

THE CONVERGENCE OF FORGIVENESS AND JUSTICE: LESSONS FROM EL SALVADOR

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[Forgiveness and justice need not be understood as diametrically opposite moral responses to human evil. The murder of the Jesuits in El Salvador indicates ways in which truth-telling contributes to justice, and both of these to forgiveness and reconciliation. If the Church is to play a leadership role in reconciliation, it must encourage truth-telling and insist on justice rather than simply preach the easier message of "forgive and forget."]

DOES FORGIVENESS ABANDON or include claims of justice? How is the act of forgiveness related to justice in the case of politically motivated or state sponsored crimes, and especially heinous acts such as abduction, torture, rape, and summary execution? Does such forgiveness depend on the expression of remorse by the perpetrators and does remorse in turn have to be accompanied by a genuine effort to make amends?

This article argues that justice can be an important element, and even a necessary condition, of acts of genuine forgiveness. It addresses not simply forgiveness in the broad sense but what has come to be known in recent years as "political forgiveness" which is given by victims of politically motivated crimes to their perpetrators.¹ It intends to counter the widespread impression among Christians, both theologians and others, that either justice requires the abandonment of forgiveness or vice versa. It will proceed by examining a particular instance of forgiveness, the Salvadoran peace process, the theological-ethical arguments made in its defense, and the criticisms of those arguments. It then offers a normative proposal regarding

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¹ Donald W. Shriver, Jr., *An Ethic for Enemies: Forgiveness in Politics* (New York: Oxford University, 1995); Peter E. Digeser, *Political Forgiveness* (Ithaca, N.Y.: Cornell University, 2001); Russell Daye, *Political Forgiveness: Lessons from South Africa* (Maryknoll, N.Y.: Orbis, 2003).

the proper relation between forgiveness and justice that gives special emphasis to the value of truth-telling within the process of reconciliation.

THE SALVADORAN CONTEXT

The tiny country of El Salvador went through a bloody civil war that lasted from 1980 to 1991. Its history, and the struggle to come to terms with it, raises a host of critically important moral questions about justice, forgiveness, reconciliation, and truth-telling that pertain to many other countries around the world. South Africa, of course, is the most famous society to have struggled in a public and controversial way with this array of issues, but the same is true of Cambodia, East Timor, Rwanda, Bosnia, and many others. Human rights workers have recently applauded official efforts to establish the truth in Peru, Chile, and Brazil. The United States itself might eventually be led into a serious public self-examination and debate regarding its historic treatment of indigenous people, African slaves and the descendants of both populations.

The war in El Salvador wrecked enormous havoc on the Salvadoran people, including 8,000 disappearances and 75,000 deaths, many through assassinations, kidnapping-torture-executions, and death squad massacres. The political left was guilty of some crimes, particularly assassinations, but independent sources attribute a much greater percentage of these murders to the Salvadoran security organizations, paramilitary forces, and death squads.²

The civil war came to an end on January 16, 1992 with the signing of the U.N. brokered peace accords at the Castillo de Chapultepec, Mexico. The peace accords created a new Counsel for the Defense of Human Rights, replaced military security forces with a civilian police force, and took steps to make the judicial branch of government more independent. It also instituted an ad hoc commission on the armed forces that led to the removal over 100 officers from the Salvadoran military.

The peace accords also instituted a U. N. Truth Commission composed of three non-Salvadorans: former Colombian president Belisario Betancur; former Venezuelan foreign minister Reinaldo Figueredo Planchart; and Thomas Buergethal, a George Washington University law professor. The Truth Commission was charged with investigating the “serious acts of violence that have occurred since 1980 and whose impact on society urgently

² See the Report of the Truth Commission, *From Madness to Hope: The 12-Year War in El Salvador*, Report of the Truth Commission for El Salvador (San Salvador and New York: United Nations, 1992–1993), appendix to UN Doc. S/25500, April 1, 1993, 172.

demands that the public should know the truth.”³ The peace accords held that serious acts of violence, “regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law courts so that the punishment prescribed by law is meted out to those found responsible.”⁴ The Truth Commission was charged, among other things, with the task of “clarifying and putting an end to any indication of impunity on the part of officers of the armed forces.”⁵

On March 15, 1993, the Truth Commission issued a document entitled “From Madness to Hope: the 12-Year War in El Salvador.”⁶ It reported some of the most violent episodes in the history of that country and named some of the key individuals responsible for those crimes. It also made a set of recommendations for addressing past crimes and proposed structural reforms of some key Salvadorian institutions. The Commission did not examine every criminal act or provide accounts sufficiently detailed for their prosecution, but it did present an independent public recognition of many of the worst atrocities.

It also provided an official and public criticism of the evasion and deception that was used to protect the agents of these crimes. The Truth Commission provided a formal and independent recognition of atrocities that their perpetrators had denied. Since the crimes are now part of the public record, their existence is much harder to cover up or dispute than it was before the Report. Since the Report was issued by a U.N. committee rather than by the state, its identification of criminal acts of course does not constitute an admission of wrongdoing by the criminals or their supporters. This limitation notwithstanding, Jesuit theologian Jon Sobrino called the Report “the most important official document in the country’s recent history” and he described it as “a symbol of truth, subversion and liberation.”⁷ He hoped that the Report would enable the Salvadoran people “to overcome the past and point the way into the future through telling the truth.”⁸

Needless to say, the Report was not appreciated by all parties in El Salvador, especially those whom it identified as guilty of gross violations of human rights. Critics responded by accusing it of violating national sovereignty, subverting the constitution, attacking the honor of the military, and obstructing national reconciliation.

³ *From Madness to Hope* 18. This mandate is given in Article 2 of the Chapultepec Agreement.

⁴ *Ibid.* See Article 5 of the Chapultepec Agreement.

⁵ *Ibid.*

⁶ This posted on the website of the United States Institute of Peace Library.

⁷ Jon Sobrino, “Theological Reflections on the Report of the Truth Commission,” in *Impunity: An Ethical Perspective: Six Case Studies from Latin America*, ed. Charles Harper (Geneva: World Council of Churches, 1996) 118.

⁸ *Ibid.* 120.

Three days after the publication of the Truth Commission Report, Alfredo Cristiani, the President of El Salvador, denounced the Truth Commission for failing to provide a basis for national reconciliation.⁹ Perhaps in response to rumored threats of a military take over,¹⁰ he completely repudiated the Report and insisted that the Salvadoran people needed “to forgive and forget this painful past.” “What is most important now,” he said, is “to erase, eliminate and forget everything in the past.”¹¹ He proposed a “general and absolute” amnesty for all alleged perpetrators of violence during the civil war.

Avoiding any preliminary public discussion of the matter, Cristiani justified his action by emphasizing the need to move ahead for the sake of building a new Salvadoran society. In the interests of peace and national reconciliation, he thus issued a “call to all of the country’s forces to support a general and absolute amnesty, in order to turn that painful page of our history and seek a better future for our country.”¹² Only this solution can embrace everyone, he argued, both those explicitly named in the Report and those who were not.

Just two days after this announcement, the National Assembly, which was under the control of Cristiani’s ARENA party, hastily passed the “General Amnesty Law for the Consolidation of Peace” (Decree 486). The notion of amnesty had been discussed previously by concerned parties. In 1987, in fact, the Legislative Assembly voted in favor Legislative Decree No. 805, “Amnesty Act aimed at achieving National Reconciliation,” which conferred unconditional amnesty on any individual (including guerillas) who perpetrated politically motivated crimes prior to 27 October 1987.¹³

⁹ An amnesty strategy was also employed by Salvadoran President José Napoleón Duarte under the call of “forgive and forget.” See John J. Moore, Jr., “Problems with Forgiveness: Granting Amnesty under the Arias Plan in Nicaragua and El Salvador,” *Stanford Law Review* 43 (1990–1991) 736, 760, 764, 771, 776. Moore notes that government officials defended the Duarte amnesty on the grounds that it “reflected his party’s ethical commitment to Christian democracy” (767).

¹⁰ Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001) 90, 115.

¹¹ Cited in Inter-American Commission on Human Rights, Annual Report, El Salvador (1994) 69.

¹² Excerpts from the “Message Delivered to the Nation by the President of the Republic, Alfredo Cristiani, March 18, 1993.” Report on the Human Rights Situation in El Salvador (1994), Inter-American Commission on Human Rights, Washington: OEA/Ser. L/V/II.85, Doc. 28 rev., Feb. 11, 1994, 75. See <http://www.oas.org/default.htm>.

¹³ It applies to those who committed crimes in which less than 20 persons had been involved. The guilty parties only had to come forward within 15 days of the promulgation of the law and renounce future violence. The Act, however, excluded four categories of people: those involved in assassinating Archbishop Romero,

Participants in the 1992 peace negotiations understood that some form of amnesty would be granted to those guilty of political crimes during the civil war, yet Cristiani's quick push for a blanket amnesty went further than many anticipated. The speed with which it was passed made it impossible to form a national consensus about its provisions, or even to subject them to public discussion and debate. The law granted complete amnesty to any person who participated in any politically motivated crime, no matter how violent its nature or innocent its victims. It totally ignored the recommendations of the Truth Commission that crimes be investigated and legal action taken against their alleged perpetrators.

The Amnesty Law made it impossible to conduct legal investigations into human rights abuses or to charge, try, convict, and punish their perpetrators. It eliminated any legal means by which victims or their families could seek compensation or ask for a judicial investigation to determine the fate of their missing loved ones. Those who killed Oscar Romero on March 24, 1980,¹⁴ the four North American missionaries on December 2, 1980,¹⁵ the 800 civilians of El Mozote on December 10, 1981,¹⁶ and the six Jesuits, their housekeeper and her daughter on November 16, 1989,¹⁷ are all free today. The same is true of the assassins of the Frente Farabundo Martí para la Liberación Nacional (FMLN).¹⁸

Human rights organizations protested that the provisions of the Amnesty Law run directly contrary to many special conventions of international law, notably those concerning torture, forced disappearances, and summary executions, which take precedence over Salvadoran laws according to the Salvadoran constitution itself.¹⁹ The Salvadoran Supreme Court,

kidnapping for money, drug trafficking, or killing Herbert Anaya. The U. N. Special Representative feared that this amnesty would only exacerbate the climate of impunity that already existed in El Salvador (*From Madness to Hope* 210, n. 92, and 127–38).

¹⁴ See *From Madness to Hope* 127–38.

¹⁵ *Ibid.* 62–66.

¹⁶ *Ibid.* 114–21. See also Leigh Binford, *The El Mozote Massacre: Anthropology and Human Rights* (Tucson: University of Arizona, 1996).

¹⁷ *Ibid.* 45–54.

¹⁸ *Ibid.* 148–53.

¹⁹ *Ibid.* 21. Salvadoran Constitution (1983), article 241; cited in Margaret Popkin, *Peace without Justice: Obstacles to Building the Rule of Law in El Salvador* (University Park: Pennsylvania State University, 2000) 153, n. 104. Special conventions have been drawn up against impunity and including universal jurisdiction and excluding application of statute of limitations. See the Annual Report of the Inter-American Commission on Human Rights (1996), OEA/Ser.L/V/II.95, Doc. 7 rev., March 14, 1997, 175, para. 47. Key documents include the American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance of Persons, the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

however, upheld the Amnesty Law on the grounds that it is “a political matter and not subject to judicial review.”²⁰

Opposition leaders disputed the timing, scope, and morality of the amnesty.²¹ Yet the leadership of the FMLN itself agreed in 1992 to the idea of an amnesty both to avoid the prosecutions of its own members and out of a desire to build a democratic future for El Salvador. Sufficient approval for the amnesty came from the military and political elites on both sides, but it is not clear that it was supported by the people who suffered most from the violence. A public opinion poll administered by the Jesuits at the University of Central America in June of 1993 “found public sentiment against the amnesty law (55.5 percent), with 77 percent favoring punishment of those who violated rights.”²²

On the positive side, civilian authorities now have more control over the military than at any time during the civil war and the police force is now in the hands of civilians rather than the army. The work of the Ad Hoc Commission on the armed forces led to the removal of some of the worst criminals from power in the military, police forces, and civil service (indeed, many of the highest ranking sources of the worst crimes now reside with impunity in Florida).²³

JUSTICE AND FORGIVENESS

This situation raises numerous questions from a variety of disciplinary standpoints, including those of economics, politics, international law, and social psychology. This article focuses on one concern of a theological-ethical nature: the relation between the pursuit of justice and the act of forgiveness.

At least three fundamental normative alternatives can be traced in this regard: forgiveness ought to forgo justice, justice ought to renounce forgiveness, or forgiveness and justice complement one another. While the first two positions agree that justice is essentially opposed to forgiveness, the third regards them as compatible within the context of some critical distinctions.

The first position is that forgiveness renounces justice. Justice insists on payment of the debt, forgiveness renounces the right to such payment. This decision is typically justified in terms of one or two normative arguments, one consequentialist and the other theological.

²⁰ Popkin, *Peace without Justice* 153.

²¹ *Ibid.* 152.

²² *Ibid.* 157. Citing, in n. 120, the Instituto Universitario de Opinión Pública, Universidad Centroamericana José Simeón Canas, *Boletín de Prensa*, Año VII, No. 2, July 14, 1993.

²³ Hayner, *Unspeakable Truths* 119–20.

The consequentialist argument advocates a policy of “forgive and forget”²⁴ in order either to maintain political stability or to accomplish a transition to democracy or both. Many military officers give a retrospective argument to defend “forgive and forget” because they believe their own acts were ethically justifiable due to the threat to order posed by the guerillas. The attempt to support this ethical justification of killing reduces the entire scope of justice to whatever is judged to contribute to “perceived national security.” Justice is thereby disconnected to human rights or other aspects of the common good that are regarded as valid for peacetime governments not facing the “supreme emergency” of civil war, guerilla war, insurrection, or terrorism. Those who make this kind of argument deny that injustice was done to enemies killed in counter-insurgency military operations, and since there was no injustice, there is no need for forgiveness. This logic, however, does not apply to the Salvadoran cases considered here, since the government denied having been behind the murders. The murderers attempted, albeit rather clumsily, to implicate the guerillas as the authors of the killings and publicly condemned them for engaging in such brutal behavior.

Yet the strongest consequentialist defense of forgetting, and the one advanced by Cristiani, is the forward-looking appeal to promoting the best way to build a more secure democratic future for El Salvador. Forgetting is said to contribute to democracy in three ways. First, it allows the people to get beyond the hurt of the past. Second, it communicates to offending military officers that because they need not be worried about prosecution in the future for the acts they committed during the civil war they can accept the new political arrangements. Finally, it makes it possible for the guerillas to be reincorporated into Salvadoran society without fear of prosecution for their crimes during the war. Since both sides were guilty of atrocities, the argument runs, both sides, and indeed the entire country, would be harmed in any attempt to bring transgressors to justice.

Salvadoran leaders working from this consequentialist argument also had in mind the politically dangerous position of Argentine President Raúl Alfonsín (1983–89). Human rights organizations estimate that roughly 30,000 people were subjected to torture and execution in the “dirty war” of 1976–1983.²⁵ Alfonsín’s election represented the end of military dictatorship. He came into office with the intent of restoring respect for the rule of law and instituted a truth commission and human rights trials that led to

²⁴ Sobrino, “Theological Reflections” 127.

²⁵ This number, which includes both those tortured and those who are executed, comes from the National Commission on Disappeared People, cited in *Nunca Mas (Never Again): A Report by Argentina’s National Commission on Disappeared People*, ed. and trans. Nick Caistor (London: Faber and Faber and Index on Censorship, 1986).

the conviction of some former junta members. Yet in the face of increased pressure from the military, and facing the possibility of a *coup d'état*, the Alfonsín administration passed a partial Amnesty Law in 1986 and 1987. On December 24, 1986, the “*Punto Final*” or “Full Stop” law of December 24, 1986 stopped all proceedings against soldiers by setting a deadline for sixty days for the lodging of any complaint (or “*denuncia*”) against violators of human rights. The “*Obediencia Debida*” law of June 8, 1987 exculpated officers who were said to be “following orders.”²⁶ Alfonsín defended these laws as necessary steps for the protection of “the stability of Argentina’s democratic institutions, which are the best guarantee against the recurrence of similar episodes.” Alfonsín construed punishments in consequentialist terms: they are “morally justified only if and when they are effective in preventing society from suffering any harm.”²⁷ The main danger of prosecution comes from the threat to the whole democratic system from a military take over.²⁸ *Americas Watch* denounced these laws as a “setback” but nevertheless praised the Alfonsín administration for moving to “truth and partial justice.”²⁹ Alfonsín’s successor, Carlos Menem, chose as one of the first acts of his presidency to grant a universal pardon to officers convicted of human rights abuses in order to promote “national reconciliation.” He also issues a general amnesty a year later to everyone involved in the war and threatened to veto any legislation that would abrogate the Amnesty Laws.³⁰

This consequentialist approach can be accompanied by a second, explicitly theological argument that forgiveness, at least in these highly charged political circumstances, requires forgetting past harms. Christians ought to forgive transgressors on both sides of the fight and forget the evils of the past so that the people of El Salvador can move forward. In any case, Christian morality requires one to forget about what was done by an evildoer, whether repentant or not. This position has been advocated both by some conservative Catholics and by Protestant evangelical Christians in El Salvador.

This theological claim attempts to draw support from Scripture. The Hebrew Bible speaks of “wiping away,” “covering,” “removing,” and “sending away” sins. The Lord tells Jeremiah: “I will forgive their iniquity,

²⁶ Reed Lindsay, “Taking on the Past, Argentina Repeals Amnesty,” *Boston Globe*, 22 August 2003.

²⁷ See Paul Alfonsín, “‘Never Again’ in Argentina,” *Journal of Democracy* 4 (1993) 18.

²⁸ *Ibid.* 19.

²⁹ See *Truth and Partial Justice in Argentina: An Americas Watch Report*, August 1987 (New York: Human Rights Watch, 1987).

³⁰ See Alberto Manguel, “Memory and Forgetting,” *Index on Censorship* 5 (1996) 123–31.

and remember their sin no more" (Jeremiah 31:34, NRSV). In the New Testament, Jesus renounces vengeance and explicitly enjoins his disciples from exacting "eye-for-an-eye" retaliation (Matthew 5:39). Punishment is to be left up to God (Romans 12:19).

Christians are required to renounce vengeance and forgive without limit, "seventy-seven times" (Matthew 18:22; also Luke 17:4). The parable of the unmerciful steward presents the king's forgiveness as a paradigmatic model: "Out of pity for him, the lord of that slave released him and forgave him the debt" (Matthew 18:27, NRSV). Applied to El Salvador, Christians are required to forgive, to renounce retaliation, and to "remember no more." Guillermo Antonio Guevara Lacayo, a rightist member of the National Assembly, said that activists needed to stop "rubbing salt in the wound. . . . The crime is painful and well known by everyone, but now is the time to let the dead rest in peace." Another politician, Mauricio Zablah, appealed directly to Christian ethics: "John Paul II can forgive the person who wanted to assassinate him. . . . These holy Jesuits are already buried, and forgiving and forgetting they can be left in peace."³¹ Advocates of forgetting argue that it allows the living to be more peaceful as well: whereas memory generates recrimination and fuels the "spiral of violence," love moves beyond anger, resentment, and bitterness. Those who refuse to obey the gospel demand to forgive try to mask their motives by hiding behind the righteous cause of justice. But, advocates of this position claim, there can be no peace without forgiveness.

The second position argues that justice must trump forgiveness when they compete with one another in the political realm. The classical moral virtue "*iustitia vindicativa*"—the temperate will to use proportionate punishment to restore a violated moral order—transcends inordinate vengefulness and hatred while still pursuing justice.³² One expression of this view comes from Juana Pargament, an activist with the Madres de Plaza de Mayo, who said in the face of Argentine refusal to investigate the disappearance of her son: "We're not going to forgive. We're not going to forget. We're going to carry on with our fight."³³ Justice, at the very least, must be met before forgiveness can be considered.

The second position invokes three kinds of normative arguments, alternatively or in some combination, based on dignity, political consequences, and theology. The argument from dignity claims that respect for the victims

³¹ Cited in Martha Doggett, *Death Foretold: The Jesuit Murders in El Salvador* (New York: Lawyers Committee for Human Rights; Washington: Georgetown University, 1993) 205.

³² See *ST* 3, q. 85, a. 3, ad 3; and Bernard Häring, "Justice," *The New Catholic Encyclopedia* (New York: McGraw Hill, 1967) 3.72.

³³ Interview, "Madres de Plaza de Mayo: No Truth, No Justice," *Index on Censorship* 5 (1996) 135.

demands justice. If remembering honors victims, forgetting dishonors them.³⁴ Forgetting implies that the legitimate feelings of anger, resentment, and outrage experienced by victims or their loved ones are worthy of neither public expression nor social validation. Even the effort to build a stable social order—and even more so the lofty goal of national reconciliation—must be based on obtaining some form of redress for those who have suffered.

Recent events in Argentina present a dramatic case of the “return of justice” and the rejection of the “forgive and forget” policy. In 2001 two Argentine courts ruled the Amnesty Laws of 1986 and 1987 to be in violation of constitutional guarantees for human rights. Just lately, on August 12, 2003, the Argentine Congress, following the prompting of newly installed President Nestor Kirchner, voted to rescind the Amnesty Laws. These actions were preceded by public pressure to hold perpetrators of crimes accountable and to give justice to the victims of kidnapping, torture and “disappearances.”³⁵ The justice of accountability might soon supplant the injustice of forgetting in Argentina.

Applied to El Salvador, those who employ a consequentialist argument insist that a truly just Salvadoran society cannot be established on the basis of amnesia about the past. Forgetting the past might provide short-term stability but it will more likely lead to greater long-term instability because political communities depend upon widespread civic trust, which is best established on the basis of accountability.³⁶ Accountability is thus critical for political stability in the future. Instead of asserting that both sides have been guilty of serious wrongdoing, proponents of justice hold that there should be no generalized moral equivalence for all parties in the war. There can be no peace without justice. This is especially the case if forgiveness would enable ongoing injustice to continue. Impunity for past acts can create a climate that makes future acts of injustice more likely.

Theologically, this position holds that forgiveness ought never to be permitted to substitute for justice. The prophets insist on justice for the oppressed and, at the very least, repentance from evildoers for their crimes. Forgiveness has a central place in the Christian life, but only a simplistic

³⁴ This accusation has been made of other amnesties as well. See Francisco Goldman, “In Guatemala, All is Forgiven,” *New York Times*, 2 December 1996.

³⁵ See Jon Jeter, “In the Company of the Enemy,” *Washington Post*, 7 August 2003, sec. A16.

³⁶ The literature on social trust is enormous. It includes *Trust and Social Structure*, ed. Karen Cook (New York: Russell Sage Foundation, 2000); *Deception, Fraud and Trust in Agent Societies*, ed. C. Castelfranchi et al. (Dordrecht: Kluwer, 2000); Bernard Williams, “The Politics of Trust,” in *The Geography of Identity*, ed. Patricia Yaeger (Ann Arbor: University of Michigan, 1995); and *Trust: The Making and Breaking of Social Relations*, ed. Diego Gambetta (Cambridge: Basil Blackwell, 1988).

notion of forgiveness allows a community entirely to short circuit the basic claims of justice. True forgiveness is not a form of unconditional acceptance that issues a “blank check” to the oppressor.³⁷ It insists on repentance.

Forgiveness can be unilaterally *offered* by the victim but it cannot actually be accepted by the unrepentant and therefore unwilling evildoer. Forgiveness, moreover, can be offered by the victim but not by third parties. Indeed, the attempt by a society to forgive an unrepentant criminal for crimes perpetrated on individuals constitutes an additional insult to the victims. All the more offensive are attempts of the state to use the Amnesty Law to grant pardons to its own unrepentant agents for crimes committed against victims who have neither been asked for forgiveness nor even allowed to confront their perpetrators. Individual Christians who choose to forgive may abandon their rights, but they have neither the right to force others to do so nor the ability do so on their behalf. Salvadoran Jesuit Rafael de Sivatte calls this offering someone else’s cheek.

Far from forgetting evildoing, then, Christian ethics requires malefactors to answer for their harmful deeds. The famous citation of “seventy-seven times” in the Gospel of Luke is preceded by: “If another disciple sins, you must rebuke the offender, and if there is repentance, you must forgive” (17:3b, NRSV). Luke continues: “And if the same person sins again you seven times a day, and turns back to you seven times and says, ‘I repent,’ you must forgive” (Matthew 17:4). The same theme is found in Matthew’s Parable of the Unmerciful Servant. In using the parable to show how forgiveness expresses the kingdom of heaven, Matthew describes the king as ‘moved by compassion’ when the servant begged him for mercy. The servant’s wickedness consisted in his merciless response to another servant who later begged for mercy but without avail (see Matthew 18:29). Forgiveness responds to contrition; it neither ignores the wrong nor exculpates the perpetrator.³⁸ Defenders of justice also point out that the amnesty

³⁷ See Outka, *Agape: An Ethical Analysis* (New Haven: Yale University, 1973) 21–24, 209, 275–77.

³⁸ In contrast to Cristiani’s belief that Christian ethics requires one to forgive the unrepentant evil-doer, the authors of the South African Kairos Document held that “no reconciliation, no forgiveness and no negotiations are possible without repentance.” They would criticize Cristiani’s counsel of forgetfulness as striving for “cheap reconciliation.” *Challenge to the Church: A Theological Comment on the Political Crisis in South Africa, The Kairos Document*, Theology in Global Context Program, Occasional Bulletin I (1986). The requirement to forgive the unrepentant is defended by L. Gregory Jones, *Embodying Forgiveness: A Theological Analysis* (Grand Rapids: Eerdmans, 1996) 135–62 and by Geraldine Smyth, O.P., “Brokenness, Forgiveness, Healing, and Peace in Ireland,” in *Forgiveness and Reconciliation: Religion, Public Policy and Conflict Resolution*, ed. Raymond G. Helmick, S.J., and Rodney Peterson (Philadelphia: Templeton Foundation, 2001) 319–71. Jones

violates provisions of international law, including the American Convention on Human Rights and the International Pact on Civil and Political Rights, that demand investigation of genocide, war crimes, crimes against humanity, and torture.

As in the case of Argentina, the logic of justice leads some in El Salvador both to denounce appeals to forgiveness for the (publicly) unrepentant and to call for an annulment of the general amnesty. They argue that simple forgetting not only ignores the injustices of the past but also involves a degree of complicity in these evil deeds by turning a blind eye to them. It might be the case that complete justice for these crimes can never be obtained, if by complete justice one means a strict proportionality between the evil done to the victim and the punishment imposed on the criminal. Yet even if complete justice cannot be achieved, argues Amnesty International,³⁹ some attempt must be made to use the legal system to bring retributive justice to bear on the worst criminals.

The third position strives to retain both justice and forgiveness. It seeks to create conditions for accountability without necessarily insisting on the strict legal enforcement of retributive justice. The state has authority neither to forgive transgressors on behalf of their victims nor to avoid the enforcement of the basic human rights on behalf of political expediency. True reconciliation is achieved when perpetrators receive and victims grant forgiveness. This twofold movement is obstructed by the perpetuation of denial, lies, and injustice.

Jesuit José Maria Tojeira, Rector (or President) of the University of Central America (UCA) in San Salvador, initially supported amnesty for criminals who admitted their crimes. He later changed the language from “amnesty” to “*indulto*,” a legal pardon that recognizes that crimes were committed. After the Truth Commission Report, Tojeira advocated “two routes: confess and ask society for forgiveness, or stand trial.”⁴⁰ Retributive

criticizes the argument of Richard Swinburne, *Responsibility and Atonement* that forgiveness is a response to an apology.

³⁹ See Amnesty International, *El Salvador: Death Squads—A Government Strategy* 3 (New York: Amnesty International USA Publications, 1988). See also www.amnesty.org/alib/cemexico/recommend.htm#APPENDIX. The Policy Statement on Impunity of Amnesty International states that “there should be a thorough investigation into allegations of human rights violations” and that “the truth about violations must be revealed.” The Policy Statement on Accountability for Past Abuses of Human Rights Watch states that there is a “duty to investigate” and claims that “the most important means of establishing accountability is for the government itself to make known all that can be reliably established about gross abuses of human rights.” See Neil J. Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vols. 1–3 (Washington: U.S. Institute for Peace, 1995), vol. 1, 219, 217.

⁴⁰ Doggett, *Death Foretold* 273.

punishment can be remitted, he argued, but only on the condition that criminals confess and repent.

The shift in language from an “amnesty for truth” strategy to “pardon for truth” strategy is significant because it requires a public acknowledgement of guilt. Whereas the notion of amnesty reinforces forgetting—indeed one meaning of the Greek term “*amnestia*” is forgetfulness—the word “pardon” indicates release of a transgressor from the legal penalty normally exacted for his or her crime. This condition was held by the South African Truth and Reconciliation Commission, which pursued a much more elaborate agenda than did the fact-gathering function of the Salvadoran Truth Commission.⁴¹

The initial “truth for pardon” claim made by Tojeira was never adopted. He and the other Jesuits of the Central American Province of the Society of Jesus subsequently proposed, on March 27, 2000, that the case of the murder of the Jesuits, the housekeeper and her daughter be reopened.⁴² Prior to that date, in January of 1990, a military “honor tribunal” formally indicted nine soldiers for the murders at the UCA. Seven of the nine, all commandos of the infamous Atlacatl Rapid Reaction Battalion and trained in counterinsurgency warfare in the United States,⁴³ made extrajudicial confessions to having participated in the murders. Two officers, Lt. Mendoza and Col. Benavides, did not admit to direct participation. The trial by jury concluded on September 28, 1991 with the acquittal of seven of the accused despite their earlier confessions of guilt.⁴⁴ Mendoza was found guilty of the murder of 16-year-old Celina Ramos but not of the killing of her mother. Benavides, commander of the military zone encompassing the UCA, was convicted of eight counts of murder, but both he and Mendoza were released shortly after the passage of the Amnesty Law in March 1993. None of the principal intellectual authors of the crimes, all high-ranking members of the armed forces, were brought to justice or even acknowledged their role in it.⁴⁵ Artucio Alejandro, the trial observer for the In-

⁴¹ See *Truth and Reconciliation Commission of South Africa Report* and Audrey R. Chapman, “Truth Commissions as Instruments of Forgiveness and Reconciliation,” in *Forgiveness and Reconciliation*, ed. Helmick and Peterson, 247–67.

⁴² See “Texto de la denuncia penal interpuesta por José María Tojeira, Rector de la UCA, ante la Fiscalía General de El Salvador para poner fin a la impunidad en el caso de los Jesuitas,” available in electronic version at <http://www.derechos.org/nizkor/salvador/doc/denuncia.html>.

⁴³ See Alejandro Artucio, *A Breach of Impunity: The Trial for the Murder of Jesuits in El Salvador. Report of the Observer for Latin America of the International Commission of Jurists* (New York: Fordham University, 1992) 65.

⁴⁴ Their confessions were judged inadmissible on technical grounds. See *Breach*, 68 f., and Doggett, *Death Foretold*, chap 4.

⁴⁵ The case for more powerful intellectual authors of the assassination is explained clearly in Doggett, *Death Foretold*.

ternational Commission of Jurists, judged the outcome of the trial to be blatantly unjust. But he also concluded that the proceedings, and especially the public readings of the confessions, to have had a significant didactic value in that “it permitted the entire population of the country to learn in detail what had happened at the UCA in November 1989.”⁴⁶

In the midst of these developments, the Salvadoran Jesuits have insisted on “justice and not revenge” and they have even been willing to approve of a pardon for those convicted in a fair trial. In fact, on November 16, 1992, the third anniversary of the murders, the Central American Province issued a communiqué stating the intention of the Jesuits to request a pardon for Benavides and Mendoza. The rationale underscores the distinction but connection between “Christian forgiveness” and “legal pardon:” “The reasons that motivate us are the following. Having from the very first given Christian forgiveness, we conditioned a legal pardon in the Jesuit case on a process of truth and justice. We believe that with respect to these two persons [i.e. Benavides and Mendoza], truth and justice have been sufficiently established and what remains is legal pardon, which we will request in the next few days.”⁴⁷ The Jesuits had already, at least in a moral and spiritual sense, made the offer of Christian forgiveness to the perpetrators of these crimes: “we have never harbored hate toward these people, and we have extended Christian forgiveness to them from the beginning.”⁴⁸ Yet Christian forgiveness neither supplants truthfulness nor undermines accountability. Reconciliation is gained gradually, the Jesuits explained, through a painful process that involves a “triple dimension of truth, justice and forgiveness.” They argued that the UN Truth Commission Report supported an effort by the Salvadoran government “to broaden the truth that it describes, and embark on the path to justice and forgiveness for all those who are named in the report.” True reconciliation does not allow shortcuts: the more quickly the truth is admitted, “the more quickly can be set in motion the mechanisms of justice and legal forgiveness so needed by them as well as by our society.”⁴⁹

Legal conviction of the intellectual authors of the crime—even without the imposition of retributive punishment—would, under the circumstances, constitute a significant act of justice and an important step toward reconciliation for the whole country. This would best be rendered by the Salvadoran justice system of course, but a clear verdict from some other highly respected judicial body such as the Organization of American States human rights tribunal or the Spanish court system would provide valuable public condemnation of the great evil that has been done. The Jesuits

⁴⁶ *Breach of Impunity* 74.

⁴⁷ Cited in Doggett, *Death Foretold*, 207.

⁴⁸ *Ibid.* 261. ⁴⁹ *Ibid.*

support an “*indulto*,” accompanied (as in the case of other major crimes) by an appropriate form of indemnification, after such a public conviction. The key insight here has been that justice and forgiveness are placed in complementary relation when forgiveness is not confused with forgetfulness and justice is not reduced to retributive punishment. A degree of justice is obtained when perpetrators render what St. Thomas Aquinas called the “debt” of truth.⁵⁰

In response to an appeal by the Jesuits of the UCA, the Inter-American Court of Human Rights judged in December of 1999 that the Amnesty Law of El Salvador was unconstitutional. It called for the Salvadoran government to revoke the law and reopen the case of the Jesuit murders. The current president of El Salvador, Francisco Flores, rejects this proposal, holding that forgiveness has already taken place in El Salvador and that reconciliation has already created “a new country.” He, like his predecessor Cristiani, argues that reopening the case would only cause “new conflict” and would require the investigation of thousands of other crimes. An appeals court subsequently upheld a previous judicial judgment that the 10-year statute of limitations had run out on the 1989 murders at the UCA. Auxiliary Bishop Gregorio Rosa Chavez of San Salvador, however, disputes Flores’s assertion of reconciliation: “We are a country that signed the peace but is not reconciled in truth and justice. . . . Many are afraid of the past and want to build the future on pardons and forgetting. The Salvadoran Church affirms that truth and justice are prerequisites for pardons.”⁵¹

THE CONTRIBUTION OF JOHN PAUL II

The position that joins forgiveness with justice draws on multiple considerations, prospective as well as retrospective. It desires to restore the victims’ dignity, counteract the culture of impunity, acknowledge the rights of victims, and build a more just legal system for the future. Pope John Paul II is an eloquent spokesman for the key principle: “Forgiveness, far from excluding the search for truth, demands it There is no contradiction between forgiveness and justice . . . forgiveness does not eliminate nor diminish the demand to repair, which is the work of doing justice.”⁵²

⁵⁰ *ST* 2–2, q. 109, a. 3.

⁵¹ *NotiCen: Central American and Caribbean Political and Economic Affairs, including Cuba*, Latin America Data Base, Latin American Institute, University of New Mexico, Vol. 5, no. 17, May 4.

⁵² Statement from the UCA, April 26, 2000. See also *Noticen*, May 4, 2000. John Paul II, “Replacing the Inhuman Logic of Violence with the Constructive Logic of Peace,” *Origins* 26 (April 24, 1997) 719. See also the 2002 World Day of Peace message, “No Peace without Justice, No Justice without Forgiveness.”

One does not of course need specifically Catholic or even Christian reasons for acknowledging the link between justice, forgiveness, and the “search for truth.”⁵³ It can also be established through careful philosophical reflection on the nature of justice and its relation to forgiveness.⁵⁴ Some would argue that this linkage is rooted in the “natural law” rather than communicated exclusively by revelation. Thomas Aquinas, for example, believed that the natural law required everyone to speak the truth, to act justly, and to confess their evildoing to others.⁵⁵

This having been said, John Paul II has played an important practical role, both within and outside the Catholic Church, in showing that forgiveness has an important role to play in the public arena⁵⁶ and to explaining its connection to justice. The core of his position involves two theses: first, genuine peace and reconciliation cannot exist without forgiveness and justice, and second, authentic forgiveness and justice cannot exist without truthfulness. The notion of forgiveness he employs has its roots in the theology surrounding the sacrament of penance with its threefold condition of contrition, confession and intention to make satisfaction.⁵⁷ His view reflects standard moral theology when it teaches that seeking forgiveness from the individual human beings whom one has harmed involves some specific acts, including confessing guilt over deeds committed or omitted, feeling contrition and expressing repentance over the wrong done, firmly amending one’s ways in the future, and, where possible, repairing the damage that one has done.

⁵³ Solomon Schimmel’s recent *Wounds Not Healed By Time: The Power of Repentance and Forgiveness* (New York: Oxford University, 2003) offers an argument from Talmudic Judaism for the necessary interconnection of justice, repentance and forgiveness.

⁵⁴ The same general thesis is supported on strictly secular grounds taken from analytic philosophy by Digeser, *Political Forgiveness*.

⁵⁵ See *Summa theologiae*, Supplementum, q. 6, a. 2, ad 1. This is not to say, of course, that the entirety of the Christian ethic of forgiveness, or the wider virtue of mercy, is reducible to the natural law. The *Catechism* teaches that the gospel brings the moral law “to its fullness through imitation of the perfection of the heavenly Father, through forgiveness of enemies and prayer for persecutors, in emulation of the divine generosity” (no. 1968).

⁵⁶ John Paul II, “An Appeal for Peace and Reconciliation,” September 29, 1979, in *Origins* 9 (October 11, 1979) 272–75; “Tertio Millennio Adveniente,” *Origins* 24 (November 24, 1994) 416; “Letter to Women,” *Origins* 25 (July 27, 1995) 137–43; “We Remember: A Reflection on the Shoah,” March 16, 1998.

⁵⁷ See, *inter alia*, Thomas Aquinas, *Summa theologiae*, 3, 901–2; B. H. Merkelbach, *Summa theologiae moralis*, ed. P. L. Gaudé, 3 vols. (Paris: Desclée de Brower, 1938–1939) 3.534–42, 549–67; Bernard Häring, C. Ss. R., *Free and Faithful in Christ: Moral Theology for Clergy and Laity*, 3 vols. (New York: Seabury, 1978) 1.445–67; *Catechism of the Catholic Church*, 2nd ed. (Washington: United States Catholic Conference, 1997) nos. 1450–60.

These are the basic steps through which human beings appropriate divine forgiveness, but they are also essential components in the process whereby one human being obtains forgiveness from another. Peace and reconciliation, toward which the act of forgiveness contributes, can only be obtained "if all parties act in truth and justice."⁵⁸ As he explained in his Message for World Day of Peace of January 1, 1997, "forgiveness, far from precluding the search for truth, actually requires it. The evil which has been done must be acknowledged and as far as possible corrected . . . [because an] essential requirement for forgiveness and reconciliation is justice."⁵⁹ If genuine forgiveness depends upon admitting the truth of what has been done, then when what has been done is not acknowledged, there can be no forgiveness. Truth-telling provides the critical link between genuine forgiveness and justice.

Justice can be promoted in a variety of ways and, as noted above, need not be reduced to retributive punishment obtained through the legal system.⁶⁰ As explicitly recognized by the peace accords and the Truth Commission of El Salvador, speaking the truth is itself one important way of pursuing justice.⁶¹ Justice and forgiveness both require at the very least a truthful acknowledgement of the crimes that have been committed. As Donald Shriver puts it: "Forgiveness begins with a remembering and a moral judgment of wrong, injustice, and injury Absent a preliminary agreement between two or more parties that there is something from the past to *be* forgiven, forgiveness stalls at the starting gate."⁶²

COUNTERARGUMENTS

A counterargument to this position comes from the "political realist" who charges that even if John Paul II insists on the unity of forgiveness and justice as a general theological principle, the specific context of El Salvador makes their joint pursuit impossible at this time. The question of whether such a moral goal is actually obtainable is of course a judgment of political

⁵⁸ John Paul II, "Replacing the Inhuman Logic," *Origins* 26 (April 24, 1997) 715.

⁵⁹ *Ibid.* 719.

⁶⁰ Another alternative to retributive justice lies in the theory of restorative justice. Restorative justice attempts to repair past harm through a combination of interpersonal contact between victim and perpetrator and financial compensation, direct assistance, or other symbolic forms of reparation. Restorative justice, though, has normally been applied to property crimes rather than to the horrendously violent crimes committed during the civil war.

⁶¹ Note that for Aquinas truth-telling is an obligation of justice; *ST* 2-2, q. 109. One should also note that Aquinas regarded ordered vengeance as a virtue in *ST* 2-2, q. 108.

⁶² Shriver, *An Ethic for Enemies* 7; emphasis in original.

prudence rather than of theology, yet one must guard against the self-serving tendency of political and economic power to short-circuit appeals to justice and truthfulness out of a misguided focus on partisan success.

At the very least, whatever the concrete political situation, Christian ethics—and, indeed, any morally decent position—ought not to allow itself to be used for political propaganda. Those who would simply forget the past to maintain the status quo ignore the biblical conviction that God has a special concern for the plight of the poor, the victimized, and the marginalized. God loves all human beings, but God gives special priority to those who are most desperately needy.⁶³ Subjected to the criterion of the preferential option for the poor, one must ask: how does the policy of forgetting benefit the victims and their loved ones?

Perhaps John Paul II regards the unity of forgiveness and justice as a lofty ideal but one not necessarily applicable to all particular situations. Evidence for this position comes from the Message for World Day of Peace of 1997. After reminding his listeners of the importance making decisions prudently in ways that do not make reconciliation “even more difficult,” the pope made the following observation: “Not uncommon are countries whose leaders, looking to the fundamental good of consolidating peace, have agreed to grant an amnesty to those who have publicly admitted crimes committed during a period of turmoil. Such an initiative can be regarded favorably as an effort to promote good relations between groups previously opposed to one another.”⁶⁴

The pope’s endorsement of such amnesties is frustratingly vague. Papal statements typically speak in generalities and for the most part abstain from applying principles to specific contexts because their authors often lack the specialized knowledge necessary for doing so. It is important, however, not to confuse the pope’s willingness to accept *some* forms of amnesty in some specific contexts with a *general* endorsement of blanket amnesty in all cases. The textual arrangement of the pope’s address suggests that he attaches certain conditions to it. First and foremost, he approves of amnesties that follow the public admission of crimes. Moreover, he affirms the legitimacy of some amnesties only after having underscored the fundamental value of, and important link between, justice and truth. Acceptance of amnesties is thus sandwiched between a forceful invocation of the value of truthfulness and a reminder that justice is an “essential requisite for forgiveness and reconciliation.” He immediately follows his acceptance of amnesties by praising the establishment of truth commissions

⁶³ See *Centesimus annus* nos. 11 and 57; *Sollicitudo rei socialis* nos. 9, 32, 38–40, and especially 42.

⁶⁴ *Ibid.* no. 5.

around the world as a “first step” toward reconciliation.⁶⁵ In El Salvador, the government itself has identified “national reconciliation” as a major goal of its Amnesty Law.

John Paul II thus praises the granting of amnesty as one component within a larger process that moves toward reconciliation; it is neither a substitute for genuine forgiveness and reconciliation nor a way of facilitating forgetfulness. A longstanding theme of his writings is that the path to peace goes through a process of “purification” or “healing” of memories, not their repression. His 1995 encyclical *Ut Unum Sint* held that ecumenical dialogue must proceed on the assumption that the dialogue partner has “a desire for reconciliation, for unity in truth.”⁶⁶ Entering into this dialogue requires conversion, prayer, and “the necessary purification of past memories.”⁶⁷ Reflecting the communion ecclesiology of the Second Vatican Council, the pope pointed out that dialogue promotes reconciliation not by the innocuous sharing of viewpoints but rather by the way that it enables its interlocutors honestly to face their pasts.⁶⁸

FURTHER IMPLICATIONS

Three implications can be drawn from the attempt to link forgiveness and justice through truth-telling. First, truth-telling is an important expression of justice. The perpetrator owes the truth to both his victim and the wider community, which has also been harmed. Confessing the truth serves “justice,” though not in the form of retributive justice. The perpetrator pays to the victim a debt of commutative justice—in this case, what a person owes to another person in basic decency.

Justice, in the classical definition, gives to each what is his or her due.⁶⁹ Justice in El Salvador has two basic objects: victims and perpetrators (sometimes of course given individuals can, in different respects, be both perpetrators and victims). The policy of forgetting the crimes of the past denies all forms of justice to all their rightful objects; neither the perpetrators nor their victims are given their due. The pursuit of truth contributed to the promotion of “justice and legal forgiveness as needed by *them* [i.e., the perpetrators] as well as by our society.”⁷⁰

⁶⁵ This depiction fits the South African Truth and Reconciliation Commission, which granted amnesty for those who spoke the truth about their deeds. Rather than a blanket amnesty, it promoted truth-telling as a first step toward reconciliation. See *Truth v. Justice: The Morality of Truth Commissions*, ed. Robert I. Rothberg and Dennis Thompson (Princeton: Princeton University, 2000).

⁶⁶ *Ut unum sint* no. 29.

⁶⁷ *Ibid.* no. 34.

⁶⁸ See Bradford E. Hinze, “Pope John Paul II on Collective Repentance,” *The Ecumenist* 3/3 (July–September 1996) 49–53.

⁶⁹ See, *inter alia*, Thomas Aquinas, *Summa theologiae* 2–2, q. 58, a. 1.

⁷⁰ Cited in Doggett, *Death Foretold* 261; emphasis added.

The same linkage was called for in the response of the Church to the April 24, 1998 assassination of auxiliary Bishop Juan Gerardi Conedera of Guatemala City. The bishop was murdered two days after the release of an archdiocesan human rights report entitled, "*Guatemala: Nunca Mas!*"⁷¹ This report was highly critical of the Guatemalan military and the paramilitaries associated with it and demanded an end to Guatemala's culture of impunity. Archbishop Rodolfo Quezada, not known for social activism, recently called for a full disclosure of the truth surrounding the bishop's murder. Four men were convicted of the murder, but the intellectual authors have not been brought to justice. "We want justice to be done," the archbishop stated, "and, once the truth is known and justice is effected, I am sure that Bishop Gerardi's family, the Archdiocese of Guatemala, and the Catholic Church itself, are willing to forgive." To the standard twofold principle, "no peace without justice, no justice without forgiveness," the archbishop here appends a third, "no forgiveness without truth"—at least in the sense that the act of forgiveness is most appropriately directed to, and received by, those who honestly confess their crimes. This appeal most fittingly honors the memory of Bishop Gerardi, who was deeply committed to the "Interdiocesan Project to Recover the Historic Memory" of Guatemala.

Truth-telling provides an important if limited form of justice, if not complete justice, from perpetrators. Justice for perpetrators can come in a variety of ways. As political scientist Digeser points out, "If an act of political forgiveness also serves the greater good, then it is not obvious that (general) justice and forgiveness necessarily conflict."⁷² Enabling or requiring the perpetrator to speak the truth about his crimes encourages confession of guilt and the expression of genuine contrition, which can help to restore the perpetrator's own sense of self-respect and dignity as well as that of his victims.

Justice to the victims, to their loved ones, and to their communities at least includes the respect of a decent interment, which has always been held to be a value for Christians. Victims cannot be allowed to remain "disappeared." They are also owed a living memory of their suffering and death that can be passed down by their friends and families and held in the public memory of their local communities. As Jon Sobrino, S.J., puts it, acknowledging the truth "gives them back dignity and honor."⁷³ This is not only a

⁷¹ Available in Spanish at <http://www.arrakis.es/~sanblas/chiapas/gerardi.htm> and in English as *Guatemala: Never Again! Recovery of History Memory Project: The Official Report of the Human Rights Office, Archdiocese of Guatemala* (Maryknoll, N.Y.: Orbis, 1999).

⁷² Digeser, *Political Forgiveness* 37.

⁷³ Sobrino, "Theological Reflection" 127.

matter of justice but also, “an important way of expressing love for people.”⁷⁴

Second, truth-telling can contribute to healing. Those who call for truth-telling draw from John Paul’s thesis that forgiveness can play a valuable role in the “healing of memories.” Those who have suffered during the civil war are in need of healing, not forgetting. Romero’s successor, Archbishop Rivera y Damas, pointed out that: “So many wounds cannot be cured by overlooking them. On the contrary, I believe these sores must be uncovered no matter how noxious they are. Then they can be carefully cleansed so that they heal properly and do not become infected again.”⁷⁵ The healing process may be advanced when guilty parties not only report on what happened but personally acknowledge their own guilt in the crime. In addition, allowing victims to express their own anguish may be a cathartic condition of healing. (What role this plays in healing, though, can be overstated.⁷⁶)

Conversely, forgetting may aggravate suffering by what it tacitly communicates about the moral worth of the victims: that the individuals who have been gravely harmed are not significant enough to be remembered. The amnesty is an “affront to justice,” Tojeira complained, because it “reaffirms the idea that the life of the poor has no value or interest in the country. It is more important to save a military officer the shame of being confronted with his crimes—though he would ultimately be forgiven—than to make amends for, in some way, the memory of innocent victims.”⁷⁷ Forgetting thus constitutes an ongoing assault on the dignity of the victims. Instead of favoring forgiveness over justice, the so-called “political realist” actually rejects both forgiveness and justice in favor of perceived political expediency. Rather than promoting national reconciliation, the amnesty at best aims to lessen social tensions and avoid a resurgence of armed conflict—valid goals, but best promoted in the long run by social justice.

There is of course no guarantee that truth-telling will always be healing; in fact, it can be damaging when conducted inappropriately. It might, for example, expose victims’ loved ones to perpetrators who are smug and self-satisfied rather than remorseful. Yet even in these cases, public encouragement of truth-telling by an official institution gives an important kind of respect to the memory of the victim and to others. Since one of the purposes of the atrocities committed during the civil war was precisely to destroy the dignity and worth of the victims, this symbolic act

⁷⁴ Ibid.

⁷⁵ Cited in Sobrino, “Theological Reflection” 128.

⁷⁶ See Hayner, *Unspeakable Truths* 6.

⁷⁷ Cited in Doggett, *Death Foretold* 273.

can constitute at least one small but important way of vindicating their worth.⁷⁸

Third, truth-telling can serve justice by promoting the common good. Digeser relates the perpetrator's truth-speaking to what Aristotle called "general justice," which refers to "those things which produce or preserve happiness or its parts in a political community."⁷⁹ The Central American Province of the Society of Jesus and the UCA's human rights office continue to pursue legal means of redress not simply for themselves but also on behalf of the tens of thousands of Salvadorans murdered during the civil war and in order to promote truth and reconciliation on a national scale. An *America* magazine editorial explained the Jesuit insistence on prosecution as a kind of "class-action suit, brought on behalf of some 70,000 people tortured and executed by the 'peacekeepers' in the last dozen years [of the civil war]."⁸⁰

Because evil-doing affects the common good and not only the lives of individuals, moreover, there is a distinct need to overcome institutional evils as well as to repair the damage done by the heinous deeds of particular individuals. The most important aspect of the UN Report, explained UCA vice rector Rudolfo Cardenal, S.J., is that it showed that "the Army, the justice system and the State as a whole has failed in its constitutional mission and that it must be restructured and reformulated."⁸¹ Commenting on sins against other Christians, for example, the pope wrote that, "Not only personal sins must be forgotten and left behind, but also social sins, which is to say the sinful 'structures' themselves which have continued and can still contribute to division and to the reinforcing of division."⁸² One unintended side-effect of an emphasis on the work of truth commissions can be a focus on individual criminal acts to the neglect of more widespread social-structural evils. Advocates of forgetting ignore the social dimensions of both the crimes themselves and the deliberate attempt not to attend to them. National reconciliation requires *institutional* change; it does not exist as the simple sum of specific acts of reconciliation between victims and perpetrators.

⁷⁸ Another counter-argument to the justice and forgiveness position is that reconciliation can sometimes be attained without truth-telling. Hayner argues that true reconciliation "might depend on a clear end to the threat of further violence; a reparations program for those injured; attention to structural inequalities and basic material needs of victimized communities; the existence of natural linkages in society that bring formerly opposing parties together; or, most simply (although often overlooked), the simple passage of time" (Hayner, *Unspeakable Truths* 6).

⁷⁹ Aristotle, *Nicomachean Ethics* 1129b19, in *Aristotle's Nicomachean Ethics*, trans. Hippocrates G. Apostle (Grinnell, Iowa: Peripatetic, 1984) 79. This connection is made in Digeser, *Political Forgiveness* 37.

⁸⁰ Cited in Doggett, *Death Foretold* 2, from *America*, Oct. 12, 1991, at 235.

⁸¹ Cited in Doggett, *Death Foretold* 262.

⁸² *Ut unum sint*, no. 34.

CHURCH AS A FORCE FOR RECONCILIATION

Finally, this view of the unity of forgiveness, justice, and truthfulness bears some important implications for the Christian community. The pope's words and deeds of confession, contrition, and amendment stand in contrast to the lack of same by many of the offending parties of the civil war in El Salvador. The FMLN has at least admitted the need for forgiveness for some of its crimes; no such acknowledgement has come from the military, other government authorities, or right-wing political parties in El Salvador.

The Church claims that it is a sign and instrument of reconciliation. It seeks primarily to cooperate with God's work of reconciling humanity to God but also to promote the reconciliation of human beings to one another. Yet despite its own theological resources, the Church has been one of the key communities suffering from forgetfulness and the injustice that attends it.

If the Church is to be a sign of reconciliation to the world, then it cannot be itself without helping its own members to grow from alienation to reconciliation. This process can take place only when wrongdoers themselves confess their guilt, express contrition, do their penance, and make amends. Within the Church this process is not governmental, yet it is political in the broader sense in that it embodies a form of community characterized by distinctive bonds and forms of relationship. Christian *koinonia* constitutes a form of communal life based on love rather than fear, justice rather than repression, mutual respect rather than domination, and truthfulness rather than dishonesty.

The Church is an essential participant in Salvadorian society. Though alleged to be politically neutral, the policy of forgetting serves the function of aiding the right, detaching the hierarchy from the poor, and cooperating tacitly with those who would justify the outrages committed against the oppressed. It is essential that the hierarchy not act in such a way, as it often has, effectively to provide theological legitimation for the policy of forgetting. Unfortunately, some influential members of the hierarchy continue to do just that. Those who preach forgetfulness help to increase the divide between the people and the institutional authorities that are supposed to serve them.

Forgiveness ideally is an act within a larger movement toward reconciliation. Yet one might properly wonder about the appropriateness of the theme of "*re*-conciliation" to the specific history of El Salvador. In ordinary language, the term "reconcile" connotes the restoration of a broken friendship or harmony. As a general theological theme, reconciliation pertains to the restoration of humanity to a state of peace and union with God. It expresses the return of human beings to intimacy and favor with God after a period of estrangement and rebellion.⁸³

⁸³ See 2 Corinthians 5:18–20; Romans 5:10–11; Colossians 1:20–21.

The reconciliation of all people effected by Christ obviously includes the Salvadorans. But as matter of historical fact, one may wonder whether reconciliation is the term that best captures the particular character of the political, moral, and religious task facing this country at this time in its existence. "Re-conciliation" implies that a previously in-tact relationship has become fractured, but is this true of the wealthy families and the masses of poor people in El Salvador, or of the guerillas and the national guard, or the camposinos and the major business interests of the country? The civil war in El Salvador did not rupture a previously harmonious relation between the classes in that country, but rather brought immense, long-term social strains to a violent head.

Given this situation, perhaps the term "conciliation" would be a more honest and appropriate description of the task put before Salvadorans. Conciliation is taken from the Latin term *conciliatus*, which in turn is derived from the verb *conciliare*, to assemble, unite, win over. Conciliation is gained by acts that mollify, settle differences, and create good will. Perhaps the use of terminology here also indicates something important about social priorities. Those who defend forgetting may be more comfortable with the suggestion that the "re-conciliation" following the peace accords involves returning to the status quo before the civil war. Surely it was a good thing to return to life as it existed before daily disappearances and killings. Yet pointing to broader socio-economic concerns, many complain that the plight of the poor in El Salvador today is no better, and may even be worse, than it was before the civil war. Concentrating on conciliation helps to underscore the real challenge facing the people and Church of El Salvador: to find a way to establish mutual trust and understanding so that genuine communication, peace, and social justice can be achieved.

The Church ought to be the place where such mutual trust and understanding is both promoted and accomplished and where dialogue is encouraged. The Church, both popular and institutional, needs to sponsor and engage in processes of open-minded listening. We believe that the spirit of God can change the Church itself so that it more nearly embodies the reconciliation that it preaches, but it will be able to do so only if it undertakes the commitment to seek the truth for the sake of *both* forgiveness and justice.⁸⁴

⁸⁴ An earlier version of this article was read at a conference on "The New 'New Things': Catholic Social Teaching and the Twenty-First Century" organized by the Program on Catholic Social Teaching at the University of Notre Dame, April 4–6, 2002. I would like to thank Dean Brackley, S.J., of the University of Central America, as well as Lisa Sowle Cahill, David Hollenbach, S.J., and Douglas Marcouiller, S.J., of Boston College, for their helpful comments on earlier drafts of this study.