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Religion, Reconciliation, and Transitional Justice: The State of the Field*

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17 October 2007

* For the resources and facilities to research and write this piece, I thank the Religion in Global Politics Project based at the Harvard University Academy for International and Area Studies and funded by the Weatherhead Center for International Affairs at Harvard University and the Smith Richardson Foundation, the Alexander von Humboldt Foundation, the Hertie School of Governance, and the Wissenschaftzentrum Berlin. I thank Jonathan VanAntwerpen for helpful comments and suggestions.

The quest of international lawyers and human rights activists to have the late Chilean General Pinochet tried for his crimes, Archbishop Desmond Tutu exhorting victims to forgive their perpetrators in South Africa's Truth and Reconciliation Commission, a global breakout of public apologies, including President Bill Clinton's for not intervening in Rwanda, the German government's agreement to pay reparations to victims of forced labor during the Holocaust, scores of seminars, workshops, and forums on dealing with the past in Bosnia, Northern Ireland, Rwanda, Kashmir, South Africa, and many other locales: all are scenes from our age of transitional justice. Each portrays an effort to address the past injustices of a civil war or some form of authoritarianism: communism, military dictatorship, apartheid. Transitional justice, of course, is nothing new. The punitive reparations imposed on Germany at the end of World War One and the Nuremberg Trials at the end of World War Two are standard chapters in international relations textbooks. What is novel to the past generation is the frequency, diversity, and innovation of confrontations with the past all over the globe and the accompanying tidal wave of analysis of these confrontations by legal scholars, political scientists, sociologists, anthropologists, historians, theologians, and journalists.

In the same period, a separate trend has also risen, this one exemplified by Hindu nationalism in India, the political influence of conservative Christians in the United States, Islamic terrorism, Islamic democratization movements in Turkey and Indonesia, the political influence of Buddhism, both liberal democratic and authoritarian, a wave of democratization in Catholic states, and the remarkable growth of Protestant evangelicalism and Pentecostalism in Latin America and Africa. What these movements manifest is the rise of "public religion in the modern world," to use the phrase of

sociologist Jose Casanova.[1] Confounding apostles of the secularization thesis that dominated the social sciences and humanities for decades, public, political religion is global in its impact and diverse in its valences.

That these two energetic global trajectories have crossed paths should not be surprising. All over the world, pastors, prelates, and imams have advocated for truth commissions, trials, and reparations schemes and sometimes have even helped to conduct the commissions, as in Guatelama, where Archbishop Juan Gerardi both formed and led one. The language of faith comes through strongly in performances of apologies and forgiveness. It is often the religious who conduct civil society efforts to deal with the past and repair the body politic. Disproportionately to issues like globalization, climate change, and international trade, the religious are involved in dealing with the past, both as activists and as analysts.

Beyond the scenes and anecdotes, though, can anything systematic be said about the nature and impact of religion's role in transitional justice? This essay is an effort to plumb current knowledge about these questions. But what exactly is transitional justice? Wielders of the term usually have in mind efforts to deal with the injustices of a war or authoritarian regime during the "transitional" period after a peace agreement is signed or the regime has exited power. But this temporal focus is arbitrarily narrow. Activities identical to "transitional" ones often occur long after the actual transition away from war or authoritarianism: Germany's reparations agreement for Holocaust laborers came in the year 2000; the Spanish began digging up mass graves and telling the stories of victims of the Franco dictatorship thirty years after the dictator's death. For some human rights activists, transitional justice is the question of whether war criminals face trial. But this

[1] Jose Casanova, *Public Religions in the Modern World* (Chicago, IL: University of Chicago Press, 1994).

substantive focus is too narrow as well. Political efforts to deal with the past might also involve truth commissions, reparations, apologies, public memorials, forgiveness, as well as measures that civil society actors take to restore citizens and political orders in the wake of massive evil. Indeed, it can be argued that all of these activities constitute "justice." Such a definition of justice is admittedly a leading one, for as I shall explain, it comes from religious traditions.

We can think of transitional justice, then, as the sum total of activities that states and citizens undertake to redress past political injustices in order to restore political orders in the present and in the future. With this widened understanding, I survey present knowledge of religion's impact on transitional justice in two sections, the first on "thinkers," the theologians and other religious scholars who have written about dealing with past political injustices, and the second on accounts of "doers," the religious activists who have involved themselves in dealing with the past. For each section, I ask: All told, how do the religious think about or involve themselves in transitional justice? What, if anything, is distinctive about their approach? How does it differ from secular approaches? Finally, in what areas might our understanding of religious thought and activity towards transitional justice be deepened?

One of the emergent distinctive features of religious involvement in transitional justice, I will argue, is the theme of reconciliation. Although it is not only the religious who talk about reconciliation (secular people do, too), and although the religious do not only talk about reconciliation (as opposed to other approaches like accountability, democratization, and the like), religion and reconciliation still enjoy what Max Weber called an "elective affinity." Reconciliation finds a particularly strong justification in

religious texts, traditions, and theologies and is espoused by religious actors disproportionately to secular actors. Religious people are arguably largely responsible for making reconciliation a fixture in today's global political discourse.

The Thinkers

Philosophers, theologians, and legal scholars who reason about transitional justice broadly fall into two sorts of intellectual traditions. The first is what I call the liberal human rights tradition. The second is religious traditions, particularly the Abrahamic traditions, Judaism, Christianity, and Islam, the ones that have said the most about transitional justice.[2] Traditions are not hermetic, alternate universes. Voices in the religious traditions, to greater and lesser degrees, share both assumptions and conclusions with voices in the liberal human rights tradition. In fact, one can discern an increasing convergence in views of transitional justice over the past few years. Each tradition also contains internal disagreements, which indeed drive the tradition's evolution. Still, it is possible to identify distinct centers of gravity in the two traditions, certain commitments around which most of their members converge, even if they sometimes debate what these commitments mean. It is from these commitments that they engage with other traditions, sometimes finding common ground, sometimes sharpening their differences. Broadly speaking, such an understanding is consistent, I believe, with philosopher Alasdair MacIntyre's classic definition of tradition as "an historically extended, socially embodied argument."[3]

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[2] For a survey of how an array of world religions regards restorative justice, a concept that is important in transitional justice, see Michael L. Hadley, ed., *The Spiritual Roots of Restorative Justice* (Albany, NY: State University of New York Press, 2001).

[3] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory,* 2nd ed. (Notre Dame, IN: University of Notre Dame Press, 1984), p. 224. For a separate helpful effort to map out the intellectual terrain of transitional

The liberal human rights tradition's center of gravity can be found in the arguments of the global community of human rights activists and international lawyers, who place a premium on the punishment of perpetrators and the vindication of victims in response to large scale crimes against humanity, war crimes, and other human rights violations. On what justification? Their arguments usually presuppose the classic retributivist appeal to desert but typically stress even more strongly the value of punishment for bringing about the *Rechtstaat* – a political order based on the rule of law, human rights, and democracy. Their preferred institution is the trial and their signature accomplishment the international tribunals for Yugoslavia and Rwanda and their subsequent institutionalization in the International Criminal Court. What they most strongly decry are amnesties, especially blanket amnesties like those that Latin American states yielded to former dictators in the 1980s and early 1990s. They commonly appeal for material reparations for victims. They do not necessarily oppose truth commissions, especially insofar as these reinforce accountability and reparations through exposing political crimes: "All that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse," wrote Michael Ignatieff in an often quoted passage.[4] Indeed, since the days when commissions were typically accompanied by amnesties, as they were in Latin American and South Africa, human rights activists have come to recognize that truth commissions and trials need not be mutually exclusive, either in principle, or, as East Timor and Sierra Leone have proved,

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justice, see Jonathan VanAntwerpen, "Reconciliation Reconceived: Religion, Secularism, and the Language of Transition" in *The Politics of Reconciliation in Multicultural Societies*, edited by Will Kymlicka and Bashir Bashir. Oxford University Press, forthcoming.

[4] Michael Ignatieff, "Articles of Faith," *Index on Censorship* 25, no. 5 (1996), pp. 112-113; Ignatieff's eloquent statement is quoted in the first volume of the Truth and Reconciliation Commission of South Africa Report (London: Macmillan Reference Limited, 1998), p. 111.

in practice. Their bottom line is that accountability should not be sacrificed.[5] The overriding goal of the liberal human rights tradition is to strengthen international institutions and regimes so as to achieve as much accountability for human rights violators and as much compensation for victims as possible – all over the world.[6]

The liberal human rights tradition's approach to past injustices is a close cousin of the "liberal peacebuilding consensus," an approach to the reconstruction of war-torn societies that entails not only lasting peace agreements but also human rights, democracy, and free markets, and economic progress and that has been adopted by the United Nations, by major international institutions like the World Bank, and widely among donor agencies and NGOs since the end of the Cold War.[7] The liberal peacebuilding consensus is much like what sociologists have come to call "world society," "world culture," or the "global polity" – namely values that become deeply embedded in global culture and global organizations and that replicate themselves, by pressure and example, widely among more local actors who adopt them.[8] Both cousins, the liberal human rights tradition and the liberal peacebuilding consensus, share a patrimony in the thought of John Locke, Immanuel Kant, John Stuart Mill, and most recently, John Rawls, who commonly stress equality, liberty, and, in the case of Rawls, distributive economic justice. When it comes to past crimes, liberal thinkers have tended to oscillate between,

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[5] See, for instance, Juan E. Méndez, "National Reconciliation, Transnational Justice, and the International Criminal Court," *Ethics and International Affairs* 15, no. 1 (2001), and Naomi Roht-Arriaza, "The New Landscape of Transitional Justice," in *Transitional Justice in the Twenty-First Century*, eds. Naomi Roht-Arriaza, and Javier Mariezcurrena (Cambridge, UK: Cambridge University Press, 2006).

[6] For representatives of this view, see Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *Yale Law Journal* 100, no. 8 (1991); and Carlos Santiago Nino, *Radical Evil on Trial* (New Haven, CT: Yale University Press, 1996).

[7] For a good description, see Oliver Richmond, "Patterns of Peace," *Global Society* 20, no. 4 (October 2006), pp. 367-394.

[8] John W. Meyer, "The World Polity and the Authority of the Nation-State," in *Studies of the Modern World-System*, ed. Albert Bergesen (New York: Academic Press, 1980), John W. Meyer et al., "World Society and the Nation-State," *The American Journal of Sociology* 103, no. 1 (1997).

or to combine complexly, two broad theories of punishment: retribution, which centers upon desert, and consequentialism, which stresses rehabilitation, deterrence, and the improvement of the social order.

Some of the most articulate transmittals of these commitments into the politics of transitional justice can be found in a volume of essays written mostly by political philosophers: *Truth v. Justice: The Morality of Truth Commissions*, edited by Robert I. Rotberg and Dennis Thompson.[9] Emerging from a conference in South Africa, the essays commonly reflect upon that country's Truth and Reconciliation Commission, easily the most famous and most analyzed truth commission to date, whose prominent features include its offer of amnesty to human rights violators in the apartheid regime in return for their public confession, its dramatic and emotional public hearings, and the leadership of Commission Chairperson Archbishop Desmond Tutu -- his charisma and his stress on forgiveness and on the healing of the nation and its citizens. Most strongly embodying a liberal human rights perspective on these proceedings are essays by Amy Gutmann and Dennis Thompson, Rajeev Bhargava, David A. Crocker, and Kent Greenawalt. To their writings might also be added the similarly grounded perspectives of Timothy Garton Ash, whose essays on South Africa and transitional justice elsewhere have appeared in *The New York of Review of Books*, and of Ignatieff, also a widely read essayist.

Though in some respects all of these writers laud the TRC, in three respects, which they articulate to different degrees, they criticize the TRC, and, by extension, those defenders of the TRC who stress religion and reconciliation. First, several of them

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[9] Robert I. Rotberg and Dennis Thompson, *Truth V. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000).

express great reluctance towards abrogating punishment, viewing it as a regrettable sacrifice of justice to be pursued only if necessary to achieve some other good like a transition to democracy, not as a measure that reflects some higher or richer conception like restorative justice or reconciliation.

Second, they are skeptical that healing and forgiveness belong in politics. In part, they think that in politics these goods are likely to come to grief. When Ignatieff writes, "*[a]ll* that a truth commission can achieve . . .," he asserts the limits of truth commissions as much as he does their possibilities.[10] Crocker similarly criticizes Tutu's "ideal of social harmony" as "impractical" and "unrealistic."[11] But liberals' doubts about healing and forgiveness in politics run deeper than pragmatism. "Not only is Tutu's ideal of social harmony impractical," continues Crocker," but it is problematic because of the way it conceives the relation between the individual and the group."[12] Elsewhere he argues that "it is morally objectionable as well as impractical for a truth commission or any other governmental body to force people to agree about the past, forgive the sins committed against them, or love one another."[13] Here, liberal skepticism moves from pragmatic to moral. Political efforts to achieve healing, forgiveness, and harmony violate the autonomy of the individual in pursuing his or her own "conception of the good," to borrow the phrase of philosopher John Rawls.[14] They seek to define the good in areas

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[10] Ignatieff, "Articles of Faith," pp. 112-113. Emphasis added.
[11] David A. Crocker, "Retribution and Reconciliation," *Philosophy and Public Policy* 20, no. 1 (2000), p. 6. See also David A. Crocker, "Truth Commissions, Transitional Justice, and Civil Society," in *Truth V. Justice: The Morality of Truth Commissions*. ed. Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), p. 108; Rajeev Bhargava, "Restoring Decency to Barbaric Societies." In *Truth V. Justice*. Edited by Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), pp. 60-63; Ignatieff, "Articles of Faith," pp. 111, 121-122; and Timothy Garton Ash, "True Confessions," *The New York Review of Books* 44 (July 17, 1997): 37-8.
[12] Crocker, "Retribution and Reconciliation," p. 6.
[13] Crocker, "Truth Commissions, Transitional Justice, and Civil Society," p. 108.
[14] See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

where the pluralism of values ought to be respected. "As Isaiah Berlin has taught us," Ash writes, "liberalism means living with unresolvable conflicts of values and goals, and South Africa has those in plenty." He concludes that "[t]aken to the extreme, the reconciliation of all with all is a deeply illiberal idea."[15] Further still, such political pursuits undermine the central democratic virtues of argument and deliberation and promote the democratic vices of settlement and imposition.[16]

Third, most of these critics are leery of the role of religion in politics, espousing some version of Rawls' argument that political arguments ought to be expressed in secular, or "public," language. This, too, they regard as a democratic virtue. Naturally, it is the language of rights and law with which they are most at home.[17]

The contrast between the liberal human rights tradition and religious traditions, though, is not equivalent to a contrast between secular and religious traditions. Some of the liberal human rights tradition's critics remain within a secular discourse. A one-dimensional quest for trials of war criminals, argue political scientists Jack Snyder and Leslie Vinjamuri, often undermines peace agreements and the very establishment of the rule of law – a criticism of human rights groups' strategy, but not of the tradition's basic commitments.[18] Other criticisms are more thoroughgoing while still secular. The Rotberg and Thompson collection also includes essays by Elizabeth Kiss, whose

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[15] Ash, "True Confessions", 37.

[16] This criticism is strongest in Amy Gutmann and Dennis Thompson, "The Moral Foundations of Truth Commissions," in *Truth V. Justice: The Morality of Truth Commissions*. ed. Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), 32-3.

[17] Much more could be said about arguments for public reason, both Rawls' and others, and the nuances and conditions that they contain. In his essay for the Rotberg and Thompson volume, Kent Greenawalt criticizes the Commission's religious language, but elsewhere articulates a nuanced conception of public reason that is in some respects wider than Rawls'. See Kent Greenawalt, "Amnesty's Justice," in *Truth V. Justice: The Morality of Truth Commissions*. Ed. Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000), p. 199. Thompson and Gutmann also voice concern about the religious language of the TRC in Ibid.

[18] Jack Snyder and Leslie Vinjamuri, "Trials and Errors: Principle and Pragmatism in Strategies of International Justice," *International Security* 28, no. 3 (Winter 2003/2004).

advocacy of Tutu's restorative justice resonates with religious conceptions, and by Martha Minow, who commends the "restorative power of truth telling" as an independently valuable alternative to trials.[19] Political philosophers Peter Digeser and Trudy Govier and legal scholars Erin Daly and Jeremy Sarkin offer secular arguments for the political practice of forgiveness and link it with the reconciliation of sundered political communities.[20]

But if some secular perspectives on transitional justice do not converge neatly with the liberal human rights tradition, religious perspectives reason more typically and consistently from a different center of gravity. Religious traditions, too, of course, have their internal disagreements, evolution, and areas of overlap with outside traditions. Today, for instance, human rights is central to the teachings of the Catholic Churches, major Protestant denominations, and Judaism, while it enjoys more mixed support in Islam, Buddhism, and Hinduism. In the West, Judeo-Christian commitments have arguably served as vital foundations for human rights.[21] Religiously based approaches to transitional justice often endorse human rights as a goal. But neither human rights nor punishment for human rights violators is their common orienting conception. The idea

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[19] Elizabeth Kiss, "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice," in *Truth V. Justice: The Morality of Truth Commissions*. ed. Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000); Martha Minow, "The Hope for Healing: What Can Truth Commissions Do?," in *Truth V. Justice: The Morality of Truth Commissions*. ed. Robert I. Rotberg, and Dennis Thompson (Princeton, NJ: Princeton University Press, 2000)

[20] Peter Digeser, *Political Forgiveness* (Ithaca, NY: Cornell University Press, 2001); Trudy Govier, *Forgiveness and Revenge* (London, UK: Routledge, 2002); Trudy Govier, *Taking Wrongs Seriously: Acknowledgment, Reconciliation, and the Politics of Sustainable Peace* (New York, NY: Humanity Books, 2006); Erin Daly and Jeremy Sarkin, *Reconciliation in Divided Societies: Finding Common Ground* (Philadelphia, PA: University of Pennsylvania Press, 2007). Other scholars have offered secular arguments for forgiveness as well, though not necessarily in the political realm. See, for instance, Margaret R. Holmgren, "Forgiveness and the Intrinsic Value of Persons," *American Philosophical Quarterly* 30 (1993); Joanna North, "Wrongdoing and Forgiveness," *Philosophy* 62 (1987); Robert D. Enright and Joanna North, eds., *Exploring Forgiveness* (Madison, WI: University of Wisconsin Press, 1998).

[21] Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150-1625* (Atlanta, GA: Scholars Press, 1997); Michael Perry, *The Idea of Human Rights: Four Inquiries* (Oxford, UK: Oxford University Press, 1998).

around which religious voices most converge, rather, is reconciliation. Not all of them explicitly make reconciliation their central theme, but this idea, or at least a closely resonant logic, runs commonly through their analyses. Indeed, an eruption of religious arguments for reconciliation is one of the unexpected and novel developments of the age of transitional justice.

The majority of religious reconciliation promoters have been Christians, but they include Jews and Muslims as well.[22] In all of these centuries-old traditions, reconciliation in the context of the state is a fairly late arrival. Christianity is no exception, despite the prominence of reconciliation in the New Testament. The reasons for this tardiness are somewhat speculative, but at least three are plausible. The first is the privatization of forgiveness, one of religious reconciliation's most important

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[22] For recent Christian writings on reconciliation, see Raymond G. Helmick and Rodney L. Petersen, *Forgiveness and Reconciliation: Religion, Public Policy and Conflict Transformation* (Philadelphia: The Templeton Foundation Press, 2001); Donald W. Shriver, *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University Press, 1995); Robert Schreiter, *The Ministry of Reconciliation: Spirituality and Strategies* (Maryknoll, NY: Orbis, 1998); Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* (Nashville, TN: Abingdon Press, 1996); Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999); John W. De Gruchy, *Reconciliation: Restoring Justice* (Fortress Press, 2003); Mark Amstutz, *The Healing of Nations: The Promise and Limits of Political Forgiveness* (Lanham, MD: Rowman and Littlefield, 2005); Stephen J. Pope, "The Convergence of Forgiveness and Justice: Lessons From El Salvador," *Theological Studies* 64 (2003); William Bole, Drew Christiansen and Robert T. Hennemeyer, *Forgiveness in International Politics: An Alternative Road to Peace* (Washington, D.C.: United States Conference of Catholic Bishops, 2004); Alan Torrance, "The Theological Grounds for Advocating Forgiveness and Reconciliation in the Sociopolitical Realm," in *The Politics of Past Evil* (Notre Dame, IN: University of Notre Dame Press, 2006); and Pope John Paul II, *Dives in Misericordia*, 1984. For Jewish perspectives, see Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford, UK: Oxford University Press, 2000); Marc Gopin, *Holy War, Holy Peace* (Oxford, UK: Oxford University Press, 2002); Irving Greenberg, "Religion As a Force for Reconciliation and Peace: A Jewish Analysis," in *Beyond Violence: Religious Sources of Social Transformation in Judaism, Christianity, and Islam*, ed. James L. Heft (New York, NY: Fordham University Press, 2004); and Solomon Schimmel, *Wounds Not Healed by Time: The Power of Repentance and Forgiveness* (Oxford, UK: Oxford University Press, 2002). For Islamic perspectives, see Abdulaziz Abdulhussein Sachedina, *The Islamic Roots of Democratic Pluralism* (New York: Oxford University Press, 2001); Mohammed Abu-Nimer, *Nonviolence and Peace Building in Islam* (Gainesville, FL: University Press of Florida, 2003); George E. Irani and Nathan C. Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," *Arab Studies Quarterly* 20, no. 4 (1998), pp. 53-72; Nawal H. Ammar, "Restorative Justice in Islam: Theory and Practice," in *The Spiritual Roots of Restorative Justice*, ed. Michael L. Hadley (Albany, NY: State University of New York Press, 2001); A. Rashied Omar, "Between Compassion and Justice: Locating an Islamic Definition of Peace," *Peace Colloquy*, Spring 2005.

components, in the medieval Catholic Church and the Protestant Reformation. Whereas in the 11th and 12th centuries, the Holy Roman Emperor would beg for forgiveness from the pope in the snows of Canossa, Italy, and the King of England would do public penance for murdering the Archbishop of Canterbury, three centuries later penance and forgiveness had been relegated to the confessional, to prayer, and to personal relationships.[23] The second is the modern dominance of doctrines for dealing with past sin that tend to negate reconciliation: either legalist notions of the atonement – most prominently, the Calvinist "penal substitution" theory – that privilege a retributive balancing of scales over the restoration of relationships, or their opposite reaction, "exemplarist" theories that view Christ's death as a mere model of love but not as an actual restorative victory over sin and death.[24] Third, since the Middle Ages, much of Western Christian reasoning about politics, especially in Catholic thought, has been dominated by natural law, which has little to say about forgiveness, repentance, atonement, and reconciliation.

But in the nineteenth century, lone voices in Christian theology began to think differently. Theologian John De Gruchy traces the rise of modern theologies who understand atonement to imply the transformation and reconciliation of political orders.[25] In the 1870s, German theologian Albrecht Ritschl sought to escape the confining oscillation between penal substitution and exemplarism in his *Christian Doctrine of Justification and Reconciliation*, where he argued for Christ's reconciliation as an effective transformation of the world. Reacting to the sulphurous carnage of the First

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[23] See Shriver, *An Ethic For Enemies*, 45-62.
[24] See Timothy Gorringe, *God's Just Vengeance : Crime, Violence, and the Rhetoric of Salvation* (Cambridge, UK: Cambridge University Press, 1996).
[25] De Gruchy, *Reconciliation*, 67-76.

World War and scandalized by the complicity of modern theologians in the cultures of nationalism that bred its battles, theologians like P.T. Forsyth and Karl Barth rejected Ritschl's optimistic liberal theology but adopted the idea that Christ's justification of sinners begets the transformation and reconciliation of political orders. Barth came to believe that the life, death, and resurrection of Christ was a source of analogous principles for politics. He even saw the state as an order of reconciliation.[26] Out of these very convictions, he became one of the minority of Christian leaders to speak out against Germany's Nazi government and was forced to resign his academic chair in Germany and return to his native Switzerland because of it. German theologian Dietrich Bonhoeffer reasoned along similar lines about reconciliation; he, too, opposed the Nazi government and was eventually executed for his complicity in the plot to kill Hitler of July 1944. Just after World War II, a small circle of Protestant theologians, including Barth, confessed the complicity of their churches with Nazi crimes in the Stuttgart and Darmstadt Declarations.[27] Other theologians of the mid-twentieth century also held that salvation involved political reconciliation, including the Czech scholar Jan Milic Lochman, whose ideas influenced the struggle against apartheid in South Africa.

De Gruchy might have added Catholic sources. Though John Paul II's *Dives in Misericordia* of 1984 is one of his lesser known encyclicals, its final section includes a call for forgiveness and reconciliation as political principles, a revolutionary idea in Catholic social thought that he would resound in 1997 and then again in January 2002,

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[26] See Karl Barth, *Community, State, and Church: Three Essays* (Eugene, Oregon: Wipf & Stock Publishers, 2004), 168-82

[27] Shriver, *An Ethic For Enemies*, 84-8. These statements gave rise to a storm of controversy within the Evangelical Church, even despite the fact that the Stuttgart and Darmstadt Statements were worded quite cautiously. It was only a local synodal statement of the church in 1950 that finally mentioned crimes against the Jews.

when, shortly after the attacks of September 11th, 2001, he appended to Pope Paul VI's 1965 maxim "no peace without justice" the corollary "no justice without forgiveness." John Paul II was not entirely original, for Pope Benedict XV had similarly appealed to nations to practice forgiveness and reconciliation at the close of World War I – an appeal that remained largely forgotten until John Paul II's successor, Pope Benedict XVI, named himself partly for Benedict XV and his witness for peace and reconciliation.[28]

Prior to the age of transitional justice, however, reconciliation was drowned out by other themes in Christian ethics. More than anyone else, it was Tutu who elicited its meteoric crescendo. He and other South African religious leaders had long promoted reconciliation in their resistance to the *apartheid* regime. After the regime fell, inspired by Chile's National Commission for Truth and Reconciliation, the designers of the South African commission made reconciliation its central theme. Tutu's performance as the commission's chairman then delivered the concept its global fame. Reconciliation has subsequently become eponymous for truth commissions in Peru, East Timor, Sierra Leone, Nigeria, Liberia, Morocco, and Chad. It has also made its way into political discourse far more generally. In the United States, the presidentially-appointed Iraq Study Group used it no less than 63 times in its report of November 2006.

The Jewish tradition arguably advanced public reconciliation far earlier than Christianity. Histories of medieval Jewish communities and the writings of the medieval Jewish philosopher Moses Maimonides testify to rich practices of reconciliation known as *teshuva*, Hebrew for "repentance" or "turning." "I wonder how powerful a *teshuva*

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[28] Benedict XVI made clear that his eponyms were both Benedict XV and the famous sixth century St. Benedict, evangelizer of Europe, in his address in St. Peter's Square on April 27, 2005, "To Reflect on the Name I Have Chosen." Benedict has appealed for reconciliation at prominent points in his pontificate, including statements on the war in Lebanon in Summer 2006 and his letter to Chinese Catholics in Summer 2007.

apology process could be on a much larger scale, involving massive injury, murder, or genocide," Rabbi Marc Gopin recently supposed.[29] A professor at George Mason University's Institute for Conflict Analysis and Resolution and an activist for peace in the Middle East, Gopin has made it his life's work to marshal *teshuva*, as well as other concepts from Jewish scripture and tradition like *aveilus* – the mourning of loved ones through burial and remembrance followed by healing and recovery –, forbearance towards the enemy, social justice, honor, shame, and dignity, for peacebuilding and reconciliation in the politics of modern states.[30] The problem, writes Gopin, is that "the post-Holocaust scholarly Jewish community has not been much in the mood to mine the sources of Judaism for conflict resolution, especially with gentiles."[31] But he believes that in today's Middle East, Jews, as well as Christians and Muslims, cannot afford to ignore the peacebuilding potential of traditional religious concepts.[32]

Gopin's Islamic counterpart is Mohammed Abu-Nimer, also an intellectual and an activist, who holds a professorship at American University and has co-founded the Salam Institute for Peace and Justice. Paralleling Gopin, Abu-Nimer has sought to tap concepts and rituals from the Qur'an, the Hadith, and subsequent Islamic tradition for reconciliation and peacebuilding in modern states. He reveals that pre-modern Arab Islam contains rich community rituals of *sulh* (settlement) and *musalaha* (reconciliation),

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[29] Gopin, *Between Eden and Armaggedon*, 190.
[30] See his Ibid.; Marc Gopin, "Judaism and Peacebuilding in the Context of the Middle Eastern Conflict" in *Faith-Based Diplomacy: Trumping Realpolitik*, ed. Douglas Johnston (Oxford, UK: Oxford University Press, 2003) pp. 91-101; and Marc Gopin, "Appendix: Peacemaking Qualities of Judaism As Revealed in Sacred Scripture" in *Faith-Based Diplomacy: Trumping Realpolitik*, ed. Douglas Johnston (Oxford, UK: Oxford University Press, 2003), pp. 102-23.
[31] Ibid., 169.
[32] For his application of his ideas specifically to the Middle Eastern conflict, see mainly his Gopin, *Holy War, Holy Peace*. For Jewish treatments of South Africa's TRC, see Geoff Sifrin, Franz Auerbach and Steven Friedman, "The Truth Commission: Jewish Perspectives on Justice and Forgiveness in South Africa," *Jewish Affairs* 51, no. 3 (Spring 1996).

similar to Judaism's *teshuva*.[33] In modern Islamic politics, as in the other Abrahamic faiths, though, other debates have overshadowed reconciliation, not least the question of the legitimacy of the nation-state itself.[34] But today, both the Middle East conflict and debates over reconciliation in transitional justice proceedings in Muslim majority states like Morocco, Algeria, and Sierra Leone give urgency to the development of an Islamic conception of reconciliation.[35]

If reconciliation is the conceptual center of gravity among religious perspectives on transitional justice, what are its common features and how does it differ from the focuses of the liberal human rights tradition? To the degree that reconciliation enjoys a shared meaning, it is "restoration of right relationship." But does not the liberal human rights tradition also advance a form of right relationship in which the members of a political community come to respect one another – as well as members of other states with whom they have been at war – as citizens with full rights? Though religious conceptions often encompass this dimension of right relationship, they usually also envision something fuller: the confession and repentance of perpetrators, the forgiveness of victims, the empathetic acknowledgment of suffering on the part of other citizens, and the overcoming of enmity. These, of course, are just the sort of transformation whose place in politics makes at least some liberal critics nervous.

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[33] On these rituals, see also George E. Irani and Nathan C. Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," *Arab Studies Quarterly* 20, no. 4 (1998).
[34] See Sohail Hashmi, "Islamic Ethics in International Society," in *International Society: Diverse Ethical Perspectives* (Princeton, NJ: Princeton University Press, 1998), 221-7; James Piscatori, *Islam in a World of Nation-States* (Cambridge: Cambridge University Press, 1986).
[35] For other discussions of reconciliation in Islam, see De Gruchy, *Reconciliation*, 113-43; Carol Schersten LaHurd, "`So That the Sinner Will Repent´: Forgiveness in Islam and Christianity," *Dialog* 35, no. 4 (Fall 1996). For Islamic explorations of the idea of restorative justices, see Ammar, "Restorative Justice In Islam" Sachedina, *Islamic Roots of Democratic Pluralism*.

Another difference between the traditions' outlooks on transitional justice is, obviously, their foundations. The liberal human rights tradition relies upon reason alone, and certain kinds of reason at that: Kantian and utilitarian. Religious arguments for reconciliation in the Abrahamic traditions are typically rooted in the character, purposes and actions of God as these are recounted in scriptures, not primarily in natural law or other modes of philosophical reasoning. The "vertical" relationship between God and humanity is the source and model for "horizontal" reconciliation within political communities. Perhaps the most sophisticated of the theological reflections on reconciliation of recent years is Yale theologian Miroslav Volf's *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*. A Croat, Volf defended his argument for "the will to embrace" while his own country fought a bloody ethnic war with Serbia and Bosnia in the early 1990's. In the book's preface, Volf recalls the question of his mentor, the prominent German theologian Jürgen Moltmann, following one of Volf's lectures: "But can you embrace a *četnik* (Serb fighter)?" Volf's answer was "No, I cannot – but as a follower of Christ I think I should be able to." Out of this answer flows the argument of his book – an appeal for the practice of a social and political reconciliation that reflects the self-donating love of God, a love that expresses solidarity with victims and wills their liberation, but also, more surprisingly, liberates perpetrators "from the injustice committed through oppression."[36]

"But what about truth and justice?" Volf then asks, anticipating readers' natural next question. Does embrace mean foregoing the struggle to overthrow and eventually punish regimes that practice systematic cruelties? Volf and most other recent theologians

[36] Volf, *Exclusion and Embrace*, 9, 23.

of reconciliation want to answer no, this aspect of justice is essential.[37] But several of them also answer more ambitiously, redefining the very meaning of justice so as to encompass, but also exceed, human rights and just punishment. In the Jewish scriptures, the words that translate to the English "justice" – *sedeqah* and *mishpat* – also translate into righteousness, meaning comprehensive right relationship as revealed in God's covenants with humanity.[38] The same goes for the various Greek New Testament words for justice that begin with the *dik*- stem, including *dikaiosunē*, the word that St. Paul uses to denote his central concept of "justification."[39] The Arabic *'adl*, the term that is most commonly translated into justice in the Qur'an, similarly means thoroughgoing right relationship.[40] From these scriptural perspectives, reconciliation, which means restoration of right relationship to a state of right relationship, can equally well mean

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[37] For Volf's treatment of questions of justice, see Ibid., 193-231; and Miroslav Volf, "Forgiveness, Reconcilation, and Justice: A Theological Contribution to a More Peaceful Social Environment." *Millenium* 29, no. 3 (2000), pp. 861-77.

[38] See Elizabeth Achtemeier, "Righteousness in the OT," ed. G.A., 4, The Interpreter's Dictionary of the Bible (Nashville, TN: Abingdon, 1962); Moshe Weinfeld, *Social Justice in Ancient Israel* (Minneapolis, MN: Augsburg Fortress Publishers, 1995).

[39] Christian theologians who argue that biblical justice can be understood as right relationship, a definition that converges with the definition of reconciliation, include, *inter alia*, Christopher D. Marshall, *Beyond Retribution: A New Testament Vision For Justice, Crime and Punishment* (Grand Rapids, MI: Eerdmans, 2001); De Gruchy, *Reconciliation;* E.P. Sanders, *Paul and Palestinian Judaism* (London, UK: SCM, 1977); John R. Donahue, S.J., "Biblical Perspectives on Justice," in *The Faith That Does Justice*, ed. John C. Haughey (New York, NY: Paulist Press, 1977), pp. 68-112; ; Duncan Forrester, "Political Justice and Christian Theology," *Studies in Christian Ethics* 3, no. 1 (1990); Kathryn Tanner, "Justification and Justice in a Theology of Grace," *Theology Today* 55, no. 4 (2006); John C. Haughey, "Jesus As the Justice of God," in *The Faith That Does Justice*, ed. John C. Haughey (New York, NY: Paulist Press, 1977); N.T. Wright, *Evil and the Justice of God* (Downers Grove, IL: InterVarsity Press, 2006); Howard Zehr, *Changing Lenses* (Scottdale, PA: Herald Press, 1990); Torrance, "Theological Grounds"; Harold Wells, "Theology for Reconciliation: Biblical Perspectives on Forgiveness and Grace," in *The Reconciliation of Peoples: Challenge to the Churches*, ed. The reconciliation of peoples: Challenge to the churches (Maryknoll: Orbis Books, 1997), Ada María Isasi-Díaz, "Reconciliation: An Intrinsic Element of Justice," in *Explorations in Reconciliation: New Directions in Theology*. ed. David Tombs, and Joseph Liechty (Burlington, VT: Ashgate Publishing Company, 2006); P.T. Forsyth, *The Justification of God* (London, UK: Duckworth, 1916); Karl Barth, *Church Dogmatics*, no. IV/1, trans. G.W. Bromiley (Edinburgh: Clark, 1956); Volf, *Exclusion and Embrace*, 220-5; and Krister Stendhal, *Paul Among Jews and Gentiles* (London, UK: SCM, 1977). Colin Gunton, *The Actuality of Atonement* (Grand Rapids, MI: William B. Eerdmans, 1989), 102-3.

[40] See Majid Khadduri, *The Islamic Conception of Justice* (New York, NY: Johns Hopkins University Press, 1984), 3-12; Omar, "Between Compassion and Justice".

restoration of justice to a state of justice. On this view, we could even say that reconciliation is itself a conception of justice, much as Volf argues towards the end of *Exclusion and Embrace* that embrace is "part and parcel of the very definition of justice."[41]

This way of looking at justice is a further distinctive feature of religious conceptions. It is much like what has come to be known as restorative justice.[42] Developed first in the context of juvenile criminal justice systems in English speaking countries in the 1970's, then brought into the context of nationwide transitional justice by Tutu in South Africa, restorative justice responds to past evil by seeking to restore relationships among perpetrators, victims, and community members with respect to the distinct ways in which violence has severed these relationships. In transitional settings, restorative justice includes human rights and possibly punishment, though it defends punishment differently than retributivism and consequentialism, but it also includes several other dimensions of restoration like apology, acknowledgment, reparations, and, the dimension of transitional justice that religious perspectives most distinctly advocate, forgiveness.

Forgiveness hovers close to the center of gravity of recent religious perspectives on transitional justice. It is their final distinctive feature. As with justice, these authors define forgiveness more ambitiously than most modern secular authors do.[43] Rather than an act that merely lets perpetrators "off the hook" for deserved crimes, forgiveness is a victim's own exercise of a will towards restoration, an act through which she herself may

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[41] Volf, *Exclusion and Embrace*, 220.
[42] For a theological explanation and defense of restorative justice, see Marshall, *Beyond Retribution*.
[43] An exception would be the secular arguments of Trudy Govier in *Forgiveness and Revenge*. Interestingly, she adds an appendix that explores religious perspectives.

come to be restored as well. The warrants and ethics of forgiveness differ among the faiths. Jewish and Muslim scholars describe forgiveness as bestowed and commanded by God, and most of them make it conditional upon the prior repentance of perpetrators. In Christianity, forgiveness is a participation in the forgiving act of God in Jesus Christ.[44] Though Christian theologians are divided on the issue, many argue that victims may forgive unilaterally, absent prior repentance. The practice of forgiveness in public settings is perhaps the most innovate as well as controversial proposal for politics that the recent bevy of religious arguments about transitional justice has put forth.

People will differ over the merits of these religious arguments according to their commitments. Anyone, though, can credit these arguments for their creativity. They testify to the riches that traditions can offer. Religious ethicists of reconciliation retrieve from the claims and texts of their faith a way of thinking about justice that differs significantly, but not completely, from the liberal human rights tradition and offers it to the modern politics of societies that are dealing with their past. Their holistic approach of restoration may well enhance such politics -- but not without further intellectual labor. It is in their application to politics that theologies of reconciliation require more development. What norms for political action emanate from the religious traditions' center of gravity? How does a theology of reconciliation tackle ethical dilemmas that arise in the political realm? What is needed is an ethic of reconciliation.

A model for such an ethic is the just war tradition, whose great pioneers, Augustine and Aquinas, and contemporary religious proponents alike typically begin with theological and philosophical premises about God, love, justice, and derive from them concrete guidelines for the statesperson and the soldier: norms of *jus ad bellum* that

[44] For a particularly lucid and bold explication of this idea, see Torrance, "Theological Grounds".

govern when war may be undertaken, and ones of *jus in bello* that prescribe how it may be fought. Today, the tradition has been incorporated into international law, is taught in military academies, and is invoked in political speeches if not always in political actions. An ethic of political reconciliation might not only be patterned on the just war framework but could potentially extend its very scope, offering moral guidance for building peace after hostilities have ended.[45]

At the top of ethicists' agenda ought to be the tension between forgiveness and punishment. Most of the theologians who advocate forgiveness take care not to void punishment. But how are the two practices compatible? It is a question for ethical theory: Can the two practices be justified consistently and complementarily? But also for practice: Reconciliation and retribution, forgiveness and punishment, amnesty and accountability have been pitted against each other in transitional settings all over the world. Can both practices coexist institutionally? If so, how?[46] Good answers will confront the issue of agency. What are the respective roles of the state, of victims, faction leaders and perpetrators in forgiveness and punishment?

Questions of agency extend from forgiveness to the practices of reparations and apology. Can groups undertake these practices? Can leaders undertake them on behalf of their members? If so, must they in some way respect the prerogative of their members to participate? Can the living forgive, apologize, or receive reparations on behalf of the dead? Reparations are particularly tricky: Who are the proper recipients? How much are they to be paid? One of the most difficult dilemmas for transitional justice arises when

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[45] For authors who have sought to develop a *jus post bellum*, see Brian Orend, "Justice After War," *Ethics and International Affairs* 16, no. 1 (Spring 2002); Gary J. Bass, "Jus Post Bellum," *Philosophy and Public Affairs* 32, no. 4 (Fall 2004).

[46] For one theological exploration of the question, see Pope, "The Convergence of Forgiveness and Justice".

achieving a peace agreement or regime transition appears possible only at the expense of sacrificing the prosecution of human rights violators. Should peace – or perhaps more accurately, the justice of a *Rechtstaat* – be preferred to prosecutions? Though many ethicists have by now taken up these questions, few have considered them from the standpoint of a religiously based perspective of reconciliation. This distinct center of gravity portends distinct answers.

If they are to be realized in politics, religious perspectives must not only prove their distinctiveness from the liberal human rights tradition but also address its skepticism. One of the trademarks of modern liberal democracy, which most of the religious perspectives endorse as a goal of transitions, is limitations on politics and respect for the freedom of individuals, families, and civil society. But religious perspectives speak of justice as comprehensive right relationship and call for forgiveness, apology, and other practices that involve transformation of the heart. Do such transformations belong in politics? Or are they illicit soulcraft? Recall the skepticism of several liberal political philosophers. The outcome of this debate depends on arguments on the proper place of virtue in politics, the location of the line between the personal and the political, and the competence of state institutions to bring about such transformations. Perhaps governments may justly encourage forgiveness and like measures while also showing great respect for the right of victims to choose them or refuse them. Perhaps it is within civil society that a religious ethic is realized fullest and best. Religious ethicists have far more to tell us about the possibilities and limits of the political.

Recall, too, that the very religiosity of the religious evokes liberal skepticism. Are religious advocates of reconciliation obligated to speak secular language in the public

realm? To accompany religious arguments with public language?[47] If they have no such obligation, might there still be good reasons for them to develop and deploy secular arguments, say when they are dealing with an international organization or a secular non-governmental organization, when they are operating in a pluralistic population, or when they are dealing with matters of constitutional law? Or do such "translations" only distort, compromise, and neuter their theological rationales? Again, religious commentators on transitional justice have much yet to tell us.

The Doers

In founding the International Center for Religion and Diplomacy (ICRD) in 1999, Douglas Johnston declared that he wanted to created a "do tank" and not another "think tank." Johnston himself is editor of two volumes of essays on the role of the religious in making peace, the first of which, *Religion, The Missing Dimension of Statecraft*, co-edited with Cynthia Sampson, was one of the seminal efforts to bring the work of religious peacemakers to the world's attention, the second of which, *Faith-Based Diplomacy: Trumping Realpolitik*, is a sequel to the first.[48] By now, a collection of literature on the subject – mostly edited volumes, but some articles and monographs as well – is in print. These works in fact blur the line between doing and thinking, offering general analyses and conceptual overviews along with a plethora of case studies. Their

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[47] For a sampling of some of the best arguments in the debate over public reason, see Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, MD: Rowman and Littlefield Publishers, 1997); Christopher J. Eberle, *Religious Conviction in Liberal Politics* (Cambridge, UK: Cambridge University Press, 2002); John Rawls, "The Idea of Public Reason Revisited," in *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).
[48] Douglas Johnston and Cynthia Sampson, eds., *Religion: The Missing Dimension of Statecraft* (New York, NY: Oxford University Press, 1994); Douglas Johnston, ed., *Faith-Based Diplomacy: Trumping Realpolitik* (Oxford, UK: Oxford University Press, 2003).

focus is not on theology, philosophy, or political theory, but rather on the efforts of practitioners. Their work might be called "theory of praxis."[49]

Let us exercise caution, though, against thinking that this literature portrays the sum total of the world's religious peacemaking activities. We do well to remember the story of the man who, when asked why he is searching for his key under a lamppost during the night, responds that here is where the light is. In the past several years, I have witnessed multitudinous religious efforts to build peace, ranging from the diplomacy of bishops and ulema to the exertions of village leaders, both as an observer in the Philippines and Colombia and as a participant in Kashmir.[50] Similar efforts occur on

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[49] R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2000); Douglas Johnston, Editor, *Faith-Based Diplomacy: Trumping Realpolitik* (Oxford, UK: Oxford University Press, 2003); Douglas Johnston, *Religion: The Missing Dimension of Statecraft* (New York, NY: Oxford University Press, 1994); Mary Ann Cejka and Thomas Bamat, eds. *Artisans of Peace: Grassroots Peacemaking Among Christian Communities* (Maryknoll, NY: Orbis Books, 2003); Harold Coward and Gordon S. Smith, Editors, *Religion and Peacebuilding* (Albany, NY: State University of New York Press, 2004); David Little, Editor, *Peacemakers in Action: Profiles of Religion in Conflict Resolution* (Cambridge, UK: Cambridge University Press, 2007); Cynthia Sampson and John Paul Lederach, *From the Ground Up: Mennonite Contributions to International Peacebuilding* (New York, NY: Oxford University Press, 2000).; David R. Editor Smock, "Religious Contributions to Peacemaking: When Religion Brings Peace, Not War," *Peaceworks* 55 (2006).; David R. Smock, Editor, *Interfaith Dialogue and Peacebuilding* (Washington, D.C.: United States Institute of Peace, 2002); John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C.: United States Institute of Peace, 1997); Dennis R. Hoover and Robert A. Seiple, Editors, *Religion and Security: The New Nexus in International Relations* (Lanham, MD: Rowman and Littlefield, 2004); *Peacebuilding: A Caritas Training Manual* (Vatican City: Caritas Internationalis, 2002); and, generally, *The Review of Faith and International Affairs*. The works of Abu-Nimer and Gopin also ought to be included here, for they deal with practice as much as theology. See Abu-Nimer, *Nonviolence and Peace Building in Islam*; Tsjeard Bouta, S. Ayse Kadayifci-Orellana, and Mohammed Abu-Nimer, "Faith-Based Peacebuilding: Mapping and Analysis of Christian, Muslim, and Multi-Faith Actors," (Washington, D.C.: Netherlands Institute of International Relations "Clingdael" in Cooperation with *Salam* Institute for Peace and Justice, 2005).; Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford, UK: Oxford University Press, 2000); Marc Gopin, *Holy War, Holy Peace* (Oxford, UK: Oxford University Press, 2002); Marc Gopin, "Judaism and Peacebuilding in the Context of the Middle Eastern Conflict," in *Faith-Based Diplomacy: Trumping Realpolitik*, ed. Douglas Johnston (Oxford, UK: Oxford University Press, 2003); Marc Gopin, "Appendix: Peacemaking Qualities of Judaism As Revealed in Sacred Scripture," in *Faith-Based Diplomacy: Trumping Realpolitik*, ed. Douglas Johnston (Oxford, UK: Oxford University Press, 2003).

[50] I have worked for faith-based reconciliation in Kashmir as a Senior Associate of the International Center for Religion and Diplomacy under the leadership of Senior Vice President F. Brian Cox. See Cox's *Reconciliation Basic Seminar: An Experience of Imparting a Vision of Faith-Based Reconciliation That Transforms People and Societies* (2000).

every continent, the vast majority of which are never exposed by the "lamplight" of books published by Oxford or Cambridge University Press. This noted, what has this literature taught us about religious contributions to transitional justice?

Forms of Religious Influence on Transitional Justice

Many of the recorded religious contributions involve transitional justice only in the widest sense: They bring about peace and justice where little existed before. Some occur within civil society and do not engage governments directly; some occur within conflicts rather than after conflicts. Not all of them directly invoke the concept of reconciliation. They involve mediation between government and opposition forces in civil wars and regime transitions, forging cooperation between leaders of different religions, building "zones of peace" in rural villages, training citizens and leaders in conflict resolution, performing rituals of reconciliation, building friendships and communities between members of hostile religious and communal groups, imparting moral vision to civil society leaders, healing victims of trauma and promoting forgiveness at the grassroots, conducting advocacy with national governments and international organizations, and more.

Religious leaders and activists, though, also influence transitional justice in the sense that the term is most commonly used: in political efforts to address the injustices of a previous regime or period of civil war. In those places where they have proved to be influential in shaping these political efforts, religious actors have almost always promoted truth commissions, with prominent exceptions in East Timor and post-communist Germany, where at least some religious leaders have advocated for trials in addition to truth commissions. There are two aspects of transitional justice institutions that religious

leaders have shaped: their formation and their conduct. Most dramatic are cases where the religious have organized and carried out the work of a truth commission, unofficially or secretly. The Catholic Church in Chile and Catholic and Protestant leaders in Brazil investigated the human rights violations of their countries' dictators and later supplied this information to truth commission reports following transitions to democracy. In Guatemala, following a peace agreement that ended three decades of civil war, the Catholic Church, led by Archbishop Juan Gerardi, launched its own Recovery of Historical Memory Project (REMHI), a truth commission that was impressive for the scope of human rights violations that it reported and for the personalist nature of its investigations, which provided psychological and spiritual support for victims. Elsewhere, in South Africa, East Timor, Peru, Sierra Leone, and Germany, religious actors have lobbied their governments for truth commissions, advocated publicly for truth commissions, and, when these actors are lay political leaders, used their power and prerogatives to influence their country's transitional justice institutions.

Once transitional justice institutions have been selected and formed, religious actors sometimes participate in their conduct. Most famously, Tutu led South Africa's Truth and Reconciliation Commission – decked out in full episcopal regalia and frequently invoking religious language and ceremony. In South Africa, religious communities also testified at the country's unique hearings for corporate entities, as did businesses, journalists, parties, and other groups. Not only in South Africa, but also in Guatemala, Peru, East Timor, and Sierra Leone, religious communities contributed logistical support, assisting in organizing and carrying out hearings, finding and encouraging victims and witnesses, and providing counselling once hearings were over.

Often they shaped the terms of the public communication and debate surrounding commissions, sometimes bringing the concept of reconciliation into the discourse.

In other countries, by contrast, religious communities played little role at all in forming or conducting institutions for transitional justice. Most starkly, established churches in Rwanda – Catholic, Anglican, and Presbyterian – have exercised little influence on state-level efforts to deal with the past, though they have issued statements of repentance for the role of their own members in the genocide and conducted work for reconciliation in civil society. In Latin America, the Catholic Church had little to do with the work of truth commissions in Argentina or El Salvador. Nor did it wield much sway in the Czech Republic's choice to conduct a "lustration" scheme that disqualified collaborators with the Communist State Security Corps (Stb) from holding office in the new regime. In the former Yugoslavia, too, religious communities did little to bring about the international and national trials that did occur, or, aside from a few exceptions, to lobby strongly for a truth commission that did not occur.

Where religious leaders and communities are effective in shaping transitional justice, in whatever form this justice takes, whether on the state or the civil society level, they bring certain assets to bear upon their work. First, they derive authority from the status that their community enjoys in their society, a status that in turn derives from the principles and beliefs of the community as well as its record of involvement in political matters.[51] Some leaders carry their own charisma as well. Religious actors deploy this authority apart from whether they advocate their cause in religious language. Catholic Bishop Carlos Belo of East Timor, for instance, drew upon his country's Catholicity as

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[51] Douglas Johnston and Brian Cox, "Faith-Based Diplomacy and Preventive Engagement," in *Faith-Based Diplomacy: Trumping Realpolitik*, ed. Douglas Johnston (Oxford, UK: Oxford University Press, 2003), 14.

well as the Church's history of supporting the country's struggle against Indonesia in championing trials for Indonesian generals who violated the human rights of the East Timorese. Likewise, Iraqi Ayatollah Ali al-Sistani has drawn upon his prestige as a top cleric to urge Shi'ite Iraqis to give their support to a unified national government.[52]

Second, religious leaders are motivated and shaped by a set of ideas, doctrines, and beliefs about politics that flows from the divine purposes that are expressed through their scriptures and traditions. The connection between the vertical and the horizontal that we saw in the work of Miroslav Volf is typical of their thinking, only here it motivates political action rather than a sophisticated theology.

Third, religious practitioners of transitional justice retrieve rituals and practices from their traditions for the purpose of political healing. Gopin, for instance, has proposed that the Jewish practice of *aveilus* could help to heal memories of lost relatives, homes, and land in the Middle East.[53] ICRD's work in Kashmir features a faith-based ritual of reconciliation at the close of a four day seminar on reconciliation, one in which dramatic expressions of healing and forgiveness have taken place.[54]

Religious approaches to transitional justice tend also to stress the personal: building relationships and transforming hearts and minds. Though this focus is neither exclusive to nor exhaustive of religious activity, it is a trademark of it – and a fourth asset. The personal pervaded Tutu's conduct of South Africa's TRC, just as it pervades the Mennonites' grassroots, communal approach to peacebuilding. "In my estimation the starting point for understanding and supporting reconciliation processes is a reorientation

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[52] At least at one time this was true. At the time of this writing, Sistani has withdrawn from Iraqi public life by and large.
[53] Gopin, *Between Eden and Armaggedon*, 172.
[54] Brian Cox and Daniel Philpott, "Faith-Based Diplomacy: An Ancient Idea Newly Emergent," *The Review of Faith and International Affairs* 1, no. 2 (2003): 38-39.

toward the centrality of relationships. It is in the ebb and flow, the quality interdependence [*sic.*] of relationships that we find the birthplace and home of reconciliation," writes Mennonite John Paul Lederach, a pioneer in peacebuilding.[55]

Finally, at the center of gravity of religious approaches, in practice as in theory, lies reconciliation, involving forgiveness, apology, healing enmity between estranged groups within and between communities, and all of the other themes embedded in theologies of reconciliation. In their extensive soon-to-be-published survey of faith-based and secular NGOs working in transitional justice, political scientists Leslie Vinjamuri and Aaron P. Boesenecker find that "attention to long-term comprehensive social reconciliation . . . has become a hallmark of religious actors engaged in transitional justice."[56]

The Way Ahead for the Religious Practice of Transitional Justice

What the literature on the religious practice of transitional justice, and more broadly, peacebuilding, has conveyed to the world is a treasure trove of approaches, episodes, stories, and analyses. Authors, editors, and, most of all, the practitioners that they write about have advanced an important and distinct realm of practice and inquiry. Religion is no longer a missing dimension of statecraft. But if the challenge of theologians and other religious theorists in this area is to take a step towards practice, the challenge of the literature on praxis is now to take another step towards theory. To be sure, many of the works identify common characteristics and "lessons learned" from

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[55] John Paul Lederach, "Five Qualities of Practice in Support of Reconciliation Processes," in *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation*. ed. S.J. Helmick, Raymond G., and Rodney L. Petersen (Philadelphia, PA: Templeton Foundation Press, 2001), 185.

[56] Leslie Vinjamuri and Aaron P. Boesenecker, "Religion, Secularism, and Nonstate Actors in Transitional Justice," in *The New Religious Pluralism*, ed. Thomas Banchoff (Oxford, UK: Oxford University Press), 9. As discussed below, Vinjamuri and Boesenecker argue that not all religious actors in fact invoke explicitly religious languages and methodologies. Reconciliation is a hallmark among those who do.

religious peacebuilding. But systematic analysis of the religious practice of transitional justice has only begun. What can we learn through comparative generalization about such practice justice? Rigorous answers to this question – the logical sequel to the first wave of analyses of religious practice – would serve inestimably the interests of both practitioners and scholars.

What follows, then, is an agenda for research. It consists of four broad sets of questions.

1) What sort of actors are religious practitioners of transitional justice, and how do they contrast with other kinds of political and religious organizations and institutions? Are there existing sociological concepts that can describe them?
2) What distinguishes different religious approaches to transitional justice?
3) What defines effectiveness, and what characterizes those that are most effective?
4) What ethical dilemmas does religious peacebuilding face?

The first question asks where religious practitioners of transitional justice and peacebuilding are located within the global atlas of religious and political organizations. Do they replicate or resemble other sorts of actors? Complement them? Reinforce them? Oppose or speak against them? Overall, there are two kinds of religious actors that seek to help societies deal with pasts of civil war and authoritarianism. The first is the rough equivalent of a non-governmental organization. These are independent, free-standing, and relatively autonomous in their budget and their activities. They are a small manifestation of the global explosion of NGOs in the last century.[57] In some cases,

[57] See John Boli and George M. Thomas, "INGOs and the Organization of World Culture," in *Constructing World Culture : International Nongovernmental Organizations since 1875*, ed. John Boli and George M. Thomas (Stanford, CA: Stanford University Press, 1999).

peacebuilding is conducted by an office or subsidiary of a much larger independent faith-based organization like World Vision, which is primarily a relief and development organization. Rare is there a large organization that is solely devoted to religious peacebuilding such as the World Conference on Religion and Peace, which has affiliates in more than 70 countries, or the similarly wide International Fellowship of Reconciliation. Most of the faith-based NGOs that work in peacebuilding are small, comprising a single office and a handful of people, like ECONI (Evangelical Contribution on Northern Ireland), a Christian organization that works for reconciliation among estranged groups in Northern Ireland in the wake of the Good Friday Agreement of 1998, the International Center for Diplomacy, the Coalition for Peace in Africa (Kenya), and the Salam Institute for Peace and Justice, a U.S.-based Muslim organization. Some of them are largely the work of a single person, as is the Foundation for Relief and Reconciliation in the Middle East, which supports the faith-based peacebuilding work of Anglican Canon Andrew White, now focused largely in Iraq. Other initiatives in faith-based peacebuilding are the work of a single person who holds a position in a university or other organization. Examples include Mark Gopin and Mohammed Abu-Nimer, whom I have already mentioned, John Paul Lederach, a Mennonite peacebuilder who is a professor at the Joan B. Kroc Institute at the University of Notre Dame, and David Steele, who has conducted reconciliation work in the Balkans as a member of the Center for Strategic and International Studies and the Mercy Corps Conflict Management Group.

At present, faith-based peacebuilding networks operate fairly independently of one another. Though they know about and often communicate with one another, they do

not coordinate their work in the way that "transnational advocacy networks" of environmental, human rights, and women's rights have worked together to bring change on particular issues, as described by political scientists Margaret Keck and Kathryn Sikkink.[58] By comparison, religious peacebuilders are diverse and diffuse. A more integrated network of religious peacebuilding organizations might become the brainchild of an entrepreneur. But none yet exists.[59]

A second kind of religious actor that plays a part in transitional justice is an organization or person that derives its authority, legitimacy, prestige, and often a good part of its effectiveness from its direct membership in a world religion. The Catholic Church, for instance, hosts the Community of Sant'Egidio, a public lay association that was instrumental in bringing peace to Mozambique between 1990 and 1992, Pax Christi, a peace organization, Catholic Relief Services, a large and prestigious relief and development organization that has adopted peacebuilding as one of its central activities, and individual leaders like Bishop Juan Gerardi in Guatemala and Carlos Belo in East Timor. Lutheran pastors Joachim Gauck and Rainer Eppelman, both former dissidents in communist East Germany, were important in the politics of reconciliation in post-unification Germany. The Mennonite Central Committee, a widely respected organization in relief, development, and peacemaking, is closely tied to the Mennonite Church. Pastors and imams who forged relationships for peace in the wake of violence in Nigeria each gained authority and prestige by their position in their faith communities.[60]

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[58] Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

[59] Something like such a network has formed within the global Catholic Church, the Catholic Peacebuilding Network. But this more closely approximates the second kind of organization, the one that I am about to describe.

[60] David R. Smock, "Mediating between Christians and Muslims in Plateau State, Nigeria," *Peaceworks. Religious Contributions to Peacemaking: When religion brings peace, not war* 55 (2006).

In present day Iraq, Ayatollah Sistani garnered prestige from his position as a top Shi'ite cleric. Because of these peacebuilders' vital connection to a larger religious body, the concept of "transnational advocacy networks" does not fit them well, either. The religious bodies themselves are far closer to what Susanne Rudolph has called "transnational civil society"[61] – transnational social actors that comprise hundreds of millions of members and are often a major cultural and political player in the societies where they are found. Their peacebuilders are not independent agents but something like departments within a huge conglomerate. They derive their authority from the status that their religious body enjoys as an enormous transnational entity, but also, importantly, from the religious body's character in the country where they operate. The success of Catholic Relief Services in building peace and addressing the injustices of a generation-long civil war in Colombia, for instance, is highly dependent upon the relationship of the Colombian Catholic Church to its national government and the various armed factions.[62]

Again, we do well to remember the key searcher and the lamplight. Many religious peacebuilders will evade even the rays emitted by these two large categories, NGOs and members of transnational religions. In their extensive report, "Faith-Based Peacebuilding: Mapping and Analysis of Christian, Muslim, and Multi-Faith Actors," Tsjeard Bouta, S. Ayse Kadayifici-Orellana, and Mohammed Abu-Nimer make the point that Muslims peacebuilders often operate in traditional societies built on "kinship,

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[61] Susanne Hoeber Rudolph, "Introduction: Religion, States, and Transnational Civil Society," in *Transnational Religion and Fading States*, ed. Susanne Hoeber Rudolph and James Piscatori (Boulder, CO: Westview Press, 1997).

[62] For an excellent work on the relationship between the international Catholic church and national Catholic churches, see Timothy A. Byrnes, *Transnational Catholicism in Postcommunist Europe* (Lanham, MD: Rowman and Littlefield, 2001).

tribalism, and family ties," in contrast to Western societies, which are "individualistic, professional, and bureaucratized." As a result,

> their visibility seems to depend on the personal communication and language skills of the individuals involved in terms of connecting with non-Muslim groups, organizations, academic institutions, and the media, their fund-raising skills and whether they are adopted or supported by non-Muslim, mostly Christian, groups. As many groups lack or do not have the time to develop these skills, it is difficult to identify Muslim peace-building actors without field research that includes interviews with various groups in those communities.[63]

The problem points to one of the areas where research can be most fruitful: identifying the range of religious actors – individuals, communities, organizations – who engage in peacebuilding, especially those who take a form that Westerners are not accustomed to. Anthropologist Rosalind Shaw, for instance, studied the reception of Sierra Leone's Truth and Reconciliation Commission on the village level and found that national level processes often comported ill with local tribal traditions for addressing past injustices.[64] More attention to local and community level faith-based actors who help populations deal with the past would fill an important gap in our knowledge of religion and transitional justice. Accounts of other ways in which religious peacebuilders organizations vary, according to their local and transnational linkages, their composition of clerical and lay actors, their size, and their structures, can also fill out this *terra nullius* in our atlas.

A thorough atlas, though, would include not just a map of the varieties of religious shapers of transitional justice but a timeline of their trajectory. Although religious peacebuilders date at least as far back as St. Francis of Assisi, those who shape

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[63] Bouta, Kadayifci-Orellana, and Abu-Nimer, "Faith-Based Peacebuilding: Mapping and Analysis of Christian, Muslim, and Multi-Faith Actors," 6.
[64] Rosalind Shaw, "Forgive and Forget: Rethinking Memory in Sierra Leone's Truth and Reconciliation Commission," (United States Institute of Peace, 2004).

transitional justice, of course, are far more recent. When exactly did they emerge? Are they growing more numerous? Or have they peaked? Do they have a life cycle? If so, in what stage of it are they? It may be that religious shapers of transitional justice are on a path somewhat like what political scientists Martha Finnemore and Kathryn Sikkink have described for international norms: first they enter a stage of "emergence" where "entrepreneurs" build organizations and advocate their cause from within them; second, there follows a "norm cascade" in which a swarm of states adopts the norm; and third, the norms are "internalized" into law, bureaucracies, and professions who make them a regular part of political life.[65] Although religious peacebuilders are actors, not norms, might they nevertheless follow an analogous pathway? It is fair to say, at least within the limits of given knowledge, that religious peacebuilding organizations, whether NGOs or groups within religious bodies, have emerged but have not yet cascaded. The efforts catalogued thus far are too few, insufficiently imitated, and too seldom embraced by governments as normal political actors to be considered widely institutionalized or regularized. Closer to a cascade is the norm that religious actors (and others) have urged upon truth commissions: reconciliation. Since South Africa followed Chile in making reconciliation the central theme of its truth commission, a wave of other states have followed suit: Sierra Leone, East Timor, Peru, Ghana, and others. Still, it is difficult to argue that reconciliation has become an ensconced norm in the "global polity" or the "normal" approach to which transitional countries default. Other countries have decided against making it their central theme. The concept remains disputed.

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[65] Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998).

A final orienting dimension of the conceptual atlas is the contrast between religious and secular organizations that involve themselves in transitional justice. As I already argued, liberal approaches to transitional justice reflect a "global polity" characterized by enlightenment values of individual freedom, market economies, and rights. Two sociologists of the "global polity" school, John Boli and George M. Thomas, corroborate that similar values have characterized the INGO revolution.[66] Religious actors, at least those who espouse the paradigm of reconciliation, can be viewed as something like what political philosopher Nancy Fraser has called "counterpublics" – challengers of the dominant discourse of a society who nevertheless practice "constructive engagement."[67] In his work on reconciliation in South Africa, theorist of rhetoric Erik Doxtader argues further that religious counterparts did not merely challenge *apartheid* in its own terms but imported an altogether different set of concepts and offered it as a new basis for unity.[68] Might religious actors, perhaps less contentiously, also form a "counterpublic" to liberal modes of transitional justice? Further research could investigate this question more deeply. To what degree have religious and liberal paradigms clashed in transitional settings? In what ways do religious actors differ among themselves in their orientation to liberalism? What are the consequences for the politics of reconciliation?

These latter questions begin to elide into the second general question for research: *How do religious approaches to transitional justice differ among themselves?* Two

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[66] Boli and Thomas, "Ingos and the Organization of World Culture."
[67] Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge, MA: Massachusetts Institute of Technology, 1992).
[68] Erik Doxtader, "In the Name of Reconciliation: The Faith and Works of Counterpublicity," in *Counterpublics and the State*, ed. Robert Asen and Daniel C. Brouwer (Albany: State University of New York Press, 2001).

existing works offer insight with maps, typologies, and views of the whole. In his book *Ambivalence of the Sacred: Religion, Violence and Reconciliation*, historian R. Scott Appleby divides religious approaches to his encompassing category of "conflict transformation" into different roles that religious peacebuilders play – conflict management, conflict resolution, and post conflict peacebuilding – as well as different modes that they assume, including "crisis mobilization" that often involves opposition to authoritarian regimes, a "saturation mode" in which religious peacebuilders flood a culture so as to transform it, and an "interventionist" mode that involves mediation and training.[69] The other work is Vinjamuri and Boesenecker's essay "Religious in Transitional Justice," which charts the work of religious and secular actors – churches and NGOs -- in "transitional and post-conflict justice" according to their conception of justice (reconciliation or retributive), the breadth of their language and methodology (communitarian or cosmopolitan), and the domain of their involvement (transnational or local).[70] One of their interesting findings is that religious NGOs are found in virtually all of the same categories in which secular NGOs are found (excepting "cosmopolitan retributivists"), evincing their diversity. Both efforts are rigorous, thorough, and attentive to practitioners' own methodological distinctions. Vinjamuri and Boesenecker's separation of communitarian and cosmopolitan approaches, for instance, captures the differences between religious NGOs that speak explicitly religious language and those that speak a more secular language and strongly resemble secular actors.[71]

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[69] Appleby, *Ambivalance of the Sacred*, 207-44.
[70] Vinjamuri and Boesenecker, "Vinjamuri and Boesenecker, "Religious in Transitional Justice"."
[71] An additional systematic analysis of faith-based peacebuilders is Bouta, Kadayifci-Orellana, and Abu-Nimer, "Faith-Based Peacebuilding: Mapping and Analysis of Christian, Muslim, and Multi-Faith Actors."

Other scholars might add new dimensions of comparison. One might be level of operation, distinguishing actors who work primarily in civil society and those who seek to influence the policies of states. Another might be level of indigenousness, drawing a contrast between those actors who work totally within their own country's borders and those who are headquartered in another state. Researchers might also investigate the operational consequences that flow from whether an organization operates as a free standing entity or whether it is embedded in a much larger religious community. Religious peacebuilders in the Catholic Church, for instance, benefit from a readymade global "infrastructure" of bishops and parishes. Independent faith-based NGOs, by contrast, carry both the freedom and the burden of cultivating their own networks and contacts. Also, what difference does the religion or theological orientation of a religious actor make? Do Muslim and Christian actors take different approaches to transitional justice? Within these religions, does the denomination or sect make a difference?

Typologies in turn lay the groundwork for a third area of inquiry that no one in the field can or should avoid: *What characteristics and methods of religious influencers of transitional justice make them effective?* Strikingly, the praxis literature is virtually entirely laudatory. One reads in vain for boondoggles or even for unsuccessful religious peacebuilders. This is understandable insofar as most of the authors and editors are themselves sympathetic practitioners who seek to encourage a field that was little known prior to their efforts. Launching a new vision requires inspiration, not cold detachment. But now that there exists a deposit of knowledge of a large array of efforts, it is high time that analysts began inquiring into the ingredients of success, drawing upon both positive and negative examples. Practitioners themselves will greatly benefit from the inquiry.

Of course defining success in itself is an analytical challenge, one that is highly dependent on goals, methodology, values, and the "theory of change" that is embedded in the work of any given religious practitioner.[72] Does it involve the achievement of a peace agreement? The achievement of smaller measures? The establishment of an interreligious council? The creation of a truth commission? Attitudinal and cultural change? The criteria for judging a Christian-Muslim zone of peace in the Philippines will look different from those that assess trauma healing work in a Tamil village in Sri Lanka, which differ in turn from those that apply to a national Catholic Church that advocates for a truth commission.

Once success is defined, social scientific research can yield knowledge of what fosters it. Comparative analysis can offer a breadth of judgment, analytical leverage, and the isolation of effectual variables. Ethnographic research and case studies can reveal "thick" understandings, culturally contextual knowledge, and precise causal mechanisms. Survey research can measure changes in attitudes and opinions. One area in which parallel experiences provide grist for comparative analysis is the role of religious actors in shaping their countries' choices for institutions of transitional justice: trials, truth commissions, reparations, and the like. As I noted above, these roles vary from robust and efficacious, as with religious actors in Brazil, Chile, Peru, Guatemala, South Africa, Sierra Leone, East Timor, and the grass-roots of the Protestant Church in East Germany, to weak or impotent, as with religious actors in Rwanda, El Salvador, Argentina, the Czech Republic, Poland, Northern Ireland, and the former Yugoslavia, as well as in the hierarchy of the German Protestant Church. Again, in the preponderance of efficacious

[72] On evaluating the success of peacebuilding NGOs, see John Paul Lederach, Reina Neufeldt and Hal Culbertson, *Reflective Peacebuilding* (Notre Dame, IN: Joan B. Kroc Institute for International Peace Studies, University of Notre Dame and Catholic Relief Services, 2007).

cases, religious actors advocated truth commissions; mainly in the East Timorese Catholic Church and among some German Protestant dissidents did powerful calls for trials arise.

Close observation of these cases reveals two factors that characterized the influential religious actors. First, they carried a political theology of reconciliation fairly widely within their ranks. Political theology is the set of doctrines that political actors hold about political authority and justice. Archbishop Tutu is perhaps the paradigmatic example of a religious leader who spoke and thought about politics in terms of reconciliation, but others have done so, too, like Gerardi in Guatemala, and leaders in Chile, Peru, Sierra Leone, East Timor, and the several other sites where religious was influential.

Second, during the civil war or authoritarian regime preceding the political transition, efficacious actors practiced what sociologists of religion call "differentiation" from the state, that is, institutional autonomy in their governance and activities.[73] But it was a conflictual differentiation, one that they maintained only through struggle against a regime that wanted to suppress their autonomy. From this island of "moral extraterritoriality," to use the vivid phrase of George Weigel[74], many of these religious actors opposed the authoritarian regime or prominently mediated the civil war, activities that gave them the prestige and the deepened institutional autonomy with which they later influenced the transition to democracy or peace. By contrast, religious actors like the Catholic Church in Rwanda, Argentina, or the Czech Republic or Protestant hierarchies

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[73] On differentiation, see Casanova, *Public Religions In the Modern World*; David Martin, *A General Theory of Secularization* (New York: Harper & Row Publishers, 1978).
[74] George Weigel, *The Final Revolution: The Resistance Church and the Collapse of Communism* (Oxford, UK: Oxford University Press, 1992), 151.

in Rwanda or East Germany exercised little distance from their regimes and thus had little influence on transitions. Other actors like the Catholic Church in Poland practiced autonomy (with the exception of some recently collaborator priests) but lacked a widely shared theology of reconciliation and thus had little sway over transitional justice.[75] Orthodox churches of Eastern Europe and Russia were also almost uniformly inefficacious in shaping the politics of the past, and for reasons that corroborate the present argument. A historic pattern of close collaboration with state rulers left them bereft of autonomy from Communist rule, while an accompanying venerable political theology of "caesaro-papism" legitimized this paralyzing symbiosis.

If this argument about differentiation and political theology is correct, it ought also to predict where religious actors will influence transitional justice institutions in the future. Thus far, the vast majority of national efforts at transitional justice have occurred in Christian countries. In part, this is due to an empirical fact: The preponderance of Third Wave democratic transitions, and most of the transitional justice institutions following civil wars, have taken place in majority-Christian countries. But there is some evidence of support for truth commissions among Muslims as well. In South Africa as well as Sierra Leone, whose population is 60% Muslim, prominent Muslim leaders have promoted truth and reconciliation efforts. Morocco is the first country with an almost solely Muslim population to carry out a truth commission. Political leaders and citizens in both Iraq and Afghanistan have expressed strong support for truth commissions or similar institutions. The argument here is that the possibility of truth commissions and

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[75] This argument concerning transitional justice is drawn from research that appears in Daniel Philpott, "When Faith Meets History: The Influence of Religion on Transitional Justice," in *The Religious in Response to Mass Atrocity: Interdisciplinary Perspectives*. ed. Thomas Brudholm, and Thomas Cushman, under review.

national practices of reconciliation depends not solely on what religious is involved – i.e, Christianity, Islam, Judaism, etc., -- but on the political theology and differentiation practiced by the local religious actor.

In the same way that this analysis argues for the importance of differentiation and political theology, other analyses might make the case for other features of religious actors in other areas of transitional justice. Perhaps a religious community's degree of unity affects its ability to carry out concerted action. Perhaps the size of its population or financial base matters. Another important factor is its rootedness in a national community. The Polish Catholic Church's ability to identify with the nation and its history, for instance, was a powerful source of its strength in opposing its communist regime. The degree to which a religious actor is able to establish connections among multiple actors, from grass roots to elites, matters too. The Community of Sant'Egidio, for instance, was uniquely efficacious as a mediator for peace because of its ability, through its methodology of personal friendships, to forge ties with disputant party leaders in Mozambique, church officials in both Mozambique and the Vatican, Italian government officials, the Italian Communist party, American diplomats, and United Nations officials alike.

A fourth and final area begging for further inquiry is the ethics of religious praxis in transitional justice and peacebuilding. Again, the literature is laudatory. But others are asking tough questions. One concerns religious actors' widely shared emphasis on reconciliation: overcoming enmity, building relationships, trust, friendship, and healing. To be sure, some of the theorists of religious praxis seek to integrate these values with the tougher side of reconciliation: punishment, accountability, ensuring social justice. But

some critics will want to press further. Are there some situations in which plain, raw confrontation and coercion are called for? When does reconciliation become a coddling of the evil?

During the apartheid struggle, a group of black theologians in South Africa argued along these very lines in penning the Kairos Document of 1985, upbraiding theologians of reconciliation for opposing apartheid too flaccidly. Today, even as practitioners promote faith-based diplomacy and religious reconciliation as the solution to some of the world's nastiest conflicts, other religiously oriented actors like the U.S. Commission for Religious Freedom argue that oppressive regimes in Saudi Arabia, Sudan, and Burma call for exposure, sanctions, and pressure.[76] In turn, Robert Seiple, the former U.S. Ambassador-at-Large for International Religious Freedom, has criticized the Commission as obtusely confrontational. Seiple himself is the founder of the Institute for Global Engagement, an NGO that promotes religious freedom through building personal relationships with political, religious, and civil society leaders on all sides of the fence in locales where religious freedom is scarce. He cites the example of Laos as a country where IGE's approach succeeded in releasing religious political prisoners – but which the Commission for Religious Freedom decided to sanction anyway.[77] The questions that beg exploration are: In what circumstances does each approach work best? Are some conflicts prone to one or the other type of approach? Does it matter what stage a conflict

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[76] The Commission, established by the International Religious Freedom Act of 1998, contains nine commissioners, not all of whom may agree on all of its recommendations. Generally, though, it is fair to say that the Commission takes a relatively tougher stance towards religious freedom violators than the State Department's Office of International Religious Freedom.

[77] See Robert A. Seiple, "Speaking Out**:** The USCIRF Is Only Cursing the Darkness" *Christianity Today* website, October 1, 2002.

is in – say, before or after a peace agreement or transition to democracy? Is it better, as Seiple put it, to "curse the darkness" or to "light a candle"?

Other ethical questions are relevant, too. Danish scholar Thomas Brudholm has taken to task the Christian advocacy of forgiveness after mass atrocity for being hasty and uncritical. He does not so much call into question the theology or ethical value of forgiveness as he does the practice of forgiveness by leaders like Tutu, who, he believes, often pressured victims to forgive, denied the potential positive value of anger and resentment, ignored the fact that victims might not share his Christian faith, and generally flouted victims' autonomy.[78] On a practical level, his criticisms are quite similar to those raised by Thompson and Gutmann and Ash as noted in the first half of this essay. Religious "doers" of transitional justice and peacebuilding may well come to the defense of one of their favorite practices, forgiveness, and one of their favorite practitioners, Tutu. Brudholm's challenge, though, points to the need for a set of ethics that governs not only forgiveness, but the entire practice of transitional justice and peacebuilding from a religious perspective.

Conclusion

Advocates of religious approaches to transitional justice, both thinker and doers, have their work cut out for them. This is true not because their thinking or writing contains deep flaws, but rather, quite to the contrary, because their collective efforts have succeeded in showing that the perspectives and methods of a distinct kind of actor have much to offer societies who are facing troubled pasts. Theologies of reconciliation, the

[78] Thomas Brudholm, "Ozick's Challenge: Six Reasons to Be Cautious About the Christian Advocacy of Forgiveness After Mass Atrocity," in *The Religious in Responses to Mass Atrocity: Interdisciplinary Perspectives*. ed. Thomas Brudholm, and Thomas Cushman, under review.

role of forgiveness, responses to past injustices that bring multiple remedies to multiple wounds, and religious involvement in peacebuilding both within civil society and at the level of state institutions offer an approach to restoration that is arguably more holistic than, although in many ways compatible with, the approach of the liberal human rights tradition. It is this promise that has led prominent public figures like former United States Ambassador to the United Nations John Danforth to call for the active integration of religion into the politics of peacebuilding.

Theologians can make reconciliation plausible for politics by developing it into practices and tackling ethical dilemmas. Theorists of practice will do well to address some of the analytical and ethical issues that lie beneath the worldwide buzz of religious peacebuilding. Both must answer arguments that the liberal human rights tradition has raised about the religious. If these efforts are successful, then, as Danforth envisions, religious and political leaders might regularly look to one another's abilities and resources as they seek to deal with the past and construct political futures. Whether welcome or not, though, the role of the religious in transitional justice cannot be avoided. Neither the global trend of transitional justice nor the global rise of public religion is likely to peter out soon. Neither then, is the activity that stands at the intersection of these trends.