction and only reveals truth pertaining to those on trial. Keeping the truth buried and hidden in the past poisons the psyche of the victim and the wrongdoer alike. Conversely, allowing the truth to be revealed can be freeing to both the wrongdoer and the victim and can be the first step on a path to reconciliation. Thus, according to Tutu, a "third way" was called for in South Africa: "a compromise between the extreme of [criminal tribunals] and blanket amnesty."[29] The result was a Truth and Reconciliation Commission that offered conditional amnesty to those perpetrators of crimes who would offer testimony about the crimes of the apartheid era. In this process, the victim was moved to the center of the process (as opposed to the offender), and the exposition of truth became the goal (as opposed to punishment). Moreover, the burden of the proof was lifted from the victim and placed squarely on the perpetrators, since their amnesty was conditioned on them telling the whole truth.[30]

Since the establishment of the TRC, the reconciliation tradition has been applied in many forms, none of which were carbon copies of South Africa. The Gacaca courts in Rwanda are an excellent example of a reconciliation process that bears little resemblance to the South Africa TRC in its actual practices but still draws upon the same commitment to truth telling as a means of restorative justice. We will return to this example in more detail later in this section.

In general, we may say that the process of social reconciliation entails three steps: (1) imagining evil (i.e., the recognition of systemic violation of basic human rights); (2) remembering evil (i.e., the reconstruction of a rights regime); and (3) redressing evil (i.e., reparation/retribution).[31] Reconciliation demands that we "speak the unspeakable," naming atrocity in the form of testimony by victims and confession by offenders. It is the task of the victim and the offender, but it is aimed at all in the society, especially the observer who does not know such evil firsthand. It is in the spirit of imagining evil that Polish authorities have turned the Auschwitz-Birkenau prison camp into a museum, and the United Nations has declared it a World Heritage site.

Simply recognizing systemic deprivation, however, does not overcome it. The task of remembering evil is to overcome the false narratives that support it. We noted earlier that keeping

the truth buried poisons the psyche of the victim and the wrongdoer, breeding a sense of otherness and hatred. The task of remembering evil targets those untruths and myths that allow and encourage evil. Truth-telling in the testimony of the TRC reveals a twofold hermeneutic role of rights in critically deconstructing supremacist narratives and reconstructing civic narratives.[32] Testimony breaks down myths while setting the stage for Himes's "establishment of public order that satisfies basic human rights."[33]

The final task of social reconciliation, redressing evil, is aimed at reparation or restitution for victims and fitting punishment for offenders. Much like the *jus post bellum* principles of compensation and punishment, this task aims to "right the wrong" as best as possible. It is on this task that many critics of the TRC claim the commission failed. By far, the better example of this task is the Gacaca court system in Rwanda. Because of time and resource constraints, the International Criminal Tribunal for Rwanda was only able to try 10,000 of the 120,000 Rwandans accused of involvement in the genocide. In 2002 local and national Rwandan authorities seeking an alternative juridical process turned to a traditional, community form of justice known as Gacaca courts. Rather than the typical Western judicial system with professional judges, the Gacaca judges, the *inyangmugayo,* are men and women elected by the community to voluntarily serve in this capacity. This helped to reduce the vast costs of post-genocide justice and to lend authority to the judgments that were made. It also decentralized the courts and moved the trials to the local level so dozens of trials could be conducted at once. Where it took the ICTR five years (1995-2000) to conduct 5,000 trials, the Gacaca system processed more than 7,000 trials in an eight-month period between October 2005 and June 2006, according to a study conducted by the Rwandan national government.[34]

While these courts do serve a punitive function in place of the ICTR, their expressed purpose is to offer a means to reintegrate the accused into the society. Rather than punishing the guilty with incarceration, punishments tend to be personal and directed at providing restitution directly to the victim. Someone found to be complicit in the genocide might be forced to build a home for the family of the victim or to pay for the children of a victim to attend school. Since the Gacaca courts are community based, the restitution ordered by the court serves an additional function of making the wrongdoer right again in the eyes of the community, and therefore welcome to rejoin the community without hostility.

The reconciliation tradition does not presume that it can unearth the complete truth. According to John de Gruchy: "Given our human limitations, not least the partiality of our perspectives shaped by social location, past experience, loyalties, values and interests, as well as the nature of the truth itself, we can never arrive or grasp at the truth itself. There is an inevitable discrepancy between what happened, and how we perceive and narrate what happened. This does not necessarily imply or lead to skepticism or relativism. In some instances it is possible to know a great deal about the truth, and certainly sufficient to achieve certain goals."[35] First among these goals is the recognition of the victim's moral agency. While general amnesty serves to "revictimize" the victim, and criminal tribunals use the victim as a means to an end, the reconciliation tradition places the victims at the center of the discussion and aims specifically at restoring the victims' agency that was denied in the tragedy. A secondary but still necessary goal is to offer an avenue for the offender to reconcile first with the victim and, just as importantly, with the community he or she has wronged.

The Role of Social Reconciliation in the Just War Tradition

We stated at the beginning of this essay that our goal was to begin a rapprochement of the just war and reconciliation traditions. Clearly the *emerging jus post bellum* dialogue offers the most obvious point of connection between the traditions. This point is underscored by the fact that war and ethnic, religious, and cultural tensions appear to go hand in hand in the post-Cold War era, thus responding to war means dealing with social division. That said, none of the various approaches to *jus post bellum* that we described earlier clearly delineated social reconciliation as a post bellum principle. We have already noted that restoration appears to be a common theme in the post bellum conversation, but the broader reconciliation tradition is seldom fully engaged. This lacuna appears all the more puzzling when we consider the words of the US Catholic bishops that we began this essay with: "The commitment to reconciliation ... is at the heart of the Christian and other religious traditions. For religious believers can imagine what some would dismiss as unrealistic: that even the most intense hatreds can be overcome by love, that free human beings can break historic cycles of violence and injustice, and that deeply divided peoples can learn to live together in peace."[36]

How, then, might the "commitment to reconciliation" reconcile these disparate strands of interpretation? For Desmond Tutu, as for the Catholic bishops, social reconciliation is the end, or

telos, of restorative justice. "Here," writes Tutu, "the central concern is not retribution or punishment but, in the spirit of *ubuntu,* the healing of breaches, the redressing of imbalances, the restoration of broken relationships. This kind of justice seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offence."[37] Tutu describes *ubuntu*'s ideal of "social harmony" as "the *summum bonum*—the greatest good."[38] In a similar vein, the Catholic bishops' "commitment to reconciliation" looks to the common good as a regulative ideal. What is to be "restored" in "the healing of breaches" is not the status quo ante but the common good understood as the institutional prerequisites of "social harmony," that is, a human rights regime.[39] In the Roman Catholic tradition, the common good entails neither the collectivist subordination of the individual to a suprapersonal entity such as the State or ethnic group nor the reductive individualism of modern liberalism. The common good is conceived distributively, not en masse, as "the sum total of those conditions of social living" that protect and promote the dignity and rights of every person.[40] *Pacem in terris* thus glosses the perfectionist teleology of *Mater et magistra* (depicting the common good as "the sum total of those conditions of social living, whereby [we] are enabled to achieve [our] own integral perfection"[41]) in deontological terms of the "rights and obligations" implied by "natural dignity." As Benedict XVI argues in his encyclical, *Caritas in ventate,* we realize the limited good of moral community when the "inviolable rights of the human person" are fittingly protected in a global rights regime.[42]

Conceiving such a rights-based conception of social harmony or the common good permits us to extend our assessment of social reconciliation to the criteria of just war: The *jus ad bellum,* after all, presupposes that we can recognize the breaches, name the atrocity. Talk of reconciliation is otiose where there is no common recognition of systemic rights violation; and, as we argued earlier, in our late modern or postmodern context, only such systemic violation of basic human rights would constitute a casus belli.

Stassen's "just peacemaking," in turn, enumerates the strategic policies implied in reconstructing the common good—the second step of social reconciliation. For those adhering to the Augustinian-Thomistic tradition of just war, violence would be legitimate only as a last resort. Indeed, in the Christian tradition, just war is not self-defense writ large in the national security interests of the state but rather a prudential vindication of the common good, including that of our

enemies.[43] Violence would be legitimate only where basic human rights cannot be protected otherwise.

As a regulative ideal, the common good thus embraces both the critical or deconstructive and reconstructive aspects of human rights discourse: rights permit us to "speak the unspeakable" in recognizing atrocity, ethnic cleansing, or genocide, even as they compel us to make good the cri de coeur "never again!" Conceived thus, our "commitment to reconciliation" entails not only a "duty to protect" in the event of genocide or ethnic cleansing but, a fortiori, a duty to preclude the systemic violations of rights, in other words, an ethos of impunity, discriminatory statutes, and so on, that typically precede genocide or ethnic cleansing. The third step in reconciliation, redress of rights violations, follows suit. With the reconstruction of a rights regime, victims' rights must be vindicated insofar as possible. Repentance, reparation, restitution, and even fitting punishment all have their place as post bellum criteria.[44]

These brief remarks provide a sketch of how our "commitment to reconciliation" can be specified by the regulative ideal of the common good—the restoration of a social harmony. For reconciliation is not merely the temporal "end" of restorative practices beginning with the ad bellum criteria and culminating in the post bellum norms. Nor, contrary to the revisionists, is it an "impossible ideal" or Utopian fancy. Rather reconciliation "orders" civic deliberation ab ovo; as in just peacemaking, we invoke the regulative ideal of the common good not to justify war but to redress the systemic inequities that so often provoke it.

Conclusions

We are not, then, faced with a Hobson's choice between prima facie duties of non-maleficence and justice. Nor do the teleological rubrics of restorative justice permit a sharp distinction of deontological and prudential norms. Indeed, all just war norms must be comprehensively integrated in prudential reasoning ordered "naturally," for Aquinas, to the common good. Citizens of faith, then, can never dismiss shalom as an impossible ideal in favor of an "armed peace" more indebted to Machiavelli than to Augustine. As the Scripture scholar, John Donahue, reminds us, shalom "does not mean simply the absence of conflict but suggests wholeness, completeness, or health. . . . One legacy of the [Old Testament] is that peace, the condition which prevails in a healthy society, can never exist apart from the quest for justice."[45]

The end (telos) of reconciliation, as T. S. Eliot might say, "is where we start from."[46] In the words of Benedict XVI: "In an increasingly globalized society, the common good and the effort to obtain it cannot fail to assume the dimensions of the whole human family, that is to say, the community of peoples and nations, in such a way as to shape the *earthly city* in unity and peace, rendering it to some degree an anticipation and a prefiguration of the undivided *city of God.*"*[i]

Notes

1. United States Catholic Conference of Bishops, *The Harvest of Justice Is Sown in Peace: A Reflection of the National Conference of Bishops on the Tenth Anniversary of The Challenge of Peace* (Washington, DC: United States Catholic Conference, 1994), sec. II.D.4, www.usccb.org/sdwp/harvest.shtml.

2. See Roland Herbert Bainton, *Christian Attitudes toward War and Peace: A Historical Survey and Cntical Re-Evaluation* (New York: Abingdon Press, 1960); Lisa Sowie Cahill, *Love Your Enemies: Discipleship, Pacifism, and Just War Theory* (Minneapolis: Fortress, 1994); and Richard Brian Miller, ed., *War in the Twentieth Century: Sources in Theological Ethics,* Library of theological ethics (Louisville: Westminster/John Knox Press, 1992).

3. United States Catholic Conference of Bishops, *The Challenge of Peace: Gods Promise and Our Response,* 3rd ed. (Washington, DC: US Catholic Conference, 1983), 73-74.

4. USCCB, *Harvest of Justice,* sec. I.A.2.a.

5. George Weigel, "The Next Line of Hills: The Challenge of Peace Revisited," *First Things,* no. 2 (April 1990): 32.

6. James Turner Johnson, "Just War, as It Was and Is," *First Things,* no. 149 (January 2005): 16.

7. Ibid., 19.

8. Weigel, "Next Line of Hills," 32.

9. Johnson, "Just War," 18, 20.

10. James Turner Johnson, "E-Notes: Using Military Force against the Saddam Hussein Regime: the Moral Issues," *Foreign Policy Research Institute,* December 4, 2002, www.fpri.org/enotes/americawar.20021204.johnson.militaryagainsthusseinmoralissues.html. Weigel will take this even a step further than Johnson does. Weigel's emphasis on the maintenance of order leads him to replace the just cause of a threat to national security with a joint cause and intention of the maintenance of the tranquillitas ordinis. In essence, for Weigel, if order is threatened, war is justified. See George Weigel, "Iraq: Then & Now," *First Things,* no. 162 (April 2006): 34—42; George Weigel, "War & Statecraft," *First Things,* no. 141 (March 2004): 18-21; and George Weigel, "Just War and Iraq Wars," *First Things,* no. 172 (April 2007): 14-20.

11. Johnson, "Just War," 16.

12. Ibid., 23.

13. It should be noted that Stassen's self-described task was not a reformation or reinterpretation of the just war tradition per se, but the establishment of a parallel tradition to both just war and pacifism.

14. Glen Harold Stassen, *Just Peacemaking: Transforming Initiatives for Justice and Peace,* 1st ed. (Louisville: Westminster/John Knox Press, 1992), 17.

15. Stassen originally developed a list of seven initiatives for just peacemaking in the 1992 book on just peacemaking (Stassen, *Just Peacemaking: Transforming Initiatives).* This original list was later expanded to the ten "practices for abolishing war" listed here in a volume edited by Stassen in 1998; Glen Harold Stassen, *Just Peacemaking: Ten Practices for Abolishing War* (Cleveland, OH: Pilgrim Press, 1998).

16. Stassen, *Just Peacemaking: Transforming Initiatives,* 28.

17. Robert J. Schreiter, *The Ministry of Reconciliation: Spirituality & Strategies* (Maryknoll, NY: Orbis Books, 1998), 53.

18. Stassen, *Just Peacemaking: Transforming Initiatives,* 231. While the subtitle of Stassen's later book *(Ten Practices for Abolishing War)* would appear as if his optimism regarding the abolition of war had substantially increased, there is little within the book to indicate the subtitle is more than hyperbole.

19. Cahill, *Love Your Enemies,* 65. Kenneth Himes makes a similar point in response to just war arguments in favor of the current war in Iraq by Weigel and Michael Novak: "War for Augustine was never merely one option among many. He, along with other early church figures, accepted resort to arms out of necessity. That is why the later development of the criterion of 'last resort' came to be widely accepted; it was not understood as a radical departure from the Augustinian position. And if war is a last resort and not a first option, it does not seem too far a leap to argue that even if war can be legitimate it is not to be preferred from the outset over other methods of defending and restoring justice"; Kenneth R. Himes, "Intervention, Just War, and U.S. National Security," *Theological Studies* 65, no. 1 (March 2004): 151.

20. Michael Schuck, "When the Shooting Stops: Missing Elements in Just War Theory," *The Christian Century* 101 (October 26, 1994): 982-84.

21. Brian Orend, "Justice after War" *Ethics and International Affairs* 16 (2002) 43-56; and Brian Orend, *The Morality of War* (Peterborough, ON: Broadview Press, 2006).

22. Himes, "Intervention, Just War, and U.S. National Security"; and Mark J. Allman and Tobias L. Winright, "Jus Post Bellum: Extending the Just War Theory," *Faith in Public Life,* College Theology Society Annual Volume 53, 2007 (Maryknoll, NY: Orbis Books, 2008), 241.

23. For example, while major fighting ended in Kosovo in 1999, NATO continues to deploy "peacekeeping" forces to the region eleven years later. For another example, does the ongoing violence in Israel constitute a continuation of war, an internal political dispute, or something in between?

24. Himes, "Intervention, Just War, and U.S. National Security," 155.

25. In the United States, the banner of restorative justice has been taken up predominantly by those who advocate for reform of the American penal system. The dialogue emerging on this issue is rich and certainly has much to say to the questions of war and peace, but for the purposes of this essay, we will concentrate on the reconciliation literature emerging as a response to social conflict.

26. Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1999), 29.

27. International Criminal Tribunal for the Former Yugoslavia, "Fifteenth Annual Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the territory of the Former Yugoslavia since 1991," August 4, 2008, 4,

www.icty.org/x/file/About/Reports%20and%20 Publications/AnnualReports/annual_report_2 008_en.pdf. The ICTY is the first international war crimes tribunal in the post-Cold War era. It also the model for the International Criminal Tribunal for Rwanda, which addressed the 1994 genocide in that country, and for the International Criminal Court, the permanent body recently established to address war crimes and serious human rights violations in the future.

28. International Criminal Tribunal for the Former Yugoslavia, "United Nations International Criminal Tribunal for the Former Yugoslavia Leaflet" (ICTY, Summer 2008), www.icty.org/x/file/About/ICIY%20Leaflet/ICIYJeaflet_printable_en.pdf.

29. Tutu, *No Future without Forgiveness,* 30.

30. While much of the reconciliation tradition is built upon the experience of the South African TRC, it should be noted that as we approach twenty years since the end of apartheid and the establishment of the TRC, many have looked back and found the TRC process wanting in many ways. In response to these claims, we would acknowledge that the TRC process, as it was actually carried out, was certainly imperfect. However, our aim here is not to advocate for truth commissions per se but to argue in favor of a broader set of commitments that were first reflected in the South African TRC. It is these commitments which we wish to highlight here, without engaging a debate about the success or failure of the historical application of these commitments.

31. William O'Neill, "Hoping against Hope: The Ethics of Social Reconciliation," *Journal for the Society for Christian Ethics* 22 (2002).

32. Ibid, 11.

33. Himes, "Intervention, Just War, and U.S. National Security," 155.

34. "Introduction on Gacaca," *National Service of Gacaca Jurisdictions,* www.inkiko-gacaca .gov.rw/En/Enlntroduction.htm. See also Urusaro Alice Karekezi, Alphonse Nshimiyi-mana, and Beth Mutamba, "Localizing Justice: Gacaca Courts in Post-genocide Rwanda," in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity,* eds. Eric Stover and Harvey M. Weinstein, 69-84 (Cambridge: Cambridge University Press, 2004).

35. John W de Gruchy, *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2002), 155.

36. USCCB, *Harvest of Justice,* sec. II.D.4.

37. Tutu, *No Future without Forgiveness,* 51.

38. Ibid, 35.

39. Cf. *Pacem in terris,* nos. 53-66, 132-41; *Gaudium et spes,* nos. 25f., 30; *Dignitatis humanae,* nos. 6-7; *Populorum progressio,* nos. 22-24, 43-75; *Sollicitudo rei socialis,* nos. 38-40. See David Hollenbach, *The Common Good and Christian Ethics* (Cambridge: Cambridge University, 2002); Charles Curran, *Catholic Social Teaching: A Historical, Theological, and Ethical Analysis* (Washington, DC: Georgetown University Press, 2002). *Pacem in terris,* no. 60, affirms: "The chief concern of civil authorities must therefore be to ensure that these rights are acknowledged, respected, coordinated with other rights, defended and promoted, so that in this way each one may more easily carry out his duties. For 'to safeguard the inviolable rights of the human person, and to facilitate the fulfillment of his duties, should be the chief duty of every public authority.'" Such a rights-based interpretation

permits Pope John to extend the common good globally in *Pacem in terris* no. 139. See Radio Message of Pius XII, Pentecost, June 1, 1941, AAS XX-XIII, 1941, 200; cf. *Gaudium etspes,* no. 26, and *Dignitatis humanae,* no. 6.

40. John XXIII, *Mater et magistra,* no. 65, in *Catholic Social Thought,* 94; cf. also, *Pacem in terns,* no. 55-61, pp. 140-41; and *Gaudium etspes,* no. 26, in *Catholic Social Thought,* p. 26.

41. *Mater et magistra,* no. 65.

42. Benedict XVI, *Caritas in veritate* (Vatican City: *Libreria Editrice Vaticana,* June 29, 2009), no. 6. See *Dignitatis humanae* "Positive," correlative duties to preserve and protect agents' basic capabilities (the objects of basic rights) generate such structural imperatives, that is, the state's obligation to guarantee citizens' basic welfare. See Alan Gewirth, *The Community of Rights* (Chicago: University of Chicago Press, 1996), 106-65.

43. In Thomas's Aristotelian interpretation, *prudentia* (phronësis) is teleologically ordered to the common good *(Summa theologiae* (ST), II-II, Q. 47 a. 11; Q. 50, a. 1, 2). See also William O'Neill, SJ, *The Ethics of Our Climate: Hermeneutics and Ethical Theory* (Washington, DC: Georgetown University Press, 1994).

44. The "prudential" norm of "proportionality," running through the *ad bellum, in bello,* and *post bellum* criteria, specifies which aspect of the regulative ideal of the common good is at play.

45. "For this reason" writes Donahue, "in certain important biblical texts, especially those describing the effect of the just use of royal power, or in eschatological expectations of a restored kingdom, peace and justice are closely linked; for example 'Justice will bring about peace; right will produce calm and security' (Isa. 32:17, in the New American Bible translation); 'Kindness and truth shall meet; justice and peace shall kiss. Truth shall spring out of the earth and justice shall look down from heaven' (Ps. 85:1 If.). See also Isa. 9:7, 60:17, Ps. 72:7." John R. Donahue, *What Does the Lord Require? A Bibliographical Essay on the Bible and Social Justice.* (St. Louis: Institute of Jesuit Sources, 2000), 68.

46. T. S. Eliot, "Four Quartets," in *The Complete Poems and Plays: 1909-1950* (New York: Har-court, Brace & World, 1962), 144.

47. Benedict XVI, *Caritas in Veritate,* no. 7.