

Enlarging Justice: Miroslav Volf's theology of embrace and the problem of
justice in post-conflict Bosnia and Croatia

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Abstract: Enlarging Justice: Miroslav Volf's theology of embrace and the problem of justice in post-conflict Bosnia and Croatia

This thesis seeks to develop an enlarged understanding of justice which reduces future conflict rather than feeding it and which seeks to ground human practices and notions of justice more firmly in divine justice. At the heart of this project is Miroslav Volf's theology of embrace. The thesis attempts to question what this theology offers to the present day context of Croatia and Bosnia from which it emerged in the 1990s.

Firstly, I draw on field work and NGO work to suggest that justice is a pressing issue in post-conflict Bosnia and Croatia, and that current approaches to justice are problematic. I draw on Volf's work to assess the key problems and suggest that turning to his eschatological vision of justice may provide fruitful answers as to how justice should be pursued for the future.

Secondly, I suggest that identity needs to be reconfigured in order that justice might be pursued. I suggest that this should occur along the lines of Volf's understanding of identity as embrace. Identities can be reconfigured through enlarged thinking. Seeking to shape the other and for the other to shape the self is key to pursuing justice collaboratively.

Thirdly, I address the theological roots of Volf's work in examining the Trinity. I suggest that Volf's work can offer an understanding of the Trinity which has significant implications for the pursuit of justice. I read Volf's work as allowing for a sense of justice residing within the Trinity. I seek to draw out the ways in which human life can image the triune life of justice and the parameters of this mirroring. Finally, I propose that the type of justice I have suggested, in collaboration with Volf, means that the pursuit of justice should be centred on restoring right relationships, going beyond what is due and is a continuous process rather than discrete actions.

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Introduction

This thesis consists of three significant strands. Firstly, the key text, Miroslav Volf's *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation* and in particular, the theology of embrace which this book sets out. Secondly, I will be looking at post-conflict Bosnia and Croatia as the context within which to explore Volf's theology and the potential it has to be developed in a way which addresses ongoing issues of conflict. Thirdly, I will be focusing my reading and analysis towards the post-conflict issue of justice. I will therefore be reading Volf in an effort to discover what his theology says to address this particular issue.

Justice is impossible in the order of calculating, equalizing, legalizing, and universalizing actions. If you want justice and nothing but justice, you will inevitably get injustice. If you want justice without injustice, you must want love.¹

In this sweeping statement Miroslav Volf dismisses the basis of a wide range of theories of justice. His rejection of calculating and legalistic justice asks for an enlarged account of justice which goes beyond that which can be accounted for through a weighing up of potential goods or can be contained within a scheme of law or bill of rights. Yet his rejection of both equality as the central concern of justice and the possibility of a universal account of justice suggests that a different type of justice is required. Attempts to define the practices of justice in these ways can only result in injustice Volf argues.² His point is that justice cannot be contained. Instead, Volf's theology suggests at the heart of a Christian understanding of justice is the love of the Trinity which is lived out as embrace.³

This thesis will similarly argue that theories of justice whether based on utilitarian, liberal or any other principle will almost always amount to a sense of

¹ Miroslav Volf, *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*, Abingdon Press, Nashville, 1996, 223.

² Volf, *Exclusion and Embrace*, 202.

³ Volf, *Exclusion and Embrace*, 126ff.

justice as an economic transaction, a balancing of the goods to give one another an appropriate amount of freedom or equality or any other good. I will suggest that this balancing act can be seen as detrimental or at best ineffective in terms of the restoration of relationship between the parties concerned and the establishment of a long lasting state of peace and justice. This thesis will argue instead that a notion of justice built upon Volf's theology of embrace might better serve the needs of those attempting to move on from injustice and conflict. At the very least it offers a better understanding of what a Christian response to injustice might look like.

In making this case the focus will be on Miroslav Volf's theology of embrace. In *Exclusion and Embrace* Volf critiques theories of justice altogether although focusing on the 20th Century. His critique is sweeping and sometimes vague.⁴ Yet he does offer the beginnings of a new understanding of justice based on eschatological and trinitarian terms. Whilst in many ways Volf shies away from specifics, seeking to avoid the pitfalls of setting out a practical approach to justice, I want to examine whether his theology can offer this. In order to do this I have chosen to turn to the context from which Volf's theology emerged. As a Croat much of Volf's theology of embrace is written in response to the 1990s conflict in Croatia and Bosnia. In asking how the theology of embrace might offer a new approach to the pursuit of justice I have returned to the current uneasy situation in Croatia and Bosnia, where cries for justice have failed to find a steady peace or an end in reconciliation.

I will suggest that Volf's rejection of theories of justice based upon calculating that which is due to another is both right and necessary. I will argue that the problems of justice in the post-conflict Balkans can be seen as symptomatic of an over emphasis on understandings of justice as a form of transaction. I will propose that Volf's theology of embrace offers valuable resources from which an enlarged sense of justice might be developed. I will suggest that thinking of justice in primarily relational terms might offer a greater chance of moving towards reconciliation and a stable peace.

⁴ For example Volf talks about 'the prevalent account of justice' as being impartial. Miroslav Volf, *Exclusion and Embrace*, 220.

The following is intended firstly to introduce Volf's work and introduce Moltmann as a key dialogue partner and then to express the aims and approach of this thesis.

Section 1 - Miroslav Volf

1.1 Biography

Miroslav Volf's background is one of diversity. Born in Osijek, Croatia in 1956 he spent most of his childhood living in Novi Sad, Serbia (both part of Yugoslavia at the time). His father, Dragutin Volf, was half-German whilst his mother was part of the Czech minority.⁵ In this he represents the mixed background of many former Yugoslavians. His experiences as the child of a Pentecostal pastor were more unusual however.⁶ To be a practising Christian at all was a difficult position to be in, to be identified with evangelical Christians instead of with the traditional Serbian Orthodox or Croatian Catholic churches was even more unusual and remains so. Certainly Volf found the associations embarrassing and difficult.⁷ Yet this context as an outsider, marginalised by the communist regime, gave Volf a unique perspective which informed his later work.

The responses of his family to both the hostile communist state and to the personal tragedy of the death of Volf's older brother at the age of five are the

⁵ Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds', *The Christian Century*, January 11, 2003, 18-23 from www.religion-online.org/showarticle.asp?title=2688, 12/03/2008

⁶ Peter Kuzmič has commented that 'Pentecostal churches emphasize gifts of the spirit over the apostolic spirit of the transcendent church. . . . But in Tito's Yugoslavia, we were part of an evangelical world that was more a subculture. We were in a unique position to become bridge builders and reconcilers. If you listen to the Croatian Catholics, you can come to think God is Catholic. The Serbian Orthodox seem to worship a Serbian god. But the evangelicals there don't have a tribal religion, they don't serve an ethnic God.' Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

⁷ Becky Garrison, 'War and the Christians: An Interview with Miroslav Volf', <http://www.theturning.org/folder/volf.html>, 16/06/2008

major influences on Volf's understanding of Christian responses to injustice. He has indicated that his work is in one sense a theological response to the life and actions of his parents to these circumstances.

The attitudes and the practices toward "the enemy" and "the persecutor" I learned in my dad's church and in our home, shaped profoundly my whole theological thinking. The "enemy" ought to be loved, his or her enmity notwithstanding. There is a whole way of life and a whole theological program contained in that simple command.⁸

Volf's parents would regularly open their home to Christians and the marginalised. The death of his brother whilst playing with local soldiers was also met with forgiveness by his parents. Writing about the subsequent court case Volf noted that

My father insisted that he and my mother...had forgiven. They wouldn't press charges, he said. Why should one more mother be plunged into grief, this time because the life of her son, a good boy but careless in a crucial moment, was ruined by the hands of justice.⁹

This personal experience, and others, is central in the formation and focus of Volf's theology. The key issues of forgiveness and justice, of living with the enemy and reaching out to the marginalised and the wrong doer have been issues Volf has lived with all his life. It is this long history of reflection and lived responses to such difficult circumstances which gives Volf's theological reflections on the same issues such depth.

Volf's role as something of an outsider continued through much of his young adult life as he moved to the US, Germany and briefly returned to Yugoslavia for military service. As a soldier his foreign connections and Christian beliefs made him a target for psychological torture. This experience and his subsequent struggles to forgive, written about extensively in *The End of*

⁸ Becky Garrison, 'War and the Christians'.

⁹ Miroslav Volf, *Free of Charge: Giving and Forgiving in a Culture Stripped of Grace*, Zondervan, Grand Rapids, 2005, 122.

Memory: Remembering Rightly in a Violent World, gives Volf's reflections on the role of victims in justice particular weight.

Volf's first theological steps were overseen by Peter Kuzmič, his brother-in-law and Director of the Evangelical Theology Faculty in Osijek. Graduating with his BA in 1977 Volf moved on to do his MA at Fuller Theological Seminary (graduating in 1979) followed by his PhD at Tübingen under Jürgen Moltmann focusing on a Marxist understanding of work (completed in 1986).¹⁰ Whilst cultural background is important for understanding Volf's concerns and background influence, Moltmann can be seen as the biggest theological influence for Volf. Much of Volf's writing is underpinned by the systematic Trinitarian and eschatological theology of Moltmann. In many ways Volf's work can be read as 'after Moltmann' in the sense that his work begins where Moltmann has left off.¹¹

During his further education he kept close links with Croatia, returning as Lecturer and then Professor in Systematic Theology from 1984-1991. He progressed quickly up the career ladder, moving back to teach at Fuller from 1991-1998. He was in high demand and was offered positions at Heidelberg, Duke and Yale as well as being in the running for a position at Harvard.¹² In 1998 Volf settled on the role of Henry B. Wright Professor of Systematic Theology and Director of the Centre for Faith and Culture at Yale. This role seems to have been chosen in part because it allowed him the freedom to continue his theological work in constant engagement with culture. His concern with keeping theological reflection relevant is demonstrated in his popular pastoral articles in *Christian Century* and his involvement in the publication of 'A Common Word' document promoting positive and peaceful Muslim-Christian relations.¹³ The Centre engages those beyond the theological academy including ministers and business leaders. This reflects Volf's concern that

¹⁰ Miroslav Volf CV

http://divinity.yale.edu/sites/default/files/faculty_cv/MV%20Vita%20Updated%204-2010.pdf , 30/01/2012.

¹¹ Miroslav Volf, 'After Moltmann', 231-257.

¹² A. James Reimer, 'Miroslav Volf: One of the New Theologians', *The Conrad Grebel Review*, Vol. 18 no. 3, Autumn 2000, 8 and Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

¹³ ed. Miroslav Volf, Ghazi bin Muhammad and Melissa Yarrington, *A Common Word: Muslims and Christians on Loving God and Neighbor*, William B Eerdmans, 2010.

theology is not about intellectual exercise but is about guiding, supporting and promoting the practice of faith in everyday life. The centre focuses on research into human flourishing, faith in the workplace, reconciliation between Muslims and Christians and peaceful co-existence in a globalized world.¹⁴

Volf's biography perhaps demonstrates why he is difficult to categorise. Mark Oppenheimer comments that 'Volf has the catholicity of a refugee. He's reluctant to join any camp -- military, ethnic or intellectual.' Certainly categorising Volf theologically is hard. "He is eclectic," says Michael Horton, a Reformed evangelical who teaches at Westminster Theological Seminary in California. "And in an age that is suspicious of systematization, his eclectic borrowing from different traditions gives him certain advantages over more traditional 'school' theologians. He was raised Pentecostal, but he's critical of Pentecostal ecclesiology. He's clearly not a Calvinist, but certain themes of Reformed theology echo in his work."¹⁵ Certainly Volf has moved away from any form of Pentecostal label. He is still broadly categorised as evangelical and whilst in the US has been a member of the Episcopalian Church. His theology draws on diverse thinkers however and he would be reluctant to label himself.

The role of perspective is important in much of Volf's work. He enjoys engaging with multiple perspectives and borrows from thinkers one might expect him to dismiss. This ability seems to be related to his experiences as an outsider in many ways. The central events of Volf's life have clearly influenced his theological concerns. The fact that his experiences are rather uncommon for a theologian perhaps means that their affect on his theological work is merely highlighted, rather than the fact that they have an affect being extraordinary in itself. Similarly his encounter with Moltmann and their sustained engagement over a number of years have played a key role in developing his understanding of systematic theology and his emphasis on theological themes developed by Moltmann. In more recent years there has been a shift in his influences which have been primarily those of American academia and society. Nicholas

¹⁴ See Yale centre for Faith and Culture, www.yale.edu/faith, 30/06/2009

¹⁵ Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

Wolterstorff has been a particularly noteworthy recent influence.¹⁶ Volf acknowledges that there has been a move in his work towards a concern with the problem of ‘a conception of human flourishing as experiential satisfaction, and then the drawing in of religion to support the sense of simple experiential satisfaction as a good life.’¹⁷ This he sees as a problem which does not only exist in America but it is perhaps most pressing there. Certainly it seems he is a theologian reactive to his surroundings and context. His theological concerns are motivated by what he sees to be the most pressing problems of the society around him.

1.2 Bibliography

It is useful to examine Volf’s significant publications in order to understand his wider theological thinking and to set *Exclusion and Embrace*, published in 1996, in context.¹⁸ Here I will introduce each text briefly. I will then draw his work together in relation to key themes which are not dealt with individually elsewhere in the thesis; eschatology and justice.¹⁹ It is also helpful to consider briefly Volf’s theological method in order to understand the focus and limitations of his work. In the following section I will then focus in on my key text, *Exclusion and Embrace*.

Volf’s first significant publication, *Work in the Spirit: Toward a Theology of Work* was published in 1991 and was largely a reworking of the material of his doctoral thesis. Rejecting Luther’s notion of work as vocation as unable to deal with the plurality of contemporary employment practices Volf argued for an understanding of work based on charisms, gifts of the Spirit.

¹⁶ Bethan Willis, Miroslav Volf Interview, 26/08/2009

¹⁷ Bethan Willis, Miroslav Volf Interview, 26/08/2009

¹⁸ I will deal here with Volf’s full length English language books. These books cover all of the main themes of Volf’s theology. Other chapters, editorial content, essays and articles (including the collected articles published in *Against the Tide*) will be dealt with as they arise.

¹⁹ For an overview of Volf’s theology of Identity and Trinity see section 1 of the relevant chapters.

After Our Likeness: The Church as the Image of the Trinity was published in 1996 in German and 1998 in English.²⁰ This was again work done under Moltmann's supervision and was submitted as Volf's *Habilitationsschrift*. It sought to stand as a corrective to overly individualistic understandings (and practices) of Protestant ecclesiology. In dialogue with Joseph Ratzinger and John Zizioulas, Volf set out to ground a Protestant Free Church ecclesiology in the Trinitarian communion whilst maintaining a critical distance from the hierarchical implications of both men's work.

In 1996 *Exclusion and Embrace: A Theological Exploration of Identity, Otherness and Reconciliation* was published to wide acclaim having been written towards the end of the 1990s conflict in the Balkans. It offered an understanding of human identity modelled on the Trinity's mutual self-giving. For Volf, the means to pursue and embody this fullness of human identity could largely be understood in terms of the practice of embrace.

The topics of giving and forgiving were covered further in the more devotional work *Free of Charge: Giving and Forgiving in a Culture Stripped of Grace* in 2005. Here Volf again seeks to offer a corrective to a prevalent understanding of God's grace. He attempts to counter the popular notion of God as Santa Claus and instead offers a more nuanced reading of the ways in which God gives and the call to the Christian to give as God gives. This text also marks a change in Volf's thinking on justice. Here retributive justice is contrasted with forgiveness rather than the re-envisioning of justice found in *Exclusion and Embrace*.²¹ Whilst Volf denies explicitly writing with an audience in mind, the

²⁰ There is some confusion over the precedence of *After Our Likeness* and *Exclusion and Embrace*. The German language version of *After Our Likeness* was published in 1996, the same year as *Exclusion and Embrace*. Volf notes that he wrote much of the former during a fellowship held from 1989-1991 and that the material is almost identical with that submitted as a *Habilitationsschrift* in 1994, whilst the latter text was still being fine tuned in late 1996. Therefore whilst the publication dates might suggest *After Our Likeness* follows after *Exclusion and Embrace* it seems safe to assume the opposite is true although of course there is some overlap in the theological themes of community and Trinity. See Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity*, William. B. Eerdmans, Cambridge, 1998, xif and Miroslav Volf's CV.

²¹ Miroslav Volf, *Free of Charge*, 160 ff.

context of this, and later works, feels much more American rather than the European slant of his earlier works.²²

In 2006 came *The End of Memory: Remembering Rightly in a Violent World* in some senses the sequel to *Exclusion and Embrace*. It deals with the way memories of injustice shape identity and the possibilities of remembering events without reigniting the pain of injustice suffered. Eschatology comes to the fore again as Volf seeks to understand how one's identity may remain whilst painful sins are eradicated. Volf edited several other volumes as well as publishing a book of collected articles in *Against the Tide* in 2009 and contributing a number of articles to journals. These secondary texts will be dealt with in the thesis as they arise.

1.2a Eschatology

Eschatology is central to Volf's theology. In *Work in the Spirit*, Volf builds on Moltmann's work drawing specifically on *Theology of Hope* to place the concept of new creation at the centre of his theology of work.²³ This new creation is 'the end of all God's purposes with the universe, and as such, either explicitly or implicitly is the necessary criterion for all human action'.²⁴ This sets up a major category in Volf's theological thought. In *Exclusion and Embrace* he often works backwards from a vision of eschatological perfection in order to understand the end goal of present action.²⁵ In *The End of Memory* there is a similar emphasis on the continuity of present action with the establishment of God's future kingdom. This lends Volf's theology a dynamic quality in that it is always

²² Miroslav Volf Interview with Bethan Willis, 26/08/2009. There is a significant gap between these publication dates during which there seems to be a noticeable shift in perspective. Whilst Volf's first two works were written in Europe and *Exclusion and Embrace* seems to be mostly informed by the Balkan context and European writers, later works occurred after a period during which Volf became an American citizen (1997) and settled permanently at Yale (1998).

²³ Miroslav Volf, *Work in the Spirit*, Wipf and Stock, Eugene, Oregon, 1991, 79

²⁴ Miroslav Volf, *Work in the Spirit*, 81.

²⁵ For example Volf's vision of justice in *Exclusion and Embrace* is an eschatological one. Volf, *Exclusion and Embrace*, 223

anticipating and pursuing the new creation. This new creation is not fully fleshed out by Volf but is perhaps short hand for Moltmann's eschatology.²⁶

Work in the Spirit argues for a transformative eschatological view and against the idea of the destruction of the world. Volf suggests that 'without a theologically grounded belief in the intrinsic value and goodness of creation, positive cultural involvement hangs theologically in the air.'²⁷ He seems to suggest that eschatology is the underlying difference between theologies of work which value work for its inherent worth and those who see work's value as in the way it may or may not further evangelisation or sanctification. Most importantly Volf emphasises the idea of continuity between action in the present and the future kingdom.²⁸ An important element of this eschatological view is that works which go unnoticed in the world are not lost forever but what they create is valued and celebrated in the new creation.²⁹

Volf also suggests in this text that protological theologies of work are less complete than eschatological but insists that protology is not to be ignored since 'the new creation comes about through a transformation of the first creation, cooperation with God in the preservation of the world must be an integral part of cooperation with God in the transformation of the world.'³⁰ This perhaps suggests why, in *Exclusion and Embrace* Volf makes the unusual move to reflect on justice in terms of an eschatological vision rather than the more typical approach of looking first to the idea of created human beings which more typically stands at the roots of Christian endeavours to understand justice as human rights for example. Volf also suggests that protological accounts will tend to uphold the status quo.³¹ In terms of justice theory this may well also be true. Certainly Volf's eschatological vision breaks free of the normal bounds of thinking about the content of justice.

²⁶ See section below for Moltmann's eschatological thought. Volf explicitly states that he does eschatology after (as in following on from or expanding on) Volf, 'After Moltmann', 233-257.

²⁷ Miroslav Volf, *Work in the Spirit*, 91.

²⁸ Miroslav Volf, *Work in the Spirit*, 89.

²⁹ Miroslav Volf, *Work in the Spirit*, 92.

³⁰ Miroslav Volf, *Work in the Spirit*, 101.

³¹ Miroslav Volf, *Work in the Spirit*, 102.

In *After Our Likeness* Volf maintains the claims made in *Work in the Spirit* that 'the all-embracing framework for an appropriate understanding of the church is God's eschatological new creation.'³² For Volf the eschatological vision for the Church is about 'the mutual indwelling of the triune God and his glorified people in a new heaven and a new earth.'³³ However this mutual indwelling is only partial. The catholicity of the church (and presumably individuals) will be fully realised only eschatologically. There is a weaker sense (than found in *Exclusion and Embrace*) of Volf working back from an eschatological vision. He states that a close (sibling like) yet open (to enemies and strangers) relationship of congregants is required since 'only such an open fellowship is commensurate with the ultimate vision of the church as the eschatological gathering of the entire people of God from all tribes and nations.'³⁴

Volf returns to the language of minimum and maximum previously found in *Work in the Spirit*. In this earlier text he talks of ethical minimums and maximums.³⁵ Here the language is used within an eschatological framework. He writes that 'for a *sojourning* church, only a dynamic understanding of its correspondence to the Trinity is meaningful. If the church remains at a statically understood minimum of correspondence to the Trinity, it misses possibilities God has given it along with its being; if by contrast it reaches for a statically understood maximum, it risks missing its historical reality, and certainly if it claims to realize this maximum, its self-understanding turns into ideology.'³⁶ This statement shows Volf seeing to emphasise the eschatological nature of the Christian life which pushes beyond human limits and boundaries whilst tempering this with a warning that the eschatological kingdom can only be pursued in the present, it cannot be fully realised. This understanding comes through in *Exclusion and Embrace* particularly in reference to justice. The language of minimum and maximum correspondence is therefore particularly useful in further consideration of this subject (see chapter 4 4.2b).

³² Miroslav Volf, *After Our Likeness*, 128.

³³ Miroslav Volf, *After Our Likeness*, 266.

³⁴ Miroslav Volf, *After Our Likeness*, 181.

³⁵ Miroslav Volf, *Work in the Spirit*, 82.

³⁶ Miroslav Volf, *After Our Likeness*, 199f

In *Exclusion and Embrace* eschatology also comes to the fore. It is clearly linked to Volf's understanding of the social trinity. Volf's understanding of the Trinitarian life informs his vision of eschatological life in that human beings will enter into the life of the Trinity. The Trinity is therefore at the heart of Volf's eschatology. It is therefore possible that the vision of eschatological justice he puts forward could also be understood as a vision of justice within the Trinity (see chapter 4 4.2).

1.2b Justice

Volf touches on the subjects of justice and love in regard to eschatology. He suggests that the new creation 'implies certain principles that cannot be set aside if justice is to prevail...the "ethical minimum"'. But the new creation also implies principles which point beyond the way of love, which we might call the "ethical maximum".³⁷ The minimum provides the basis of forming structures; the maximum is the 'regulative ideal'. Whilst in *Exclusion and Embrace* there is a certain blurring of these boundaries (followed by a hardening of them in Volf's recent thought), this clearer delineation is helpful.³⁸ This thesis will argue for a greater emphasis on the 'regulative ideal' in justice practice. However, Volf warns that 'the ethical maximum may not be zealously transmuted from regulative ideal to sacrosanct criterion. As one uses the ethical maximum to optimise structures, one must take soberly into account what is practically realizable.'³⁹ To make the ideal maximum into law creates an impossible state to attain and becomes oppressive. Indeed the maximum is beyond the law because it is to be pursued 'inspired by the sacrificial love of Christ demonstrated on the cross and guided by the vision of the new creation.'⁴⁰ Essentially the ideal can be pursued only with the help of the Spirit.⁴¹

³⁷ Miroslav Volf, *Work in the Spirit*, 82.

³⁸ Bethan Willis Miroslav Volf Interview, 26/08/2009

³⁹ Miroslav Volf, *Work in the Spirit*, 83.

⁴⁰ Miroslav Volf, *Work in the Spirit*, 82.

⁴¹ A point Volf makes in different terms in *Exclusion and Embrace*, 270.

Volf writes 'at the same time it is crucial not to set love aside as useless in social ethics. Even if one does not only operate with a procedural understanding of justice (as I do not), the practice of justice alone will not be sufficient to create a humane society. For without love, there is no *shalom*.⁴² This clearer separation of love and justice is one Volf returns to later. Yet it demonstrates Volf's understanding of the inseparability of justice and love. In his understanding of the minimum and maximum demands of justice there is evidence of justice giving way to love in a way which foreshadows the blurring of the two in *Exclusion and Embrace*.

In other ways however the language of justice in this text is very different. Justice is rooted in biblical texts which demand the acceptance of 'economic responsibility for others'.⁴³ Volf talks about the right to sustenance and later, the right to leisure. He also seems to suggest that justice requires more than generosity.⁴⁴ Volf draws on Nicholas Wolterstorff to conclude that "the deepest answer to the question 'why care about the poor?' is that if we do not, we are violating the God-given *rights* of other people."⁴⁵ This rights language is not a feature of *Exclusion and Embrace* where Volf grounds justice primarily in eschatology (not biblical texts) and suggests that rights will no longer exist.⁴⁶ In some ways we might see the position stated in *Work in the Spirit* as one Volf returns to much later making *Exclusion and Embrace* an aberration.

The key difference between *Exclusion and Embrace* and *Free of Charge* is the definition of justice. In *Exclusion and Embrace* 'justice' freely overlaps with 'love' and 'forgiveness'. In *Free of Charge* we see a hierarchy starting with revenge, judged morally wrong, above which lies '(retributive) justice' which is superseded by 'forgiveness'.⁴⁷ The non-academic nature of *Free of Charge* makes it difficult to pin down the shift in Volf's position with great subtlety. Yet he is aware of the shift.⁴⁸

⁴² Miroslav Volf, *Work in the Spirit*, 83.

⁴³ Miroslav Volf, *Work in the Spirit*, 194.

⁴⁴ Miroslav Volf, *Work in the Spirit*, 194.

⁴⁵ Miroslav Volf, *Work in the Spirit*, 195 quoting Wolterstorff, *Justice and Peace Embrace*.

⁴⁶ Volf, *Exclusion and Embrace*, 223

⁴⁷ Miroslav Volf, *Free of Charge*, 158ff

⁴⁸ Bethan Willis, Miroslav Volf Interview 26/08/2009

Volf expands on this idea. 'Instead of forgiving and restoring relationship, litigants seek to punish and to extract maximal compensation. More than just insisting on their rights, they seek to maximise their profits at other's expense. Far from being concerned with justice, they are often driven by vengeance and greed.'⁴⁹ Here Volf argues that far from pursuing forgiveness, even dues based justice (represented by rights) is failing to be pursued. Indeed justice itself is barely in focus as individuals pursue their own advantage.

In this text Volf seeks to respond to the problems of justice in the context of the 'mushrooming litigiousness in the United States.'⁵⁰ In many ways the problems are the same as those of the Balkan context, justice unfulfilled. However in this context Volf sees fit to separate out the justice from forgiveness.⁵¹ In some ways this is a useful corrective to the largely poorly defined 'justice' of *Exclusion and Embrace*. However, despite Volf's protestations it falls into the trap of pitting forgiveness against justice rather than seeing the two as largely overlapping. This leaves significant theological problems. It also relies more heavily on existing accounts of justice rather than doing the type of theology Volf champions, that is, beginning from an understanding of the Trinity and eschatology and building up from there. Whilst this method has significant problems of definition it does provide much deeper theological roots. In this thesis I will argue that justice should be understood in terms of eschatological vision, as initially set out by Volf. I will seek to expand on the understanding of justice found in *Exclusion and Embrace* and make it a plausible basis for practical action. It is, however, useful to bear in mind the corrective of *Free of Charge* in order that we might think of minimal and maximal understandings of justice.

It is difficult to assess why the marked difference in emphasis between these two texts exists. Volf acknowledges he is influenced greatly by context and writes in response to his own current cultural concerns. Perhaps then the difference is due to the fact that both texts are offered as correctives to differing

⁴⁹ Miroslav Volf, *Free of Charge*, 125

⁵⁰ Miroslav Volf, *Free of Charge*, 125

⁵¹ 'Why should we give a gift of forgiveness when every atom of our wounded bodies screams out for justice or even revenge?' Miroslav Volf, *Free of Charge*, 126.

contexts. Perhaps the United States can afford to live with the indifference that is that result of adherence to minimal justice (rights, fairness, law). There is no 'great project' which requires co-operation, the giving up of oneself for another. The cushion of economic wealth, political stability and peace (on home soil at least) means individualism is not necessarily a problem. In more volatile situations such as the Balkans, and at this time Bosnia particularly, the cost of this indifference cannot be borne. The consequences economically, politically and socially are too great. Justice in this context must be centred on reconciliation.

There may also be a point of difference in perspective in that the American environment places Volf in a position of relative power which means he identifies as one of a group who do or distribute justice. The Bosnian and Croatian context is more centred on those who need to make claims for justice to be done to them.

1.2c Method

In *Work in the Spirit* Volf clearly sets out many themes and methodological approaches which recur and develop in his later works.⁵² Finding the predominant theological understanding of work as vocation inadequate for a post-industrial era of plural employment, Volf aims to find a theology of work grounded in the Spirit and based on the notion of *charismas*. Volf argues that work should be understood as co-operation with God and as ultimately working towards the new creation of the eschaton. It should utilise the gifting of the worker and promote their development and encourage their input or autonomy.

From *Work in the Spirit* it is helpful to take forward the idea that Volf is chiefly set on building theological frameworks. He is reluctant to be too particular or

⁵² Prior to this had been one short work in Croatian on the poet Aleksa Santic, his German thesis on Karl Marx and theology of work (the forerunner to *Work in the Spirit*) and some journal and magazine articles on work and liberation.

prescriptive and believes that structural change is a secondary development which should occur in light of guiding theological principles such as those he establishes. *Work in the Spirit* is in many ways clearer and better defined than *Exclusion and Embrace*. This is partly due to the subject matter. In treating the subject of work Volf progresses clearly through a number of already well defined subject areas (economics, unemployment, child labour) highlighting the problems before he moves on to a more systematic consideration of the literature and then a theological response. In *Exclusion and Embrace* the subject matter is much more personal and whilst there is progression from understanding the problem towards offering a theological proposition, it feels more instinctive and slightly erratic rather than methodical.⁵³

Work in the Spirit has a strong biographical influence in that the inevitable socialist influences on Volf's upbringing, in this instance a Marxist understanding of the importance of work, are brought into dialogue with his adult encounters with the Western world, here represented by Adam Smith and free market economies. This bringing together of disparate ideas or ideologies is typical of Volf.

Methodologically there are several points of note in this work. Firstly, Volf sets out to create a 'comprehensive and technical theological investigation of the problem of work in contemporary society.'⁵⁴ This approach continues throughout Volf's later work. His aim is not to offer a particular account of work but to rethink and rebuild the theology which might underpin these sorts of accounts. In this way his work seeks to avoid the problems of being overly prescriptive in order that he can make more universal claims. In focusing on this 'theological framework' Volf aims to give the reader the ability to enter any particular situation with the tools to act and shape practices in a theological way.⁵⁵ Volf writes that 'for a Christian the answer to the question of how to function responsibly in each particular sphere of life depends on the answer to the

⁵³ Although there are personal references in (Volf,) *Work in the Spirit* to agricultural experiences of Yugoslavia (p28f) and child labour in Osijek (p36)

⁵⁴ Miroslav Volf, *Work in the Spirit*, 7.

⁵⁵ Miroslav Volf, *Work in the Spirit*, 7.

question of how one should responsibly live one's life as a whole.⁵⁶ In this instance Volf uses this argument to defend his reflection on work as a broad category, rather than focusing specifically on particular types of work. However, the culmination of this approach is seen in *Exclusion and Embrace*, where the Theology of Embrace becomes the basis for thinking about the Godly life.

Volf is not denying the need for specific theological responses. He suggests here and elsewhere that these are the jobs of specialists in those fields in dialogue with theologians.⁵⁷ The job of theologians when working alone is to provide broad theological frameworks not to draw detailed accounts of action and practices unless they are named as particular and rooted in a specific context. Volf rejects the idea that he can speak both universally and prescriptively. His work suggests that either one can talk universally, in broad theological concepts to be interpreted within particular contexts, or one can write particularly on specific contexts, but this work must not then claim universal applicability.

Volf draws a clear distinction between the need for an ethic of work and a theology of work.⁵⁸ He argues that

It is insufficient merely to interpret the biblical statements on work, distill from them transculturally binding ethical principles, and combine them into a consistent statement on how a Christian should work. It is also insufficient to ask what individual Christian doctrines (such as the doctrine of creation and anthropology) imply for our ethical assessment of human work. It is rather necessary to *develop a comprehensive theology of work*. A theology of work...situates the questions of how one should or should not work, and what one should produce, in the larger context of reflection on the meaning of work in the history of God with the world and on the place of

⁵⁶ Miroslav Volf, *Work in the Spirit*, 14.

⁵⁷ Miroslav Volf, *Work in the Spirit*, 76.

⁵⁸ Miroslav Volf, *Work in the Spirit*, 73ff.

work in human beings' relation to their own nature, to their fellow human beings, and to the natural world.⁵⁹

Volf argues that pursuing a theological perspective rather than an ethical one roots work more deeply in seeing it as part of God's creative purposes and that ethical reflection on work is too changeable in that practices of work are constantly changing. Reflection on the more permanent aspects of work needs to be done.⁶⁰ This is not to say that Volf sees no need for ethical principles. He suggests these will be implicit in the theological framework.⁶¹ Volf is aware of the problems of failing to explicitly set out ethical principles. He notes MacIntyre's critique that 'we have not yet fully understood the claims of any moral philosophy until we have spelled out what its social embodiment would be.'⁶² Nevertheless Volf sees the pitfalls of being explicit in terms of ethical practices as greater than those of refusing to make such a move. This method is one Volf continues with throughout his theological work. It later becomes a significant criticism of *Exclusion and Embrace* in that it fails to deliver a more specific understanding of the social embodiment of the practice of embrace.⁶³ It is this problem which I will endeavour to tackle in relation to embodying the Theology of Embrace in justice praxis.

After Our Likeness is, as with all Volf's work, influenced by his background. This time the influence of the Church in Novi Sad, run by his father.⁶⁴ The engagement with Catholic and Orthodox voices (Ratzinger and Zizioulas) is a reflection of Volf's developing interest in ecumenism (which has more recently given way to interfaith dialogue) and the theme of Trinitarian communion which underpinned it.⁶⁵ The way in which Volf engages with these 'other' voices is a

⁵⁹ Miroslav Volf, *Work in the Spirit*, 74.

⁶⁰ Miroslav Volf, *Work in the Spirit*, 75.

⁶¹ Miroslav Volf, *Work in the Spirit*, 76.

⁶² Alisdair MacIntyre, *After Virtue: A Study in Moral Theory*, University of Notre Dame Press, Notre Dame, 1984, 23.

⁶³ For example Mennonites such as A. James Reimer critique Volf for his following up the largely non-violent thrust of *Exclusion and Embrace* with a final comment that violence might in fact be necessary in a fallen world. See A. James Reimer, 'Miroslav Volf: One of the New Theologians', 8 and Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

⁶⁴ Miroslav Volf, *After Our Likeness*, x.

⁶⁵ Miroslav Volf, *After Our Likeness*, x.

method which reflects the theological proposition of embrace in that Volf seeks to respect and learn from the other and adjusts his own position in light of engagement with the other without renouncing his own Protestant identity and commitments.⁶⁶

Volf sees himself, in this text at least, as doing constructive theology.⁶⁷

1.3 Exclusion and Embrace

Volf rose to prominence on the publication (in 1996) of his book *Exclusion and Embrace* which was widely lauded. It was counted as one of the top 100 theological works of the 20th Century by Christianity Today alongside Gutierrez's *A Theology of Liberation* and Moltmann's *The Crucified God*.⁶⁸ Volf's work brought a unique perspective to issues of identity, exclusion, conflict and forgiveness in particular drawing heavily on his background as a Croat in Communist Yugoslavia and in the Balkan conflicts of the 1990s.

Volf set out to respond to the issue of conflict in an intensely personal way. His central question is 'How does one remain loyal both to the demand of the oppressed for justice and to the gift of forgiveness that the Crucified offered the perpetrators?'⁶⁹ Yet he tackles it within the context of his own experience as a Croat watching his country being torn apart and his attempt to find a way to embrace his ultimate 'other', the Serbian fighters known as '*četnik*' who were raping, imprisoning, killing and destroying the homes of Croats and Bosnian Muslims (Bosniacs).

The combination of rigorous theology and deeply personal wrestling with the possibilities of justice, forgiveness and reconciliation is perhaps the chief

⁶⁶ See Miroslav Volf, *After Our Likeness*, xi.

⁶⁷ Miroslav Volf, *After Our Likeness*, 6.

⁶⁸ Christianity Today, 'Books of the Century'

<http://www.christianitytoday.com/ct/2000/april24/5.92.html?start=1>, 24/4/2009.

⁶⁹ Miroslav Volf, *Exclusion and Embrace*, 9.

attraction.⁷⁰ It lends this particular work some of the urgency and importance of theologians such as Dietrich Bonhoeffer. It is theology which was not an intellectual exercise of interest but a necessity and spoke directly to the crises at hand. In many ways Volf's work still speaks clearly to the continuing 'messy' post- conflict situation in Bosnia- Hercegovina and parts of Croatia. It is this interaction between Volf's theology and context that will be the focus of this thesis.

Whilst this thesis will stress the ways in which Volf's work contributes to our understanding of justice, *Exclusion and Embrace* is not primarily about justice. Instead Volf characterises ethnic and cultural conflicts as being chiefly about identity and the negotiation of difference.⁷¹ Volf has subsequently noted that 'what is unique to the book is that these two set of tensions [justice versus forgiveness and identity versus otherness] are addressed together.'⁷² Volf suggests that a theology of human identity must come first. The secondary place of justice to the issue of identity offers a very different vantage point from which to begin thinking about justice, one which will be reflected throughout this thesis.

Volf characterises the problematic notions of identity and difference as centred around a desire for exclusion. He begins with the ethnic cleansing as the most obvious and significant example of exclusion. It is a drive for 'purity', an attempt to live without the other. It is this refusal to make space for the other within one's own sense of identity which Volf brands as exclusion. 'Instead of reconfiguring myself to make space for the other, I seek to reshape the other into who I want her to be in order that in relation to her I may be who I want to be.'⁷³ It is this desire to put the self first, to define oneself without reference to the other, or without reference to the other as she currently exists, which Volf argues can slide into violence. Less prominent are his brief comments on exclusion of the self. He argues that those who suffer may also have exclusionary identities, that is they may give over their own will to the other.

⁷⁰ Volf calls this book both an 'intellectual struggle' and 'a spiritual journey'. *Exclusion and Embrace*, 10.

⁷¹ Miroslav Volf, *Exclusion and Embrace*, 16

⁷² Becky Garrison 'War and the Christians: An Interview with Miroslav Volf'

⁷³ Miroslav Volf, *Exclusion and Embrace*, 91

This is the 'exclusion of their own self to be oneself...it is not so much sin as it is an evil that cries for remedy.'⁷⁴ Volf is reluctant to name exclusion as the main form or source of sin, yet he is clear that it is that which 'permeates a good many sins we commit against our neighbors.'⁷⁵ Volf notes that the term exclusion is particularly useful in that it often highlights sins which are often named as virtues. He regards the term as reflecting Jesus' practice of embracing the outcast whilst pointing to the sin of those who cast them out.⁷⁶

The opposite of exclusionary identities and modes of behaviour Volf labels 'embrace'. Embrace is termed a practice but in many senses it is also a type of identity, a way of understanding oneself and one's relationships to others. Volf grounds this type of identity theologically. He looks first, as his theology always does, to Christ's crucifixion and the Trinitarian love it expresses.

Exclusion and Embrace was well received, to the extent that though a well known theological text, there is very little critical commentary. Mark Oppenheimer notes that 'Perhaps the most remarkable aspect of Volf's career as a theologian is that there are no fights between Volfians and anti-Volfians. There don't even seem to be any anti-Volfians.'⁷⁷ Richard Mouw suggests that the lack of bad reviews is perhaps because 'his is such a rare voice that no one wants to exclude him from the conversation.'⁷⁸ Mild criticisms have been made of the way in which the non-violent thrust of Volf's theology is not followed through to a full commitment to pacifism and some question the Trinitarian underpinnings of the theology of embrace (both are issues taken up within this thesis).

This lack of serious sustained critique is perhaps because Volf's diagnoses of the problems are well regarded, yet his solutions are sufficiently vague, or perhaps just so foundational (and largely apolitical) that few find fault. Instead they are at liberty to read his theology of embrace in such a way as to fit their own particular theological and political commitments. Of course in a sense this

⁷⁴ Miroslav Volf, *Exclusion and Embrace*, 92

⁷⁵ Miroslav Volf, *Exclusion and Embrace*, 72

⁷⁶ Miroslav Volf, *Exclusion and Embrace*, 72

⁷⁷ Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

⁷⁸ Mark Oppenheimer, 'Miroslav Volf Spans Conflicting Worlds'.

is also what I will be doing. In doing so however I want to stress the ways in which I think Volf's work has not been understood as the potentially radical text that it is. If his rejection of the status quo is to be taken seriously then our very understanding of the shape and character of justice, not just the practices of justice, must be significantly altered. In this sense the reading I suggest would provoke greater criticism, indeed it is a reading which Volf acknowledges exists in the book but from which he himself has now moved on.⁷⁹

1.4 Miroslav Volf and Jürgen Moltmann

Volf's own (named) dialogue partners are often philosophers rather than theologians. This is particularly true in *Exclusion and Embrace* in which the purpose is to reject a whole way of thinking which Volf saw as permeating both secular and much of Christian culture. It also allowed Volf to set up his theological alternative as radically in opposition to the cultural norms of both modernity and postmodernity. However Volf has little sustained engagement with these writers, instead choosing a piecemeal approach. This is not to say Volf's work is written without reference to other theologians. Moltmann is a huge influence on Volf's work. The idea of eschatology and new creation which runs through Volf's writing is almost entirely attributable to Moltmann. Indeed Volf explicitly sees himself as building on Moltmann's eschatology.⁸⁰

Volf's work can be seen as following on from Moltmann something Volf acknowledges in *God Will Be All in All* as well as in *Exclusion and Embrace* where his task is in part a development of a new turn in Moltmann's theology identified by Volf in *The Spirit of Life*. In the *Spirit of Life* Moltmann turns to the idea of Christ's atonement for perpetrators alongside his more traditional emphasis on solidarity with victims.⁸¹ Volf's response is to 'pick up and develop

⁷⁹ Bethan Willis Miroslav Volf Interview, 26/08/2009.

⁸⁰ Volf in 'After Moltmann'.

⁸¹ Volf, *Exclusion and Embrace*, 23

the theme of divine self-donation for the enemies and their reception into the eternal communion of God.⁸²

Moltmann and Volf both share a claim to take particular experiences as the 'initial source' of their theology.⁸³ Moltmann's comes from his time as a prisoner of war in 1945-48 during which he became a Christian, his experience of the bombing of Dresden, and his subsequent desire to respond to complex post war issues. In a similar sense Volf is very much formed by his experiences as a Christian family in a communist state, a conscripted soldier and as a witness to the Croatian conflict of the early 1990s.

There is a great similarity between the concerns of Volf and Moltmann. Moltmann's words in *The Trinity and the Kingdom* seem in particular to foreshadow Volf's theology of embrace. Moltmann writes in reference to knowledge of the Trinity that

by knowing or perceiving one participates in the life of the other. Here knowing does not transform the counterpart into the property of the knower; the knower does not appropriate what he knows. On the contrary, he is transformed through sympathy, becoming a participator in what he perceives. Knowledge confers fellowship. That is why, knowing, perception, only goes as far as love, sympathy and participation reach. Where the theological perception of God and his history is concerned, there will be a modern discovery of trinitarian thinking when there is at the same time a fundamental change in modern reason - a change from lordship to fellowship, from conquest to participation, from production to receptivity. The new theological penetration of the trinitarian history of God ought also to free the reason that has been made operational – free it from receptive perception of its Other, free it for participation in that Other.⁸⁴

Along with these striking similarities, there are significant differences. This is particularly evident in the way that Volf's work carries on Moltmann's but in a less explicitly or concretely, political way. Moltmann's aim is to relate the Trinity to society – but he also had to do much of the groundwork in order that this relationship (of the Trinity to society) should be explained, which Volf does not.

⁸² Volf, *Exclusion and Embrace*, 23

⁸³ Richard Bauckham, *The Theology of Jürgen Moltmann*, T&T Clark, Edinburgh, 1995, 1

⁸⁴ Jürgen Moltmann, *The Trinity and the Kingdom*, SCM Press, London, 1993, 9.

Once this is done Moltmann seems to move towards the language of liberation (which Volf is wary of) and to suggest more specific political action than Volf would be comfortable with. For example, Moltmann writes that ‘in so far as the vicious circle of poverty is produced by exploitation and class domination, social justice can only be achieved by a redistribution of economic power....socialism is the symbol for the liberation of men from the vicious cycle of poverty.’⁸⁵ Similarly he declares that ‘the *Declaration of Human Rights* may be taken as a standard for democratic justice.’⁸⁶ Again, Volf would be uncomfortable with such a firm statement. Volf is insistent that as a theologian he should ‘refrain from making proposals about how these ethical principles should be translated into concrete policy.’⁸⁷ Volf repeats this type of statement many times and is very wary of taking Trinitarian theology and analogy too far and claiming divine approval for any social system or political ideology.

Section 2 - Aims and Methodology of Thesis

The relationship of Miroslav Volf’s work to its context has inspired both the aims and the methodology of this thesis. It suggests that engaging Volf’s work in the present Balkan context may be fruitful in drawing out the implications of his theology, and that his theology has resources to offer back to the context.

Volf’s theology is always engaged with context. In *Exclusion and Embrace* this context is the final stages of the Balkan conflict.⁸⁸ For Volf, the idea that context should form his theological engagement seems obvious. He writes that ‘I chose not even to try the impossible. I, a citizen of a world at war and a follower of Jesus Christ, could not hang up my commitments, desires, rebellions, resignations, and uncertainties like a coat on a coat rack before entering my study, to be taken up and put on when the work of the day was over.’⁸⁹ Volf’s point here is not that the context of the Balkan conflict was significant enough to

⁸⁵ Moltmann, *The Trinity and the Kingdom of God*, 332.

⁸⁶ Moltmann, *The Trinity and the Kingdom of God*, 333.

⁸⁷ Miroslav Volf, *Work in the Spirit*, 76.

⁸⁸ Volf, *Exclusion and Embrace*, 9ff.

⁸⁹ Volf, *Exclusion and Embrace*, 10.

warrant reflection, rather that Christian theology should begin from experience of the Christian way of life and should seek to offer something back to that way of life.⁹⁰ Reflecting on the ways in which Christian life can be understood in response to the context in which it is to be lived out is therefore integral to Volf's theological approach.

Volf writes as a member of a wounded nation and ethnic group, but also as one with responsibility to find a way of relating to former enemies. As has been noted, the question of how Volf might personally respond to the conflict is the motivating factor in the theology of embrace.⁹¹ In later works such as *Free of Charge* (2006) context also plays a significant role as Volf seeks to offer a corrective to the American (or perhaps simply affluent Western) tendency to understand God in consumerist terms.⁹² In a different way *After Our Likeness* responds to a specific church context.⁹³

In allowing context to shape and inform his work, Volf is not labelling himself as a 'contextual theologian' however.⁹⁴ His work does fit a broad category of contextual theology 'understood as the interpretation of Christian faith which is conscious of the situation and connection for shaping theology.'⁹⁵ However, despite origins in the Balkan context Volf's work is not a contextual theology in the sense of 'completely determined by its context.'⁹⁶ This is because, whilst Volf does speak back to the initial context, he moves away from it in seeking to come to more universal claims rather than particular claims related only to the context in hand.⁹⁷

In *Exclusion and Embrace* there is an express wish to respond to the issues raised by the Balkan conflict. However, as the work progresses his aim is to work in broader terms which also speak to other situations of conflict and

⁹⁰ Miroslav Volf, 'Theology for a Way of Life' in ed. Miroslav Volf and Dorothy C. Bass, *Beliefs and Practices in Christian Life*, William B. Eerdmans, Cambridge UK, 2002, 247.

⁹¹ See Introduction, 1.3.

⁹² Volf, *Free of Charge*, 14.

⁹³ Volf, *After Our Likeness*, 5.

⁹⁴ He calls himself a 'constructive theologian' Volf, *After Our Likeness*, 14.

⁹⁵ Sigurd Bergmann, *God in Context: A Survey of Contextual Theology*, Ashgate, Aldershot, 2003, 5

⁹⁶ Sigurd Bergmann, *God in Context: A Survey of Contextual Theology*, 5

⁹⁷ Embrace is proposed as "a metonymy" for the whole realm of human relations.' Volf, *Exclusion and Embrace*, 140.

ultimately to all human beings ensnared in sinful relationships.⁹⁸ Volf's work is therefore informed by but not limited to its own context.

In *Exclusion and Embrace* the Balkan conflict clearly instigates Volf's reflection and it is this which gives his theology a sense of urgency and necessity. The context is kept in sight as a situation which requires a theological response. Whilst Volf uses the context as a starting point and proceeds to make theological points with a broader application, he does still seek (to some extent) to address the context in his conclusions. These suggest that 'consistent non-retaliation and nonviolence will be impossible in the world of violence' but that violence should not 'seek legitimation in the religion that worships the crucified Messiah.'⁹⁹ This limited return to address the context can seem partial and vague. A. James Reimer has critiqued the notion of embrace as not offering 'concrete terms' for practice.¹⁰⁰ In response, I aim to take an approach which seeks to complete the movement from context to theology by returning back to context. I aim to go some way towards completing the relationship of context and theology by seeking to show the impact Volf's work could potentially have.

The central aim of this thesis is therefore to draw from Volf's theology an understanding of justice which is informed by, and offers a practical response to, the context of the Balkan conflict. The relationship of theology and context found in Volf's work informs my own project and thus also informs the methods and approaches I have taken. This thesis seeks to move from a dialogue between Volf's theology and the post-conflict Balkan context towards an understanding of the character of justice and finally practices of justice which might in turn serve that context. My approach is therefore strongly defined by the need to understand and engage with the context of Croatia and Bosnia in the present.

In this section I will firstly set out the aims of the thesis. Tackling these aims first should in turn illuminate the need for the methodological approach taken.

⁹⁸ Volf expands the work to mention the L.A. riots and Berlin neo-Nazi marches in order to suggest that his theology will address a range of 'conflicts between cultures'. Volf, *Exclusion and Embrace*, 14f.

⁹⁹ Volf, *Exclusion and Embrace*, 306.

¹⁰⁰ A. James Reimer, 'Miroslav Volf: One of the New Theologians', 15.

Secondly, I will set out my method. I have chosen a particular approach including interviews and engagement with anthropological material. This is in order that the aims of the thesis might be achieved more thoroughly and with a greater level of contextual understanding and engagement than might otherwise have been possible.

In the following I will set out my own approach to engaging the context of post-conflict Croatia and Bosnia. This is both through interviews and through my use of non-theological sources such as anthropological studies and NGO documents.

2.1 Research Question and Aims

‘Can the resources in Volf’s theology of embrace address the problems of post-conflict justice in Bosnia and Croatia?’ is the question at the heart of this thesis. I will suggest in response that Volf’s theology does address the problems of justice in three particular ways. Firstly, through identifying the root causes of problematic justice as problems of identity. Secondly, Volf’s work offers an account of identity which addresses existing hard identities which inhibit justice. And, thirdly, through offering a theology of the Trinity which roots his understanding of identity and offers resource for an enlarged account of human justice. Finally, I will suggest that this account of justice can be understood in terms which directly relate to the practice of justice, offering the possibility that Volf’s work might reshape and re-orientate practices of justice in the post-conflict Balkans.

In the following I will outline how the thesis will seek to answer this central question.

Justice

The first chapter will seek to explore the problem of justice in Bosnia and Croatia and to assess the ways in which Volf’s theology identifies and addresses these issues. The thesis aims to find within Volf’s theology of embrace, the foundations for an account of justice which deals with the complex

and multilayered problems of post-conflict justice in the Balkans. The thesis aims to show that Volf's work, in responding to the conflict of the 1990s, offers an analysis of the key issues underlying that conflict which may also apply to the post-conflict situation. In identifying the issue of identity as at the core of conflicting claims to justice he moves beyond an attempt to address particular issues towards an overarching narrative of that which underpins most human conflict.¹⁰¹ This means that his work still has great potential to address the current issues, specifically post-conflict justice. I aim to show that whilst Volf does not offer a full reading and account of justice, his work does offer the resources for constructing an account of justice which addresses the needs of the current post-conflict situation.¹⁰²

It is widely accepted that there are ongoing problems of justice in the post-conflict Balkans, the most significant or all-encompassing of these being the issue of justice.¹⁰³ Engagement with NGO reports and anthropological accounts of the situation will be used to draw out the nature of these problems.¹⁰⁴

I will suggest that Volf's understanding of the problems of justice can illuminate the roots of the current issues. In doing so, his work offers resources for an alternative account of justice which addresses these issues. The thesis will build towards the suggestion that Volf's eschatological vision of justice, rooted in the Trinity, potentially offers resources to tackle the problems which currently exist. I will then seek to flesh out the characteristics of justice which are suggested by my reading of Volf's work.

The chapter on justice seeks to define the problems of justice in Bosnia and Croatia which require a response and then to illuminate the ways in which Volf's work can respond to these issues. The key fields of discussion in this chapter are context and theology. I do not engage extensively with philosophical theories of justice. Volf's own engagement with theories of justice is not one of deep engagement. He briefly engages with Rawls and Kant, but only in order to

¹⁰¹ Volf, *Exclusion and Embrace*, 57ff.

¹⁰² Volf, *Exclusion and Embrace*, 9.

¹⁰³ See Tania Wettach's summary of the key issues in 'Religion and Reconciliation in Bosnia and Hercegovina', *Religion in Eastern Europe* xxviii, 4, 2008, 1.

¹⁰⁴ Discussed below section 2.3.

reject the possibility of any theory of justice accounting for justice.¹⁰⁵ The nuances of different theories of justice have no significance in reading Volf's work because it is not a conversation Volf is involved in. Volf's own proposal is of a different type. It is a theological vision of just living. For this reason I found interaction with the theological account of justice found in Nicholas Wolterstorff's work more useful in drawing out the nuances of Volf's work. Drawing out the resources of Volf's work and engaging them with the context is the key aim of this chapter. Comparing accounts of justice is not the central aim.

Identity

I aim to show that identity is a root cause of the problems of justice identified in chapter one. The focus will be on engaging Volf's work with the contextual issues to suggest that identity formation is the central issue, rather than the content of identity. I suggest that identities which are formed in ways which focus on excluding the other will inhibit the pursuit of justice. If justice requires a sense of mutuality, which this thesis will argue, identities which exclude cannot be identities which pursue justice. I will suggest that the way identities are formed in Bosnia and Croatia needs to be reconfigured in order that future pursuit of justice might be fruitful. In Volf's theology of embrace there is a clear resource which addresses the contextual issues. This theology suggests that the self and other are inescapably in relationship.¹⁰⁶ It suggests that positive identities are formed when mutuality is acknowledged and the other is allowed to shape the self, yet distinction between persons is maintained. It is an understanding of identity which tackles the type of identities which inhibit justice in Bosnia and Croatia. The intention in this chapter is to move from an engagement with context, which demonstrates the ways in which Volf's work might serve problems of post-conflict justice, towards a theological reading of his work on identity which is founded in the Trinity. Identity theories are engaged to some degree in order to show what Volf does not do. However, Volf's understanding of human embrace is not formed primarily in dialogue with

¹⁰⁵ Miroslav Volf, *Exclusion and Embrace*, 200f.

¹⁰⁶ Miroslav Volf, *Exclusion and Embrace*, 141.

identity theorists. He writes 'we, the others... are embraced by the divine persons who love us with the same love with which they love each other and therefore make space for us within their own eternal embrace.'¹⁰⁷ The understanding of identity found in embrace emerges from Volf's theology of the Trinity and is thus best understood in reference to Moltmann.¹⁰⁸

Trinity

In rooting Volf's theology of embrace in the Trinity, I will aim to come to the heart of Volf's theological work. For Volf 'the triune God stands at the beginning and the end...and therefore at the center of Christian faith.'¹⁰⁹ Similarly, I will seek to draw the discussion of justice and identity into dialogue with Volf's theology of Trinity. It would not be possible to move directly from contextual problems of justice to the Trinity. It is the movement from the problems of justice to the root issue of identity, understood through Volf's theological lens, which suggest that ultimately it is the Trinity which contains the resources to address the problems of justice in the Balkans. It is Volf's theology of the Trinity that order to give a firmly rooted theological account of justice back to the context in question, I suggest that it is possible to read Volf's understanding of embrace, the Trinity and justice as locating justice within the life of the Trinity. I will argue that this is a logical step which gives the fullest account of justice. I will aim to show that Volf's parameters of divine –human analogy offer a way of understanding the justice of the Trinity in human terms. It offers an enlarged justice, that is a sense of justice whose end is love and is defined by perfect giving and receiving. I aim to show that this notion of justice offers a clear response to the problems of post-conflict justice.

Conclusions

This thesis poses the question 'In what ways might Volf's theology of embrace address the problems of post-conflict justice in Bosnia and Croatia?' The response will be that Volf offers multiple resources which address the problems,

¹⁰⁷ Miroslav Volf, *Exclusion and Embrace*, 129.

¹⁰⁸ See previous section (1.4).

¹⁰⁹ Miroslav Volf, 'Being as God is', in ed. Miroslav Volf and Michael Welker, *God's Life in Trinity*, Fortress Press, Minneapolis, 2006, 3.

firstly in naming and identifying the problems which underlie the evident problems of justice in practice. These root problems are the way in which injustice is named as justice and exclusionary identities inhibit the possibility of resolving conflicting justice claims. Volf's theology is a resource which illuminates the problems of identity construction and offers embrace as an alternative to address the complex identity issues in Bosnia and Croatia. Finally Volf roots his understanding of identity in the Trinity. In this way the Trinity, which forms identity, in turn forms the content of justice. It is thus ultimately in the Trinity that Volf's theology becomes the greatest resource for addressing the issues of post-conflict justice in Bosnia and Croatia. Volf's understanding of the Trinity can be read as offering an enlarged account of human justice. It is a justice which prioritises human relations, addressing the problems of identity and thus goes on to address the problems of justice. It is a resource which is both deeply theological and can offer characteristics of justice which might shape (or re-shape) practices of justice in the Balkans.

In chapter four I will offer concluding reflections on the ways in which the resources found in Volf's theology can form specific characteristics of justice. I will suggest ways in which those characteristics might shape the practice and pursuit of justice in Bosnia and Croatia.

2.2 Methodology: Interviews

As part of the research for this thesis I undertook two sets of interviews (November 2007 and December 2008). The central aim was to gain a deeper insight into the current situation and the range of perspectives individuals hold on post-conflict issues. This approach seemed helpful given that Volf's work engages with issues of identity and relationships which are often intangible and not easily captured in historical texts, NGO reports or survey statistics. Whilst I use all of these secondary materials in order to give an overview of the current situation, I wanted to gain a sense of personal perspectives, of experience,

feelings and attitudes. Interviews were proposed as a way of directly engaging with personal and emotional responses to post-conflict issues.

Whilst these aims were fulfilled and the interviews offered a broader understanding of the context, difficulties in practice meant that not all interviews were able to be fully utilised.

Aims of the interviews

The key aim of the interviews was to obtain perceptions of the current situation and to get a sense of hopes and fears for the future. The aim was to 'probe' and to learn rather than to analyse data.¹¹⁰ This aim informed my approach. Instead of closed questions or a questionnaire I focused in on topics which had emerged from my reading of Volf's work, media, historical accounts of the conflict and information on post-conflict processes such as the International Criminal Tribunal for the former Yugoslavia (ICTY). I decided to take a semi-structured approach to interviews.¹¹¹ This aimed to give a balance between pre-determined questions which focused on topics of interest to this research project, whilst also allowing flexibility to pursue other issues which might arise in interview. A more structured approach would not have allowed for the personal responses I want to obtain, although the data might have been more uniform. An unstructured interview would have advantages in that interviewees would be entirely free to raise their own points.¹¹² This tends to be the choice of ethnographers for this reason.¹¹³ However, given the limits of time and the need to address areas of interest in the thesis, this approach was also rejected.

With this approach in mind I compiled a series of questions which could begin a discussion. The intention was to focus on a topic and to proceed with questions or conversation as appropriate. The first set of interviews focused on the peaceworkers roles and motivations. In the second set I aimed to address a number of issues including justice, reconciliation and memory primarily.¹¹⁴

¹¹⁰ Beth L. Leech, 'Asking Questions: Techniques for Semi-structured Interviews', *PS: Political Science and Politics*, vol 35.no4, 2002, 665.

¹¹¹ Beth L. Leech, 'Asking Questions: Techniques for Semi-structured Interviews', 665.

¹¹² Beth L. Leech, 'Asking Questions: Techniques for Semi-structured Interviews', 665.

¹¹³ Charles L Briggs, *Learning how to ask: A Sociolinguistic appraisal of the role of the interview in social science research*, Cambridge University Press, Cambridge, 1986, 7.

¹¹⁴ See Appendix 2 for a full list of questions.

Questions were designed to cover three areas. Firstly, perspectives on community experience, reconciliation efforts and the role of religious communities. Secondly, I questioned perceptions of national and international justice processes and attitudes towards them. Thirdly, I addressed attitudes to remembrance. The interviews were focused on obtaining perspectives on common events, processes or issues. I had supplementary questions for professionals about specific church efforts, peace projects and legal processes. The questions were loosely ordered so that introductory questions appeared first.¹¹⁵ Not all questions were used since they acted as prompts.

The semi-structured nature of the interviews meant that whilst the focus was defined, I did not expect the answers to fit a particular pattern. The questions as a whole aimed to probe whether Volf's understanding of the key issues as those of conflicting justice claims and the root problem of identity were a) shared by interviewees or b) an accurate assessment of post-conflict perspectives. I did not expect interviewees to name identity as the key issue or to critique the justice processes as intrinsically flawed, I did expect that their answers might offer support to this view however.

Interviews in practice

In practice the interviews were more complicated than planned. I undertook two research trips (November 2007 and December 2008). On the first trip I conducted three interviews through contacts already known to me. These were with peaceworkers encountered in an office environment. These interviewees were cognisant with research methods and were happy to be interviewed in a formal capacity signing to confirm they were happy for interviews to be used and published.¹¹⁶

In December 2008 I sought a second sample in order to expand the range of perspectives obtained beyond professional peace workers. This goal meant that the second sample were therefore indirect contacts, previously unknown to me. They were not available for email or phone contact in advance and were therefore not willing to engage in the formal arrangements necessary to make

¹¹⁵ Beth L. Leech, 'Asking Questions: Techniques for Semi-structured Interviews', 665.

¹¹⁶ See Appendix 4

the interviews publishable, primarily signing a waiver. Whilst this second group were happy to engage in conversation, they did not wish to do engage with the necessary formalities required to make an interview useable. They did not consent to the formal guidelines of an interview. For this reason I am only able to directly quote the first group of interviewees. The second sample was thus disappointing, although the conversations were still valuable in extending the personal knowledge and understanding brought to the contextual questions in this thesis. However, their influence remains necessarily in the background of this thesis, rather than the foreground.

Result of the interviews

The results of the interview process were mixed. In informing my own perspective and offering insight into the materials under discussion in this thesis, they were hugely valuable. However the lack of understanding of the required formalities for academic interviews increased by language and cultural barriers was problematic when I sought to increase my sample beyond those with professional interests. The desire for a sample of perspectives wider than my existing contacts meant this was largely inevitable. These practical difficulties, mean the second group were merely conversation partners, rather than interviewees. On a personal level these contacts and conversations have informed my understanding of the context.

In the interviews with peace workers engagement with Volf's work was evident. Interviews suggested that dialogue was of huge importance and that right recognition of the other and truth telling were central to this practice. These practices had shown fruit through efforts on behalf of participants to expand their relationships beyond the dialogue events themselves.¹¹⁷ This suggested that the resources found in Volf's work could have significant impact when understood in terms of practices of justice.

¹¹⁷ Interview 1, Appendix 3.

Interview with Volf

In September 2009 I was able to interview Miroslav Volf. This was arranged directly with him and he was happy to answer questions. I took a semi-structured approach again. Questions focused on discrepancies between his work in the way it dealt with justice and Volf's view on the current contextual issues. Limitations of time meant that the conversation was not as expansive as might have been hoped. However it offered valuable insight into Volf's current perspective on justice which has not yet been explored in his published work.¹¹⁸

2.3 Methodology: Approach to Sources

In seeking to ground the research in an understanding of the post-conflict Balkans I have turned to anthropological studies and NGO reports. These texts are used to offer support for my own observations and because they offer perspectives and comment on the ways in which people groups have interacted with and responded to existing justice processes. They offer a supplement to my own research through engaging with more comprehensive overviews of wartime experiences, present attitudes and social relations.

NGO reports (including Amnesty and Human Rights Watch) offer surveys of justice issues across regions and countries which would not otherwise be available. They offer statistics on criminal processes and observations of how processes are conducted.¹¹⁹

Anthropological material primarily comes from a collected work 'The New Bosnian Mosaic' which includes a range of participant observation studies.^{120 121} That is studies which involve living within the communities in question. In these cases the material collected was qualitative. The resulting papers offer insight

¹¹⁸ Appendix 1.

¹¹⁹ Human Rights Watch, 'Still Waiting: Bringing Justice for War Crimes, Crimes against Humanity and Genocide in Bosnia and Herzegovina's Cantonal and District Courts', <http://www.hrw.org/en/node/62137/section/2>, 08/02/2009.

¹²⁰ H. Russell Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches*, AltaMira Press, Plymouth, 2011, 257.

¹²¹ Ed. Bougarel, Helms and Duijzings, *The New Bosnian Mosaic: Identities, Memories and Moral Claims*, Ashgate, Aldershot, 2007.

into the daily lives of particular identity groups and their perspectives on political and social changes. This was particularly useful in clarifying the complexity of identity in Bosnia as well as indicating a degree of commonality in how those identities are expressed, that is in adversarial or exclusionary forms. This anthropological material is used to provide evidence for and support to contextual assertions made in this thesis.

In referencing anthropological and NGO data I do not intend to engage in an anthropological discussion. I engaged with the evidence which had been documented to support the view that justice processes are perceived by many to have failed participants. I also reference these materials in order to support the assertion that identity issues can be seen as having a significant and ongoing role in perceptions of justice.

Having used anthropological and NGO findings in this way the thesis goes on to engage primarily with theological literature in order to draw out the key theological elements of Volf's work and to go beyond Volf in constructing a response to the contextual problems of justice. I will use theories of justice and theories of identity only in so far as they serve to elucidate Volf's theology. This project is not a comparative study of approaches to justice (or identity). It seeks to identify and draw out of Volf's work theological resources which can directly engage with problems of justice in the Balkans, but which have not been fully developed.

Chapter 1: Justice

Introduction

*'Many years after the conflict, several thousand complaints related to crimes committed during the war remain unresolved in Bosnia. These cases may involve extremely grave crimes and many people who are responsible for directly perpetrating atrocities. Victims of these crimes, and their families, have been waiting for more than a decade to see justice done.'*¹²²

The problems of implementing justice are heightened after a conflict such as that in Bosnia and Croatia in the early 1990s. Thousands of crimes have gone unpunished and many remain unacknowledged. This is due in part to the “messy” nature of this type of conflict where neighbours kill and rape each other, where one half of the town turns on the other, where the victims and the perpetrators become confused.¹²³ Unsurprisingly the recently warring participants in justice find it hard to agree on what a just outcome both for the region and for the individuals now standing trial looks like. One person’s war criminal is another’s national hero. The problem of continuing (largely non-violent) conflict between parties may also be due to the fact that no justice will ever be complete. It is inevitable that in the race to catch the big name war criminals those who committed “only” one small war crime might escape the rule of law. In a system where evidence and proof are required the confusion of war allows criminals to be named innocent.

In this chapter I will suggest that this popular opinion, i.e., that justice has not been done, is in fact correct; that in Croatia and Bosnia there is a failure of

¹²² Human Rights Watch, *Still Waiting: Bringing Justice for War Crimes, Crimes against Humanity, and Genocide in Bosnia and Herzegovina's Cantonal and District Courts*, <http://www.hrw.org/en/node/62137/section/2>, 08/02/2009

¹²³ See Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, Polity Press, Cambridge, 2006. She identifies new wars as ‘more directed at civilians, involves a blurring of distinctions between war and crime and is based on and serves to foment divisive identity politics.’ ix

justice. War crimes have gone unpunished and unrecorded; there are injustices and ethnic bias within the judicial processes and continuing conflict as to the demands of justice. I will also suggest that Miroslav Volf's theology is a much needed response both to these practical and procedural problems and to critical issues which the philosophical and ethical theories of justice underlying such practices fail to address. I will argue that his theology points towards an enlarged understanding of justice. That is an understanding of justice which goes beyond procedure and beyond philosophical or ethical theories of justice. I will finally argue that this enlarged understanding of justice, founded in Volf's theology, has broad implications for the future practice of justice (with particular reference to post-conflict justice).

Where other chapters examine Volf's focus on identity and the trinitarian foundations of justice, this chapter seeks to draw out an understanding of his theology within a context of justice processes in Croatia and Bosnia. Whilst I will move in my final chapter to focus on a more systematic theological approach in dealing with the Trinity, I will seek here to have a greater emphasis on context and practice. The aim is to engage Volf's theology with the current pressing issues of justice in the Balkans so that it might then be possible to assess what contribution his theology can make when taken back into the context from which it emerged.

Firstly, drawing on independent observers of the judicial justice processes and personal interviews, I will suggest that there is clearly a problem with justice in the Balkans. Processes of justice fail to be just both in the eyes of observers and in terms of the aims set down by the judiciary themselves. I will use this empirical evidence to support Volf's theological claim that the current pursuit of justice fails to be truly just.¹²⁴

I will then suggest that analysis of the reasons for the problems differs between independent observers such as Human Rights Watch and Volf. That is to say Volf sees a need to look beyond the undeniable problems of justice processes towards a broader questioning of the philosophical and theological

¹²⁴ By 'truly just' I intend to reference Volf's comparison of present attempts at justice to the complete justice of God.

underpinnings of the conceptions of justice which inform such processes. Volf's theology suggests that an inaccurate assumption of the capabilities of human beings to carry out justice and a false vision of justice are at the heart of the failure of justice to achieve social restoration. Observers are broadly uncritical of the theories of justice which underpin the processes themselves. Instead they focus on the failure to implement the processes justly. Volf's theology suggests that the failure of justice in practice is due to the fact that the theories of justice upon which these practices are based are fundamentally flawed. Such a broad critique of human justice theories as a whole is an unusual and radical step. I think that if we take Volf's critiques seriously the parameters of discussion on justice need to both shift and broaden. The debate must move from a focus on distribution of dues and the inherent notion of justice as about victim versus perpetrator towards a notion of justice focused on the restoration of relationship.

Having identified that there is a problem with justice and compared the understandings of why these problems exist I will turn in section 3 to the question of whether such problems mean that in some sense justice has failed. I will follow Volf's proposition that human justice does fail and by its very nature will always fail. This assertion, that human justice cannot be complete justice, is based upon both Volf's expectations of justice and his understanding of what partial justice is (that is justice in the present, before the new creation). Volf's expectations of justice are limited in terms of what can be achieved in the present but enlarged in terms of the ultimate scope of justice. -

Volf's own attempt to address the failings of justice practices and justice theories comes through a theological understanding of justice founded in an eschatological vision. Volf inherits from Moltmann an eschatological thread which runs through all of his work. For Volf, the question how should we live always refers us back to the 'new creation' which God has in store.¹²⁵ He begins his understanding of what justice is and should be by seeking to understand what justice will be like after the eschaton when human beings participate in the justice of God. I will seek to show that Volf's vision of justice is centred on the relational conception of identity founded in the Trinity at the heart of the

¹²⁵ See Volf 'After Moltmann' and Volf, *Work in the Spirit*,

theology of embrace. That is, that the scope of justice is so great that it becomes bound up with and almost equivalent to love and thus embrace.

Finally I will seek to take Volf's theological conception of justice back to the Balkan context. I will sketch the type of justice his vision may preclude and the way in which justice practices might respond to this. These ideas will be drawn out more fully in the following chapters.

Furthermore in this chapter I shall touch on broader themes. Using justice as a key, conclusions can be drawn as to the types of theory of practice Volf rejects, and why, and the type of theology he would like to do instead. This theological approach will be drawn out in chapter three.

Before tackling the issues and questions set out above it is important to understand the way in which justice will be dealt with here, what I mean by the term and the different types of justice I will refer to. Secondly, it is important to note where justice comes within the larger framework of Volf's theology of embrace.

Three Types of Justice

It is difficult to engage Miroslav Volf's work on justice within a broader context. There is no one text devoted to the subject although he often touches upon it and there is a great deal of his theology which is implicitly relevant. Volf does offer some critiques of justice theory, mostly in *Exclusion and Embrace*. However he does not have sustained engagement with any particular theorist. Instead he briefly mentions Rawls and many others as representative of a range of views most of which he wishes to dismiss as inadequate.¹²⁶ Volf's main point seems to be that philosophical theories of justice as a whole are wildly inadequate for Christians. Their ideas of the good are not ones which can simply be co-opted and given a theological gloss. Instead Christian reflection on justice must be orientated around and towards the central theological ideas (for

¹²⁶ Volf, *Exclusion and Embrace*, 199ff.

Volf at least) of Trinity and eschatology as the time when human beings perfectly participate in the triune life.¹²⁷

Despite these difficulties of engaging Volf in clear terms with specific justice theorists, it is useful to briefly clarify the types of justice referred to in this chapter.

Firstly I will refer to justice in terms of practices of justice or procedural justice. These include legal processes, trials, international and national courts, the work of the police, efforts to enforce rights and highlight where human rights are being abused and even informal mediation and dialogue work. This is the narrowest conception of justice. This type of justice in practice is a major concern of this chapter where I will seek to demonstrate that justice practices are inadequate in post-conflict Bosnia and Croatia. The reason for this inadequacy I will suggest is that practices tend to be, knowingly or unknowingly, predicated on inadequate philosophical conceptions of justice.

Secondly I will reference philosophical or ethical conceptions and theories of justice. This is the most difficult group to pin down. In using this phrase I will intend to indicate the approaches to justice which Volf rejects as inadequate. He groups these as accounts of justice which calculate, equalise, legalise or universalise actions.¹²⁸ This rejection, the reasons for it and the type of justice which is proposed instead, are issues I will explore in this chapter. The scope of the theories he rejects, which can be defined in this way are numerous. The language suggests that what Volf is rejecting is an approach to justice which is focused on a universal account of actions which if adhered to will produce justice. The crux of the argument in this chapter is that no prescription of this sort can ever produce justice. Lebacqz offers a more precise critique than Volf which is perhaps helpful in illuminating this category of justice. She writes that such accounts of justice 'attempt to reason out a theory of justice that is lacking in historical particularity...presumes that there will be one standard of 'justice' universally applicable to all people in all places and at all times...and that this

¹²⁷ Miroslav Volf, 'The Final Reconciliation: Reflections on a Social Dimension of the Eschatological Transition', 106.

¹²⁸ Volf, *Exclusion and Embrace*, 223.

standard can be derived by logical deduction from a mindset of assumptions.¹²⁹ It is justice theories which make these assumptions which I will refer to as 'theories of justice'.

Thirdly is the theological account of justice which I aim to propose building upon Volf's theology of embrace which is rooted in the triune God. In this thesis I aim to argue for a theological account of justice based on Volf's theology, but going beyond it, that is 'enlarged justice'. By enlarged I mean a sense of justice which goes beyond procedures, practices, philosophy and ethical theories or codes. Yet I do not mean entirely a sense of justice which dispenses with these since an enlarged sense of justice which cannot offer an understanding of what justice might look like in practice is futile. Instead I mean that the sense of justice I will be proposing cannot be pinned down by practices or by a philosophical theory. More importantly in this thesis I will argue, justice cannot be understood primarily in these two senses, and that to base our understanding of justice on practices, processes, philosophical theories or ethical codes is misguided in that we will fail to understand the full scope and content of justice. I will be proposing that an enlarged sense of justice (with theological grounds) must always precede an ethical code or the implementation of any practice or procedure. This is a central idea in this thesis.

The Place of Justice within the Theology of Embrace

As I suggested above, there are three key approaches to the subject of justice in play here, justice understood in terms of practice, ethical-philosophical concepts or theology. Volf's understanding of justice is firmly rooted in his theology. More than this, it is rooted in the doctrine of the Trinity which Volf understands as the beginning and end of the Christian faith, the core doctrine which informs all else. His theology of embrace is about bridging the gap between the triune life and human life. It can be understood as a metaphor for both the life of the Trinity and for the way in which human beings can participate in and image the Triune life. By rooting justice in the theology of embrace (and thus in the central Christian doctrine of the Trinity), and in finding embrace and

¹²⁹ Karen Lebacqz, *Justice in an Unjust World*, Fortress Press, Minneapolis, 2007, 54.

justice as almost (although importantly not quite) coterminous, Volf is placing justice right at the heart of the Christian faith and arguing that it is not a concept which can be considered separately or primarily in terms of pragmatics.

For Volf justice must be understood within the context of the ultimate revelation of the triune God in Christ's death. For Volf, Christ's death is about God's desire to embrace the world, to bring the world into the communion of the Trinity. If we are to understand justice within the context of this revelation then God's justice must also be about a desire to live in total communion with the other. Essentially Volf understands the theology of embrace as an attempt to marry 'the demand of the oppressed for justice and...the gift of forgiveness that the Crucified offered to the perpetrators.'¹³⁰ His question is "how can justice be satisfied but the perpetrator be forgiven?" Volf's theology of embrace is also an attempt to go beyond forgiveness in attempting to answer Jürgen Moltmann's personal question: 'But can you embrace a četnik?'¹³¹

Here we see two aims within Volf's theological response. Firstly there is the aim to answer the potentially paradoxical need for both justice and forgiveness within the Christian faith and to understand God as both just and forgiving. Secondly, Volf is seeking to understand how the demands of both forgiveness and justice might be simultaneously embodied within his own life and the lives of others.

Volf looks to answer his own question by enlarging our understanding of justice. That is, he seeks to understand God's action of forgiveness and embrace as not contrary to but as integral to justice, and justice as integral to embrace. In order to marry these two, Volf rejects human theories of justice as both limited in their vision of what justice is and destructive in practice.

As has been demonstrated in the previous chapter, the Trinity is central to all of Volf's theology. Just as it is the Trinitarian life that inspires the image of embrace, it is also the Trinitarian life which informs Volf's understanding of what

¹³⁰ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 9

¹³¹ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 9. A četnik was the name for a Serbian fighter.

justice might be. This understanding of justice within the Trinity goes on to influence Volf's vision of eschatological justice.

Here we see embrace as both including justice and superseding justice. Embrace here is about more than forgiveness. It is an acknowledgement of justice's demands but a refusal to pursue what is due and a will for the other to enter into embrace. Embrace is about a pursuit of a state of justice or right relationship with the other. To get to this understanding of the relationship of justice and embrace Volf has to reconsider what justice is, first deconstructing human notions of justice and then partially reconstructing justice based on the Triune life and an eschatological vision.

Deconstructing Justice

Initially Volf sets out to essentially deconstruct most of our assumptions about what justice is and what role justice has in human relationships. This first set of questions will focus on the problems of justice and their underlying causes from the perspective of NGOs, Volf and other commentators. Whilst considering this first section however, it is important to note that Volf's aim in highlighting these issues is to make space for a subsequent partial reconstruction of a positive understanding of justice. My identification of this movement in his work is supported by the fact that his later writing, from within an American cultural context, emphasises a much more traditional dues or rights based understanding of justice, a point we will return to.¹³² The second half of this chapter will focus in on Volf's vision of justice and the role this new understanding of justice might play in addressing the issues current justice theory and practice fails to deal with.

¹³² In Volf's review of Nicholas Wolterstorff's latest book on justice Volf seems to take a much more positive view of the possibility of theoretical justice. Miroslav Volf, 'God, Justice and Love; The Grounds for Human Flourishing,' Books and Culture, Christianity Today, 2009. <http://www.booksandculture.com/articles/2009/janfeb/16.26.html>

Section 1 - The Problem of Justice in the Balkans

Reports from organisations such as Human Rights Watch (HRW) who are monitoring war crimes trials in Bosnia, Croatia and Serbia indicate that there is

*bias on the part of judges and prosecutors, poor case preparation by prosecutors, inadequate cooperation from the police in the conduct of investigations, poor cooperation between the states on judicial matters, and ineffective witness protection mechanisms.*¹³³

The key elements here are essentially problems of attitude (bias) which are closely linked to failures in practice (for example ineffective policing). Findings like these indicate that there are serious problems within the transitional justice processes of Bosnia and Croatia that need to be addressed. In addressing the question of problems within the existing justice system I will suggest that whereas most critics of the justice processes in the former Yugoslavia are focused on failures in practice and seek to address issues of bias with 'better' processes, Volf would see the issues in this particular case as merely illustrative of a comprehensive failure of all human conceptions of justice to be truly just to all. Whereas those such as HRW seem to believe that existing processes can be 'fixed' Volf would want to say that the evident problems of justice in the Balkans mean we need to rethink our understanding of what justice is and how we might best pursue it.

1.0a Transitional Justice

Both my observations on justice and those of the nongovernmental organisations (NGOs) are focused on the judicial aspects of transitional justice. This is partly because whilst transitional justice now has a wide remit which includes reconciliation practices and non-judicial elements, the judicial processes are still the official (government and international community backed) means to pursue justice. It is also perhaps the focus in terms of assessing justice because such processes seem easier to measure in terms of success and failure. It is hard to measure whether justice is achieved through

¹³³ Human Rights Watch, <http://www.hrw.org/en/node/11965/section/3>, 5/02/2009

reconciliation practices or other means because the understanding of what justice might look like in these situations is much more subjective and debateable.

In Croatia and Bosnia-Herzegovina judicial transitional justice consists of nationally administered courts and the International Criminal Tribunal for Yugoslavia (ICTY).¹³⁴ The first is seen as by outside commentators as more susceptible to pervasive bias because it is administered primarily by the dominant ethnic groups of each country. The later tends to be seen by Bosnians, Croats and Serbs as overly politicised and biased towards 'the other'. The perceptions of course conflict. However, it seems that all parties can agree to some degree that the existing justice processes have problems.

1.1 What are the problems of justice in Bosnia and Croatia?

1.1a Local and National Justice

Case Study: *One peace worker from eastern Slavonia (Croatia) told me about her efforts to bring a witness to court. He was a Croat who had witnessed nineteen Serbs being killed by Croats in a nearby village. After some persuasion he eventually made a witness statement to this effect. By the time of the court appearance he had been threatened and intimidated. He was offered no protection by the police. When he finally appeared in (the Croatian) court, before the confident accused and the victims' families, he declared that he knew nothing.* ¹³⁵

This interviewee's story supports the findings of NGOs observing the justice processes; that the key issues are bias and failures in procedures. Here we have ethnic bias running throughout the process from the level of the individuals who has to be persuaded to testify, the community of families who intimidate him, the police force who refuse to protect someone who has stood up for the

¹³⁴ The ICTY was resolved upon in 1993, before the war in Bosnia and Croatia had even finished. It is therefore very much an international community initiative rather than having significant support or backing from within the groups involved in the conflict. This may be a contributing factor to the wide disregard for the ICTY, although commentators tend to see the non-partisan origins of the ICTY as beneficial. See Karine Lescure and Florence Trintignac, *International Justice for the Former Yugoslavia; The Working of the International Criminal Tribunal of the Hague*, Kluwer Law International, The Hague, 1996, 3

¹³⁵ Interview November 2007, Appendix 3.

Serb victims and finally the court which fails to uncover the truth and acquits men who are known to be guilty. It is primarily ethnic bias that is the motivation for the failures to uphold the procedures of justice. Statistics of trials and convictions broken down into ethnic groups support this, as well as the reports of HRW and Amnesty.¹³⁶ The Organisation for Security and Co-operation in Europe's monitoring suggests that

*cases are processed less effectively and robustly where the defendants are members of the majority local community and where the prosecution witnesses are from the minority.*¹³⁷

Evidence like this supports the claim that ethnic bias is at the root of a great deal of the problems in implementing justice. Similarly the Office of the High Representative suggests that

*there appears to be little confidence that such (war crimes) cases can be tried impartially, independently, and free of political, criminal or other influence or without ethnic bias. There is little faith that mono-ethnic courts could deliver impartial judgments. Many witnesses are reported to be afraid to testify and some of the officials involved are concerned for their own safety because of real or imagined threats from those who oppose such prosecutions.*¹³⁸

The widely held negative perception of the justice processes highlighted here are also detrimental to the justice system. Essentially witnesses, officials and observers all doubt that the existing processes will be able to deliver an outcome that is just.

There are problems at all stages of the judicial process. Pre-trial issues include the fact that many war criminals have not been taken to court at all, their crimes

¹³⁶ Human Rights Watch, Still Waiting: Bringing Justice for War Crimes, Crimes against Humanity, and Genocide in Bosnia and Herzegovina's Cantonal and District Courts, <http://www.hrw.org/en/node/62137/section/2>, 08/02/2009 and Amnesty International 'The Balkans: Summary of Amnesty International's Concerns in the Region' January – June 2007, <http://asiapacific.amnesty.org/library/Index/ENGEUR050032007?open&of=ENG-2U5,12/02/2008>

¹³⁷ OSCE, War Crimes Trials Before the Domestic Courts of Bosnia and Herzegovina: Progress and Obstacles, March 2005, <http://www.oscebih.org/documents/1407-eng.pdf>, 10/02/2009

¹³⁸ Office of the High Representative, "The Future of Domestic War Crimes in Bosnia and Herzegovina", OHR, May 2002 in OSCE, War Crimes Trials Before the Domestic Courts of Bosnia and Herzegovina: Progress and Obstacles, March 2005 <http://www.oscebih.org/documents/1407-eng.pdf>, 32

are either not recognised as such or they are protected by their government¹³⁹ or there is insufficient evidence.¹⁴⁰ During trial there are questions of judicial bias, intimidation of witnesses and insufficient evidence to convict. The question of judicial bias particularly concerns local courts. Both Amnesty International and Human Rights Watch suggest that bias and corruption are widespread, particularly in Bosnia, the worst affected area.¹⁴¹ The main problem with the justice processes administered by the countries involved in the conflict is that the vast majority of those tried in local trials are not of the majority ethnic group. For example statistics show that Serbs in Croatia are disproportionately brought to trial. Finally there is often an ethnic bias in the judgements made. Therefore at all stages – pre-trial, in trial and in judgement there are situations of ethnic bias and injustice.

1.1b International Justice

The ICTY is less susceptible (than local and national courts) to individual ethnic bias in that it is run by third parties.¹⁴² However, whilst the ICTY may appear to avoid the consistent bias and human rights infringements of the national and local courts there is an issue of real injustice in the ICTY's failure to prosecute all cases, including some of the biggest war criminals, and the fact that where cases are brought some perpetrators are still not proven guilty.¹⁴³ The ICTY

¹³⁹ This is supposed by many to be the case with Radovan Karadžić. He was in hiding for over 10 years. His recent capture coincided with a new political regime and a desire for Serbia to join the EU.

These captures are the cause of, or at least fuel, popular perceptions of the ICTY as overly politicised. See <http://news.bbc.co.uk/1/hi/world/europe/7518543.stm> 09/02/2009

¹⁴⁰ I have been told this is a common problem which again leads to perceptions of judicial bias as many are unaware of the burden of proof required to bring a case to trial and find the defendant guilty.

¹⁴¹ For example 95% of concentration camp inmates during the war were Muslim men (that is Bosniaks). See Gendercide Watch http://www.gendercide.org/case_bosnia.html 09/02/2009 Human Rights Watch reports also suggest that 2 million people were displaced in Bosnia whilst in Croatia this number is closer to 200,000. Bosnia and Hercegovina Report 2007 <http://www.unhcr.org/refworld/country,,HRW,,BIH,4562d8b62,45aca29a19,0.html>, 09/02/2009. Croatia Report 2009 <http://www.unhcr.org/refworld/country,,HRV,,49705fa542,0.html>, 09/02/2009

¹⁴² None of the judges are of Balkan nationalities. <http://www.un.org/icty/glance/keyfig-e.htm>, 01/02/2009

¹⁴³ Whilst Ante Gotovina were very publically caught and prosecuted there were much greater Croat war criminals who were not pursued and have not been prosecuted. The records and evidence is lost in the chaos of war.

takes on few cases; many submissions are refused or sent back to the local courts for failure to have sufficient evidence. Evidence suggests that most Croats do not understand the burdens of proof required by such courts and feel the courts have refused to prosecute cases of real injustice. These issues are at least partially responsible for the widely held negative perception of the ICTY.

The chief problem, however, is that each side believes their ethnic group is either disproportionately represented at The Hague (primarily Serbs) or there is indignation that their own soldiers should be accused of war crimes at all (all sides but particularly Croats and Bosnian Muslims).¹⁴⁴¹⁴⁵ The ICTY believes itself to have reached out to the affected nations and to have a positive image.¹⁴⁶ However, the interviews I carried out would suggest otherwise. The United States Institute for Peace (USIP) also found that ‘a strong current of public opinion in the Balkans believes that the court never established its legitimacy and is not fulfilling its self-proclaimed purpose.’¹⁴⁷ In these cases the key problem is the perception of all parties concerned that justice is not being done.

It is important to note the effect of perceptions of injustice. Whilst observers concerned with human rights and process may see the ICTY as superior in terms of delivering justice, the perception that the ICTY is failing to deliver justice amongst both perpetrators and victims is damaging. In giving rise to this perception the ICTY is potentially a source of further resentment and division between the parties concerned. Conflicting claims to justice have the potential to spiral into violence, indeed the Balkan conflicts were based upon such

¹⁴⁴ See ‘Brutal Crimes’ of Bosnian Muslims – Bias Claims, BBC News, <http://news.bbc.co.uk/1/hi/world/europe/3254890.stm>, 01/02/2009 and Interviews December 2008.

¹⁴⁵ Human Rights Watch, Still Waiting –Bringing Justice for War Crimes, Crimes against Humanity, and Genocide in Bosnia and Herzegovina’s Cantonal and District Courts, <http://www.hrw.org/en/node/62137/section/2>, 08/02/2009

¹⁴⁶ The ICTY’s list of achievements quotes ‘one of the witnesses who testified at the Tribunal, a healthcare professional who had been involved in treating victims of war crimes, [who] said that “The Hague Tribunal, [for] all the victims, all the women with whom I have had a chance to work, has a very great significance for them... They do trust that the real causes of what happened will be identified and that the people will muster enough courage, including victims, to tell the story of what happened... People expect that justice will be done and that the right decisions will be reached.” (Prosecutor v. Radislav Krstić (IT-98-33), 7 July 2000, witness Teufika Ibrahimfendić) <http://www.icty.org/sid/324>, 16/02/2009

¹⁴⁷ Ylli Bajraktari and Daniel Serwer, ‘Explaining the Yugoslav Catastrophe’ http://www.usip.org/pubs/usipeace_briefings/2006/0105_narrative.html 06/03/2008

conflicting claims. Claims by both the International and national courts to have enacted justice which are perceived by victims or perpetrators as in fact being unjust acts have the potential to entrench division and discord. This is a point we will return to in considering the validity of Volf's criticisms of justice.

Perhaps one might like to argue that this resulting discord is not the concern of the courts. They are to be impartial and unswayed by such considerations. However, the ICTY itself has declared that it aims 'to contribute to the restoration of peace by promoting reconciliation in the former Yugoslavia.'¹⁴⁸ If this is true then justice processes are failing on their own terms.

1.1c The NGO Perspective

Amnesty International has concluded that there are serious problems still existing in the Croatian justice system.

*These include the failure of the former Yugoslav republics to arrest and hand over indictees and the continuing lack of political will among their authorities to investigate and prosecute all war crimes stemming from the conflicts in the 1990s. Furthermore... domestic legislation relating to war crimes is often not in line with international law, victim and witness protection is generally nonexistent or insufficient, and provisions on reparations are inadequate.*¹⁴⁹

The focus again is on attitude and process. Amnesty is largely uncritical of the ICTY, especially in terms of process. However, their concerns about the United Nations Security Council (UNSC) imposed deadline have led Amnesty to campaign for the ICTY to be given more time so that all those charged by the

¹⁴⁸ 'General Information' on the ICTY <http://www.un.org/icty/glance/keyfig-e.htm>, 01/02/2009
This aim appeared on the old website which has now been taken down, the new website has replaced the list of aims with a list of achievements which broadly mirrors the old aims. However it notably omits mention of achieving reconciliation.

¹⁴⁹ Amnesty International's director for Europe and Central Asia, Nicola Duckworth, commenting in The Southeast European Times, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2005/06/06/feature-01, 16/02/2009. These conclusions reflect those in their report The Balkans: Summary of Amnesty International's Concerns in the Region January – June 2007, <http://asiapacific.amnesty.org/library/Index/ENGEUR050032007?open&of=ENG-2U5>, 12/02/2008

ICTY can be brought to a fair trial.¹⁵⁰ This addresses one issue that has been raised. However Amnesty's assessments and focus on the human rights issues fail to address the underlying issues of perceptions of justice and injustice which are a key factor in achieving a justice which promotes social restoration.

HRW identifies a range of problems in the Bosnian justice system. They broadly see the issues in practical and political terms. Practical issues include 'a lack of specialization among prosecutors working on trials for war crimes, crimes against humanity, or genocide and inadequate numbers of prosecutors and support staff; lack of specialization and expertise among defence attorneys; and lack of witness protection or witness support.' Political factors include 'problems with the ability or willingness of police to investigate crimes and poor cooperation between police and prosecutors... failure to arrest and detain suspects... failure by prosecutors to make use of available sources of evidence.' They also recognise that there are 'a large number of unresolved case files.'¹⁵¹ Essentially whilst some of the problems may be purely practical, they are a minority and often seem to have a strong link to the fact that those with responsibilities within the justice system will allow bias to affect their work – for example police expected to protect witnesses. Further to this the larger political picture which is built upon ethnic divisions is also responsible for practical failures to, for example, reform the police service or standardise legal practice. The practical issues they raise seem to rest on wider problems. My interviews and research suggest that bias is the key factor in most of the issues identified and that human rights are disregarded because of these attitudes towards the ethnic other. It is my contention that the practical and human rights issues cannot fully be addressed without tackling the deeper issues of bias, justice claims and ethnic identities.

In conclusion it seems evident that there are problems of justice in Bosnia-Herzegovina and Croatia. These problems are centred on ethnic bias both real

¹⁵⁰ <http://www.amnesty.org/en/international-justice/issues/other-courts/icty>, 16/02/2009

¹⁵¹ Human Rights Watch, 'Still Waiting: Bringing Justice for War Crimes, Crimes against Humanity, and Genocide in Bosnia and Herzegovina's Cantonal and District Courts', <http://www.hrw.org/en/node/62137/section/2>, 08/02/2009

and perceived. The problem lies deeper than the processes and the solution requires a radical change in attitude towards 'the other'.

1.2 What does Volf say about the problem of justice?

1.2a Plural Justice and Conflicting Claims

Like HRW, Amnesty International and other NGOs Volf's critique of justice emerges from reflections on the problems of practicing justice.

Ask any of the warring parties in Bosnia...they will tell you who the real barbarian is. You might be surprised to find on the Serb list not only Croats and Muslims but also the whole West. That same decadent civilization that destroyed millions of native peoples, colonized cultures and concocted "the final solution" is showing once again its ugly face by imposing sanctions against us, the Serbs, whose only crime is that we are defending our homes, our wives, our children, against murderous Croats and Muslims who want to take what is rightfully ours. Or, listen to the following variation...[Muslim] "How can the Christian West just sit and watch us be slaughtered by the thousands? How can they refuse to let us at least arm ourselves?"¹⁵²

Here, however, we see a reflection not on process necessarily but on the deeper issue of conflicting justice claims. Volf is not beginning from a theoretical understanding of the problem of plural justice, but from a witnessing of the conflict and violence that can ensue when each group attempts to pursue their own conception of what is just. This practical (as opposed to theoretical) problem of plural justice and conflict provokes Volf to further consideration of what justice is and how we might be able to conceive of a justice which steers a path away from the violent clashes of the Balkans and towards a life reconciled with the other.

Understanding that Volf's theological reflections on the nature of justice emerge from an understanding of the problems of justice in practice is important. It allows us to understand why Volf's understanding of justice takes shape in the way it does. It also legitimatises my attempt at the end of this chapter to evaluate Volf's response in terms of a practical response to the problems of justice in the Balkans.

¹⁵² Miroslav Volf, *Exclusion and Embrace*, 195.

Volf is of course writing in this extract from a perspective of ongoing conflict in the early 1990s. His identification of justice claims as a cause of and fuel for conflict emerges from this period, rather than the post-conflict period that the NGOs and others are seeking to address. However, the difference between the two periods, especially in Bosnia is primarily the cessation of ongoing organised violence. Volf's insights are equally relevant in considering the problem of justice after the period of active conflict. This is because the post-conflict ethnic hostilities are built upon the same accounts of justice (what is due to each ethnic group) that provoked the violence. These claims are still standing in the way of reconciliation and, in the case of Bosnia-Herzegovina, political and economic progress.¹⁵³

Essentially it is conflicting accounts of what justice means or entails for each group that are at the root of the problems identified by the NGOs. In their account conflicting justice claims are labelled as bias. The bias they identify is informed by a judgement about which group is victim and which is perpetrator, which group is still owed something and which should be penalised. The human rights infringements which concern HRW and Amnesty are also primarily a result of the bias of the courts and the feeling that justice is about punishing the other. Conflicting justice claims then seem to be at the heart of both failures of the justice process and the bias running through the courts.

As we have seen, even the ICTY's ostensibly unbiased endeavours to do justice conflict with the claims of individual ethnic groups as to what justice means for them. Volf's extract demonstrates the same dissatisfaction of the parties involved in the conflict with Western intervention in the early 1990's. The ongoing disagreement about what each party deserves from the ICTY can further fuel dissatisfaction and reinforce the divisions and ethnically divided political processes. It is of course important to acknowledge here that conflicting claims also exist within ethnic groups where there are, of course, a variety of claims about what justice should look like.

¹⁵³ In Bosnia the peace agreement left divisions between ethnic groups entrenched in the political system. There is currently highly partisan politics as a result, and issues of police corruption and economic improvement, important to many voters, are ignored as it is divisive ethnic campaigning which wins politicians power.

In pointing to conflicting justice claims as at the heart of the problem of justice in the Balkans Volf is not saying that 'no account of justice is better than another'¹⁵⁴. In this sense he would not want to say that the efforts of the HRW or Amnesty are wrong. What his work does suggest however is that a focus on better processes is not a response to the wider issues underlying both the failure in the Balkans and our collective failure as human beings to enact justice.

Volf moves very swiftly from an identification of a problem of justice on the ground to an identification of the problem as lying within the conceptions of justice themselves. More than this he is identifying not one theory to be false but the very idea of a theory of justice to be problematic in practice. Essentially Volf has identified that theories of justice inevitably clash and where there is a clash of immovable concepts there is conflict and the potential for violence. So what is it about conflicting justice claims that inevitably leads to conflict?

1.2b Injustice named as Justice

*'Justice is impossible in the order of calculating, equalizing, legalizing, and universalising actions. If you want justice and nothing but justice, you will inevitably get injustice'*¹⁵⁵

Volf makes the strong claim that that justice which permits injustice is not justice. Plural conceptions of justice mean that what one person or group names as justice is perceived by the other to be injustice. More than this, in the pursuit of justice injustice (by our own measure) is inevitably committed. The Balkans provides evidence for both of these claims.

As has been discussed, there is a pervading bias in the national and local courts, evidenced in the failure of the judiciary to convict their compatriots and their eagerness to indict 'the other'. In The Hague the body which seeks to bring justice has allowed injustice to continue as cases fail to make it to court through

¹⁵⁴ Volf, *Exclusion and Embrace*, 195.

¹⁵⁵ Volf, *Exclusion and Embrace*, 223.

lack of evidence or focus on only the biggest crimes as well as through failure to actually find some of those indicted as well as failure to even identify some of the biggest war criminals.

The common view of the ICTY as unjust is due to the perception of many that they are the victim. Consequently many Croats want Serbs to be held accountable but excuse themselves as protectors of their homeland.

*'Nationalist groups in Croatia have raised the political costs of cooperation with the ICTY by effectively designing a rhetorical strategy which equates the tribunal's indictments against Croatia's war heroes with attacks on the dignity and legitimacy of the so-called Homeland War (domovinski rat) fought on Croatia's territory against breakaway Serbs between 1991 and 1995.'*¹⁵⁶

Similarly Bosniacs want Croats and Serbs to be held accountable for the war crimes committed in Bosnia but as the weakest party cannot see that Bosniacs may have committed any crimes themselves. Serbs, as the majority of those prosecuted, tend to see the ICTY as unjustly focusing on them and excusing the crimes of others.

Volf's claim that justice permits injustice is certainly backed up by evidence. It is the perception that the other's conception of justice is in fact unjust or permits injustice that is at the heart of conflicting claims to justice and therefore the central problem of justice. Volf wants to say, with Niebuhr, that 'no scheme of justice can do full justice to all the variable factors'¹⁵⁷ and that 'neither revenge nor reparations can redress old injustices without creating new ones.'¹⁵⁸ Essentially it is inevitable that attempts to enact justice will cause injustice through both the failure to consider or deal with the infinite particularities of each case or through the fact that the conception itself is human and therefore flawed.

¹⁵⁶ Victor Peskin & Mieczysław P. Boduszyński, 'International Justice and Domestic Politics: Post-Tudjman Croatia and the International Criminal Tribunal for the Former Yugoslavia', *Europe-Asia Studies* vol. 55 no.7, 2003, 1117.

¹⁵⁷ Reinhold Niebuhr, in Volf, *Exclusion and Embrace*, 222

¹⁵⁸ Volf, *Exclusion and Embrace*, 223

Here we have moved from identifying the practical problems of justice, to understanding conflicting claims as at the root of these problems and finally to understanding the cause of conflict as about the claim that our own justice is always just to all. Essentially Volf is forcing us to come to terms with the fact that every theory of justice allows injustice to occur in the name of justice. This is a problem practically in that it is the cause of conflict as those who have endured injustice lay claim to a different conception of justice. When injustice goes by the name of justice, the victims of injustice are likely to try to redress the balance. In this situation, far from being a solution to conflict, justice becomes a key player in the “cycle of violence”. It seems that to address this problem an understanding of justice would have to either really permit no injustice to occur or limit its claims as to the finality and absoluteness of the justice being administered and acknowledge the claims of the other.

1.2c Restorative Justice

So far I have identified that Volf’s focus is on the problem of plural justice claims and the closely related problem of injustice named as justice as both potentially fuelling conflict (whether violent or not). A further issue Volf addresses is that justice which fails to point to or seek to facilitate reconciliation is failing. This is because for Volf justice is only one element in the larger project or pursuit of love.

In critiquing ‘strict justice’ Volf argues that

*even if justice could be satisfied, the conflicting parties would continue to be at odds with one another. The enforcement of justice would rectify past wrongs but it would not create communion between victims and perpetrators. Yet some form of communion - some form of positive relationship – needs to be established if the victim and perpetrator are to be fully healed.*¹⁵⁹

¹⁵⁹ Miroslav Volf, ‘Forgiveness, Reconciliation and Justice’, in ed. Raymond G. Helmick, S.J. and Rodney L. Petersen, *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation*, Templeton Foundation Press, Pennsylvania, 2001, 40

I have already identified that Volf sees it as impossible that human attempts to enact justice could in fact satisfy the demands of justice (whether a human theory of justice or divine justice). Endeavours to enact justice inevitably involve injustice. Here Volf argues that even if human beings were capable of enacting justice, the punishment of the perpetrator, or even an attempt to repair the crime committed, would not be enough. The restoration of relationship is central for Volf. Such a priority places great demands on justice in terms of what it should achieve. However Volf is not alone in making these demands; the aim of transitional justice and of the ICTY specifically is to promote reconciliation and restoration through the justice processes. The evidence discussed earlier suggests that justice processes in the Balkans have failed to achieve, or even promote, this type of restoration.

For Volf justice is not the ultimate priority. Justice is always subservient to love.¹⁶⁰ Justice must therefore be about more than dispensing dues or settling claims. Justice for Volf, as I will explain throughout this chapter, is both more limited in scope and part of a broader vision than theories of justice based upon dues or dispensation of goods. Justice is limited in the sense that it is not to be the primary good to be pursued and is enlarged in the fact that the pursuit of justice becomes about relationship with the other.

Both of these ideas will be explored more fully later in the chapter. However, at this point, it is fair to say that whilst Volf sets high standards in terms of what he expects justice to be and achieve, and is therefore more likely to see problems with current justice, his expectations are not so far from the expectations of transitional justice and the aims of the ICTY itself. For the ICTY justice is also supposed to be about more than allowing two parties to coexist, there is also an expectation that justice should facilitate or contribute to reconciliation between the parties. However, my interviews have indicated that the justice processes themselves have failed to assist in reconciling ethnic groups. The only resources suggesting a potential, moderate contribution of the justice processes are informal conversations and one witness quoted by the ICTY. Indeed the ICTY had a statement on a previous website stating that its aims included

¹⁶⁰ Miroslav Volf, *Exclusion and Embrace*, 223ff

reconciliation.¹⁶¹ There has subsequently been a replacement of these aims with the ICTYs achievements. Whilst the new list of achievements correlate strongly to the original aims, reconciliation is noticeably absent from this list of successes. The evidence points to a conclusion that justice in the Balkans has failed to encourage reconciliation. Justice has been a source of at worst continued disagreement and dispute and at best a sense of forced coexistence.

1.2d Conclusion

Whilst Volf aims his criticisms largely at theories of justice in his writing, the criticisms clearly emerge from experiences of conflicting justice claims in action and the desire to tackle the deep seated, theoretical roots of those claims, rather than to simply suggest a shift in practice without tackling our underlying assumptions of what justice is as the HRW and Amnesty seem to do. Volf writes

*I spent some six weeks in war-torn Croatia in the fall of 1992 – its territories occupied, its cities and villages destroyed, and its people killed and driven out. There it became clear to me what in a sense I knew all along: the problem of ethnic and cultural conflicts is part of a larger problem of identity and otherness.*¹⁶²

Volf's criticisms emerge from his understanding of the Balkan conflict and from his experience as a Croat. However the problems of justice he identifies go beyond the individual practices of the Balkans or the particular justice claims found here. Instead Volf looks to find the deeper roots of the problems of justice and answer the question "why do conceptions of justice inevitably cause injustice and lead to conflict with the other?" This broader understanding of the problems of justice claims is illustrated by his introductory reflections on both the LA riots and the neo-Nazi rallies in Berlin which were also occurring in the early 1990s.¹⁶³

Since Volf's work emerges from the time of ongoing violence in the Balkans his focus is on the various claims to justice and the role of conflicting justice claims

¹⁶¹ 'General Information' on the ICTY <http://www.un.org/icty/glance/keyfig-e.htm>, 01/02/2009

¹⁶² Miroslav Volf, *Exclusion and Embrace*, 16

¹⁶³ Miroslav Volf, *Exclusion and Embrace*, 13-14

in the conflict. Whilst my focus is on the post-conflict attempts to do justice I have suggested that the underlying issues are the same. The problems of implementing justice post-conflict are centred on disagreements about whose claims are right and an attempt to use the official processes of justice to reinforce a particular ethnic group's understanding of who was in the right and who in the wrong. I have also suggested that just as Volf highlighted the problem of perceptions of Western intervention during the conflict, the problem of Balkan perceptions of Western justice processes is also of concern in that such justice pleases nobody.

This finding, that present issues continue to have the same roots as the issues which provoked the violence and continued during the conflict, supports Volf's claim that our understanding of justice requires a radical rethink. Otherwise present justice 'would bring us peace only as the absence of war...not as the harmonious ordering of differences.'¹⁶⁴

Volf has identified the clash of justice claims as central to the problems of practicing justice. Further, he suggests that the types of claims made about the scope and possibilities of theories of justice might be overreaching what any justice can actually deliver. He also suggests that the prioritisation of justice as an aim in itself is perhaps wrong and that justice is a broader concept always subject to the greater pursuit of love and reconciliation. It is to these issues, of the proper scope and breath of justice, that I will turn in section 2.

¹⁶⁴ Miroslav Volf, 'Forgiveness, Reconciliation and Justice', 40

Section 2 - Why do these problems exist?

So far I have suggested that the evidence from Bosnia-Herzegovina and Croatia supports the idea that there are serious problems with processes of justice. Such practical evidence, supported by NGOs goes some way to supporting Volf's argument that there are fundamental problems with the way human notions of justice are constructed and perhaps the very idea of constructing a theory of justice at all.

In this section I want to explore the causes of the problems identified by Volf and to engage with those who have found justice problematic on a more theoretical level. In exploring these causes further I also want to press towards the conclusion that Volf is right in insisting that a radical rethink of human conceptions and practices of justice is necessary.

Firstly I want to examine the issues of identity which, as has been shown in earlier chapters, is a central concern for Volf and is perhaps the major way in which Volf pushes forward the way justice and reconciliation issues are approached. That is, in understanding identity formation and protection of a particular identity as crucial in forming conceptions of what justice is and as a key player in conflict, Volf's approach gets to the heart of the problem.

Secondly I want to look at the issue of the extent to which human beings can claim to know and enact justice. For Volf much of the problem of present practices of justice is that they claim to be truly just when in fact justice permits and perpetrates further injustice. Volf suggests that any attempt to produce an abstract theory of justice applicable to all in all circumstances is impossible. This leads towards Volf's proposition that our understanding of justice, now deconstructed somewhat, should begin with an eschatological vision. We will examine this reconstruction in the second half of the chapter.

2.1 Victim Identity

From a distance the world may appear neatly divided into guilty perpetrators and the innocent victims. The closer we get however, the more the line between the guilty and the innocent blurs and we see an intractable maze of small and large hatreds, dishonesties, manipulations, and brutalities, each reinforcing the other.¹⁶⁵

The messiness of the Balkan conflict makes Volf's insights into the blurring of the lines between victims and perpetrators particularly poignant. In both understanding the central importance of identity and in having the legitimacy to tackle such a sensitive issue Volf draws heavily on his own experiences. These include the Balkan conflicts of the 1990s and his experiences of mental torture whilst in the Yugoslavian Army in the 1980s. The former in particular demonstrated that all have committed injustices and none are entirely just. The latter has enabled him to assert that victims and perpetrators are not clear cut categories and that to a greater or lesser extent all of us are both. It is important in many ways that Volf comes to this claim through the agony of experience and as one who may be labelled a victim of serious injustice. He often expresses concern that his theology of embrace be seen as a path of 'costly grace' rather than cheap platitudes and his experience and personal wrestling with the issues means he achieves this to a great extent.

Volf is careful not to understand the victim and the perpetrator as equally guilty or indeed to understand the victim as guilty at all in relation to the specific injustice in question. Instead the two share a common sinfulness, or propensity to injustice.

In his partial assimilation of victim and perpetrator Volf makes a significant step forward from the clearer cut categories of oppressed-oppressor found in the majority of his mentor Moltmann's theology.¹⁶⁶ Volf is very much a theologian 'after Moltmann'. That he departs from Moltmann on this point, however

¹⁶⁵ Miroslav Volf, *Exclusion and Embrace*, 81

¹⁶⁶ Except Moltmann's 1992 work *Spirit of Life* where he starts to move towards a fuller consideration of the perpetrator in what Volf calls his 'most mature work'. Moltmann, Jürgen, *The Spirit of Life*, SCM Press Ltd., London, 1992.

gently,¹⁶⁷ makes it a point of particular significance. In making this point Volf seeks to encourage the wronged to recognise the perpetrator as a fellow human being with a propensity to commit injustice. The use of injustice here is related to although not exactly equivalent to 'sin'. This is important to note as Volf also seems to extend the category of justice so that it becomes closely equivalent to freedom from injustice or 'freedom from sin'. This perception of all human relationships as marred by injustice means that Volf extends the remit of justice. Justice is essentially about relationships which are free from injustice, 'right relationships'. This idea of justice being enlarged to encompass all aspects of relationship is a key point.

The problems of victim and perpetrator as firmly separate categories are illuminated by the Balkans. Here each side attempts to maintain an identity as a blameless or justified victim. The importance of exposing this identity as mythical whilst maintaining a focus on the real injustices that have been done to individuals and groups is of crucial importance. Without tackling this issue of victim identity it would seem that little in terms of reconciliation could be achieved. The problems of the victim culture are closely related to justice in that the maintenance of such an identity allows people to give credence to their often unjustified claims for justice, particularly in the political sphere and allows people to remove responsibility for reconciliation from themselves.

Interviews suggest that the post-war justice processes have in a sense become another arena in which ethnic conflicts are played out. The processes don't offer resolution since they do not deal with the fundamental causes of the conflict.

Volf's approach is fresh in that many writers on justice issues in particular either approach from a third party (mostly western) perspective and seem to feel a need to protect a (weak) group labelled 'the victims' in a well intentioned although perhaps patronising way.¹⁶⁸ Alternatively, as with liberation theology, there is a sense that victims need to be empowered in some way in order to

¹⁶⁷ Volf sometimes seems at pains not to fully reject Moltmann – often when Volf makes a departure he doesn't even mention Moltmann presumably because he wouldn't really want to come out and say Moltmann was wrong. The critique of the victim is perhaps his most explicit reform or rejection of Moltmann's work.

¹⁶⁸ Nicholas Wolterstorff writes about his third party experiences in Apartheid South Africa in *Justice: Rights and Wrongs*, Princeton University Press, Oxford, 2008, viif

address the oppressor or redress injustices. Whilst the influence of Moltmann means that Volf is not explicitly rejecting liberation theology, he is seeking to move on from the problems of victim-perpetrator and oppressed-oppressor categorisation and language. The particular problem with this language and the consequent attempts to protect the victim is that it works within existing power structures set up by the oppressor. Rather than seeking to break this power structure attempts to 'empower' the victim (and perhaps disempower the perpetrator) play into a cycle of power, which is often closely associated with violence.¹⁶⁹ Zygmunt Bauman writes that victims often 'demand the reshuffling of the cards, not another game. They do not blame the game, only the stronger hand of the adversary.'¹⁷⁰ The problem of simply altering the power balance in situations (that is putting victims in a position of power and removing the perpetrators power) is evident in Croatia particularly. Here Serbs still have difficulties in getting jobs, reclaiming homes they may have left and obtaining justice for Croatian war crimes. If justice is focused on a redistribution of power it can mean a recurrence of injustice as victims seek to oppress their oppressors. At the very least it is not conducive to reconciliation.

The categorisation of groups or individuals as victim or perpetrator then has ramifications for the practice of justice. Over-emphasis on these labels leads to a confrontational justice of one versus the other. It may also lead to a fostering of an identity as a victim which is then used to justify injustice towards the perpetrator.

Volf manages to tread a very fine line in both affirming the injustices done to individuals (victims) and maintaining their shared sinful humanity with the perpetrator. Others might be wary of such a move as there is a risk in refusing to label the victim as blameless that the victim might then be seen as in fact to blame for the specific injustice in question which would, of course, itself be an injustice. Volf is clear however that the victim's repentance is for their own desires for revenge, their participation in these cycles of violence and desire for power over the other. 'Victims need to repent of the fact that all too often they

¹⁶⁹ See Volf, *Exclusion and Embrace*, 116

¹⁷⁰ Zygmunt Bauman, *Postmodern Ethic*, Blackwell, Oxford, 1993, 216

mimic the behaviour of the oppressors, let themselves be shaped in the mirror image of the enemy.¹⁷¹ Repentance then is for thoughts and urges for revenge rather than actions. The action of injustice is for the perpetrator to repent of. This repentance is then about the victim understanding themselves as a sinful human being. It is also about taking a shared responsibility for participation in power structures which cause injustice.

It is important to note here that whilst Volf's placing of responsibility with the victim may appear difficult in terms of demanding so much of the one who has been damaged by injustice, in fact such a responsibility could be seen as enabling. The theology of embrace allows victims, regardless of political situations or their access to official processes to begin to change their situation. The victim in this reading is not typecast as weak; they are not reliant upon claiming their rights from others or needing the assistance of a third party. The will to embrace can begin regardless of the response or unresponsiveness of the other.

2.2 Human Knowledge of Justice

*'For injustice permeates the behaviour of every human being and qualifies all social relations. To live is to be unjust, observed Frederick Nietzsche, echoing Martin Luther's assessment of the human condition. The point of this observation is not that human beings are unjust through and through, but that the stains of injustice mar even the most just of our deeds.'*¹⁷²

In this extract we see a reiteration of the point that justice and injustice are inescapably linked together. So far I have identified that for Volf the fact that human attempts to do justice, and even human attempts to construct a theory of justice, always involve injustice to one group or another. This becomes problematic when injustice is named as justice, attempts to enact justice end up

¹⁷¹ Volf, *Exclusion and Embrace*, 117

¹⁷² Miroslav Volf, *The End of Memory: Remembering Rightly in a Violent World*, William B Eerdmans, Grand Rapids, 2006, 110.

creating victims of injustice. This is both a problem in the sense that it feeds into conflict over justice and in a more abstract sense, in that it makes a mockery of the good of justice.

As the extract above says ‘the stains of injustice mar even the most just of our deeds’. In making this claim Volf is drawing diversely on Nietzsche and the Christian doctrine of original sin, although he is more explicit about the former than the latter. Volf does not use the term original sin, however he does talk about a “background cacophony of evil”.¹⁷³ If we accept Volf’s idea of the “background cacophony” then the question is “how can we construct an account of justice in a sinful world?”

2.3 Expectations of Justice

So why does injustice end up being named as justice? Firstly I want to address the idea that it is because human conceptions of justice claim too much in terms of what they can actually achieve. That is, secular accounts of justice which have no reference to a higher or better conception of or practice of justice claim a sort of absoluteness. Such theories of justice expect a finality that is not possible here and now. Classic Christian theology agrees with Volf in that justice will only finally be realised eschatologically.¹⁷⁴ However there is dispute as to what claims the consequently understood “partial justice” should make about its finality and relationship to God’s ultimate justice and judgement.

John Rawls’ believed that human beings might go behind a “veil of ignorance” and determine the content of justice from an objective position.¹⁷⁵ For Volf the evidence of the impossibility of an objective view or an objective third party adjudication of conceptions of justice lies in the Balkans. Here the West, charged with taking the objective, outsider viewpoint managed to anger all sides both during the conflict, with UN action, or lack thereof, and after the conflict with the ICTY. This is not to say that Volf believes all perspectives are as distorted as another. Some conceptions of justice may be closer to justice

¹⁷³ Miroslav Volf, *Exclusion and Embrace*, 88.

¹⁷⁴ For example Augustine, *City of God*. Penguin, London, 2003.

¹⁷⁵ John Rawls, *A Theory of Justice*, Harvard University Press, Massachusetts, 1971, 136ff.

(determined by God) than others. The point is however that all human perspectives are flawed in that they fail to take account of every perspective.¹⁷⁶

Essentially in demanding that justice should not perpetrate injustice Volf has raised expectations of what justice is. Simultaneously he also suggests that human accounts and practices of justice fail to meet this high expectation and therefore claim too much when they claim to enact or know the content of justice. The practice of justice, as has been explored earlier, belies the fact that human accounts of justice are inherently unjust.

For Volf any conception of justice which '*equalizes and abstracts is an unjust justice*'.¹⁷⁷ This is because no theory can adequately do justice to each individual. No theory can account for the particularities of every case and if it cannot then it will cause injustice because the individual case will not be treated as such but will be treated in the same way as other similar, but ultimately different, cases. I have labelled this first half of the chapter "deconstructing justice" and it is on this point that Volf draws perhaps most on the work of those such as Derrida. Of course Volf is not seeking to deconstruct justice for the sake of it nor because he does not believe in the idea or possibility of justice. However, his concern for particularity is picked up in Derrida's work.

Derrida concluded in later life that 'deconstruction is justice'.¹⁷⁸ His point, developed by Caputo was that justice is so particular that any grand theory of justice will oppress (or in Volf's language, cause injustice to) any particular case to which it is applied. On this point then Volf is somewhat in step with deconstructionists in his concern for particularity and in his identification of the central problem of justice which is the infliction of injustice in the name of justice.

It is interesting to see the way Volf critiques both rational universalism and postmodern discussions of plurality and deconstruction. In critiquing both of

¹⁷⁶ In his emphasis on perspective Volf pays particular attention to postmodern concerns, in particular he looks to Nietzsche to ask the "right" questions, endeavouring to address the evident problems of universal justice claims identified in late 20th Century discourse with the Christian claim of a universal and just God.

¹⁷⁷ Miroslav Volf, *Exclusion and Embrace*, 222 (Volf's emphasis)

¹⁷⁸ Jaques Derrida, 'Force of Law: The Mystical Foundation of *Authority*', *Cordoba Law Review* 11, 1990, 950-955.

these positions which inform different theories of justice Volf is also seeking to find a middle ground in which he can allow the universal justice of God and the particular, plural justice claims of human beings to marry and to find a way of pursuing divine justice within the confines of human particularity.

2.4 Partial Justice

Volf's understanding of rational theories of justice as problematic is based upon the idea that theories of justice claim to know what justice is or what justice demands when in fact this is too great a claim. Whilst postmodern discussions have tended to focus around the idea that we cannot finally know what justice is, classical Christian theology perhaps suggests a middle ground, in that whilst it is true that human beings cannot claim to enact complete justice as God can, they can enact a partial justice. This marries knowledge of God's justice with an acknowledgement that human beings cannot fully enact this justice.

Classical theology built on this premise might initially seem to suit Volf's purposes and to answer the issues of concern. Indeed Augustine also identified the problem of injustice occurring within the practice of justice, placing this down to human ignorance.¹⁷⁹ He concludes, as does Volf that the inevitability of injustice within justice means that people are unable to practise true justice. However Augustine allows much more room for the practise of imperfect justice. Essentially it seems Augustine believes we may understand the principles of justice, although be unable to enact it. Still what is enacted may be called justice. Volf is much less certain that we can know the exact content of justice in the way that Augustine understands it. That is, as a justice which allots to each their due. Instead Volf argues that we cannot know the precise demands of justice, removing justice from human comprehension to some extent. Volf differs from Augustinian theology in that he finds the naming of justice which commits injustice as just as hugely problematic primarily for the practical reasons discussed.

¹⁷⁹ Augustine, *City of God*, 927.

This criticism stands even when the justice enacted is acknowledged to be partial. This is because for Volf a Christian conception of justice which commits injustice is committing injustice in the name of divine justice. The problem then is the claim to know the content of divine justice and to enact it even when it is acknowledged that human justice is partial.

We can see in this that Volf's chief problem is the naming of injustice as justice. Any conception of justice which allows this to occur is practically problematic in the sense that it lends itself to conflict. Secondly for Volf this is problematic in that it commits injustice in the name of God.

Christian conceptions of justice or claims to be able to enact justice fall into the same practical problems we have already identified. They fall prey to exactly the same problems of causing injustice in the name of justice, worse in this case as injustices are caused in the pursuit of what is called divine justice. Here we come to the crux of the problem. Just as with secular theories of justice when injustice occurs in the name of justice the very notion of justice one is trying to pursue is called into question. In this case when Christians claim to know and enact God's justice in the world and injustice is caused in the pursuit of this justice, God himself is called into question.

Volf would argue that understanding justice in the present as partial justice, thus solving the problem of overreaching claims in one sense, does not address the problem of injustice being named as justice and is therefore unsatisfactory on its own. Whilst Volf agrees that any present action is only partial, in the sense that it will be perfected eschatologically, his theology contends that the type of partiality found in theological tradition actually divorces present action further from eschatological reality and divine action. For Volf a key component of justice is that it is free from injustice. If partial justice allows injustice to be named as justice then for Volf it is not partial justice but a notion of justice which has little to do with divine justice. This leads us towards a consideration of where a conception of justice needs to begin, where it should be grounded.

2.5 Starting in the wrong place

‘Our coziness with the surrounding culture has made us so blind to many of its evils that instead of calling them into question, we offer our own versions of them – in God’s name and with a good conscience.’¹⁸⁰

I have moved through some broad criticisms which Volf lays at the door of a wide range of conceptions of justice. As I have said he is tackling the notion that a truly just theory of justice can be conceived at all. Since his yardstick is divine justice this is perhaps understandable that he should attack secular notions of justice. However, in considering the Christian theological tradition of understanding justice as partial, it has become clear that Volf sees the same problems in many Christian conceptions of justice that he identifies in secular ones. In this extract, whilst he is not specifically pointing at Christian justice claims as derived from secular culture there is a clear case to say that this would be valid criticism.

Stanley Hauerwas is perhaps the most notable of very few theologians who have criticised justice in a fundamental way.¹⁸¹ His criticisms focus on the alignment of Christians with secular theories of justice and the consequent over-prioritisation of justice. Whilst Hauerwas does not have an obvious connection with Volf (although perhaps through their mutual use of John Howard Yoder) he is interesting in that his criticisms coincide with some of what Volf is trying to say especially on this point, that Christians are looking for their accounts of justice in the wrong place.

Neither Volf nor Hauerwas mean their critiques to suggest that justice really is a “bad idea for Christians”. Instead both men, and certainly Volf, want to rediscover what justice means. For Volf this is a return to reflection on the Bible and the history of the triune God’s interaction with creation.¹⁸² Hauerwas writes of his project that ‘the challenge is to rediscover how what we say as Christians

¹⁸⁰ Miroslav Volf, *Exclusion and Embrace*, 36.

¹⁸¹ By this I mean criticising not just a particular conception of justice, but the way notions of justice are constructed or in this case the prioritisation of justice over love.

¹⁸² Miroslav Volf, *Exclusion and Embrace*, 212.

forces a reconfiguration of our lives in order that we might see the world as God's good creation.¹⁸³ Similarly Volf talks about "enlarged thinking".¹⁸⁴

Nicholas Wolterstorff's critique of Hauerwas' position also illuminates something about where Volf is standing. Wolterstorff believes that Hauerwas is largely rejecting the priority of justice because of the devaluation of justice and rights language.¹⁸⁵ Wolterstorff himself bemoans the proliferation of rights language but continues to uphold rights.¹⁸⁶ Hauerwas' critique is stronger than that. Both Hauerwas and Volf, in *Exclusion and Embrace* at least, have critiqued current justice discourse not just because the language has been overused and lost impact, although this may be part of it. It is because that which is named justice in the public square, and in Volf's case, in the Balkans, has nothing to do with the justice of God. Justice discourse has become limited to a liberal consensus on what justice is about. The sense of needing to start from scratch is perhaps stronger than Wolterstorff acknowledges.

Having spent this time talking about the ways in which Volf wants to deconstruct much of the current consensus on how justice should be conceived of or constructed, this is not the end. Unlike for Derrida, the deconstruction occurs in order that our understanding of justice can be set free to begin again. So where does Volf want us to begin this reconstruction? Essentially Volf believes we must begin from above, not below. As will be explored in chapter three, for Volf it is the life of the Triune God which is the central focus of theology. Volf looks to understand justice within God and the justice that creation will experience eschatologically. In section 3 I will turn to Volf's eschatological vision of justice and seek to understand how this vision answers the problems of justice identified and how it might translate into a practice of justice in the present.

¹⁸³ Stanley Hauerwas, *After Christendom: How the Church Is to Behave If Freedom, Justice and the Christian Nation are Bad Ideas*, Abingdon Press, Nashville, 1999, 6.

¹⁸⁴ Miroslav Volf, *Exclusion and Embrace*, 212.

¹⁸⁵ Nicholas Wolterstorff, *Justice: Rights and Wrongs*, 97f.

¹⁸⁶ Wolterstorff, *Justice: Rights and Wrongs*, 2.

A Partial Reconstruction of Justice

In moving on from the discussion of current conceptions and practices of justice as inherently flawed, I want to focus on the vision of justice which Volf wants to put in the place of the justice which abstracts and equalizes on which justice currently tends to focus.¹⁸⁷ In referring to the 'partial reconstruction' of justice I want to be clear that Volf's vision does not cover the same remit as the theories of justice he has rejected. His proposal is both broader in one sense, in that it talks about justice as part of a way of life, and limited in another sense, in that it fails to provide an explicit series of actions or sequence of events which constitute justice. These differences might mean that we begin to question in what sense Volf's vision is even talking about justice. In talking about a partial reconstruction of justice I want to convey this difference in approach which is largely informed by the fact that Volf does not believe we can fully conceive of the content of justice and that we should not claim to. The most we can claim is a partial understanding of the justice that will be after the eschaton. In the following I will set out Volf's vision of justice. However the full implications of his vision need to be considered in light of the Trinitarian roots of his theology. This work will be covered in chapter three.

Section 3: What is Volf's solution?

In this part of the thesis there is some tension between my understanding of the implications of Volf's theology as set out in his theology of embrace and some of Volf's subsequent work. This seems to be predominantly due to a shift in Volf's approach. In the early 1990s when writing *Exclusion and Embrace* Volf was much closer to the concerns of the Croats and the issues raised by the conflict occurring in the Balkans at the time as well as physically spending more of his time in Europe and Croatia in particular. This lends his work a particular poignancy in talking to victims from a place which identifies with their victimhood. A decade and more on Volf's entrenchment in the American

¹⁸⁷ Volf, *Exclusion and Embrace*, 223

religious and academic life is evident in the way his work speaks more directly to those in power, those with responsibility to fulfil the rights of the other.

In the following it is therefore important to keep in mind these tensions. Whilst my focus is on the theology of embrace, in proposing my own reading of the action such a theology requires I will dialogue with more recent comments of Volf's which I see as diverging from the course he has set out in his earlier work. I will be defending my reading of his earlier position and seeking to develop it.

3.1 The Vision

Volf's response to his critique of theories of justice is essentially to move away from the focus on understanding justice as within a context of current practice, and the limitations which that obviously entails, to start 'from scratch' as it were in seeking to understand what justice might look like in the world perfected, after the eschaton. This vision, of eschatological life, is based upon Volf's understanding of the revelation of God's triune self in Christ and therefore emerges from his theology of embrace.

A world of perfect justice is a world of love. It is a world of no "rules" in which everyone does what he or she pleases and all are pleased by what everyone does; a world of no "rights" because there are no wrongs from which to be protected; a world of no "legitimate entitlements", because everything is given and nothing withheld; a world with no "equality" because all differences are loved in their own appropriate way; a world in which "desert" plays no role because all actions stem from superabundant grace. In short a world of perfect justice would be a world of transcended justice because it would be a world of perfect freedom and love.¹⁸⁸

It is worth examining this particular quote in some detail, since it is the closest Volf gets to a clear definition of what justice actually is. Firstly I will tackle to question of the primacy of love over justice. It is a question I return to in chapter three in relation to the Trinity, but which here I will deal with in eschatological terms since this is the context of Volf's vision. Secondly I will turn to the subject

¹⁸⁸ Volf, *Exclusion and Embrace*, 223

of Volf's rejection of rights and entitlements and suggest the type of justice he proposes should take their place.

3.1a The Primacy of Love

Firstly, in stating that 'a world of perfect justice is a world of love' Volf subsumes the term justice into a larger category of love. This demonstrates an inextricable linking of justice and love in Volf's thought. It is possible to conclude that justice without love is not justice. To reject the idea of the primacy of justice which seems to dominate much of current theological discourse on social action is a big step. Even Volf himself seems not to see the clear distinction between a conception of justice based upon the primacy of justice and the antithetical position of seeing justice as always subsumed into, and secondary to, the larger category of love.¹⁸⁹ Perhaps contrary to Nicholas Wolterstorff's claim, there appear to be only a small minority who explicitly reject the placing of justice as the primary good rather than simply seeking to reshape justice around the margins.¹⁹⁰ The most notable exception is Stanley Hauerwas. He argues that 'once "justice" is made a criterion of Christian social strategy, it can too easily take on a meaning and life of its own that is not informed by the fundamental Christian convictions.'¹⁹¹ This reflects Volf's own concerns in placing justice as the primary pursuit and his subsequent rejection of the pursuit of justice as the best means to God's justice. By locating justice within love Volf is placing justice within God who is love. This is an argument I will extend fully later. However, it is important to note that in making this love-justice link so strongly, Volf is seeking to give any notion of justice derived from this vision roots in central Christian doctrine. This is most notably in the Trinity, but also, consequently, the

¹⁸⁹ See Volf's review of Nicholas Wolterstorff's *Justice: Rights and Wrongs*, in 'God, Justice and Love: The Grounds for Human Flourishing'.

¹⁹⁰ Nicholas Wolterstorff, *Justice: Rights and Wrongs*, 10f

¹⁹¹ Stanley Hauerwas, 'The Servant Community: A Christian Social Ethics' in ed. John Berkman and Michael Cartwright, *The Hauerwas Reader*, Duke University Press, Durham, 2003, 389.

eschatological life which for Volf, as for Moltmann, is human participation in the Trinity.¹⁹² The vision above, is firstly an eschatological vision.

In later work Volf clarifies his priorities claiming justice as secondary to the salvation of the world (the action of love?): 'If the salvation of the world, not justice, matters the most, it is also understandable that a lover of humanity would embrace the grace of the Passion - and suffer the scandal of justice both unmistakably affirmed and unequivocally transcended.'¹⁹³ It is this affirmation and transcendence which are the key elements to get to grips with in taking Volf's work forward into practice. These are elements which initially appear to be paradoxical.

Helpful in drawing out the relationship between justice and the 'world of love' is a dialogue between Volf and Daniel M. Bell Jr. In it Bell questions the idea of affirmation and transcendence suggesting that 'after the advent of Christ, the classic notion of justice is not so much "affirmed and transcended" but redeemed.'¹⁹⁴ This redemption involves understanding what is due, as that which 'is in complete accord with grace (Augustine). That mercy implements perfect justice (Aquinas), and that the rule of God's justice is mercy (Anselm).'¹⁹⁵ Bell's rendering is certainly clearer and fits better with Volf's understanding of continuity in eschatology between the present and the new creation.¹⁹⁶ It sees justice not as being affirmed and then transcended but being reconfigured so that it is defined by grace and mercy, or in Volf's language above, love. In his response Volf acknowledges that Bell's rendition is largely what he intends to convey in *Exclusion and Embrace*. This is interesting since the language in the text above is not the same as Bell's but Volf suggests Bell's understanding of justice here is close to what he wants to say.

However, Volf notes that whilst this notion of justice defined by love is the intention of this text (above), his belief at the time of the dialogue with Bell

¹⁹² Miroslav Volf, 'The Final Reconciliation: Reflections on a Social Dimension of the Eschatological Transition.' Ed. James J Buckley and L Gregory Jones, *Theology and Eschatology at the Turn of the Millenium*, Blackwell, Oxford, 2001, 106.

¹⁹³ Miroslav Volf, *The End of Memory: Remembering Rightly in a Violent World*, 111

¹⁹⁴ Daniel M. Bell Jr., 'What Gift is Given: A Response to Volf', *Modern Theology* 19:2, Blackwell Publishing Ltd., Oxford, April 2003, 277.

¹⁹⁵ Bell Jr., 'What Gift is Given', 278.

¹⁹⁶ See Introductory chapter for Volf's eschatology.

(2003) has been shaped by Wolterstorff and is now that justice is in fact affirmed and transcended in the sense that Bell here rejects.¹⁹⁷ Essentially Volf's view in the quote above is really that justice is redeemed and 'becomes love' in that sense, despite the perhaps misleading language. His opinion in the present time is that justice remains defined by dues and is in fact 'set aside by grace with the advent of Christ.'¹⁹⁸

This hints at a key problem with Volf's new perspective and a strength of the understanding of a continuation of justice in 'the world that is love', albeit a redeemed justice. This is that in Volf's new view, the cross is not an expression of justice, justice is set aside. This leaves the definition of justice potentially outside Godself. This is a question I will address more fully in the chapter on the Trinity (chapter 3, sections 3 and 4 in particular).

3.1b Rights, Entitlements and Giving

In the third chapter of this thesis I will deal with the complications of moving from a vision of God's justice within which human beings participate eschatologically to practices of justice in a fallen world. Here however, I want to focus upon the vision which suggests that love (along with grace) is the ultimate definition of justice. In this vision it seems clear that for Volf rights are associated with corrective, temporal justice for in the eschatological 'world of love' which is without wrongs there are no rights. The eschatological vision of justice does not need rights because justice extends beyond rights into love. There is a sense of abundance to justice where, in love, it goes far beyond what might be seen as one's legitimate entitlement. The key point here is that whilst rights or entitlements may serve to show the overflowing measure of eschatological justice, they do not constitute eschatological justice.

This part of Volf's work suggests a key departure from the main thrust of philosophical and ethical theories. Where theories endeavour to pin down the means by which justice might be pursued through clear claims between one

¹⁹⁷ Miroslav Volf, 'Against a Pretentious Church: A Rejoinder to Bell's Response.' *Modern Theology*, Blackwell Publishing Ltd., Oxford, April 2003, 283

¹⁹⁸ Miroslav Volf, 'Against a Pretentious Church: A Rejoinder to Bell's Response.', 283

and the other, for Volf, ultimate justice is abundant; it becomes free giving, or justice caught up in love.¹⁹⁹ It becomes a part of the life of embrace which is the free mutual giving of the Trinity which human beings participate in eschatologically.²⁰⁰

The impact of this vision in practice then is that rights and entitlements are not the ultimate end of justice. The end of justice is defined by love. This limits any prescriptions of justice to a temporary expedience, rather than supporting the idea that justice can be measured out and achieved if correct processes and procedures are followed. In *Work in the Spirit* Volf supports the idea of rights.²⁰¹ Yet there he also notes that ‘the new creation is a place where love reigns as well [as justice]....there is no general “right” to be loved. One cannot, therefore, implement love by structural change and should not attempt to do so.’²⁰² The implication of this is that the justice which is caught up in love, the end of human justice, and the justice of God, cannot be legislated for. It cannot be contained within a scheme of law, rights or ethical principles. However, it does suggest that a more limited role for rights can be maintained alongside this eschatological vision.

This contrasts significantly with Wolterstorff’s view which sees rights as ultimate. He writes that ‘justice is ultimately grounded in inherent rights’²⁰³ For Wolterstorff when rights are fulfilled justice is done. Yet he still sees rights in terms of ‘normative social relationships.’²⁰⁴ His work suggests perfect relationships of justice consist of rights. Yet Volf’s vision is that perfect relationships of justice in ‘which everyone does what he or she pleases and all are pleased by what everyone does’ are shaped by love; and love, as we have noted, cannot be reduced to rights.²⁰⁵ Volf’s review of *Justice:Rights and Wrongs* states that Wolterstorff has simply underplayed love and that he should emphasise it more.²⁰⁶ This mild criticism fails to take account of the fact that if

¹⁹⁹ Volf, *Exclusion and Embrace*, 224

²⁰⁰ Volf, ‘The Final Reconciliation’, 106

²⁰¹ Miroslav Volf, *Work in the Spirit*, 194.

²⁰² Miroslav Volf, *Work in the Spirit*, 195.

²⁰³ Wolterstorff, *Justice: Rights and Wrongs*, 4.

²⁰⁴ Wolterstorff, *Justice: Rights and Wrongs*, 263.

²⁰⁵ Volf, *Exclusion and Embrace*, 223

²⁰⁶ Volf, ‘God, Justice and Love’.

justice is to be defined by love, as in Volf's vision, it cannot then also be understood as *ultimately* composed of fulfilled rights.

I suggest that once the vision is in place and upheld as the end and focus of human justice, although not the present reality, it is possible to reinstate rights, entitlements and dues in a limited sense which point towards the free giving of justice shaped by love which Volf's vision suggests. This will be explored further in terms of the Trinity. In the final chapter, I will explore the ways in which the vision of eschatology might extend backwards towards human practices.

Section 4 - What are the Implications of Volf's work for the future of justice?

In this final section of the chapter on justice I want to briefly draw out the features of justice which Volf's rejection of current practices and theory, coupled with his vision of future justice, might suggest. In the following I will suggest that Volf's work implies an urgent need for limiting justice claims. That justice must be orientated towards love and the restoration of relationships. That victim and perpetrator both need to share in the responsibility to pursue justice. Finally, that the cumulative effect of this approach (although most especially the primacy of love) means that rights, law and processes can only have a role as actions on the way towards justice, not as definers of justice in themselves.

Firstly, I have noted that Volf sees conflicting justice claims and the related issue of naming injustice as justice problematic. These issues of conflicting claims are largely bound up with problematic identities which will be dealt with in the following chapter.

Yet the problem of injustice named as justice is not limited to the inability to agree on what justice entails and how best to pursue it. Injustice named as justice is a permanent problem of human limitations to know and enact justice. This is an issue I will return to in chapter three. However, even the narrower focus of this chapter on the cyclical nature of injustice named as justice and the

way in which it feeds into a cycle of violence suggests that present claims to know or do justice must be limited.

This may be simply a semantic change, yet the implications could be far reaching. It is one of the key reasons why Volf's theology, which envisions justice as a future reality and which refuses to allow current conceptions or practices to define justice is so important in the context of Bosnia and Croatia, especially Bosnia which remains so fragile. The relocation of justice to an eschatological reality which can nevertheless be pursued with a sense of continuity with the present is helpful and will be explored fully in chapter 3.

Secondly, Volf's vision of justice suggests that justice is defined finally by love. Love must shape the contours of justice in the sense that it gives justice a sense of limitless giving. Rami Mani, writing about post-conflict justice, makes the interesting observation that 'the minimalist conception of the rule of law, despite its advantages of being clear and bounded, may not be appropriate in post-conflict settings...a maximalist conception may be more fitting.'²⁰⁷ Volf's work elevates the vision of justice beyond the level of minor adjustments, which is the focus of NGOs in particular. He offers a vision of perfect justice which has become love. This sort of hope in a different sort of justice can be particularly important in post-conflict situations. By suggesting that justice becomes love, Volf's work conversely suggests that justice in the present should be shaped by love.

What justice shaped by love means will become evident as we continue in the following chapters. Love and embrace are closely entwined for Volf and it is the practice of embrace which explicates the content of love. It involves the reconfiguring of the self and other, a different type of relationship which images the triune relationship of love. In terms of practice the most notable feature must be that justice shaped by love precludes pursuing justice in an adversarial manner. The first step towards this must be that victims share a sense of responsibility to pursue justice alongside the perpetrator.

²⁰⁷ Rami Mani, *Beyond Retribution: Seeking Justice in the Shadows of War*, Polity Press, Cambridge, 2002, 169.

Justice goes beyond any account of rights or entitlements, although these may have a temporal value in that they point towards the fuller measure of justice which will be in the new creation. I have suggested in this chapter that love as the end of justice precludes the ultimacy of rights or any other sense of justice as contract. Instead Volf's work suggests a sense of justice as covenant, as relationship first and foremost.²⁰⁸ This sense of justice contributes to the limiting of claims to enact or do justice, which in turn helps prevent the naming of injustice as justice and therefore minimises the potential of 'justice' processes to reinforce or reaffirm tensions between post-conflict groups.

Any legal processes must be shaped with a knowledge of their impermanence, inherent injustice and should be orientated towards the justice which becomes love. This includes the prioritisation of the restoration of relationships and reconciliation over the prioritisation of the processes of justice in and of themselves.

Conclusion

In this chapter I have suggested that there are significant problems of justice in post conflict Bosnia and Croatia. I have suggested that Volf's reading of the problems of justice fits this context well. I have presented his vision as a starting point from which I might move forward to further consideration of the ways in which justice needs to be reshaped. In moving forward with this thesis I will turn next to addressing the problem of identity. This has emerged as the central issue of the problems of justice, as well as central to Volf's vision of justice as love. Identity needs to be considered and reconfigured in order that a relational account of justice may be pursued. In my final chapter I will then progress to consider the foundation for that identity, the Trinity. I will also draw out the full impact of Volf's vision of justice which has only been sketched out here. I will

²⁰⁸ Miroslav Volf, *Exclusion and Embrace*, 150ff.

suggest that the vision of justice proposed here has deep roots in the Trinity and is a vision which human beings participate in as they enter the triune life in the new creation.

Chapter 2: Identity

Introduction

So far this thesis has identified problems of justice in post-conflict Bosnia and Croatia and suggested that Volf's theology offers resources to understand these problems and may offer the beginnings of an alternative approach to pursuing justice. In this chapter I will follow a similar pattern. Firstly, I will set out the problems of identity in the post-conflict Balkans and relate them to the problems of justice. Secondly, I will suggest that Volf's theology offers an understanding of the extent of the issues, which are not confined to surface differences of ethnic background, but which are rooted in a problematic understanding of human identity and relationships. Thirdly, I will suggest that Volf's understanding of embrace offers a much needed understanding of identity which can underpin the alternative, 'enlarged', approach to justice which I will advocate in this thesis.

It is evident, and well acknowledged, that ethnic identity had a huge role to play in the Balkan conflict of the 1990s. Kenneth Anderson highlights this looking at

'...the case of the Serb *paterfamilias* who, on the outbreak of war, went home and shot and killed his Croat wife and daughter. He was apparently unable to bear the idea (if any "explanation" can be put upon such madness) that by marrying a Croat, he had put himself outside the tribe, so to speak. Equally crucially, he had no other identity, no identity given to him by modernity, with which to counter-balance his sudden horrifying discovery of "outsideness". Neither individual identity nor identity with his family was enough to save him or them.'²⁰⁹

This scenario demonstrates the power of ethnic identities. It also suggests the extreme exclusionary form which ethnic identities have taken. The man understood identity as clearly defined: he could be wholly Serb or not at all. If he were to remain himself (Serb) he had no

²⁰⁹ Kenneth Anderson, 'Illiberal Tolerance: An Essay on the Fall of Yugoslavia and the Rise of Multiculturalism in the United States', *Virginia Journal of International Law*, Vol. 33, 1993, 398.

way of identifying with his wife and child who were “different” or “other”. His self identity could not exist with the other. It could only exist against or without the “other”. This link between identity and the destruction of the other is not new. In many ways this case is the lived reality of Hegel’s account of identity in which identity is formed and maintained at the cost of the destruction of the other.²¹⁰ This story demonstrates that exclusion of the other ethnic group (in this case Croats) becomes an intrinsic element of maintaining one’s own ethnic identity (in this case Serbian). It is this problematic, and ultimately destructive, way of perceiving and constructing identity which will be the first focus of this chapter. I will also seek to find resources within Volf’s theology of embrace for a different type of identity which counters the ‘sudden horrifying discovery of “outsideness”’.²¹¹

Just as the issue of destructive ethnic identity is not new, it is also not a problem which ended with the end of the Bosnian and Croatian wars. Whilst outright violence has ceased in the region, the problems of identity based chiefly around difference and separation from the other remain. The Dayton Agreement carved up Bosnia along broadly ethnic lines giving greater powers to the regional administrations than to the central government, reinforcing difference on a political and institutional level.²¹² Self imposed distancing of daily interactions between ethnic groups also occurs.²¹³ Understandings of post-conflict justice and claims as to how justice should be implemented are strongly linked to one’s identity as a Serb, a Croat, a Muslim and as a victim, a civilian, a soldier or a paramilitary.²¹⁴ One’s identity becomes a dividing line in politics, geography, schooling, housing and socialising.²¹⁵

²¹⁰ In G.W.F Hegel, *Phenomenology of Spirit*, trans. A. V. Millar, Oxford University Press, Oxford, 1977, 111ff

²¹¹ Kenneth Anderson, *Illiberal Tolerance*, 398

²¹² Noel Malcolm, *Bosnia: A Short History*, Pan Books, London, 2002, 269

²¹³ Conversations in December 2008 suggested that in Vukovar cafes and public halls are informally habitually ‘reserved’ for those of a particular ethnic group.

²¹⁴ See Tania Wettach, ‘Religion and Reconciliation in Bosnia and Hercegovina’..

²¹⁵ See ‘Bosnian Schools Reinforce Ethnic Division’ <http://iwpr.net/report-news/segregated-bosnian-schools-reinforce-ethnic-division>, 27/12/2012

Just as identity lies at the heart of these multiple dividing lines, so it is a major factor in informing divisive justice claims. Therefore, in order to begin to formulate a constructive response to the problems of justice (identified in the previous chapter) it is necessary to examine the context within which divisive justice claims arise. This chapter will suggest that justice claims arise within a context of self and group identity. One's sense of identity, both individual and communal, will determine how one sees oneself in relation to the other and consequently, the type of claims one party will make upon another. Identity informs justice.

In examining the problem of identity (and its relation to justice), I will seek to move from the more obvious and well documented issue of ethnic identity in Bosnia and Croatia, to a broader understanding of the underlying problem of how those identities are constructed. I will suggest that a common theme is that of exclusionary identities, identities built around difference from and a desire to exclude the other. The idea of exclusionary identities is clearly central in Volf's work.²¹⁶ However whilst Volf's dialogue takes place primarily within a postmodern philosophical context, this chapter will initially seek to identify the problem of exclusionary identities within an anthropological context. Anthropological research engages with the reality of everyday lived experiences in post conflict Bosnia and Croatia to give support to my own observations. However, I will not engage with an extended analysis of this anthropological material on a theoretical level. Instead, I will seek to engage Volf's work with thinkers with whom he engages and with those who are relevant to the points made in this chapter.

In the following sections I will firstly seek to flesh out Volf's understanding of identity drawing on a range of his works and identifying his influences. Secondly, I will examine the problems and issues of identity which surround post-conflict justice in the Balkans. In this second section I will note that there are problems of identity in Bosnia and Croatia. I will propose that the problems are not ones of the content of ethnic identities, as a superficial examination may

²¹⁶ Volf, *Exclusion and Embrace*, 57

suggest. Instead, the problems go beyond ethnic identity; they are problems of identity construction. I will turn to Volf's reading of problematic identities centred on exclusion as supporting this view, that current identities are exclusionary. In the third section, I will highlight victim identities as the key expression of exclusionary post-conflict identities which need to be tackled. I will be seeking to demonstrate that identity issues are hugely important in reference to pursuing post-conflict justice, particularly if justice is to be envisioned as fundamentally about right relationships. Finally, I will turn to elements of Volf's theology of embrace which offer resources to tackle these issues. I will look to understand Volf's conclusions on the importance of a Trinitarian, relational model for human identity in terms of how such a model might move a pursuit or understanding of post-conflict justice forward.

Section 1: Volf and Identity

1.1 Volf's theology of identity

Before discussing the problems of identity in the Balkans and Volf's understanding of their root cause, it is important to have a basic understanding of Volf's work on identity. In all of his work on identity, the roots of identity are founded in the Trinity. Whilst the Trinity itself will be dealt with more fully in the next chapter, it is impossible to talk of Volf's understanding of identity without some reference to it. Volf believes that the triune nature of God in itself counters the problem of "hard" or, as referred to elsewhere, exclusionary identities.²¹⁷ He agrees with the basic principle behind Regina Schwartz' assessment of the problem of a monotheistic conception of God which 'whether as singleness (God against the others) or totality (this is all the God there is)...abhors, reviles, rejects and ejects whatever it defines as outside its compass.'²¹⁸ This critique of

²¹⁷ Miroslav Volf, "'The Trinity is Our Social Programme": The Doctrine of the Trinity and the Shape of Social Engagement', *Modern Theology* 14:3, July 1998, 403.

²¹⁸ Regina M. Schwartz, *The Curse of Cain: The Violent Legacy of Monotheism*, University of Chicago Press, Chicago, 1997, 63.

monotheism reflects the same sorts of critiques Volf makes of human identities, which exclude either through a sole emphasis on difference (what Schwarz labels here as singleness), or through an emphasis on sameness which refuses to allow space for another to assert their own identity. In grounding his work on identity in the Trinity, Volf is therefore rejecting these types of identities he labels as exclusionary and seeks to forge a sense of human identity which images the triune God who is both three distinct persons and one complete unity.

In *Exclusion and Embrace* the notion of embrace as a metaphor for human identity and relations is drawn from Volf's understanding of God's triunity as a life of embrace in which Father, Son and Spirit are bound through mutual self-giving love. The concept of embrace in human terms is proposed more in terms of a relational practice rather than an identity theory.²¹⁹ This may mean that my proposal of embrace as an alternative type of identity, or more accurately an alternative way of perceiving and constructing identity, appears confusing. If embrace is a practice, whilst identity is an understanding of the self, how can embrace be an alternative proposal to problematic identities? However, Volf's theology suggests that understanding embrace as a relational practice of identity construction in itself shapes the content of identity. Just as in the Trinity, human beings should be 'constituted by one another in their relations.'²²⁰ Charles Taylor's definition of identity as 'something like a person's understanding of who they are, of their fundamental defining characteristics as a human being' also helps here.²²¹ If human beings understand themselves as fundamentally designed to image the triune life of embrace, then embrace will be both the mode of pursuing positive identities but will also shape the content of those identities.²²² In this sense embrace can be understood as a type of identity.

²¹⁹ Miroslav Volf, *Exclusion and Embrace*, 100

²²⁰ Miroslav Volf, "The Trinity is Our Social Programme", 409

²²¹ Charles Taylor, 'The Politics of Recognition', Charles Taylor et.al. *Multiculturalism*, Princeton University Press, Princeton, 1994, 25

²²² See following chapter on the Trinity for more on Volf's understanding of human beings imaging the Trinity.

Volf suggests that whereas most approaches to problems of identity (universalist, communitarian or postmodern) focus on reconfiguring social arrangements, his approach concentrates on social agents.²²³ He explores ‘*what kind of selves we need to be*’.²²⁴ This reflects his approach to theology more widely, which is to suggest the character and shape of human action rather than a program or theory to be enacted.²²⁵ Similarly in this chapter I will focus not on the contents of identity as inherently problematic, but on the shape and character of identities as problematic. Understood in this light, embrace can be characterised as a reshaping of the way identities are formed, and thus as reshaping the identities themselves. Embrace as a practice is the means by which fluid contents of identity are negotiated and renegotiated. Thus whilst the content of identity may change, the means by which it is formed remain the same.²²⁶

In section 4 I will examine Volf’s metaphor of embrace in terms of its movements more closely. Here it is sufficient to see embrace as formed in contrast to identities which exclude or ‘self-enclosed identities’.²²⁷ That is, identities which are primarily about gaining self-recognition and domination and which in doing seek to exclude the other.²²⁸ Embrace is about ‘de-centering’ the self and making room for the other to participate in the formation of one’s own identity.²²⁹ It is certainly a profoundly relational understanding of identity. Volf writes elsewhere that ‘persons are constituted by God in the medium of their social relationships. Sociality is essential for personhood.’²³⁰ Yet Volf’s concept of embrace is more than the recognition of the fact that the other will in some way impact our identity (whether collaboratively, or in conflict). It is the active desire for the other, the creation of ‘space in myself for the other to come in ...[and the] movement out of myself so as to enter the space created by the

²²³ Miroslav Volf, *Exclusion and Embrace*, 20

²²⁴ Miroslav Volf, *Exclusion and Embrace*, 21

²²⁵ Volf, “The Trinity is Our Social Programme”, 406

²²⁶ Volf, *Exclusion and Embrace*, 182

²²⁷ Volf, *Exclusion and Embrace*, 176

²²⁸ Volf, *Exclusion and Embrace*, 176

²²⁹ Volf, *Exclusion and Embrace*, 71

²³⁰ Volf, *After Our Likeness*, 279

other.²³¹ It is an understanding of human beings as designed in the image of the triune God.

It is an understanding which is also reflected in Volf's concept of the 'catholicity of persons' which appears in both *After Our Likeness* and *Exclusion and Embrace*.²³² This terminology particularly highlights the need for individuals to have a 'self-understanding as a relational being'.²³³ Yet this language is derived from Catholic and Orthodox theology, it is not primarily Volf's own, and is used primarily within a church context.²³⁴ It is coupled with the idea of a catholic community.²³⁵

In *After Our Likeness*, Volf discusses ecclesial identity in terms of 'catholic personality'.²³⁶ Whilst Volf takes the notion of catholicity of person from both Catholic and Orthodox traditions, he develops it differently in order to address his egalitarian and voluntarist concerns. Volf's notion of the catholicity of the church gives way to the idea of the catholicity of person. Rather than understanding the catholic person as 'catholic insofar as the universal church is realised in that person', as Ratzinger or Zizioulas might prefer, Volf argues that 'an ecclesial person is not constituted by the Spirit of God through that person's relation to a whole...but rather through that person's multiple relations to other, concrete Christians, especially through the relations to the concrete congregation in which the person has come to faith and been baptized.'²³⁷ In this way Volf relegates the status of the church as one unified entity into which individuals are subsumed. This reflects his Trinitarian emphasis which follows Moltmann's in stressing the individual persons of the Trinity.

Volf makes clearer in this text that the catholic person (or the person practicing embrace perhaps) is one who acknowledges themselves to be inherently relational and who seeks to live 'within a community of mutual giving and

²³¹ Volf, *Exclusion and Embrace*, 141.

²³² Volf, *Exclusion and Embrace*, 51f.

²³³ Volf, *After Our Likeness*, 281.

²³⁴ Volf, *Exclusion and Embrace*, 129.

²³⁵ Volf, *Exclusion and Embrace*, 51 and *After Our Likeness*, 281.

²³⁶ Miroslav Volf, *After Our Likeness*, 278ff.

²³⁷ Miroslav Volf, *After Our Likeness*, 279f.

receiving.²³⁸ It is this self-knowledge which sets them apart from others who are also inescapably relational but who reject or are unaware of their relational being.²³⁹

In stressing the inherently relational nature of human beings as imaging the relational nature of the Trinity, Volf is keen to avoid relationships which are 'at bottom contractual and whose attachment lasts only "until better return is available elsewhere."²⁴⁰ Volf puts in place a sense of permanence and inevitability rather than seeing individuals as having a choice to be formed by relationships or not. The choice is in whether one recognises one's relational nature or not. It is unclear whether such recognition is a characteristic of Christian conversion only, or whether non-Christians might also recognise their human nature. Since the mutual giving and receiving of the triune God is the model it seems that without recognition of such a God recognition of human nature could only be partial.

Whilst the sense of identity it advocates is the same as that in Volf's concept of embrace. It is embrace which serves as the primary answer to the problem of exclusionary identities. For this reason, it is embrace which is the central point of reference in dealing with the issue of problematic identities in Bosnia and Croatia in this chapter.

1.2 Volf's Theology in Context

1.2a Identity and Relationality

Volf's work begins with the understanding that human beings are inherently relational. His position is that this relationality is ultimately founded in God. Moreover, human beings should understand themselves as relational in order that those relations should be lived out in a way which seeks to image Godself as far as is right and good for human beings to do.²⁴¹ Volf draws on Luther to assert that 'The heart of our identity lies not in our hands. We are most properly

²³⁸ Miroslav Volf, *After Our Likeness*, 281.

²³⁹ Miroslav Volf, *After Our Likeness*, 281.

²⁴⁰ Miroslav Volf, *After Our Likeness*, 3 quoting Michael Luntly *Reason, Truth and Self*.

²⁴¹ Miroslav Volf, 'Being as God Is' i, 4

ourselves because God is in us and we are in God'.²⁴² The very heart of human identity is formed in relation with the ultimate other. Despite the theological foundations of his position, he is situated, very broadly, within an agreement on the relationality of identity with his contemporaries which begins with Hegel.²⁴³

Volf notes that 'in recent decades the issue of identity has risen to the forefront of discussions in social philosophy...major concerns of the nineties seem to be about identity.'²⁴⁴ In this context (the end of the twentieth century), the basic insight which Volf upholds, that identity is inherently relational, is a widely held view and can be seen, for example, in Taylor, Habermas and Benhabib. It is Hegel who is seen as ultimately responsible for the break with earlier notions of identity as self-referential.²⁴⁵ Hegel saw modern conceptions of identity as overemphasising identity as sameness and as having an 'inherently non-relational view of the self.'²⁴⁶ Instead Hegel began to emphasise the inherently relational nature of identity and thus the importance of difference or otherness in affirming the self's sameness. Of particular concern in this chapter is Hegel's understanding of identity as 'being-for-self which is for itself, only through another'.²⁴⁷ This view contrasts considerably with Volf's since Hegel understands identity as self-interested and, what Volf would deem, exclusionary.²⁴⁸ Volf instead seeks to propose a sense of identity which desires the good of the other as much as the good of the self.²⁴⁹ Nevertheless, at its heart Hegel brings in the notion of identity as inescapably formed in relation with the other.

²⁴² Volf, *The End of Memory*, 199

²⁴³ Taylor, 'The Politics of Recognition', 36

²⁴⁴ Volf, "The Trinity is Our Social Programme", 408.

²⁴⁵ Hegel's view represents 'a radical break with modernism.' Linda Martin Alcoff, *Visible Identities: Race, Gender and the Self*, Oxford University Press, Oxford, 2005, 57.

²⁴⁶ Esther Reed, *A Theological Reading of Hegel's Phenomenology of Spirit, with Particular Reference to its Themes of Identity, Alienation and Community: Salvation in a Social Context*, The Edwin Mellen Press, Dyfed, Wales, 1996, 37

²⁴⁷ Hegel's, *Phenomenology of Spirit*, 115.

²⁴⁸ I will return to an interaction between Hegel's understanding of identity formation in dialogue with Volf's understanding of embrace in section 4..

²⁴⁹ Volf, *Exclusion and Embrace*, 141

The importance of identity being seen as inherently relational, as noted in this section, is that if we are to associate justice with identity formation, as I propose and will argue for below, then justice also becomes inherently relational. The type of relationality or the ways in which this relationality is expressed will emerge as I explore Volf's concept of embrace as a means of understanding identity.

I have noted that contemporary discourse on identity widely acknowledges that at a basic level identity is formed in relation to others. Benhabib writes that 'the self becomes an individual in that it becomes a "social" being'.²⁵⁰ This, mirrors Volf's own comment (bar the theological underpinnings) that 'persons are constituted by God in the medium of their social relationships. Sociality is essential for personhood.'²⁵¹ Yet understandings of the way in which relations shape identity and the way in which this *should* happen, which is Volf's concern, differ greatly.

Where moderns stressed sameness and unity of identity, Volf's contemporaries see identity as more concerned with difference. Benhabib highlights the role of difference in late twentieth century identity discourse stating that 'since every search for identity includes differentiating oneself from what one is not, identity politics is always and necessarily a politics of the creation of difference. One is a Bosnian Serb to the degree which one is not a Bosnian Moslem or a Croat.'²⁵²

Identity discourse can be characterised in terms of sameness and difference. I have noted above that Hegel moved away from an overemphasis of sameness in terms of identity being formed without reference to the other, and that postmoderns and Volf's contemporaries tended to emphasise difference to a great degree in a concern for particularity. Hegel's awareness of difference involves a struggle to the death.²⁵³ Taylor notes that 'with the politics of

²⁵⁰ Seyla Benhabib, *Situating the Self: Gender Community and Postmodernism in Contemporary Ethics*, Polity Press, Cambridge, 1992, 5.

²⁵¹ Volf, *After Our Likeness*, 279

²⁵² Seyla Benhabib, *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton University Press, Princeton, 1996, 3.

²⁵³ Hegel, *Phenomenology of Spirit*, 114

difference, what we are asked to recognise is the unique identity of this individual or group, their distinctness from everyone else.²⁵⁴ Volf is fully aware of the pitfalls of both an overemphasis on sameness and of an overemphasis on difference. His proposal seeks to find roots for an overarching sense of sameness founded in God, as well as account for the reality of difference.

1.2b Sameness and Difference

Volf's work on identity is centred initially on the problem of exclusion of the other. Volf understands exclusion as practices or constructions of identity which place an overemphasis either on the sameness of the other or upon the difference of the other. Sameness and difference are key terms within discussions of identity and will be central to the debate within this chapter.

Young summarises the role of these terms: Identity is initially defined as 'the relation expressed in mathematics and logic by the equals sign (=), as absolute sameness, individuality, the condition of being a specified person who is the same in all situations and circumstances, through time...Yet, if identity is sameness it is also specified by being different – paradoxically it can only be defined by difference from others. As a concept identity has thus the unusual characteristic of necessarily immediately summoning up its opposite, difference.'²⁵⁵ Human identity can be understood in terms of a tension between sameness and difference. Philosophical accounts of identity can also be read as stressing either sameness or difference. Certainly, Volf reads identity largely in these terms and seeks to find a midpoint between an emphasis on either term.

Volf draws on a range of philosophical sources in his discussion of sameness and difference. However he engages initially with Derrida's critique of totalitarian identities.²⁵⁶ That is, identities which seek to subsume the other into

²⁵⁴ Taylor, 'The Politics of Recognition', 38.

²⁵⁵ Robert J. C. Young, 'Deconstruction and the Postcolonial' in Ed. Nicholas Royle, *Deconstructions: A User's Guide*, Palgrave (Macmillan), Basingstoke, 2000, 199.

²⁵⁶ Jaques Derrida, *The Other Heading: Reflections on Today's Europe*, Indiana University Press, Bloomington, 1992, 82

sameness.²⁵⁷ This is perhaps unsurprising in that Derrida is a key example of a critique of modern notions of identity linked to sameness and a shift towards emphasising difference, diversity and particularity. There is also a contextual relevance in that Volf reads Derrida's critique of totalitarian identities in light of Serbian assertion of their own identity.²⁵⁸ Whilst Volf agrees with many of Derrida's critiques, Volf also seeks to redress the widespread shift towards identity as difference which Derrida represents. In this sense it may be that Volf chooses Derrida as a dialogue partner to accentuate his argument since Derrida represents a more extreme position than other writers.²⁵⁹ Certainly Volf's own efforts are present a balance between the modern and postmodern emphases on identity as sameness and difference. Whilst Volf pursues a theological position, in many areas he agrees with Taylor who also seeks to find a 'mid-point' between homogeneity and particularity.²⁶⁰

Volf begins his engagement with these current issues in identity discourse by agreeing with Derrida's critique of identities which overwhelm the other with an assertion of sameness. This type of emphasis on unity, sameness and purity of identity can destroy the other's 'otherness' and is thus one type of exclusion. Yet Volf is also critical of the problems of difference. Volf critiques the deconstruction of identity or the focus on particularity which loses sight of the 'sameness' of humanity, which is necessary for a sense of non-exclusionary identity to exist. Volf suggests that as well as a deconstruction of oppressive sameness or false unity, what is required is a notion of construction of 'salutary harmony', essentially a lighter notion of sameness which brings order to the otherwise endless difference.²⁶¹ Ultimately Volf turns to God as the root of this 'lighter' sameness, stating that 'oneness in Christ is a community of people with...distinct...identities, not some abstract unity of pure spirits.'²⁶² In this type of assertion Volf is trying to avoid the problems of socially constructed or enforced sameness which turns to violence or exclusion of difference.

²⁵⁷ See Miroslav Volf, *Exclusion and Embrace*, 17.

²⁵⁸ Miroslav Volf, *Exclusion and Embrace*, 17

²⁵⁹ Taylor, 'The Politics of Recognition', 70

²⁶⁰ Taylor, 'The Politics of Recognition', 72

²⁶¹ Volf, *Exclusion and Embrace*, 227

²⁶² Volf, *Exclusion and Embrace*, 184

Volf's critiques of those such as Derrida, Deleuze and Foucault move Volf's work away from direct engagement with the lived realities of exclusionary identities which he identifies during the 1990s, and which I argue are still a pressing problem. These realities are perhaps more in tune with problems of modern philosophy. That is the problem of overemphasis of sameness (oneness within an identity group). This is seen in the story of the Serb father's crisis of identity at the beginning of this chapter where he kills to remove the other from himself, seeking a purer identity. It also relates to Benhabib's comment noted earlier. This suggests that where Serb identity is formed around difference from Bosnian Muslims and Croats, there will be an emphasis on being 'the most different' from the other and thus perhaps an increased emphasis on 'sameness' within a group in order to emphasise difference from those outside the group. This indicates a sense of self-definition which sees no need for the other to be a part of the self. This in turn leads to a problem of understanding the other as defined by difference.

The concept of boundaries emerges from this type of discussion. Bosnian and Croat identities can be understood as very much formed around boundaries. This is characterised by an emphasis on defining who is 'in' and who is 'out' rather than on the content of the identity (i.e. shared language, history or experience). There is a focus on self-definition and a lack of fluidity. Wolfe notes that postmodern accounts of identity (such as Derrida's) are defined by a dissolution of boundaries or a presumption that boundaries are 'little more than a distinction rooted in power or a move in a rhetorical game. Differences, in other words, never have a fixed status in and of themselves.'²⁶³ These appear to be rather opposite problems. In this sense it might be possible to characterise the majority of Balkan identities discussed as in some sense fitting with modern, rather than postmodern, conceptions of identity. Volf seeks to propose an understanding of permeable boundaries which have both a sense of stability of identity and allow for the communication and sharing of difference. This idea has echoes of Benhabib's understanding of 'porous borders', whilst expressed

²⁶³ Alan Wolfe, 'Democracy versus Sociology' in ed. M Lamont and M Fournier, *Cultivating Differences: Symbolic Boundaries and their Political Consequences*, University of Chicago Press, Chicago, 1992, 310

in different contexts and language both share the idea that both stability and difference need to be accommodated.²⁶⁴

Whilst Volf's work on exclusion is partly based on engagement with philosophers and speaks in these terms, I will seek to return Volf's discussion to the context which prompted his initial identification of exclusionary identities as problematic. I will seek to demonstrate that identities focused upon exclusionary practices are still very evident in the Balkans in a variety of forms and that such identities have a significant and damaging effect on both perceptions of and attempts to pursue justice. In the following I will seek to demonstrate that unless this underlying problem of identity is acknowledged and tackled, the pursuit of justice will continue to founder.

1.3 The Content of Identity

It is important to highlight here the way in which Volf speaks of identity. In this chapter the key questions are ones of identity construction rather than the content of identity. It is therefore helpful to understand Volf's perception of the way in which these elements of identity are held together.

Curiously Volf chooses to explore this issue in reference to gender identity in *Exclusion and Embrace*. It seems to take a tangent from the main thrust of the text, yet Volf uses it as a 'test case'.²⁶⁵ Volf notes that Luce Irigaray claims 'the importance of sexual difference is the most important challenge humanity faces.'²⁶⁶ In this light it appears to be an attempt to engage his argument with the interests of a wider audience. Whatever the case what he has to say about the fluidity of identity is important.

In reference to gender identity, Volf suggests that sexed bodies form the "root" of gender identity, that is, they are a stable biological fact of difference. Gender

²⁶⁴ Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens*, Cambridge University Press, Cambridge, 2004.

²⁶⁵ Volf, *Exclusion and Embrace*, 167

²⁶⁶ Volf, *Exclusion and Embrace*, 167

identity on the other hand, whilst 'not arbitrary...is fluid'.²⁶⁷ Volf sees sexed bodies and gender identity as closely related, with the first allowing the possibility of the second's continued existence.²⁶⁸ In this view socially constructed identities are subjective, but have stability because they are orientated around an objective "root".

This position appears relatively easy to maintain in terms of the relationship between sexed bodies and gender identity, since the root difference is clear.²⁶⁹ However in reference to ethnic identities (and most other identities) the root difference may be less clear. Whilst Croatianess may be defined by parents declared ethnicity, birth place, language variant or religion, there are many cases in which individuals in the Balkans have a variety of ethnic ties (for example parents of different ethnicities, no religious belief or an alternative religious belief, a birth place which differs from their language etc.). In these cases, Volf's concept of a fixed "root" as the basis for negotiated identity seems less persuasive. Indeed some would claim that there is no "root" of ethnic identity, that it is all construction. Indeed in interview Volf agreed that the idea of root is less helpful in the case of ethnic identity, since it is largely about self identification.²⁷⁰

However, Volf's attempts to maintain both a solidity and a fluidity to the notion of identity is helpful. It seems to counter the criticisms of both the soft conceptions of identity as 'constructed, fluid and multiple' as well as agreeing with standard critiques of essentialist understandings of identity as too fixed....²⁷¹ This is also a typical move for Volf, in that he is constantly attempting to marry postmodern concerns over plurality particularity with a sense of solidity or universality. In this case however, informed particularly by the problems of reading gender identity

²⁶⁷ Volf, *Exclusion and Embrace*, 174

²⁶⁸ Volf, *Exclusion and Embrace*, 174f

²⁶⁹ Although there are notable exceptions which Volf glosses over in terms of intersex and transgender. See Susannah Cornwall *Sex and Uncertainty in the Body of Christ: Intersex Conditions and Christian Theology*, Equinox, Sheffield, 2010.

²⁷⁰ Volf Interview with Bethan Willis.

²⁷¹ Roger Brubaker and Frederick Cooper, Beyond "Identity", *Theory and Society* vol. 29 no. 1, February 2000, http://www.sscnet.ucla.edu/soc/faculty/brubaker/Publications/18_Beyond_Identity.pdf, /01/2013, 1 and 6

from the sexed body, Volf tips the balance slightly towards a postmodern, fluid conception of identity. This means that the “root” stands only as a stable marker of difference, it has little to say about the content of identity or the means of negotiating identity. In this way the ‘real’ difference becomes a background factor in terms of determining identity. Later, in a discussion of memory, Volf’s work perhaps suggests that the stable root of human identity is in fact God: ‘we are defined by how God relates to us’.²⁷² Whether Volf would call God the root however is unclear.

In terms of finding alternative language, Stuart Hall writes that ‘it seems to be in the attempt to rearticulate the relationship between subjects and discursive practices that the question of identity recurs – or rather if one prefers to stress the process of subjectification to discursive practices, and the politics of exclusion which all such subjectification seems to entail, the question of *identification*’.²⁷³ In this reading, attempts to categorise people means a return to the question of identity. These practices of categorisation are based upon exclusionary practices since they involve subjecting the subject to a category rather than a category existing because of the subject. This means the question is more about how human beings identify others (“identification”), rather than “who they really are” (which is often implied in the term “identity”). Essentially Hall moves on from the term “identity” in order to highlight the subjectivity of categorisation whether by self or other.

Hall’s comments indicate an understanding of identity labels themselves as exclusionary, which is not a position Volf’s theology suggests.²⁷⁴ However, the language of identification may be useful in talking about Volf’s work in that Volf is primarily talking not about what might be termed the content of identity (the facts of who one is i.e. Catholic, a speaker of Croatian, one born in Croatia etc.), but about the way in which individuals identify themselves.²⁷⁵ That is, how

²⁷² Volf, *The End of Memory*, 79

²⁷³ Stuart Hall, ‘Who needs Identity?’ in ed. Paul du Gay, Jessica Evans and Peter Redman, *Identity: A Reader*, Sage Publications, London, 2000, 16

²⁷⁴ Volf’s theology does no attempt to negate difference in this way.

²⁷⁵ By facts I mean objective statements about oneself. Although these may change, for example I may be Catholic and then become an atheist, this content is fairly solid in that it is relatively independent of subjective opinion or social negotiation. Many elements may not be

the content of identity is negotiated between social beings, how people use basic facts about themselves to construct their own image of who they are and who the other is.

Despite its problems in relation to ethnic identity, using Volf's language of root and negotiated identity is helpful here to illuminate the way in which this chapter deals with identity. I will not be concerned with the roots of identity, which in the sense of ethnic identity might arguably include: language spoken, country or region one lives in, country of birth, age, concrete experiences (for example time served as a soldier, time spent in a wartime camp). Instead I will be concerned with the more subjective, negotiated element of identity which is more about identification, either self-identification or identification by others. This subjective element might include one's ethnic identity, one's political affiliations, one's understanding of self as victim or perpetrator, one's understanding of one's role in society, in justice processes or in reconciliation.

Section 2: Problems of Identity

2.1 The Problem of Identity in Bosnia and Croatia

The problems of identity in the Balkans are in one sense well known. Ethnic identity has been well documented as the chief dividing line of the war.²⁷⁶ The conflict can be broadly categorised as fought between Serbs, Croats and Muslims. Whilst ethnic identity continues to have a prominent role in the post-conflict Balkans, many other wartime identities have also become significant. In this section I will draw on ethnographic studies which observe the significance of wartime experiences on self-identity, and the ways in which group identities form around shared experience whilst excluding those with different experiences. I will argue that such studies lend support to the notion that the

changed, for example, birth place, first language etc. are stable. These stand in contrast to subjective identification which relies on perception of the self in a social sense.

²⁷⁶ For example in ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic: Identities, Memories and Moral Claims..*

common thread running through a diverse range of post conflict identities is the problem of exclusion. I propose that it is not necessarily the content of these identities which is problematic in moving forward with justice or reconciliation, but the way in which these identities are constructed.

In looking first to cultural anthropologists rather than political commentators or philosophers, I have sought to find support for my own observations and interviews. I also seek to redress the lack of contextual focus in Volf's work. Volf's consideration of identity moves swiftly from observation of the lived reality of exclusionary identities, particularly in the Balkan conflict during the early 1990s, to engagement with the philosophical debates centred around the ideas of sameness and difference of the same period. In making this move Volf sidesteps some of the real issues surrounding the content of ethnic identity, and fails to return his philosophical discussion to an engagement with the problems of exclusionary identities in terms of lived experience. That is, Volf fails to come to a clear conclusion with contextual application. Despite this, when I return in section 3 to Volf's understanding of exclusionary identities, I will argue that his understanding of the problems of identity construction do fit with the current problems of identity observed here. This section seeks to keep the focus on lived realities and to bring Volf's ideas back into dialogue with the context he, in some senses, leaves behind.

For this task, an anthropological view point is invaluable in that it engages with the complexity and multiplicity of post-conflict identities. This engagement reveals both particularity and a degree of commonality in the way that these identities are constructed. Whilst maintaining the importance of particular identities, I will move towards a consideration of the common threads identified through anthropological research. These suggest that the construction of identities is the root problem. In doing so, the anthropological studies lend support to my proposal that Volf's theology, which responds to the problem of exclusionary identity, has something to offer in this context. These studies also lend support to Volf's reading of exclusionary identities as the chief problem of the conflict (and post-conflict) situation. Re-establishing this connection of Volf's work with the present context is important if I am to support the thesis that Volf's

response to exclusion – the theology of embrace - offers valuable resources in tackling the current pressing problem of justice in the post-war Balkans.

2.1a The Problem of Ethnic Identity in the Balkans

Here I want to demonstrate that ethnic identities in Bosnia and Croatia are relatively rigid and have become more so since the war. I also want to show that ethnic identities are linked to perspectives on justice. I will suggest that justice claims reflect the rigidity of the ethnic identities.

‘After war and ethnic cleansing, ethno-national categories have become more pervasive and rigid, as well as more closely linked with religious markers and institutions.’²⁷⁷ As these anthropologists observe, ethnic identity in the Balkans is still a key category of identification. It often informs social groups, religious affiliation, where one lives, sometimes what job one has and, most importantly, it informs one’s perspective - understandings of justice have been shown to have strong correlations to ethnic identification.²⁷⁸ This comprehensive influence of ethnic identity as well as the “rigidity” or prescriptive nature of ethnic identification means that such identities are often exclusionary identities, based upon a definition of oneself (or one’s group) as that which is not the other.²⁷⁹

In Bosnia particularly, ethnic identification is almost inescapable, even if one wanted to escape such categories. Political structures have been built around providing equally for each ethnic group (as part of the peace settlement), and in doing so have written ethnic difference into law and legitimised ethnic divisions.²⁸⁰ The separate administrations of the Federation and Republika Srpska are the most obvious example of the continued and legitimate ethnic

²⁷⁷ Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 20.

²⁷⁸ See Tania Wettach, ‘Religion and Reconciliation in Bosnia and Hercegovina’. Tania Wettach’s work is part of an interdisciplinary project “Global Challenges – Transnational and Transcultural Solutions” at University of Tübingen and Humboldt University, Berlin. Her study is perhaps best characterised as sociological.

²⁷⁹ For example members of Protestant churches have had doubt cast on their identification with ethnic groups since ethnic identities tend to prescribe religious identification also. Those who do not fit the mould may be cast out or threatened. (Informal conversations Tuzla, Bosnia, December 2008)

²⁸⁰ ‘The ethnic principle of equal public office distribution embodied in the Dayton Accords lends legitimacy to the ethno-nationalisms created before and during the war.’ Tania Wettach, ‘Religion and Reconciliation in Bosnia and Hercegovina’, 1

divisions. However, at a lower level, there is also a great deal of segregation in housing and schooling. There is also self imposed segregation of cafes, shops and public spaces. Even though the divisions are not immediately visible to outsiders, every public space and transaction is ethnically marked, including bars, cafes, most privately owned enterprises, shops, soccer clubs, market stands, churches, schools and even the kindergarten.²⁸¹ Issues surrounding displacement and clear designations of Serb, Croat and Muslim space continue. Ethnic representation at a political level also means that political life tends to be ethnically segregated as political parties thrive on courting one ethnic group, highlighting difference and nationalistic concerns. This political element is particularly noteworthy in that it provides a cycle of confirmation and reinforcement of ethnic difference and separation.

In Croatia nationalistic sentiments have calmed, primarily because there are few Serbs left and therefore little threat to Croats, Croatia or “Croatianess”. However ethnic identifications still play a significant role. Those Serbs that do remain tend to face negative discrimination in terms of work permits, interaction with police and the judicial system. Tensions do still flare up, in May 2008 in Vukovar Croats rallied against the Serb domination of employment in the town.²⁸² In December 2008 informal conversations suggested that there is still an underlying bias against Serbia (“I would never go East”²⁸³) and Serbians. Those who commented on Serbs they knew and liked would tend to give the impression that these individuals were notable exceptions, not necessarily a reflection of Serbs as an ethnic group.

Given the strength of ethnic identification in this region it is perhaps unsurprising that Tania Wettach’s survey of Muslim, Catholic (Croat) and Orthodox (Serb) interpretations of truth, justice and co-existence shows agreement between those of the same ethno-religious background and disagreement between each

²⁸¹ Marina Skrabalo, ‘Struggling for the Right to a Future: Peace Youth Group Danube, Vukovar’ <http://www.policy.hu/skrabalo/pdf/42.pdf>, 30/12/12

²⁸² Serbs held the town for much of the war, whilst Croats had fled. This means that many Serbs have maintained continuous employment whilst Croats have not and some have been unable to find employment to return to. See Marcus Tanner, *Croatia A Nation Forged in War*, Yale Nota Bene, New Haven, 2001, 305f.

²⁸³ Such a comment is both perhaps literal as well as an implied insult of Serbia and Serbians as non-European and uncultured compared to Western, cultured Croats.

group. Partial agreements between groups only come where there is a sense of shared wartime experience. For example Catholic and Muslim representatives (in discussions on truth) agreed that 'the Bosnian war can be interpreted as Serbian aggression'.²⁸⁴ In discussing justice in Bosnia, the Croat Catholics and Orthodox Serbs found more in common. Whilst the Muslims emphasised punishment through global courts, Catholic and Serbian Orthodox participants stressed 'the problem of equality or equal opportunities for ethnicities and religious communities, especially in questions of restitution of property, religious education and employment.'²⁸⁵ Justice claims here reflect the ethnic identities of the claimants. Justice claims in this research reflect the interests of the ethnic group. They are assertions of the group's own interests over and against those they wish to exclude. So for example the Catholic claim that 'the Bosnian war can be interpreted as Serb aggression can be understood as naming the 'other' in this case the Serbs as the perpetrators, and conferring victim status on oneself, in this case Catholics/Croatians.

Wettach's research demonstrates the inextricable links between ethnic identity and perspectives on justice in practice. However, where claims were shared between ethnic groups, there is the suggestion that the content of identity is at least partially informed by wartime experiences. The interplay here of ethnicity, religion and wartime experience suggests a complexity both to the way identity is formed and its effect on perceptions of justice. In the language of sameness and difference highlighted earlier, what appears to be happening is that identity is formed around sameness, (shared ethnic history, language etc.), and then from that place of safety, as standing within an identified group, justice claims are projected which serve to reinforce one's own group's rightness (and sameness and purity) and highlight the others' difference, inferiority and guilt. What remains is that the sense of the self, however it is informed, is a key factor in determining what one perceives justice to be.

²⁸⁴ Tania Wettach, 'Religion and Reconciliation in Bosnia and Hercegovina', 13

²⁸⁵ Tania Wettach, 'Religion and Reconciliation in Bosnia and Hercegovina', 13

2.1b 'Beyond Ethnicity'²⁸⁶

In the previous section I noted the importance of ethnic identity on justice claims. Here I want to stress that problems of identity are not about the content of the identity being expressed i.e. ethnicity and the shared language, history and sense of self that implies. Instead I want to show that the problems of identity (and its effect on perceptions of and claims for justice) are founded in the way that identity is understood, the way it is constructed in relation to the other and the way it is consequently expressed. Therefore I want to suggest here that there are problems of exclusionary identities and conflicting justice claims, not only between ethnic groups, but between differently defined groups, for example, refugees and non-refugees.

Whilst it is clearly understood that problems of ethnic identity or identification were central to the Balkan conflict, they continue to be of great importance in understanding and addressing post-conflict issues.²⁸⁷ However, it is too simplistic to understand divisions within Bosnia and Croatia as merely along ethnic lines. Whilst these are the most identifiable divisions, and maintain a strong hold, other wartime categories are also still in play, as are new identifications and divisions.

It is important therefore to move beyond a focus on ethnicity as problematic and instead consider ethnicity within a larger context of multi-layered post-conflict identities all of which, I would argue, display a common problematic characteristic. That is both ethnic and other post-war identities display a focus on excluding the other.

²⁸⁶ This phrase is used by Ivana Macek and refers to a movement not beyond ethnicity in the sense of leaving an understanding of the role and importance of ethnicity behind, but in terms of expanding her anthropological research beyond the narrower and more commonplace study of ethnicity to include other layers of identity. In Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*.

²⁸⁷ 'This was in many ways a conflict about identity, but not because, as images of "ethnic conflict" might suggest, most of the people involved and affected had grievances related to their identities which they believed could be resolved only by resorting to violence. Rather, it was a conflict about identity because political leaders made a conscious choice to rally support by appealing to grievances which had long been a subject of political discourse, *and which were constructed in terms of identity within both political and historical narratives.*' Franke Wilmer, *The Social Construction of Man, the State, and War: Identity, Conflict and Violence in Former Yugoslavia*, Routledge, London, 2002, 29

Bougarel, Helms and Duijzings note that:

'The acceleration of the restitution and return process in the early 2000's pitted displaced persons and (minority) returnees against each other: the former emphasised their material needs and their right to settle while the latter demanded their pre-war property rights and redress for wartime injustices. At the same time veterans lamented the loss of their wartime status and the ingratitude of society while civilian victims longed for recognition of their own suffering.'²⁸⁸

This type of anthropological research demonstrates that the conflict has created many more identifiable groups, all of whom have claims, many of which conflict. Interestingly this extract notes the need for recognition of grievances. In doing so they may be pointing to the cause of problematic identity constructions. Taylor's work on recognition, which Volf draws on, suggests that 'non-recognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.'²⁸⁹ It may be that feelings of non-recognition in these instances mean individuals and groups assert their identities, their difference from the other and sameness within their group, more forcefully and in doing so distort the reality of that identity. This is a question I will return to in the discussion of problematic victim identities in section 3.

There are a number of further divisions in Bosnia which continue to cause post-conflict divisions. Anthropologists identify the long-standing urban-country divisions within Bosnia as still having some role in dividing and categorising groups of people.²⁹⁰ These categories are strongly linked to ideas of the cultured and uncultured. Similarly wartime stayees and returnees can find hostility between them.²⁹¹ Moreover different types of victims are in some cases legally categorised as to the extent of their injuries – not all war victims are

²⁸⁸ Introduction, Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 20 f

²⁸⁹ Taylor, 'The Politics of Recognition', 25

²⁹⁰ See Anders Steffansson, *Urban Exile: Locals, Newcomers and the Cultural Transformation of Sarajevo* in Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 59-77.

²⁹¹ Introduction Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 22.

classified as such by the Bosnian government – and this can lead to tensions and further problems of non-recognition.²⁹² Bosnia in particular is a country with strong regional/municipal identities and these also come into play in terms of identification and perceptions of justice. This comes to the fore in cases where a particular region has suffered a particular injustice. Essentially there are multiple layers to any identity, and in terms of the elements pertinent to understanding the relationship of identity and justice in Bosnia and Croatia this is also true.

It is important to recognise the multiple divisions noted here since they impact the progress of justice. In a witness transcript from the ICTY, one witness questions why he, a (cultured, educated) doctor, should be submitted to such treatment at the hands of the Serbs. Similarly other witnesses question why they suffered, bringing to the fore their status or identity. The implication of such statements is that if they had not been one of the cultured, or had not had the identity or status they claimed perhaps they would have deserved their treatment or accepted it as their due in some way. This demonstrates the complex interaction of multiple layers of identity and its effect on justice claims which reflect one's beliefs about oneself and one's group.

These multiple layers of identification mean that whilst there is much to say about identity at the broad category level of ethnicity, many other divisions and differentiations must also be considered in any discussion of identity in the Balkans. It is the emphasis on complete difference, the setting up of firm boundaries which do not allow for mixed identities, which is damaging to the progress of justice.

The collection of studies brought together by Bougarel, Helms and Duijzings brings together research into very particular identity groups, but manages to suggest commonalities between them. The studies suggest that in both ethnic and other wartime identities there is a need to maintain strong identities as a form of protection against the other. The studies suggest that identity groups

²⁹² Isabelle Delpla, *In the Midst of Injustice: The ICTY from the Perspective of some Victim Associations*, in Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 221f

are focused on a particular aspect of sameness which is primarily reinforced by an exclusion of those who are different.

2.2 Identity and Justice

Beginning with Tania Wettach's sociological research on ethnically identified groups and their perspectives on justice, it is clear that ethnic identity has a strong impact on understandings of justice and the claims to justice individuals and groups within Bosnia-Herzegovina put forward. Wettach's research blurs the line between ethnic and religious identities however. This is common place in that religious labels were consciously brought to the fore during the conflict as one of the clearest markers of ethnic distinctiveness. Wettach's research focused on questioning religious leaders from Muslim, Catholic, Serbian Orthodox and Jewish communities. The inextricable links between ethnicity and religious groups in this region mean that these leaders would consequently also be representatives of the Bosnian Muslim (Muslim), Croatian (Catholic) and Serbian (Serbian Orthodox) communities. In this sense then Wettach's research shows that both ethnic and religious identifications inform justice perspectives.

Further anthropological work published by Bougarel, Helms and Duijzings suggests that there are multiple divisions amongst those of the same ethnic or religious groups in terms of wartime experiences. Such research suggests that in the Balkans there are issues surrounding identity which are not necessarily related to certain ethnic identities in particular but to many identity groups.

That there are problems of conflict between multiple identity groups (those formed around ethnic, geographical, experiential identifications etc.) suggests that the problems of identity are more broadly situated in the way that identities are formed and maintained rather than necessarily in the specific content of those identities.

Tania Wettach's research clearly demonstrates a link between ethnic identity and justice in the Balkans.²⁹³ However, in this chapter I want to look more broadly at what such links say, not about the content of particular ethnic identities, but about how particular types of understandings of self and identity effect one's perceptions of justice. For example the links noted earlier demonstrate that there is a large degree of self-interest in the justice claims, and that they are often oppositional or antagonistic. I want to suggest that such oppositional perspectives on justice may be largely related to a perception of self built upon difference from the other. Thus a change in the way identity is constructed might be influential in changing one's perspective on justice.

It is of course important to first establish a broad link between identity and justice in order to demonstrate the necessity of dealing with identity in order to progress with justice. It is also significant to note that multiple aspects of identity inform conceptions of justice. In the Balkans a combination of ethnicity, religion, geography and war time experience are the most obvious factors in determining one's perception of justice. Of course gender, economic status, intellect, profession etc. also play a role. It is therefore not the content of these identities which is problematic necessarily, but the way in which people perceive the role of their identity in terms of relating to the other. In the following section of this chapter I will be arguing that it is certain 'types' of identity, or more precisely certain ways of forming or perceiving of identity, which inform perceptions of and approaches to justice.

2.3 What does Volf say about the Problem of Identity?

2.3a Volf and the Relationship of Identity and Justice

For Volf the problem of identity precedes the any problems of justice.

“Various kinds of cultural cleansings demand of us to place identity and otherness at the center of theological reflection on social realities.”²⁹⁴

²⁹³ Tania Wettach, 'Religion and Reconciliation in Bosnia and Hercegovina'.

²⁹⁴ Volf, *Exclusion and Embrace*, 17.

After spending 6 weeks in warring Croatia in 1992 Volf wrote that 'it became clear to me what, in a sense, I knew all along: the problem of ethnic and cultural conflicts is part of a larger problem of identity and otherness.'²⁹⁵ For Volf the Balkan conflict did not initially prompt him to question which claims were just, or what a just outcome might look like or what just action could be taken. Instead

Volf's realisation indicates a broad concern which was not primarily about the cultural or ethnic content of identity he witnessed, but with the way identities are formed in relation to the other. Together with other resurgence of cultural conflicts (the L.A riots and Berlin neo-Nazi rallies) in the early 1990s this understanding of identity and otherness as central to cultural conflicts, which also draws on Volf's reading of Derrida, prompted the beginnings of Volf's theology of embrace.²⁹⁶

Indeed, Volf's theology is much more concerned with addressing identity than it is in addressing justice. This is perhaps partly from observation: Volf sees identity as a much more fundamental issue in terms of its effect on human interaction both in relation to conflict and peace. It is also because Volf's theological starting point is always the Trinity. Beginning with the Trinity (something to be discussed in more depth in the following chapter) is both due to the fact that Volf sees God's revelation of himself as fundamentally Trinitarian and because the Trinity offers a rich resource for a renewed understanding of human identity and relations. For Volf this means understanding how human beings can seek to be as God is, that is to live a life which images God.²⁹⁷ Therefore if identity can be understood correctly, then it may serve as the basis for understanding how human beings should interact in a multitude of situations. That is, identity, considering who we are and how we interact, is the starting point for any social action. Understanding identity therefore precedes any attempt to understand or construct justice, truth, good and evil.²⁹⁸

²⁹⁵ Volf, *Exclusion and Embrace*, 16.

²⁹⁶ See Jacques Derrida, *The Other Heading*.

²⁹⁷ See Miroslav Volf, 'Being as God Is'.

²⁹⁸ Miroslav Volf, *Exclusion and Embrace*, 29

The necessity of dealing with identity before concepts of justice reflects Volf's focus on social agents rather than social arrangements.²⁹⁹ Volf believes that social agents should shape the character of social arrangements rather than be moulded to them.³⁰⁰ He writes elsewhere that 'the identity of human beings and the goal of their lives are bound up in the fact that God created them to image God.'³⁰¹ This illustrates not a separation between action and being or who we are and what we do, but that both are dependent on God. However, understanding that dependence and our interdependence as God's creation means that understanding who we are is necessary in order to understand the direction in which we should be orientated or, in this case how we might pursue justice.

By prioritising identity as the core issue, Volf is also centring responsibility for the pursuit of justice with social agents. He interacts with Bauman who notes that modernity and postmodernity have, in different ways shifted moral responsibility away from the self.³⁰² This may be a particular issue in the pursuit of justice in Bosnia and Croatia where post-socialist mindsets may be an issue in that justice is not seen as a personal responsibility. In linking identity and justice in the way Volf does, the pursuit of justice is seen as the concern of and affected by the individual's construction of identity.

Volf is not alone in understanding the close link between justice and identity. Taylor also notes the importance of understanding 'what it is good to be' rather than moving straight to 'what it is right to do'.³⁰³ Taylor also makes the link in the opposite direction, highlighting the impossibility of discussing identity without also referring to morality or "the good".³⁰⁴ Justice emerges from a proper understanding of who we are, and perhaps preceding both is an understanding of what it is good to be. For Volf both the goal of identity and the goal of justice are the good that is the life of the Trinity, and the Trinity serves therefore firstly

²⁹⁹ Miroslav Volf, *Exclusion and Embrace*, 20f

³⁰⁰ Miroslav Volf, *Exclusion and Embrace*, 21

³⁰¹ Miroslav Volf, 'Theology for a Way of Life', 252.

³⁰² Miroslav Volf, *Exclusion and Embrace*, 21 drawing on Zygmunt Bauman, *Life in Fragments: Essays in Postmodern Morality*.

³⁰³ Charles Taylor, *Sources of the Self: The Making of Modern Identity*, Cambridge University Press, 1989, 3.

³⁰⁴ Charles Taylor, *Sources of the Self*, 3.

as the source of identity and also then as the source of justice. All three aspects of this thesis then are closely interwoven.

Volf and Taylor both raise the prospect that who we are, or who we believe ourselves to be, affects how we act. Before action however comes perception. As has been illustrated ethnic identity in particular has a strong relationship with individual and group perceptions of what the term justice means and following that, what action justice entails. If the problem of conflicting claims to justice is to be addressed then identity, which informs both one's own perception of justice as well as one's perception of the other's justice, must be included in the discussion. It is perceptions of the other which are the chief concern of Volf's work, the perception of the other as wholly different, precedes the action to exclude. Similarly in offering a solution the very notion of who we are and how we relate must be altered in order that self understanding provokes altered relations.

For Volf then identity and justice are inextricably linked and both find their roots in God. In order to understand justice, one must understand who one is in the most basic sense. That is a person created by God and in relation with God and each other.

2.3b Volf, Identity and Experience

Whilst Volf's work on identity engages primarily with philosophical debates, his initial thoughts on the subject do come in response to the realities of the Balkan conflict. After the declaration of Croatian independence Volf at first felt relief in being in Croatian space but quickly found that he was expected to be exclusively Croat to the exclusion of Serbian friends and culture. 'The new Croatia, like some jealous goddess, wanted all my love and loyalty. I must be Croat through and through, or I was not a good Croat.'³⁰⁵ Essentially Volf's experiences suggested that Croatian identity was primarily about exclusion of anything identifiable with Serbia. Croatian identity was about that which was not Serbian identity - it was an identity of difference or opposition.

³⁰⁵ Volf, *Exclusion and Embrace*, 16

Volf understood that ‘after a forced assimilation under communist rule, the sense of ethnic belonging and cultural distinctness was bound to reassert itself³⁰⁶ - that the previously enforced identity as “the same” would be countered with a radical swing towards identity as difference – and that ‘the need to stand firm against a powerful and destructive enemy...left little room for divided loyalties.’³⁰⁷ However he argues that such an identity in fact mirrored much of that of which the Serbians were accused. This suggests that two identities formed in opposition are in fact not really opposite at all, but are merely reflections of the worst in the other. In this sense there is a commonality between the identities of Bosnian Muslims, Croats and Serbs in that each group’s identity is formed in opposition to the other and in order to exclude the other.

Volf’s response to such exclusive demands was a decision that ‘being a part, belonging as “fully a part” should be incompatible with belonging “in every part”.’³⁰⁸ Essentially in his work he wanted to conceive of an identity which would allow him to be Croatian, but to maintain a relationship with the Serbs as well as to maintain parts of his own identity which were not subsumed into or defined by his Croatian identity (his Protestant faith, his mixed ethnic heritage, his Germanic and American associations etc.). He wanted to find room for a multifaceted identity rather than an exclusive identity. In this aim his work connects with the reality and complexity of identity in Bosnia and Croatia which current rigid identities make impossible. This understanding of identity in more fluid terms reflects postmodern concerns and will be discussed in section 3.

Whilst Volf’s focus is on conflict and immediate post-conflict identity in relation to the enemy, this chapter will seek to demonstrate that the threat of the other itself is not the only reason for such an exclusive identity, and that exclusionary identities are a huge problem in terms of preventing the pursuit of (any type) of justice, most particularly in terms of preventing empathy, shared history, the pursuit of truth and the will to work collaboratively towards conceiving of a mutually just outcome.

³⁰⁶ Volf, *Exclusion and Embrace*, 16-17

³⁰⁷ Volf, *Exclusion and Embrace*, 17

³⁰⁸ Derrida, *The Other Heading*, quoted in Volf, *Exclusion and Embrace*, 17

It is from experience that Volf makes the initial link between identity and justice. Volf argues that 'If you insist that others do not belong to you and you to them, that their perspective should not muddle yours, you will have their justice and they will have theirs: your justices will clash and there will be no justice *between* you. The knowledge of justice depends on the will to embrace.'³⁰⁹ For Volf then, understanding identity as formed in collaboration with the other is essential to understanding and pursuing justice. The maintenance of exclusionary identities sees no end to conflicting justice claims and seeks justice for the self which this thesis suggests is impossible: justice can only exist between persons, between self and other.

2.3c Exclusionary Identity

That Volf chose to call his book *Exclusion and Embrace* emphasises the opposition of these two positions. The practice of embrace is of course that which Volf wants to recommend. It is a practice grounded in the triune life and symbolises the ultimate goal of all creation as reconciliation with each other and with God.³¹⁰ In comparison, exclusion becomes almost equivalent to sin. Exclusion is that which is not of God. Since human beings live in a world of sin and are themselves sinners human beings also live exclusionary lives. Indeed Volf claims that human identity is often built upon exclusion. Certainly the idea of exclusion is central to the type of victim identity tackled here. Indeed one of the key aims of such an identity is to elevate the self and exclude the other.

Volf is careful to follow Moltmann in rejecting attempts within the Christian tradition to find 'one basic form of sin'.³¹¹ Instead, for Volf, 'Exclusion names what permeates a good many of sins we commit against our neighbors, not what lies at the bottom of all sins'³¹². Volf draws on Christ's practice of moving beyond social boundaries which excluded the other, the undesirable and the different in the name of righteousness in order to name such boundaries as

³⁰⁹ Miroslav Volf, *Exclusion and Embrace*, 220

³¹⁰ Miroslav Volf, 'The Final Reconciliation: Reflections on a Social Dimension of the Eschatological Transition', 106.

³¹¹ Volf, *Exclusion and Embrace*, 72 see also Moltmann, *The Spirit of Life* Notable amongst these are Niebuhr and his focus on sin as 'pride'.

³¹² Volf, *Exclusion and Embrace*, 72

'evil, sinful and outside God's will.'³¹³ Exclusionary identities can be seen as sinful in the sense that they are a refusal to acknowledge one's place in relation to God and each other. Thus the refusal to form positive relational identities is not only a rejection of the other, but also a rejection of God. Similarly if we follow Volf's point above, that recognition of human identity as created by God influences our understanding of life goods and actions, then the consequences of exclusion are myriad. So, for Volf, identities which are formed around, and based upon, exclusion of the other, are sinful and run contrary to a Christian vision of both the basis of human identity, and consequently a Christian vision of how human identity should be formed and have consequences for human action.

In one sense then it is possible to frame the types of identities discussed so far as 'sinful' identities. This is not necessarily because of the content of those identities, in no way would Volf want to say to be Serbian or to be a refugee is sinful, but because of the way those identities are formed around exclusion of the other.

Essentially exclusionary identities for Volf are those which create barriers between the self and the other. This might be done in two ways, most commonly through excluding the other because of their difference. For example Volf references exclusion of others who are perceived as unclean. In extreme form this becomes exclusion as elimination as seen in the Balkans.³¹⁴ Exclusion may also occur as exclusion through assimilation or assertion of sameness. That is where one party accepts the other only on condition that they no longer maintain their otherness but become the same as, or are subsumed into, the self. Volf turns to Levi-Strauss for elaboration of this idea that 'we will refrain from vomiting you out..if you let us swallow you up'.³¹⁵ This type of exclusion was perhaps more evident in the pre-war Yugoslavia where national, ethnic and religious identities were most often suppressed in favour of a Yugoslavian

³¹³ Volf, *Exclusion and Embrace*, 72 drawing on Neyrey's paper 'Unclean, Common, Polluted and Taboo'

³¹⁴ Volf, *Exclusion and Embrace*, 75

³¹⁵ Volf, *Exclusion and Embrace*, 75

identity built upon a false notion of sameness or absolute identity between citizens.

The concept of exclusionary identities is not particular to Volf, nor is it only notable in terms of Balkan identities. The idea draws significantly on wider philosophical discussions of sameness and difference referenced earlier. Volf uses the term exclusion to cover both identities which exclude the other based on difference, and identities which exclude the other by subsuming them into sameness. That is, essentially denying the difference of the other and thus excluding them through suppression.

It seems that there are currently two options open to Bosnians, Croats and Serbs - either to continue to define oneself against another, to segregate, to reinforce ethnic oppositions in the political systems, or, as many young people in particular are doing, to ignore the past and suggest that all ethnic groups are essentially the same, an idea which has been tried once before under the Yugoslavian regime. For Volf both these options are problematic in that whilst they are apparent opposites, in fact they are both identical in that they are identities built upon exclusion of the other.

Conclusion

Tania Wettach writes that 'fourteen years after the Dayton Accords were signed a "negative peace" hangs over BiH [Bosna i Hercegovina] and the entire ex-Yugoslavian Balkan region.'³¹⁶ Her comments suggest that peace in Bosnia is currently built upon the maintenance of exclusionary identities, spaces and politics. It is evident that the Balkan conflict has both entrenched existing divisions and forged new ones. Currently one's identity dictates multiple aspects of one's life and informs perspectives on post-conflict issues including justice. Identity is about separating oneself from the other be that based on ethnicity or wartime experience. A great deal of effort may be put into excluding the other. All of this has a negative effect on post-conflict progress.

³¹⁶ Tania Wettach, 'Religion and Reconciliation in Bosnia and Hercegovina'.

There is an evident relationship between justice and identity. Perspectives on justice are informed by one's allegiance to a group, one's self-identification. Similarly the exclusionary form that identities take allow little in the way of relationships with the other and therefore encourage the understandings of justice which pay no attention to the interests of the other. This means that the role of identity in the Balkans is directly linked to an inability to find a common justice or to pursue justice collaboratively.

Volf's own experience of post-war Croatia informs his understanding of the importance of dealing with the issues of identity and otherness in order to avoid the exclusionary identities and the consequent violence and segregation he witnessed. Volf is also convinced that such exclusionary identities prevent the understanding of and pursuit of justice.

It is evident that there are multiple uses of the term "identity". Volf's work focuses on subjective elements of identity - how identity is negotiated. Similarly the problematic elements of identity in the Balkans are also related not to the facts of ethnicity, religion or wartime experience, but to the way in which individuals and group perceive themselves and others in regards to these categories. Therefore the focus of this chapter is largely on subjective identity rather than the "root". That is the identification element of identity is of chief concern.

This chapter's focus on identity is inspired both by the complex role of identity in Croatia and Bosnia and its inextricable link to perceptions of justice, as well as Volf's understanding of a renewed theology of identity as of central concern in overcoming practices of exclusion and thus in pursuing embrace. In this way identity both raises key contextual problems which any proposed conception of justice needs to address, as well as being a potential solution to problem of stalemate between conflicting justice claims.

Section 3: Embrace as an Alternative to Exclusion

3.1 Identity and Boundaries

Is the inner logic of exclusionary polarities irresistible? There may indeed be situations in which “there is no choice”, though we should not forget that to destroy the other rather than to be destroyed oneself is itself a choice....the choice is not constrained by an inescapable “either us or them”. If there is will, courage, and imagination the stark polarity can be overcome. Those caught in the vortex of mutual exclusion can resist its pull, rediscover their common belonging, even fall into each other’s arms.³¹⁷

Volf is clear here that there is an alternative to identities built upon exclusion. He is also clear the chief issue is that of identities which are built upon either difference from the other, the proliferation of difference which Volf identified in the extreme with Derrida, or the assertion of sameness which seeks to subsume the other by identifying the other as identical with the self, the ‘totalitarian self’.

That there is an alternative, or a ‘choice’, is perhaps not so evident to the present participants in post-conflict justice in the Balkans however. Where there are conflicting claims to justice any concession to the other will appear to undermine one’s own conception of justice. Volf’s emphasis on choice is significant as essentially his alternative vision of how identities might be constructed or negotiated depends simply on a choice or a ‘will’ to embrace rather than exclude. I will attempt to keep this, the chief problem in terms of viewing Volf’s theology of embrace as a solution, in mind in this final part of the chapter as I propose Volf’s theology of embrace as an alternative to the problem of identities built upon exclusion. I also return to the subject of the will to embrace in chapter 3 (section 4.1ai) where I deal with the role of the Spirit in embrace and justice.

³¹⁷ Volf, *Exclusion and Embrace*, 99

3.2 Identity as Embrace

In turning to Volf's theology for resources to tackle the problem of exclusionary identities, which I have argued lies at the heart of the problem of justice in the Balkans, we come to the heart of Volf's theology of embrace. The theology of embrace is essentially a theological notion of how human beings are created in relation to one another. It comprises of both an understanding of the Trinitarian life of embrace – embrace as the way in which God can be three persons in one revealed in Christ's life and death – and of human beings as created to participate in that embrace.

The notion of embrace, for Volf, is explicitly the antithesis of exclusion. Where exclusion becomes almost synonymous with sin, the act of embrace represents human participation in the life of God.³¹⁸ Whilst exclusion's natural opposite may appear to be inclusion, for Volf the term inclusion is problematic. Looking to Christ to understand the practice of rejecting exclusion, Volf sees simply acceptance and tolerance. Instead Volf argues that the opposite of exclusion as lived by Christ, was the offer of embrace extended to the excluded which sought not to merely tolerate but to re-name and to re-make. For Volf re-naming involves rejecting the false labels which exclude (for example the labelling of the other as 'unclean') and re-making involved 'tearing down the barriers created by wrongdoing in the name of God...whose love knows no boundaries'.³¹⁹ In this sense then embrace is a transformative practice which is about an alteration of identity. It is a practice which is based upon changing perceptions of who the other is, and thus who the self is, and in doing so seeks to break down the barriers which have been built between the self and the other. There are two elements, firstly the exclusionary barriers of perception (which is the key focus of this chapter) and secondly the actual barriers of wrongs which have occurred and which need to be recognised and overcome.

³¹⁸ Volf, *Exclusion and Embrace*, 129

³¹⁹ Volf, *Exclusion and Embrace*, 73.

In this section I will focus on Volf's sketch of the movements of embrace which he calls both the 'drama of embrace' and the 'phenomenology of embrace'.³²⁰ The first term is perhaps more accurate in that Volf's concept of human embrace is focused on what human interaction and relationships should look like, rather than an account of what they are like. This is because the practice of embrace is drawn primarily from an understanding of Trinitarian life of embrace and its implications for human behaviour. In describing the movements of the drama of embrace Volf is therefore attempting to use the metaphor of embrace as a means of explaining a concrete practice which could or should occur in human life, and in the establishment of one's identity and relationships with others. It is understandable that Volf should call his attempt to ground the theology of embrace in a concrete practice 'phenomenology', since for him it is a real attempt to ground his theology of God in a concrete practice. Nevertheless given the world as it is (the starting point of phenomenology) there is little possibility of fully enacting the practice of embrace. Thus Volf's attempt to make embrace practicable and understandable in human relationships remains partially in the realm of eschatological vision rather than present reality.

Volf's notion of embrace involves firstly, a desire for the other. 'I do not want to be myself only; I want the other to be part of who I am and I want to be part of the other.'³²¹ The desire is part of an acknowledgement of 'the pain of absence and the joy of anticipated presence [which] underscore the fact that even before the self opens its arms the other is in a sense already part of it.'³²² This idea of the other as unavoidably a part of the self is the foundation of Volf's alternative conception of identity. That the self and the other are connected in one sense or another is not unique to Volf of course. Volf references Hegel as an example of one who accepts the interdependent nature of self and other but in a more

³²⁰ Volf, *Exclusion and Embrace*, 140.

³²¹ Volf, *Exclusion and Embrace*, 141.

³²² Volf, *Exclusion and Embrace*, 141.

negative sense, in that the self on recognising the connection wishes to exclude the other.³²³

Hegel's observations in the *Phenomenology of Spirit* resonate with the type of exclusionary identities found in the Balkans. Whilst Volf is clear that he finds Hegel's notion of the master-slave relationship 'disagreeable', his four elements of embrace are broadly in sync with the development of Hegel's phenomenon.³²⁴ Both begin with the notion of self and other as in relationship. For Hegel, there is an understanding that desire to exclude is precisely based upon a tacit acknowledgement of the fact that self and other are linked in some way.

Kain's study of Hegel summarises the idea of exclusion found in Hegel's master-slave dialectic. 'The object is nothing but an object-of-my-desire, an object-of-my-self-consciousness (PhS,105/GW, IX, 103-4). Moreover, in satisfying desire, we often negate the object we desire. If we desire food, we want to consume it. We want to assimilate it. We transform otherness into oneness, difference into identity. Only in negating the object – its independent otherness or difference – do we affirm ourselves. In negating the object we feel assured of our selves, our identity.'³²⁵ It seems then that Volf and Hegel are both clear on the point that self and other are inextricably connected. Indeed Hegel's account of how human beings behave when confronted with this recognition of the other before the self actually largely corroborates Volf's own understanding of human beings as constantly seeking to exclude. There is of course a difference between Hegel's phenomenology, which seeks to observe human beings as they are, and Volf's drama which seeks to point towards human beings as they should be. However the key difference seems to be over Hegel and Volf's differing role of desire. Hegel talks of desire as desire for the other whose ultimate focus is only on the satisfaction of the self. Volf also relies on a sense of desire, however for Volf embrace must be built upon desire for the other and for the good of the other, over desire for the good of the self.

³²³ Volf, *Exclusion and Embrace*, 141.

³²⁴ Volf *Exclusion and Embrace*, 141.

³²⁵ Philip J. Kain, *Hegel and the Other: A Study of the Phenomenology of Spirit*, State University of New York Press, Albany, 2005, 45

Volf's sense of desire for the other is also prompted by a sense of the self as incomplete without the other. What Volf is suggesting here, which is different, is that the recognition of the other as a part of the self should be coupled with a desire for the other to be part of the self, whilst retaining their difference. That one must come to think of oneself as incomplete without the presence of the other in their difference. This is the important shift in focus which needs to occur: A desire for the presence and flourishing of the other in their difference.

As the Croatian Krno Kardov's sociological –anthropological research suggests, much of the desire for exclusion encountered in post-war Croatia is based upon the perceived need to find order in chaos, the chaos being the 'messiness' of post war communities where victims and perpetrators may be impossible to separate and identify.³²⁶ Essentially Kardov's work demonstrates that the exclusionary behaviour evident in these situations emerges from recognition of the links which already exist between the self and other.

Volf's theology suggests that an identity based on excluding the other cannot be achieved without violence both to oneself and the other. Croats cannot understand their Croatianess or restore Croatia without reference to Serbs and Serbia. Similarly such an understanding of identity suggests one cannot pursue justice for oneself or merely with reference to one's own perspective without also pursuing justice for the other and taking account of the others perspective.

Volf's difference hinges on the idea of desire for the other or the 'will to embrace'. This desire or will is the turning point which is absolutely required for the rest of Volf's theology of embrace to have any impact. This shift in perspective is also fundamental to any progress in terms of justice in the Balkans.

In practice the desire to embrace crucially requires nothing from the other in the first instance. The will to embrace the other exists before the other issues any response, either positive or negative. In this sense it breaks the cycle identified earlier in which all identify as victims and require apology, concession or

³²⁶ Krno Kardov, 'Reconstructing Community, Recreating Boundaries: Identity Politics and Production of Social Space in Post-War Vukovar,' *Trondheim Studies on East European Cultures and Societies* no.19, November 2006, 24.

reparation from the guilty other above all else. Volf's notion of identity built upon embrace begins with a movement from the self to the other.

In terms of practice this is both an advantage and disadvantage. That all that is required to begin a radical change from exclusionary identities to identities built upon the theology of embrace is a change of desire, perspective or will allows for Volf's theology to be effective amongst those without power to implement significant change. Indeed the desire to embrace the other does not necessarily require the response of the other.³²⁷ However, beginning with something so intangible makes moving towards a more constructive account of how the theology of embrace might be put into practice very difficult.

Theologically it would seem that the desire for embrace with the other is begun with conversion or the work of the Spirit.³²⁸ However, in terms of addressing this theology more broadly as an alternative to the present exclusionary identities which exist in the Balkans, a more pragmatic approach might be needed in which the evidence of the destructive nature of current exclusionary identity constructions and practices is contrasted with the potentially positive consequences of rethinking the relationship between self and other.

Whilst the first element of Volf's embrace, desire, is characterised as 'opening the arms' to embrace the other, the second stage is understood as the moment of waiting, arms outstretched.³²⁹ This second 'act' of the embrace can be understood as Volf's understanding that the desire for the other must not verge towards an act of violence towards the other or "an invasion".³³⁰ 'After creating space in itself and coming out of itself, the self has "postponed" desire and halted at the boundary of the other. Before it can proceed, it must wait for desire to arise in the other and for the arms of the other to open.'³³¹ Volf is careful here that his drama of embrace, understood as an alternative to exclusionary constructions of identity, must not become an identity of difference nor an identity of sameness. If the embrace were to be characterised by an unchecked

³²⁷ Volf, *Exclusion and Embrace*, 142.

³²⁸ Volf, *Work in the Spirit*, 136ff. An idea I return to in chapter 3.

³²⁹ Volf, *Exclusion and Embrace*, 141, 142.

³³⁰ Volf, *Exclusion and Embrace*, 142 quoting Bauman

³³¹ Volf, *Exclusion and Embrace*, 142

move towards including the other in the self then the embrace would become about sameness, subsuming the other into the self.

This waiting for response from the other is perhaps the point at which the actual practice of embrace is likely to stall. However, it seems that there is no real alternative which does not in some way coerce the other and thus fall into the category of exclusion, since any unwanted, unchecked movement towards the other refuses to allow them to remain other and does not acknowledge their will but only the will of the self. Essentially refusal to wait on the other does not follow on from a genuine desire to allow the other to be other. This waiting is likely to be frustrating and on a larger political scale it is difficult to see how justice might progress if there is an indefinite pause in order for the other to respond. It might be that practical considerations mean that where there is a refusal to participate in justice processes may have to continue. However the spirit of waiting on the other does not necessarily have to be abandoned in that the other might be able to enter into the ongoing pursuit of justice at anytime.

The third act in Volf's drama of embrace is the closing of the arms around the other, 'the goal of embrace'.³³² It is at this point that the other's response is required. There must be an equality within the embrace so that 'each must enter the space of the other, feel the presence of the other in the self, and make its own presence felt.'³³³ Again the embrace requires careful balance between differentiation and sameness. What Volf is seeking is the transformation of the self in light of an experience of the other but not the alteration of the self to be the other. The outcome is an altered self rather than a negation of the self or the other.³³⁴

Volf also adds a further caveat, in order to avoid the traps of sameness/difference. He argues that in the closed arms of embrace there should be an awareness of the non-understanding of the other, the inability of the self to fully comprehend who the other is.³³⁵ This awareness of strangeness

³³² Volf *Exclusion and Embrace*, 143

³³³ Volf, *Exclusion and Embrace*, 143

³³⁴ See Volf, *Exclusion and Embrace*, 143

³³⁵ Volf, *Exclusion and Embrace*, 143

draws on the Israeli sociologist Z D Gurevitch's idea of 'non-understanding' and reflects something of Volf's whole approach.

Gurevitch suggests in his paper 'The Power of Not Understanding' that 'attempts to establish dialogue between conflicting identities usually focus on mutual understanding and the common, while downplaying the elements of the conflict and ignoring the element of otherness.'³³⁶ Gurevitch argues that instead of this emphasis on sameness when the self encounters the other, the 'ability to not understand, rather than the ability to understand the other' should be emphasised in order to allow space for the difference of the other. Gurevitch's work is similar to Volf's in that he is seeking to find space for acknowledgment of difference within a close encounter which occurs because of recognition of sameness.

Gurevitch continued this line of thought in a paper entitled 'The Embrace – On the element of non-distance in human relations' written in 1990 but not read by Volf until after the publication of his own theology of embrace.³³⁷ In this paper he writes that 'the seed of distance always remains within the moment of non-distance, yet the growth of the self (the separate, the different) requires the element of non-distance attained in the unity of the embrace.'³³⁸ Here we see that for Gurevitch encounters between the self and other must be characterised by fine balances of sameness and difference, knowledge and non-knowledge, distance and non-distance. These balances are very similar to those Volf is also attempting to create between acknowledging one's commonality with the other without subsuming the other into the self or being subsumed into the other.

The idea of non-understanding in particular is important in that it appears to be more readily understood in terms of concrete relationships. For example, it appears to answer the question 'how might we recognise the other's difference?'. To acknowledge one's inability to fully know and understand the other would seem a good first step in such a recognition.

³³⁶ Z. D. Gurevitch, 'The Power of Not Understanding: The Meeting of Conflicting Identities', *The Journal of Applied Behavioural Science* 25, 1989 vol.2, 161-73

³³⁷ Volf, *Exclusion and Embrace*, 140n27

³³⁸ Z.D. Gurevitch, 'The Embrace: On the Element of Non-Distance in Human Relations', *The Sociological Quarterly* 31, vol.2 1990, 187-201.

Certainly, the idea of non-understanding is constantly reflected in Volf's theological method. In Volf's rejection of the possibility of a theory of justice in the previous chapter, for example, there was a clear sense of awareness of the limits of understanding. Here we see that limiting claims to knowledge allows space for the other. Most particularly in Volf's work this is evident in Volf's constant limitation of claims in reference to knowledge of and understanding of God, the ultimate 'other'.

In terms of the Balkan context the possibility of this third step being enacted seems remote. Indeed such a balance between self and other seems to be only an eschatological possibility. However understanding the balance Volf wants to achieve as an ideal to aim for can be informative. The idea that the self should seek to be transformed by the other, not to be the other but to take account of who the other is might be used to inform accounts of justice and dialogues over justice claims for example. Similarly the limiting of claims to know who the other is could be crucial in moving inter-ethnic relations forward. It prevents the possibility of exclusionary labels and the logic which states that one knows who the other is because he is everything that the self is not. This is the logic which underpins the type of victim identity discussed earlier. Volf's emphasis on limiting claims to know the other goes some way to prevent this type of oppositional identity.

The fourth step in the embrace is the opening of the arms. 'The opening of the arms underlines that, though the other may be inscribed into the self, the alterity of the other may not be neutralized by merging both in to an undifferentiated "we"...the other must be let go so that her alterity – her genuine dynamic identity – may be preserved.'³³⁹ Again this reflects Volf's concern that identities not be merged into one unified identity, but that difference might be allowed to flourish within the embrace which recognises the interdependence of the self and other. Volf sees this letting go as necessary for the maintenance of individual identity, but it is also in order to allow the embrace to begin again. The release allows space for a re-recognition of the need for the other.

³³⁹ Volf, *Exclusion and Embrace*, 144.

Perhaps in terms of practice this emphasis on the need for space also allows for a break from the *inability* of opposing parties to come to the point of embrace, and might similarly in this situation allow room for a renewed sense of the interdependence of the self and other, and a desire for such an interdependence or collaboration to begin again. Volf's fourth act of embrace suggests the cyclical and continuing nature of identity negotiation. The desire for the other, even the embrace of the other, is not a one time event which might be enacted and is then completed. Instead negotiation of identity between self and other is ongoing. This also suggests what Volf calls a 'fluidity of identity'.³⁴⁰ That one's identity is constantly being transformed through new interactions with the other. It is not static. This idea links with that of acknowledging one's not knowing the other. If this fluidity and ongoing need for the other is recognised there is a sense in which the static labels of victim/perpetrator and the firm boundaries which accompany such labels are impossible to maintain.

Instead of the firm boundaries of difference exclusion or the forcible removal of boundaries that occurs in sameness exclusion, Volf's theology suggests that identity can be best understood as based upon 'permeable boundaries'. As suggested by the drama of embrace, these boundaries allow for the other to enter in but do not allow for the self to be subsumed into the other. The open arms which mark the end (and beginning) of the cycle of embrace allow for these 'permeable' boundaries to remain.

This idea of the need to reformulate boundaries has particular resonance in terms of application to ethnic identities. Frederick Barth, the Norwegian anthropologist, saw ethnic identities as primarily defined around boundaries, and attempts to delineate one ethnic group from another, coining the term 'ethnic boundaries'.³⁴¹ Therefore in focusing on a shift towards a different type of boundary Volf is tackling the problem of ethnic identity quite directly. His theology offers a new way of envisioning boundaries which already exist and which are already at the heart of ethnic self identities.

³⁴⁰ Volf, *Exclusion and Embrace*, 145

³⁴¹ Frederick Barth, *Ethnic Groups and Boundaries: The Social Organisation of Cultural Difference*, Allen and Unwin, London, 1969, see 'Introduction'

It is clear that Volf is constantly aware of the problems of exclusionary identities based both on definition through difference, and through attempts to subsume the other into the self. Embrace is perhaps more likely to fall towards the problem of sameness, as the self and other are seen as interdependent. However Volf seeks to avoid this by maintaining a space for the self to draw back and reassert its self. The cyclical nature of embrace and identity negotiation allows for this space. It seems that in many ways Volf tackles the problems of exclusionary identities and offers an alternative way in which identity might be constructed.

3.3 Moving forward from Embrace

Volf's theology of embrace seems to offer an account of identity which seeks to balance sameness and difference. In this sense it is seeking to avoid the ways in which identities might be built upon excluding the other. Theoretically it seems the notion of identity found in the theology of embrace is largely successful in combating these extremes. The deeper theological roots of the embrace will be examined in the following chapter. The final question is; what might embrace offer in terms of a practicable response to the problems set out earlier in the chapter? Is it possible that the theology of embrace might inform an altered perspective on the self and the other in the Balkans and feed into a different approach to and understanding of justice?

The key in terms of present practice is the desire to be shaped by the other or the will to embrace and the knowledge that the self cannot be understood apart from the other. This first step is perhaps the most crucial in that such a shift in will and understanding consequently precludes many of the destructive perspectives and practices outlined previously. For example a genuine desire to be with the other and shaped by the other, and an acknowledgement of the impossibility of existing apart from the other cannot coexist with a sense of the self as blameless victim and the other as guilty perpetrator. Instead, desiring the other, in the way that Volf outlines, must involve an acknowledgement of the

blurred lines which exist between the self and the other. In fact, it is possible that desire for the other might be dependent upon recognition of non-knowledge of the other. Exposing the fallacy of the victim/perpetrator labels might be the first step in igniting the will to embrace.

This sort of exposure (to the reality of one's non-knowledge of the other) already occurs in inter-faith and inter-ethnic dialogues organised by peace workers and NGOs in the Balkans. However participation in such dialogues presumably requires a will to engage with the other to begin with. Thus non-knowledge and will to embrace are closely linked as the first factors required to instigate the type of engagement with the other necessary to break the deadlock of exclusionary identities and conflicting justice claims.

The theology of embrace importantly shifts the focus from beginning with demands for the other to act and satisfy the demands of the self, and instead begins with an opening up of the self to the other.³⁴² This places the emphasis on gift and self-giving. Justice understood in this light moves from claims against the other and demands for punishment or reparation to a focus on how one might change and move towards the other.

Volf's theology of embrace suggests that the self and other are inextricably linked. That human beings are fundamentally relational. Yet what distinguishes Volf is his notion of will for the other or desire for the other which does not seek the death of the other as Hegel's phenomenology does, nor does it allow difference to remain a barrier to unity. Instead Volf's understanding of embrace offers an understanding of identity which seeks out the other for one and the other's mutual benefit, for the sharing of identity, without losing one's own sameness and whilst maintaining one's difference from the other. It is a model which relies fundamentally on the oneness and difference held together in mutual giving that is the triune God, the source and creator of human identity, a subject I will turn to in the following chapter. Justice understood within this context of balancing sameness and difference must also be understood as fundamentally relational. A conception of justice based on Volf's understanding

³⁴² Volf, *Exclusion and Embrace*, 140

of identity cannot be a justice conceived by the self alone; justice can only exist if it is justice both for me and the other since the two shape each other and cannot, or should not, be separated. Similarly however justice cannot be abstractly applied to all in the same way for the other is not identical to the self. Justice can be neither partial to the point of exclusion nor impartial to the point of exclusion. Justice must also be conceived of in a way which balances both difference and sameness. This indicates a move from adversarial to collaborative justice.

Section 4: Victim Identity

In the previous section I have examined Volf's notion of embrace as an answer to the problems of identity in post-conflict Bosnia and Croatia which, following Volf, I have identified as exclusionary identities. In the previous chapter on justice, I highlighted victim identity and the sense of separation between victim and perpetrator as one of the issues in post-conflict justice. In the following section I will highlight victim identity as a particularly problematic and pervasive form of exclusionary identity post-conflict. It is a problematic identity with particular relevance to justice since it suggests a firm boundary of difference between victims and perpetrators and thus underpins relationships of difference and separation. Exclusionary victim identities are clearly linked to and result in adversarial approaches to justice claims and negative interactions with justice processes. It does not see the other (perpetrator) as one to build relationships with but one to be excluded. Taking a critical approach to victim identity is difficult in that it appears to blame those who have already suffered so much for the failures of justice. I hope in the following to demonstrate that this is nevertheless necessary in order to pursue the 'enlarged' justice I want to propose in this thesis.

Firstly in this section I will highlight the role of victim identity in post-conflict Bosnia and Croatia. Secondly, I will turn to Volf and his particular attendance to the role of the victim and the need for victims to form their identity in way which

do not exclude the other. Finally I will use this particular study to suggest ways in which identity must be altered to prepare the way for the enlarged justice I want to propose in this thesis.

4.1 Victim Identity in Context

A key problem with identification as a victim in Bosnia and Croatia is that it is an identity which goes beyond the facts of injustice suffered and takes on a political edge. It is used to maintain exclusive boundaries between oneself and one's identity group and the other by underlining one's absolute difference. Helms comments that 'the politicized ethno-national identities which have driven social and political processes in Bosnia for the past decade have been heavily based on claims to victimhood.'³⁴³ Identifying oneself or one's group (ethnic, religious or other) as a victim can be the grounds for all kinds of political and social claims, most particularly claims to justice. It seems that 'victim identity [i]s perhaps the only morally acceptable persona in post-war Bosnia.'³⁴⁴ Identifying oneself as the victim is used both as self-justification, as a means to promote one's own demands for justice over the claims of the other, and as a means of implying the guilt of those whom one wishes to exclude – the 'non-victims' or perpetrators.

Similarly sociological studies in Vukovar show the continued importance of victim identity in Croatia after the conflict. Kruno Kardov stresses the role of new identities such as these in terms of creating order out of chaos.³⁴⁵ The messiness of the Croat and Bosnian conflicts has already been highlighted in this thesis and it is this messiness which lends itself to the formation of new identities in which individuals and groups seek to identify those who behaved "correctly" during the war, and to exclude those who did not. Identity and

³⁴³ Elissa Helms, "Politics is a Whore": Women, Morality and Victimhood in Post-war Bosnia-Herzegovina', in Ed. Xavier Bougarel, Elissa Helms and Ger Duijzings, *The New Bosnian Mosaic*, 252.

³⁴⁴ Elissa Helms, 'Politics is a Whore': Women, Morality and Victimhood in Post-war Bosnia-Herzegovina', 252

³⁴⁵ Kardov Kruno, *Reconstructing Community*, 'Recreating Boundaries: Identity Politics and Production of Social Space in Post-War Vukovar', particularly 21.

judgement are bound closely together in this sense. In this way many sides or groups can claim victim status whilst excluding others who also call themselves victims. Conceptions of who is victim are based upon who one wants to identify with in terms of agreement on moral claims and perceptions of justice.

This type of victim identity, whilst often drawing on sources of real injustice, is about a heightened perception of self or one's group as the sufferer of injustice, the apportioning of blame for one's predicament firmly on the shoulders of the other, and a consequent regard for the self as morally superior and, perhaps, pure or blameless. This type of victim identity is not peculiar to the Balkans but it is, understandably, especially prevalent in this post-conflict area and can be a primary mode of identification overtaking other aspects of identity such as work, family, or even ethnicity and religious belief. Brown notes that, 'Politicized identity...makes claims for itself, only by entrenching, restating, dramatizing, and inscribing its pain...it can hold no future for itself or others.'³⁴⁶ This suggests that the type of narrative identity involved here means individuals become defined by their experience, and in reiterating their identity the experience becomes who they are and leaves them unable to move beyond it. Relations with the other are impossible because one is caught up in restating one's own identity as victim.

Das and Kleinman suggest that 'our age is one in which victimization has become of special ontological salience. The assumption is that it helps victims to emphasize *victimhood* as a cultural representation and collective experience. If that is true, does the appropriation of victimization as the core moral stance create a paradox in that it becomes a means to revivify the fragments of communities, one that works against reconciliation and rebuilding?'³⁴⁷ This section will reply that emphasising victimhood as a primary mode of identification *is* hugely damaging to reconciliation with the other and consequently to the pursuit of justice.

³⁴⁶ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity*, Princeton University Press, Princeton, 1995, 74.

³⁴⁷ Das and Kleinman, 'Introduction' in Ed. Veena Das, Arthur Kleinman, Margaret Lock, Mamphela Ramphele and Pamela Reynolds, *Remaking a World: Violence, Social Suffering and Recovery*, University of California Press, Berkeley, 2001, 25.

The anthropologist Elissa Helms comments in her study of victimhood in post-war Bosnia that 'moral purity is based on war-associated victim identities.'³⁴⁸ Kruno Kardov's sociological research in Vukovar appears to support this notion. It seems that both ethnic divisions and many of the intra-ethnic divisions are largely based around ideas of purity and pollution. 'Refugees from Vukovar are regarded as possessing categorical purity.'³⁴⁹ Those Croats who chose to flee Vukovar escaped any association with the Serbian Krajina state. Those who stayed, Kardov suggests, are seen as polluted by contact, not only with individuals responsible for war crimes, but with the state itself. Intra-ethnic divisions, as well as ethnic divisions, can be seen as a means of protecting the purity and moral status of the self. It is not hard to see how a focus on the maintenance of such a blameless identity is part of a notion of the self as victim. Volf notes the similar 'will to purity' from the New Testament period through to Nazi Germany.³⁵⁰

This context raises interesting points, firstly, that chaos (as mentioned by Kardov) leads to the assertion of firm identity boundaries. In referring back to Taylor's 'Politics of Recognition', we might read this as signalling that a lack of proper recognition for victims by perpetrators distorts identities and in this instance leads to the assertion of hard or exclusionary identities on the part of the victims.³⁵¹ Hard identities are a result of the desire for recognition of the wrongs done to one to be recognised when they are not. Non-recognition of the truth of the victim's suffering or victimhood might be seen as the cause of this hard identity. In this sense then, an openness to and pursuit of truth might be seen as a necessary element of reconfiguring identities.

Secondly, the result of this hard or exclusionary victim identity is that the truth is further obscured by the inflexibility of the boundaries of this identity. Individuals can either be victims or perpetrators, they cannot be perceived as both at once, despite this often being closer to the truth.

³⁴⁸ Elissa Helms, 'Politics is a Whore': Women, Morality and Victimhood in Post-war Bosnia-Herzegovina', 237.

³⁴⁹ Kruno Kardov, 'Reconstructing Community, Recreating Boundaries: Identity Politics and Production of Social Space in Post-War Vukovar', 24

³⁵⁰ Volf, *Exclusion and Embrace*, 74

³⁵¹ Taylor, 'Politics of Recognition', 36.

Thirdly, the future prospects for this type of identity are dim, since they are forged around an elevation of the wrongdoing and suffering endured over the desire or need for future reconciliation with the other. It might be the case that the maintenance of hard victim identities reflects a desire to remove responsibility for action. Volf notes Bauman's suggestion that there is "a tendency to shift moral responsibilities away from the moral self either towards socially constructed and managed supra-individual agencies, or through floating responsibility inside a beauracritic "rule of nobody.""³⁵² Whilst victims may make claims to justice heard, and there are certainly claims made to the ICTY amongst others, it is rarely seen as the victims role to act first in the pursuit of justice or reconciliation. Victims expect that the first move will be the prosecution of or confession of the perpetrator. Volf's understanding of the role of victims runs counter to this. His model of identity as embrace requires a movement outside of the self towards the other.

4.1a Victim Status and Beyond

Before continuing to Volf's contribution to understanding victim identity, it is important to note that victim identity is not the only type of moral identity in this post-conflict context. Other claims include that of bystander as well as occasional acknowledgement of oneself as perpetrator.

Identity as a bystander seems more likely to occur on an individual level. Whilst it may be seen as an acknowledgment of the grey area between victim and perpetrator and as a potential root towards opening up of hard identities to acknowledging the reality of diversity and difference, more often, it is again an identity based upon exclusion through the elevation of the self above or outside of the circumstances (and people) surrounding one.

Kardov identifies the problem of bystanders in the pursuit of justice. Bystanders absolve themselves of involvement or responsibility and in this are affirmed by the judicial process. 'While judicial trials, with their attempts to isolate guilty

³⁵² Volf, *Exclusion and Embrace*, 21.

individuals and create rational accounts of events, create a gap between perpetrators, collaborators and victims, the real circumstances in which mass violence takes place connect them and make the differences between them unstable. That is particularly evident in the case of the bystanders who are morally but not legally complicit (unlike collaborators who are subject to the law). This leads to the absence of bystanders, and in most cases to that of collaborators, in the legal processes of criminal trials. Because of bystanders' perceived moral complicity with crimes, the legal principle by which bystanders are considered innocent makes their presence in post-war settings particularly provocative from the perspective of victims.³⁵³ This type of identity is also therefore problematic in the pursuit of justice since it is one which refuses to engage in the need for justice between individuals. (A proposal I will elaborate on below).

This focus on victims and victim identity may appear to leave little room for perpetrators or have little to say to those who acknowledge themselves as such. I would argue that this is not the case. The focus on victim identity is about individuals' and groups' perceptions of themselves.

In the post-conflict Balkans it seems rare to find any who will label themselves as perpetrators. This is not to say that there is always an outright denial of violence or what we might call war crimes. Instead violence and wrong doing is put into context of what the other had done or did do to oneself or one's group. Essentially violence is justified by one's own victimisation at the hands of the other. This is perhaps most evident amongst those who are seen as the primary aggressors, and who therefore need to fight harder to be seen as sympathetic victims by others.

Despite this, there are a few who name themselves as perpetrators. These people can be those who find such an admission advantageous in terms of criminal or justice proceedings against them. In this case the admissions are perhaps more about pragmatic considerations than a genuine reflection of how

³⁵³ Kruno Kardov, 'Reconstructing Community, Recreating Boundaries: Identity Politics and Production of Social Space in Post-War Vukovar', 18.

the individual sees themselves or their role in the conflict. Secondly of course there are those who genuinely see their role, or perhaps more often their nation's role, in the conflict as unjust.

Essentially it becomes evident that to attempt to talk to perpetrators, at least in this context, is really to talk to nobody or at best to a small minority who have already found their way towards acknowledging their guilt and thus their relationship to the other, their victim. It seems that to address people where they stand, that is to work from their self-identifications rather than imposing categories of victim-perpetrator from our own perspective, may be a more productive way of addressing ways in which justice may be best pursued.

As noted in the previous chapter, theories of justice, and justice discourse, written from Western academic perspectives, tend to attempt to address either perpetrators or the powerful. In the Balkans few would self-identify in these groups and thus such theories have little to say to them. The orientation of Nicholas Wolterstorff's work, for example, is explicitly as Westerner writing in response to victims of apartheid.³⁵⁴ Moltmann's work is also focused on solidarity with the victim. His focus as a former, reluctant, conscript and a citizen of guilt ridden post war Germany is often on the victims of the Nazi violence and 'theology after Auschwitz'.³⁵⁵ Volf's approach which begins in asking the victim to act first, to change themselves and to reach outside their own enclosed identity towards the other is in this light both necessary, given the context discussed here, and radical.

4.2 Volf and the Victim

In *Exclusion and Embrace* and in *The End of Memory*, Volf specifically sets out to address victims of injustice. He sees himself as extending the later work of Moltmann in *The Spirit of Life*. Volf believes that whilst Moltmann supplements

³⁵⁴ Wolterstorff, *Justice: Rights and Wrongs*, viif

³⁵⁵ Jürgen Moltmann, *The Crucified God*, SCM Press, London, 1974, 277f. However, Moltmann can also be seen as a victim due to his internment in a prisoner of war camp.

the theme of solidarity with the victim with the 'theme of solidarity with the perpetrator'³⁵⁶, he does not go on to spell out the social implications of this, focusing primarily still on the solidarity of God with victims. Volf wants to extend the understanding of God giving himself for perpetrators presented by Moltmann in terms of its social significance. The consequence of Volf's expansion of this idea is the suggestion that victims should themselves offer the arms of embrace to their enemies.³⁵⁷

Moltmann's view is that violence destroys both victim and perpetrator, both are oppressed by the weight of what they have suffered or what they have inflicted. God's relationship with the perpetrator is described in this way:

'God reconciles the world in contradiction by enduring the contradiction, not by contradicting the contradiction – not that is to say through judgement. He moulds and alchemizes the pain of his love into atonement for the sinner. In this way God becomes *the God of sinners*. He does not desire their death, and so that they can turn back he turns to them; so that they may live he endures their death.'³⁵⁸

Moltmann's understanding of God's solidarity with the victim is turned here towards God's solidarity with the perpetrator which is essentially the same solidarity. In suffering at the hand of the perpetrator, as God suffers with the victim, God's pain which is caused by love turns back to the love which it always was and seeks to reconcile the perpetrator to himself in taking on the burden of Godforsakeness which the perpetrator brought on himself.³⁵⁹ In Moltmann's work here we see the unity of God's love for humanity and God as victim reaching out to the perpetrator.

³⁵⁶ Volf, *Exclusion and Embrace*, 23.

³⁵⁷ Volf, *Exclusion and Embrace*, 21.

³⁵⁸ Moltmann, *The Spirit of Life*, 136

³⁵⁹ Moltmann, *The Spirit of Life*, 132ff.

In Volf's language this idea is extended to make greater sense in terms of the language of identity:

'The cross says that despite its manifest enmity towards God humanity belongs to God; God will not be God without humanity...The cross is the giving up of God's self in order not to give up on humanity.; it is the consequence of God's desire to break the power of human enmity without violence and to receive human beings into divine communion....The arms of the crucified are open – a sign of a space in God's self and an invitation for the enemy to come in.'³⁶⁰

In Volf's terminology we see a greater sense of the action of God in giving up himself for the other. The desire for the sinful other involves making space in the self and inviting the perpetrator in. In one sense, couched in theological language, this might not appear a radical view. The idea of God's death for sinners and the call to forgive wrongdoers is familiar.³⁶¹ But this is much greater than a call to what we might understand as forgiveness to refuse to punish and to pass on.³⁶² If we are to follow Volf in grounding human identity in God and human action in God's way of life, it is a call to allow the other to become a part of one self.³⁶³ When coupled with engagement with the lived realities of victims and perpetrators encountered in Volf's work, and in this chapter, this is a challenging proposition. It asks the victim to make the first move in laying down their identity as victim which excludes the other, opening their arms to the other and allowing the other to come into the self. In doing so the victim's identity is reconfigured, not as an identity which excludes the reality of their suffering, but one in which the perpetrator participates.

³⁶⁰ Volf, *Exclusion and Embrace*, 126.

³⁶¹ Not least from the Lord's Prayer, Matthew 6 :9-13.

³⁶² Of course there are much fuller accounts of forgiveness focused on life in communion such as L Gregory Jones, *Embodying Forgiveness: A Theological Analysis*, Wm. B. Eerdmans, Grand Rapids, 1995.

³⁶³ A subject to be covered fully in chapter 3.

4.3 Volf, Memory and Truth

In section 4.1 I noted that victim identity in Bosnia and Croatia involved the exclusion of the perpetrator and the passing on of responsibility for reconciliation or restored relationships. In 4.2 I showed that Volf's understanding of the victim asks the victim to make a movement of embrace towards the other. To make this move the victim also needs to begin to reconfigure their identity from one of exclusion to one of openness or embrace. Two aspects of the exclusionary identity which emerged in 4.1 were firstly, the elevation of memory of wrongdoing to become the defining feature of one's identity. Secondly I mentioned the way in which memories of wrong doing distorted so that the truth of the memory was marred, but also that in the practice of exclusion the truth could not be anything but marred since it excluded the perspective and truth of the other. Here I will explore the ways in which memory and truth need to be reconfigured in order for identities to be reformed.

In the *End Of Memory* Volf's experience as a victim of Captain G takes centre stage, and allows him to make controversial claims about memory which go against the widely held, post-Holocaust, view that 'that letting go of wrongs suffered...would betray victims and endanger the wider community.'³⁶⁴ Instead Volf advocates a sense of remembering 'rightly'. In part this involves locating memories in their proper place. Memory of past wrong can become the defining feature of one's identity. Volf argues that to allow memory to work in this way is unhelpful since it keeps one trapped in the past in 'a deep and dark ravine which separates' adversaries.³⁶⁵ Moreover the perpetuation of memory in this way 'may wound...breed indifference...reinforce false self-

³⁶⁴ Volf, *The End of Memory*, 232. Elie Wiesel is a particular advocate of memory in this sense.

³⁶⁵ Volf, *the End of Memory*, 35

perceptions...reinjure.’³⁶⁶ Whilst Volf is at pains to point out here that this is the risk in centring one’s identity on memory, rather than a foregone conclusion, it certainly supports the types of problems of identity seen in Bosnia and Croatia. The use of memory to justify further injustice is of particular concern.

Volf’s key criticism of memory as a defining feature of the self however is that it refuses to understand God as the primary definition of human identity. We know who we are ‘as unique individuals standing in relation to our neighbours and broader culture, because God loves us.’³⁶⁷ Where memories of suffering and victimhood take over identities, relations to God and each other are pushed aside. The misplacement of memory in this way means that an identity centred on victimhood is a misconstrued identity. Volf also sees an over attachment to the past as refusing to prioritise the Christian eschatological horizon, which includes reconciliation and eventual full communion with God and the other. Again, in this light, we can read the type of victim identity outlined above as inherently exclusionary in that it prioritises remembrance of past wrong over future reconciliation.

The second key problem of memories of suffering being the centre point of one’s identity is that of memory as distorting truth. Here the intersection of identity and justice comes to the fore again. Volf writes that when ‘victims “remember” untruthfully, their stories are often attacks on perpetrators in response to injuries suffered...To “remember” untruthfully is not only to continue but also to deepen in memory the conflict created by the initial injury.’³⁶⁸ The type of victim identity considered above does precisely this, refusing to engage with the other, and thereby distorting truth, and consequently treating them unjustly and so the cycle of injustice continues. Injustice then can be perpetuated through exclusionary identities.

³⁶⁶ Volf, *The End of Memory*, 33

³⁶⁷ Volf, *The End of Memory*, 79.

³⁶⁸ Volf, *The End of Memory*, 56.

4.4 Identity and the Pursuit of Justice

In this chapter I have suggested that post-conflict identities fit with Volf's designation of exclusionary identities. There is a tendency towards identities which maintain firm boundaries between the self and the difference of the other. Difference is accentuated to the extent that identities are formed around that which is not the other. The most pervasive form of this type of identity is victim identity which paints a stark contrast between victims who are blameless and the other who is guilty. Identities are constructed around claims to justice and reinforce justice claims. Group identities encourage a sense of sameness. This means that grey areas, in particular shared guilt and responsibility for the conflict and more importantly shared responsibility to pursue justice are pushed out. It is the constant claims to victimhood which involve the creation of immovable barriers between self and other which are preventing the possibility of further dialogue over justice claims, which set up and reinforce conceptions and practices of justice that are fundamentally adversarial and which offer no prospect of a genuinely just solution for all.

I have suggested that Volf's concept of embrace offers a way of thinking about identity which encourages the opposite of the current constructions of identity. It advocates an understanding of human identity as rightly formed in relations with others which seek to image the relations of the Trinity which as human beings we also participate in, our first relationship is with God. In this sense the metaphor of embrace involves belief. To get one's relationship with God 'right' one needs to recognise God as who he is and in doing so recognise one's own identity as created in his image. Whilst this is true, the idea of constructing identities along the lines of embrace can be seen as offering practical insight into the post-conflict Bosnian and Croatian situation where hard, exclusionary identities tend to prevail.

Certainly the basic insight of relationality can be offered as a way of seeing oneself and the other as inherently linked and the impact for justice highlighted. Whilst this may produce grudging cooperation, beyond this Volf's understanding of 'enlarged thinking' or 'double vision' may help (mentioned briefly in the previous chapter).³⁶⁹ Whilst this does not involve the whole movement of embrace, which in any case is only completed eschatologically, it is the first step. It is the attitude or character of embrace which seeks to hear from the other, which puts aside preconceptions. It moves towards the openness to the other which Volf wants and allows for the other to begin to shape and form the self. It draws on Arendt's and Benhabib's work, although Volf is critical of Benhabib's point that such thinking can then 'justify moral beliefs and give them validity.'

Benhabib's work is interesting however in the contrasts she draws between an attitude of 'enlarged thinking' and its consequences for justice. She suggests that "legalistic universalism" as found in Rawls for example, only allows for a "generalized other", a moral person endowed with rights, reason and a sense of justice, but no particularity.³⁷⁰ In contrast the approach of enlarged thinking deals with difference and particularity and allows difference into the heart of the pursuit of justice. This links strongly to Volf's rejection of Rawls' veil of ignorance and the possibility of objectivity noted in chapter one. His rejection of equalizing and abstracting justice, is the rejection of justice which asserts sameness and fails to respond to difference. Enlarged thinking then is a way of approaching justice which places difference and particularity at the heart of justice.

Nevertheless Volf's disagreement with Benhabib on the result of enlarged justice demonstrates that for Volf difference should not be allowed to rule alone. Benhabib's view might be read as allowing difference to define justice in itself, in that enlarged thinking, the bringing together of difference, results in morally valid claims.³⁷¹ Volf does not see the process of enlarged thinking, or communicating difference, as in itself leading to morally valid claims, enlarged

³⁶⁹ Volf, *Exclusion and Embrace*, 212f

³⁷⁰ Benhabib, *Situating the Self*, 9f.

³⁷¹ Benhabib, *Situating the Self*, 9ff.

thinking is only the first step. He writes that ‘Though “enlarged thinking” cannot serve to justify our notion of justice, it is essential for *enrichment and correction* both of our notion of justice and our perception of what is just and unjust.’³⁷² In this chapter I have suggested that the difference of identity is held together by the sameness of human beings seen as created by God and designed to image God. In the same way enlarged thinking which seeks to communicate difference in the pursuit of justice, is not the last word in defining what is just, but is about communicating particular and plural justice claims which can only ultimately be known as just in reference to the universal justice of God.

In part this idea of enlarged thinking is simply about moving beyond the “generalized other” with which many justice theories are concerned and endeavouring to recognise the other correctly and truthfully. In this way we can see enlarged thinking as a way of stepping over the hard boundaries of victim identity discussed earlier, and seeking out the other. In seeking to see the other truthfully as they are, in both their real difference, and their shared humanity, justice is pursued.

Conclusion

In this chapter I have tried to suggest that exclusionary or hard identities are a problem for the pursuit of justice. I have proposed embrace as an alternative way of constructing identity which seeks the mutual sharing of self and other. Embrace points towards a divine and eschatological reality which will not be enacted in the present. Moreover it may rely too heavily on recognition of the self before God to be of use in the post-conflict context of Bosnia and Croatia. Nevertheless to allow this notion of identity to shape attitudes towards the other, even in the most basic sense of an acknowledgement of inherent relations will work to further the pursuit of justice which can only exist between persons. Volf’s notion of enlarged thinking with its important modifications offers perhaps the first step towards embrace which can offer a meaningful practice of

³⁷² Volf, *Exclusion and Embrace*, 213.

communication of self and other to a non-Christian context. In pursuing right recognition of the other, the tendency to distort one's own and the other's identity which hinders justice might be minimised.

Chapter 3 - Trinity

Introduction

So far this thesis has identified problems of justice in the post-conflict Balkans and has suggested that seeking to improve justice processes alone will not provide a solution to post-conflict needs, nor to demands for a just outcome and peaceful future. I have suggested that a focus on justice processes, primarily through national and international courts, has a limited role in effecting justice. This is because these processes tend to emphasise justice as an antagonistic process (one against the other) and a sense of justice based upon discrete actions. I have argued that a new understanding of the purposes and end of justice is required in order to address the complexity of the post-conflict problems and to offer a more lasting solution. I have suggested justice needs to be understood in an enlarged sense which emphasises restoration between people and justice as a continuous process.

In the previous chapter on identity, drawing on Volf's theology, I suggested that the problems of justice are closely bound to problematic constructions of identity. Consequently to tackle the problems of justice we need to take account of these problems of identity. In the Balkans the disastrous (and failed) attempts to maintain and assert ethnic identities independent of each other demonstrates the need for a notion of identity which addresses both the need for self-identity and the reality of interdependence. In this thesis I have turned to Volf's understanding of human identity characterised by his metaphor of embrace. The sense of identity he proposes is inescapably relational (insisting on a mutual interdependence) yet allows for space for the individual, refusing to allow interdependence to fall into the subsumption of one person's identity into another's.

As has been noted, Volf's understanding of human identity comes from his prior understanding of the life of the triune God and his belief that human life should

(and must) reflect the life of the triune God within certain parameters.³⁷³ It is therefore important that having moved from justice to identity, we now turn to consider the source of human identity, the Trinity. In this chapter I will attempt to bind the ideas of justice and Trinity together. In particular, I will suggest that, if we follow Volf in seeing human identity as bound up with the life of the triune God and we propose that justice is relational and thus intrinsically linked to human identity, then it must follow that in the life of the triune God we will also find the roots of justice.

With this in mind, this chapter will address Volf's trinitarian theology in a fairly narrow sense. That is, I wish to engage Volf's trinitarian theology only in so far as it will contribute to my own attempt to construct an enlarged understanding of justice. The wider theoretical issues in the field of trinitarian theology will be left largely untouched. For example the problems of overemphasis on either immanence or economy which underpin many of the tensions in recent theology of the Trinity are not a concern in themselves.³⁷⁴ Similarly the problem of modalistic versus tritheistic tendencies is not a focus. The importance of these issues to recent debate is that they highlight the differences between the key figures in 20th Century theology. Firstly, Barth who is seen as stressing immanence and unity (some suggest modes) of the Trinity. Secondly, Moltmann who stresses God in the world (and the world in God - panentheism) and the difference of the three persons of the Trinity. As a theologian after Moltmann, these issues are in some ways pertinent to Volf.³⁷⁵ However, my limited scope, in not dealing fully with these wider areas of discussion, reflects both my own focus in this thesis which is about reengaging Volf's theology with a particular post-conflict context as well as reflecting Volf's own focus on doing

³⁷³ The possibilities and parameters for this interaction of human and divine life will be explored in section 1.6 in particular.

³⁷⁴ Paul Molnar highlights this in his *Divine Freedom and the Doctrine of the Immanent Trinity*, T&T Clark, Edinburgh, 2002.

³⁷⁵ To engage all of the issues surrounding Volf's trinitarian theology is a separate PhD in itself. See Kevin J. Bidwell's recently published thesis '*The Church as the Image of the Trinity*': A Critical Evaluation of Miroslav Volf's Model, Wipf and Stock, Eugene, Oregon, 2011.

theology 'that will facilitate culturally appropriate...social embodiments of the Gospel.'³⁷⁶

To this end I will begin by setting out Volf's theology of the Trinity in context. I will then move to address two key issues: knowledge of the Trinity, and the Trinity and analogy. These are central debates within Volf's own theology of the Trinity and are subject matters which must be addressed in order to be able to proceed with the project of grounding justice within the Trinity. These first two sections will do the groundwork in order that the third and fourth sections of the chapter can focus on the important task of returning the theology of the Trinity to the contextual question in hand, that is, addressing how Volf's theology of the Trinity relates to and might further illuminate the subject of justice. In these subsequent sections of the chapter I attempt to push Volf's theology of the Trinity further than Volf takes it in order to outline a theological (triune) foundation for an enlarged sense of justice.

Section 1: Volf and the Trinity in Context

I will begin by sketching the characteristics of Volf's theology of the Trinity before looking to set his work in the context of developments in Trinitarian theology. This contextualisation will start by looking at Volf's relationship with Barth's and Moltmann's theologies of the Trinity. Barth's significance is as the most influential theologian of the twentieth century who, in placing the Trinity at the centre of theology, began a new period of theology of the Trinity. In this role he had both a direct effect on Moltmann, largely as someone he reacted against, and an indirect influence on Volf through Moltmann. Moltmann's significance is as Volf's mentor and most important theological influence. Following this I will then locate Volf as loosely associated with a trend in Trinitarian theology at the turn of the century (1980s onwards) which sees itself as drawing on Eastern Trinitarian models. Finally I will look in more detail at the

³⁷⁶ Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity*, William B. Eerdmans, Grand Rapids, 1998, 5

key issues of Trinitarian theology in Volf's work, how and what we can know of and say of the Trinity and, most importantly for this project, what analogies we can draw between Triune and human life.

1.1 Volf's theology of the Trinity

It is not an overemphasis to say that the Trinity underpins Volf's theology in every sense. His work suggests there is no theological question which should not ultimately end with or be centred on the Trinity.³⁷⁷ This central role of the doctrine of the Trinity and the specific nature of his Trinitarian theology are profoundly influenced by wider theological movements in the decades before his key period of writing in the 1990s. He stands within a trend of that period (and since) to speak of the Trinity in a primarily social sense both in terms of the life of the Trinity and of the doctrine's implications for human sociality.³⁷⁸

That said, Volf's theology of the Trinity is strikingly lacking in detail (in *Exclusion and Embrace* in particular), and without a systematic approach. He does not aim for a 'technical' theology of the Trinity, by which I mean that - Volf does not begin with or spend a great deal of time dealing with problems of persons and substance, unity and difference, modalism and tritheism, immanence and economy. He does not spend time constructing his own theology of the Trinity from the ground up, that is, he does not begin by questioning the construction of the Trinity, the relationship of the three persons and the means of Trinitarian revelation. Instead he largely presumes an understanding of the Trinity similar to Moltmann's, only noting particular pitfalls he wishes to avoid and areas he wants to emphasise and extend in order that he might move towards the application of the doctrine. This is demonstrated in *After Our Likeness*. Here Volf's theology takes a perichoretic understanding of the Trinity starting with

³⁷⁷ Volf himself states that 'It is obvious but not trite to state that the triune God stands at the beginning and at the end of the Christian pilgrimage and, therefore, at the center of Christian faith.' Miroslav Volf 'Being as God is', 3.

³⁷⁸ See 1.2.

revelation.³⁷⁹ Yet Volf does not appear to distinguish between different perichoretic models himself, instead drawing on others' work, in this case G.L. Prestige's *God in Patristic Thought* and on the work of Moltmann. His approach leaves much of the more detailed discussion of the Trinity behind, engaging with this type of Trinitarian discourse only so far as it is necessary in order to find firm theological roots for a response to an issue of praxis.

Volf's approach reflects a wider trend away from a 'technical' type of dialogue associated with Augustinian tradition and the concerns of the Church Fathers towards an emphasis on understanding the Trinity within social contexts.³⁸⁰ However, it is also particular to Volf's work because of his great reliance on Moltmann's more complete work on the Trinity.³⁸¹ It is a matter of debate whether Moltmann himself is a systematic theologian. His creative approach to theology marks him out from the more precise approach which systematicians tend towards.³⁸² Moltmann himself is wary of seeing his theology as a 'system' in the sense that he makes no claims to completeness or to the complete harmony of his work, although he does seek to take a 'systematic approach in some of his work'.³⁸³ His theology is also orientated towards praxis, nevertheless he does develop the doctrine of the Trinity in its own right rather than solely in response to a specific contextual issue as Volf does.³⁸⁴ Volf simply does not need to do as much ground work since he is working as a theologian "after Moltmann"... continuing to press further in the same direction he was moving'.³⁸⁵ Even in this approach Volf is 'following Moltmann' since Moltmann himself sees his work as part of an ongoing future dialogue.³⁸⁶ In particular, for Volf the revelation of the Trinity in Christ's death and thus the Trinity as framing the parameters of theological thought is assumed. The

³⁷⁹ Volf, *After Our Likeness*, 208ff.

³⁸⁰ See 1.2.

³⁸¹ See 1.2 for more on the eastern/social Trinity influence on contemporary Trinitarian theology.

³⁸² Timothy Harvie, *Jürgen Moltmann's Ethics of Hope: Eschatological Possibilities for Moral Action*, Ashgate Publishing Ltd., Surrey, 2009, 5.

³⁸³ Jürgen Moltmann, *The Trinity and the Kingdom of God*.

³⁸⁴ Richard Bauckham, *The Theology of Jürgen Moltmann*, 6f and 15.

³⁸⁵ Miroslav Volf, 'After Moltmann', 234 This comment is made in regard to eschatology. Volf advocates that all future eschatology should be 'after Moltmann' in this sense. The comment is equally well applied to Volf's whole body of theology however and is reinforced by specific comments made elsewhere in his own work (see next note).

³⁸⁶ Richard Bauckham, *The Theology of Jürgen Moltmann*, 7.

eschatological focus of Volf's work is also derived from Moltmann and is essentially an extension of the focus on the Trinity, since eschatological life is the human participation in the triune life.³⁸⁷ Volf's theology is often a self-acknowledged extension of Moltmann's, with little explicit rejection or amendment — the latter serving as a foundation for Volf's own work.³⁸⁸

Volf's most detailed writing on the Trinity, *After Our Likeness*, is about the Trinity as a source of ecclesiology, not a treatment of the Trinity for its own sake. In this text Volf works towards a Free Church ecclesiology through engagement with Catholic and Orthodox Trinitarian theology represented respectively by Josef Ratzinger and John Zizioulas. He argues that it is incorrect to project an understanding of hierarchy in order to legitimise a hierarchical church structure. (Volf, however, is also susceptible to the same criticism of projection, an issue to which we will return.) Instead Volf argues for the Trinity understood as an equal perichoretic relationship and proposes the idea of 'catholicity of persons', that is the openness of an individual to other individuals, seeing the other as in some way a part of the self, as the best way to image the Triune relationship in an ecclesial setting.³⁸⁹ It is the same understanding of identity as that found in the metaphor of embrace but is expressed in different language for a different context. Despite the strong Trinitarian themes, Volf is always clearly focused towards his end goal of a corrective ecclesiology, that is, an ecclesiology which counters Protestant 'tendencies towards individualism' without capitulating to Catholic and Orthodox understandings of community and authoritarianism. To do this Volf stresses both the need for 'a dual emphasis...on community and on persons, on belonging and on choice.'³⁹⁰ The importance of equality both within the Trinity and, in consequence, also in human life comes through strongly.

³⁸⁷ Volf, 'The Final Reconciliation: Reflections on a Social Dimension of the Eschatological Transition' 106.

³⁸⁸ For example Volf writes that a central aim of *Exclusion and Embrace* is to 'pick up and develop the theme of divine self-donation for the enemies and their reception into the eternal communion of God' an idea initially brought forward in Moltmann's *Spirit of Life*. Miroslav Volf, *Exclusion and Embrace*, 23.

³⁸⁹ Miroslav Volf, *After Our Likeness*, 278ff.

³⁹⁰ Miroslav Volf, *After Our Likeness*, 2-3.

This sense of personhood existing within community is a slightly different emphasis on the sense of identity built upon the triune God found in *Exclusion and Embrace*. In this later text, whilst the theology is the same, the idea of embrace appears to begin with the individual and move towards community, rather than beginning with community and moving towards the individual as in *After Our Likeness*. This is most likely due to the subject at hand. *Exclusion and Embrace* begins with the context of fractured relationships (and therefore the individual alone) and seeks to demonstrate that individuals must and can exist within community. *After Our Likeness* begins with the Church community and seeks to emphasise that that community is made up of multiple individuals, and their relationships.

In *Exclusion and Embrace* Volf grounds his work in the Trinity in order to propose the practice of embrace as a response to conflict and exclusion. Yet to an even greater extent in this text, whilst the Trinity is the cornerstone of his approach, it is not dealt with in great detail.³⁹¹ Oddly, much of what he does devote to the Trinity is caught up with issues of gender identity and the role of the Trinity in that discussion. This slight diversion in the text demonstrates Volf's emphasis on equality within the Trinity. He accuses those who do not have such concerns of projection of hierarchy onto the Trinity, but it is equally an accusation which could be levelled at Volf in terms of his own concerns for equality.³⁹² His concern for social equality appears influential in his understanding of the Trinity.

1.2 Volf, Moltmann and Barth

Volf's Trinity-centred approach is part of a wider movement towards a focus on the doctrine of the Trinity in the twentieth century, starting with Barth but reaching a peak during the last three decades in particular (with Moltmann,

³⁹¹ Volf, *Exclusion and Embrace*, 176-181 is the only section devoted solely to the subject of the Trinity.

³⁹² Volf accuses Karl Barth and John Zizioulas of projection. In both cases the critique is linked to equality issues. See Volf, *Exclusion and Embrace*, 171 and Volf, *After Our Likeness*, 79.

Gunton, LaCugna etc.). This revival of the doctrine and its development through the twentieth century arguably has its first roots in the work of Schleiermacher and Hegel.³⁹³

Volf himself has no interaction with Schleiermacher other than to note his views on ecclesiology in *After Our Likeness*.³⁹⁴ However, he clearly stands within a theological lineage for whom Schleiermacher had been influential. Schleiermacher emphasised the need to think theologically of God in terms of experience and God's relationship with the world (stressing what came to be called the economic Trinity) rather than primarily in rational or dogmatic terms (or, for that matter, solely immanently).³⁹⁵ Whilst Schleiermacher saw the Trinity as the conclusion rather than the centre of theology, the 'revolution in theology' which his approach signalled would pave the way for a doctrine of the Trinity founded in God's revelation of himself to the world (centred on Christ's death) which has been a central point of the development of the doctrine in the twentieth century.³⁹⁶ The understanding of the Trinity, not as an additional convenient theory to explain God's persons, but as fundamental in understanding God's self-revelation perhaps sees its ultimate expression in the 'social Trinitarians', defined (broadly) by Volf as those who 'root the doctrine of the Trinity in the history of the mutual engagement of the persons of the Trinity in the economy of salvation' and who think in 'Trinitarian terms [because of] the specific character of each actor in the drama of divine self-revelation and the nature of their relations.'³⁹⁷ Interestingly Volf uses this definition to exclude Barth and his emphasis on knowledge of God through the *logic* of revelation, but suggests both Gregory of Nyssa and Augustine might be understood as fitting within this 'social Trinitarian' grouping.³⁹⁸

³⁹³ Stanley J. Grenz, *Rediscovering the Triune God*, Fortress Press, Minneapolis, 2004. 17-32.

³⁹⁴ Volf, *After Our Likeness*, 159-160.

³⁹⁵ Gerhard Spiegler, *The Eternal Covenant: Schleiermacher's Experiment in Cultural Theology*, Harper and Row, New York, 1967, 180.

³⁹⁶ Stanley J. Grenz, *Rediscovering the Triune God: The Trinity in Contemporary Theology*, 22-24.

³⁹⁷ Volf, 'Being as God Is', 7.

³⁹⁸ Volf, 'Being as God Is', 7.

Barth, as arguably the most notable German theologian since Schleiermacher, interacts with him in a way that Moltmann does not (for Moltmann the notable figure to react against or move on from is Barth himself). Barth's chief complaint against Schleiermacher is that he is simply speaking of human beings in a loud voice and calling it God.³⁹⁹ That is, Schleiermacher is relying too greatly on human experience and drawing analogies from that to determine who God is. It is a similar accusation to Volf's criticism of Barth – that of projecting onto God. That such a criticism keeps appearing in theologies of the Trinity indicates that projection and the issue of the knowability and unknowability of God is a constant weakness for any theological proposition founded on the Trinity. Barth also reacts against Schleiermacher's theology as having little or no space for the immanent Trinity (God as God apart from the world) which becomes absolutely central to Barth's doctrine of the Trinity and his emphasis on God's freedom and Lordship.⁴⁰⁰ Similarly Moltmann critiques Barth for his prioritisation of immanence and freedom over love and the Trinity's entwinement with creation.⁴⁰¹ It is interesting with this history of reaction against the perceived (over)emphasis of each previous generation that Volf follows Moltmann relatively closely and underplays differences such as the level of emphasis on God's reliance on the world which in Moltmann's work verges on panentheism.⁴⁰²

Moltmann notes that Schleiermacher saw the need, or at least strong possibility for a renewal of the doctrine of the Trinity which would transform the doctrine from the beginning.⁴⁰³ Moltmann sees himself as undertaking this project, noting that 'we cannot say of God who he is of himself and in himself; we can only say who he is for us in the history of Christ which reaches us in our history.'⁴⁰⁴ Moltmann takes Schleiermacher's challenge and sees himself as going back to the beginning, the cross of Christ, and working out his understanding of God as

³⁹⁹Karl Barth, *The Word of God and the Word of Man*, quoted in Louis Berkhof, *Systematic Theology*, William B Eerdmann, Grand Rapids, 1996, 105

⁴⁰⁰ Karl Barth, *Church Dogmatics 1/1*, T&T Clark, Edinburgh, 1994, 307

⁴⁰¹ Moltmann, *The Trinity and the Kingdom*, 52f

⁴⁰² 'In this sense God 'needs' man' Moltmann, *The Trinity and the Kingdom*, 58

⁴⁰³ Moltmann, *The Crucified God*, 238 (drawing on Schleiermacher's *The Christian Faith*).

⁴⁰⁴ Moltmann, *The Crucified God*, 238.

triune, and the nature of that trinity from there.⁴⁰⁵ In his approach Moltmann follows Rahner's premise that the economic Trinity is the immanent Trinity – an idea which arguably has roots in Schleiermacher's understanding of the eternal God as inseparable from God's work of redemption.⁴⁰⁶ In this sense we might align Moltmann more closely with Schleiermacher's broad themes than with Barth. In following on from Moltmann and maintaining this cross centred, salvation history approach to the Trinity, Volf too then stands in the wake of Schleiermacher.

The reaction of Barth to Schleiermacher, in rejecting close analogies between human and divine and choosing to focus on the immanent God, and Moltmann's countermove in focusing on the economic Trinity and human experience of God, certainly influences the issue of analogy in Volf's own work, a key consideration for my proposal that the Trinity as understood by Volf can be the foundation of our understanding of justice.

It is widely noted that Moltmann has a significant relationship with Hegel and therefore some of this influence filters through to Volf's work. There is clear and direct influence from Hegel in Volf's presentation of the practice or 'drama' of embrace which is set out in dialogue (mostly disagreement) with Hegel's master-slave dialectic (see chapter 2).⁴⁰⁷ Hegel's philosophy of reality and thought found an ultimate expression in the Trinity.⁴⁰⁸ For him the internal dynamic of the Trinity was that in which 'God makes himself an object for himself, then in this object, God remains the undivided essence within this differentiation of himself within himself, and in the differentiation of himself loves himself, i.e., remains identical with himself – this is God as Spirit.'⁴⁰⁹ This sense of internal relations of difference and unity bound by love can be seen to be influential on the later developments of the doctrine, even though they are not uncritically taken on.⁴¹⁰ In particular, Moltmann notes that Hegel's view of Trinity as absolute subject makes internal relations inherent to the Trinity, even though

⁴⁰⁵ Moltmann, *The Crucified God*, 241.

⁴⁰⁶ Moltmann, *The Crucified God*, 240 and Stanley J Grenz, *Rediscovering the Triune God*, 23.

⁴⁰⁷ Volf, *Exclusion and Embrace*, 140-144.

⁴⁰⁸ Stanley J. Grenz, *Rediscovering the Triune God: The Trinity in Contemporary Theology*, 27.

⁴⁰⁹ Hegel, *Lectures on the Philosophy of Religion Vol. 1*, University of California Press, Berkley, 1984, 126-127.

⁴¹⁰ Moltmann notes that the Trinity as 'subject' is ultimately not that fruitful and Barth.

he concludes that the subject model is insufficient.⁴¹¹ Hegel's relation of logic or reason to reality and history is also influential most particularly for Moltmann. Moltmann's ability to talk of the suffering of the triune God in the crucifixion of Christ owes an explicit debt to Hegel's belief that the trinity of God is necessarily expressed in the world, in history.⁴¹²

Whilst Hegel and Moltmann are often linked, Barth also interacts with Hegel although primarily critically.⁴¹³ Stanley Grenz notes that Barth's understanding of God's knowledge of God's self and of 'God's self knowledge as a Trinitarian event' which human beings are both observers of and secondary participants in appears to have origins in Hegel.⁴¹⁴ Pannenberg sees in Barth too great a reliance on Hegel's notion of God's subjectivity such that not enough space is left for plural persons.⁴¹⁵ Bruce McCormack highlights Barth's critical approach to Hegel and key points of difference. Where Hegel believed God acts necessarily, Barth stressed God's freedom and grace. In addition, whilst for Hegel God 'becomes' himself in the world, for Barth God is perfect in his immanent self without the world.⁴¹⁶ These are key distinctions which interestingly mirror important divisions between Moltmann and Barth, with Moltmann's theology appearing to align more with Hegel than with Barth. Hegel's influence on key players in twentieth century Trinitarian theology means there are inevitably Hegelian influences in Volf's work although almost entirely indirectly and primarily mediated through Moltmann. Hegel gets one extremely brief mention in *After Our Likeness* and only a little more attention in *Exclusion and Embrace* in the context of human identity and relations.⁴¹⁷

⁴¹¹ Moltmann, *The Trinity and the Kingdom of God*, 17.

⁴¹² See Moltmann, *The Crucified God*, 254, Stanley Grenz, *Rediscovering the Triune God*, 29 and Richard Bauckham, *The Theology of Jürgen Moltmann*, 154.

⁴¹³ Bruce McCormack, 'Grace and Being: The role of God's gracious election in Karl Barth's theological ontology', in ed. John Webster, *The Cambridge Companion to Karl Barth*, Cambridge University Press, Cambridge, 2000, 99.

⁴¹⁴ Stanley J Grenz, *Rediscovering the Triune God*, 49-50

⁴¹⁵ Stanley J Grenz, *Rediscovering the Triune God*, 52 drawing on Pannenberg's *Systematic Theology*.

⁴¹⁶ Bruce McCormack, 'Grace and Being: The role of God's gracious election in Karl Barth's theological ontology', 99-100.

⁴¹⁷ Volf, *After Our Likeness*, 216 and Volf, *Exclusion and Embrace*, 143-144.

Despite the importance of Schleiermacher and Hegel it was not until Karl Barth that the doctrine of the Trinity came to the front and centre of theological discussion. It is Barth who is seen as the main force in the renewal of the doctrine of the Trinity in the twentieth century.⁴¹⁸ The return to the doctrine was characterised by a movement towards understanding God's actions as defined by and inextricably linked to God's triune nature. The Trinity was no longer a discrete doctrine. Instead Barth understood the triune God as the ultimate reality. 'God is not "simply another object" to be interpreted or described by the human subject, but the most concrete Reality in light of which every facet of our understanding requires to be reconceived.'⁴¹⁹ Whilst this 'renaissance' of the doctrine of the Trinity was understood in a variety of ways, Kärkkäinen notes the common ground found in the wake of Barth (and Rahner), as signified in the fact that 'both Moltmann and Pannenberg s[ought] to ground the Trinity in revelation and salvation history rather than in abstract speculation.'⁴²⁰

1.2a Moltmann's and Volf's engagement with Barth

It is important to note this sense of continuity of emphasis on the Trinity as the centrepiece of theology and the key role of revelation in human knowledge of the Trinity for Barth, Moltmann and Volf. However, Moltmann and Volf do not tend to draw positively on Barth's work. Instead they highlight the problems of his Trinitarian thought and their own responses to these problems. Moltmann references Barth a great deal. In *The Crucified God* he calls Barth's work 'not sufficiently trinitarian.'⁴²¹ Moltmann argues that Barth fails to interpret Christ's crucifixion as a fundamentally triune event and by relying on a simple notion of 'God in Christ', fails to draw out the different roles of each person in the drama as Moltmann goes on to do. Similarly, Moltmann critiques Barth's prioritisation

⁴¹⁸ 'Karl Barth is the prime mover of the twentieth century renaissance of trinitarian thought...by linking Trinity inextricably with revelation Barth helped revive the dogma neglected for several hundred years and especially in the previous century.' Roger E. Olson and Christopher Alan Hall, *The Trinity*, Wm. B. Eerdmans Publishing Co., Grand Rapids, 2002, 140.

⁴¹⁹ Alan Torrance, 'The Trinity' in ed. John Webster, *The Cambridge Companion to Karl Barth*, Cambridge University Press, Cambridge, 2000, 72.

⁴²⁰ Veli-Matti Kärkkäinen, 'The trinitarian doctrines of Jürgen Moltmann and Wolfhart Pannenberg in the context of contemporary discussion' in ed. Peter C. Phan, *The Cambridge Companion to the Trinity*, Cambridge University Press, Cambridge, 2011, 223.

⁴²¹ Jürgen Moltmann, *The Crucified God*, 203.

of the freedom of God at the expense of making God's love intrinsic to God's self.⁴²² This is a key criticism since for Barth God is 'the one who loves in freedom'.⁴²³ Moltmann instead suggests that the love of God for the world cannot be chosen but is a fundamental part of the triune life.⁴²⁴

Volf references Barth infrequently but where he does so he also focuses on areas of difference. This attitude underlines the importance of Volf's understanding of the Trinity as made up of distinct characters at work in the world and fundamentally open to creation. It is hard to imagine the notion of embrace emerging from Barthian theology since at its heart is an understanding of the Trinity opened up to the world, inviting creation in.

Volf critiques Barth on two points. Firstly, he rejects Barth's notion of divine self-revelation in a sweeping statement. 'Along with most social Trinitarians, I think that we should not root the doctrine of the Trinity in the character of divine self-revelation [Barth] or self-communication [Rahner] – a move which owes too much to the metaphysics of subjectivity – but in the history of the mutual engagement of the *persons* of the Trinity in the economy of salvation.'⁴²⁵ There is no further explanation of this dismissal. The implication is that others, namely Moltmann, have done this work so Volf does not need to bother. Even so, Volf's comment is not entirely self-explanatory.

My proposed interpretation of this statement is that Volf is concerned that Barth's notion of self-revelation makes the Trinity dependent on (human) perception. In this case it is entirely possible that the Trinity does not really exist or that the Trinity only exists in an economic sense, in God's interactions with the world or for the purpose of revelation.⁴²⁶ The implication of this is that the triune nature of God is not integral to Barth's notion of God since triunity has no role in the immanent Trinity, God apart from the world or God in God's self. This would fit with Moltmann's critique that Barth's emphasis on Lordship and freedom mean Barth stresses God's unity and distance at the expense of an

⁴²² Jürgen Moltmann, *The Trinity and the Kingdom of God*, 53.

⁴²³ see Church Dogmatics II/ii c. p116.

⁴²⁴ We return to this point of difference below.

⁴²⁵ Volf, 'Being as God Is', 6.

⁴²⁶ This last criticism is highlighted by Alan Torrance in 'The Trinity', 77.

interpersonal triune God. If my reading of Volf's brief comments is correct he is standing with Moltmann in stating that Barth's theology is simply insufficiently trinitarian.⁴²⁷ Perhaps for this reason Barth is a little used source.

Having so roundly dismissed Barth's theology of the Trinity, Volf's second critique seems less significant. This is that Barth wrongly projects human conceptions and experience onto the Trinity. Referencing Barth's comments on Fatherhood and Sonship Volf notes that Barth's 'analogy goes from above – from God to human beings – but only after Barth has projected a patriarchal construction of masculinity onto God and tacitly declared it was there already from the beginning!' ⁴²⁸ For Volf this undermines Barth's own thesis that God is not known through 'analogy from below', a point with which Volf agrees.

The differences which Volf's criticisms highlight are hugely important, and will be discussed further throughout the chapter. Yet they signify in themselves the formative influence of Barth upon both theologians since pivotal points in their Trinitarian theology are formed around disagreements with Barth's theology. For Moltmann the sense of God's freedom as set out by Barth left the Trinity a still distant concept and failed to realise the full potential for the persons of the Trinity to be understood as bound to creation and as acting and relating as different persons within God's engagement with the world.

Volf's critique of Barth's notion of revelation appears to rely on Moltmann's work. Yet the question of projection onto the Trinity of how triune and human life might intersect is a central one in Volf's theology of the Trinity. Against these differences lies the fact that both men, along with many other 20th century theologians, follow in Barth's wake in considering the Trinity as the centre point of theology.⁴²⁹ Their need to differentiate themselves on particular issues is perhaps best understood within this context.

⁴²⁷ Moltmann, *The Crucified God*, 203.

⁴²⁸ Miroslav Volf, *Exclusion and Embrace*, 171.

⁴²⁹ Stanley J Grenz offers a sketch of the progress of the 20th Century return to Trinitarian theology which convincingly places Barth at the beginning. See Stanley J Grenz, *Rediscovering the Triune God*.

Moltmann's influence on Volf

Whilst the Trinitarian nature of Volf's work can be seen as influenced by Barth in the sense of him being both the originator of the 20th Century move towards theology centred on the Trinity and as a direct influence on Moltmann, the particular social model of the Trinity in Volf's work comes from Moltmann himself. It is Moltmann who does the foundational work for Volf's theology, moving away from the types of discussions which had dominated Western theology of the Trinity (within which we might include Barth) in favour of the Eastern understanding of the Trinity as fundamentally social or communal.

Moltmann's doctrine of God begins with a quite radical alignment of God in the world and God with the world. Where Barth is critiqued for dualism between God and creation, Moltmann's understanding of history as reality, influenced by Hegel, led him to an understanding of God drawing the world into his triune self.⁴³⁰ Moltmann abandons the clear distinctions of immanent and economic trinities since the world is in God.⁴³¹ The distinctions play no role in light of the crucifixion, he argues, which is not merely an economic event, but an event within the internal life of the Trinity.⁴³² God does not act unitarily towards the world but in triunity and God is affected by his interaction with the world. This is a rejection of Augustinian tradition which, though it stresses the three persons in the interior life of God, sees God's external actions as unitary.⁴³³ This contradicts criticism of Barth discussed above which is that Barth has room for triunity in revelation but not in the immanent Trinity. Alan Torrance argues against this type of charge however insisting that for Barth the triune revelation reflects only that which God is in himself prior to revelation - triune.⁴³⁴ In refusing to separate out God in God's self and God in the world, Moltmann sidesteps both of these potential problems but leaves himself open to the

⁴³⁰ Laurence W. Wood, *Theology as History and Hermeneutics: A Post-Critical Conversation with Contemporary Theology*, Emeth Press, Lexington 2005, 219.

⁴³¹ Richard Bauckham, *The Theology of Jürgen Moltmann*, 16 and Jürgen Moltmann, *The Trinity and the Kingdom*, 158f.

⁴³² Jürgen Moltmann, *The Trinity and the Kingdom*, 160.

⁴³³ Jürgen Moltmann, *The Trinity and the Kingdom*, 191.

⁴³⁴ Torrance, 'The Trinity', 82.

charge of panentheism.⁴³⁵ This is a charge which Volf makes some effort to avoid.⁴³⁶

This lack of separation between God in the world and God outside of the world contrasts sharply with Barth's theology which prioritised God's absolute freedom. Barth states that God 'could have remained satisfied with Himself and with the impassible glory and blessedness of His own inner life. But he did not do so. He elected man as a covenant-partner.'⁴³⁷ Barth's notion of freedom, albeit coupled with love as 'the one who loves in freedom', has an implied sense of separation.⁴³⁸ For Moltmann God's love is prioritised and forms God's freedom since 'God's freedom can never contradict the truth that God is.'⁴³⁹ It is perhaps interesting to note, in terms of the subject of justice, that Moltmann rejects what he calls a formalistic legal notion of freedom for the Trinity in favour of a relational notion of freedom here.⁴⁴⁰ If Barth's can be characterised as God loving in freedom then Moltmann's is about God's freedom in love.

The prioritisation of love allows Moltmann to talk of human beings experiencing the Trinity in a way that Barth, arguably, cannot. Moltmann rejects power and Lordship as key elements of the Trinity since they impose from above to below. Instead he stresses the potential for God as love to be 'experienced within the community of brothers and sisters through mutual acceptance and participation.'⁴⁴¹ This emphasis on experience is important in Moltmann. It paves the way for a practical or analogous type of theology drawn from the Trinity. Ultimately it paves the way for Volf to use the language and metaphor of embrace.

There are key distinctions between Volf's work and Moltmann's. In terms of the Trinity these mainly involve Volf's attempts to place a little more distance between the Trinity and creation, perhaps to avoid the accusations of

⁴³⁵ Moltmann, *The Trinity and the Kingdom*.

⁴³⁶ Volf, 'Being as God Is', 4f

⁴³⁷ Karl Barth, *Church Dogmatics II/2*, 166 quoted in Jürgen Moltmann, *The Trinity and the Kingdom*, 52.

⁴³⁸ Karl Barth, *Church Dogmatics II/2* n28 in Jürgen Moltmann, *The Trinity and the Kingdom of God*, 55.

⁴³⁹ Moltmann, *The Trinity and the Kingdom of God*, 53.

⁴⁴⁰ Moltmann, *The Trinity and the Kingdom of God*, 54.

⁴⁴¹ Moltmann, *The Trinity and the Kingdom of God*, 158.

panentheism levelled at Moltmann. He therefore rejects Moltmann's agreement with Rahner's understanding of the immanent and the economic trinity.⁴⁴² Volf instead follows Congar in stating that the economic Trinity is identical with the immanent Trinity but that 'there is always a surplus in the immanent Trinity that the economic Trinity does not express.'⁴⁴³

1.3 Volf in a Contemporary Context

Writing his key texts in the 1990s, Volf stands within a particular period of popularity for the social Trinity model. This reflects postmodern concerns with 'complex relationality' and difference over universality – or, in this case, unity.⁴⁴⁴ It is also a period which can be seen as reacting against, or rejecting, the (at the time) still dominant view of the Trinity which had seen the issue of three persons in one as a problem to be solved. Karen Kilby rightly points out the tiresome predictability of post 1970s theologians decrying the way in which 'the Trinity has come to be regarded as an obscure and complex theological technicality, a piece of celestial mathematics with little relevance to the life of the ordinary Christian.'⁴⁴⁵ This point has been (or at least was) reiterated to the point of becoming a universally acknowledged truth.

This perspective involved a rejection of Augustine's apparent prioritisation of oneness (unity of God) over three persons (plurality of God). This Western approach to the doctrine is seen as making the concept of the Trinity inherently problematic, a logic puzzle needing to be solved. In contrast a social model of the Trinity derived ultimately from the Cappadocians (but more directly from Moltmann, or Zizioulas) emphasising three persons in unity through perichoresis (divine self-giving) was seen to avoid the logic problem of the Trinity and make the Trinity a much more accessible and applicable doctrine.

⁴⁴² Moltmann, *The Trinity and the Kingdom of God*, 160.

⁴⁴³ Miroslav Volf, "The Trinity Is Our Social Program", 407.

⁴⁴⁴ David S. Cunningham notes these amongst a broad sweep of postmodern themes in Trinitarian theology in 'The Trinity', ed. Kevin J. Vanhoozer, *Postmodern Theology*, 186-201.

⁴⁴⁵ Karen Kilby, 'Perichoresis and Projection: Problems with Social Doctrines of the Trinity', *New Blackfriars* 81 (956), October 2000, 432.

This widely accepted division of the theology of the Trinity into Western and Eastern models does not go uncontested. Historical theologians such as Michel René Barnes write scathingly against this type of dichotomous reading of Augustine and the Cappadocians. He argues that Catherine LaCugna, a key figure of 1990s Trinitarian theology, and others draw more on a late nineteenth century characterisation of the division between Greek and Latin doctrines of the Trinity by Théodore de Régnon than on nuanced readings of the original texts.⁴⁴⁶ Whatever the case, it stands that the interpretation of Augustine and the Cappadocians as divided in this way has been influential in the late twentieth century and tends to underpin social readings of the Trinity including Moltmann's.⁴⁴⁷

Volf has very little to say on the early Trinitarian work of Augustine and the Cappadocians themselves. Where he does enter into the debate is through his choice of Joseph Ratzinger and John Zizioulas as dialogue partners in his ecclesiological theology based on the Trinity, *After Our Likeness*. He assimilates his critique of Joseph Ratzinger's understanding of triune persons as 'pure relationality' with LaCugna's critique of Augustine that unless there is sufficient room for the 'I' of the persons of the Trinity then 'the three persons of the Trinity are superfluous in the economy of salvation, and "the Triune God's relationship to us is...unitary"⁴⁴⁸. In this he seems to locate himself in the contemporary context as standing with the dominant critiques of Augustine as expressed by LaCugna. However, Volf also briefly critiques the clear cut division of Eastern and Western thought as 'unproductive' and 'inadequate' in that taking only one model forward fails to take account of the elements of truth in the opposing account.⁴⁴⁹ He also notes that his own social Trinitarian position

⁴⁴⁶ Michel René Barnes, 'Augustine in Contemporary Trinitarian Theology', *Theological Studies* 56, 1995, 238ff.

⁴⁴⁷ Moltmann, *The Trinity and the Kingdom of God*, 16f.

⁴⁴⁸ Volf, *After Our Likeness*, 205.

⁴⁴⁹ Volf, 'Being as God Is' 5.

is so broad that it might arguably include both Gregory of Nyssa and Augustine within it.⁴⁵⁰

Whilst these references suggest Volf has an acute awareness of the contemporary debates, he mentions those writing on the Trinity in the late 1980s and early 1990s such as LaCugna, Sallie McFague and Leonardo Boff fleetingly, primarily in footnotes, and does not enter into detailed engagement with current debates.⁴⁵¹ Instead Volf's choice of dialogue partners are in this case figures he sees as having weight and standing who draw extensively on their respective traditions and provide ecumenical perspectives.⁴⁵² In turning to Ratzinger and Zizioulas he is also addressing his contemporaries' failure to engage positively with Western Trinitarian models.

Despite this engagement, Volf rejects the Augustinian or Western Trinitarian heritage in stating that 'Ratzinger locates the unity of the triune God not at the level of persons, but rather together with the whole of Western Trinitarian thought at the level of substance. The result, however, is that the one substance gains the upper hand over the three relations.'⁴⁵³ Whilst Ratzinger puts a little distance between himself and Augustine's more extreme emphasis on God's unity, Volf sees him as falling into the same trap.⁴⁵⁴ Volf argues that Ratzinger's understanding of the persons of the Trinity as pure relations still leaves the Trinity acting externally as 'one undifferentiated divine being...one "person"'.⁴⁵⁵ Volf notes that the implications of Augustine's theology are problematic in the same way. Nevertheless Volf engages extensively with Ratzinger (and thus with contemporary expressions of 'the Western model') finding his emphasis of relationality over substantiality within the Trinity useful despite rejecting the overarching emphasis on unity.⁴⁵⁶ In this interaction Volf is affirming that the Western model is not as redundant as might be claimed. Regardless of the fact

⁴⁵⁰ Volf, 'Being as God Is', 6.

⁴⁵¹ Volf, *After Our Likeness*.

⁴⁵² Volf, *After Our Likeness*, 23.

⁴⁵³ Volf, *After Our Likeness*, 70.

⁴⁵⁴ Volf, *After Our Likeness*, 71.

⁴⁵⁵ Volf, *After Our Likeness*, 214.

⁴⁵⁶ Volf, *Exclusion and Embrace*, 178. Ratzinger is critical of Augustine on some points however, so it is unclear whether Volf would have found direct interaction with Augustine as fruitful as his dialogue with Ratzinger. See Volf, *After Our Likeness*, 29 & 71.

that Volf rejects Ratzinger's conclusions, Ratzinger's ability to find a coherent model of ecclesial relations grounded in a triune model with roots in the Western Church fathers perhaps contests the claims that the stress on unity over persons makes the Trinity an irrelevant logic puzzle.

The contemporary connection of social models of the Trinity with eastern Trinitarian theology might make Zizioulas appear a more natural dialogue partner for Volf. Certainly the idea that 'God's being coincides with God's personhood' agrees with Volf's own theology, but the hierarchical and asymmetrical relations of the persons which Zizioulas sees as necessary is rejected by Volf.⁴⁵⁷ It is hard not to see the disagreement in terms of projection and each theologian's desired ecclesiological outcome. Volf certainly presumes this of Zizioulas stating that he is 'projecting the hierarchical grounding of unity into the doctrine of the Trinity from the perspective of a particular ecclesiology.'⁴⁵⁸ This problem of projection is a key problem in Trinitarian theology and is of particular importance in taking Volf's theology forward as discussed in section 2.1 of this chapter.

The primacy of persons in Zizioulas' theology does give more space than Ratzinger to an understanding of distinct personhood within the Trinity and therefore greater scope to the possibility of developing an understanding of human personhood grounded in the Trinity. Yet Volf sees much of this work undone by the insistence on hierarchy which in translation to human personhood promotes the communal above the individual to a degree which Volf sees as problematic. Nevertheless it is clear that Volf is in broad terms closer to this Eastern model than to the Western. Ratzinger does not go far enough in distinguishing persons or relations from the unity of God. Zizioulas does leave sufficient space for persons but ruins it for Volf in suggesting their asymmetrical, unequal nature. Volf therefore ultimately rejects both Ratzinger and Zizioulas on similar grounds: neither leaves sufficient space for equality of difference and unity. For Volf Moltmann remains 'the most notable

⁴⁵⁷ Volf, *After Our Likeness*, 78.

⁴⁵⁸ Volf, *After Our Likeness*, 79.

representative of Trinitarian thinking, which both refuses to dissolve persons into relations and seeks to affirm their equality.⁴⁵⁹

Volf's interactions with his contemporaries demonstrate the unrivalled importance of Moltmann to his theology of the Trinity.⁴⁶⁰ They also demonstrate a strong push towards understanding the doctrine's implications for areas of human life and practice rather than entering into extensive debate about the doctrine in its own right. This approach makes Volf's Trinitarian theology appear accessible and dynamic, firmly avoiding the problem of seeing the Trinity as a "logic puzzle". However, Volf's efforts to emphasise the equal measures of both personhood and unity, difference and equality within the Trinity are potentially problematic. His treatment of the doctrine always has in mind its implications for human life to such an extent that it is difficult to be certain that his understanding of the Trinity is not formed partly in order to understand human identity in these same terms, and thus present his treatment of other issues which rely on these triune analogies as 'grounded' in the Trinity. It is to these problems of projection and analogies that we now turn.

Section 2: Key Issues in approaching the Trinity

Volf's interests do not lie in seeking to understand what the Trinity is or how the Trinity works for its own sake but in what the Triune God has to say to a particular context of human life and experience. The key issues in addressing his theology are therefore firstly the question of the knowability of God (including the particular problem of projection onto God) and secondly, the possibility of drawing analogies to human life from what we do know of God.

The first of these questions is given scant attention by Volf whilst the second is more considered. These issues, particularly of analogies - the possibility, type and extent of analogies between the triune God and human beings - is also crucial to pushing forward with an understanding of the how the Trinity might

⁴⁵⁹ Volf, *Exclusion and Embrace*, 179.

⁴⁶⁰ Volf, *After Our Likeness*, 198.

impact on our understanding and practice of justice, the focus of the final section of this chapter.

2.1 Knowledge of the Trinity

Volf largely presumes that talk about the Trinity must be possible if Christianity is to have anything meaningful to say at all. He summarily dismisses Kant's position that we do not know enough of divine life to draw any real conclusions as to how the human life should be lived.⁴⁶¹ He forgoes the more detailed engagement that Moltmann has with Kant.⁴⁶² It is likely Volf feels the arguments have already been made.

Nevertheless, dealing with this issue is important, since even if we affirm with Volf the possibility of speaking of the Trinity as both Biblical and necessary in the Christian understanding of God, the extent to which God's triunity can be spoken of is still very much an open question. It is a question that necessarily precedes that of divine-human analogies. In order to talk about how human beings are like God and in what ways they might act in light of this, we must first understand what we can know about God himself.

For Volf, knowledge of God is only through God's self-revelation.⁴⁶³ Debates about the nature of that revelation aside, in this belief Volf stands firmly within a long tradition from the Church Fathers, through Barth and onwards.⁴⁶⁴ For Volf, this revelation is understood as 'the history of mutual engagement of the *persons* of the Trinity in the economy of salvation'.⁴⁶⁵ It is this revelation of 'the specific character of each actor in the divine drama of self-revelation and the nature of their relations' which means that all knowledge of God can only be understood in Trinitarian terms.⁴⁶⁶ In this sense then for Volf there is no

⁴⁶¹ Volf, 'Being as God Is', 4 and Miroslav Volf, *After Our Likeness*, 198.

⁴⁶² Moltmann, *The Trinity and the Kingdom*, 6

⁴⁶³ Volf, 'Being as God is', 4 and 6.

⁴⁶⁴ Paul Molnar, *Divine Freedom and the Doctrine of the Immanent Trinity*, 14f.

⁴⁶⁵ Volf 'Being As God Is', 6

⁴⁶⁶ Volf, 'God's Life in Trinity', 6.

separation between knowledge of God and knowledge of the Trinity since God reveals himself as triune because that is his very nature or being.

Volf's approach to the Trinity reflects Moltmann's, in that it centres on the crucifixion as the ultimate revelation of God's triune nature in the world.⁴⁶⁷ He writes that

'At the heart of the cross is Christ's stance of not letting the other remain an enemy and of creating space in himself for the offender to come in....The goal of the cross is the dwelling of human beings "in the Spirit", "in Christ", and "in God"....the arms of the crucified are open - a sign of a space in God's self and an invitation for the enemy to come in.'⁴⁶⁸

The cross in this reading is the opening up of the triune life of embrace (mutual self giving and receiving) to the world. It is the ultimate moment of insight into who God is and how God's life is both constituted in itself and how this life is related to human life. Volf's evangelical roots mean that he is keen to ground this understanding of the crucifixion as a triune event in biblical texts, particularly John's gospel ('the Father is in me and I am in the Father' John 10:38).⁴⁶⁹ He drops in biblical references throughout his work and also explicitly notes that his role as a theologian rather than biblical scholar does not remove him from the need for strong biblical engagement.⁴⁷⁰

It is therefore fair to say that for Volf the triunity of God is fundamental to his reading of scripture and his interpretation of God's revelation. This indicates why he gives little time to the question of whether talking about the Trinity is possible since for him orthodox Christian beliefs necessarily speak of the Trinity. However, the question of the extent or limitations of human knowledge of the Trinity remains. This is most easily understood in terms of the debates

⁴⁶⁷ Moltmann, *The Crucified God*, 31 'The Cross on Golgotha has revealed the eternal heart of the Trinity' and 249.

⁴⁶⁸ Volf, *Exclusion and Embrace*, 126.

⁴⁶⁹ Miroslav Volf, "The Trinity is Our Social Programme", 409ff.

⁴⁷⁰ Volf, *Exclusion and Embrace*, 30

around the economic and immanent Trinity, although the language itself has come into question.⁴⁷¹

2.1a Economic and Immanent Trinity

If knowledge of the Trinity is located in revelation it is firstly bound up with God in creation or the economic Trinity. The relationship between the revealed God and the eternal immanent God is open to significant debate. There is a range of possible perspectives. Firstly if one sees clear distinction between the economic and immanent Trinities one might either follow Sallie McFague in stating that there is 'no way in which assumptions about the inner nature of God are possible.'⁴⁷² This position means that all we can know is the economic Trinity and thus we can't ultimately know God in the sense of who God is eternally in Godself. Alternatively one might follow Barth, who is also critiqued as one who leaves too great a distinction between the immanent and economic. His stress on the immanent Trinity potentially disconnects it in some ways from the economic, leaving the economic Trinity as a sort of presentation of God's self to the world rather than a complete engagement of the eternal God with the world. A second approach is to marry the economic and immanent Trinities more closely. In this case one might move towards panentheism, God related so closely to creation as to become to some degree reliant on creation and perhaps even determined by creation's perception of him.⁴⁷³ At its most extreme this view leads to a negation of God as any discernible reality in God's own right.⁴⁷⁴ Alternatively the marrying of the two might be done in the way Volf proposes which allows for continuity between the economic and immanent but which preserves a fullness and ultimate mystery in the immanent Trinity.⁴⁷⁵ It is obvious that the relations of the economic and immanent Trinity and the

⁴⁷¹ Volf, 'Being as God is', 4 Volf prefaces the terms with 'the so-called' economic/immanent Trinity.

⁴⁷² Sallie McFague, *Models of God*, 224 in Paul D. Molnar, *Divine Freedom and the Doctrine of the Immanent Trinity*, 12.

⁴⁷³ Molnar sees pantheism and panentheism as the most prevalent problems of the social Trinity renaissance. Molnar, *Divine Freedom and the Immanent Trinity*, 315.

⁴⁷⁴ See Gordon Kaufman in Molnar, *Divine Freedom and the Immanent Trinity*, 2f.

⁴⁷⁵ Volf, "The Trinity is Our Social Programme", 407

emphasis placed on either one have a great impact on the type and extent of our knowledge of God.

Volf is certainly open to talking about God apart from creation.⁴⁷⁶ He sees the language of immanence and economy as potentially unhelpful and inadequate in that the terms suggest a polarity or clear-cut distinction between two aspects of God but argues that in their most basic sense the terms are necessary.⁴⁷⁷ He stresses a continuum between the two terms and also follows Moltmann in adding the term 'Trinity in glory', referencing the Trinity's eschatological existence.⁴⁷⁸ Volf argues that, whilst we only know God through his self-revelation, which is his history within the world, there is sufficient continuity between God in the world and God apart from the world that

'as we explore the relation between the Trinity and the shape of human living, we should primarily build on the claims of the economic Trinity and venture into the territory of the immanent Trinity more tentatively and only as necessary – a procedure I will follow below. But venture into the territory of the immanent Trinity we must. If we were not entitled to make claims about the immanent Trinity on the basis of the economic Trinity's engagement with the world, then in the encounter with the economic Trinity, we would not be dealing with who God truly is.'⁴⁷⁹

Volf presents a relatively nuanced position in this text. He is well aware of the criticisms of Moltmann (and of Volf's own contemporaries) which focus on the lack of space for a truly immanent God and a God too dependent on creation.⁴⁸⁰ Volf goes some way to redressing the issue, siding not with Karl Rahner as Moltmann does, but with Yves Congar's moderated formulation on economy and immanence.⁴⁸¹ Where Rahner states that 'the "economic" Trinity is the "immanent" Trinity, and *vice versa*', Congar disagrees that the statement can be

⁴⁷⁶ Volf, 'Being as God Is', 5

⁴⁷⁷ Volf, "The Trinity is Our Social Program", 420n17.

⁴⁷⁸ Volf, 'Being as God is' 5.

⁴⁷⁹ Miroslav Volf, 'Being as God Is', 4.

⁴⁸⁰ See Paul Molnar, *Divine Freedom and the Doctrine of the Immanent Trinity*, T&T Clark, London, 2002, 31ff. Also Fred, R. Sanders, *The Image of the Immanent Trinity: Rahner's Rule and the Theological Interpretation of Scripture*, Peter Lang Publishing Inc. New York, 2005, 95.

⁴⁸¹ Volf, "The Trinity is Our Social Program", 407 and Moltmann, *The Trinity and the Kingdom of God*, 160.

reversed and that the immanent Trinity is limited to the economic Trinity.⁴⁸² Volf states that 'There is always a surplus to the immanent Trinity that the economic Trinity does not express' and that 'something new is introduced into the life of the Trinity with creation and redemption.'⁴⁸³ To be fair, Moltmann also attempts to clarify his position stating that he merely wishes to emphasise that 'God's relationship to the world has a retroactive effect on his relationship to himself – even though the divine relationship to the world is primarily determined by that inner relationship.'⁴⁸⁴ Nevertheless, Volf goes further in clarifying that there is more in the immanent Trinity than is revealed in the economic Trinity, although that which is revealed entirely points towards and is a part of the immanent Trinity. Volf leaves a greater space for God apart from creation and thus allows room for a greater sense of unknowability and mystery.⁴⁸⁵

Certainly Volf follows a closer line to Moltmann than to the Barthian tradition of emphasising immanence and thus ultimately a greater stress on the unknowability of God. Yet Volf is clear: what we do know of God is what he reveals in creation. Whilst that revelation reveals God's eternal self, making claims beyond that revelation is hazardous and unwise. Even making claims based upon revelation is fraught with difficulty since although 'God's revelation is complete and trustworthy, there is no such thing as an infallible interpretation of this revelation.... Every denial of such provisionality and every fascination with *certitude* betray a dangerous proximity to blind fundamentalism.'⁴⁸⁶

Ultimately, we can know God because he has made himself known to creation in creaturely terms. For Volf the larger part of the problem of knowing God lies in the next step, that of human interpretation and understanding of God's revelation of Godself. It is in interpreting and attempting to understand that of God which is revealed and therefore knowable that we encounter the pervasive problem of projecting human ideas and ideals onto God.

⁴⁸² Rahner in *The Trinity* and Yves Congar in *I Believe in the Holy Spirit* as quoted in Volf, "The Trinity is Our Social Programme", 407.

⁴⁸³ Miroslav Volf, "The Trinity is our Social Programme", 407.

⁴⁸⁴ Moltmann, *The Trinity and the Kingdom*, 161.

⁴⁸⁵ Volf, *After Our Likeness*, 198.

⁴⁸⁶ Volf, *After Our Likeness*, 244.

2.1b The Problem of Projection

Karen Kilby's brief essay on projection and perichoresis cuts to the heart of the potential issues of projection and social trinity models. In it she notes that the problem of projection onto God is a significant one, and more so for social Trinitarians, with whom Volf would loosely class himself.⁴⁸⁷ She writes that projection 'is particularly problematic in at least some social theories of the Trinity because what is projected onto God is immediately reflected back into the world, and this reverse projection is said to be what is in fact important about the doctrine.'⁴⁸⁸ Whilst she acknowledges that all theology may in part be projection, the problem of social models of the Trinity is that they tend to imagine an ideal human social relationship, project that onto God and then use the projection to legitimise and uphold models of human relations and practices.⁴⁸⁹ This critique cuts to the heart of the issue and is potentially applicable to Volf's work.

Whilst Kilby certainly has a point in regards to some social Trinitarian projects, it is not necessarily true that the social model requires such levels of projection, or that other models are more immune to the problem. Whilst some theologians working with a social trinity model might legitimise the idea of projection, Volf stresses that 'We should not proceed "by analogy from below" and construct God in the image of human beings; we should proceed "by analogy from above" and learn who human beings ought to be considering who God is.'⁴⁹⁰ Of course such a declaration (drawn from Barth) does not mean he manages to live up to his promise. Indeed we have already mentioned Volf's criticism of Barth's projection of Fatherhood onto the Trinity and his subsequent support for a particular vision of fatherhood and gender roles has already been noted.⁴⁹¹

⁴⁸⁷ Volf, 'Being as God Is', 6 and Karen Kilby 'Perichoresis and Projection: Problems with Social Doctrines of the Trinity'.

⁴⁸⁸ Karen Kilby, 'Perichoresis and Projection', 442.

⁴⁸⁹ Karen Kilby, 'Perichoresis and Projection', 439.

⁴⁹⁰ Molnar notes that Gordon Kaufman allows God to become a mere projection. Molnar, *Divine Freedom and the Immanent Trinity*, 2. Similarly Volf notes Luce Irigaray's acceptance of projection onto God. Volf, *Exclusion and Embrace*, 171.

⁴⁹¹ Volf, *Exclusion and Embrace*, 171f see section 1.2 above.

Volf is similarly critical of Ratzinger's derivation of hierarchy and the primacy of unity from his model of the Trinity. Volf notes that, whilst his approach offers perichoresis as grounded in God's self-revelation and proceeds from this more solid ground towards more conceptual ideas, Ratzinger's understanding of pure relations 'must proceed first through the conceptual labyrinth in order to arrive at the story of revelation in the first place.'⁴⁹² For Volf grounding one's claims about the Trinity in revelation is the starting point for protecting oneself against entirely subjective projection. It is a point also made by Molnar (that claims to knowledge of God must be grounded in Jesus Christ), yet this point only serves to exclude the extremes of Trinitarian thought; there is still a great deal of conflict and debate amongst those who begin with Christ.⁴⁹³ These critiques suggest that a range of models of the Trinity are prone to the problem of projection.

Kilby's solution seems to take account of this. She doubts the scriptural evidence for placing the Trinity so centrally and instead argues that the doctrine is of the second order.⁴⁹⁴ Essentially perhaps the problem is not so much with social models (although their prevalence is perhaps why they become the focus of her critique), but with the renaissance and centrality of the doctrine of the Trinity in all forms. For Kilby, the Trinity explains the relationship of Father, Son and Spirit, but is not a central doctrine upon which other theological propositions should be built. If the Trinity is 'fundamental to Christianity, this is not because it gives a picture of what God is like *in se* from which all else emanates, but rather because it specifies how various aspects of the Christian faith hang together.'⁴⁹⁵ This relegation of the Trinity to a grammatical function as an alternative to the problems of the doctrine of the Trinity and projection is unsatisfactory.

Reducing the Trinity in this way fails to take full account of the triune nature of God's revelation. It also seems unnecessary. Whilst Kilby rightly highlights the problem of projection and the tendency of social Trinitarians to project social visions on to God in order to legitimise their own ideology, this is not inevitable.

⁴⁹² Volf, 'After Our Likeness', 209n84.

⁴⁹³ Molnar, *Divine Freedom and the Doctrine of the Immanent Trinity*, 24.

⁴⁹⁴ Karen Kilby, 'Perichoresis and Projection', 443.

⁴⁹⁵ Karen Kilby, 'Perichoresis and Projection', 444.

Certainly it is something Volf's work seems to counteract. His work would suggest that grounding statements and beliefs about the Trinity in scripture and revelation is perhaps the first step to guarding against such practices. In addition limiting the types of knowledge claims made (leaving room for the unknowability and mystery of God) and being aware of the tendency to project is part of the solution. In some ways Volf's whole approach to the Trinity is in part an attempt to respond to the existing positions and critiques and to find a way to make legitimate (partial) knowledge claims about God without overreaching himself. Volf is clear that God's revelation in human terms means that speech about God in human terms is also legitimate, although subject to certain limits.⁴⁹⁶ Kilby's proposal by comparison entails a refusal to engage fully with the God who reveals himself as Father, Son and Spirit - which seems an unwise and unnecessary step.

The issue of projection is closely tied to problem of analogy since the issue seems to be about projecting in order subsequently to draw particular analogies. It is therefore helpful to turn to this issue next and to examine if limitations on analogies might go some way towards ensuring space for Godself whilst also being able to affirm the likenesses between God and humanity.

2.2 Trinity and Analogy

Volf's proposals on analogous limitations do not draw primarily on a wider discussion of analogy, but seem to emerge as a natural progression within his own theology from his understanding of revelation and the Trinity's relationship with the world which is thereby entailed. In the collected volume of essays 'God's Life in Trinity', Volf's chapter is entitled 'Being as God Is'.⁴⁹⁷ The title choice suggests links to theological writings on analogy which Volf does not in fact mention or consider. Most particularly, it suggests his approach may have reference to Aquinas' notion of *analogia entis* (analogy of being) and Barth's

⁴⁹⁶ Volf, *After Our Likeness*, 199.

⁴⁹⁷ Volf, 'Being as God Is'.

rejection of Aquinas' approach.⁴⁹⁸ Volf makes one reference to Barth on this subject, noting (in a footnote) that 'These two qualifications of correspondence between the Trinity and the character of human life echo Karl Barth's claim that all speech about God is characterized by "twofold indirectness" – it takes form in a medium that is both "creaturely" and that "contradicts God".'⁴⁹⁹ This is perhaps surprising given Volf's critiques both of Barth's analogies in practice and of Barth's understanding of revelation which prioritises the immanence, otherness and unknowability of God.

In proposing his own understanding of the limits of analogies from divinity to humanity, Volf presumes that we can make claims about who God is and about the Trinitarian way of life based upon God's self-revelation. The next question then is how these claims might affect human ways of living. This is of central importance to both the types of projects Volf undertakes – rethinking ecclesiology, human identity and relations, reconciliation, and the meaning of work etc. – as well as the task of this thesis to rethink the subject of justice in light of Volf's theology. It is an issue we will return to in section 4 as I translate Volf's work on the Trinity into characteristics for human action.

Volf engages most fully with the issue of analogy and the potential for the Trinity to shape social practice in his paper "'The Trinity is Our Social Programme": The Doctrine of the Trinity and the Shape of Social Engagement.'. In this text he engages two potential responses, firstly Nicholas Fedorov's understanding that human participation in divine life extends to allowing the Trinity to become 'our social programme'. That is, human beings can participate in the triune life in the present and thus the triune life should directly dictate all present action.⁵⁰⁰ Secondly, Ted Peters argues that 'God alone is God' and that 'we as creatures cannot copy God in all respects.'⁵⁰¹ Volf agrees that Fedorov goes too far in claiming fully realised present participation in the Trinity and agrees with Peters that human beings are not as God is. However he asks 'Would it not be odd to

⁴⁹⁸ Thomas Aquinas, *Summa Theologiae vol.3 (1a 12-13) Knowing and Naming God*, Blackfriars, 1964, 65.

⁴⁹⁹ Volf, 'Being as God Is', 5 fb.7 quoting Barth Church Dogmatics 1/1.

⁵⁰⁰ Miroslav Volf, "'The Trinity is our Social Programme": The Doctrine of the Trinity and the Shape of Social Engagement, *Modern Theology* 14:3, July 1998, 403.

⁵⁰¹ Ted Peters, *God as Trinity: Relationality and Temporality in Divine Life*, John Knox Press, Westminster, 1993, 114.

claim that there are no analogues to God in creation and yet to maintain, as Christian theologians must, that human beings are made in the image of God?⁵⁰² Drawing on Matthew 5:48 (Be perfect as your heavenly father is perfect) Volf sets out to find a position that sits between a 'blatant disregard of the fact that we are not God and...respecting our creaturely difference from God but failing to pursue our most proper calling to be like God?'⁵⁰³ Volf does not want to say that we can be as God is, nor does he want to say that we cannot be like God in any way. Instead he seeks to find a position that sees human beings as able to be as God is within the limitations of humanness.

Identifying this aim, that is to sit between two opposing and (to Volf at least) unattractive positions is important in identifying the tension in Volf's theology between ways in which humans can mirror God's action and ways in which human beings are unlike God and therefore should not attempt to "be as God is". This translates strongly into areas of practice both in the actions of God that humans cannot mirror (such as actions of final judgement and just punishment) and in the ways in which human beings can seek to be like God (love, forgiveness, communion). This understanding is then central in shaping the theology of embrace.

Volf places two constraints on the analogies we can draw. That is that analogies may only be made within the confines of our "historical" and "creaturely" limitations.

'As creatures, human beings can correspond to the uncreated God only in a creaturely way; any other correspondence than creaturely ones would be wholly inappropriate, not because God is governed by "petty and passionate" jealousy...but because human beings should not jump over their own shadows.

Sinful and "fleshly" as they are (Isaiah 40:6ff; 1 Peter 1:24), human beings can correspond to God only in historically appropriate ways; any other correspondences than historically appropriate ones would be misplaced, not because human beings should put up with evil, but because the struggle against it will be effective only if we

⁵⁰² Miroslav Volf, "The Trinity is Our Social Programme" 404.

⁵⁰³ Miroslav Volf, "The Trinity is Our Social Programme", 405.

recognise the depth of its entrenchment in persons, communities and structures.⁵⁰⁴

In these descriptions of the limits of analogies between God and human beings we can see a clear distinction between the two limitations. The first limitation is to do with a permanent category difference between God and creature. This is not a difference that will be overcome eschatologically. The second difference is about a present, and therefore limited, distinction between what is possible within the confines of a sinful world and what is possible in the sinless world to come.

Separating these two limitations is important in that the first is used to permanently exclude those actions that require the characteristics of God (omniscience, omnipotence etc.). These actions include just judgement, punishment and violence. The second limitation is less about excluding certain actions and more about an acknowledgement that present efforts to “be as God is” are only partial. The pursuit of embrace is not excluded on the grounds that human beings are sinful, but it is a practice that cannot be perfected or completed due to the limits of the present state of humanity.

In limiting the ways in which we can draw analogies from the triune life to creaturely and historically appropriate ways, Volf suggests that direct analogies of practice are inappropriate. Instead a broader understanding of who we are (as created in the image of the triune God) informs what we do. This suggests that we are made to be as God is - not to do as God does. We are to draw analogies from God’s way of being, not God’s doing. Since he is not as we are in the sense of creatureliness and historical situatedness he has abilities which we do not have and cannot and should not seek to replicate. God can *do* as we cannot. But God *is* as we can be. In the triune engagement with the world at the crucifixion Christ does not impart divinity to human beings but instead calls them to enter the Trinitarian mode of life.

⁵⁰⁴Miroslav Volf, “The Trinity is Our Social Programme”, 405.

This idea is successful in that it refuses to view the revelation of God from a distance and to abstract from revelation in order to draw relevance for human life from the God who is revealed. Instead Volf's theology of embrace suggests that human beings are called to live within the revelation of God and that in doing so they begin to correspond to God. His understanding of analogy is concurrent with his understanding of revelation in that it is the 'character of the divine actors' which shapes the analogies drawn.⁵⁰⁵ It is this understanding of revelation and analogy which will shape the characteristics of human justice drawn from the Trinity as proposed in section 4.

This idea of entrance into the Trinitarian mode of life is potentially problematic. In emphasising the human entrance into the divine life of the Trinity, Volf goes so far as to beg the question in what sense the Trinitarian communion remains distinct from the broader communion which now involves Father, Son, Spirit and all humanity. Whilst Volf stresses personhood to a sufficient degree that prevents a dilution of the divine persons, in what sense does a Godhead remain when all humanity has entered into the communion which binds the three divine persons? Can there be a communion within communion? If so then what are the boundaries of communion beyond which human beings are not called?

Volf writes that 'It is a different sort of communion than communion among divine persons. Still, it is a communion across the chasm that divides humanity from divinity.'⁵⁰⁶ This relates to the problem of Moltmann and his subsumption of creation into God which is critiqued rigorously by Molnar and others as panentheistic. (And also perhaps to the broader problem from Hegel and his subsumption of everything into the spirit.⁵⁰⁷) However, it seems that for Volf such sidestepping is even more problematic since the central point of his theology of embrace is precisely built upon the notion of Trinitarian embrace and of human beings' entrance into that embrace. Whilst it is clearly acceptable for theologians to designate aspects of the Trinity (or indeed the whole of the Trinity) as unknowable, to base a human theology of practice upon an element of the Trinity which causes such problems would seem to weaken Volf's

⁵⁰⁵ Miroslav Volf, 'God's Life in Trinity', 6

⁵⁰⁶ Volf, 'God's Life in Trinity', 11

⁵⁰⁷ Hegel, *Phenomenology of Spirit*.

theology considerably. If the human communion must be different from the divine communion (in order to avoid human beings essentially becoming divine) in what sense is it *like* the divine communion? If the relationship is all that constitutes the oneness of the Trinity, then in entering into relationship we enter into the Trinity and the Trinity is thus no longer triune but multiple. If we do not enter into the Trinity, then we must be in a different sort or category of relationship and thus reflection on the immanent Triune relationship is not of consequence - since it is not that sort of relationship that we enter. Again, Volf's parameters of creatureliness and historical situatedness are helpful here.

Using these parameters it is possible to understand Volf's point that human beings are called into the communion that is different from that of the three persons of the Godhead. The difference is in type, not degree. Creatures are still creatures. Their difference from God remains and is perfected, appreciated and celebrated. In this sense they cannot but have a 'different sort of communion' because they are a different sort of being. Again, this reflects a meeting of sameness and difference. The difference of the creature is not eradicated on entry into the communion yet there is a oneness (or sameness) with God in the communion.

Section 3: Justice within the Trinity

Having set the scene in terms of Volf's theology of the Trinity and the key issues he addresses, this section of the chapter will seek to be more constructive. I will argue that, using the parameters set out by Volf to determine the limits and possibilities of engagement between the doctrine of the Trinity and human practice, it is possible to push towards a consideration of justice in light of the Trinity. This is not something that Volf fully explores. I will take his model of engagement and seek to apply it in a new direction. In particular I want to pose the potentially controversial question of whether justice might exist within the triune relationship itself.

I will argue that there is justice within the Trinity. Drawing on Nicholas Wolterstorff, I will suggest that it is a state of justice between the persons of the Trinity. If we can make this claim we can follow on to question how this state of justice might serve as a fruitful focal point for further reflection on the aims and purposes of human justice.

I will suggest that reflection on Trinitarian justice is important because it provides a deeply theological grounding for an account of justice centred on restoration of relationships. It moves us beyond a focus on just actions towards an idea of just living. It informs our understanding of eschatological justice and thus fleshes out that towards which current justice practices should be orientated.⁵⁰⁸

3.1 Is there Justice within the Trinity?

The idea of justice within the Trinity is perhaps a controversial one. There is not a great deal written about it. Nicholas Wolterstorff's chapter on the subject (within a volume edited by Volf) notes that 'Most Christians, ancient, medieval and modern, but especially modern, if they heard of the topic justice in the Trinity would regard thinking and writing about it as appalling. How dare one even think of justice in the Trinity? Love is what resides within the Trinity. Love casts out justice.'⁵⁰⁹ Such an aversion to the idea of justice within the Trinity is based upon an understanding of justice as primarily corrective, about 'meting out justice' or 'rendering judgement'.⁵¹⁰ In this sense of course there is no justice within the Trinity because there is not wrongdoing. Yet even Volf, who rejects these types of emphasis in justice discourse, does not speak of justice within the Trinity. I am moving beyond Volf in this section.

⁵⁰⁸ This idea of practices orientated towards eschatological reality is explored in section 4.1

⁵⁰⁹ Nicholas Wolterstorff, 'Is there Justice in the Trinity?' in ed. Miroslav Volf and Michael Welker, *God's Life in Trinity*, Fortress Press, Minneapolis, 2006, 177.

⁵¹⁰ Nicholas Wolterstorff, 'Is there Justice in the Trinity?' 177.

Whilst this idea of justice as corrective of injustice tends to dominate, and for good reason, here I will argue that it is not the whole of justice and that it is actually only the secondary element of all that the umbrella term 'justice' refers to. I want to reject the idea that 'justice has room only when love breaks down', and instead look at another side of justice, justice as a state of being which precedes transgressions (or exists after transgressions have been finally dealt with).⁵¹¹ It is a justice which can only be found within the Trinity and which might be defined as perfect giving and receiving.

3.1a Love and Justice

In examining the potentially problematic relationship between love and justice, which is particularly pertinent here because of the definition I want to give to justice, I want to push forward with two lines of argument. Firstly I want to demonstrate that it is reasonable to read Volf's work in *Exclusion and Embrace* as offering the basis for an understanding of justice existing within the Trinity due to the close assimilation of love, embrace and justice. Secondly, in suggesting the possibility of this reading, it becomes apparent that the close connection of love and justice means that if we are to ground an understanding of justice in the Trinity (as I will do in section 4) this justice will be shaped by and emerge from the life of the Trinity which is love.

There are two potential problems with the definition given above of justice as perfect giving and receiving. Firstly it might sound too much like love. Whilst perfect love is required to enact perfect justice, love is more than justice alone.⁵¹² Justice may therefore be a part of love and in this sense inseparable from love but it is distinct from love in that it is not the whole of love.

This indistinction or blurring of boundaries may be problematic for some. However, if justice is to be centred on the life and character of God it would seem odd if we could pull each characteristic apart and define it individually.

⁵¹¹ Nicholas Wolterstorff, 'Is there Justice in the Trinity?' 178.

⁵¹² Miroslav Volf, *Exclusion and Embrace*, 2

Karl Barth's work on God's perfections is helpful on this point. He writes that 'every distinction in God can be affirmed only in such a way as implies at the same time His unity and therefore the lack of essential discrepancy in what is distinguished. Our doctrine means therefore that every individual perfection in God is nothing but God Himself and therefore nothing but every other divine perfection....each individual perfection is identical with every other and with the fullness of them all.'⁵¹³ The reason Barth gives for maintaining such a unity of God's perfections is in order to reflect and maintain the unity of Godself.

As has already been noted, Volf is critical of what he sees as Barth's overemphasis on oneness at the expense of the individual persons of the Trinity. Yet it is possible to take Barth's comments on the essential oneness of the attributes of God within the context of Volf's more social reading of the Trinity. Indeed Terry Cross notes that Barth's understanding of 'the relations of the perfections is described in a manner similar to that which Barth uses in discussing perichoresis of the Trinity.... God's perfections do not exist side by side in sentinel-like rows, but rather within and throughout each other.'⁵¹⁴ If the unity of the perfections lies within the perichoresis (or mutual self-giving as Volf would render it) of the Trinity then this seems an appropriate understanding to take to Volf's conception of the Trinity and the way in which he sees the embrace of the Trinity as love and justice as contained within this love. The overlap in definition of love and justice can therefore be seen as appropriate without making the term justice meaningless. It is a justice which can exist only where there is perfect love, but which nevertheless is distinctive.

This problem of definition between love and justice is perhaps a more general problem of justice being defined by its good. If we want to talk about justice as a state of affairs rather than a process to achieve that good it is always going to be difficult to define justice apart from the good. For example where the good of justice is equality and perfect equality exists we might say there is a state of justice. It might therefore be possible to argue that the good of justice will inevitably define justice (Volf briefly refers to the reconciling embrace of the

⁵¹³ Karl Barth, *Church Dogmatics* vol 2 part 1, T&T Clark, Edinburgh, 1964, 333.

⁵¹⁴ Terry L. Cross, *Dialectic in Karl Barth's Doctrine of God*, Peter Lang, New York, 2001, 181.

triune God as the good of justice) and that if we want to talk about a state of justice then it will always be difficult to define this apart from the good to which it refers (in this case the loving embrace of the Trinity).⁵¹⁵

On this first point then, that justice sounds a lot like love, there are good theological reasons for this. God is love and God defines the content and the good of justice. That justice should be understood as subsumed into love is therefore unsurprising. This does not exclude the idea that justice can be a distinct part of the triune life of love.

The second problem identified is that this definition might not sound enough like justice. It may appear to stretch the language of justice too far. Subsequently Volf does come to a rejection of the 'enlarged' understanding of justice which I am proposing and which has roots in *Exclusion and Embrace*.⁵¹⁶ Yet this rejection is unnecessary; the idea of a state of justice proposed by Wolterstorff and implicit in *Exclusion and Embrace* is not unfamiliar.⁵¹⁷ Similarly, justice as a form of giving is not a new idea. The notion of justice as *giving* of dues (however those dues may be conceived) is widely held.⁵¹⁸ In this thesis I simply want to enlarge the idea of justice as giving to include a sense of abundance. Following Volf in *Exclusion and Embrace*, I want to suggest that the justice of the triune God as revealed in Christ is a justice which gives human beings what they do not deserve, what they are not due.⁵¹⁹ This is because, following the argument made above, divine justice is bound up with God's grace. The 'giving' that is justice is not bound by what is owed but is shaped by grace. Thus the definition of justice required to make the step from God as doing justice to justice as existing within the Trinity is not such a complete departure from common understandings of the term justice as to make the use of the term questionable. It is instead an expansion (or enlarging) of the term justice which retains much of what we know justice to be, but reshapes the terminology in light of the justice of the Trinity.

⁵¹⁵ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 224.

⁵¹⁶ Miroslav Volf, 'Against a Pretentious Church: A Rejoinder to Bell's Response.', 283.

⁵¹⁷ See Plato's, *Republic* for example.

⁵¹⁸ See Aquinas for example.

⁵¹⁹ Volf, *Exclusion and Embrace*, 224

In this chapter rather than defining the language of justice anew, I will simply seek to centre all that the term justice encompasses around this idea of justice as a state of being rather than justice as corrective action (or judgement). In focusing on this idea of a state of justice and locating it within the Trinity I will be attempting to clarify and move forward from Volf's own work on the subject of justice. Whilst his work certainly offers an enlarged view of justice, bound up in love, he does not draw out the full implications of his position or fully explicate the relationship between justice and the Trinity.

Wolterstorff's work seems a helpful starting point for tackling this subject since he brings clarity to subject areas that Volf seems to overlook. Wolterstorff designates these different types of justice — justice that precedes transgression and justice which responds to injustice, as primary and secondary justice.⁵²⁰ Secondary justice is the justice that seeks to right injustices which have occurred. It involves judgement and the naming of injustices as unjust. In doing so secondary justice implies that there was a state of affairs which could have occurred and which would have been just. That is, secondary justice points to a state of affairs where judgement would have been unnecessary; it points towards a state of perfect justice. It is this justice that Wolterstorff calls primary justice and it is this primary justice that we see in the Trinity.⁵²¹

Wolterstorff writes:

'Suppose the judge determines that the accused ...acted unjustly toward someone and committed an infraction of justice. To declare that the accused treated someone unjustly is to imply that there was a way of treating the victim that would not have been unjust, a way of treating the victim which would not have been an infraction of justice. There was a way of treating the victim that would have been just. Let us call such justice *primary justice*. The justice that consists of rendering just judgement is *secondary justice*, in the sense that it deals with infractions of primary justice, accusations of infraction, or disputes over what would be an infraction....If there is justice in the Trinity it will be primary justice....so too if there is

⁵²⁰ Nicholas Wolterstorff, 'Is there Justice in the Trinity?', 179.

⁵²¹ Nicholas Wolterstorff, 'Is there Justice in the Trinity?', 177ff

justice in the eschaton, and in this present age as it was meant to be, it will be primary justice.⁵²²

It is clear from this description that primary justice and secondary justice are inextricably linked and that secondary justice must rest on a foundational understanding of the primary justice that it is constantly pointing towards. In this sense then a turn to look at justice within the Trinity is not a turn away from the type of justice we encounter daily in a fallen world. Instead the secondary justice we are familiar with can only be properly understood in relation to primary justice, the perfect state of justice found within the Trinity.

A similar idea of primary and secondary (or first and second) does appear in Volf's writing. In "The Trinity is Our Social Program" in the context of divine love and human practices of love, he writes of two loves. 'The first is the perfect love of the world to come; the second is that same love engaged in the transformation of the deeply flawed world that is.'⁵²³ He goes on to question the relationship of the two deciding that they are not identical, although they are "the same".⁵²⁴ The difference comes in that the second love is 'reactive' to the antithesis of love in the world.⁵²⁵ It must reckon with the opposition to love which it encounters.⁵²⁶ This idea appears to resonate with Wolterstorff's idea of primary and secondary justice, where secondary justice is that which must deal with the reality of injustice in the world, although in essence it remains the same as primary justice.

Whilst Wolterstorff did not have Volf's work in view when making such distinctions, they are nevertheless of unusual pertinence when approaching Volf, who does not tackle the subject nearly so clearly. Wolterstorff is unusual in touching on the subject so explicitly. Indeed it is unclear from *Exclusion and Embrace* whether he does in fact see justice as existing within the Trinity. This is partly due to the fact that Volf is not specifically concerned with the interior life of the Trinity in this text. However, the main problem is a lack of clarity due to a

⁵²² Nicholas Wolterstorff, 'Is there Justice in the Trinity?', 179.

⁵²³ Volf, "The Trinity is Our Social Program", 413.

⁵²⁴ Volf, "The Trinity is Our Social Program", 413.

⁵²⁵ Volf, "The Trinity is Our Social Program", 413.

⁵²⁶ Volf, "The Trinity is Our Social Program", 413f.

constant merging, interchanging and subsuming of the terms love, embrace and justice with and into each other. He writes that 'If you want justice and nothing but justice, you will inevitably get injustice. If you want justice without injustice, you must want love.'⁵²⁷ He also suggests that love overwhelms justice to the point that 'it is indistinguishable from embrace' and that 'justice is outside of itself in love.'⁵²⁸

Volf has since become aware of the overintegration of the term justice into love in this text and has subsequently indicated that he now sees justice as more distinct. In interview he commented that 'I have shifted my thinking on justice, yes I think I have.... I did not conceptually provide sufficient space for justice qua justice. It was almost subsumed into love.'⁵²⁹ He cited his main influence in this shift as being Nicholas Wolterstorff. Indeed, Volf has followed Wolterstorff towards stressing justice as dues and as inclusive of human rights stating that 'love is not opposed to justice, indeed you cannot pursue justice without love because love motivates for justice and human rights and it is not opposed in its content but it goes beyond justice. The gratuity and the gift character of love ought to be preserved as distinct from the demands of justice.'⁵³⁰ Most remarkable is that in Volf's review of Nicholas Wolterstorff's *Justice: Rights and Wrongs* Volf praises Wolterstorff for having 'gotten justice right' but then goes on to make 'mild criticisms' which seem to return to a much greater emphasis on the integration of love and benevolence with justice than Wolterstorff puts across.⁵³¹ Yet again the little Volf has written on this subject lacks clarity and it is not a direction I wish to pursue. Rather than rejecting the notion of justice touched upon in *Exclusion and Embrace* I think there is much to build upon whilst taking on board Volf's critique of his own previous work that it lacks distinction in terminology.

Therefore, whilst there is a lack of clarity in *Exclusion and Embrace* and it is possible to read this text as suggesting that love cancels out justice in the Trinity, I will suggest that this is not the most fruitful reading. In reading Volf's

⁵²⁷ Volf, *Exclusion and Embrace*, 223.

⁵²⁸ Volf, *Exclusion and Embrace*, 229.

⁵²⁹ Volf Interview with Bethan Willis, 26/08/2009

⁵³⁰ Volf Interview with Bethan Willis, 26/08/2009

⁵³¹ Miroslav Volf 'God, Love and Justice'.

work in terms of justice within the Trinity I will be pushing at the boundaries of what he writes. However, this is precisely the purpose of my thesis, to build on Volf's theology of embrace towards a clearer account of justice than he offers.

So why might Volf's theology in *Exclusion and Embrace* suggest the possibility of thinking about justice within the Trinity? Firstly it is perhaps important to note that where Volf touches on the subject in previous work he has tended to suggest a more conventional notion of justice, that is based upon dues and rights. In *After Our Likeness* he writes (drawing on Wolterstorff) that

'It would be utterly inappropriate to ascribe rights to the divine persons in an effort to ascribe them analogously to ecclesial persons as well. "Rights legitimate the social practice of claiming goods on moral grounds." For the divine persons, however, such "practice of claiming goods" is inconceivable, since they live in perfect love; they are internal to one another as persons and mutually *give everything* to one another....These rights presuppose the possibility of persons being abused, and they are meaningless without this possibility. With regard to the divine persons, however, this presupposition is counterfactual.'⁵³²

In one sense this seems to remove the possibility of talking about justice within the Trinity. Volf is right to note the impossibility of rights within the Trinity. However, it seems that his argument only removes the possibility of a particular conception of justice from the Trinity, a conception of justice focused on secondary justice, justice which addresses injustice where rights exist because needs go unmet. Similarly in *Work in the Spirit* brief references are made to human practices of justice in terms of law and rights.⁵³³ It is only in *Exclusion and Embrace* that the vision of justice beyond injustice emerges.⁵³⁴ It is only this type of justice (which Volf calls 'perfect' and which Wolterstorff calls 'primary') which might translate to the Trinity.

It is a (temporary) experience of this perfect justice in the world which Volf's reflections on Pentecost touch upon. He writes 'Here, then, is the justice of Pentecost that is indistinguishable from embrace: All have their own needs met

⁵³² Miroslav Volf, *After Our Likeness*, 220.

⁵³³ Volf, *Work in the Spirit*, 195.

⁵³⁴ Volf, *Exclusion and Embrace*, 223

and the deep desire of people to be themselves to act in their own right and yet to be understood and affirmed, is satisfied.⁵³⁵ It seems appropriate to read this Pentecostal justice as a temporary state of justice. It is the Spirit inspiring each to give and receive. It is only once injustice is done that 'justice had to come down from its ecstatic heights' and judgement is required. It seems that Wolterstorff's designations of primary and secondary justice fit this account. The brief experience of perfect justice through the Spirit gives way to the necessity of secondary justice as injustice breaks in. Yet this secondary justice is to be done 'in the same Spirit of embrace' as that experienced at Pentecost and with 'practical wisdom, not abstract calculation' in order to 'connect the vision of "justice that has become love" to the concrete situation of conflict.'⁵³⁶ This Pentecost experience suggests that for Volf perfect justice is a state of affairs of perfect giving and receiving inspired and enabled by the Spirit. It equates to embrace. Justice is not primarily, or only, about judgement. Judgement is that which is necessitated by injustice breaking into this state of justice which exists all too briefly at Pentecost.

This experience of justice occurring at Pentecost signifies that human beings experience justice only when filled with the Spirit. In a sense through the Spirit they are experiencing the embrace of the Trinity and within that they find justice. It seems clear then that within the triune embrace human beings experience a state of justice. It seems reasonable to conclude, given the relationship of immanent and economic Trinity discussed in section 2, that this state of justice is also a part of the triune embrace apart from the world.

The Pentecost reflections show that justice, for Volf, is not other than love. Justice does not exist where love is not but it is found in love, in embrace. He writes that 'Justice will be done...in the embrace of the triune God.'⁵³⁷ And, 'For only in our mutual embrace within the embrace of the triune God can we...experience perfect justice.'⁵³⁸ This containment of justice within love is potentially problematic in that it does not leave room for 'justice qua justice', and

⁵³⁵ Volf, *Exclusion and Embrace*, 229.

⁵³⁶ Volf, *Exclusion and Embrace*, 230.

⁵³⁷ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 224

⁵³⁸ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 225

the language here is of human experiences of justice, but it does suggest that in some sense, if the Trinity is love and the triune life is a life of embrace, there is also justice within the Trinity.⁵³⁹

The state of justice experienced at Pentecost is similar to Volf's vision of justice which appears to be an eschatological vision of a new world. It is a 'world of perfect justice.... with no 'legitimate entitlements' because everything is given and nothing withheld.'⁵⁴⁰ Since Volf's understanding of eschatological life is of human participation in the triune life, it is possible to conclude that this perfect justice is found within the life of the triune God.⁵⁴¹

There are some potential problems with my argument. Firstly, the Pentecost story (as narrated by Volf) uses the term 'need'.⁵⁴² If need is a necessary part of justice then can there be justice in the Trinity? Perhaps justice is only an element of human embrace and not of the triune embrace. Yet it is possible that this need is related to the still imperfect nature of the Pentecost justice. In a fallen world need exists where justice has not been fully enacted. Need is linked to secondary justice in that it exists where justice has not been fully realised. Need implies injustice which requires action. In a state of primary justice there is no need since as Volf's vision of perfect justice (which I am equating to primary justice) states 'everything is given and nothing is withheld'.⁵⁴³ The need that is fulfilled in Pentecost justice is the reminder that this is not the perfect or full experience of the primary justice of the Trinity: it is the closest, a fallen, pre-eschatological world can get to primary justice. It is the justice of the Holy Spirit in the World and so it bears the marks of primary justice but does not have the fullness of justice of the Trinity in which need which springs from injustice not only does not, but never existed.

⁵³⁹ Miroslav Volf Interview with Bethan Willis, 26/08/2009

⁵⁴⁰ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 223

⁵⁴¹ Volf draws on Moltmann stating that 'the new creation is the mutual indwelling of the triune God and his glorified people in a new heaven and a new earth....God will be "all in all"' Miroslav Volf, *After Our Likeness*, William B. Eerdmans, Grand Rapids, 1998, 266

⁵⁴² See chapter 2 for an understanding of the role of need in human relations. Volf speaks of human need for each other in a very different way to Hegel, a sense which does not include subsuming the other into the self.

⁵⁴³ Miroslav Volf, *Exclusion and Embrace*, Abingdon Press, Nashville, 1996, 223

Secondly, Volf ends his vision of justice with the idea that justice is transcended. This may mean there is actually no justice in the Trinity or eschatologically since as soon as it is achieved it is not. If this is what Volf intends to say it seems problematic since it makes it unclear when or whether justice actually exists. However, we might also read into this statement that 'secondary' or human justice is transcended and the primary, perfect justice of God takes over.

As has been noted earlier in this chapter, Volf has also argued that 'the Trinity should shape our social vision.' It contains 'the contours of the ultimate normative end to which all social programs should strive.'⁵⁴⁴ In this sense at least the end of justice is to be found within the Trinity. This is certainly an idea supported by *Exclusion and Embrace*. However it does not necessarily imply that there is justice within the Trinity, merely that the triune life must shape a vision of justice.

We can certainly take from Volf that the human pursuit of justice (Volf's work suggests that human beings can't achieve justice or act justly, but can only pursue justice) is rooted in the triune life. The problem of establishing whether Volf sees justice as existing within the Trinity seems largely semantic. Volf's lack of clarity on the distinctions between embrace, love and justice mean it is impossible to be clear on what Volf thinks on this point. It is clear that Volf believes that the goal of justice is embrace and that the two are essentially the same. If then embrace is the triune mode of life it seems reasonable to suggest that Volf's theology can be read as suggesting the existence of perfect justice within the Trinity.

⁵⁴⁴ Miroslav Volf "The Trinity is Our Social Programme": The Doctrine of the Trinity and the Shape of Social Engagement', *Modern Theology* vol.14 ed.3, Blackwell, Oxford, July 1998, 406

Section 4: Pursuing Triune Justice

This thesis has made a movement from suggesting that justice is inherently connected to identity (chapter 1) towards suggesting that human identity should be rooted in an understanding of human beings as inescapably relational (chapter 2) and that justice is therefore also primarily concerned with relationships. Finally I have argued in this chapter (chapter 3) that human relationships are founded in the Trinity and that the Trinity is our primary source of justice.

In section 3 of this chapter I have argued that justice exists within the Trinity. This final point is particularly important for what is to come. For if justice exists within the Trinity and is an intrinsic part of that triune life which Volf calls embrace, and (as was set out in section 2) analogies can be drawn between the triune life and human life, then it is the life of the Trinity which will inform our understanding of human justice. Human justice will be derived (carefully) from our knowledge of the triune life of embrace revealed to us primarily at Christ's crucifixion.

The first question at this juncture, then, is how we can come to an understanding of human justice which is founded in the triune life and, secondly, what that justice will look like.

Some of the material needed to answer these questions has already been touched upon. In section 2, I raised Volf's categories of creaturely and historical limitations which draw parameters around what types of analogies can be drawn between Trinity and humanity. In section 3, I suggested that the difference between triune justice and human justice can be understood in terms of primary or perfect justice (which exists within the Trinity) and earthly justice which deals with injustice and which we might call secondary or imperfect justice. Most importantly, I proposed that secondary justice must always be understood in light of, orientated towards and in pursuit of, the ultimate primary justice of the Trinity. Primary and secondary justice should be related to each other and share a certain "sameness" whilst also understanding their

difference.⁵⁴⁵ Volf notes that ‘the Trinitarian cycle of self-donation cannot be simply repeated in the world of sin; the engagement with that world entails a process of complex and difficult translation.’⁵⁴⁶ The same is true of triune justice. The task in this section is to carefully translate what we can know of the just life of the Trinity into meaningful practices in a world of sin.

In order to proceed with the process of translation I will deal firstly with the question of how human justice can correspond to triune justice. I use Volf’s word translation here, but it is not meant in a technical sense of transposing from one directly onto another, rather that the contours of the triune justice will shape the character of human justice. As well as returning briefly to the areas noted above, I will also look to Volf’s notion of eschatological minimums and maximums. This part of Volf’s theology offers an understanding of continuity between human practice in a fallen world and the triune life which human beings are called to enter eschatologically. The three ideas of creaturely and historical limitations, primary and secondary justice and eschatological minimums and maximums can work together to provide clear parameters which begin to indicate the way in which human justice should be shaped, as well as precluding specific actions of (final) judgement and violence.

To answer the second question (‘what will human justice modelled on triune justice look like?’) I will seek to draw on the parameters of translation set out in section 4.1. I will refer to the triune life of embrace (which brings about the triune state of justice) and will draw on it to propose corresponding characteristics of human justice.⁵⁴⁷ As I have argued throughout this thesis, drawing on Volf, a new ethical code of justice is not what is required to tackle problems of justice, particularly those encountered within the post-conflict context of Croatia and Bosnia. What is required is a way of orientating justice processes and practices towards the ultimate justice of the triune God. What I

⁵⁴⁵ Volf writes on the sameness and difference of love in the Trinity and the fallen world in “The Trinity is Our Social Program”, 413

⁵⁴⁶ Volf, “The Trinity is Our Social Program”, 413

⁵⁴⁷ I have chosen to use the term ‘characteristics’ in response to Volf’s critiques of other types of projects in “The Trinity is Our Social Program”, 406. I will discuss the terminology more fully in 4.2

will propose are therefore only characteristics which might be considered in any situation where justice needs to be pursued.

In this section I will be following Volf in terms of the understanding of the triune way of life (embrace) which he sets out. I will also be synthesising strands of his work which set up parameters for progressing from an understanding of the Trinity to an understanding of human life and action. I will then be going further than Volf does in proposing my own understanding of specific characteristics of human justice which can be drawn from Volf's theology of the Trinity within the various parameters he sets out. In this sense I hope that the conclusions I draw will show themselves to be firmly rooted in Volf's theology, whilst going beyond it and thus show the potential of his theology for impact in the contexts of post-conflict justice discussed earlier in the thesis.

4.1 How should we pursue the Justice of the Trinity?

In answer to the question 'How should we pursue the justice of the Trinity?' I want to propose that human beings should pursue it carefully, with acknowledgement of who they are and where they stand in relation to the Trinity. This involves acknowledging parameters within which human beings can seek to image the Trinity. Volf has noted that the life of the Trinity cannot be simply repeated in the world; it requires a process of translation.⁵⁴⁸ (This reflects his understanding of the relations of immanent and economic Trinity noted in section 2.1a.) To begin the process of 'translation', moving from knowledge of the life of the Trinity that is revealed to humanity in salvation history, to human life and action we require an understanding of the ways in which Trinity and humanity are different and the ways in which they are the same - ultimately, the ways in which they are related both now and in the world to come.

⁵⁴⁸ Volf, Volf, "The Trinity is Our Social Program", 413

The sense of difference is underlined primarily by Volf's understanding of creaturely and historical limitations noted in section 2. Creaturely limitations in particular point towards the actions of justice which are permanently reserved for God. Historical limitations also mark difference, serving to remind us of the impossibility of perfect justice in the present and thus the need for temporary, imperfect human justice. Yet the impermanence of historical limitations also hints at a sense of sameness between the life and actions of the Trinity and the life and actions of humanity. The idea of eschatological minimums and maximums found in Volf's work (an idea which ties in with the sense of primary and secondary justice found in section 3) takes this sense of sameness further by emphasising the continuity between historically limited actions and the unlimited life of the Trinity and the world to come. It is a concept which illustrates how present (secondary, imperfect, historically limited) justice and future (primary, perfect or eschatological) justice should relate to one another.

4.1a 'Being as God Is'

In section 2.2 I noted Volf's assertion that human beings are called to live as God lives rather than to do as God does.⁵⁴⁹ In making this point, Volf draws us towards reflection on the character of God revealed in God's actions in the world as that which human beings are called to image, rather than a focus on the acts of God as pure actions. This builds on Volf's understanding of God's acts of revelation as revealing the 'character of each actor in the drama of divine self-revelation and their relations'.⁵⁵⁰ The actions are important, but their importance comes in that they are shaped by and reveal the character of God. This view contrasts, for example, with Barth who prioritises God's freedom in God's self-revelation and thus inserts a greater sense of distance between God's character and God's actions in the world.⁵⁵¹

⁵⁴⁹ See Miroslav Volf, 'Being as God is' in ed. Miroslav Volf and Michael Welker, *God's Life in Trinity*, Fortress Press, Minneapolis, 2006, 3-12

⁵⁵⁰ Volf, 'being as God Is', 6

⁵⁵¹ See Dietrich Bonhoeffer's critique of Barth in *Act and Being*, Fortress Press, Minneapolis, 2009, 84

It is the character of God's actions which reveal Godself to us. I want to assert in this section that creaturely limitations in particular mean that justice should be shaped by the character of God rather than the actions of God. Of course God's character and actions are not two separate entities; that is a view which Volf's understanding of revelation rejects. Nevertheless, for clarity this slightly dichotomous language is helpful here in differentiating the content of God's actions (for example death of God incarnate on a cross) which I will label 'actions' and the character of God's actions (self-giving love) which I will label 'character'.

Volf writes that 'the nature of God fundamentally determines the character of the Christian life' but also that 'we cannot simply proceed from the divine to the human, saying "This is how God is; therefore, this is how humans should be."⁵⁵² The process of translation from Trinity to humanity and the exploration of how that translation should occur in itself illuminates the characteristics of justice. To begin with it demonstrates that human justice founded in the Trinity will seek to reflect God through the character of the human pursuit of justice, rather than by direct correlation between God's acts of justice and human actions.

Volf is clear that appropriate correspondences between human beings and God can and should be drawn. He notes that revelation and scripture show that human beings are created in God's image and called to be like God.⁵⁵³ Yet Volf also asserts that it is correspondence and analogous likeness which is called for, not sameness or complete identity of created and creator. In addition he reiterates the problem of projection and analogy which means that 'human notions of the triune God do not correspond exactly to who the Triune God is, Trinitarian concepts such as "person", "relation", or "*perichoresis*" can be applied to human community only in an analogous rather than a univocal sense.'⁵⁵⁴ This demonstrates that as well as the acknowledgement of

⁵⁵² Volf, 'Being as God Is', 5

⁵⁵³ Volf, "The Trinity is Our Social Program", 405

⁵⁵⁴ Volf, "The Trinity is Our Social Program" 405

created/creature difference, Volf is aware of the related issue of incomplete and misconceived knowledge of the very concepts we use to talk about God.⁵⁵⁵

The idea of creaturely limitations is perhaps the most important consideration in limiting and defining human actions of justice. Creaturely limitations are permanent limits of human abilities. They more often require human beings to actively limit their own desire to overstep creaturely boundaries and instead to recognise the permanence of human non-divinity and difference from the absolute divinity of the triune God (for example lack of omniscience and omnipotence may mean restraint from attempts at final judgement or just violence).⁵⁵⁶ Volf notes that this limitation on correspondence requires that 'human beings should not succumb to the pathetic and self-destructive temptation to jump over their own shadows.'⁵⁵⁷ This limitation suggests that understanding justice must begin with an understanding of human creatureliness and non-divinity. The recognition of human limitations of justice may even require faith, a proposition which reflects Barth's thought. He writes that 'faith is acknowledgement of our limit and acknowledgement of the mystery of God's Word'.⁵⁵⁸ Certainly Volf has this in mind, although a lack of faith is not necessarily prohibitive to the pursuit of justice as I will suggest in the following section.⁵⁵⁹

I have noted above a key idea in Volf's theology which informs how we might begin to understand the justice of the Trinity in creaturely terms, that is, Volf's assertion that human beings are called to live as God lives rather than to do as God does.⁵⁶⁰ In terms of justice this notion suggests that we need to look beyond a simple reflection on God's actions of judgement in the world and instead seek to understand the ways in which the triune life is a life of justice. As we have seen, for Volf this triune life is known through God's revelation of

⁵⁵⁵ Volf notes the influence of Barth's discussion of this in 'Being as God Is', 6 fn.7

⁵⁵⁶ I will return to the issue of judgement and violence below in 4.1aii

⁵⁵⁷ Miroslav Volf, "The Trinity is Our Social Program"

⁵⁵⁸ Barth, *Church Dogmatics* 1/1, 176

⁵⁵⁹ This is from the same section of *Church Dogmatics* as Volf quotes from in 'Being as God Is', 6 fn 7. I return to this issue below in 4.1ai

⁵⁶⁰ See Miroslav Volf, 'Being as God is', 3-12

himself in the world. The possibilities for creatures to 'be as God is'⁵⁶¹ lie largely in the character of God which is revealed rather than through particular actions.

A good example of this idea of imaging the character revealed rather than the action itself is found in Volf's understanding of human giving (which is a significant part of the enlarged justice I am proposing). Volf argues that creation demonstrates that God gives freely 'when the plenitude of divine love turns away from itself towards the nothingness of nobeing.'⁵⁶² It seems clear that God's creation *ex nihilo* is not what we are called to imitate since the action is not predicated on creaturely abilities but on divine ones. Instead, Volf focuses on the fact that 'since God gives freely, we should too.'⁵⁶³ He cites the free giving of financial assistance advocated in 2 Corinthians 9:5 as an example of the type of giving which might image the giving of the Trinity in this case. It is the character of the giving (being freely given) which makes it godly not the content of the action (financial donation). It is this character of God's giving which is appropriate for creatures to correspond to. It is not a call for creatures to attempt to take on the divine role of creation from nothing, a project doomed to failure. For Volf this way of creaturely correspondence to the Trinity both draws human beings into Godself and the triune life and is possible only because of God, not because of innate human abilities or resources.⁵⁶⁴ Perhaps we can say that appropriate creaturely correspondences to God are the reciprocal response required to participate in the triune way of life. However, such reciprocation is only possible because of the initial giving of the triune God.

Here I have focused on creaturely limitations. Before turning to consider how human beings can enter into the imaging of the Trinity, it is important to note the role of historical limitations. Historical limitations differ from creaturely limitations in that they can be seen as largely imposed by a sinful and fallen world. Historical limitations tend to be limits which we naturally encounter (such as the reality of injustice in a fallen world) and are often limitations which should be

⁵⁶¹ Miroslav Volf, 'Being as God Is', 3-12

⁵⁶² Miroslav Volf, 'Being as God Is', 7

⁵⁶³ Miroslav Volf, 'Being as God Is', 7

⁵⁶⁴ Miroslav Volf, 'Being as God Is', 7f

recognised, but which should be striven against. Volf suggests that ‘any correspondences other than historically appropriate ones would be misplaced, not because human beings should put up with evil, but because the struggle against it will be effective only if we recognize the depth of its entrenchment is in persons, communities and structures.’⁵⁶⁵ This limitation suggests a check is needed on any pursuit of triune justice or eschatological life which fails to take account of the reality of a fallen world. It links with the concept of eschatological minimums and maximums which Volf proposes and which I will turn to in section 4.1b. This idea seeks to find a balance between taking account of historical limitations whilst maintaining a movement towards the triune life and the world to come.

4.1ai The Role of the Spirit

It is at this juncture that the role of the Spirit is of particular importance. We have noted the limitations of correspondence and that correspondence to the Trinity comes in the form of character likeness rather than likeness of attributes and actions. Here it is important to note how human beings can image the triune character. Volf is clear that it is through the power of the Spirit that this imaging is possible. In *After Our Likeness* Volf notes that ‘Trinitarian relations can serve as a model for the institutions of the church because the triune God is present in the church through the Holy Spirit, shaping the church in the image of the Trinity.’⁵⁶⁶ Without this the command to ‘Be as God Is’ becomes oppressive.⁵⁶⁷

He also writes

‘Human beings receive themselves as created in the image of the Trinity by the power of the Spirit. Their *imaging* of the Trinity is the gift of God’s movement out of the circumference of the Trinitarian life to create human beings and, after they have sinned, to restore them by dwelling within them and taking them into the perfect communion of love which God is.... [O]ur human tasks are not first of all to *do* as God does – and certainly not to make ourselves as

⁵⁶⁵ Volf, ‘The Trinity is Our Social Program’, 405

⁵⁶⁶ Volf, *After Our Likeness*, 239

⁵⁶⁷ Volf, ‘Being as God Is’, 6

God is – but to let ourselves be indwelled by God and to celebrate what God has done, is doing, and will do.⁵⁶⁸

In this sense then the idea that human beings can correspond to the Trinity becomes less surprising since this is possible because human beings can be indwelled by the very same Trinity, not through their own abilities or self-improvement. This means that, in imaging the Trinity, human beings are essentially passing on only that which has been shared with them. This suggests that the embrace of the Trinity is both the means by which human beings image God and the way in which human beings image God. Yet human beings can image God's justice only in so far as they have received it in the triune embrace. Thus the contours of human justice which seeks to image the justice of the Trinity will be shaped by embrace.

The *content* of justice is therefore also the *means* by which justice can be pursued. The will to pursue justice is also tied up with the indwelling of the triune God. Volf writes that the human will to image God comes from the Spirit:

'God does not first and foremost command human beings to work, but empowers and gifts them for work. They work not primarily because it is their duty to work, but because they experience the inspiration and enabling of God's Spirit and can do the will of God "from the heart".⁵⁶⁹

If both the will to image triune justice and the contours of triune justice require the indwelling of the Spirit it seems that the possibilities for the type of justice founded in the Trinity which I am proposing are limited to those who accept the embrace of the triune God. Yet Volf's understanding of the role of the Spirit is not limited to Christians. In *Work in the Spirit*, Volf explores the ways in which human pursuit of the eschatological life and, ultimately, correspondence to the Trinity, is dependent on the work of the Spirit in creation at large and in individuals in particular. In this text Volf's understanding of the Spirit at work in

⁵⁶⁸ Volf, 'Being as God Is', 6 This reflects Moltmann's understanding in *The Spirit of Life*, 195

⁵⁶⁹ Volf, *Work in the Spirit*, 125 (quote from Ephesians 6:6 and Colossians 3:23)

the world includes the Spirit at work in non-believers as well as believers. He writes that

‘if we affirm that Christ is Lord of all humanity – indeed of the whole universe and not only of those who profess him as Lord, and that he rules through the power of the Spirit, then we must also assume that the Spirit of God is active in some way in all people.... There is an important sense in which all human work is done “in the power of the Spirit.”’⁵⁷⁰

He goes on to note that the differences in the work of the Spirit come in the reception rather than the purposes or means for which and by which the Spirit works. In this sense both Christians and non-Christians can image the Trinity and pursue triune justice through the same Spirit even if they are unaware that that is what they are doing.⁵⁷¹

4.1aii The Preclusion of Final Judgement and Violence⁵⁷²

It is useful to turn now to examine the attempts at correspondence which Volf precludes and the practices of justice which are therefore not appropriate for creatures. These practices might be understood under the heading ‘do as God does’ and stand clearly counter to the maxim ‘live as God lives’. Volf is clear in *Exclusion and Embrace* that, whilst God also reveals himself as the ‘rider on the white horse’, the bringer of violent judgement, this is not a way in which human beings should attempt to image God. Here the language is less about correspondence to the Trinity and has a more practical slant. Volf emphasises that human beings do not have the capacity to implement final judgements and violence without a descent into injustice and prioritising the self over the other. This can be understood within the context of the call to embrace the other as paramount - and violence is incompatible with this. In this sense then the idea of

⁵⁷⁰ Volf, *Work in the Spirit*, 118

⁵⁷¹ Volf, *Work in the Spirit*, 119

⁵⁷² Here I reference final judgements. Volf sees temporary, partial, limited judgements as necessary in a fallen world, but final judgements on what is just are reserved for God. Volf, *Exclusion and Embrace*, 68, 225. For discussion of judgement and justice see chapter 1.

correspondence to the Trinity is still implicit since it is the call to live as God lives (the life of embrace) which both precedes and defines action. Furthermore there are implicit references to the fact that (final) judgements are reserved for God and prohibited for humans because of creaturely difference. Volf reiterates that 'humans are not God. There is a duty prior to the duty of imitating God, and that is the duty *of not wanting to be God*, of letting God be God and humans be humans.'⁵⁷³

Volf's refusal to see final judgement and violence as within the proper remit of creaturely correspondence to the Trinity might appear to rely on an arbitrary interpretative distinction between the actions of God and the character of God. Certainly in *Exclusion and Embrace* where the technicalities of his Trinitarian position are not dealt with, this can appear to be the case. The exclusion of final judgements and violence appear to be made on pragmatic grounds. 'The only way in which nonviolence and forgiveness will be possible in a world of violence is through *displacement or transference* of violence [to God].'⁵⁷⁴ This pragmatism may be an understanding of the historical limitations. Yet with the wider context of Volf's theology of the Trinity in view it is also possible to see his parameters of analogy at work. Firstly, the pragmatism relates to contending with the historical limitations of a fallen world. Volf suggests that human beings' sinfulness means that we are unable to be violent rightly.⁵⁷⁵ The act of final judgement is shown to be predicated on God's ability to be perfectly partial in his judgements. 'God sees each human being concretely.... God notes not only their common humanity, but also their specific histories, their particular psychological, social, and embodied selves with their specific needs.'⁵⁷⁶ The actions, we are unable to mirror; the character, we are. However, reflecting on the parameters set out above and the Spirit's role in the very ability of creatures to image the creator then the reason for the distinction appears less arbitrary. Volf's understanding of creaturely limitations has already suggested that the character of triune justice rather than the actions of triune justice are to be imaged. Final judgements and violence require divine attributes which are not

⁵⁷³ Volf, *Exclusion and Embrace*, 301

⁵⁷⁴ Volf, *Exclusion and Embrace*, 302 (italics Volf's)

⁵⁷⁵ Volf, *Exclusion and Embrace*, 302

⁵⁷⁶ Volf, *Exclusion and Embrace*, 222

shared with creatures, they are not gifts of God shared with human beings in the embrace of God. In addition, in a fallen world human beings are unable to control the impact of final judgements and violence. For each of these reasons, these are not a part of the human pursuit of justice.

This section has demonstrated that in terms of justice the creaturely and historical limitations mean that human attempts at justice are limited. They also suggest that justice practices should seek to image the triune character, rather than the actions of God which are predicated on literally infinite abilities. Volf reinforces this message, specifically precluding judgement and violence. Both of these ideas are reinforced by the means by which human beings are able to image the Trinity, that is through the opening of the triune embrace to the world and the invitation to participate in it through the Spirit. Human beings can only give that which they have received and the justice which is offered to the world on the cross is the justice of embrace, thus it is only the justice of embrace which we can offer to each other, as the gift of God. It has also been important to note that the failure to respond or receive the justice of God does not mean that the Spirit of God is unable to work, thus leaving open an important avenue by which the justice of the Trinity, the justice of embrace, can be seen to have implications beyond the Christian community.

4.1b Historical Minimum and Eschatological Maximum

I turn now to the question of historical minimums and eschatological maximums, an area of Volf's theology which works in a similar way to creaturely and historical limitations, in setting out parameters for understanding the possibilities of human action which seeks to image the Trinity. In particular it seems to be an extension of the idea of historical limitations.

Volf briefly uses the language of 'historical minimum' and 'eschatological maximum' in his *After Our Likeness*.⁵⁷⁷ This language can be hugely useful in indicating why justice should extend beyond the law, rights or philosophical notions centred on distribution of dues. It potentially supports my argument that

⁵⁷⁷ Volf, *After Our Likeness*, 199

present understandings and practices of justice should be orientated towards an enlarged sense of justice founded in the Trinity. Here the language used helps to marry the idea of justice within the Trinity with the eschatological participation of human beings within the life of the Trinity and thus their eventual participation in the triune justice. The language also goes some way to suggesting the way in which a vision of justice founded in the Trinity might be pursued in practice.

The language of historical minimum and eschatological maximum suggests that human life has in some senses two measures of action. Its appearance in *After Our Likeness* is similar to the related language of 'ethical minimum' and 'ethical maximum' in the context of eschatology in *Work in the Spirit*.⁵⁷⁸ The same idea can be read implicitly in *Exclusion and Embrace* where eschatological vision informs present action.⁵⁷⁹ In *After Our Likeness* the language appears within the context of a discussion of human correspondence to the Trinity and is almost interchangeable with the idea of minimum and maximum correspondence of human life and action with the life and action of the Trinity. The language is also strongly related to the understanding of analogies between God and human beings who are limited by their permanent creatureliness and by their impermanent place within history. The language of minimum and maximum helps to explain the relationship between the reality of human historical limitations and the eventual overcoming of these limitations in the participation of human beings in the eschatological life of the Trinity. It is a step on from the issue of analogy in that Volf's use of this terminology helps to tackle the question of how correspondence to the Trinity can be understood as concrete practices.⁵⁸⁰

Volf writes that there is an

'inner dynamic between historical minimum and eschatological maximum....If the church remains at a statically understood minimum of correspondence to the Trinity, it misses possibilities God has given it along with its being; if by contrast it reaches for a statically understood maximum, it risks missing its historical reality,

⁵⁷⁸ Volf, *Work in the Spirit*, 82f

⁵⁷⁹ Volf, *Exclusion and Embrace*, 165 for example.

⁵⁸⁰ Volf, *After Our Likeness*, 200

and certainly if it claims to realize this maximum, its self-understanding turns into ideology.⁵⁸¹

The key point for this discussion is that historical minimums stand in dynamic relationship with and should be understood in light of eschatological maximums. It indicates that the justice of the Trinity as discussed above (section 3.1) is not offered as a command to be fulfilled in the present but is that which constitutes the eschatological reality of human life. It is in this sense that the triune justice which constitutes eschatological justice informs human practice, as it becomes that towards which all presently historically limited practices (minimums) should be orientated.⁵⁸²

In Volf's *Work in the Spirit* he brings the language of love and justice into this context of minimums and maximums. He suggests a distinction between justice and love which seems to associate the former with the historical minimum and the latter as the eschatological maximum.⁵⁸³ It is not the same as his position in *Exclusion and Embrace* which sees a much stronger and inseparable relationship between justice and love.⁵⁸⁴ This seems to go against the larger point of his argument which is for a great sense of continuity between present action and future reality. Volf's eschatology is one of transformation rather than annihilation.⁵⁸⁵ The separation of justice and love in *Work in the Spirit* means that there must at some point be a disconnection between historical (or in this case ethical) minimum and eschatological maximum. In *Exclusion and Embrace* the sense of continuity is greater, with Volf stating that 'justice will be done to them when they find themselves reconciled with us in the embrace of the triune God.'⁵⁸⁶ This statement potentially supports the idea of a state of eschatological justice found in the Trinity. It is closer to suggesting a primary justice of the type I have argued for above (section 3). Volf's notion of justice bound with love in

⁵⁸¹ Volf, *After Our Likeness*, 199

⁵⁸² Volf, *After Our Likeness*, 267.

⁵⁸³ Volf, *Work in the Spirit*, 82

⁵⁸⁴ Volf, *Exclusion and Embrace*, 223f

⁵⁸⁵ Volf, *Work in the Spirit*, 88ff also see chapter 1 section 1.1 of this thesis for Volf's eschatology.

⁵⁸⁶ Volf, *Exclusion and Embrace*, 224

Exclusion and Embrace appears to fit with his eschatological theology more closely and is the basis upon which I seek to build my own proposal.

Nevertheless this earlier text (*Work in the Spirit*) is helpful in setting out the parameters of human action. Volf writes that 'All responsible Christian behaviour has to satisfy the ethical minimum and, inspired by the sacrificial love of Christ demonstrated on the cross and guided by the vision of the new creation, move towards the ethical maximum. The ethical minimum is the *criterion* for structuring the world of work, and the ethical maximum the necessary *regulative ideal*.'⁵⁸⁷ This has perhaps the strongest and widest practical implications of all Volf's work. The language of 'ethical' perhaps demonstrates Volf's slightly more practice centred focus in this text. The idea remains the same throughout his work, however: that is, present action is to be orientated in reference to eschatology (or 'new creation').⁵⁸⁸ It is helpful to see this idea situated in the context of work rather than the life of the Church since it demonstrates that this notion of minimum and maximum can be understood in terms of extra-ecclesial practices.

4.1bi Eschatology and Trinity

It is important to note here the strong correlation between what Volf alludes to as the eschatological life and the life of the Trinity. So far I have argued that justice practices should begin with a consideration of, and ultimately be derived from, the justice found in the Trinity. The language of eschatological maximums seems perhaps a tangent from this. However the close relationship between the Trinity and eschatology in Volf's work means that any understanding of eschatological justice (or eschatological reality as a whole) is necessarily defined by triune justice (or the life of the Trinity). In many ways for Volf, as for Moltmann, eschatology *is* the Trinity, or at least is defined by it since it is human participation in the life of the Trinity (or for Volf the embrace of the Trinity). Moltmann describes 'the eschatological kingdom of glory in which people will finally, wholly and completely be gathered into the eternal life of the triune

⁵⁸⁷ Volf, *Work in the Spirit*, 83

⁵⁸⁸ Volf, *Work in the Spirit*, 82f

God.⁵⁸⁹ Volf similarly defines the new creation as ‘the mutual indwelling of the triune God and his glorified people in a new heaven and a new earth’ and as ‘a totality in which God, his entire people, and the entire cosmos will constitute a differentiated unity, a communion, such that the triune God will be “all in all”’.⁵⁹⁰

Eschatology and the Trinity are closely bound in Volf’s work as in Moltmann’s. The third designation of the Trinity as the ‘Trinity in glory’ is language proposed by Moltmann and used on occasion by Volf.⁵⁹¹ It particularly illustrates the way in which eschatology and Trinity are linked in that the eschatological life of creation constitutes life in the Trinity. It is creation swept up into and perfected by, and fully participating in, the perichoretic life of the triune God. It is therefore possible to read this language of minimum and maximum as also about minimum and maximum correspondence to the Trinity. Certainly we could read the eschatological maximum as defined by the triune life (as set out above) and the eventual participation of human life in that. It is the eschatological maximum which is the fixed and permanent measure of justice. The historical minimum is only ever temporary and thus could not be held up as finally definitive of justice.

Volf is clear that new creation/eschatological reality is that which provides ‘universally valid normative principles’.⁵⁹² These are then to be interpreted within given historical contexts. In this way then justice is firstly defined by the eschatological life, which is human participation in the life of the Trinity. It is secondarily understood in concrete practices within historical contexts. It is the future reality of perfect justice which precedes and defines present practices. In this sense individual practices cannot claim to be good in and of themselves; it is their orientation towards and derivation from eschatological/triune norms which gives them value and legitimacy.

⁵⁸⁹ Moltmann, *The Trinity and the Kingdom of God*, 213

⁵⁹⁰ Volf, *After Our Likeness*, 266f. He draws on Revelation 21-22, Ephesians 1:10 and 1 Cor. 15:28 to support these statements.

⁵⁹¹ Volf, ‘Being as God Is’, 5 and 5n5 and Moltmann, *The Trinity and the Kingdom*, 176

⁵⁹² Volf, *Work in the Spirit*, 86.

4.1bii Implications of Eschatological Minimum and Maximum in Practice

The central question driving this chapter is 'How can Volf's theology of the Trinity contribute towards an understanding of justice which addresses the problems of post-conflict Bosnia and Croatia?' This notion of minimum and maximum offers a helpful perspective on how the notion of justice within the Trinity which I have proposed can be understood in terms of concrete practices.

The historical minimum in terms of justice might be understood as obeying the law, giving each their due, and the eschatological maximum as that which justice should be and will be, the perfect mutual giving and receiving of all things (which Volf calls embrace) in which human beings will participate in the Trinity. The best way to understand the eschatological maximum (or perfect justice) is to turn to the Trinity since the eschatological life is, for Volf, essentially life in the Trinity or 'the community of love in the Triune God'.⁵⁹³

In terms of post-conflict Bosnia and Croatia, this language might suggest that the historical minimum is the minimum requirements of the law and the provision of refugee rights or non-discriminatory employment practices. The ethical maximum would be the eschatological reality of that situation swept up into the communion of the Trinity. It is perhaps the right relationship of perfect giving and receiving of all things between war criminal and victim.

To assist in drawing out the practical implications it is perhaps helpful to turn to Matthew 5, a text which Volf sees as offering insight into the ways in which the Trinity is to be imaged in the 'deeply flawed world that is'.⁵⁹⁴ The Sermon on the Mount might also help decipher what the minimum and maximum correspondences might look like. Matthew 5:21-48 can be read as expanding the historical minimum requirements 'Do not murder, do not commit adultery, do not swear falsely' with the commands not to be angry, not to look lustfully, not to swear at all. The passage seems continually to enlarge the demands or the vision of justice with the command to 'Love your enemies and pray for those who persecute you', and finally to 'be perfect as your heavenly Father is

⁵⁹³ Volf, 'The Final Reconciliation: reflections on a Social Dimension of the Eschatological Transition' 106

⁵⁹⁴ Volf, "The Trinity is Our Social Program", 413.

perfect'. Justice here is expanded from the minimum requirements of the law towards the just life of the Trinity.

The passage might further be used to illustrate Volf's notion of historical minimum (which here I am suggesting correlates with law) and eschatological maximum (the commands of Jesus). It demonstrates that the law is rightly understood as pointing towards these maximums as a way of life, not as an end in itself. In particular we see that the laws are not necessarily permanent goods in themselves (demonstrated by the temporary nature of some laws), but are good only as they are engaged with or point towards ways of orientating towards the maximum vision of the justice of the Trinity (in this passage the Father is the perfecter of and the Son the fulfiller of justice).⁵⁹⁵ The justice revealed by and in Jesus is the fulfilment of the law rather than a separate justice. This sense of fulfilment demonstrates a continuity between historical minimum and the eschatological maximum embodied in Jesus. The text ends with the point that these commands for just living should ultimately end in human beings corresponding to the perfections of their heavenly Father. In two senses then this text potentially points to a justice of the Trinity which is fulfilled and perfected in the Trinity rather than a justice which is ended.

Volf's references to the passage might support this reading. Firstly, he sees it as having an eschatological focus and uses it to support his eschatology of a transformed earth and an earthly location for God's kingdom.⁵⁹⁶ Volf's reference to Matthew 5 in *Exclusion and Embrace* places the passage in the context of Christ as the 'ultimate example' of his new commands in the crucifixion.⁵⁹⁷ If we read this alongside Volf's understanding of the crucifixion as the ultimate action and revelation of the triune God it is possible to link these ideas together. That is that: the enlargement of justice spoken of in Matthew 5 is enacted in the revelatory act of the Trinity. If Christ crucified embodies the enlarged commands of justice, then the triune God is also the one who embodies this justice. If we follow the line of argument in section 1 of this chapter which demonstrates that Volf sees the revelation of the Trinity in the crucifixion, not as an external act of

⁵⁹⁵ Matthew 5:48, 5:17

⁵⁹⁶ Volf, *Work in the Spirit*, 94.

⁵⁹⁷ Volf, *Exclusion and Embrace*, 291.

God or a presentation of himself, but as the opening up of the Trinity to the world, then there are good grounds for linking the internal life of the Trinity opened up to the world with the enlarged sense of justice Jesus both speaks of and embodies. The crucifixion is the Trinity opening its embrace of mutual giving and receiving to the world, and what the Trinity gives is (in part) this enlarged justice.

It is important to note the sense of continuity of historical reality with eschatological reality which Volf's theology proposes and which is most clearly set out in this text. It supports my argument that any historical minimum practices of justice we propose must be orientated towards and consistent with the eschatological maximum and the reality of justice within the Trinity. If we follow Volf in supporting a sense of continuity between present reality and future hope, then present action must also be consistent with that future vision. It is only if we see a radical discontinuity between the fallen world and the new creation that we might be satisfied with or supportive of justice practices in the present which do not seek to draw closer to the justice of the Trinity in which creation hopes to participate.

Taken into the context of justice I have suggested that the minimum correspondence is the law. Whilst legal processes and human efforts to account for justice in terms of rights or philosophical rules have a place in demonstrating the minimums of justice, to make this the primary or end focus of justice is to do as Volf says – that is to miss out on God given possibilities for more justice, better justice, or most accurately a justice which more closely corresponds with divine justice. Nevertheless, we must be aware of Volf's warning too. That is, that if one 'reaches for a statically understood maximum, it risks missing its historical reality and certainly, if it claims to realize this maximum, its self-understanding turns into ideology.'⁵⁹⁸

It is interesting to note here that Volf does apply this critique of eschatology becoming ideology in his comments on Daniel M. Bell Jr's work. He notes that Stanley Hauerwas and his students (including Bell) have come to overstate the

⁵⁹⁸ Volf, *After Our Likeness*, 199.

role of the Church, seeing it not only as community but as *polis*. Whilst Volf believes the state and Church will be united, 'to unite them today is falsely to identify the present-day church with the eschatological reign of God.'⁵⁹⁹ Volf's criticisms of the implications of this move are practical ones.⁶⁰⁰ The central problem, which these criticisms seem to address, is that when human beings overreach themselves in trying to bring about that which is not yet, there will be a sense of enforcement. Volf writes that 'Bell's awfully pretentious church...threatens to make God dispensable because it has inserted God into the workings of its own "technology" and it wants to abolish everything (society, state and economy) but itself.'⁶⁰¹ That which will be brought about through God's grace is attempted through the imposition of a system - a step which in itself contradicts the very God it seeks to honour and image. The imposition of eschatological realities in the present tends even towards the violent identities discussed in chapter 2.

Here my tendency is to emphasise the eschatological maximum as a way of understanding the end and content of justice. Yet earlier in the thesis I have fully recognised the historical reality of imperfect justice. Even so in this section I may be going slightly beyond what Volf would see to be a reasonable emphasis on the eschatological maximum. He himself rejects (using different language) his own emphasis on the eschatological maximum in *Exclusion and Embrace*- an emphasis upon which I am nevertheless building. Instead he reverts to talk of the 'classic notion of justice' remaining and being overridden by grace.⁶⁰² This retraction appears to run entirely counter to the notion of historical and eschatological continuity which Volf advocates now, as before.

Counter to Volf's revised views, I propose that the eschatological emphasis can be maintained if the parameters outlined here are also kept in mind. Indeed I want to argue that a tendency towards emphasising the eschatological perspective is precisely what is needed in the context of concern here.

⁵⁹⁹ Miroslav Volf, 'Liberation Theology: After the End of History: An Exchange', *Modern Theology* 19:2,., London, April 2003, 263.

⁶⁰⁰ Miroslav Volf, 'Against a Pretentious Church: A rejoinder to Bell's Response', *Modern Theology* 19:2,., London, April 2003, 281-285.

⁶⁰¹ Miroslav Volf, 'Against a Pretentious Church: A rejoinder to Bell's Response', 281-285.

⁶⁰² Miroslav Volf, 'Against a Pretentious Church: A Rejoinder to Bell's Response', 283.

Following my arguments in earlier chapters, the problems of tackling justice in post-conflict Croatia and Bosnia appear to be bound up with a limited vision of justice centred on processes or, in Volf's language, a historical minimum. My (over)emphasising an eschatological vision of justice is therefore a corrective. Certainly Volf's critique of Bell illuminates the problems of this position, yet if Volf's other parameters are adhered to and my proposals take shape as characteristics rather than systems, this should be avoided. Most important, is a constant emphasis on the temporary and imperfect nature of all human actions including those efforts to image the Trinity. There is a risk that the notion of enlarged justice I am proposing turns into an ideology, yet it seems clear that the real risk in the context of post-conflict justice is that, in efforts to reach the bare minimum requirements of justice, the transformational possibilities of justice are missed.

To avoid the pitfall of a focus on triune justice (or the eschatological maximum) becoming an unhelpful ideology, I will propose a set of basic characteristics which might help translate the justice of the Trinity into human terms and which might shape the perspective of justice processes and practices without running the risk of setting down simply an alternative code or process. Equally, the limits of human correspondence to divine justice outlined above (section 4.1a) are necessary in order to be clear that human justice practices can never reach the eschatological maximum but are always limited.

So what will practices formed with this eschatological perspective look like? Volf's reading of the Prodigal Son helps here. He writes that, where the brother prioritises 'fixed rules and stable identities', the father, whilst not giving up 'the rules and the order [is] guided by the indestructible love which makes space in the self for the others in their alterity, which invites the others who have transgressed to return, which creates hospitable conditions for their confession, and rejoices over their presence, the father keeps re-configuring the order without destroying it so as to maintain it as an order of embrace rather than exclusion.'⁶⁰³ The eschatological vision of human participation in the embrace of the Trinity and the relationship of justice which that entails are always the end or

⁶⁰³ Miroslav Volf, *Exclusion and Embrace*, 165.

aim of any rules, any law, any justice process and are always to proceed and to be prioritised over any justice practices we seek to enact.

4.2 What is Triune Justice? What is Human Justice?

In the previous section I set out the parameters within which we might begin the task of translating triune justice into human justice. I suggested that this can be done through seeking to live as God lives in creaturely and historically appropriate ways and thus seeing justice as a way of life bound up with God's way of life. I also suggested that to understand further what this might look like in practice, the concept of eschatological minimums and maximums offers an understanding of the orientation of present and future (triune) justice. With this in mind I will conclude this chapter by asking what the justice of the Trinity looks like, proposing some corresponding characteristics for human justice practices. The term 'characteristics' is used here to indicate that what I am doing is not setting up a new scheme of rules, nor an alternative ethical code which if followed will equal justice. Volf is clear that yet another prescription for justice is not what is required. I have argued in chapter one that this perspective is borne out by the failure of justice practices to bring about justice or promote reconciliation or lasting peace. Instead, both my contextual research and Volf's theology suggest that what is needed is a consideration of the characteristics which secondary justice practices should have in order to point effectively towards the future justice of the *eschaton* and the justice of the Trinity.

In section 4.1 above I have noted that the parameters within which divine-human analogies can be drawn themselves shape the contours of what human justice should be like. Before drawing out the characteristics of justice suggested in the triune life of embrace, I will briefly return to these elements in order to place them clearly within my proposal for the shape of human justice practices.

Firstly, the limitations of human analogy discussed above have shown that human justice must be understood as temporary and limited. Human pursuit of justice will not and cannot bring about the justice of the triune God because of our creaturely inabilities and the reality of our historical situatedness in a world of injustice. Secondly, any account of human justice must be translated from and understood in dynamic relation to the justice of the Trinity, which is the justice in which human beings participate eschatologically. Thirdly, justice is found within the open arms of embrace offered on the cross and is made possible through the indwelling of the Spirit. The character of the eschatological maximum of justice and the justice of the Trinity, is to be found in the embrace of the triune God, and the pursuit of this justice is made possible by that same embrace of the triune God. Finally, final judgement and violence are not a part of this shared embrace and are therefore the type of activity reserved for God and precluded for human beings.

4.2a Embrace and the Characteristics of Justice

I noted in the introduction to this chapter that the key problems of justice processes are that they tend towards adversarial antagonistic relationships and that they are focused on justice being achieved through discrete actions.⁶⁰⁴ Here I am going to suggest a number of characteristics found in Volf's theology of embrace which we might hold to be true of triune justice. It is not an exhaustive list, but I will seek to highlight particular areas which demonstrate key points of difference between the type of justice which can be derived from Volf's theology and the type of justice practices currently in action. Whilst these characteristics emerge in Volf's discussion of the life of embrace, I will translate them into the language of justice. As has already been noted in this thesis, the metaphor of embrace is used to illustrate the triune way of life and thus, following the arguments of this chapter, justice is integral to it. It is in the embrace of the triune God that we know justice and are enabled to pursue it.

⁶⁰⁴ Chapter 3, Introduction.

The first notable characteristic of embrace (and therefore of triune justice) is that it is initiated by love;⁶⁰⁵ secondly, that it is constituted of perfect giving and receiving;⁶⁰⁶ thirdly, that it is a continuous activity.⁶⁰⁷ Each of these attributes also contributes to the idea of justice in its primary form as a state of being, as argued in section 3. Each of these attributes implies corresponding guidelines which might help direct human practices of justice towards the goal of perfect justice.

Firstly I will turn to the initiation of justice through love. In discussing the language of love and justice (section 3.1a) I noted that love is larger than justice, but that justice is a distinct part of love. I have also noted (section 4.1) that the human pursuit of justice, the will and ability to pursue justice, come from the Trinity — both the Spirit at work in the world regardless of belief and through believers' participation in the Trinity through Christ.⁶⁰⁸ I have argued both that the content of justice is defined by love and that the will (or desire) to do justice begins with love. It is love which ultimately defines the Trinity for Volf: God is love, and it is love which therefore begins every movement of the Trinity. Volf uses the term 'desire' in expounding his understanding of the movement of embrace in human terms.⁶⁰⁹ He notes that the desire for the other (which comes under the umbrella of love) arises when we notice the 'the void' which the other's absence engenders.⁶¹⁰ It is ultimately a recognition that human beings are designed to live in communion, to mirror and to participate in the embrace (and therefore love) of the Trinity.

Any practice of justice must therefore have at its heart an understanding of human identity as expounded in chapter 2 and as grounded in the triune life of love as referenced in chapter 3. It is clear in Volf's work that it is the love which God shows us which enables us to love others and thus, to pursue justice. As indicated in chapter 2 unless we know our neighbour as one whom we are called to love as ourselves we cannot act justly towards them. Whilst at the

⁶⁰⁵ Volf, *Exclusion and Embrace*, 216

⁶⁰⁶ Volf, *Exclusion and Embrace*, 143.

⁶⁰⁷ 'the movement of the self to the other and back has no end.' Volf, *Exclusion and Embrace*, 145.

⁶⁰⁸ Volf, *Exclusion and Embrace*, 127

⁶⁰⁹ Volf, *Exclusion and Embrace*, 141.

⁶¹⁰ Volf's use of the term desire is not the same as Hegel's as noted in chapter 2.

beginning of this chapter I have suggested that a relational understanding of justice points us towards the Trinity, similarly the triune life shows that justice is inescapably relational. There is justice within the Trinity because nothing is withheld from one another and all is freely given. This points us towards the fact that there is no justice for the self, only justice between the persons.

This understanding of love, identity and the Trinity suggests that the first characteristic of justice is that it should be relational and participatory. Justice which is shaped by and almost subsumed into the love of the Trinity is justice which seeks to embrace the other. It desires a response of love and for right relations to be established. This does not mean we must love our neighbour before we can pursue justice; this would be failing to take account of creaturely and historical limitations. Instead, it means that moves towards justice are predicated on understanding that we should (and will) love our neighbour, that is on understanding their rightful place as ones who are called to enter into the embrace of God and whom we too must seek to embrace in order for love and justice to prevail. In practice this involves a shift in attitude, an openness and willingness towards one's enemy or adversary.

Secondly, justice is perfect giving and receiving. Justice is classically understood as the giving of that which is due. In this thesis I have proposed that justice needs to be enlarged beyond this understanding. The understanding of the justice of God encountered in the revelation of the Trinity in the cross of Christ is one which goes far beyond dues. Indeed the cross appears to give precisely that which is not due.⁶¹¹ Instead the triune life, which includes justice, is one of abundant giving. Where dues may correspond to a historical minimum of justice, the eschatological maximum is the self-giving of the Trinity. Justice should therefore be characterised by an understanding of self-giving made possible through the self-giving of the Trinity and the sustaining power of the Spirit. It is a giving beyond dues. Although dues may be a helpful way of underlining the minimum level of giving which should be our historically limited norm, that which is due is not the character of justice; it is not a part of the final justice and therefore dues can only be a pragmatic consideration.

⁶¹¹ 'the offense of the cross' in Volf, *Exclusion and Embrace*, 127

Thirdly, justice is continuous. I have noted that the human pursuit of justice is never complete in itself and is always in pursuit of the perfect justice of the Trinity in which human beings participate eschatologically. Therefore justice in the historically limited present is never 'done', it is only ever pursued. This characteristic of human justice should counter tendencies to see an event of judgement or punishment as 'doing justice' and should instead see events such as criminal trials as contributing to the pursuit of justice (although not achieving it) and perhaps helping to 'anticipate the new creation in a real way.'⁶¹²

Similarly the role of the Spirit and the fact that the very ability to pursue justice originates with the triune movement towards us and is sustained by participation in the life of the Trinity (whether that be as happy recipients of the triune embrace or as unknowing participants in the work in the Spirit) means that justice is part of a way of life. In the new creation human beings participate in primary justice. Similarly the character of justice in an unjust world should be of justice as a way of life (embrace).

Conclusion

In this chapter I have presented the idea that Volf's theology of the Trinity can be read as offering a number of resources which serve to underpin an understanding of enlarged justice. Whilst rooting an understanding of human practices of justice in the Trinity encounters problems of both projecting the desired outcome onto God and overestimating our abilities to know the triune God or to image him, I suggest that Volf is well aware of these issues and navigates them carefully. Indeed the parameters for analogy which he offers in themselves contribute to our understanding of what the characteristics of human justice might be.

⁶¹² Volf, *Work in the Spirit*, 100

Whilst Volf's theological parameters mean his theology cannot offer a comprehensive system of how justice can be enacted, this is precisely what I have identified as problematic in the current situation of post-conflict justice. Instead, Volf's theology can offer overarching characteristics of justice which can be used to respond to the particularity of injustice.

The key point of this chapter in moving forward has been to bring the ideas of primary justice (or what Volf might call the eschatological maximum) into the centre of reflection on present practices of justice. This might serve to move away from an overemphasis on justice as judgement and as distribution of dues and reaffirm the notion of justice as primarily relational. Whilst historical realities may demand secondary justice including temporary judgements, legal action and punishment, they can only rightly be understood within the framework of eschatological justice. Whilst Volf makes it clear that it would be wrong to uphold eschatological justice as the norm for human life and action. It should nevertheless be upheld as that which human justice should pursue. In this way judgement, legal processes and imprisonment may gain a temporary legitimacy in so far as they pursue eschatological justice - that is the relational, self-giving life of the triune God which human beings are called to image.

Chapter 4: Practicing Enlarged Justice: Concluding Reflections

Introduction

This concluding chapter attempts to relate the findings of this thesis back to the issue of practices of justice in post-conflict Bosnia and Croatia. I suggest that practices should be considered in light of three key characteristics of human justice. These three characteristics emerge at the end of the previous chapter.⁶¹³ There they are offered as characteristics of human justice which are founded in reflection on triune justice. I suggested that present human justice, understood in light of triune justice, was relational and participatory, perfect giving and receiving and a continuous process with an eschatological orientation. These are the characteristics of human justice, which I have sought to draw out from Volf's theology. They constitute the 'enlarged justice' this thesis has been aiming towards. Here, I want to restate these characteristics in different terms, that is in terms of how they might shape justice practices. This chapter is a continuation of the same understanding of human justice arrived at in chapter three. However, here it is explored in light of the question 'What does Volf's theology of embrace mean for practices of justice?'

Drawing on Volf, these characteristics may, at their broadest, be understood in relation to all practices of justice. They are criteria which may help assess ways in which justice practices may or may not be in pursuit of or facilitate movement towards the justice of the triune God. The characteristics suggest prioritising right relations as the goal of justice through a mutual pursuit of justice rather than an adversarial approach, through limiting claims to do justice rather than claiming to do justice in the present, and through seeking practices that prioritise justice as a continuous process rather than a discrete action.

In the first section of this chapter I will define these characteristics drawing on the work of this thesis. I will then move on to engage the characteristics of

⁶¹³ See Chapter 3, 4.2a.

justice with current practices of justice in the Balkans. I will seek to show that these characteristics might call for practices to be reshaped, re-orientated, or for alternative practices to be implemented.

1. The Characteristics of Justice

1.1 The Characteristic of Mutual Justice

In chapter three I concluded that justice should be relational and participatory. This assertion is founded in the proposal that human beings are called to image the justice of the Trinity and that the way to do this is through seeking to live in the way that God lives, rather than to seek to act as God acts.⁶¹⁴ I suggested that the character of divine actions are primarily determined by who God is; three persons bound in mutual, free, self giving. It is this life of mutual self-giving by which human justice should be characterised and toward which it should be oriented. Triune justice characterises justice as inescapably relational. More than that, it suggests those relations are characterised by offering something of the self to the other

The centrality of mutual relationality to justice stands in contrast to understandings of justice as an adversarial process.⁶¹⁵ It suggests that justice practices should avoid being adversarial in nature or reinforcing adversarial relations. Instead justice processes need to prioritise practices which encourage a mutual pursuit of justice, offering greater opportunities for opposing parties to be drawn together into relationship.

The first step in drawing individuals together is through a reforming of identity as advocated in chapter two.⁶¹⁶ This means offering opportunities for opposing communities and individuals to hear from the other, to take in their perspective and to allow it to begin to reshape their own perspective. The most obvious way in which this process might begin is through dialogue and truth telling exercises,

⁶¹⁴ See chapter 3, 4.1a.

⁶¹⁵ David Faulkner, 'Relational Justice: A Dynamic for Reform', in ed. Jonathan Burnside and Nicola Baker, Waterside Press, Winchester, 1994, 170.

⁶¹⁶ See chapter 2 section 3.2 and 3.3

where perspectives are shared in the hope that understanding of each other increases and perceptions of the other are reshaped in light of what is heard.

It is only after right recognition that self-giving can occur. As discussed above, the most likely way for self-giving to occur in the Balkan context is through the giving up of one's own self-interest in favour of mutually agreeable goals.⁶¹⁷ Justice processes should offer opportunities for right recognition to progress towards the establishment of ongoing, mutual relationships. Reshaping political and educational structures may be seen as necessary in order that barriers to pursuing ongoing relations and mutual goals are removed.

In the following section I will seek to assess post-conflict practices in light of the ways they can pursue the characteristic of mutuality. This will be through reducing the focus on adversarial practices, increasing opportunities for right recognition of the other, and facilitating the pursuit of just relations which do not prioritise self interest, but which pursue the good of the self and the other together.

2.2 The Characteristic of Limited Justice

In chapter three I noted that justice is to be understood as 'perfect giving and receiving'.⁶¹⁸ This indicated that justice should be understood as extending beyond a conception of a debt owed, or a right to be claimed. Instead justice becomes free-giving. This free-giving can only be understood in practice in relation to present limitations of justice. That is, free-giving can be upheld as that which constitutes justice through refusing to allow anything less to be named 'justice'. For this reason the second characteristic of justice I propose is that of 'limited justice'. Limited justice seeks to recognise the fullness of what justice will be eschatologically (free and perfect giving) primarily through limiting claims to do justice in the present.

⁶¹⁷ See section 3.6 below.

⁶¹⁸ See chapter 3, 4.2a.

In chapter three I suggested that present practices need be understood in light of eschatological justice, which is human participation in the justice of the Trinity.⁶¹⁹ This suggests that present practices are not just in themselves and cannot be so. They gain legitimacy through being understood as 'in pursuit' of the perfect justice of the Trinity which human beings enter into eschatologically.

This theological understanding of justice, centred on the Trinity and orientated towards an eschatological end suggests that a central concern of justice practices should be limiting claims to do justice in the present. In practical terms this may appear to reflect the position of almost all NGOs, interviewees and other observers who are clear that justice had not been done in Bosnia and Croatia.⁶²⁰ Yet for many there is a sense that if processes were followed correctly and the right processes were in place justice could be done.⁶²¹ This is not the point being made here. This characteristic of justice is about clarifying the present limitations of justice which exist because of our historical situatedness (limited perspective) and our creaturely limitations.⁶²²

In addition to limiting claims to do justice, the characteristic of limited justice also entails remembering that the eschatological vision of justice (triune justice) does not become a regulative ideal.⁶²³ Minimum accounts of justice still have their role. The judicial system may therefore still have a role in upholding the minimum standards of justice. That is primarily in naming injustice and recognising the value and significance of what has been lost. Temporary judgements are possible within this category of maintaining the minimum account of justice. The maintenance of the minimum also suggests the necessity of addressing the problem of the misnaming of injustice as justice.⁶²⁴

The characteristic of limited justice suggests that justice practices should be orientated towards the eschatological maximum. In light of this justice practices and processes should limit the claims they make to do justice, justice processes

⁶¹⁹ See chapter 3, 4.1b.

⁶²⁰ See Chapter 1, 1.

⁶²¹ See Chapter 1, 1.1c

⁶²² See chapter 3, 4.1a.

⁶²³ See Chapter 3, 4.1bii.

⁶²⁴ Chapter 1, 1.2b.

should seek to reduce injustices which occur in the name of justice and processes should work to name and value injustices suffered.

2.3 The Characteristic of Continuous Justice

In chapter three I noted that justice is continuous. This characteristic draws on two elements of the justice of God. Firstly, that human justice relates to the triune justice because triune justice is that in which human beings will eventually participate.⁶²⁵ Following an understanding of new creation rather than an eschatology of destruction, there is a theological basis for understanding present justice as in 'pursuit'.⁶²⁶ The language of pursuing justice is preferable to the language of 'doing' justice in order to keep this eschatological end in focus.

Secondly, the continuous character of justice is reflected in the relational understanding of justice founded in the Trinity. Volf's metaphor of embrace which is in constant motion, which re-opens in order that embrace might be re-entered indicates that just human relations which seek to image the Trinity are dynamic relations.⁶²⁷ This understanding of justice as a continuous process stands in direct contrast to an understanding of justice as brought about as the result of discrete actions. This does not necessarily rule out all processes which involve one time actions, such a structural reforms. Indeed, remaking structures in order to facilitate embrace reflects the flexibility and adaptability of relational justice since justice is not found through specific structures or processes.⁶²⁸

The characteristic of continuous justice suggests that justice practices should have long term goals beyond their own existence. Processes should not exist for the sake of the process itself, but should expect to contribute to an ongoing pursuit of justice. Justice practices should facilitate just relations rather than

⁶²⁵ Chapter 3, 4.1b.

⁶²⁶ Introduction, 1.2a.

⁶²⁷ Volf, *Exclusion and Embrace*, 141.

⁶²⁸ See for example the flexibility of embrace noted in Volf's account of the Prodigal Son. Miroslav Volf, *Exclusion and Embrace*, 165.

enact justice. Justice practices should seek to enable relationships which become sustainable beyond the time of interaction with the process itself.

3. Practices of Justice for Post-Conflict Bosnia and Croatia

3.1 Reshaping Criminal Processes

Criminal processes are currently seen by many as the primary mode of achieving justice.⁶²⁹ The characteristics outlined above could be seen to suggest that this should not be the case. Firstly, because they focus on an understanding of justice achieved by due process not through right relations, secondly, because they are adversarial in nature, and thirdly, because they do not focus on a continuous, ongoing pursuit of justice.⁶³⁰ In addition criminal trials have accounted for numerous injustices, through failure to try or convict in the ICTY and through failure to combat bias and to protect witnesses in the local courts.

The goals of a truth commission are more obviously compatible with the demand for justice to prioritise right relations. It might be argued that a Truth and Reconciliation Commission (TRC) as in South Africa would offer a better way to pursue the type of justice which is orientated towards the Trinity. However, in implementation the processes can be equally fallible. It has been noted that 'pseudo-confessions and narcissistic confessions are rife' in the TRC.⁶³¹ Such a process may also be criticised for legislating for forgiveness through the forgoing of sentencing.⁶³² This may overstep the requirement for the self-giving of justice to be freely given. Whilst there may be a place for a truth

⁶²⁹ Tania Wettach, 'Religion and Reconciliation in Bosnia', 3.

⁶³⁰ 'It could be claimed that the whole point of the adversarial system is that it should not be relational.' Faulkner 'Relational Justice: A Dynamic for Reform', 169.

⁶³¹ Michael Battle, *Practicing Reconciliation in a Violent World*, Morehouse Publishing, London, 2005, 44.

⁶³² See Mark R. Amstutz, 'Restorative Justice, Political Forgiveness', ed. Daniel Philpott, *The Politics of Past Evil: Religion, Reconciliation and the Dilemmas of Transitional Justice*, University of Notre Dame, Notre Dame, IN., 2006, 174f.

commission (an idea returned to below), it is also possible to reshape existing criminal processes in line with the characteristics of justice outlined above.

Criminal trials and justice as limited

Criminal trials can be seen as in pursuit of triune justice. This is because trials may be effective in upholding the historical minimum of justice.⁶³³ The characteristic of limited justice noted the importance of recognising the constraints of human justice. I suggested that maintaining the historical minimum of justice serves the maximum of eschatological justice by allowing the latter to be properly viewed as the ultimate goal of justice. This avoids the problem of the justice of the triune God becoming the 'criterion for action' rather than the 'regulative ideal'.⁶³⁴ If law is understood as the minimum account of justice which points towards the maximum justice of the eschaton, then it is possible for the practice and enforcement of law to occur in pursuit of the justice of the Trinity. Legal processes may be useful in order to indicate where injustice has occurred and to acknowledge the significance and value of that which has been lost. To fulfil this role however, trials need to be understood as a minimum account operating within a context of the maximum, eschatological account of justice. Criminal processes and practices need to explicitly serve relational goals.

Criminal trials may therefore have an ongoing role in acknowledging the limitations of human justice and in naming and valuing injustice. However, the difficulties of criminal trials in relation to the understanding of justice offered here (noted above)_still remain. Therefore, trial processes still need to be reshaped in order that the characteristics of mutuality and continuity might also be pursued.

⁶³³ See chapter 3, 4.1b

⁶³⁴ See chapter 3,4.1b and Volf, *Work in the Spirit*,83.

Criminal trials and justice as mutual

The adversarial nature of trials needs to be addressed. A first step would be for reconciliation to be an explicit goal in the aims of the ICTY. Extending possibilities for testimony might also be appropriate in order to facilitate right recognition. Truth telling may offer the opportunity for right recognition of the other, which is foundational for the pursuit of right relations.⁶³⁵ In incorporating truth telling into justice processes there is a greater emphasis on the future value of the trial beyond the immediate processes of judgement and sentencing. This fits with the characteristic of continuous justice which suggests that trials should lay groundwork for the further pursuit of right relations. Truth telling at the ICTY has been limited in that only some victims were called to testify, and then only in response to prosecution questioning.⁶³⁶ Pre-trial investigative processes surveyed a greater number of victims. These processes could perhaps have been adapted to offer a greater opportunity for public testimony.

Sentencing options should support the aim of facilitating long term just relations. Sentencing should be given in the hope that the recognition of the weight of injustice it entails might make relational restoration more likely in the future. Penal sentences seem unavoidable in the cases of multiple and systematic killings, rapes and destruction of whole communities. Forgoing punishment in these cases may involve the difficult notion of legislating for forgiveness and further wounding victims, impacting negatively on the possibility of future relations.⁶³⁷ Yet in national courts involving smaller scale crimes, penal sentencing might not be the best way to acknowledge victims' loss and to gain acknowledgement of the weight of crimes committed by the perpetrator. Communal sentences, offering tangible benefits to victims such as the rebuilding of destroyed homes and landmarks might be more appropriate.⁶³⁸

⁶³⁵ Volf notes that truth is vital, but requires openness to the other, *Exclusion and Embrace*, 258.

⁶³⁶ ICTY 'Witnesses' <http://www.icty.org/sid/290> 20/10/2013

⁶³⁷ Nicholas Wolterstorff highlights these issues, although he concludes that sometimes state forgiveness is justified. 'The Place of Forgiveness in the Actions of the State', ed. Daniel Philpott, *The Politics of Past Evil*, University of Notre Dame Press, Notre Dame, Indiana, 2006, 109.

⁶³⁸ In summarising the recommendations of collected thinkers on relational justice, David Faulkner also suggests that 'courts should impose community sentences rather than sentences

Criminal trials and justice as continuous

The characteristic of continuous justice, outlined above, suggests the need for trials to offer opportunities for justice which extend beyond the occasion of the trial itself. Trials should contribute to an ongoing pursuit of justice. Relational justice models suggest that participation in justice processes is greatly improved through accessibility of courts and local accountability.⁶³⁹ The goal of restoring relationships may have been hampered by the distance of the ICTY from the communities involved. The problems of injustice are currently greater in local courts due to failures in witness protection and tendencies to bias.⁶⁴⁰ Yet the rewards of successful local trials would be a much greater resource for just relations than successful trials at the ICTY. One interviewee told me of the opportunity offered for a Croat to witness the killing of a Serbian man which was sadly not followed through due to an unhelpful court room setting.⁶⁴¹ Yet with improved processes, there is greater potential for trials to offer the beginnings of a long term, continuous process of renewing relationships. Where Croats are prepared to witness to the atrocities suffered by Serbs a dialogue is opened up, an acknowledgement of the culpability of one's own group is made and there is potential for just relations to be pursued as each party begins to see each other 'rightly'.

A regional level interethnic tribunal may be the best option. That is a tribunal administered by Serbian, Bosniac and Croatian judges located within the Balkan region, but independent of national processes. It would address the central problems of bias and witness intimidation at local level, whilst also allowing a greater sense of participation in the pursuit of justice. In this instance judgements would also become an occasion for the pursuit of mutual justice. The decisions made might have greater validity in the eyes of victims and perpetrators, if they were arrived at through the collaboration of a multiethnic judiciary. This regional tribunal might also address the problem of injustices,

of imprisonment wherever it is possible to do so.' 'Relational Justice: A Dynamic for Reform', 173.

⁶³⁹ This idea of local accountability and accessibility are suggested as a proposition for UK courts in Faulkner 'Relational Justice: A Dynamic for Reform', 173.

⁶⁴⁰ As documented in chapter 1, 1.1a. The ICTY has followed procedures in regards to these issues. <http://www.icty.org/sid/290> 20/10/2013

⁶⁴¹ Interview 1 November 2007, Appendix 3.

named as justice with less likelihood of bias. This fits with the concern to limit the occasions of misnaming justice. Whilst such a proposal does not exist currently, a proposal for a regional truth commission may offer similar benefits of mutuality and continuity.⁶⁴²

Beyond criminal trials

Criminal processes need to limit claims to do justice. That is they should not claim that correctly administered, criminal processes will lead to justice. One way of doing this might include taking the focus off criminal proceedings, allowing them to be seen as one element of a much broader range of practices and processes which seek to pursue justice.⁶⁴³ That would include elevating the status of other practices such as community dialogue and interfaith dialogue and supporting the development of a regional truth commission (as has been proposed).

Non-trial processes such as mediation/conferences or truth commissions should be central process in pursuing justice. They offer a preferable option for 'lower level crimes' and for ordinary combatants, offering victims the opportunity to know what had happened to family, friends and homes. They offer the first step in a possible dialogue.⁶⁴⁴ This would have offered the opportunity for communities to hear from all sides to understand the impact of the conflict, aiding the goal of a mutual approach to justice. This approach would also serve to limit some injustices of the court system where trials without sufficient evidence were not heard or failed to achieve convictions.⁶⁴⁵ That is not to say that a truth commission would offer a 'just process'. Nevertheless, the opportunities for justice to be pursued through such processes seem more

⁶⁴² Coalition for RECOM, 'Official Regional RECOM Group Holds First Meeting' <http://www.zarekom.org/news/Official-Regional-RECOM-Group-Holds-First-Meeting.en.html> 20/10/2013, The International Centre for Transitional Justice has also reported the work towards the establishment of RECOM <http://ictj.org/our-work/regions-and-countries/former-yugoslavia> 20/10/2013.

⁶⁴³ See Faulkner 'Relational Justice: A Dynamic for Reform', 170.

⁶⁴⁴ See Faulkner 'Relational Justice: A Dynamic for Reform', 170f

⁶⁴⁵ The ICTY only selected some victims to come forward due to the high level of proof required. In addition the requirements of 'reasonable doubt' mean that acknowledged crimes resulted in acquittals. <http://www.icty.org/sid/9984>, 20/10/2013.

extensive than the alternatives (criminal trials or no public acknowledgement of the initial injustice).

Bosnian leadership should support the proposed truth commission. Efforts are still being made for a regional truth commission to be recognised by all parties and look likely to be successful, although Bosnia is yet to confirm agreement.⁶⁴⁶ That these efforts are being made almost twenty years after the conflict signals a desperate need for justice despite the ICTY coming to a close. Such a commission, supported by all governments could be the most significant step towards justice in the Balkans. It could address the needs for mutual and continuous justice as well as recognising the limitations of the justice processes enacted so far and the impossibility of just judgements.

3.2 Justice through Dialogue

Dialogue which engages self-perception and identity must be the foundation for the pursuit of justice. The characteristic of mutual justice is perhaps one which takes precedence over limited justice and continuous justice. As argued in chapter two, the justice suggested in this thesis hinges on a recognition of the other as part of the self, the need for justice to be pursued for the self and the other, and the impossibility of justice for the self alone. Without this recognition any progress towards pursuing the type of justice advocated in this thesis will be limited. The pursuit of mutuality in justice is perhaps the most difficult to pursue since it relies most heavily on a changed attitude and perspective on the part of individuals.

In chapter two it was noted that perception of the self and the other precedes action.⁶⁴⁷ If this basic mutuality is established, the other characteristics of triune justice may begin to fall into place. In practice the best means by which this might be achieved is through mutual recognition of the facts of violence and

⁶⁴⁶ Coalition for RECOM, 'Official Regional RECOM Group Holds First Meeting'
<http://www.zarekom.org/news/Official-Regional-RECOM-Group-Holds-First-Meeting.en.html>
20/10/2013

⁶⁴⁷ Chapter 2, 2.3.

injustice on all sides. Even before dialogue, the acknowledgement of 'non-knowledge' of the other may be the first step towards pursuing justice.⁶⁴⁸

The first practice which must be central to the pursuit of justice is therefore dialogue. Many forms of community dialogue have been promoted by peace organisations and NGOs throughout Bosnia and Croatia.⁶⁴⁹ These have had mixed success. Men in particular have been less likely to become involved.⁶⁵⁰ Dialogues with middle level leadership have not only worked towards pursuing right relations for participants, but have produced resources to assist others in the pursuit of justice. For example, in Sarajevo leading religious leaders produced a document stating shared moral commitments which members of each faith community should uphold.⁶⁵¹ This indicates that dialogue at its best not only facilitates mutual justice but also contributes to an ongoing justice, continuous justice.

The characteristic of limited justice suggests that dialogues should be given more formal endorsement. This is in order that justice might be seen to be pursued through a number of practices beyond those of criminal justice. Dialogue needs to be seen as central to justice. Several efforts to set up a formal process for truth telling have been made. Current efforts involve representatives from each regional president.⁶⁵² This type of recognition is important in indicating the multiple ways in which justice should be pursued.

Dialogues should be set up with clear goals and processes. The United States Institute of Peace has assessed a range of interfaith dialogues in post-conflict situations, including Bosnia. Their recommendations include the ideas that dialogues should be centred on story-telling, should focus on identity formation (in order to confront both sides understanding of themselves as victims), should

⁶⁴⁸ See chapter 2, 3.3.

⁶⁴⁹ For example to Centre for Peace, Human Rights and Non-violence in Osijek, Croatia <http://www.centar-za-mir.hr/index.php.28.html> 20/10/2013 and the Karuna Centre in northern Bosnia <http://www.karunacenter.org/bosnia.html> 20/10/2013

⁶⁵⁰ Interview 2, November 2007. Appendix 3.

⁶⁵¹ Reported in Zoran Brajovic 'The Potential of Inter-Religious Dialogue', 199, http://www.berghof-conflictresearch.org/documents/publications/daytone_brajovic_civilsoc.pdf, 21/10/2013.

⁶⁵² Coalition for RECOM, 'Official Regional RECOM Group Holds First Meeting' <http://www.zarekom.org/news/Official-Regional-RECOM-Group-Holds-First-Meeting.en.html> 20/10/2013.

take place amongst lay people and leadership (offering both immediate relationship building and longer term practice orientated outcomes) and should be offered as longer term projects rather than one time events.⁶⁵³ These types of requirements suggest that dialogues can clearly assist in the pursuit of justice through refusing to lay claim to judgement (acknowledging the limited nature of human justice), assisting in the right recognition of the other (assisting in the pursuit of mutual justice) and through contributing to future progress through agreements, proposals and joint statements on behaviour (understanding the need for justice to be continuous). The understanding of justice outlined in this thesis suggests that such dialogues should clearly be understood as part of the pursuit of justice however, rather than as secondary to justice.

3.3 Justice and Political Structures

Political structures should not reinforce ethnic divisions. The current situation in Bosnia requires voters to vote for a candidate of their own ethnicity and requires candidates to stand as ethnic candidates. Whilst initially this served to offer all parties a political voice, in practice this is now a very divisive practice.⁶⁵⁴ Minority ethnic groups are reluctant to relinquish their right to a designated candidate of their own ethnicity as they fear their voices will not be heard in a free voting system.⁶⁵⁵ Politicians benefit from entrenching ethnic divisions to secure a portion of the vote. Desire to hold on to power may also be linked to significant corruption.⁶⁵⁶ The divisions which currently exist do not serve the pursuit of justice since, whilst they require some degree of political

⁶⁵³ David Smock 'Conclusions' in ed. David Smock *Interfaith Dialogue and Peacebuilding*, United States Institute of Peace Press, Washington D.C, 2002, 127ff.

⁶⁵⁴ See Office for Security and Cooperation in Europe 'Joint Opinion on Amendments to the Election Law of Bosnia Herzegovina', <http://www.osce.org/odihr/elections/bih/32867>, 22/10/2013.

⁶⁵⁵ Florian Bieber, 'Constitutional reform in Bosnia and Herzegovina: Preparing for EU Accession', http://www.epc.eu/documents/uploads/1087_constitutional_reform_in_bosnia_and_herzegovina.pdf<http://www.mrv.ba/images/stories/documents/Statement.pdf> 20/10/2013.

⁶⁵⁶ Daria Sito-Sucic, 'Politicking paralyses divided Bosnian town of Mostar', <http://www.reuters.com/article/2013/02/05/us-bosnia-mostar-idUSBRE91400620130205> 14/10/2013

collaboration, they are a greater force in reinforcing divisions in voters. The political system relies on political messages which offer an adversarial view of ethnic relations.⁶⁵⁷ The characteristics of justice suggest that the adversarial nature of the current structure needs to be tackled.

Enlarged justice may suggest the imposition of structural change. Viewed through a lens which prioritises freedom, this seems directly counter to justice.⁶⁵⁸ However, if we seek to pursue enlarged justice, through prioritising mutuality and the pursuit of continuous relations, this might not seem unjust. Since existing structures also forgo the demands of limited justice through allowing severe injustices in terms of corruption and inadequate policing to continue unchecked, the case for imposing a new structure may be strong.

If this is the case however, no structure could be imposed which would be of greater detriment to existing relations. That is changes should move towards right relations rather than adversarial relations. An acceptable compromise would be the requirement that the ethnic labels attached to the existing system are dropped. This is a minor change, yet it is a move which still stands in pursuit of justice. It removes the first barrier towards a politics which involves right recognition of the other. The minor nature of the change would have support even in the Republika Srpska.⁶⁵⁹ Many in the Federation support the imposition of a new political structure.⁶⁶⁰ It may therefore be right for the EU and other influential third parties to push strongly for the imposition of a limited (widely acceptable) degree of structural change in order to move forward in pursuing just relations beyond the political realm. This could override political machinations and self-interest in favour of a reform which would pursue the goals of justice.

⁶⁵⁷ Harriet Crawford, 'Why Bosnia?', <http://www.balkaninsight.com/en/blog/why-bosnia> 22/10/2013.

⁶⁵⁸ See Volf on the prioritisation of freedom in justice, *Exclusion and Embrace*, 101.

⁶⁵⁹ Florian Bieber, 'Constitutional Reform in Bosnia Hercegovina: Preparing for EU Accession', http://www.epc.eu/documents/uploads/1087_constitutional_reform_in_bosnia_and_herzegovina.pdf

⁶⁶⁰ International Republican Institute survey figures show 54% in the Federation support imposing new constitutional arrangements. 'Institutionalized Ethnic Division in Bosnia: A way forward for Iraq?' <http://www.wilsoncenter.org/publication/338-institutionalized-ethnic-division-bosnia-way-forward-for-iraq>, 20/10/2013.

The international community should mediate in the process of political restructuring. Whilst international parties (the EU primarily) are involved in assisting Bosnian constitutional reform, there is an increasingly hands off approach.⁶⁶¹ The characteristic of mutuality suggests that just relations need to be pursued between all parties, justice cannot be dispensed by one party to another. Motivations of third parties should be the pursuit of good relations between Bosnian peoples and future flourishing rather than personal political or economic interests particularly in regards to EU membership. Current dialogues are so focused on meeting minimum EU requirements that greater opportunities for encouraging just relations within Bosnia might be missed.⁶⁶²

3.3 New Language

Justice processes need to state their aims in language which acknowledges the limitations of the process. Campaigns for reforms need to be couched in the language of a better pursuit of justice, not read as a formula for achieving justice. There needs to be less adherence to a formula and a greater flexibility which asks 'what is the most just outcome in this situation?' rather than 'what does justice demand?'. The greater proliferation of justice options outlined above including (dialogue and a truth commission) and the allocation of greater emphasis on non-trial processes might be a good way of pursuing this goal.

Non-legal processes need to be given higher status. In order to pursue the goal of limited justice, recognition needs to be given to all processes which are in pursuit of justice. Giving higher status to community dialogue projects through greater government recognition and through increased links between administrators of such projects would increase the sense that they are part of the country's pursuit of justice. Such a move would suggest that justice is not

⁶⁶¹Daria Sito-Sucic, 'Politicking paralyses divided Bosnian town of Mostar', <http://www.reuters.com/article/2013/02/05/us-bosnia-mostar-idUSBRE9140O620130205> 14/10/2013

⁶⁶² Florian Bieber, 'Constitutional reform in Bosnia and Herzegovina: Preparing for EU Accession' 4 http://www.epc.eu/documents/uploads/1087_constitutional_reform_in_bosnia_and_herzegovina.pdf

primarily bound to judgement and criminal proceedings but that it can be pursued in a multiplicity of ways. This equal weighting of a number of justice practices would demonstrate that the process itself is not the key to justice. The high status of the proposed truth commission could be beneficial in this regard.

3.4 Ending Segregation

Reforming education practices should be a key objective in pursuing justice. The Office for Security and Cooperation in Europe (OSCE) states that 'education reform is widely regarded as critical to the long-term stability of Bosnia and Herzegovina.'⁶⁶³ Current educational practices reinforce inaccurate accounts of recent history and teach ethnic groups only their own traditions. It is a system which reinforces adversarial relations. The pursuit of justice through right recognition suggests that a joint curriculum should be taught which acknowledges the plural narratives and allows each ethnic group to encounter the other. These opportunities would have a significant impact on longer term relationships extending beyond the time spent at school, contributing to a continuous pursuit of justice.

Ethnic educational segregation should now be made illegal. A recent court ruling dictated that two schools close to Mostar should no longer be segregated.⁶⁶⁴ However, the position is not consistent and many schools are still segregated. Like the political structures, segregated schooling under one roof may have been a good approximation of justice in the past. In the current context it is a system which stands in the way of the further pursuit of just relations. Injustices such as exclusion and school violence are allowed to

⁶⁶³ Office for Security and Cooperation in Europe – Mission to Bosnia and Herzegovina 'Education', <http://www.oscebih.org/Default.aspx?id=3&lang=EN>, 21/10/2013.

⁶⁶⁴ Institute for War and Peace Reporting, 'Bosnian Court Rules Against Segregated Schools', <http://iwpr.net/report-news/bosnian-court-rules-against-segregated-schools>, 21/10/2013.

continue unchecked.⁶⁶⁵ The characteristic of limited justice suggests that these issues should be tackled in order that a minimum justice is established.

3.6 Mutual Goals

The desire to build relations is central to the understanding of justice grounded in the Trinity. Yet the motivation for action remains to some extent, a problematic issue. Theologically, the motivation for action must be the transformation of the heart and mind by the Spirit.⁶⁶⁶ The understanding of the self, Trinity and justice set out in this thesis are all entirely Christian in nature and depend upon a faith commitment in order to be fully realised and enacted. In addition, the characteristics above instil the need for relations to go beyond short term collaborations on trial processes or even truth commissions. A key element in addressing motivation and in establishing long term positive relations could be through 'common purpose'.⁶⁶⁷

The areas on which most Bosnians currently agree are those of the need for economic growth.⁶⁶⁸ Common economic goals and anti-corruption stances in Croatia as well as ambition towards EU membership have been good motivators for change. Whilst Croatia's path to political calm has been much easier because of the lack of ethnic diversity, nevertheless a common focus has been helpful in establishing a more moderate political discourse. The current President Ivo Josipović has recently been named as a bridge builder by Volf.⁶⁶⁹ He has made positive overtures to the Serbian government regarding EU

⁶⁶⁵ Office for Security and Cooperation in Europe – Mission to Bosnia and Herzegovina 'Education', <http://www.oscebih.org/Default.aspx?id=3&lang=EN>, 21/10/2013.

⁶⁶⁶ See Chapter 3, 4.1a and Volf, 'Being as God Is', 6

⁶⁶⁷ See Michael Schluter, 'What is Relational Justice?' in ed. Jonathan Burnside and Nicola Baker, *Relational Justice*, Waterside Press, Winchester, 1994, 21.

⁶⁶⁸ International Republican institute figures suggest 70% of Bosnian citizens see economic progress as a key concern <http://www.wilsoncenter.org/publication/338-institutionalized-ethnic-division-bosnia-way-forward-for-iraq> 19/10/2013.

⁶⁶⁹ Miroslav Volf 'YCFC hosts President of Croatia, Ivo Josipović', <http://faith.yale.edu/news/ycfc-hosts-president-croatia-ivo-josipovic>, 19/10/2010.

membership. Pursuit of this membership was also a motivating factor in increased Serbian co-operation with ICTY efforts to track war criminals.⁶⁷⁰

Economic troubles and high unemployment are directly related to issues of political structure and segregation in Bosnia. This means that progress in these areas is certainly harder than in Croatia and Serbia. However, it does mean that the desire for economic progress can become a significant, common motivating factor for change. Mutual economic goals may be helpful in drawing ethnic groups together and serve to demonstrate the need for a mutual pursuit of justice in other areas such as the reform of the constitution, local government and policing.

Conclusion

The characteristics of mutual, limited and continuous justice offer more defined ways of assessing the ways in which current practices of justice in Croatia and Bosnia may be reorientated towards an enlarged justice founded in the triune God. These characteristics help to translate the excess of free self-giving which is at the heart of enlarged justice into guidelines for practising justice. The account of justice I have proposed, founded in Volf's theology of embrace, does offer resources which can impact future practices of justice in post-conflict Bosnia and Croatia.

The complexity of the current situation discussed in chapter one and re-engaged here suggests there is a real need for reshaping justice practices. Whilst the situation in Croatia is more positive due to fewer challenges, commentators offer a bleak picture of the current situation in Bosnia. The over reliance on criminal trials as a means of pursuing justice and an entrenchment of existing divisions in political and educational life have been key factors in the failure to effectively pursue just relations. Currently, justice practices in Bosnia often impede the enlarged understanding of justice offered in this thesis. The

⁶⁷⁰ BBC, 'Goran Hadzic arrest: A turning point for Serbia?' <http://www.bbc.co.uk/news/world-14238332>, 24/10/2013.

account of justice offered here has great potential to reshape current practices in ways which open up the possibility of a mutual, flourishing future.

Conclusion

In concluding I want to draw together the most significant proposals for justice which have been brought to light in this thesis and propose a way of pursuing justice which might address the problems of post-conflict Bosnia and Croatia. To do this I will firstly revise the key points made in this thesis, linking them to the enlarged sense of justice I want to propose. I will then conclude with the overall shape and character of justice which I believe can tackle the problems of justice in post-conflict Bosnia and Croatia. This conclusion draws together the work of this thesis which has been to draw out material found in Volf's theology of embrace, engage it with the post-conflict context and in doing so to find a new sense of justice which goes beyond the limitations of justice processes and philosophical theories. Here I propose a sense of enlarged justice rooted in the eventual participation of human beings in the triune life of justice which is embrace.

Section 1 – Key Contributions to Enlarging Justice

1.1 Justice

In chapter one I noted the key problems of post-conflict justice in Bosnia and Croatia. I suggested that Volf's critiques of justice made a contribution to understanding the problems and that his vision of justice shaped by love might offer the basis for a new approach.

This chapter suggested that justice processes in Croatia and Bosnia are focused on criminal trials and legal processes. The problems of bias and negative perceptions of justice were noted by NGOs, but the solution has

tended to be seen in terms of better practices.⁶⁷¹ In proposing an ‘enlarged’ sense of justice, I want to suggest that improving existing practices is not enough, if it is still believed that the processes and practices themselves will achieve justice. At the same time, the processes are not necessarily redundant. Instead, they can be transformed if viewed not as the way to achieve justice, but in a more limited fashion as part of a much broader pursuit of the justice that is love and embrace.

The problem of injustice named as justice and the way in which this feeds into a cycle of violence or at least exclusion noted in this chapter, means that limited claims to justice are a significant part of the enlarged justice I am proposing. In locating his vision of justice in eschatological life and, in my reading the triune God, Volf’s work makes this limitation of claims a natural step. However, whether one takes on the full theological implications of Volf’s work or not, the limitations of human justice must be recognised and regularly acknowledged in order to avoid injustice being named as justice.

The failure of justice processes to achieve restoration of relationships, which in some cases, such as that of the ICTY, as a distinctly expressed purpose, means post conflict justice has failed on its own terms.⁶⁷² In offering a vision of justice founded in love, Volf ensures that non-contractual relationships are at the heart of this understanding of justice.⁶⁷³ Justice must pursue right relationships first, and these are to be defined in reference to the ultimate relations of the divine Trinity. In a practical sense the basic prioritisation of reconciliation as a good which is already acknowledged as having some role to play in the justice processes would be a positive beginning.

Highlighting the divisions of justice and the problem of victim and perpetrator divisions, demonstrated the need for a reconfiguration of justice, and identity, rather than simply a redistribution of power or goods. In practice asking victims to consider themselves as in one sense indistinctive from perpetrators is difficult. Dialogue projects such as that run by the Osijek Centre for Peace, Non-

⁶⁷¹ Chapter 1 section 1.1

⁶⁷² ICTY website, 01/02/2009

⁶⁷³ Volf, *Exclusion and Embrace* REF

Violence and Human Rights might be the answer here, engaging with a process of 'enlarged thinking' as advocated in chapter two.⁶⁷⁴

1.2 Identity

In turning to identity I suggested that problems of justice require a rejection of identities based upon assertion of difference or assimilation of the other into the self. I suggested that the chief problem of identity in post-conflict Bosnia and Croatia were exclusionary identities. I argued that this form of identity is expressed in a range of ways, but these have a common element in that they seek to exclude the other and foster hard boundaries. These rigid identities result in or are perhaps reinforced by, rigid claims to justice and few attempts to find a common way to pursue justice between groups.

Volf's work highlighted the need for proper recognition of the other, not as an imagined other, but as they are. The reality of multi layered identities needs to be accounted for in that recognition. The right recognition of the other in this way contributes directly to the pursuit of justice as a mutual relationship. Seeing the other rightly allows for the other to shape one's own identity and consequently, one's own claims to justice. This reshaping takes place in the hope that 'competing justices may become converging justice.'⁶⁷⁵ In light of Tania Wettach's research on the divided notions of justice which form alongside identity groupings. Volf's view of right recognition seems a much needed contribution to the pursuit of justice.⁶⁷⁶

Volf's main proposal of embrace as an alternative way of constructing identity is, in the same way as the enlarged justice I want to propose here, beyond any conventional identity theory in that it is shaped by the love of the Trinity. Volf's view is not simply an understanding of identity as formed in relations, or even

⁶⁷⁴ Osijek Centre for Peace, Non-Violence and Human Rights, 'Dealing with the Past' http://www.centar-za-mir.hr/index.php?page=programi&article_id=50&lang=en#Dealing With the Past, 1/01/2013.

⁶⁷⁵ Volf, *Exclusion and Embrace*, 213

⁶⁷⁶ Tania Wettach, 'Religion and Reconciliation in Bosnia'.

adding that those relations should ideally be truthful and harmonious. Rather, Volf proposes that love of the other extends to 'decentering' the self and making room for the other to come into the self and reshape one's identity. The sense of hospitality this implies in contrast, the self-imposed segregation of Vukovar, for example, shows Volf's theology to be in radical opposition to the current practices of Bosnia and Croatia. An enlarged sense of justice then perhaps includes refusal to segregate, and a hospitable welcome to one's enemy.

Embrace as in opposition to exclusion requires a movement from the victim towards the perpetrator. At the same time, if we are to view the movements of embrace as integral to justice, which I do, then the victims also become empowered to pursue justice without the need to appeal to outside agencies or those in positions of power. Volf's embrace stops the problem of damaging cycles of power noted in chapter 1. The reaching out of embrace also seeks to end the problem of injustice named as justice.

The sense that embrace cannot be imposed upon another, and the space for not knowing discussed in chapter two section 3.2 suggests that a new understanding of justice cannot assert itself over unwilling participants. There is a sense of mutual giving and receiving of self which lies at the heart of this understanding of justice as embrace. Of course, as Volf notes at the end of *Exclusion and Embrace* 'Tyrants may need to be taken down from their thrones and the mad men stopped from sowing desolation.'⁶⁷⁷ Yet the pragmatic need to stop perpetrators perpetrating is not to be called justice. In some ways this suggests Volf's theological propositions do not offer a practical response to violence in particular. However, what Volf is limiting is only the claims of justice applied to violence, not that violence can always be avoided. In making this move, he is eminently practical in that the refusal to name violence as justice helps to protect against a spiral of violence and conflicting justice claims. The exclusion of both violent identities and violence itself must be a part of a sense of enlarged justice. Instead it should be orientated towards the life of embrace which is mutual self-giving

⁶⁷⁷ Volf, *Exclusion and Embrace*, 306

1.3 Trinity

In turning to the Trinity one comes to the heart of Volf's theology. All things begin and end with the Trinity, including identity and justice.⁶⁷⁸ In dealing with critical issues of knowledge of God and the possibility of analogies, I sought to lay firm grounds for my proposal that justice can be seen as rooted in the Trinity. Seeking to ground justice in the Trinity is in itself a response to the problems of justice noted in the first chapter. If present justice is only partial and present practices are to be acknowledged as such, then to avoid critique becoming simply deconstruction and chaos, it becomes imperative that justice is grounded elsewhere. The firmest grounding for a Christian account of justice must be in the Trinity. Volf's understanding of the Trinity suggests that if God acts with justice in the world justice must reside with God. Since God's actions in the world are expressions of God's mutual interior relations as Trinity, then justice must also reside within these relations.

In this chapter I defined justice as perfect giving and receiving. This retains the traditional understanding of justice between individuals but gives it an infinite quality which is defined by love. It gives a sense of justice which is continuous and never ending. It gives an understanding of justice which is to be pursued and not 'done'. This sense of justice is perhaps reflected in Amos 5:24 where justice is said to 'roll down like waters'. This contrasts considerably with current processes which seek to enact justice in a onetime event. Indeed the ICTY is in the process of bringing its mission to bring justice to victims to a close.⁶⁷⁹ Yet it is clear that the need for justice in relation to the conflict has not ended in Bosnia or Croatia.

Having elevated justice in many ways, the possibility of actually pursuing the type of justice founded in the triune life seems problematic. Volf's understanding of participation in the triune embrace and the role of the Spirit in the world

⁶⁷⁸ Volf, 'Being as God Is', 4

⁶⁷⁹ ICTY, 'Tribunal Closes Field Offices in Croatia and Kosovo', <http://www.icty.org/sid/11180>, 02/01/2013

means a move from his theology towards an understanding of justice with implications beyond the Christian community is possible. Nevertheless the potential to pursue an enlarged sense of justice must be greater amongst those who acknowledge themselves to be participants in the triune life and respond to the offer of embrace.

The exclusion of final judgment and violence as means by which human beings can pursue justice is important. Whilst limited, impermanent judgments will be necessary, knowledge of human limitations means that judgments cannot be just. For practices of justice this means that processes should not be focused on judgment as the central purpose or as an act which is expected to bring about justice. The temporary and partial nature of human judgments needs to be recognized in order, again, to avoid injustice named as justice. Justice focused on judgment also tends towards an understanding of justice centered on discrete actions rather than the sense of justice as continuous process which I wish to advocate here. Where judgments do take place they should also be acknowledged as an enacted in pursuit of justice and with the end of reconciling embrace in mind.

The relationship of eschatological minimums and maximums reinforces the idea that whilst conceptions of justice as law, rights and procedures has a place in pursuing justice they do not constitute the end of justice or the whole of justice. Law can point the way towards the ultimate ends of justice as in Matthew 5. This means an enlarged sense of justice must encourage renewed reflection on the values and character of justice which law and other conceptions and processes of justice uphold. My understanding of an enlarged sense of justice is not necessarily about disposing of current practices in Bosnia and Croatia, although that might be necessary. What it does indicate is that their value lies solely in the ways in which they bring individuals and communities closer to embodying the justice which becomes embrace.

1.4 Practices of Justice

In the concluding reflections in chapter four I sought to draw the understanding of enlarged justice arrived at in chapter three back into engagement with the current practices of justice as in Bosnia and Croatia. This thesis asked "Can the resources found in Volf's theology of embrace address the problems of justice found in post-conflict Bosnia and Croatia?" Throughout the thesis I have sought to demonstrate that Volf's work does engage the key issues and underlying problems of justice. In this final chapter I suggested that the characteristics of enlarged justice (which is rooted in Volf's theology of the Trinity) can be expressed in ways which engage directly with issues of practice.

I suggested that Volf's work offers the foundations for understanding justice practices as best pursued through focusing on mutuality, and the pursuit of right relations. In addition justice practices should not lay claim to 'do justice' but should instead be 'in pursuit' of justice. Pursuing justice should be understood as beyond the scope of individual practices. Instead it is continuous, constantly being expressed through a range of actions, as right relations are pursued.

Conclusion

This thesis has suggested that Miroslav Volf's theology of embrace has rich resources which directly address issues of justice in post-conflict Bosnia and Croatia. His work offers a fuller understanding of the root causes underlying failures of justice and the need for identity to be reformed. The roots of his theology lie in the Trinity which provides an underdeveloped resource for addressing the problems of justice in Bosnia and Croatia. This thesis has sought to demonstrate that Volf's work can underpin an understanding of enlarged justice which addresses the root causes of justice (conflicting claims

and hard identities) and which does not remain abstract but can speak back to the context in ways which reshape and re-orientate current practices of justice. The account of justice offered here keeps in mind both a vision of the eschatological justice of the triune God, and the need for concrete practices which might pursue that future reality.

Appendix 1: Interview with Miroslav Volf, Yale Center for Faith and Culture, 26th August 2009

BW. In Exclusion and Embrace you are talking to the victim....

MV. Yes.

B. It is from a much more eastern European perspective, or to a European audience, it seems to me. How do you think your perspective has altered now that you are in the States? You seem to be writing to a more American audience. I am thinking of Free of Charge where you talk about the idea of God as Santa Claus. That seems to indicate a shift in perspective, although you are presenting many of the same theological ideas. What do you think about that?

M. Yes. Well the idea for Exclusion and Embrace was born here.

B. Yes but the intended audience seems to be different.

M. Yes that may well be, and it was written in Germany. In a sense, in terms of the audience for Exclusion and Embrace, I did not have an audience in mind. I was writing a book for myself. This just pushes your question further out. What has happened to me? Because I have moved from there to the United States. Yes, there certainly is a shift, a shift of interest. The idea of God as Santa Claus is about the question of religion light, a question of the kind of self-orientated religiosity. But then, on the other hand, you know it's analogous because one of them is very much individualistic use of religion for the interest of the self and the other one is kind of communal use of religion. So I think it has similarities but those differences are also marked. I do think that a major issue today ...[pause]...there are two major issues with religion...[pause]...one is still religion and identity, communal identity and the consequent clashes around that. But I think a more significant issue than that, is a hollowing out of the sense of the meaning of life and a conception of human flourishing as experiential satisfaction, and then the drawing in of religion to support the sense of simple experiential satisfaction as a good life, and then Santa Claus comes in. I think that is really a major issue that is facing us now.

B. Do you think that is the key issue across the board or is it particularly because you have come to the States and the society here?

M. I think I see it particularly in the States, but I don't think it is simply the United States. I think it is a phenomenon of late capitalism spread through globalization processes and I think it characterizes many societies, different segments of societies but to the extent that the market has permeated societies and consumerism has permeated societies, I think it has become part and parcel of many cultures.

B. Ok. I want to talk about identity. In Exclusion and Embrace you talked about gender identity. I think it is easier to talk about than ethnic identity. You talk about the 'root' and the sexed body as the 'root'. In ethnic identity, what is the 'root'? Arguably there is no 'root', so how do you think you can talk about ethnic identity in relation to what you have written about gender identity?

M. In some ways it is easier. It is easier to indicate the stable factor in gender identity. But my sense is I don't necessarily need to identify what it is...[pause]...so the root functioned for me, in gender identity, simply to undermine the notion of a complete fluidity but I don't think that the identity itself needs the root to be formed. There is more stability to gender than there is to national identities or communal identities but nonetheless in the self-perception of actors there is a sense of, and you can read, ethnic identities via religious belonging, via language, via common myths and history. Certainly they are fluid, more fluid than gender, but nonetheless identifiable, and the more there is a situation of conflict in which groups find themselves, the more stable and rigid those identities become. But you are right; it is tough to think of those group identities in a clear way, they are too amorphous for that. So you have self perception of a group and self identifications and yet you are not able, in a stable way, to impose the boundaries. So it is tough.

B. Yes, especially in the Balkan where people have chosen ethnic identity.

M. Exactly. I am struggling with that issue myself. At one point I wanted to write about nationalism but I'm not sure that I know how to write well about that.

B. Ok. So you don't think we need to talk about the 'root' in terms of ethnic identity?

M. I don't think so. I think that it is formed through identification processes and so multiple things such as language, religious belonging, common history, common myths go into the identity but then there is always an element of self-identification which you can see in the Balkans. You can have two parents...[pause]... you can have somebody who is Hungarian but feels an awfully strong Serbian identity to make up for the marginality in which he or she finds themselves.

B. You have described yourself as a 'social Trinitarian of sorts'. Can you tell me a bit more about how you would want to qualify that label? I guess it is about the problems of analogy and the way some people have gone down a route in which God appears almost dependent on his creation...those kind of problems. Is that what you are trying to steer away from when you make that statement?

M. Yes. Partly because in social trinitarianism the analogies being used are of three persons and I think there are cases, Al Plantinga is the best case, of almost having a tri-theistic understanding of God. Moltmann, I don't think he sufficiently emphasizes the unity of God. It would seem to me that...[pause]....I think the series of essays I edited for Moltmann [God's Life in Trinity?] in which I talk about that very issue....

B. Ok, next question is about human rights. I think this is one of the areas where you seem to have moved on. In Exclusion and Embrace you say...

M. I have shifted my thinking on justice, yes I think I have.

B. How?

M. I think I understood justice...[pause]...I did not conceptually provide sufficient space for justice qua justice. It was almost subsumed into love. I have come, in conversations with my good friend Nick Wolterstorff, to think differently about it. I think right now, and you can see that in Free of Charge, that there is a difference in my understanding of justice. I think that something like a basic concept of what is owed to another is absolutely essential to

preserve...[pause]...and that love is not opposed to justice, indeed you cannot pursue justice without love because love motivates for justice and human rights and it is not opposed in its content but it goes beyond justice. The gratuity and the gift character of love ought to be preserved as distinct from the demands of justice.

B. Ok. I think there was a difficulty in Exclusion and Embrace in that you had to carry a separate concept of justice as something owed at the same time because you needed that to determine the need for or value of forgiveness. So you have overcome that although I still think I prefer Exclusion and Embrace!

M. Well I can understand that!

B. That's the area I would like to develop because I think in Exclusion and Embrace there were things left undone but I guess what I'm going to do is go off in a different direction to where you have gone now.

M. Sounds good! Read Nick's book on justice though.

B. I have read some of it...He says when rights are fulfilled then there is justice [God and the Victim] do you agree with that? Because I don't think that fits with what you have said before...

M. I think part of this discussion is semantic. What is it that you will call justice? If you call justice that which is owed strictly to someone then I think that is right. Nick is right. But if you have a concept of justice as a right relationship then, in my concept, it merges with love. I personally think that you need both, but I think that it is useful to conceptually distinguish between these. What I haven't done, in Exclusion and Embrace, is to conceptually distinguish, though the idea was operating in a subterranean way.

B. Ok that's very interesting. A small question – in Exclusion and Embrace you didn't talk about original sin explicitly. Instead you used Suchocki's phrase 'background cacophony of evil'. Do you find the notion of original sin in and Augustinian sense useful?

M. Yes. I do find it useful. Quite apart now from how it is there [or how] it is transmitted; those are distinct issues from one already finding oneself caught in the snares of evil and one always already bearing guilt for that reason. I think that is a very important concept to preserve.

B. What do you think about the situation in Croatia and Bosnia at the moment, particularly in reference to justice? For example the ICTY and the judicial cases that are going through and also the Centre for Peace in Osijek and their projects for dialogue in Vukovar. What do these different processes contribute to establishing justice?

M. That's really a tough question. On the whole I think in abstract tribunals are useful. In terms of their specific effect on the population in Croatia...[pause]...I have less...[pause]... It is dubious to me. The population doesn't identify with the tribunal. They see it as imposed from the outside. They are resisting. Many people consider folks who are being tried as war heroes.

B. Like Gotovina

M. Exactly. There is a segment of people who are in favour of it, but even there there is the question of whether they are in favour because they are interested in joining the European Union. You know an interesting person is ■■■ he would be an interesting person to talk to. I was just with him in Mostar. You know a person who was really involved...[pause] ■■■ She is in charge of Helsinki Watch in Belgrade. She would be good to talk to about this issue of war tribunals. She has very interesting perspective. She thinks there is not going to be a single Serbian actually condemned. Milosevic died before...[pause]...Karadic is...[pause]...and Serbians are speculating that the Russians are going to kill the Hague and that Mladic will be delivered at the end of the year but they are thinking that the Hague is going to close. Whether that is going to happen or not is a different matter! There is some debate.

Appendix 2: Questions for Interviews: Bosnia and Croatia December 2008

Questions about communities and reconciliation work:

In what ways do you think your community has been damaged by the 1990's conflict?

What do you see as the issues that need to be resolved now?

Do you know of any reconciliation or peace projects in your area? Do you think they are successful?

Would you want to be/are you involved with any of these? Why/Why not?

Do you think religious communities have a (large/small) role to play in reconciliation work?

Do you think local or community projects are more or less effective than national or government projects?

Do you think that reconciliation and peace projects will have/can have a positive long term effect on your community or country?

Questions about national/international processes and justice:

What do you think the government is doing/should be doing to address post-conflict issues like ethnic tensions, war crimes, victim support etc.?

Do you think most war criminals have been or will be brought to court?

Do you think that criminal trials are the best way to deal with war crimes?

Do you think the Croatian/Bosnian courts are fair and just in their treatment of accused war criminals and victims?

Do you think the International Criminal Tribunal for the former Yugoslavia is are fair and just in their treatment of accused war criminals and victims?

Do you think the ICTY is equally fair to Serbs, Croats and Bosnians?

What do you think the courts will achieve - will they help to rebuild communities or will they cause further divisions?

Would you change anything about the systems for dealing with war crimes trials that are currently in place?

Questions about remembrance:

Do you think events such as Croatian Remembrance Day are important? Do you think they may cause Serb-Croat tensions?

Do you think sites such as the Hospital Museum in Vukovar are helpful or unhelpful?

Is it important to remember such events or to forget them?

Church Questions:

Does your Church play a role in peace or reconciliation work?/What project are you part of and what are its aims?

Do you think the Church has a responsibility to promote reconciliation in this situation?

Do you think religious groups as a whole should play a large or a small role in rebuilding communities?

What role do you think religious groups played during the conflict?

Would you say your Church is ethnically representative of your town/area? (free churches)

Do you think that non-RC/ Orthodox Churches might have a big role to play as communities which are not primarily ethnically defined? (free churches)

Do you think that the ICTY is achieving its goal of 'Spearheading the shift from impunity to accountability, establishing the facts, bringing justice to thousands of victims and giving them a voice, the accomplishments in international law, strengthening the Rule of Law'?

Would you say people are being held accountable for war crimes?

Have the facts of the conflict been established?

Do you think those in your community feel justice has been or is being done?

Do you think that people in your community feel they have been heard?

Legal questions:

Do you see the war crimes trials as important in terms of moving on from the conflict and seeing Croatian and Bosnian communities reconciled? What do these trials achieve?

Do you think the Croatian war crimes trials are just to all parties?

Is there an ethnic bias in the Croatian courts?

Do you think that the ICTY is achieving its goal of 'Spearheading the shift from impunity to accountability, establishing the facts, bringing justice to thousands of victims and giving them a voice, the accomplishments in international law, strengthening the Rule of Law'?

Would you say people are being held accountable for war crimes?

Have the facts of the conflict been established?

Do you think Croats/Bosnians/Serbs feel justice has been or is being done?

Do you think that Croats/Bosnians/Serbs feel they have been heard?

What do you think are the strengths/problems of the ICTY and the Croatian war crimes trials?

What do you think needs to be changed or done differently?

Some Bosnians have been unhappy at the handover of Radovan Karadic as they believe the Serbs have only handed him over in order to get international political gain. Do you think the ICTY is particularly susceptible to political manoeuvres?

Also, to what extent does it matter that there is a perception that justice is not being done?

What role do you think local reconciliation projects have in terms of moving Croatia forward?

Do you think such projects have more positive results/negative results than the war crimes trials? Do you think reconciliation projects have a complementary role to the war crimes trials?

Do you think it is primarily the governments responsibility to initiate reconciliation or that of individuals?

What would you like the government to do to address the ongoing issues of ethnic divisions, untried war criminals and the victims of war crimes?

What do you think are the main challenges that the Croatian legal system has to face in this respect?

Appendix 3: Interviews November 2007

Transcript 1

What do you do at [REDACTED], and why did you get involved?

I am the programme manager for [REDACTED]. I have two main projects: firstly peace building through inter-religious co-operation and secondly “a touch of hope” which is about healing personal wounds to heal the community.

Building relationships can help community. We are concerned with the health of the body, soul and spirit together. Looking at these areas can help us to see where we are and what we can do to heal those parts that need healing. The aim is to help people to heal themselves. We run workshops with a mix of people and assess where they are individually. We have one of these projects in [REDACTED] which has been particularly affected by the war, and get Serbs and Croats together.

I think this relates to Volf’s idea of embrace. We see them sitting together and not interfering, but deciding to come together. They learn together and communicate with each other.

The President of the [REDACTED] group said to me she couldn’t go again and sit with Serbs because she had had an experience where people were pushed to communicate and it hadn’t been helpful. I explained to her that our workshops are about learning together and a secure environment where people won’t be wounded again, which is what people fear.

It’s mostly women who take part and we have 10-12 in a group, that’s our optimum number. We also have a residential element which is two days where people socialise and relationships start to happen.

We work by sitting in a circle and at the beginning Serbs and Croats sit in separate halves, but gradually they start to merge. The President of the [REDACTED] [REDACTED] said she was amazed that not only did they not fight but they actually

made friends and communicated about daily life. I see this as the will to embrace and to start communicating.

In 1997 and 1998 we tried to organise conflict resolution training seminars but they didn't go as well as we expected. There was too little forethought and international help wasn't that helpful as they didn't understand the culture and the real conflict issues. Also at the early stages people were too raw as many people were lost and missing after the war. There was uncertainty at this time because of this.

We concluded that it is very important to start communicating with people from the other side as talking about personal stories makes each person aware that all sides in the conflict have had personal tragedies and identity issues.

It's about making ourselves aware of where we are before God and taking responsibility for identity, culture and faith issues which seem so closely linked and combined.

People come out of the seminars differently. They see there are victims on the other side and that people share God on the other side too – they are all believers.

We used biblical verses to explore faith commitments between an Orthodox priest and Catholic priests who had been in a concentration camp as well as others of mixed faith backgrounds.

Who wants to participate in this type of workshop?

Generally more women want to take part, also more laymen rather than clergy (those in power). Women are more open to admit they want extra education; they care about communication and reconciliation.

One woman whose family members were killed went back to her village where the other side lived (her neighbours were on the "enemies" side). It was more important for her to find the buried bones of her family members. She wanted

honesty and a moment of admission and the right to bury her dead rather than revenge or unforgiveness.

What are you looking for at the end of such a process or is reconciliation ongoing?

A concrete end to the process would be that all the people are communicating. Communication is crucial, otherwise one side see the other as guilty and the other side have no place to speak back. Through communication everything can happen. Responsibility can be agreed through communication. Lack of will and lack of knowledge can be stumbling blocks. Knowledge and skills of non-violent communication are crucial for the process of reconciliation. How do you communicate in order to open up? Empathy and mutual caring are necessary. This builds trust and allows people to stand in their own understanding.

Non-judging is crucial. Social behaviour is to say that if you don't agree with me you are "them", a particular group. Seeing all on the other side as "them", a united one, means we demand knowledge of them. For example we demand from a Serb that they must know where the mass graves are because they are one of "them". In response to this some people will shut down and others will enter into a violent defence of themselves and their side. We need to let the person talk in order to try and empathise in order to start relationship rather than judgement.

I would agree with Volf about embracing truth [last paragraph *Exclusion and Embrace* p258] in trying to empathise we get closer to where truth really is than by passing initial judgement.

Using skills of non-violence and this philosophy of paying attention to communication brings people to relationship and means they can embrace as equal in God's sight.

Workshops and training on non-violent action deals with personal behaviour in conflict and communication. How can I approach the other, how can I see my mistakes and see the conflict as a positive rather than avoiding the conflict?

I was working in a human rights office and was doing training on non-violence. It was my next big moment after my conversion; I saw how faith and obedience could marry with everyday life. Christians have a responsibility for the world we live in as a response to their faith.

All people should learn communication. It enables conflict transformation in order not to fear.

Life without conflict is a utopia. Conflicts are part of our lives. We must learn actually to transform them. To try and say we do have opposite views but how should I behave and communicate as we negotiate our way out of this. It isn't about *what* happens but *how* – it is not resolution but transformation. People forget that investing in communication can lead to transformation of society and a better quality of life and community.

How does forgiveness feature in your approach to mediation and reconciliation? What do you understand forgiveness to mean?

There is a line between identity and forgiveness. First we must look at personal identity - that is understanding where you are standing. For example I wanted to call myself a Croat during the war although I am only half Croatian. I chose to want to do this. But I have many roles as a child of God, wife, mother, theologian and peace maker. Croat is only 5th or 6th position in line. It is important to identify these priorities first. Knowing myself to be a Christian and a mother first helps me to be able to forgive. It is easier to talk about forgiveness in personal context not as a theory.

One man in ■■■ got a parking ticket from an old enemy on the other side. He became suicidal as it was another wound.

It takes courage to start the process of forgiveness and that is to ask things we hadn't asked earlier. That means we know who we need to forgive and they can help them understand who and what they need to forgive and the truth from the

other side. The man in ■■■ didn't communicate and is wounded again without improvement.

Forgiveness means being willing to live with the other, not just next to them, but to communicate and be happy to share space (e.g. town, café).

Do you think individual reconciliations contribute to peace on a larger scale between ethnic groups, religions and countries?

The ■■■ group stuck together and now they are able to be a witness to what the group has achieved. That is that staying in one place but engaging with the other is possible and works. Testimony in public is the next stage. Admission of friendships can be difficult. All the pubs and cafés are today run by national groups and are segregated. People from the group want to organise mixed nationality groups though. The group in ■■■ are inviting more people from their own ethnic groups to discuss and share. They are influencing those around them.

Do you think war crimes trials are helpful? Why and what do they achieve?

Nineteen Serbs were killed by Croats in a village nearby a few years ago. The court process began and two people were accused of being involved. Once this was made public a man came to the Centre as a potential witness. He wanted to go to Zagreb, to the public attorney, as he didn't trust the local courts. He had been threatened and his grandchildren had been threatened. He got the local police to protect him, even though he believed them to be corrupt. The letter to invite him to court went "missing". He heard of the court date from others but decided to give up as he was scared. I felt it was important for the victims' families that the process occurred. I persuaded the man to go to Zagreb to testify and drove him there. The victims' families were on one side of the room and on the other side were the accused with their supporters acting in an arrogant way. The witness was called to testify. He said that he was drunk at

the time and didn't remember what had happened. He had backed out of telling the truth. The victims' side cried out and the other side applauded. The judge said he would throw them out. I wish the process had been delayed or postponed until there was protection, and dignity for the victims could have been preserved. The process here failed. There should have been witness protection and name protection. The victims have the right to an honest trial regardless of the result. The victims have the right to be victims and not to victimise them again. Trials can cause more damage rather than leading to resolve.

Transcript 2

What does your job involve? Why did you get involved with the peace centre?

I worked in [REDACTED]. It was very tense there. The aims of the work there were to try to help begin the process of reconciliation. It's about people opening up and getting them involved.

I see personal stories in the press and TV and they motivate me as I see their hurts from the past continue.

The second area of my work is with interfaith and non-believers. My faith encourages me and can be used to encourage others.

I studied theology. I wanted to be involved in Church work. I went as a missionary to Bosnia (1996-98) I did a lot in the community – humanitarian aid, youth work and in conflict situations. I saw the importance of bringing people together. Croatia in 1998 was better (than Bosnia) but there were still problems.

Why do you think people take part in the peace processes you offer? What motivates them? I have heard that more women participate is this true and why do you think that is?

People's pain and need for help is their motivation for getting help.

Women feel more of a need to communicate and to improve the situation for their families and communities. They want to believe things can be changed. Men perhaps are more focused on work and material things. They need more encouragement. They are also more worried about being exposed.

What do you find are the most effective methods of mediation and reconciliation?

Someone to facilitate opening communication is the best method. People say they want to but they don't know how.

The choice of topics to work on is important. More personal issues are the most motivating and helpful.

People need to be sure they will be heard and that their problems and pain will not be taken lightly.

How does forgiveness feature in this process?

In these groups people tend to be from different sides rather than directly in conflict. Forgiveness is between specific people.

Honesty is important and a secure place to express themselves. Confidence and trust are most important.

How do you build that trust?

They build trust by getting to know each other. It is a slow process – little by little. Group work is important. There must be space for everybody and freedom and lack of judgement. Free time after workshops helps to build friendships.

When people in the group admitted feeling badly/hurt about political situations, the group just accepted this.

What are you looking for at the end of such a process, or is reconciliation ongoing?

So many are involved I cannot see them getting to the end. The more people who can share or communicate however, the more others can be encouraged to do the same and to see the positives of this.

How do you think countries or state should deal with peace building?

The process of reconciliation changes people forever when they see the power of communication. It spreads to others. Mutual support is important. Change, real change, can only happen through individuals and people being willing to go through painful processes. Deep change is sustainable. Strong individuals can come up and change political and national issues. Look at Nelson Mandela.

What do you think war crimes trials achieve? Do they help the victims?

Victims and witnesses are not valued enough. In most cases with sentences and trials people are more hurt than ever.

Of course it is important that the government to do this and people are glad, but it is not satisfying for victims. Victims need more support.

Do you find that trying to find the truth of what has happened helps victims or perpetrators?

People can share truth of their personal losses and their own problems. Sharing these kinds of truth is touching. It doesn't happen very often. Often in the media people get attacked for sharing their views not the official view.

For some the truth is very important and they are not afraid to share it.

Even those who work for peace struggle with inclusion. Sometimes people don't want help. There is no black and white, it's very grey and not always obvious what's going on.

I don't hold many people who claim to be Catholic and Orthodox responsible for Christian living as they are about tradition.

Churches have a responsibility or a chance for change yet they stick with their position and force that on people rather than trying to bring people together.

Christians in Croatia don't work on these topics enough. That's why when the peace group comes they are hungry for changes and see the need. There are opportunities for us to look at these topics.

Many Churches say God has accepted us and will accept you if you think like us.

Transcript 3

Why did you set up the centre and what are your motivations?

War. When I realised war is going on, the crucial moment was that I had a degree of personal responsibility for the war. That is that there had been no political involvement by citizens before. There was a difference between the theory and the practise of socialism. I saw that changes were needed but I hadn't got involved with them or with social or political engagement. Because I had been passive with many others, we were responsible.

I had spiritual struggles in early war time. The atmosphere was going towards total war. There was only them and us. We had begun thinking 'either they will kill us or we will kill them'. As a Christian I asked myself what does love your enemy mean in such circumstances, I didn't find an answer but a friend and I prayed together. My friend said that in these circumstances love for enemy

meant killing the body so that the other could not sin any longer. This rang alarm bells. I decided I would not accept this logic. I thought no, I will not use violence even against my enemy. At the same time I wanted to open up to think 'what would Jesus do?' This meant my life is not more precious than my enemies. What about if they threatened my children? It was difficult. So I decided if I was pushed to such a choice I would not say myself or my children are more important to God than my enemy. This made me feel free from this logic of violence. But I didn't know how to proceed still. But I felt my heart was against this logic of violence. I was alone because everyone else was different in this. I wasn't lonely though as I felt connected with them. I wasn't judgemental.

I met a man who was also a conscientious objector from a political perspective, not a faith perspective. He did not want a state based on repression and violence. It was good to meet each other, healing together, mourning that nobody had taught us what violence and war really meant. It was not realistic that we could stop the war, but we could look the future society and the state and how citizens (not as a political party, but individuals) could influence a new society and state and make them more resistant to violence.

This was a 6-8 month process during the bombing of █████.

The centre was informally set up in November 1991 and formally in 1992.

How do you think war crimes trials may help the peace process? [The interviewee is primarily concerned with this field of work at the present]

Struggling against impunity.

All sides used to say that it was defensive even if it was clear that Serbia came into Croatia and Bosnia with an army (an aggressive war). There are justifications claimed on all sides.

People thought the crimes committed by their own sides were normal, defensive or simply side effects.

It was important to change this perspective. For victims the facts about their suffering become known and official, and the perpetrators should be held responsible.

It is just one part of the whole process of transitional justice that could and should be achieved post war. It is important both sides - victims, winners and losers - are included

It seems sometimes that these verdicts disturb, they touch many groups. It is not a peaceful process but the achievements are valuable.

In general, in Croatia particularly, but also in the other states, it is important that the awareness in public that war crimes are war crimes and that they took place, rather than negation that they took place.

It also opens up the questions of political responsibility and media responsibility even though these groups aren't prosecuted. Awareness of responsibility is raised.

Appendix 4: Information and Consent Form

I am undertaking a research project which looks at the theology of Miroslav Volf. The context of conflict in the Balkans is an essential part of this research. I am looking to examine how conflict such as that experienced in Croatia affects theology. I am also looking at how theology may contribute to processes of reconciliation.

The interview will contribute to this research by providing information on how reconciliation is put into practice and how conflict can affect a community.

My research is funded by the Arts and Humanities Research Council UK. It has no commercial interests in this material. The interviews will be used to inform the piece of research outlined above and any published articles, books or papers given on the subject.

The use of the interviews as a contribution to understanding the realities and practicalities of reconciliation in Croatia means they will be included in my research as appendices and quotes may be extracted.

Your interview will remain anonymous. It will be listed with an interview number in order to enable referencing. It may be stored for as long as is necessary for the completion of this research project and any subsequent publications or continued research. The interview details may also be shared with my research supervisors, examiners or similar research professionals assisting me.

The interview will be informal. You will be able to refuse any questions you do not wish to answer and to talk about matters you believe are of interest. You will be given the opportunity to review your transcript once typed. If you do wish to remove any statement or rephrase anything you may do so. You may withdraw from participating at any time.

I consent to an interview to contribute to the research outlined above.

..... Date:.....

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