When War is Our Daily Bread:

Congo, Theology, and the Ethics of Contemporary Conflict

by

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Richard B. Hays

Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy in the
Department of Religion in the Graduate School
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2011
ABSTRACT

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Abstract

This dissertation approaches the problem of war in Christian ethics through the lens of the Democratic Republic of Congo. Drawing upon memoirs, letters, sermons, and fieldwork, it shifts the focus of moral inquiry from theoretical positions on war (e.g., just war theory and pacifism) to the domain of everyday life and the ways that local Christians theologically frame and practically reason through conflict. I explore the 1996-1997 Rwandan refugee crisis through the voice of a Catholic survivor, Marie Béatrice Umutesi, and consider how her narrative challenges both just war interpretations of this violence and “bare life” readings of refugee experience. I then examine how the Catholic Church endured rebel occupation in the eastern city of Bukavu from 1998-2000, looking specifically at how Archbishop Emmanuel Kataliko’s Christological reading of the situation transformed the experience of suffering into a form of agency and galvanized the Church into collective action. I go on to explore how residents of the town of Nyankunde in northeastern Congo are constructing alternatives to the war economy and re-weaving ordinary life out of the ruins of their former lives. In showing how local narratives help us reframe the problem of war in Christian ethics, I argue that description is not a preliminary stage to moral judgment; description is moral judgment.
Dedication

For Ana
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Introduction

What is war? This is not a question that many Christian ethicists would have been asking fifty years ago. For much of the twentieth century it was simply assumed that wars were fought between states. The question was whether they should be fought, and if so, how. Thus when Reinhold and H. Richard Niebuhr engaged in their famous debate over just war and pacifism, neither thought it necessary to begin by defining war.1 When Karl Barth came to the problem of war in Church Dogmatics III/4, he took for granted that wars were fought between states: “war being an action undertaken by the state as whole.”2 John Courtney Murray’s ‘Remarks on the Moral Problem of War’ presumed war to be an inherently international question,3 and Paul Ramsey summarized his own theory of the just war as a theory of statecraft.4

No one working in Christian ethics today, however, seems to know exactly what war is. Debates rage over whether a war can be fought against terrorists or if irregular fighters in Afghanistan can be considered lawful combatants. President Obama’s recent

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2 Karl Barth, Church Dogmatics III/4 (Edinburgh: T&T Clark, 1961), 464.


Nobel acceptance speech left Stanley Hauerwas asking, “How do you know a war is a war?” For his part, Rowan Williams wonders if we have seen the end of war:

I sometimes wonder whether we have actually seen the end of war as we knew it. Not that universal peace is about to break out; but what we once meant by war becomes ever less likely in our world. No longer do we see declarations of hostilities between sovereign states equipped with roughly comparable resources; no longer do we think of standing armies competing in the field. Gradually, since 1945, the shape of state violence has changed. There have been vicious conflicts around regional separatism (the Biafra conflict of the late sixties, the USSR in Chechnya), interventions in neighbouring states to restore stability (Tanzania and Uganda), and, most noticeably, neocolonial conflicts aimed at securing political dominance in often distant regions (Vietnam, the USSR in Afghanistan). More apparently conventional conflicts (Israel’s defensive wars against Egyptian and Syrian aggression, the Iran-Iraq conflict) have been regularly overshadowed by the irregular variety of these military adventures.

If war is not ending, it is certainly changing. Since World War II, the majority of the world’s conflicts have been internal wars. Of the 118 armed conflicts that took place between 1989 and 2004, only 7 were interstate wars. While the total number of wars has decreased significantly since the early 1990s, the percentage of internal wars has

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remained high; in 2009, all 36 registered conflicts were fought within states. The burden of these wars is borne disproportionately by civilians. Whereas the civilian toll for World War I was only about 10%, the civilian toll in some recent civil wars has been as high as 90%.  

International humanitarian law has struggled to keep up. While the 1907 Hague Conventions regulated only interstate conflict, the 1949 Geneva Conventions sought to apply some minimal restraints to fighting in internal armed conflicts. States were hesitant to bind themselves in conflicts within their own borders, so legal recognition of non-state (i.e., non-governmental) combatants was withheld. It was only extended to a limited group of non-state belligerents in the 1977 Additional Protocols to the Geneva Conventions, which recognized self-determination movements fighting against colonial or racist regimes. With the ad hoc tribunals for the conflicts in Rwanda and the ex-Yugoslavia and the recent launching of the International Criminal Court,

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9 Cited in Harbom and Wallensteen, ‘Armed Conflicts 1946-2009’, 503. Seven of these were internationalized (where an external state supports one of the warring parties, as in the case of U.S. involvement in the wars in Iraq and Afghanistan).


there has been a renewed global effort to tackle violence against civilians in many wars today.\textsuperscript{13}

Indiscriminate conduct, however, is only one of many threats facing civilians. While massacres and suicide bombings grab headlines in Bosnia and Iraq, it is war’s indirect impact that is proving most deadly. Battle-related civilian deaths in many wars actually represent a small percentage of total war deaths.\textsuperscript{14} Most civilians in fact die from indirect effects, such as malnutrition and disease. These may be the result of violence and displacement, but they are also related to broader, conflict-related dynamics: the abandonment of subsistence farming; the rush to boom-and-bust industries controlled by rebel actors; and the weakening of the state and the consequent loss or diversion of public revenue that would otherwise fund healthcare, schools, and other social services. As the Human Security Centre suggests, “attempting to assess the impact of war by counting only those who die as a direct result of violence grossly underestimates the real human costs of conflict—particularly in poor countries.”\textsuperscript{15}

Nowhere has the indirect effect of war been more deadly than the Democratic Republic of Congo, where the International Rescue Committee estimates that nearly 5


\textsuperscript{15} Ibid., 134.
5 million people have died from the long war that began in 1998 and continues in some parts of the country today.\textsuperscript{16} During the first three years of the conflict, the IRC recorded 2.5 million total war deaths, but only 145,000 (or 6\%) were battle-related.\textsuperscript{17} Public infrastructure was already devastated through two decades of state collapse under the longtime dictator Mobutu Sese Seko; the situation only worsened during the war, which featured as many as seven African states, numerous regional rebel movements, and a dizzying array of local defense forces.

Compounding the problem in Congo has been the widely reported illegal exploitation of natural resources by participants on all sides of the conflict.\textsuperscript{18} When combined with destruction of infrastructure, mass displacement, and the continuing deprivation of any state services, the war has had a devastating impact upon livelihood. But the war has not simply destroyed livelihoods. It has transformed them, introducing new economic imperatives and opening different opportunities for entry into regional and global markets. As a pastor in Goma summarized the situation to me:

\begin{quote}
War is our daily bread. It is our life. It is there everyday. The war is there on the radio and in the market. We deal with its consequences in our families, at work, in school, in whether we eat or not. It is what we talk about around the dinner
\end{quote}


\textsuperscript{17} Bethany Lacina and Nils Petter Gleditsch, ‘Monitoring Trends in Global Combat: A New Dataset of Battle Deaths’ (Oslo: Centre for the Study of Civil War, 2004).

table. Today there may be peace but tomorrow war. If things are quiet, we still hear rumors of it coming. *It is there.* You can’t get around it. It is our daily bread.19

The pastor’s comments require us to ask again: what is war? If war seeps into the sinews of everyday life, disrupting family, work, and school; if it builds up livelihood even as it tears it down; if it is part of the reconfiguration of the political and social order, and opens up a vast moral field in which civilians are not merely noncombatants but actors negotiating the deep impact of conflict, we shall need to work beyond the picture of war that has shaped debate in Christian ethics for the past several decades.

That picture, as I argue in Chapter 1, may be characterized by three broad preoccupations. The first is military conduct. Just war theorists and pacifists continue to disagree passionately over their interpretations of Christian teaching, but they do so agreeing that the use of force is the issue that divides them. There is no doubt that killing is at the heart of contemporary conflict as it is for war in any era; nor is there any doubt that killing of civilians is a particularly grave moral problem posed by contemporary modes of fighting. But given that most civilian deaths in wars are not related to discriminate or indiscriminate conduct, but the indirect costs of war, it is necessary to move beyond the ethics of the battlefield and attend to the non-military

19 Interview with the author, Goma, September 24, 2009. I have avoided using the names of my informants out of respect for their safety. In cases where names are used and safety was not an issue, voluntary oral consent was granted per the IRB guidelines of this project.
actions of states and rebel movements as well. The truth is that rebels do more than kill. Especially in contexts of state collapse, as in the Congo, they administer territories, appoint ministers, collect taxes, provide social services and protection, exploit resources, trade, employ, dispatch radio communications, and attempt to support families. A narrow focus on military conduct can prevent us from exploring the deeper upheavals that this wider political and economic activity introduces. More importantly, it can prevent us from addressing the growing number of civilian deaths associated with such non-military activity.

Debate in Christian ethics has also been preoccupied with one kind of moral agent, namely combatants. While just war theorists and pacifists have recently shifted their attention from state to non-state actors, they continue to presume that military actors are the only relevant agents in war. This overlooks the complex moral position increasingly occupied by civilians. Civilians are more than simply victims of indiscriminate attacks or conscientious objectors. They must navigate the pressures of occupation, adjust livelihood strategies, and make decisions that have a bearing not only on their family’s lives, but also on the very ability of military actors to wage their struggles. In Congo, rebel movements are parasitic upon civilians in order to maintain order in cities and keep the wider political economy of conflict circulating. This means civilians occupy a position of unexpected strategic importance. In this respect, it is important to move beyond the picture of civilians as passive victims and wrestle more
seriously with the role they play in enabling, perpetuating, stifling, or in some cases opting out of conflict economies. As we will see in the chapters that follow, the church provides a particularly illuminating vantage point for thinking about this moral agency.

The prevailing picture of war also predisposes thinkers toward one way of understanding violence against civilians, namely as an unjust means of waging war. But as recent conflicts in Rwanda, Bosnia, and Darfur remind us, not all violence against civilians is necessarily related to the end of waging war. Given that moral sensibilities are relaxed in war, many armed actors take advantage of this to pursue other aims: private vengeance, ethnic cleansing, crimes against humanity, and even genocide. In Rwanda, western observers assumed that anti-Tutsi violence was simply excessive war until they realized (too late) it was genocide.20 In Bosnia, International Red Cross workers trying to get Bosnians and Serbians to observe discrimination found themselves witnesses to massive crimes against humanity at Srebrenica.21 Moreover, violence at local levels may not be related to violence at macro levels.22 Assuming a unitary field of

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20 Samantha Power describes this failure in A Problem from Hell: America and the Age of Genocide (New York: Basic Books, 2002). She writes, “Because genocide is usually veiled under the cover of war, some U.S. officials at first had genuine difficulty distinguishing deliberate atrocities against civilians from conventional conflict” (505).


22 In his important article “The Ontology of ‘Political Violence’: Action and Identity in Civil Wars’, Yale political scientist Stathis Kalyvas speaks about a disjunction “between identities and actions at the central or elite level, on the one hand, and the local or mass level, on the other. This disjunction takes two forms: first, actions ‘on the ground’ often seem more related to local or private issues than the war’s driving (or ‘master’)
action that aggregates all violence to one collective group fighting another group fails to
do proper descriptive justice to the heterogeneity and dis-alignment of violence and
ends in armed conflict. Pacifists tend to dismiss war without making any discrimination
between acts of violence in war; just war theorists tend to make discriminations between
these acts but assume they all intend war. These habits of description condition us to
disable our critical moral faculties at precisely the point where they are most needed.

The need for better act-description of violence, combined with the need to attend
to the non-military actions of rebels and the moral agency of civilians has led scholars in
anthropology, political science, and civil war studies to adopt a more local, ethnographic
approach to the study of contemporary conflict. Stathis Kalyvas has stressed the
importance of a local perspective because state and rebel discourses, which most media
outlets and scholars rely upon for their understanding of conflict, often fail to represent
the position of those on the ground.23 A conflict neatly summarized as an “ethnic war”
often turns out, upon closer inspection, to be about a host of issues dealing with
longstanding family and community ties, land ownership, and traditional authority.
Veena Das points to the ways that systematic violence disrupts the structures of

everyday life, and argues that it is only through a “descent into the ordinary” that one can grasp the impact of war upon these structures. 24 Séverine Autesserre argues that peacemaking strategies that concentrate on statebuilding, elections, and the integration of rebel actors are failing to address the deeper local sources of conflict that keep war going. 25 Karen Ballentine helps to show that international economic measures designed to starve rebels of blood diamonds and other conflict resources often end up hurting the very civilians these initiatives are supposed to help. 26

All of these factors suggest there is a need in Christian ethics to bring a long-neglected local perspective to bear on the problem of war. This dissertation offers such a local perspective through the lens of the Congo. Drawing upon memoirs, letters, sermons, and six months of fieldwork in northeastern Congo in 2008-2009, I seek to understand the war from the perspective of ordinary Christians who have lived through it. Such a local perspective will allow us to reframe the problem of war in four key ways.

First, a local perspective will allow us to attend more closely to acts of violence in context. As identified above, one of the challenges of contemporary armed conflict is


distinguishing between different kinds of violence in war. It is not always clear from the outside what a particular act of violence intends. This was especially the case during the Rwandan refugee crisis of 1996-97, when nearly 200,000 Hutu refugees were killed in Congo in the aftermath of the Rwandan genocide. These acts have been read in a number of different ways. Some, such as just war theorist James Turner Johnson, have interpreted them as war crimes, given that they took place in the context of Rwanda’s broader armed conflict with the Interahamwe; others have interpreted them as crimes against humanity or genocide, given that they appeared to target Hutus systematically. I draw upon the memoir of a Catholic woman, Marie Béatrice Umutesi, who survived these attacks, and consider how her local voice provides the kind of narrative context that is essential for naming such violence.

Specifically, Umutesi’s narrative will help us to understand not only what she suffered, but how she suffered it, and the crucial relation between the two. As anthropologist Liisa Malkki observes, refugee populations are often presented as “bare” subjects, stripped of culture, history, and identity, and thus as passive victims of what they suffer. As we will see in Chapter 2, philosopher Georgio Agamben does precisely this when he presents the Rwandan refugees in terms of “bare life”. What such a

27 Liisa H. Malkki, Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania (Chicago: University of Chicago Press, 1995). She writes, “‘The refugee’ has come to be an almost generic, ideal-typical figure... The discursive constitution of the refugee as bare humanity is associated with a widespread a priori expectation that, in crossing an international border, he or she has lost connection with his or her culture and identity” (11). This connects to the assumption “that ‘the refugee’ – apparently stripped of the specificity of culture, place, and history – is human in the most basic, elementary sense” (12).
reading overlooks is what Malkki calls the “lived meaning” of dislocation: how violence is experienced within an ongoing narrative history that continues to shape—and possibly transform—the experience of suffering. In Umutesi’s case, her identity as both a woman and a Catholic is essential to understanding how she suffers violence, and ultimately, how she overcomes it.

Second, a local perspective in Congo will allow us to move beyond a focus upon military conduct to consider the non-combat actions of rebel movements and how they impact the lives of civilians. I look at the struggle between the Rally for Congolese Democracy (one of the main rebel movements during the war) and the Catholic Church in Bukavu in 1999-2000. As we will see, the RCD attempted to install itself as the legitimate political authority over the city. In this attempt, the RCD came to depend upon the Catholic Church and other civil society actors for the provision of social services. In response to the RCD’s many abuses, Archbishop Emmanuel Kataliko and the Church organized a civil strike in 2000 that brought the life of the city to a halt, crippling the RCD and exposing its lack of legitimacy. This local struggle will not only allow us to explore the moral agency of civilians but also how local theological narratives inform their practical strategies. I look specifically at the letters and sermons of Archbishop Kataliko, who re-narrates the experience of rebel occupation Christologically, figuring the Church’s suffering within the broader theological horizon of Christ’s birth, death, and resurrection. Much like Umutesi, he does not see the
experience of suffering in bare terms, but as a source of agency, as a way of subverting the RCD’s political project at its deepest core and opening the possibility of a politics of life.

Third, a local perspective will allow us to examine the economic dimension of conflict and the way this impacts civilian vulnerability. I turn to the town of Nyankunde, where I conducted fieldwork in 2008-2009. Nyankunde was one of the hardest hit towns of the war, destroyed in 2002 as a result of a major attack that killed over 1,200 people and displaced the entire population. Through the lens of Nyankunde, we will explore the economic dimensions of the Congo war and the way resource exploitation and land disputes have impacted civilian livelihood strategies. Such a local focus will help us gain a deeper sense for the increased civilian vulnerabilities brought about by this economic activity. It will also help us appreciate how civilians are opting out of the conflict economy, constructing alternatives, and mitigating the indirect costs of war. As we will see, the capacity of local Christians in Nyankunde to pursue such alternatives is rooted in a deeper ecclesial economy of prayer, forgiveness, and wounded healing.

Fourth, a local perspective will allow us to consider how civilians attempt to reconstitute the ordinary in the wake of mass atrocity. As we will see in Nyankunde, the 2002 attack not only resulted in a devastating loss of life, but the destruction of the entire town, including markets, hospitals, schools, and farms. This means the attack
threatened to destroy the very conditions through which residents might reckon with the truth of the past. By returning to the town, burying the dead, re-inhabiting broken institutions, and restoring fractured relationships, residents are allowing the past to become legible again. In so doing, they are re-weaving a new ordinary out of the ruins of the old. Echoing the witness of Umutesi and Kataliko, local Christians are re-working the very meaning of the attack as it is reincorporated within a wider, ongoing narrative.

In summary, this dissertation seeks to understand how Congolese civilians reframe the problem of war in their various everyday contexts. Local description will not only help us better name violence and account for the heightened vulnerabilities of civilians in contemporary armed conflict, but also allow us to explore how civilians themselves narrate armed conflict and maneuver through it. Descending into the ordinary will enable us to lead theoretical approaches to war (just war, pacifism, etc.) back to the rough ground of practical reasoning. As we will see, local actors do not offer us a position on war; rather they show us how to live through it. They do not bring theological perspectives to the problem of war; rather, theology shapes the very way they frame the moral field of action. In this sense, description is not a preliminary stage to moral judgment; description is moral judgment.

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Having laid out the general contours of the project, I will now provide a brief background to the war in the Congo to help situate us as we move forward.

The War in the Congo

When most commentators refer to the war in the Congo, they are referring to the conflict that began in 1998 and concluded with the Sun City Accords in 2002.29 This is the war Gérard Prunier refers to as “Africa’s World War”, so named because it involved seven states and had enormous implications for the entire Great Lakes region and the African continent beyond. While I shall follow Prunier’s basic timeline, it is important to make clear, as he does, that major fighting preceded and followed the official four-year duration of the war. The Uppsala Institute has listed Congo on its annual database of ongoing conflicts every year since the peace agreement,30 and the International Rescue Committee has continued to measure the civilian toll of the war through 2009. Serious fighting in the east has occurred between remaining rebel groups, the Congolese government, local militias, and occasionally the Rwandan army. This fighting has taken place in South Kivu, North Kivu, and the Ituri region (see Fig. 1). In 2009, when I asked


Figure 1. Map of Congo. Reproduced with permission from the United Nations Cartography Section.
a hospital worker in Nyankunde if he still considered the ongoing violence a “war”, he shrugged his shoulders, “War, peace? Rebels, bandits? We don’t know.”

If dating the end of the war in the Congo presents problems, locating the point at which it began is no easier. Beginning with Rwanda and Uganda’s invasion of Congo in August 1998 would overlook the immensely significant “war for liberation” that lasted from 1996-1997 and ended with the removal of the dictator Mobutu Sese Seko. Significant unrest preceded even this war, so a fuller understanding requires that we begin with Mobutu himself.

Mobutu came to power in 1965 through a military coup. Initially popular for restoring order after the volatile post-independence period, he steered Congo (which he re-named Zaire) on a path of economic growth for several years. But a series of ill-conceived policies, including the nationalization of the large mining companies, soon plunged the country into debt and triple-digit inflation. The few social services that the state oversaw were abandoned, leaving ordinary Congolese to fend for themselves (“debrouillez-vous” was a popular slogan in Kinshasa). Mobutu managed to stay in power as a Cold War ally to western countries while deftly orchestrating an elaborate patrimonial network at home.

31 For background on Mobutu, see Crawford Young and Thomas Turner, The Rise and Decline of the Zairian State (Madison: University of Wisconsin Press, 1985); Michela Wrong, In the Footsteps of Mr. Kurtz: Living on the Brink of Disaster in Mobutu’s Congo (New York: Harper Collins, 2002).
While the state was weak, it still managed to play an important role on a number of issues, none more important than citizenship and land. The citizenship question concerned the status of the large Banyarwanda community that lived in the eastern provinces of North and South Kivu.\textsuperscript{32} The artificial colonial border that the Belgians drew between Rwanda and Congo split this community down the middle, making it appear that the Banyarwanda were “foreigners” in Congo when in fact they had lived there for centuries. Adding to the confusion, several successive waves of Banyarwandan immigrants have migrated to Congo over the years, first to work Belgian farms and mines in the 1940s, and then to escape persecution in the early 1960s. As a result, the Banyarwandan community in East Congo has grown to be quite substantial; in several zones (Masisi, Walikale), they represent the majority. In 1972, several individuals with ties to Mobutu successfully lobbied for a law that extended citizenship to all of the Banyarwanda.\textsuperscript{33} The following year, another law nationalized all land; as a result of their ties to Mobutu, many of the Banyarwanda were able to benefit, some vastly increasing their landholdings.

All of this created a great deal of resentment among indigenous groups (\textit{autochtones}), who have largely perceived the Banyarwanda to be foreigners interloping

\textsuperscript{32} Prunier, \textit{Africa’s World War}, 48-51.

in their country. As the political winds changed in the 1980s, many of these groups successfully campaigned to have the citizenship law repealed. Poorly enforced, this only created further confusion. When Mobutu attempted to placate his western donors in the early 1990s with democratization reforms, the citizenship question became a contentious issue again. The Banyarwanda were positioned to win elections in a number of zones, and fearing a political takeover, a number of Banande and other groups attempted to deny them their seats. Without any coherent strategy from the government, tensions continued to rise and violence broke out in February 1992. Before Mobutu’s ill-equipped army could stop the fighting in early 1994, 20,000 people had died.  

No sooner had the ceasefire been signed than the Rwandan genocide exploded next door. Over one million Hutu refugees streamed into Zaire, turning an already volatile situation into a catastrophe. Many of the Hutu refugees from Rwanda were former genocide perpetrators and quickly aligned with some of the Banyarwanda fighting the local Congolese groups. Meanwhile the humanitarian community descended upon the region and assembled massive refugee camps. Unable to check the spread of cholera and other diseases, thousands of refugees died every day. Making

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matters worse, humanitarian groups distributed aid to armed and unarmed Hutus alike, inadvertently helping to destabilize the region.

The crisis was good for Mobutu, as it allowed him to maintain his fragile grip on power in the west. It appears he may have even armed some of the Hutu genocide perpetrators in the camps. After two years of watching Mobutu stall, the Rwandan government grew impatient and decided to end the crisis itself. It was time for the Rwandan refugees to come home and for the armed Hutus to come out of hiding and face justice.

Rwanda needed a local ally, and it found one in Laurent Kabila, a journeyman rebel who was living in exile in Tanzania. Rwanda helped Kabila assemble a coalition of Congolese forces (including some of the Banyarwanda who had already been fighting in the Kivus) to give the invasion a sense of local legitimacy. In October 1996, this coalition of Congolese militias, known as the AFDL, alongside the Rwandan army, launched the “war for liberation”. They immediately began by destroying the refugee camps, sending hundreds of thousands of refugees back east into Rwanda. But as many as 200,000 refugees remained in Zaire, and the armed Hutu used them as hostage shields against the AFDL/Rwanda troops following on their heels. The joint AFDL/Rwanda forces quickly took all of the major cities in the east and by early 1997 set their sights on the capital. The government army hardly put up a fight and in May 1997 Laurent Kabila
toppled Mobutu (who, when all was said and done, had managed to stay in power for thirty-two years).

Kabila changed the flag, re-wrote the constitution, and renamed the country the Democratic Republic of Congo. When reports began to circulate that he and his forces committed countless massacres against unarmed Hutu refugees on their romp to Kinshasa, Kabila blocked UN investigations and attempted to shift attention to the future. But he quickly found himself weighed down by the albatross of Mobutu’s legacy: the state was in collapse, debt was in the billions, the economy was in shambles, and Hutu rebels continued to roam throughout the lawless east. Making matters worse, local groups in the Kivus began to organize their own self-defense forces (known as “Mayi Mayi”), further militarizing the eastern region. In addition, Kabila’s relationship with his Rwandan benefactors was deteriorating. He had rewarded many of them with posts in the government, but soon grew tired of taking orders from Kigali. In July 1998, he abruptly ordered all Rwandan military personnel to leave the country.

They did not leave for long. Rwanda immediately planned another invasion. Working with its regional ally Uganda, Rwanda again sought out local Congolese who would be willing to serve as the face of their struggle. They gathered together a group of former Mobutists, Banyarwanda, and Kabila allies who were left out of the

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36 For a review of the interim period between the rebellion and the second war, see Prunier, ‘Losing the real peace (May 1997-August 1998)’, in Africa’s World War, 149-180.
government and called the movement the Rally for Congolese Democracy (RCD).  

In justifying their cause, Rwanda continued to stress the need for “genocide prevention”, pointing to the Hutu genocide perpetrators who were still enjoying safe haven in Congo. Uganda, one of the World Bank’s darlings and an example of what President Clinton was calling “new African leadership”, also dressed the adventure in the language of security and anti-terrorism (several of the rebel groups that were destabilizing Uganda frequently hid in the jungles of Congo). For its part, the RCD, composed of many Congolese Banyarwanda, stressed the continued dangers they faced from local indigenous groups who were still intent on denying them their citizenship. For these and other reasons, Rwanda, Uganda, and the RCD launched their war in August 1998—just one short year after the last war had ended.

The alliance made quick progress and would have taken the capital immediately if it were not for the surprise intervention of Angola and Zimbabwe, who entered the struggle just as Rwandan-led forces approached Kinshasa. Pushed back, Rwanda and the RCD concentrated their energies on the southeastern region of the country, while Uganda and its new rebel ally (the Movement for the Liberation of Congo) controlled the northeast. Kabila and his supporters held on to the west. In this way the country was effectively partitioned into three regions. While there were several military

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engagements early on, these soon grew infrequent (during the whole of 2001, there were only 8 military confrontations).\textsuperscript{38}

Not long after the war began, belligerents turned their attention to other activities. The RCD sought to assume the position of governing authority in the east.\textsuperscript{39} It took over the state apparatus, appointed governors and ministers, and attempted to project an air of legitimacy. It regulated imports and exports, taxed the population, communicated with the media, worked with humanitarian groups, and engaged in diplomatic relations with neighboring countries.

Like Rwanda and Uganda, it also engaged in the widespread exploitation of resources. This aspect of the war is what would eventually shift international opinion against Rwanda, Uganda, and their allies. Hearing rumors about planes full of coltan flying back to Kigali and truckloads of timber crossing the border into Uganda, the UN sent a team of experts to investigate. Their reports would reveal widespread looting, sourcing, shipping and trading of resources by all participants, including the rebel and local defense groups.\textsuperscript{40} The UN Panel went on to name some seventy companies that traded in minerals thought to be sourced in the Congo, exposing the war’s wider

\textsuperscript{38} UN Panel S/2001/357, 36.

\textsuperscript{39} Tull, The Reconfiguration of Political Order in Africa. See also his article, ‘A Reconfiguration of Political Order? The State of the State in North Kivu (DR Congo)’, African Affairs 102 (2003), 429-446.

connection to the global economy and the business practices of companies based in the United States, Europe, and Asia. Any illusion that this was just “Africa’s” war was dispelled.

Meanwhile, the civilian toll of the war rose. With public infrastructure abandoned, roads destroyed, river and train transport halted, and food supplies cut, civilians found themselves vulnerable on all sides. Without hospitals, there was no treatment for malnutrition, diarrhea, malaria and typhoid; there were few doctors to perform c-sections and other basic life-saving operations. In 2000, the International Rescue Committee began conducting epidemiological studies to measure the civilian toll of the war and concluded that 1.7 million people had died during the first two years of the war (200,000 of which were the result of direct violence). The figure grew to 3.3 million in 2002, and 3.8 in 2004. Its most recent study in 2007 put the estimated toll at 5.4 million, or ten percent of Congo’s total population.

While most attention has focused on the war at the macro-level of state actors, it is important to stress that there were actually three different levels of war being fought. First, there was the conflict between the Congolese, Rwandan, and Ugandan


42 As in Iraq, there have been contentious debates surrounding the actual number of civilians who have died. The Human Security Report Project suggests that the IRC figures are exaggerated, beginning from too low a baseline mortality rate. The Project concedes, however, that even if the number were adjusted, it would still be the costliest war since World War II. See Human Security Report Project, *Human Security Report 2009/2010: The Causes of Peace and the Shrinking Costs of War* (Vancouver, BC: Human Security Report Project, 2010).
government armies and their allies; second, there was a civil war between the Congolese government and the regional rebel movements (the RCD, MLC, etc.); third, there were countless local conflicts between rebel groups and various ethnic militias. These different levels are important to keep in mind because the cleavages that separated actors at the state level were not the same as those at the regional or local levels. Let me provide two brief examples. In the Kivus, the Rwandan-allied RCD rebel movement (which we will explore in more detail in Chapter 3) was fighting against Hutu rebels and local Congolese defense forces. On the one hand, this mapped onto Rwanda’s stated goal of genocide prevention; on the other hand, it was intimately tied to the longstanding tensions that existed between Banyarwanda and indigenous Congolese groups that we reviewed above. The second example comes from the Ituri region, where violence broke out following Uganda’s occupation in 1999. As we will explore in more detail in Chapter 4, there were longstanding tensions between Hema and Lendu ethnic groups in this region. When Uganda occupied Ituri, it played these actors against one another in an attempt to control the timber and gold industries. The conflict between Hema and Lendu, while part of the larger war, had very little to do with regime change in Kinshasa or genocide prevention; it was tied to more local issues over land distribution.

Peacemakers and negotiators were slow to learn these lessons when they began to organize peace talks in 2002. By that time, the larger war was winding down.
Rwanda and Uganda had fallen out with one another, and the RCD movement had suffered its third split. International outcry over resource exploitation and the civilian toll had built to a crescendo, and all the major parties were pressured to the negotiating table. In 2002 Rwanda and Uganda agreed to withdraw and all of the main rebel groups entered into a power-sharing arrangement, paving the way for elections in 2006. Left out of the peace talks, however, were all of the so-called “illegitimate” actors: Hutu rebels from Rwanda, local Mayi Mayi defense forces, and Hema and Lendu groups fighting in the Ituri region. Conflict between these groups continued, but most international observers thought it was simply leftover violence from the war. In fact, these groups were fighting over the unresolved issues that predated the war, namely, land and citizenship. These issues were not addressed in the transition process. Thus conflict continued, and in some places worsened.

To oversee the transition and prepare for the elections, the UN deployed the largest peacekeeping force in its history, known by the acronym MONUC. MONUC thought it was coming to oversee a transition from war to peace; what it found were a number of conflicts it was incapable of handling.43 It was a peacekeeping mission without the Chapter 7 mandate that authorizes force. Focused on statebuilding and elections, it largely looked on as fighting in the east continued. In 2007, another rebel

43 Autesserre argues that it is precisely the assumption that the war “ended” with the signing of the Sun City Accords that has prevented the UN from addressing ongoing violence in the East. See The Trouble with the Congo, 1-125.
group, the CNDP, rose up against the new government and nearly took the city of Goma before finally being turned back by MONUC. The group eventually accepted a deal to integrate into the army, like most of the rebel groups before it.

Meanwhile, fighting continues in several parts of Congo today and issues over land and citizenship remain unresolved. Perhaps the most haunting dimension of the situation is that the rebels who are fighting in the east today are not those who launched the war, but their sons and daughters.

This is the lens through which we will consider the ethics of contemporary conflict. Before we turn to Congo, however, we need to examine in more detail the picture of war that is preventing debate in Christian ethics from attending more closely to the various complexities of contemporary conflict. To the problem of war in recent Christian ethics we now turn.
1. The Problem of War in Recent Christian Ethics

“A picture held us captive. And we couldn’t get outside it, for it lay in our language, and language seemed only to repeat it to us inexorably.”

-Wittgenstein, Philosophical Investigations

In this chapter I explore how recent thinkers in Christian ethics have approached the problem of war in light of changing trends in armed conflict. My focus is not on building a case for just war theory or pacifism, but on making more explicit the underlying assumptions that just war theorists and pacifists bring to debate about war and how these assumptions affect their sense of what kind of problem war is.

As I intend to show, a certain picture of war is preventing both sides from more fully attending to a range of moral issues at stake in contemporary conflict. This picture limits their understanding of the kinds of actions that take place in war and who the relevant moral actors are, and thus the kinds of moral agencies that stand to address civilian vulnerability in these wars. This is a loss not only for those whose lives are disrupted by contemporary conflict, but for just war theory and pacifism, as these traditions fail to be renewed in fruitful ways.

Among just war theorists, I look at the work of Paul Ramsey and Oliver O’Donovan. Ramsey’s importance for these issues is hard to overstate. He provided a landmark discussion of insurgency warfare in the 1960s and anticipated many of the
issues that are at stake in conflict today. But he limited his understanding of moral agency to the state. Recognizing this, O’Donovan has recently attempted to update Ramsey’s work by extending the focus to non-state actors. I argue that Ramsey and O’Donovan’s focus on military conduct prevents them from adequately engaging the wider political and economic context of conflict and the sources of greatest civilian vulnerability in war. As a result, their moral prescriptions fail to address the most urgent problems and ignore the actors best suited to address them.

Among Christian pacifists, I look at the work of John Howard Yoder and Stanley Hauerwas. Yoder provided pioneering thinking on revolutionary violence in the 1960s and 1970s, showing how the politics of Jesus represents an alternative to the politics of Zealot insurgency. Yoder’s rejection of war, however, presumed a picture of war that narrowed the complex moral field of war to the battlefield. By focusing on nonviolent alternatives to war, he ends up overlooking the possibility of nonviolent witness in the midst of war. Hauerwas’ more critical attention to deeper conceptual issues enables him to provide a particularly rigorous approach to act-description in war. Nevertheless, he, like Yoder, is unable finally to work beyond a military-centered picture of war. Rather than theologically re-narrate the problem of war from the vantage point of the church, both thinkers allow an independently constructed concept of war to over-determine their account of moral agency.
In the chapter’s final section I review two recent proposals that seek to move beyond the just war/pacifist divide: just peacemaking and just policing. I argue that while just peacemaking represents an important development in Christian ethics that is building much-needed (and increasingly inter-faith) consensus on issues relating to the prevention of war, it is, by Glen Stassen’s own admission, only a proposal for preventing war. When war comes, he suggests we must revert back to our just war and pacifist positions. This reflects the same uncritical acceptance of conventional descriptions of war that I believe are holding us back. Gerald Schlabach’s just policing proposal, on the other hand, does go some length to challenging prevailing pictures of war, as it captures both war’s indirect impact on livelihood and the importance of civilian agency in war. Schlabach’s enthusiasm for international police measures, however, does not sufficiently account for the profound shortcomings of these initiatives in context.

Building upon our discussion in the Introduction, this review will show that there is a need in Christian ethics for closer descriptions of contemporary wars that open a wider moral field of action and provide a deeper sense for the ways local Christians themselves narrate armed conflict. It is my hope that turning to local accounts of war in Congo will help provide this kind of description, and ultimately show how description is not a preliminary stage to ethics, but its very heart.
1.1 Just War Approaches

1.1.1 Paul Ramsey

Paul Ramsey was among the first thinkers in Christian ethics to engage the challenge of modern warfare and thus it is fitting that we begin with him. In his landmark 1966 essay, “How Shall Counter-Insurgency War Be Conducted Justly?”, Ramsey explored how just war thinking might apply to these new conflicts.

Panoramically surveying the global landscape, Ramsey begins, “‘Modern war is not nuclear war. Instead the possibility of nuclear war has made the world safe for wars of insurgency.’”¹ The great irony of the nuclear age, as Ramsey saw it, is that at precisely the moment when nation-states boast the military capacity to inflict unprecedented destruction, they find themselves more vulnerable than ever to insurgent movements. This is because nuclear weapons have no use beyond their deterrent non-use; when the insurgent mingles among the civilian population, the decisive military advantage of the state becomes irrelevant: “The military strength of the nation-state, which we thought made it impossible ever again to have a successful revolution, has led instead to an era of revolutionary wars. The possibility that any war may escalate into all-out nuclear war makes insurgency wars, in many areas of the world, an increasingly feasible choice.”²


² Ibid.
Truly modern warfare, it turns out, is “‘subversive’ war, ‘sub-limited’ or ‘sub-conventional’ war, ‘revolutionary’ war or ‘wars of national liberation,’ ‘guerilla’ war or the ‘war of the flea’—or whatever you want to call it.” Looking beyond the immediate context of the Vietnam War, Ramsey predicted ominously, “This will remain the military situation for decades to come.”

How right he was. What are the particular challenges of wars of insurgency? For Ramsey, insurgency warfare is marked by three basic features: guerillas move among the population like fish in water, they selectively target civilians instead of the government’s military forces, and they coerce direct material cooperation from civilians as part of their struggle. As a result, counter-insurgency forces cannot but incur a high number of civilian casualties in their pursuit of insurgents. It would appear that such warfare makes discriminating between combatants and noncombatants impossible:

[T]he injustice that was peripheral even if widespread in wars of the past has now become the central war. In particular, the problem posed by insurgency warfare is whether modern warfare, by becoming more and more political in nature and correspondingly more and more selective and coldly calculating in its attacks upon the lives of non-combatants, has at the same time become irremediably indiscriminate (in the moral if not in the merely quantitative meaning of that term) by an entire rejection of the moral immunity of non-combatants from direct attack.

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3 Ibid., 428.

4 Ibid.

5 Ibid., 433.
By selectively striking the civilian population, insurgency represents “an inherently immoral plan of war”. But this still leaves the question of whether counter-insurgency forces can abide by the distinction between legitimate and illegitimate military objectives even when their opponents do not. The key moral question of modern warfare is thus: “How is it possible, if indeed it is possible, to mount a morally acceptable counter-insurgency operation?”

To understand how it might be possible, one must be clear on the principle of discrimination. Discrimination “does not require that civilians never be knowingly killed”; rather, it requires “that military action should, in its primary (objective) thrust as well as in its subjective purpose, discriminate between directly attacking combatants or military objectives and directly attacking non-combatants or destroying the structures of civil society as a means of victory.” The latter is murder and can never be justified, while the former is killing in war that is justifiable, provided that it does not entail a disproportionate number of foreseen, but unintended civilian deaths. Here Ramsey is employing the principle of double effect, which recognizes that every action has multiple effects, and that a good action can have unintended evil effects that are nonetheless preferable to evil prevented.

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6 Ibid., 432.
7 Ibid., 428.
8 Ibid., 429.
Ramsey goes on to say that the shape of legitimate combatant destruction will vary across conflicts. In counter-insurgency, the shape of combatant destruction is relative to the particular tactics of the insurgents. When insurgents use terror to coerce an entire civilian population into material cooperation, the civilians stop being noncombatants and become combatants. Ramsey writes:

In contemporary insurgency, the fact is that a peasant is often a civilian by day and a combatant by night. Others are close cooperators all or some of the time, and therefore technically combatants also. In short, the decision of the insurgents to conduct war by selective terror results in a situation in which a whole area is inhabited mainly by ‘combatants’ in the ethically and politically relevant sense that a great number of the people are from consent or from constraint the bearers of the force to be repressed... The insurgents themselves have enlarged the target it is legitimate for counter-insurgents to attack.... Whether because he is idealistically persuaded or terrorized, many a South Vietnamese lad qualifies as a combatant without malice.9

Not only is the legitimate target enlarged, but the area of civilian death and damage that can count as collateral damage under the principle of proportionality is also enlarged. This means one can not only knock out the fish, but the school of fish as well, provided this is proportionate to the wider ends of the war.

If this sounds heartless, Ramsey says it is the insurgents, not the counter-insurgency forces, who are to blame. It is they who have made civilians liable to attack. “To draw any other conclusions would be like, at the nuclear level, granting an enemy

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9 Ibid., 435-436.
immunity from attack because he had the shrewdness to locate his missile base in the heart of his cities.”

Such is Ramsey’s moral analysis of counter-insurgency. It is not my task here to assess the persuasiveness of this analysis. Rather, I am interested in the picture of war this analysis presumes. What is war? What kinds of action happen in it? Who is an actor? How is this field of action distinguishable from other domains of moral activity?

In terms of action, the focus of this account is on military conduct. Ramsey tells us at the beginning that he will not be focusing on any of the actions or issues that tend to fall under the heading of *jus ad bellum*: “This is to prescind from questioning the justice of the cause, the end for which the war is fought, and from making any judgments about the comparative rectitude of social systems, the regimes, and nations that may resort to war.” The logical independence of *jus in bello* from *jus ad bellum* is a core commitment of modern just war theory, and one that Ramsey defends in *War and* 

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10 Ibid., 437.

11 Ibid., 428. Ramsey’s exclusive focus on conduct is an important part of his attempt to distinguish his approach from consequentialists, especially Reinhold Niebuhr. “There is more to be said about justice in war than was articulated in Niebuhr’s sense of the ambiguities of politics and his greater/lesser evil doctrine on the use of force. That more is the principle of discrimination; and I have tried to trace out the meaning of this as well as the meaning of disproportion in kinds of warfare that Niebuhr never faced.” See ‘Can a Pacifist Tell a Just War?’, in Ibid., 260.

12 In *Just and Unjust Wars* (New York: Basic Books, 1977), Michael Walzer provides the most well-known formulation of this view: “*Jus ad bellum* requires us to make judgments about aggression and self-defense; *jus in bello* about the observance or violation of the customary and positive rules of engagement. The two sorts of judgment are logically independent. It is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules” (21). Later he says, “In our judgments of the fighting, we abstract from all consideration of the justice of the cause. We do this because the moral
the Christian Conscience on Augustinian grounds: no society is just, and thus no war that a society wages can be assessed categorically in terms of justice or injustice. Christians have found that love provides a more secure basis for thinking about the morality of war, and love tells us that protecting the innocent can never justify taking innocent life in the process. As a matter of principle, Ramsey excludes from his picture talk of ends, grievances, history, or context because military acts can be assessed in terms of their intrinsic goodness or evil. Among the military acts that Ramsey considers, it is the military acts of states that have priority. While he certainly talks about insurgent acts, these are inherently indiscriminate, and thus intrinsically evil. Ramsey does briefly mention non-military actions of states, such as political or economic measures to drain

status of individual soldiers on both sides is very much the same: they are led to fight by their loyalty to their own states and by their lawful obedience… The moral equality of the battlefield distinguishes combat from domestic crime” (127-128). For an important critique of the logical independence of *jus ad bellum* and *jus in bello*, see Jeff McMahan, *Killing in War* (Oxford: Oxford University Press, 2009).


14 Ramsey, *War and the Christian Conscience*, 32. On this aspect of Ramsey’s thought, James Turner Johnson writes, “Ramsey’s emphasis on the right conduct of war and his lack of attention to questions of justice in the resort to war constitutes one of the most striking features of his just war thought.” Johnson, ‘Just War in the Thought of Paul Ramsey’, *The Journal of Religious Ethics* 19:2 (Fall 1991), 97.
support from insurgents, but insists that military acts should take precedence and offers no further comment on them.\textsuperscript{15}

In terms of \textit{agency}, the relevant moral actor is the state. Again, because insurgent tactics are by definition immoral, insurgents themselves cannot be actors in any moral sense. As for civilians, they feature in this account either as collaborators (some by consent, other by coercion) or victims of indiscriminate conduct. There is not a sense that civilians have any other role to play other than to lend assistance to insurgents or stand on the sidelines. This is because the responsibility for making prudential judgments about action in war ultimately rests with the state. As Ramsey memorably states, “The use of power, and possibly the use of force, is of the \textit{esse} of politics.”\textsuperscript{16} Just war theory is a theory of statecraft. This means that while the moralist can frame the moral field of action, it is the state that acts within it. Part of the reason why agency is tied so closely to the state is because only the state is in the position to know what prudence requires in war. In this regard, Ramsey reserves some particularly strong words for church leaders who feel they stand in a position to make judgments about the conduct of wars:

\textsuperscript{15} He writes, “The meaning of a morally acceptable ‘counter-insurgency’ operation is suggested by where I place the italics in that expression. This entails, of course, that counter-insurgency should primarily be directed to defeating insurgency by political and economic means, since that is the challenge thrown down by insurgency and the only way finally to come to grips with it. But we are prescinding from that in order to concentrate attention on the use of armed force that is needed in extension and in defense of even the best political purposes.” Ramsey, \textit{The Just War}, 434.

\textsuperscript{16} Ramsey, ‘The Uses of Power’, in Ibid., 5.
No more can the moralist or the church or churchmen as such determine that the collateral civilian destruction necessary in order to defeat the insurgents cannot be a lesser evil than an insurgent victory. Since the amount of combatant destruction and the amount and quality of the collateral civil damage is governed by political prudence, this is the crux of the decision statesmen must make. Private individuals and groups of citizens, of course, should contribute to the democratic debate that in its measure forms public policy. Christians who engage in this debate do so out of the inspiration of their faith, no doubt; but they do not bring to it any particular instruction that foretells how the proportionately right national decision should be made, or that enables them in advance to attach the label ‘immoral’ to one and not possibly to another of the alternatives.\footnote{Ibid., 439.}

This point about prudence is also an epistemological point: only the state has the information about insurgents to know what a prudential application of discrimination would look like. Not only action, but also knowledge in modern war belongs to the state.

Ramsey’s discussion of insurgency warfare was a pioneering one, but it presents a very limited window into the issues of contemporary conflict. Other just war theorists have sought to fill in the picture, and I now want to turn to one such account offered by Oliver O’Donovan.

\subsection*{1.1.2 Oliver O’Donovan}

Oliver O’Donovan discusses some of the moral dilemmas of contemporary conflict, particularly the challenges of internal armed conflict, in a chapter entitled
'Counter-Insurgency War' in *The Just War Revisited* (2003). O’Donovan begins by acknowledging Ramsey’s discussion, agreeing that the first moral question of such warfare is how counter-insurgency should be conducted justly. Crucially, however, he suggests there is a second question: “can the conduct of counter-insurgency be conducted in such a way as to persuade insurgents to abide by the principle of discrimination?”

That O’Donovan is willing to ask this question reflects a significant shift from Ramsey. Whereas Ramsey limited the focus to the state, and considered the conduct of insurgents to be intrinsically immoral, O’Donovan is willing to consider the moral position of insurgents and the possibility that they too might fight justly. Why is that?

Part of the reason is that while Ramsey identified insurgency with terrorism, O’Donovan insists upon a distinction: “The terrorist makes his point by slaughtering the innocent intentionally; the insurgent makes his by forcing his opponent to slaughter the innocent unintentionally.” O’Donovan suggests that insurgents know better than to attack civilians directly; the most effective way to win support to their side is to get the government to do their killing for them. The difference between insurgency and terrorism may be subtle, but O’Donovan finds it morally promising: “every step towards restraint gains some ground for the civilizing of armed conflict. To the extent that

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19 Ibid., 65.
insurgents desist from immediate acts of terror, they display a higher level of respect for the demands of justice, even if their exploitation of the civil population as hostages fails to display respect at a very high level.”

Another reason O’Donovan is willing to consider the position of insurgents is the fact that insurgents often take on a representative role for the population, giving their struggle more legitimacy than terrorists. This is a version of the justifiable revolution, a longstanding position in just war thinking. If a tyrant has ceased to serve the public good, then lesser magistrates (and their modern variants) are justified in acting in the name of the people. To be fair, Ramey talks at length about justifiable revolution at the end of his counter-insurgency chapter, but he does so precisely to argue against insurgency, which is another key difference between he and O’Donovan. Whereas Ramsey is willing to give the government the benefit of the doubt, O’Donovan is more open to the possible justice of an insurgency, which makes him all the more hopeful that they may adapt their conduct.

O’Donovan acknowledges the inherent tension of this hope: on the one hand, asking for more restraint would require giving insurgents more privileges (namely, POW status and immunity from prosecution), and no state is interested in making rebellion a more appealing option for their citizens. On the other hand, it is in the interest of any state facing an actual rebellion to create conditions for a counter-

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20 Ibid., 65.
insurgency that does not alienate the government from its own people. More restraint, he adds, is certainly in the interests of civilians caught in the middle.

O’Donovan reviews how over the course of the 20th century international treaties have gradually extended combatant privileges to certain irregular fighters who are willing to play by the rules. The most recent reforms, the 1977 Protocols to the Geneva Conventions, came in the aftermath of the wars of the decolonization era and extended combatant privileges to guerilla fighters engaged in specific kinds of conflict (internal conflicts against colonial domination, alien occupation, or racist regimes), provided that they wear uniforms and bear arms openly. These reforms still leave most fighters in internal armed conflicts without privileges, as states continue to express grave reservations about compromising their sovereignty by conferring legal privileges to rebels in their own territory.

What if they did? O’Donovan asks: “what would be implied if civilized societies began to think of insurgency movements as their opponents in war rather than as gangs of criminals?”21 O’Donovan applies this thought-experiment to the conflict in Northern Ireland. As he sees it, the problem in Northern Ireland was that the British and Irish governments relied upon a domestic criminal response that failed to have any effect on the IRA’s military conduct: cases could not be tried fast enough, evidence standards could not be met, and special courts were corrupt and did not satisfy demands for

21 Ibid., 71.
justice. For the IRA, they had no incentive to observe restraint because they received no rewards whenever they did withhold attacks against civilians. Moreover, even if they wanted to discriminate in their attacks against the British government, they couldn’t, because the government mixed in civilians, police, and the army in their counter-insurgency operations.

What difference would a war footing have made? The British government would have organized its counter-insurgency through the army, making it easier for the IRA to target the people actually waging the struggle. The IRA would have also received POW status and immunity from prosecution in exchange for more restraint; the promise of immunity would have also made them more willing to settle for peace earlier. The death penalty for war crimes would have deterred attacks against civilians. O’Donovan believes a war footing would have also encouraged both sides to take prisoners instead of killing captured soldiers. Given that internal armed conflicts tend to be protracted because guerilla forces can always live to fight another day, O’Donovan believes that large prison populations anxious to be released would create one more incentive for both sides to settle. In fact, prison release was a major part of the Good Friday Agreement in Northern Ireland, and O’Donovan cites this as an example of a successful war-type incentive.
Such is O’Donovan’s thought-experiment for restraining civilian-based violence in contemporary conflict. One should point out that while O’Donovan frames this approach as a hypothetical, this in fact is the direction in which humanitarian law is currently trending. For years now the ad hoc tribunals in Rwanda and ex-Yugoslavia have been trying non-state paramilitaries for war crimes, and the recently launched International Criminal Court is doing the same for insurgents from northern Uganda, Central African Republic, and (notably for our purposes) Congo. In later chapters we will meet some of the suspects who are currently in custody at the ICC, so O’Donovan’s approach has particular relevance for our study. Even though the lex specialis of war entails a more relaxed set of human rights protections by giving non-state combatants

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22 It is not clear to me how this thought-experiment can be reconciled with O’Donovan’s broader argument in The Just War Revisited. At the heart of his argument is the proposal “that armed conflict be re-conceived as an extraordinary extension of ordinary acts of judgment” (14). The war-as-judgment proposal re-imagines the role of the offended party as a judge enforcing law upon the offender, with all the requisite restraints this role would imply. Instead of the modern view of reciprocal rights between two equal parties, war-as-judgment conceives the two parties asymmetrically, with one in the right and the other in the wrong. Acts of war have one purpose: to distinguish guilt and innocence, and the principles of discrimination and proportionality derive their intelligibility from this central end. On this view, “war” is not a separate domain or “time”, but a series of acts within the uninterrupted time of peace. This is the proposal that O’Donovan defends for most of The Just War Revisited. Yet when he turns to internal armed conflict, he argues for the very view of armed conflict that he rejects, namely, war as a reciprocal relation between equals. Whereas the war-as-judgment proposal would encourage an approach to armed conflict that sees one side engaged in wrongdoing and the other enforcing law, with attention focused on the wider causes, grievances, and ends of conflict, his approach to internal armed conflict abandons talk of ends and concedes the right to kill to both sides in the hopes of restraining violence. I simply wish to register the tension between the two discussions.
the right to kill and extends military necessity into more spheres of life, it is increasingly sought after as a solution to human rights abuses against civilians.23

Again, I will reserve judgment on the persuasiveness of this account as a moral approach to contemporary conflict. My concern here, as in our discussion of Ramsey, is the underlying picture of war that O’Donovan offers us.

In many respects, O’Donovan’s account offers a clear advance on Ramsey’s. Whereas Ramsey focused exclusively on the state, here we get a fuller picture of insurgents and the possibility that they are capable of prudential judgment as well. That insurgents may be acting as genuine representatives of the population is another advance, helping challenge stereotypes of rebels as merely self-interested criminals.

While not mentioning the church in this essay, we know from earlier chapters that O’Donovan also envisions a more active role for the church in holding the state accountable for its decisions.24 In these ways, the moral field of agency and action has been widened.

23 The contradictions of this approach are not lost on many contemporary commentators. Nathaniel Berman writes, “The ‘starting points’ of human rights law and jus in bello are quite different— the one provides the right to life, the other provides the right to kill. It should be a cause for reflection that an expansive definition of the latter became the human rights position.” ‘Privileging Combat? Contemporary Conflict and the Legal Construction of War’, Columbia Journal of Transnational Law 43:1 (2004), 38.

24 O’Donovan speaks of the “spirituality” of the armed-judgment proposal: “It is an expression of faith – perhaps in the teeth of primary experience – in the providential gift of honest judgment as a praxis in which the whole political community can be involved” (16). For a fuller account of what a just war spirituality might look like, see Daniel M. Bell, Jr., Just War as Christian Discipleship (Grand Rapids, MI: Brazos Press, 2009).
But in most other respects, this account does not move us far beyond Ramsey. The focus is exclusively on military conduct, and there is little mention of other possible forms of action. While O'Donovan grants the possible representative role of insurgents, there is no engagement with sources of conflict or particular grievances. The assumption here, as in Ramsey, is that conduct in war is independent from these wider ends (a view that sits in some tension with O'Donovan’s own emphasis on war-as-judgment in the earlier parts of his book – see footnote 22). Moreover, while O'Donovan is more interested in the behavior of insurgents than Ramsey, he still understands insurgents largely through the prism of the state. The very way he frames his moral question (“How shall counter-insurgency be conducted so that...”) suggests insurgents are actors only to the degree that their moral behavior is a function of the state’s actions. Related to this, O'Donovan’s account places enormous confidence in the power of military/legal incentives to shape moral behavior, excluding a range of other possible factors that may motivate these actors (including economic ones, as we will see in Chapter 4). In this respect he presumes a particular kind of moral subject whose action is habituated primarily through legal disciplines.

Finally, as in Ramsey, civilians for O'Donovan exist either as victims in the line of fire, collaborators, or spectators on the sidelines. As mentioned above, the church offers spirited contributions to public debate on military conduct, but is not an actor in the field of conflict itself. Given that O'Donovan uses Northern Ireland as a test case,
this is particularly surprising, seeing that so much of the conflict in Northern Ireland played out in cities, neighborhoods, and churches. Not only did ethnonationalism and sectarianism cut down the center of churches and their worship, but many Catholics and Protestants also played key roles in negotiations between paramilitaries and the two governments. These actors are conspicuously missing from O'Donovan's account.

Taken together, Ramsey and O'Donovan offer us a limited picture of contemporary conflict. They reduce the moral field of action to military conduct and the relevant moral agents to state and non-state military actors. Their preoccupation with military conduct prevents them from considering the various non-military actions of states or rebel groups. This causes them to overlook the way rebel actors in many contemporary conflicts attempt to install themselves as political authorities in occupied territories or engage in resource exploitation and trade. In turn, Ramsey and O'Donovan overlook the impact of such activities upon civilians. Limiting their understanding of civilian vulnerability to indiscriminate attacks against civilians, they neglect the far more deadly indirect costs that arise from these wider political and economic activities. Moreover, by limiting moral agency to military actors, Ramsey and O'Donovan do not explore how civilians themselves might push back against these dynamics and mitigate some of war's indirect costs. As we will see in Chapter 3,

civilians occupy a strategic position in contemporary conflict, as rebel actors come to
depend upon them for maintaining political order in occupied zones. As we will see in
Chapter 4, civilians also play a key role in conflict economies as well. They can
perpetuate these industries, or they can opt out and pursue alternatives, thus affecting
the capacity of rebel actors to sustain their operations.

In assuming that military conduct can be analyzed apart from a wider
consideration of the ends for which military actors fight, Ramsey and O’Donovan also
prevent us from making more discriminating act-descriptions of violence in war. Not all
acts in war intend war. To know this, however, requires examining the ends that give
violent acts their intelligibility. But it is precisely these ends that Ramsey and
O’Donovan remove from consideration when they assume that military conduct can be
examined apart from the ends of conflict. Violence in war is radically heterogeneous,
and to name this violence requires looking at violent acts in context. Such context is
what allows us to tell if an act of killing intends war or something else: private
vengeance, a systematic attack against an ethnic group, or an attempt to eliminate a
group altogether. We need to consider such ends in order to name violence. Next
chapter we will look at how James Turner Johnson’s just war reading of violence against
Hutu refugees in Zaire/Congo fails to make the kinds of moral discriminations that are
necessary for proper truth-telling in armed conflict.
Finally, while Ramsey and O’Donovan bring a theologically-grounded position to the problem of war, their respective theologies have little bearing on how they actually set up the problem. Instead of considering how theology might re-frame the relevant issues (and challenge assumptions about agency, death, and the meaning of violence for actors on the ground), both thinkers allow an independently constructed concept of war to over-determine their theological contribution. In this respect, O’Donovan in particular fails to follow through on his own deepest commitments. In Resurrection and Moral Order, he suggested that it is precisely the role of theology to offer alternative descriptions of problems as they are conventionally conceived.26 On the question of war, however, he leaves this descriptive work largely undone.

If just war approaches do not sufficiently problematize the conventional picture of war, how about pacifists? Even though they reject war, are they able to provide us with a better picture? One that re-frames the problem of war more theologically? To some recent pacifist voices we now turn.

26 O’Donovan writes, “If we are to form and justify opinions on specific questions in ethics, we must do so theologically; which means bringing the formal questions of ethics to theological interpretation and criticism. This by no means implies, of course, that we shall accept the current understanding of these questions unhesitatingly from the lips of philosophers, for theology has something to say also about how the questions are formulated as well as about how they are answered.” Resurrection and Moral Order (Grand Rapids, MI: Eerdmans, 1986), 182.
1.2 Pacifist Approaches

1.2.1 John Howard Yoder

In 1966, the same year Paul Ramsey delivered his paper on counter-insurgency to the Society for Christian Ethics, John Howard Yoder preached a sermon in the Iglesia Metodista Central of Buenos Aires entitled, “The Original Revolution” – a theme of some relevance to Latin Americans at the time. The sermon provides a fitting (if unintended) counterpoint to Ramsey, and a helpful summary of Yoder’s approach to contemporary armed conflict, particularly the politics of violent insurgency.

Yoder writes, “If we are ever to rescue God’s good news from all the justifiable but secondary meanings it has taken on, perhaps the best way to do it is to say that the root meaning of the term euangelion would today best be translated ‘revolution.’”27 He goes on, “the question of revolution, the judgment of God upon the present order and the imminent promise of another one, is the language in which the gospel must speak. What most men mean by ‘revolution,’ the answer they want, is not the gospel; but the gospel if it be authentic must so speak as to answer the question of revolution. This Jesus did.”28 As he would do in his later work The Politics of Jesus, Yoder helps show how Jesus speaks directly to an era in which revolutionary wars have become the order of the day.


28 Ibid., 18.
Turning to scripture, Yoder explains that among all the options for social change available to Jesus at the time (working within the establishment, withdrawal, segregation), the Zealot option was likely the most tempting. Yoder provides some background: “It was presented in Jesus’ time by the underground political and military group called the Zealots, men in the heritage of Joshua and the Maccabees, for whom the ‘zeal of the Lord’ was to express itself in holy warfare against the infidel Romans. The Romans understood no other language than that of force; no other means can be effective than a response to them in their own kind.” Many of Jesus’ disciples were Zealots, and Yoder suggests that Jesus’ ministry can be read as “a constant struggle with the social option of revolutionary violence.” So why did he not choose it? Yoder explains:

What is wrong with the Zealot path for Jesus is not that it produces its new order by use of illegitimate instruments, but that the order it produces cannot be new. An order created by the sword is at the heart still not the new peoplehood Jesus announces. It still, by its subordination of persons (who may be killed if they are on the wrong side) to causes (which must triumph because they are right), preserves unbroken the self-righteousness of the mighty and denies the servanthood which God has chosen as His tool to remake the world.

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29 Ibid., 22.
30 Ibid.
31 Ibid., 24.
Instead of insurgency, Jesus creates, as God did with Abraham, “a society like no other society mankind has ever seen.” It was a mixed society not based on birth, and it opened a new way of living:

He gave them a new way to deal with offenders—by forgiving them. He gave them a new way to deal with violence—by suffering. He gave them a new way to deal with money—by sharing it. He gave them a new way to deal with problems of leadership—by drawing upon the gift of every member, even the most humble. He gave them a new way to deal with a corrupt society—by building a new order, not smashing the old. He gave them a new pattern of relationships between man and woman, between parent and child, between master and slave, in which was made concrete a radical new vision of what it means to be a human person. He gave them a new attitude toward the state and toward the ‘enemy nation.’

This way of life no insurgency could accomplish. It was Jesus’ response to insurgency then, and Yoder argues that it can be the church’s response today.

Suffice to say, this is a different approach than Ramsey and O’Donovan’s. Whereas Ramsey focuses on the military actions of the state, Yoder focuses on the alternative way of the church. Where Ramsey focuses on the means of fighting independent of the ends of the struggle, Yoder focuses on a means of social change that is the very social change it seeks to bring about. Where O’Donovan seeks equality between belligerents, Yoder seeks the end of enmity. Yoder’s approach to insurgency is not to make the Zealot option more humane, but to point to an alternative option.

32 Ibid., 28.
33 Ibid., 29.
This is not to say Yoder’s Christian pacifism is simply another option on the war question. Nonviolence for Yoder is a response to a future hope, not war. It is right “not because it works, but because it anticipates the triumph of the Lamb that was slain.”

This means peace for Yoder is ontologically prior to war. On his account, peace is not a turning away from violence; rather violence is a turning away from peace. Peace also has a specific social location in the church. The way of nonviolence is tied to what Jesus came and did, and it is unintelligible apart from the new society he inaugurated. Yoder’s Christian pacifism is many things, but it is certainly not defined by what it is against.

The fact that Christian nonviolence is not a response to war does not mean, however, that Yoder has nothing to say about war. In fact, it was his conviction that part of Christian charity involves entering sympathetically into just war theory to help the state and would-be revolutionaries restrain their violence. This is part of the “Christian witness to the state”. This sympathetic engagement gives us further perspective on how Yoder conceives war.

Particularly interesting is how Yoder applies the just war criteria to revolutionary wars. Whereas Ramsey and O’Donovan concentrate upon in bello morality, limiting our sense of why or for whom such wars are fought, Yoder’s focus is on jus ad bellum, particularly the criteria of just cause, last resort, and probability of success. This allows Yoder to raise critical questions about insurgency that neither

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O'Donovan nor Ramsey do. For example, Yoder anticipates and questions O'Donovan's assumption about the representative role of insurgents:

the people claiming to have the authority to implement a violent revolution are a minority, often a small minority, self-appointed, with only tenuous relations to any kind of legitimation that is not logically circular. They are the legitimate authority simply because they claim to incarnate the just cause: that is, because the doctrine that guides them or the goals which they have set are shown to be correct on argumentative grounds. These grounds will not seem convincing to the authorities they are attacking or even to many of the people whom they propose to liberate.35

Yoder's discussion of probability of success also leads him to question whether revolutions necessarily make things better for the populations in whose interest rebels claim to act. Given the particularly indiscriminate character of modern methods of fighting, Yoder even sympathetically adopts lesser evil arguments to show that on consequentialism's own terms, few insurgencies can be framed as a lesser evil than submitting to a tyrant. Finally, the criterion of last resort leads Yoder to stress the importance of nonviolent modes of social change that are often more effective, over the long haul, than violence.

Yoder's sympathetic (although not uncritical) engagement with liberation theology also provides him with an important vantage point for assessing the limits of just war approaches to conflict. While just war theorists focus narrowly upon conduct, liberation theologians emphasize deeper structural issues of economic dependency:

35 John Howard Yoder, Christian Attitudes to War, Peace, and Revolution (Grand Rapids, MI: Brazos Press, 2009), 380.
“Latin Americans talk about their countries becoming independent of the political control of the United States and the economic control of banking and corporate structures.”36 Yoder goes on to emphasize the hypocrisy of those who critique violence in the third world without questioning their own state’s violence or the role their states’ economic practices play in the wars of the third world. He cites bishops in Germany and England who were “not critical of German involvement in NATO” but were opposed to poor blacks at the other end of Africa using violence for liberation, especially if they did so with socialist rhetoric. Something dishonest is happening when mainstream church leaders in the Northern Hemisphere stand in judgment on revolutionary movements in the Southern Hemisphere for using the same kind of ‘justifiable’ violence that the theology of the mainstream churches has always approved.37

Here one should mention that Yoder’s criticism connects with important work currently being done in international law and postcolonial studies that focuses upon the gross disparities that exist in humanitarian law enforcement.38 All of the cases currently being prosecuted at the ICC, for example, are African ones (the first four of which concern the war in the Congo). No cases have been considered for war crimes involving western countries (the U.S. is not even a signatory to the Rome Statute of the ICC). Thus from the perspective of critics of humanitarian law, as for Yoder, the deeper colonial and

36 Ibid., 388.
37 Ibid., 389.
neocolonial legacy of just war thought must be reckoned with, particularly as an
exclusive focus on indiscriminate conduct in the third world can distract attention away
from the global economic practices that make many of these wars possible.39

In these various ways, Yoder greatly fills out the picture of war that we saw in
Ramsey and O’Donovan. He does so mainly by abandoning the exclusive focus on
military conduct to examine the wider context of armed conflict. His timely scriptural
exegesis allows him to question the givenness of insurgency and explore alternative
strategies. His own sympathetic engagement with just war theory’s *jus ad bellum*
requirements allows him to question the effectiveness of insurgent methods and the
degree to which rebels genuinely represent civilians. His engagement with liberation
theology also allows him to attend to the broader economic context of conflict in the
global south.

If these are the strengths of Yoder’s approach, what might be some of the
weaknesses? To begin, one cannot help but be struck by the fact that while Ramsey and
O’Donovan focus almost exclusively on the *in bello* criteria of just war thought, Yoder
focuses his sympathetic engagements with just war theory almost entirely on the *jus ad
bellum* criteria. On the one hand, this is no surprise: Yoder is a Christian pacifist and

39 It is particularly worth noting that Anghie singles out Vitoria, one of O’Donovan’s influences, as a thinker
whose intellectual legacy has inspired many of the internal contradictions of the contemporary
humanitarian law movement. See *Imperialism, Sovereignty, and the Making of International Law*, especially
Chapter 1, ‘Francisco de Vitoria and the Colonial Origins of International Law’, 13-31. See also Carl Schmitt,
New World’, 86-139.
naturally wants to pursue alternatives to war. But because he focuses most of his attention on the *jus ad bellum* criteria, he never really gets around to talking about the actual course of wars – that is, what concretely happens in them, what actions matter, and who is an actor. The few times that Yoder does talk about the course of wars, he relies exclusively on the *in bello* criteria to guide his thinking, which means he limits his analysis to strictly military conduct (i.e., whether modern conflict can be discriminate, or if certain weapons would defeat the whole purpose of a war). In part because Yoder relies so heavily on sympathetic engagement with just war thinking, he also works from a picture of war that reduces it to its military dimensions, instead of moving beyond this picture to explore other realities of war. Rather than offer his own description that incorporates the critical resources that inform his thinking about the build-up to and aftermath of war, he takes the military picture of war for granted. The consequence of this is that although he spends a great deal of time talking about alternatives to war, he does not consider the shape of alternatives in war. Ironically, this causes him to overlook the possible moral agency of the very church that is the basis of his thinking on war.

Part of the reason that Yoder says so little about the witness of the church in war is that his moral analysis tends to presume the position of one who has the liberty to decide between war and other alternatives. Yoder’s moral subject stands at the point before which wars break out. The language of “choice” and “option” is particularly
prominent in Yoder’s exegetical work on Jesus: what are Jesus’ options? How does his option represent an alternative? This suggests, when we come to the war question, that the moral subject confronts war as a choice: something to be waged or renounced. His own emphasis on power disparities between civilians and combatants, however, suggests that many members of the church, especially in civil wars, do not actually have a choice between supporting war or watching from the sidelines. Rather the church must find a way to live through it. How the church might suffer war, however, is not a question that Yoder considers.

Taking for granted a certain construction of war would not be a problem for some other pacifists, but Yoder is a Christian pacifist for whom peace is ontologically prior to war. This means the witness of the church is not determined by war. And yet in the end Yoder, like Ramsey and O’Donovan, permits an independently constructed picture of war (focused upon military actors and conduct) to over-determine his thinking about moral possibilities in actual wars. Just to the extent that he rejects war outright, he is not able to consider the possible shape of the church’s witness in war. I suggest that Yoder’s own Christian pacifism, embedded as it is in the church and grounded in Christological claims about the ultimate vindication of nonviolence in history, should provide resources for narrating war differently, such that war’s other dimensions become more visible, particularly the role of civilians. If peace really is ontologically prior to war, then we should look for descriptions of war that shatter its
supposed autonomy, and attend to the ways that state and rebel actors are often parasitic upon the good. In Chapter 3 of this dissertation, we will explore how Archbishop Emmanuel Kataliko offered these kinds of descriptions in his sermons and letters during the rebel occupation of Bukavu.

There are multiple places in Yoder’s work where he models the kind of theological description that I think would deepen his approach to the ethics of war. In ‘Christ, the Hope of the World’, for example, he speaks of what he calls “peace-church historiography”. He writes, “Decision in the present is often very much the product of how the past has been recounted to us. If we are then to open up a new future it must be the extension of a rereading of the past. Historiography must be rehabilitated by being taken back from the grasp of the military historians and the chroniclers of battles and dynasties, and informed by other criteria to judge a society’s sickness and health.”

As Yoder suggests, what Christians claim about Christ cannot but teach us to see history differently: “If we once dare to challenge the picture, and see it crumble, we then can discover that in fact violence and deceit represent a particular form of moral weakness.” Such a vision of historiography suggests there are Yoderian resources not only for imagining alternatives to war, but also for learning to see actual wars differently.


41 Ibid., 167.
If Yoder was unable to move beyond a picture of war dominated by military actors, how have other pacifists fared? I now want to consider if Stanley Hauerwas can help complicate the picture further.

1.2.2 Stanley Hauerwas

Stanley Hauerwas has not written as extensively on revolutionary or insurgency war as Ramsey, O’Donovan, or Yoder. The predominant focus of his attention has been on interstate warfare. More recently he has turned to the challenge of terrorism, which we will address below. But before we do, I want to explore the ways in which he has drawn critical attention to deeper conceptual assumptions that often go unstated in debate on war in Christian ethics, and consider how this might help us challenge standard descriptions of war. I then want to explore why, despite this critical attention to concepts, Hauerwas himself struggles to move beyond a certain picture of war – a picture that, as is the case with Yoder, causes him to overlook the moral agency of the church in war.

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42 Although see his essay on dealing with the legacy of the past in Northern Ireland, ‘Why Time Cannot and Will Not Heal the Wounds of History, But Time Is and Can Be Redeemed’, in A Better Hope: Resources for a Church Confronting Capitalism, Postmodernity, and America (Grand Rapids, MI: Brazos Press, 2000).

43 These writings have covered such issues as nuclear deterrence and disarmament (Against the Nations), conscription (‘Why Justice is a Bad Idea for Christians’), the human reservation to kill, trauma (‘Sacrifice and the Sacrifices of War’), and the relation between universities and war-making (The State of the University), among many others.
Like Yoder, Hauerwas has made clear throughout his writings that Christian nonviolence is not a position on war. To say that nonviolence is a position on war would suggest that “war” is not only an independent reality of its own, but logically prior to peace. For both thinkers, rather, Christian nonviolence is prior to war; it is caught up the positivity of communal life in Christ. As Hauerwas has repeatedly insisted, it is tied to everyday practices of the ordinary (raising lemurs, running universities, playing baseball). In an oft-quoted formulation, he writes, “Christian nonviolence is not a strategy to rid the world of violence, but rather the way Christians must live in a world of violence. In short, Christians are not nonviolent because we believe our nonviolence is a strategy to rid the world of war, but rather hopefully as faithful followers of Christ in a world of war we cannot imagine being anything other than nonviolent.”44 As he puts it in an earlier essay, “Pacifism, therefore, is not just an attitude about war, but it entails the belief that God, through Jesus Christ, has inaugurated a history that frees all people from our assumption that we have no moral alternative to war.”45

As the last two passages indicate, the clarification that Christian nonviolence is not a response to war does not mean abandoning talk of war. The word “war” still


appears in both passages. This begs the question: if Christian nonviolence is a “moral alternative to war” and a way of being in a “world of war”, what is war? This is not a question that Yoder addressed at any great length, but it is one that Hauerwas has.

In “Should War Be Eliminated: A Thought Experiment”, Hauerwas writes, “I want to force us to consider what is at stake morally by the very fact that we describe some forms of violence as war. Too often those concerned to make moral judgments about war, whether they be pacifists or just war theorists, assume that the description of war is unproblematic: the only question is how to eliminate or control war. Yet that is exactly what I am suggesting cannot be assumed.”46 It cannot be assumed because war is already a moral description: “Ethical reflection about war, therefore, does not begin by asking what makes a war more or less just. Rather, a morality is already implied by the very fact that we call it war. For war is not simply another name for violence.”47 He goes on,

We must begin, therefore, by asking: Do we know what we mean by calling something a war? Certainly war entails violence, but yet the very description war seems to propose a different moral evaluation that violence does not always imply. Perhaps that is why normal categories dealing with killing do not seem to apply in war. For example, we are taken aback by the suggestion that war is but legitimized murder on a mass scale. Our resistance to calling war murder indicates that we assume it has a moral legitimacy.48

46 Ibid.
47 Ibid.
48 Ibid.
With this in mind, Hauerwas suggests that calls for the elimination of war are actually disingenuous, just to the extent that such calls presume that war is a bad thing. Based on the way that ethicists use the concept, war is clearly a good thing. Hauerwas is not suggesting that killing in war is in fact moral (at least not here); rather, he is pointing out the moral claims that are embedded in the way people talk about war. Even objections to war (unjust war, unjust act of war, war crime) can reveal how war exists in a different domain of moral justifiability than other kinds of killing.49

Skeptical of such presumptions, Hauerwas has pursued deeper questions about the nature of unjust war. As he famously puts it, “If war is unjust, what is it?”50 He explains:

The question is designed to challenge the assumption that war is just “out there.” Those who use just war criteria often seem to assume war is just “out there.” You then see how many of the criteria work, but even if you only get two out of six (depending on how you count) it is assumed it is still a war and therefore has moral justification. But why should that be assumed? If a war deserves the description “war” surely it must have been just from the beginning.51

The euphemistic language of war often stands in the way of more honest moral reflection and more truthful act-description.

49 More recently Talal Asad and Judith Butler have made similar arguments about the selective use of the words ‘war’ and ‘terrorism’. See Talal Asad, On Suicide Bombing (New York: Columbia University Press, 2007); Judith Butler, Frames of War: When is Life Grievable? (London: Verso Press, 2010).


While Hauerwas has his doubts about the moral status of unjust war, he is less uncertain about war itself. “War is a moral practice,” he begins in ‘Sacrificing the Sacrifices of War’.\textsuperscript{52} He recognizes that this might sound strange coming from the lips of a pacifist, but he wants to be clear that unless we see the “complex moral character of war”, we cannot understand why it has such a grip on our imaginations and why without it, no one would be able to make sense of their lives. Too much of the debate between just war theorists and pacifists focuses on how war might become more humane; Hauerwas wants to get down to “the actual practice of war.”\textsuperscript{53}

What picture of war does Hauerwas offer us? War, he says, is a sacrificial system. It is the sacrifice of one’s own life, but more importantly, it is also the sacrifice of one’s unwillingness to kill. The moral obligation to sacrifice one’s own life is based on the fact that previous generations died to make life possible today; thus the only way to honor that sacrifice is to be willing to sacrifice one’s own life in the present. The logic of sacrifice extends horizontally to one’s comrades: if one does not die for them, they will have died in vain. War creates comradeship precisely “because war subjects lives to sacrifices otherwise unavailable. This is the moral practice and power that war is.”\textsuperscript{54}

\textsuperscript{52} Hauerwas, ‘Sacrificing the Sacrifices of War’, 83.
\textsuperscript{53} Ibid., 83.
\textsuperscript{54} Ibid., 93.
But war is also the sacrifice of one’s unwillingness to kill. Hauerwas points to studies that show that most soldiers in combat do not want to kill. Euphemisms (again) are a common feature of war because they help dehumanize the enemy, making killing easier while allowing the soldier to retain his own humanity. “There is no more basic natural law than the prohibition against killing”, and the silence of soldiers after war witnesses to the fact that life is not ours to take.55

Seeing war as a sacrificial system, or a kind of religion, helps us understand how the church is a true alternative to war. That war is a religion “helps us see that the Christian alternative to war is not to have a more adequate ‘ethics’ for conducting war”; “No, the Christian alternative to war is worship.”56 When Hauerwas says the church does not offer a position on war, but is itself an alternative to war, this is what he means: “The church does not so much as have a plan or a policy to make war less horrible or to end war. Rather the church is the alternative to the sacrifice of war in a war-weary world. The church is the end of war.”57 Bookending a point he made twenty years earlier in ‘Should War be Eliminated,” Hauerwas concludes, “We are now free to live

55 Ibid., 103.
57 Ibid.
free of the necessity of violence and killing. War and the sacrifices of war have come to an end. War has been abolished."

Pulling back, we might ask how this picture compares to the others we have reviewed in this chapter. In questioning the moral presuppositions of the term ‘war’ and the habit of discussing all acts in war as ‘war’, Hauerwas offers a particularly rigorous method of act-description in contexts of armed conflict. This method will be instructive for to us as we move forward, especially next chapter when we turn to representing violence against refugees during the first Congo war. In his writings Hauerwas also takes us much more deeply than the other thinkers into the lived reality of war, giving us a harrowing but respectful glimpse into the realities (and trauma) of modern warfare from the perspective of veterans. He is also able to show how comprehensively war shapes wider structures of meaning. For Americans, war is “a way to realize our continuity with our ancestors”, “our ultimate comfort”, “a reason for living”, “a story”, and “a basis for common experience”, to name just a few.

If these are ways that Hauerwas helps complicate our picture of war, there are other ways in which he does not go far enough. His emphasis on sacrifice, killing, dying, battle, and comradeship, while necessarily drawing our attention to what is too often covered up through pious slogans and patriotic self-deception, leaves largely intact the military-centered picture of Ramsey and O’Donovan. The focus remains

58 Ibid., 102.
squarely upon military actors. At one point in ‘Sacrificing the Sacrifices of War’, Hauerwas quotes Lt. Col. Dave Grossman, who writes, “Killing is what war is all about, and killing in combat by its very nature, causes deep wounds of pain and guilt. The language of war helps us to deny what war is really about, and in doing so it makes war more palatable.” The point is a powerful one about how language distracts us away from the killing that is at the heart of war, but in quoting it, Hauerwas does not go on to question how language can also convince us that war is only killing, which surely must be questioned also. The very truth of Hauerwas’ analysis of war (that war is killing) is so blinding, it can cause us to neglect other dimensions of war—more banal dimensions, to be sure, but dimensions that are far more deadly in today’s wars. In describing war as a sacrificial system, Hauerwas also risks projecting a false coherence upon war. While Americans may convince themselves that “war is a force that gives us meaning”, it seems necessary to point to the disunity and heterogeneity of actual wars. We do well to heed O’Donovan’s caution against making an “aesthetic icon” out of war in our very rejection of it.56

59 Ibid., 96.

60 In The Just War Revisited, O’Donovan describes this tendency in Wilfred Owen: “War takes to itself the unique pathos of death, and becomes an archetypal focus of terror and fascination, outside all narratable experience and necessarily separate from social engagement. We are warned away from war as we are warned away from the sacred adytum, the abode of the shades; and we are unable to think practically about the tasks that relate to it. The danger of surrounding the temple of war with this too-sacred boundary is that the fascination it evokes cuts us off from practical responsibility. It is better for practical reason, perhaps, not to try to be too clear about precisely where ‘peace’ ends and ‘war’ begins” (15-16). Of course, “practical responsibility” for O’Donovan means the use of force. I suggest that by looking at the nonviolent witness of
Second, it is often unclear what exactly Hauerwas means when he uses the concept of war. Above we saw him draw attention to the morality that is often implied when Christian ethicists use the term ‘war’. If a war is unjust and one still calls it ‘war’, then it must still somehow be legitimate. Hauerwas objected to this, calling us to more truthful act-description. And yet Hauerwas himself often refers to war as a moral practice, as we saw at the beginning of ‘Sacrificing the Sacrifices of War’. Often times he leans on this moral concept in his very arguments against war. One revealing moment comes in his ‘September 11, 2001: A Pacifist Response’. There he objects to the Bush administration’s use of the language of a “war on terror”. He objects to war language not because such a war would be unjust, but because the language of war would give bin Laden a dignity he did not deserve.\(^6\) This particular way of putting the objection suggests that mere participation in war confers an automatic sense of legitimacy, regardless of whether one is just or unjust. That seems to contradict Hauerwas’ critique of the implied morality of war above. Here he is suggesting that war really is different, the church in war, practical responsibility might take on a different, no less political meaning. With this said, I think his point about the unstable boundaries between war and peace is exactly right.

\(^6\) In Performing the Faith, Hauerwas writes, “That Americans have hurried to call what happened ‘war’ strikes me as self-defeating. If this is a war, then bin Laden has won. He thinks he is a warrior, not a murderer. Just to the extent that the language of war is used, he is honored. But in their hurry to call this war, Americans have no time for careful discriminations” (205). Below he adds that the “war against terrorism” is “a description that only further degrades the description ‘war’ by making the war on terrorism on par with the war on drugs or the war on crime” (207).
and thus such language should be denied to terrorists. This plays right back into the just
war conjuring trick that attempts to place war in a different domain of moral
justifiability than terrorism. At these points in his work, Hauerwas seems to be
defending the exact picture of war that often underlies just war thought, namely, that
belligerents are equal on both sides and the killing that they do is morally different
because it happens in war. In his very critique of non-state violence, Hauerwas re-
enforces the standard military picture of war.

This would not be a problem, except that this standard military picture of war
becomes determinative for how Hauerwas thinks about what kind of actions are
possible in war. Given that war is sacrifice, and given that war is a contest between
moral equals, there is little room to speak about the role of civilians in war. This means
there is little to be said about the role the church might play in war. As in Yoder, the
accent falls on the church being an “alternative” to war. Precisely because war is
“killing and violence”, it is impossible for the church to be anything but an alternative
wholly outside such a system. This seems to deny the actual position the church
occupies in many wars today.

Thus, instead of offering a re-description of war, Hauerwas leaves himself
susceptible to the charge that pacifism provides no political praxis through war. Above
we noted that for Hauerwas, Christian pacifism is not an option on the war question, but

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62 Along these lines see Talal Asad’s criticisms of Michael Walzer in On Suicide Bombing, 7-38.
a social existence. It is tied to ordinary practices of everyday life. O’Donovan argues that this may be true, but suggests that this gives us no way forward when this peace “has splintered into a thousand warring fragments”. If we accept the prevailing description of war, one that concedes that peace is completely split asunder as O’Donovan suggests, then he and Ramsey are right: the only political praxis left is force. But if peace is ontologically prior to war, and war is abolished through Christ, as Hauerwas claims, then our very description of war will have to look different. Our description is different because there is a church in war that witnesses to the ontological priority of peace. In ‘Can a Pacifist Think about War’, Hauerwas writes that the church is “a body of people who provide an alternative so that we may be able to see the violence that so grips our lives.” I suggest the truth of these words would only be reinforced if, in addition to presenting the church as an alternative to war, Hauerwas also pointed us to the ways that the church is an alternative in war. This would suggest not only that war is incapable of splitting peace into a thousand fragments, but also that the church can be concretely present holding some of these fragments together (see Chapters 3 and 5).

Hauerwas does occasionally give us glimpses of what this “in bello” witness might look like. In a footnote on an essay on the Holocaust and memory, Hauerwas

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63 O’Donovan, The Just War Revisited, 8.
cites the example of Andre and Magna Trocmé in the village of Le Chambon, who provided shelter for Jewish children during World War II. Hauerwas writes appreciatively of Philip Hallie’s account of the Trocmés in *Lest Innocent Blood be Shed*, saying that Hallie “tells well how they did this and indicates that the Huguenot background of the village no doubt helped to prepare the people to assume a position of resistance.” Hauerwas goes on to critique Hallie, however, for assuming this resistance was intelligible in terms of a humanistic love, instead of the “deep belief that Jesus had inaugurated a social revolution based on the jubilee year that necessarily entailed the church to be a counterculture to all social orders with their humanistic pretensions.”

Here we get a sense for the kind of nonviolent witness that Hauerwas can envision in war. In addition to appreciating how Le Chambon challenges humanistic hubris, we might also consider how it challenges conventional descriptions of war and assumptions about agency in those wars.

Taking Yoder and Hauerwas together, we might summarize by saying that both thinkers help us move beyond complacent descriptions of contemporary war in important ways. Yoder gives us a much fuller picture of the relation between insurgents and civilians than either Ramsey or O’Donovan, and makes clear that insurgencies often

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66 Ibid.
fail to bring about the change they promise. Hauerwas questions act-descriptions that cover up unjust violence through the language of war. But in framing the church as an alternative to war, Yoder and Hauerwas both take for granted, rather than question, the conventional military picture of war. In doing so, they not only overlook the wider context of war and its indirect impact upon civilians, but the very shape the witness of the church might take in war.

1.3 New Approaches

In response to the challenges of contemporary conflict and the shortcomings of existing just war and pacifist approaches, several new approaches to the problem of war in Christian ethics have emerged in recent years. These proposals are not designed to supplant just war theory and pacifism, but build consensus among adherents of these traditions in order to meet today’s challenges. In the final section of this chapter, I will briefly review two of the most important approaches, just peacemaking and just policing. As important as these proposals have been in moving debate in Christian ethics forward, they will show us the difficulty of working out of the pictures we have been reviewing.
1.3.1 Just Peacemaking

Just peacemaking emerged out of the debate among Christian ethicists leading up to the first Gulf War. Glen Stassen, one of the organizers of the initiative, recounts how this debate “reduced the alternatives to making war or simply waiting... we lacked a third model that we all understood, with something like the seven clear criteria of the just war theory, for judging whether the government is taking serious peacemaking initiatives and for guiding ourselves and the people in our debates and actions.”\(^\text{67}\) Just peacemaking provides this model.

Specifically, it suggests ten practices for abolishing war. These include active peacemaking efforts (nonviolent direct action, independent civilian initiatives, conflict resolution, and repentance and forgiveness), proactive justice work (promotion of human rights and sustainable economic development), and initiatives that build cooperation (supporting NGOs and the UN, reducing offensive weapons and weapons trade, and encouraging grassroots peacemaking groups). As the authors of the edited volume Just Peacemaking emphasize, the proposal is not intended to replace just war theory or pacifism, but fill them out:

The just peacemaking paradigm fills out the original intention of the other two paradigms. It encourages pacifists to fulfill what their name (derived from the

Latin *pacem-facere*) means, ‘peacemakers.’ And it calls just war theorists to fill in the contents of their underdeveloped principles of last resort and just intention—to spell out what resorts must be tried before trying the last resort of war, and what intention there is to restore a just and enduring peace. It asks both to act on their stated intentions.⁶⁸

Just peacemaking draws support from both traditions “because it asks and provides answers to questions that the usual debate between pacifism and just war theory does not answer: What steps should we be taking to prevent war? What practices make for peace?”⁶⁹

Just peacemaking takes its inspiration from many of the post-World War II international initiatives that Stassen and others believe have made a substantial difference in decreasing conflict. “The ten just peacemaking practices in our consensus model are not merely a wish list. They are empirical practices in our present history that are, in fact, spreading peace. They are engendering positive-feedback loops, so they are growing in strength. They are pushing back the frontiers of war and spreading the zones of peace.”⁷⁰ “New practices,” he adds, “are actually getting results in ways many have not noticed.”⁷¹ Part of the goal of just peacemaking is to bring these overlooked practices into the foreground and change the way we think about the prevention of war.

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⁷¹ Ibid., 3.
The proposal’s key strength is that rather than address conflict reactively or symptomatically, it identifies the sources of conflict long before war breaks out and attempts to address these directly. Specific priorities include extending human rights law, reforming World Bank economic development programs that do not build sustainable development (but rather often lead to conflict), and strengthening the fabric of civil society.

Thus the focus is not war, but prevention. As Stassen and David Gushee point out, just peacemaking does not try to answer the question that pacifism and just war theory answer: if just peacemaking fails, is it right to make war, or should we be committed to nonviolence? Everyone needs an answer to that question, because, short of the second coming, just peacemaking will not prevent all wars. And when war does come, we need to be solidly either just war theorists or pacifists. Otherwise we will be blown about by every wind of ideological interest (Eph. 4:14).72

Stassen and Gushee underscore the point about just war theory and pacifism, “We do urge you to support just peacemaking theory for what it actually contributes, and to teach it in your church and to demand its principles of your government. We urge you also to discuss both pacifism and just war theory carefully, in your Christian community, and seek in prayer and in community to discern what is your calling. Then

72 Stassen and Gushee, Kingdom Ethics, 174.
when all else fails, and the government is about to declare war, you can make a clear witness.”

“When war comes”, “when all else fails” – such language invites us to reflect on some of the potential limitations of this proposal. While the proposal greatly fills out just war theory’s criterion of last resort and pushes pacifism to say more about constructive peacemaking practices, it has surprisingly little to say about war itself. One does not find any deeper critical questioning of how wars are described or conceptually constructed, or any focused reflection on who the relevant actors and actions might be in war. Rather, just peacemaking returns us to our just war and pacifist start positions.

Among other things, this prevents a deeper reckoning with how just peacemaking’s own practices might continue or change in the course of actual wars. To take one example, the authors of the chapter entitled “Foster Just and Sustainable Economic Development” provide an illuminating account of the economic factors that shape civil war onset. They critique World Bank privatization strategies, many of which have benefitted elites and created debt and dependence. They also mention how resource scarcities and the failure of land reform can increase the likelihood of violence. But they neglect to consider economic issues that emerge during the course of wars. As we will see in Chapter 4, the economic question in Congo does not simply

\[73\] Ibid.

\[74\] Stassen, ed., Just Peacemaking, 118.
relate to civil war onset; the conflict has had a major impact on the shape of the local economy. It has introduced its own economic imperatives, many of which provide incentives for actors to keep conflict going. By limiting the economic focus to onset, and maintaining an artificial boundary between peace and war, the authors overlook significant ways in which the goals that they identify at the prevention stage have an ongoing life during the course of war.

Rather than taking war as a given, just peacemaking’s commitments would be better advanced by more critical questioning of prevailing constructions of war. This would enable its proponents to articulate how just peacemaking might not only be an ethic for abolishing war, but perhaps more modestly, how it might provide ways to endure war when it comes.

1.3.2 Just Policing

We shall conclude this chapter with the just policing proposal. Just policing is one attempt to challenge just peacemaking to think more critically about war. In his introduction to the edited volume Just Policing, Gerald Schlabach writes, “With its focus on concrete practices, the just peacemaking approach offers a major precedent for the approach we are exploring in this book. Yet at one point their consensus proved particularly fragile... all participants agreed that among their ‘ten practices’ they should include humanitarian military intervention to halt egregious human rights abuses, yet
not all were sure they could actually affirm it.”

He goes on, “even as the just peacemaking initiative has revealed its point of weakest consensus it has also marked out a continuing point of agenda: Is policing different enough from war that something more like policing (humanitarian military intervention) could possibly constitute a practice for abolishing war?” This is the question that just policing seeks to answer.

Like Stassen (who is a contributor in the Just Policing volume), Schlabach wants to build consensus among just war theorists and pacifists. This is not because consensus is simply a good thing; as Schlabach rightly points out, war is an ecclesiological problem: it divides the church. We must seek consensus if we are to be one body. Rather than focus this consensus exclusively on prevention, however, Schlabach wants to consider possible response mechanisms to violence that may be defensible on both pacifist and just war grounds. “If the best intentions of the just war theorists were operational, they could only allow for just policing, not warfare at all. If Christian pacifists can in any way support, participate, or at least not object to operations with recourse to limited but potentially lethal force, that will only be true for just policing. Just policing—and just just policing.”

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76 Ibid., 14.
77 Ibid., 3.
The just policing proposal challenges just war theorists specifically to think about the vast differences that exist between war and policing as actual conditions of practical reasoning: war involves far more permissions, under more time constraints, with less accountability, with far more trauma than the more law-bound police paradigm. Modern policing has no doubt become militaristic, but this does not mean we have to conflate the two. The just policing proposal also challenges pacifists to think about what their openness to domestic policing might mean in the international sphere.

One of the most valuable contributions of the just policing proposal is precisely the way it challenges conventional pictures of war. Schlabach, John Paul Lederach, and other contributors draw our attention not only to the indiscriminate nature of much violence in war, but the indirect impact of war upon civilians and their role in mitigating these costs. Part of why they find policing a more compelling option than war is because they see contemporary war very differently than most pacifists and just war theorists: war is not simply a theater in which two armies meet, but a vast moral field where states, insurgents, and civilians interact at a host of different levels. Talking about war requires talking about differences between the local and the national, power inequalities, land practice, and building peace constituencies. Given that civil wars are so deeply caught up in livelihood issues and that many youth fighting in contemporary conflicts would gladly choose another livelihood option, civilian strategies have a particular urgency today.
Despite this attention to civilian action, however, the dominant focus of the proposal remains the use of force. As Schlabach says, this proposal is “just just policing.” There is a particularly strong emphasis on international modes of response, but not much reflection on the possible shortcomings of initiatives launched at this scale. Having earlier built such a compelling case against the conflation of domestic and international spheres, it is unclear how Schlabach’s international policing strategies could follow the domestic analogy as closely as he hopes. While Schlabach’s proposal takes law enforcement out of the hands of a single state and puts it in the hands of an international police force, this only raises deeper questions about how he purports to reconcile his emphasis upon local agency with such an expansive, empire-like vision of policing.

As we began to see in the introduction and will explore further in Chapter 4, Congo provides some important reasons for thinking more critically about calls for humanitarian intervention. The UN peacekeeping mission in Congo (MONUC) has performed the enormously important work of securing many areas in the country, but it has also been plagued by multiple problems. It has focused on cities to the neglect of rural areas; it has worked primarily with rebel groups and the national army to the neglect of local civilians; and it has focused almost all of its energies on stewarding a statebuilding process that is rewarding rebels with posts in the transitional government while leaving out many grassroots leaders. Critics have argued persuasively that
MONUC’s focus on the macro-level of conflict has prevented it from more deeply appreciating the local sources of conflict, which is why so much conflict continues under MONUC’s watch. The same critics suggest that MONUC is not currently structured as an organization that is serious about incorporating the local forms of knowledge that are essential to keeping the peace.

Thus while just policing is challenging both just war theorists and pacifists to think harder about contemporary war in important ways, its focus on international policing would benefit from more attention to local forms of knowledge and agency. In the chapters that follow, I hope to show why these local forms of knowledge and agency are indispensable.

1.4 Disenchanting War

The epigraph of this chapter is taken from Wittgenstein’s *Philosophical Investigations*. Wittgenstein suggests that philosophy, when it takes flight from the domain of ordinary speech, can become beholden to certain conceptual pictures. These pictures (time, pain, mind/body) may appear as faithful representations of reality, but they can often mislead as much as they illumine. Sometimes these pictures create problems where problems do not exist. And yet the solution is not simply a matter of

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abandoning such pictures; rather, Wittgenstein re-frames philosophy as a form of therapy, a slow working out of the pictures that hold us captive, even as we humbly concede that such pictures are all we have.

In a similar vein, Theodor Adorno lamented the way that concepts can alienate human beings from the materiality of lived experience. He spoke of “concept fetishism” – the captivity to concepts at the expense of the actual truth about the world’s fragility and brokenness. The therapy he envisioned for philosophy focused on breaking the spells that concepts cast over us: “if thinking is to be true—if it is to be true today, in any case—it must also be a thinking against itself.”79 The goal for Adorno, much like Wittgenstein, was not so much re-enchanting the world, but disenchanted concepts. “Disenchantment of the concept,” he wrote, “is the antidote of philosophy.”80 Thinking must be measured “by the extremity that eludes the concept.”81

In this chapter we have been considering the ways in which war is an extremity that eludes the concept. We have found that a chief challenge facing Christian ethicists of all persuasions is how to acknowledge the complexities, contradictions, surprises, and costs of contemporary conflict. No one we reviewed was able to break the spell of a certain concept of war over his thought. Ramsey sought to address the civilian cost of

80 Ibid., 13.
81 Ibid., 365.
modern war, but did so with an exclusive focus on state military conduct. O’Donovan helped us better understand the moral position of insurgents, but all but erased civilians from the moral field of conflict. Yoder showed us that the church is an alternative to insurgency, but overlooked the possibility that the church might be a witness in the midst of insurgency. And Hauerwas showed us how the sacrifices of war sacrifice our very capacity to perceive the full scale of war’s sacrifices.

If we cannot be free of pictures, let us be captive to a fuller picture. In turning to Congo, I have no illusions that certain conceptual frames will not continue to shape my own approach to this war. But by turning to Congo, I want at least to listen to other voices and let them mark my thinking. I want to consider how these voices might challenge us to see war – and the place of the church in it – differently. These local and intensely theological voices will not only work to disenchant prevailing conceptualities of war, but witness to moral possibilities that just war theory and pacifist approaches have both overlooked.

Let us then begin by considering events that not only launched Congo’s long, recent history of violence, but which present basic issues about how we even talk about violence in war. To the Rwandan refugee crisis we now turn.
2. To What is Umutesi a Witness? On Representing the Rwandan Refugee Crisis

In the aftermath of the Rwandan genocide, over one million Hutu refugees fled into the neighboring country of Zaire. Already unstable after decades of state collapse and insecurity in the eastern provinces, Zaire loomed as the ideal hideout for the tens of thousands of government officials, soldiers, militiamen, and ordinary civilians who had just committed one of the swiftest and deadliest genocides in history. Philip Gourevitch called this group the “single largest society of fugitive criminals against humanity ever assembled.”

Not all of the Rwandan refugees, however, took part in the genocide. In fact, the vast majority of them, perhaps as many as 900,000, had nothing to do with it. These refugees were not proponents of Hutu Power ideology or members of the Interahamwe, but mothers, father, sons, daughters, infants, and elderly whose experience over the past four years of the broader civil war was itself marked by disruption, displacement, and atrocity. Many of them had already lived in internal camps for months, having fled villages under the control of the Tutsi rebel army, the Rwandan Patriotic Front (RPF). Some were forced into exile by the retreating genocidaires, others simply feared the coming Tutsi vengeance, which promised to be swift and blind.

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1 Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families: Stories from Rwanda* (New York: Picador, 1998), 267.
Marie Béatrice Umutesi was one of these Hutu refugees. She was a sociologist by training who had worked with an NGO representing women’s needs during the civil war. As a vocal critic of the RPF’s civil war atrocities, she knew she would be a target of the country’s new leadership. In July 1994, she fled across the border to the Inera camp near Bukavu, Zaire (see Fig. 2), where she waited in food lines during the day and improvised ways to keep warm in her four-by-five foot blindé at night. The story of her subsequent experience, which she recounts in her memoir *Fuir ou Mourir au Zaire*, is a harrowing one.²

Umutesi describes how the former Hutu government officials and militiamen exploited humanitarian aid to rest and re-arm, while those at the camp’s lower rungs suffered from cholera, dysentery, diarrhea, malnutrition, and violence. She provides a particularly painful glimpse into the daily humiliations and ordeals suffered by women. She describes how simply collecting firewood proved to be dangerous: “Men risked being beaten to death if they were caught, but women were in greater danger. They ran more slowly than the men and weren’t strong enough to defend themselves when they were caught. The number of women raped while gathering firewood in the plantations of Zaire is incalculable.”³

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³ Ibid., 79.
Figure 2: Map of Eastern Congo. Reproduced with permission from the United Nations Cartography Section.
As armed Hutu militiamen continued to infiltrate Rwanda from their bases in the camps, and as Mobutu’s corrupt government failed to address the situation, the Rwandan government back home grew impatient. In October 1996, they sponsored a local rebel group called the AFDL (the Alliance of Democratic Forces for the Liberation of Congo) and began shelling and destroying the camps. At first it appeared that the Rwandan army and the AFDL were only targeting armed Hutus, but it soon became apparent they were attacking anyone they found in the camps. They started in South Kivu, destroying the Inera camp where Umutesi stayed and then moved on to additional camps further north, eventually reaching Goma in North Kivu.

During this time, hundreds of thousands of refugees crossed back over into Rwanda. When the dust began to settle at the end of the year, UNHCR estimated that around 800,000 refugees were able to repatriate, leaving an estimated 200,000 refugees in Zaire. The Rwandan government and most western observers assumed that those who remained behind were all genocide perpetrators. But in fact most of these refugees were individuals like Umutesi who could not repatriate because the armed Hutus were using them as shields against the advancing Rwandan and AFDL armies. When the border was closed, Umutesi had no choice but to flee west. As she journeyed hundreds of kilometers across Zaire, she and the other refugees were pursued the entire way, finding themselves targeted by the Rwandan/AFDL forces even when the armed Hutus were not among them.
By early January 1997, she had arrived at a camp called Tingi-Tingi. “When it rained,” Umutesi recalls, “the ground swelled and let off a stifling heat... The water was a dirty yellowish color... People arrived exhausted and famished, with swollen feet, hoping to find food and care. They were welcomed by a blazing sun and disease. The health of the refugees was already compromised by the long march and malnutrition. In this filthy swamp, epidemics of malaria, dysentery, and cholera ravaged them. They died like fleas. Every day we buried a good fifty people, mostly children and pregnant women.”¹ “Among all the cases that I encountered,” Umutesi continues, “the most painful to see were those of the middle-aged people who for years had worked hard to take care of themselves, keep a roof over their heads and prepare for a comfortable old age, and whom human stupidity now obliged to live like pariahs.”² Women “had become haggard old grandmothers even though they were scarcely thirty years old.”³ Her friend Thérèse, “who had always been so plump”, became “a walking skeleton... When she died of dysentery, she only weighed twenty kilos.”⁴ Nursing and pregnant mothers “waited for a cup of bouillie under the blazing sun. They had lost all of their

¹ Ibid., 143-144.
² Ibid., 150.
³ Ibid., 154.
⁴ Ibid., 151.
female attributes. You knew they were women only because they were taking care of children.”

Umutesi remained at Tingi-Tingi for two months, taking care of a number of orphaned girls. When the AFDL finally caught up with them, they were forced to flee again. Umutesi and her girls would journey another 1,000 kilometers west, through countless towns, villages, homes, and camps. Along that long, forsaken road, Umutesi encountered numerous scenes like this one:

[W]e began to pass the bodies of the dead and dying. When someone was too sick to keep on walking, he sat down by the side of the road and waited for death. The first and the last time I dared to look at one of these unfortunates, my eye fell on a teenager hardly sixteen years old. Like the others, she was lying at the side of the road, her large eyes open. She watched, without seeing them, her companions in misery who abandoned her without giving her any help and who didn’t wait for her to die before giving her a coffin. Her clothes were wrapped modestly around her, but I couldn’t help noticing that they were soiled with the excrement that she could no longer hold back. A cloud of flies swarmed around her. Ants and other forest insects crawled around her mouth, nose, eyes, and ears. They began to devour her before she had taken her last breath. The death rattle that from time to time escaped her lips showed that she was not yet dead.

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In the prologue to her memoir, Umutesi writes, “I want to testify in the name of all the men and women who did not have my luck and who died... My point of view is

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5 Ibid., 154.
6 Ibid., 165-166.
neither that of the historian nor of the politician. I give testimony to what I have seen and to what I have lived.”

To what is Umutesi a witness? What has she seen, and what has she lived? Many of us would assume that what Umutesi has seen and lived is the particularly brutal reality of contemporary warfare. She is a witness to war. Many international lawyers, humanitarian workers, and ethicists would go on to condemn such violence either as a violation of the laws of war or as evidence of the immorality of war itself. Such moral condemnations, while reflecting substantially different sensibilities, would share the same underlying assumption that the events to which Umutesi is a witness were acts of war.

Others, however, would read Umutesi as a witness to something else. Regardless of how many armed genocide perpetrators remained in Zaire, no matter how corrupt Mobutu might have been, no wider war could deflect attention away from what was clearly a systematic campaign to target Hutu refugees simply because they were Hutu. Such a campaign must be understood on its own terms. From this perspective, to condemn these acts as conventional war crimes would be to impute to them a military rationality that they simply lacked. It is to fail to see how these acts intended wholly different ends: systematic persecution, discrimination, and murder. According to this

7 Ibid., 5.
view, Umutesi is a witness not to war or even war crimes, but to something more like crimes against humanity.  

Others would go further. Umutesi speaks of acts that seemed to intend more than systematic discrimination or mass murder. AFDL and Rwandan soldiers chased Hutu refugees down in camps, villages, and homes. They were so thorough, their attacks against Hutus so widespread, it does not appear that they intended to leave any survivors at all. The evidence compels one to consider the possibility that the very people who had just lived through an extermination campaign across the border were now resorting to the same kind of violence in Zaire. From this perspective, Umutesi is a witness not just to crimes against humanity, but genocide.

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8 A June 1998 UN Report was the first to conclude that the attacks constituted crimes against humanity: “The killings perpetrated by the AFDL constitute crimes against humanity, just as the denial of humanitarian assistance to Hutu refugees” (S/1998/581). An earlier report focused on the lack of military aims in these attacks, “The accounts heard or read by the joint mission show that most of the acts of violence attributed to AFDL were carried out against refugees inside the camps, not only at the beginning of the war but up to at least May of this year. Very often, the targets were neither Interahamwe combatants nor soldiers of the former FAR: they were women, children, the wounded, the sick, the dying and the elderly, and the attacks seem to have had no precise military objective. Often the massacres were carried out after militia members and former FAR soldiers had begun to retreat” (A/51/942, para. 46). Gerard Prunier uses the language of crimes against humanity in Ch. 2 of *Africa’s World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (Oxford: OUP, 2009). See also Kisangani N.F. Emizet, “The Massacre of Refugees in Congo: A Case of UN Peacekeeping Failure and International Law”, *Journal of Modern African Studies* 38:2 (2000), 163–202.

9 Africanist René Lemarchand says it is almost impossible to avoid such a conclusion: “Despite disagreements among scholars as to what constitutes genocide, there appears to be little doubt that the slaughter was intentional, that the victim group was clearly identifiable ethnically, and that the killings went far beyond the threshold dictated by security concerns. If the violence in Darfur, resulting in the death of some seventy thousand civilians, can be officially described by the Bush administration as a clear case of genocide, it is hard to see how the extermination of anywhere from one hundred thousand to two hundred thousand Hutu refugees in eastern Congo can be described otherwise” (‘Bearing Witness to Mass Murder’, *African Studies Review* 48:3 (2005), 97. In the same issue, see A. Songolo, ‘Marie Beatrice Umutesi’s Truth:
War crimes, crimes against humanity, genocide – these are three different ways of understanding the same events in Zaire. The question here concerns how one should describe this violence, specifically, how one should understand the intention of such acts. Were these acts committed in the pursuit of wider war aims or other ends? Were these acts intended to win a war or exterminate a people?

As we saw in Chapter 1, moral debates about organized violence typically begin with these descriptive questions already settled. One takes for granted that one is dealing with a war and then applies one’s particular moral perspective (just war theory, pacifism, etc.) to the war. In the case of the Rwandan refugee crisis, however, the descriptive questions are precisely what are at issue. To begin from the assumption that these acts were part of the war is already to have staked a position, indeed, a moral position, on these events. It is to have understood the intention of violence in a particular way, a way that may sit in considerable tension with the testimony of such witnesses as Umutesi. Unwittingly, the war lens may translate her experience into a

The Other Rwanda Genocide’, 107–119. For a local reading of these events as genocide (and a critique of Rwanda’s exploitation of the language of genocide), see Archbishop Emmanuel Kataliko, ‘Open Letter to the People of the United States’, in Les Ecrits de Monseigneur Kataliko (Bukavu: Editions Archeveche, 2000).
military idiom that is unfaithful to what she has seen and what she has lived. It may judge a world she does not know.10

In the first part of this chapter, I want to explore the relation between description and moral judgment by examining how one just war theorist, James Turner Johnson, has approached the refugee crisis. While acknowledging the ethnically-motivated nature of the attacks, and likening these to the Rwanda genocide, he reads both the Rwandan genocide and the refugee crisis through the wider lens of war, condemning these as examples of “warfare against noncombatants”. In terms of moral wrong, he argues that such violence failed to observe the proper distinction between combatants and noncombatants. But such a moral condemnation fails to distinguish two different intentions: the intent to harm the innocent as a means of waging war and the intent to eliminate a people. Drawing upon lessons from the Nuremberg trials and recent humanitarian law, I show why such a distinction is essential if we are to do descriptive justice to the Rwandan refugee crisis. On Umutesi’s account, these acts had no

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10 Drawing from the work of Talal Asad, Judith Butler puts the matter this way: “[W]e think of definitions as purely heuristic and as preceding the matter of judging. We define the phenomenon so that we know what we are talking about, and then we submit the phenomenon to judgment. Conventionally, the first task is descriptive, and the second is normative... [But] we have to ask whether the definition is right, since it may well consist of a conceptual elaboration of the phenomenon that takes place without any descriptive reference. Indeed, it may well be that definition has been substituted for description, and that both are, in fact, judgments—at which point judgment, and the normative, have preempted the descriptive altogether. We judge a world we refuse to know, and our judgment becomes one means of refusing to know that world.” See her Frames of War: When is Life Grievable? (London: Verso, 2009), 155-156. Her discussion builds upon Asad’s critique of Michael Walzer in On Suicide Bombing (New York: Columbia University Press, 2007), 15-38.
discernible military utility; they often took place after armed Hutus had long abandoned the camps (in many cases after the war ended). Thus to continue to understand these as acts of war, even unjust acts of war, fails to acknowledge the actual intention of these acts, which on Umutesi’s account (and that of several recent UN investigations) was genocide. Description is not a neutral preliminary stage to moral judgment; it is moral judgment.

The importance of description relates not only to the acts that were committed against the refugees, but to how we describe the position of the refugees themselves. In the second part of the chapter I look at Georgio Agamben’s reading of the Rwandan refugee crisis and his description of the refugees as “bare life”. While such a reading captures the extreme vulnerability of the refugees and helps us account for the impunity surrounding these attacks, the language of bare life fails to account for the ways in which the human particularity and agency of the refugees endured during the crisis. Umutesi calls her readers to reckon more seriously with the particular ways they suffered, especially the gendered dimension of the exile and how her own Catholic faith continued to shape the lived meaning of her experience. In drawing our attention to the names and faces of the victims, Umutesi not only witnesses to genocide, but how the genocide ultimately failed to dehumanize its victims in the ways Agamben (and many others) assume.
2.1 A Just War Approach to the Rwandan Refugee Crisis

James Turner Johnson discusses the Rwandan refugee crisis in his book *Morality and Contemporary Warfare*. It is important to appreciate the larger argument of this book, as it informs his approach to these particular events.

Johnson begins the book by reviewing some key trends in contemporary conflict. He observes that contemporary wars have “taken the form of local conflicts, more often than not civil wars, in which no great alliance of nations are involved; these have been wars fought for reasons based in local rivalries, typically inflamed by historical animosities, ethnic disparity, or religious difference.”

Instead of the latest technology, participants resort to “conventional weaponry, often of old design, and often limited to the rifles, knives, grenades, and light, crew-served weapons which individual soldiers can carry on their persons.” In terms of the conduct of such wars:

Intentional, direct targeting of civilians has been the pattern in much warfare since World War II, and it is a particular problem in the form that armed conflicts have taken since the end of the cold war. When the combatant-noncombatant distinction counts for nothing, and when the civilian population is directly and intentionally targeted as a way of waging war, not only does the burden of war shift decisively to them, but the means of war may also become uncontrolled, as enemy soldiers engage in murder, rape, torture, pillage, and wanton destruction with the aim of creating terror among those who might expect to be the next victims. In the worst cases, when the aim of such warfare is not terrorization and


12 Ibid., 3.
thus domination of the enemy population, but their removal as a competitor, the means of conflict may escalate to mass killings and even genocide.¹³

What is of particular relevance for our discussion is how Johnson understands violence directed against civilians. Acts such as rape, wanton destruction, terror, mass killings, and genocide are not discussed here on their own terms, but as “ways of waging war” and “means of conflict”. As we will see in the case of Rwanda-Zaire, Johnson’s assumption that mass killings and genocide are means of war will predispose him to interpret such acts through the lens of war. This, I will argue, already assumes too much.

Moving to the Rwanda-Zaire conflict, Johnson presents this violence as a paradigmatic instance of “warfare against noncombatants”, warfare that intends the direct harm of civilians as a means of achieving military victory.¹⁴ In this case, it takes the specific form of “warfare against refugees”. Consider how Johnson explains the origins of the conflict. He writes,

While the deep history of conflict between Hutu and Tutsi in the region of Rwanda, Burundi, and Zaire/Congo reaches back much earlier, the warfare against refugees which developed first on Zairean soil during 1996-97 and then in northwest Rwanda beginning in late 1997 constituted the final phases in an ethnically based armed conflict which began in Rwanda in 1994, when, following the suspicious death of the Rwandan president in a helicopter crash, members of

¹³ Ibid., 120.

¹⁴ Ibid.
the majority Hutu tribe initiated a widespread slaughter of Rwandans of the Tutsi tribe and mixed Hutu-Tutsi blood.¹⁵

While acknowledging the long history of tension in the region, Johnson suggests that an “ethnically based armed conflict” began in 1994 with the “slaughter of Rwandans of the Tutsi tribe and mixed Hutu-Tutsi blood.” In beginning this way, Johnson conflates two different historical events, the Rwandan civil war and the genocide. The civil war actually began in 1990, and it was not between “Hutu” and “Tutsi” but the Tutsi-dominated rebel army, the RPF, and the Hutu-dominated Rwandan government. It was waged in the frontiers of Rwanda and did not involve many Hutu and Tutsi civilians. In 1993, the RPF and the government signed the Arusha Peace Accords, temporarily ending the civil war. What began in 1994 was not an “ethnically based armed conflict”, but the genocide, which was different from the civil war. Whereas the civil war was fought between the RPF and government, the genocide was a town-by-town campaign that was not only carried out by the military, but government officials and ordinary civilians as well.

Samantha Power observes how it was exactly the conflation of civil war and genocide that prevented western observers from responding more quickly at the time. She describes how Romeo Dallaire, the general of the peacekeeping forces in Rwanda, gradually came to realize the distinction, “Hutu officers kept insisting that the violence

¹⁵ Ibid., 136.
was a product of war, but Dallaire had come to see that the civil war between the RPF rebels and the government forces was a separate problem. ‘I saw that one side was eliminating civilians behind the lines,’ Dallaire explains. ‘And what was going on at the front had nothing much to do with the killings of civilians going on in the back.’\textsuperscript{16} The problem with the way that Johnson begins his account is that it unwittingly confirms, rather than challenges, the Hutu revisionist claim that the genocide was only part of the war. Johnson goes on to condemn the slaughter of the Tutsis as an indiscriminate means of waging the war, but his very way of putting the objection (that the government’s conduct failed to discriminate between combatants and noncombatants) grants the basic revisionist point: that this was war, not genocide. Genocide is not the lack of discrimination in war. It is not the direct targeting of the innocent. It is the intent to eliminate, in whole or in part, an ethnic, racial, religious, or national group. Johnson’s failure to distinguish the two here has direct ramifications for his reading of the events in Zaire.

Turning to Zaire, Johnson begins by arguing that Rwanda’s military actions at first targeted only the armed Hutu groups. Military action “was necessarily directed initially against camps near the border” because armed Hutus were using these camps

\textsuperscript{16} Samantha Power, \textit{A Problem from Hell} (New York: Basic Books, 2002), 350. Later Power adds, “As always, the precise nature and extent of the slaughter was obscured by the civil war, the withdrawal of U.S. diplomatic sources, some confused press reporting, and the lies of the perpetrator government” (354).
as their bases for attacks back into Rwanda. If unarmed refugees were killed during these attacks, he argues, the Hutu militiamen themselves bear moral blame for “intentionally drawing them into the circle of harm.” This echoes a point made by Ramsey that we reviewed last chapter: when a guerilla group uses a civilian population as a shield, it is the guerillas, not the counter-insurgency forces, that bear moral responsibility for civilian deaths. As long as the Rwandan alliance intended only to kill armed militiamen, they cannot be faulted for the collateral deaths of any refugees who may have been among them.

What Johnson finds morally objectionable is the violence that followed these initial attacks, when the Rwandan alliance stopped trying to discriminate between armed and unarmed Hutus and began targeting all the refugees. He cites examples of the RPF bombarding camps in which the unarmed far outnumbered the armed, or firing into camps when it was clear that the armed Hutus had already left. Clearly such acts intended the death of the refugees themselves. It is this indiscriminate targeting of

17 Turner Johnson, *Morality and Contemporary Warfare*, 137. Johnson is right to stress that armed militiamen were present in these camps, but he does not mention that the first camps the Rwandan alliance attacked were camps along the Burundian border, which housed Burundian refugees who had no association with the events in Rwanda. Nor does he mention evidence that suggests that the AFDL and Rwandan soldiers attacked camps (like Inera and Mugunga) that were known to have hundreds of thousands of unarmed refugees present alongside the armed ex-FAR and Interahamwe. On the basis of many of the same points that Johnson uses to support his claim about the discriminate nature of the attacks, one UN report draws the opposite conclusion, “This make it impossible to determine whether the attacks on the camps had any legitimate military objective, or were simply attacks on the civilian population as such” (UN S/1998/581, 48).

18 Ibid., 140.

19 See my discussion of Ramsey in Chapter 1, pp. 34-35.
unarmed and armed refugees alike that Johnson finds morally objectionable: “the
deliberate killing of Hutu refugees *en masse* is blameworthy in itself and is not excused
by earlier radical Hutu actions. Further, any conscious policy decision to pursue the
deaths of the refugee masses as such would itself have been a serious violation of the
moral and legal obligations of the opposing military forces and the rights of the
noncombatants in morality and international law.”

This is the point in Johnson’s argument where his earlier reading of the violence
in Rwanda meets this reading of the violence in Zaire: “the war against the Hutu
refugees mirrors the initial war of the radical Hutu against Rwanda Tutsi and mixed-
blood populations. At its beginning and its end, this was a conflict in which the killing
of noncombatants was not collateral, but a deliberately chosen means of prosecuting the
war. This is what requires to be noticed, and means should be developed to counter
such behavior in future conflicts.”

Johnson’s use of the language of war here (“war against the Hutu refugees”, “war of the radical Hutu”, “means of prosecuting the war”, “future conflicts”) makes it clear that war continues to be the overarching lens for
interpreting both events. We have already seen how Johnson conflates war and
genocide in Rwanda. He appears to do the same in Zaire. On his reading, the killing of
the Hutu refugees is a “means of prosecuting the war”; the rights of “noncombatants”

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21 Ibid., 141.
have been violated. Morally speaking, the wrong done here is the deliberate attack against those who pose no harm in war. But this very way of putting the objection makes it sound like the victims could have been anyone: not just Hutus, but Tutsis and other Congolese as well. The generic term “noncombatant” has replaced the actual identity of the victim. This leaves one with the impression that refugees were targeted for every reason except the most obvious: that they were Hutu. It also fails to consider if these attacks were systematic or widespread, if there was an intention to pursue all remaining Hutus in Zaire, or if the Rwandan alliance intended to leave any survivors. Johnson does not ask any of these questions because he assumes it was war, and that the end of the attacks can simply be understood in terms of the wider aim of military victory. And yet if Johnson is right, and the events in Zaire do mirror the events in Rwanda (which are widely accepted to be genocide), then we at least have good reason for questioning a straightforward war reading of the events in Zaire.

Johnson’s discussion of the Rwandan refugee crisis makes clear the difficulty of knowing exactly how to name violence in contemporary armed conflict. It is especially difficult to know which ends give violent acts their intelligibility. Does one interpret an act of violence in terms of the end of waging war? Or does one interpret an act of violence in terms of other proximate aims? How can one tell? Scholars in action theory
call this the problem of “individuating action”. Actions can fall under a variety of
descriptions depending on how one chooses to isolate them. One can focus on an
individual act of killing, or one can approach this act of killing in relation to others like
it, or a much wider series of activities as well.

A half-century ago, lawyers at the Nuremberg tribunal confronted many of these
same issues. Taking stock of the lessons of Nuremberg will prove helpful in our attempt
to better represent the violence against refugees in Zaire.

2.2 Lessons from Nuremberg

In the wake of World War II, lawyers at Nuremberg were faced with the task of
judging crimes that did not have names. The Nazi crimes against the Jews did not seem
to fit within the conventional definition of war crimes. War crimes were acts committed
against the opposition in war, but the Nazi crimes were committed against their own
people. Moreover, many of these crimes were committed well before the war started.
Clearly they were separate from the war, but they seemed related to the war as well.
How should they be classified?


The tribunal introduced the language of “crimes against humanity”, intending to translate Nazi crimes into a new legal idiom of judgment. Conceptually, crimes against humanity were independent of war: these crimes could be committed in or outside war. But this very conceptual independence presented an immediate worry: what kind of precedent would this set? The tribunal would be investigating the internal affairs of a sovereign state, and because Germany had meticulously made discrimination against Jews legal, the Tribunal would be criminalizing activities that were technically lawful in Germany at the time. This would not only violate the principle of nullem crimen sine lege, but the principle of state sovereignty as well. The drafters of the charter improvised a solution: they would require a link between crimes against humanity and the wider war, as it was German military aggression that had offended against the sovereignty of other nations in the first place. They limited the Tribunal’s jurisdiction to those crimes against humanity which were committed in connection with crimes against peace or other war crimes. This did not mean the Tribunal would ignore crimes committed before the war

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24 Justice Jackson himself expressed concern that the concept of crimes against humanity could be applied to all sorts of discrimination that were still legal in the United States. See Lawrence Douglas, Memory of Judgment: Making Law and History in the Trials of the Holocaust (New Haven: Yale University Press, 2001). My understanding of Nuremberg is deeply shaped by Douglas’ insightful discussion.

25 Article 6 of the Nuremberg Charter reads, “The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility… (c) Crimes against Humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated” (my italics).
started, but it would only be able to consider these crimes if it proved that they were connected to the conspiracy to wage aggressive war.

Critics of the court have pointed out that this nexus requirement, while not conceptually altering the meaning of crimes against humanity, had the effect of effacing the very distinctions that the category was supposed to introduce. It transformed these crimes into merely another form of war crime. As Justice Jackson himself put it, “The reason that this program of extermination of Jews and destruction of the rights of minorities becomes an international concern is this: it was part of a plan for making an illegal war. Unless we have a war connection as a basis for reaching them, I would think we have no basis for dealing with atrocities.”

Requiring that the crimes against the Jews be seen in terms of the wider war effort seemed to distort the very intention of these acts. Including such crimes within the trial’s jurisdiction required narrating them in a way that was completely unfaithful to their actual intention. Judging them seemed to require that they be misunderstood. The following statement of one French prosecutor is indicative of the kinds of conclusions the tribunal came to draw: “The treatment of Jews within Germany was therefore as much of a plan for aggressive war as was the building of armaments and the conscription of manpower. It falls within the

26 Douglas, Memory of Judgment, 51.
jurisdiction of this Tribunal as an integral part of the planning and preparation to wage a war of aggression.” 27

These legal constructions suggested that the Nazis targeted Jews not because they were Jewish, but because they opposed the war effort, or because their slave labor was useful to this effort. The Nuremberg construction of the crimes against the Jews had the ironic effect of confirming the Nazi claim that the crimes against the Jews were part of the broader war (not unlike the revisionist claim we observed above in the case of Rwanda). The Jews were seen as just another group of victims of the German war machine.

Lawrence Douglas points to one particularly telling illustration of these tendencies when the prosecutors screened the film Nazi Concentration Camps. Over the infamous black and white images of victims being bulldozed into mass graves, the narrator speaks of the suffering of Poles, Russians, Jews, and British soldiers interchangeably. There is not any suggestion that concentration camps detaining Jews were any different from other camps. They are all understood as “Nazi concentration camps”. As Douglas insightfully points out,

By its own terms, then, Nazi Concentration Camps is a film about political terror and the excesses of war... It exposes the horrific mistreatment of prisoners of war and the enslavement of civilians to service a ruthless war machine. It bears witness to spectacular excesses of cruelty and reveals the administrative and technological apparatus that made possible campaigns of mass murder. It

27 Ibid., 75-76.
understands mass killing, however, in terms of the harsh logic of political control and military conquest. The crimes it has witnessed are the consequence of aggressive militarism rather than genocide unconnected to the aims of war.\textsuperscript{28}

In the eyes of the Tribunal, the film was evidence of extreme war crimes, which was consistent with how it understood the meaning of crimes against humanity: these were acts that were part of the larger project of waging war.

Douglas provides another helpful illustration of this kind of confusion, one that appears in a scene of Primo Levi’s \textit{The Reawakening}. Levi recounts how, during a public talk to a Polish audience, a well-intentioned translator miscommunicated the nature of his experience:

\begin{quote}
I had a torrent of urgent things to tell the civilized world… things which (it seemed to me) ought to shake every conscience to its very foundations… I spoke at dizzy speed of those so recent experiences of mine, at Auschwitz nearby… The lawyer translated into Polish for the public. Now I do not know Polish, but I know how one says “Jew” and how one says “political”; and I soon realized that the translation of my account, although sympathetic, was not faithful to it. The lawyer described me to the public not as an Italian Jew, but as an Italian political prisoner.\textsuperscript{29}
\end{quote}

What the translator fundamentally misunderstood was that Levi was not simply another political prisoner targeted as an opponent in the war; he was a Jew targeted because he was Jewish. Describing him as “Italian” or “political prisoner” failed to appreciate the reason why he was targeted. The translator assumed that what Levi and other Jews

\begin{footnotesize}
\begin{enumerate}
\item Ibid., 59-60.
\item Cited in Ibid., 64.
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endured at Auschwitz was more of the same brutality that the Germans visited upon other opponents in war.

Nuremberg’s shortcomings did not go unnoticed. Indeed, the strong distinction that we take for granted today between World War II and the Holocaust is the fruit of a long, ongoing process of moral learning. In some cases, this has involved generating additional concepts. It was Nuremberg’s failure to understand the crimes against the Jews outside the war paradigm that led Raphael Lemkin to develop the term “genocide” and campaign for an international treaty banning it. The first article of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide makes the necessary conceptual distinction, stating that genocide is an international crime “whether committed in time of peace or in time of war”. Genocide, understood as the intent to eliminate an ethnic, racial, religious or other group in whole or in part, is approached today as a separate crime from war crimes.

The distinction between war and genocide was further emphasized during the Eichmann Trial. The trial itself was conceived as a kind of anti-Nuremberg trial. The Jerusalem Court sought to place the Holocaust at the center of the proceedings, no longer understood as an accessory of the war.\textsuperscript{30} Douglas makes the perceptive observation that when Nazi Concentration Camps was screened at this trial, the narration

\textsuperscript{30} Of the Holocaust, the final court judgment said “this time it has occupied the central place in the Court proceedings, and it is this fact which has distinguished this trial from those which preceded it” (cited in Douglas, Memory of Judgment, 98).
was deleted. This time the film was presented as visual evidence of the Holocaust, not simply German military aggression.

Hannah Arendt, who is often cited for her strong criticisms of the Eichmann trial, made a point of stressing that the trial’s major achievement was the strong distinction it drew between war crimes and crimes against the Jews. The crimes against the Jews emerged as a separate project, and the revisionist Nazi claim that portrayed these acts as means of advancing the war against the Allies was definitively put to rest. The trial effectively showed that crimes against the Jews had their own ends, which “could not be explained by any utilitarian purpose.”31 In fact, the trial showed that far from being connected to the war, the crimes against the Jews actually drew resources away from the war effort. As Arendt elaborated elsewhere, the German horrors were economically and militarily useless, and that is part of what constituted their horror: “The Nazis carried this uselessness to the point of open anti-utility when in the midst of the war, despite the shortage of building material and rolling stock, they set up enormous, costly extermination factories and transported millions of people back and forth. In the eyes of a strictly utilitarian world the obvious contradiction between these acts and military expediency gave the whole enterprise an air of mad unreality.”32

While Arendt believed that the Eichmann trial corrected Nuremberg’s tendency to instrumentalize the Nazi crimes against the Jews, making the necessary distinction between genocide and war crimes, she felt it prematurely abandoned Nuremberg’s language of crimes against humanity. What reason might there be for retaining such language?

Arendt suggests that while Nuremberg was wrong to translate Nazi crimes against the Jews into a military idiom, this error was rooted in how the Court understood and applied the concept, not in anything inherent to the concept of crimes against humanity. The concept was not only salvageable but essential to understanding what was so objectionable about the Nazi crimes.

As Arendt explains, the Eichmann court rightly understood that the Nazi crimes were crimes against the Jews, but failed to see how the crimes were more than this: “At no point, however, either in the proceedings or in the judgment, did the Jerusalem trial ever mention even the possibility that extermination of whole ethnic groups—the Jews, or the Poles, or the Gypsies—might be more than a crime against the Jewish or the Polish or the Gypsy people, that the international order, and mankind in its entirety, might have been grievously hurt and endangered.”

What does Arendt mean? First, understanding the Nazi crimes against the Jews as merely crimes against the Jews is, in her view, to understand them as only the worst pogrom in the history of the Jewish

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people. That would suggest the Nazi crimes were unparalleled, but not unprecedented. What made them unprecedented is the specific intent of these crimes: actually eliminating the Jewish people. The Nazis did not seek merely to subdue, discriminate against, expel, or massacre Jews in great numbers. They intended to exterminate them. As Arendt explains, to exterminate would entail eliminating them from the human family. This would change the nature of the human family itself, as it would no longer contain one of the groups that had made it a family in the first place. Plurality lies at the very heart of humanity, she argued, and by proposing to diminish that plurality by one, the Nazis were proposing to change the nature of the plurality, and thus the nature of humanity. These were not just crimes against the Jews, then, but crimes against humanity:

It was when the Nazi regime declared that the German people not only were unwilling to have any Jews in Germany but wished to make the entire Jewish people disappear from the face of the earth that the new crime, the crime against humanity—in the sense of a crime ‘against the human status,’ or against the very nature of mankind—appeared…. [Such a crime represented] an attack upon human diversity as such, that is, upon a characteristic of the ‘human status’ without which the very words ‘mankind’ or ‘humanity’ would be devoid of meaning.34

By suggesting that the crimes against the Jews were “more” than crimes against the Jews, Arendt by no means meant to diminish the particularity of their suffering. The particularity of their suffering was part of the point. The Jews are human beings

34 Ibid., 269.
precisely as Jews, and to attack Jews is to attack a constituent member of humanity itself. The more we stress the role that their Jewishness played in their being targeted, the more obvious it becomes that the Nazis were thereby attacking humanity. As she states, the extermination of the Jewish people was “a crime against humanity, perpetrated upon the body of the Jewish people.” Mankind, she says, “would certainly be destroyed if states were permitted to perpetrate such crimes.”

Thus, according to Arendt, when Nuremberg understood crimes against humanity as merely interstitial war crimes, it dangerously minimized the actual intent of the crimes against the Jews. Nuremberg thought these acts intended merely to harm the innocent in the pursuit of war aims. This was not, however, their intent. Wholly apart from the war, the crimes against the Jews attempted to change the very meaning of what it means to be human. Here Arendt firmly insists that such crimes be understood in the context of totalitarian politics. Nazi ideology inaugurated a form of government, distinct from tyranny or any other political form, that saw its function as realizing a certain ideological understanding of human nature. The end of such government was

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35 Ibid.
36 Ibid., 270. It was for this reason (that the crimes against the Jews offended against the universal human order) that Arendt, following Karl Jaspers, believed that only a tribunal that represented all mankind, not a national court, could sit in judgment of such crimes. “The very monstrousness of the events is ‘minimized’ before a tribunal that represents one nation only” (270).
37 In the Origins of Totalitarianism, she writes, “What totalitarian ideologies therefore aim at is not the transformation of the outside world or the revolutionizing transmutation of society, but the transformation of human nature itself. The concentration camps are the laboratories where changes in human nature are
to speed up the evolution of man and see the logic of this man through every phase of life. This form of government was not concerned with limited political aims. It attempted to take politics to a different plane, to the level of biological life itself, making every penultimate political issue a matter of life or death. Politics would concern man as a species: changing the human, evolving the human, perfecting the human. With politics taking place at the level of biological life, anything could be justified because the nature and existence of the species itself was at stake. Killing off the dying classes, the Jews, Gypsies, and the mentally handicapped made sense because it protected the species from degeneration and danger. Moreover, because all of these questions concerned what was natural anyway, there was not a sense that human choice played any part in it. The Nazis were merely helping this evolutionary process along.

For Arendt, the details of the crimes against the Jews mattered. It mattered that Jews were denaturalized and denationalized. It mattered that they were displaced. It mattered that they were sent to camps, and it mattered that the camps removed all the tested, and their shamefulness therefore is not just the business of the inmates and those who run them according to strictly ‘scientific’ standards; it is the concern of all men” (459).

38 See Michel Foucault’s similar reading in Society Must Be Defended (New York: Picador, 2003). Arendt can be credited as one of the first thinkers to draw attention to the “biopolitics” that has become such a preoccupation of political theory and philosophy today. In addition to Foucault’s work, see Agamben’s Homo Sacer (Stanford: Stanford University Press, 1998) and State of Exception (Chicago: University of Chicago Press, 2005), Roberto Esposito’s Bios: Biopolitics and Philosophy (Minneapolis: University of Minnesota Press, 2008), and critical appropriations of this argument in the work of Judith Butler, Precarious Life (London: Verso, 2004) and Achille Mbembe, ‘Necropolitics’, Public Culture 15:1 (2003), 11-40.
conditions that are necessary for human speech and action. In Arendt’s view, stripping the Jews of their civil and legal identities transformed them into a bare kind of biological life, the very political subject that the totalitarian form of government presumed for its operation. The camps had a specific function: they verified that politics really did happen at the level of biological life. Moreover, the utter bareness of what was formerly a Jewish body – the absence of its claims upon us, its inability to speak or act – confirmed that this “life” was already dead. The camps displayed a part of the species dying off.

In summary, Arendt thought the Eichmann trial was exactly right to question Nuremberg’s military rationalization of the crimes against the Jews. These crimes were not useful to the military effort against the Allies; in terms of the war, they were self-defeating. The Germans committed them anyway, and the Eichmann trial rightly interpreted these acts in terms of a different intention: the elimination of the Jews. This is where the Eichmann trial stopped. Arendt believed it should have gone further. By intending to obliterate the Jews, the Nazis also intended to change the nature of human plurality. For Arendt, the language of crimes against humanity names this fact, and to abandon such language was to risk missing the true danger such acts intended.39

39 It should be said that Arendt is strangely uncritical of the potential drawbacks of the concept. Yes, it may capture the way that such crimes intend to change the nature of the human status and engage humans at the species level, but such language, especially at Nuremberg, carried the additional sense that these crimes were crimes against civilization, that they offended against the humane practices of western civilization. This understanding of crimes against humanity, which continues to show up today, reads atrocities as
2.3 Making or Losing Distinctions?

The language of crimes against humanity, of course, did not go away. We now live in a world in which crimes against humanity and genocide are part of a widely influential international legal vernacular. Arendt’s dream of an international legal regime that treats these crimes as properly international offenses has largely been realized through such institutions as the ad hoc tribunals dealing with crimes in the ex-Yugoslavia, Rwanda, and Sierra Leone, and the recent opening of the International Criminal Court in the Hague. Legal developments have also validated her understanding of crimes against humanity as international offenses conceptually independent of aggressive war or other war crimes. Nuremberg’s nexus requirement has been abandoned in much case law (we mentioned that the Genocide Convention does not require a link to armed conflict, nor does the crime of apartheid; the statute of the ad hoc tribunal for Rwanda eliminated the nexus requirement as well).40 Many barbaric, atavistic, and radically evil, a reversion to pre-civilizational tendencies, instead of recognizing a point Arendt herself made clear: that such crimes are only possible given the bureaucratic and other technological developments of civilization itself. In other words, crimes against humanity are not so much crimes against civilization as crimes of civilization. Such crimes are civilization’s constant potential. I will maintain this more critical understanding of the language of crimes against humanity.

40 The Tadic Appeals Chamber at the ICTY summarizes, “the nexus between crimes against humanity and either crimes against peace or war crimes, required by the Nuremberg Charter, was peculiar to the jurisdiction of the Nuremberg Tribunal. Although the nexus requirement in the Nuremberg Charter was carried over to the 1948 General Assembly resolution affirming the Nuremberg principles, there is no logical
domestic courts have also begun prosecuting cases of crimes against humanity outside war contexts. In these significant ways, crimes against humanity are increasingly seen and judged on their own terms, as crimes that threaten to alter human plurality itself.

This is not to say that the distinction between crimes against humanity and armed conflict is no longer blurred. In fact, it continues to be blurred more often than it is focused. At the International Criminal Tribunal for the former Yugoslavia (the ICTY), for example, the statute instituted a Nuremberg-like nexus requirement that authorized the tribunal to investigate only those crimes against humanity that took place during the armed conflict. This nexus requirement caused a great deal of confusion. If crimes against humanity were distinct from armed conflict, why did one have to prove a link? Was this just limiting how far back the tribunal could go, or was it suggesting that the crimes actually had to have a substantial connection to the armed conflict (i.e., that they advanced military objectives)? In the Tadic case, the Trial Chamber took the latter

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or legal basis for this requirement and it has been abandoned in subsequent State practice with respect to crimes against humanity. Most notably, the nexus requirement was eliminated from the definition of crimes against humanity contained in Article II(1)(c) of Control Council Law No. 10 of 20 December 1945" (Tadic Appeals Chamber Decision, 1995, para. 623). Appeals concludes, “[i]t is by now a settled rule of customary international law that crimes against humanity do not require a connection to international armed conflict” (Appeals Chamber Decision, para. 141). For a background on these issues, see M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law (The Hague: Kluwer Law International, 1999).

41 Article 5 of the ICTY Charter reads, “The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population: (a) murder; (b) extermination; (c) enslavement; (d) deportation; (e) imprisonment; (f) torture; (g) rape; (h) persecutions on political, racial and religious grounds; (i) other inhumane acts” (my italics).
position. It believed that the statute’s nexus requirement demanded that the act in
question – the ethnic cleansing of Muslims from a Bosnian town – be shown to have
some broader relation to the conflict in order to fall under the tribunal’s jurisdiction.

How was ethnic cleansing related to the armed conflict between the armies of Serbia and
Bosnia? The Tribunal concluded that “an aspect of this conflict was a policy to commit
inhumane acts against the civilian population of the territory, in particular the non-Serb
population, in the attempt to achieve the creation of a Greater Serbia… As such… they
were committed in the context of, and related to, an armed conflict.”\(^{42}\) One wonders,
however, if linking crimes against humanity and armed conflict in this way conflates the
very distinction that the concept of crimes against humanity is supposed to protect. If
the court itself defines armed conflict as “protracted armed violence between
governmental authorities and organized armed groups or between such groups”, why
would ethnic cleansing be considered “an aspect” of this activity, beyond the superficial
fact that it occurred during the “time” of war or because it helped realize one of the
ideological aims of the participants more directly?\(^{43}\) If armed conflict is violence
between combatants, one would think that ethnic cleansing is unrelated, not related, to
such activity. Hence the need for a concept like crimes against humanity to name such
unrelated activity.

\(^{42}\) Trial Chamber Decision, para. 660.

\(^{43}\) Appeals Chamber Decision on Jurisdiction, para. 70.
The Appeals Chamber later rejected the Trial Chamber’s conclusions by saying that the statute’s nexus requirement does not require a substantial connection to the armed conflict: “A nexus between the accused’s acts and the armed conflict is not required, as is instead suggested by the Judgment. The armed conflict requirement is satisfied by proof that there was an armed conflict; that is all that the Statute requires.”

Appeals clarified that while such crimes often overlap with armed conflict, they are not to be identified with armed conflict: “The act may be intimately related to the attack on a civilian population, that is, it may fit precisely into a context of persecution of a particular group, and yet be unrelated to the armed conflict.” This states exactly the kind of distinction the language of crimes against humanity is supposed to name.

But the very Appeals Chamber that made such a point of making this distinction went on to do a curious thing: it upheld the Trial Chamber’s judgment that the defendant was guilty of both crimes against humanity and war crimes. The technical term for this practice is called ‘cumulative convictions’, when the same act forms the basis of multiple criminal violations. In this case, the murder of a Muslim civilian

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44 Appeals Chamber Decision, para. 251. The Appeals Chamber goes on to say that by incorporating even this requirement, “the Security Council may have defined the crime in Article 5 more narrowly than necessary under customary international law.”

45 Appeals Chamber Decision, para. 252.

46 Action theory has long been consumed with the question of how to sort out the multiple ways any one act can be described. See again Charles R. Pinches, Theology and Action: After Theory in Christian Ethics (Grand Rapids: Eerdmans, 2002), esp. chapters 1 and 5. Pinches finds Aquinas particularly helpful on the classification of acts, pointing to Summa I-II 7, 18. The Thomistic way of putting the issue is that a specific
formed the basis of both a persecution charge (a crime against humanity because it is part of a systematic attack on a population) and a murder charge (a violation of the laws of war because it took place during a war). The legal practice of cumulative convictions is, of course, not anything remarkable in itself; criminal acts almost always violate multiple statutes. The issue here is how one act of murder could intend both to persecute Muslims and wage war against the Bosnian government army, which is what the Trial Chamber was suggesting. It was, once more, understanding crimes against humanity in terms of the wider war.

But what is it exactly that makes persecution related to armed hostilities? In this particular case, the murder in question took place after a town was secured and before the next battle was fought. The victim did not participate in hostilities or resist Bosnian attempts to cleanse the towns. The Omarska camp to which the victim was taken and murdered was far removed from hostilities. The Chamber applied the war crimes charge on similar grounds that we explored above: because the act took place “during” the armed conflict and advanced war aims. It insists that the acts had explicit military utility: “crimes were committed against civilians inside and outside the Omarska prison

act may be considered under more than one species (Pinches, 134). It is particularly interesting to note the similarities between Thomas and contemporary jurists on how, even though one act may be considered under multiple species, one species designation may “trump” the other (this is how the ad hoc tribunals decided to drop “lesser” charges when they overlapped).

47 Appeals Chamber Decision on Jurisdiction, para. 66-70.
camp as part of the Bosnian Serb take-over and consolidation of power in the Prijedor region, which was, in turn, part of the larger Bosnian Serb military campaign to obtain control over Bosnian territory.” Notice, however, the distorting effect of such a reading: acts which have already been said to intend the persecution of Muslims are now read as acts that intend to obtain control over Bosnian territory in its fight against the Bosnian military. But if this were the case, why were only Muslims removed from the towns? Why were only Muslims killed in the Omarska camp? Using both concepts to judge the same act, the Tribunal ends up confusing separate intentions. There is, again, no denying that certain intentions might overlap in the same actions, but distinguishing them, rather than conflating them, seems to me to be essential.

The effect of such a prosecutorial strategy is not benign. With the widespread practice of cumulative convictions at recent international tribunals, it is small wonder why in the popular imagination, crimes against humanity and war crimes are understood to be the same thing, and “ethnic cleansing” is taken to be merely the newest way to fight a war – instead of an act that exploits the relaxed conditions of war to accomplish other aims.

The ad hoc tribunal for Rwanda (the ICTR) has had more success in differentiating crimes against humanity and genocide from civil war. The court has repeatedly rejected the alibi that the genocide was part of the war with the RPF, instead

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48 Ibid., para. 71.
framing the genocide as a separate project with a qualitatively different intent: the extermination of the Tutsi. One notes the relative absence of cumulative convictions at the Tribunal. For the most part, those who have been charged with genocide have not, on the basis of the same acts, been charged for war crimes.

There are exceptions, however. In the Rutaganda case, for example, the accused’s acts of genocide were also considered to be acts of war. Interestingly, the defendant had initially been acquitted of the war crimes charges. The Appeals Court, however, reversed the decision, arguing that because the genocide took place during the

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49 The Akayesu Trial Chamber writes, “it should be stressed that although the genocide against the Tutsi occurred concomitantly with the above-mentioned conflict, it was, evidently, fundamentally different from the conflict” (Judgment, para. 128). It goes on, “The fact that the genocide took place while the RAF was in conflict with the RPF, can in no way be considered as an extenuating circumstance for it” (para. 128). The Chamber points to three elements that distinguished the two projects: the ends of the violence, the perpetrators, and the victims. First the most obvious: “the majority of the Tutsi victims were non-combatants, including thousands of women and children, even foetuses” (128). Second, the organizers: the genocide was committed by persons who were not directly involved in the armed conflict, “organized and planned not only by members of the RAF, but also by the political forces who were behind the ‘Hutu-power’” (para. 128). In terms of its actual execution, the great majority of the perpetrators were not members of the armed forces, but ordinary citizens and armed militia (para. 128). Finally, in terms that echo Arendt’s point about the non-military utility of the Holocaust, the Court points to the genocide’s overall lack of military utility: “The accused himself stated during his initial appearance before the Chamber, when recounting a conversation he had with one RAF officer and Silas Kubwimana, a leader of the Interahamwe, that the acts perpetrated by the Interahamwe against Tutsi civilians were not considered by the RAF officer to be of a nature to help the government armed forces in the conflict with the RPF. Note is also taken of the testimony of witness KK which is in the same vein. This witness told the Chamber that while she and the children were taken away, an RAF soldier allegedly told persons who were persecuting her that ‘instead of going to confront the Inkotanyi at the war front, you are killing children, although children know nothing; they have never done politics’ (para. 128). One could argue that the genocide was so counter-productive to the war, it actually lost the government the war. A year prior to the genocide, the RPF was prepared to settle for the power-sharing arrangement of the Arusha Accords, having never come close to taking Kigali. Three months after the genocide began, the RPF won the war in a route.

50 In the Statute of the International Tribunal for Rwanda the requirement of an armed conflict is omitted for crimes against humanity and genocide, requiring only that the acts be committed as part of an attack against a civilian population.
civil war, certain acts of genocide, even though they intended to exterminate Tutsis, could also have intended to defeat the RPF. The court pointed to testimony that suggested that Rutaganda, like many other genocide perpetrators, had been duped into believing that all Tutsi civilians were collaborating with the RPF, and that in order to prevent a Tutsi takeover and put down the RPF, he would have to kill Tutsis.\(^51\)

Moreover, some of the same *Interahamwe* that Rutaganda armed went on to fight the RPF, thereby making Rutaganda a direct supporter and participant in the armed conflict. The Appeals tribunal concluded that by arming *Interahamwe* and participating in the slaughter of civilian Tutsis, Rutaganda was not only guilty of genocide, but of war crimes.\(^52\)

The question here, as in the *Tadic* case above, is whether one act can intend two different ends: genocide and civil war. If all Tutsis were enemies in war, as Johnson

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\(^51\) The Appeals Chamber writes, “In the Prosecution’s account, their experts established that those who carried out killings of civilians in 1994, in particular, members of the *Interahamwe* who participated, viewed their attacks on Tutsis as part of the war effort. From the point of view of the killers, the RPF’s invasion of the country threatened to overturn the 1959 revolution and restore a Tutsi-dominated government to power. According to the ideology used to justify the killings, all Tutsis (and those Hutus unwilling to attack the Tutsis) were suspected collaborators of the invading RPF. Thus, killing them was a way of preventing the RPF from gaining either a military or a political victory. The government’s civil defence mobilization of April 1994, in which the *Interahamwe* played a central role, was aimed at ensuring the success of the campaign against the supposed internal enemy. Furthermore, Rutaganda’s position of influence in the *Interahamwe* za MRND meant that he played a significant role in the campaign. Thus, ‘because of the nature and activities of the *Interahamwe*, the fact that the Tutsi were considered as ‘enemy’ during the time of the armed conflict, as well as the role played by Rutaganda in that organisation, there existed a close link between culpable acts of the Appellant and the armed conflict’” (Appeals Judgment, para. 563). It is rather astonishing that the Court builds the link to the war on the basis of the ideological Hutu Power claim.

\(^52\) Here I think the Respondent makes the key point: ‘It neither advances justice nor respects the integrity of the concept of a ‘war crime,’ to describe as war crimes, those acts of victimization that are not part of the armed conflict and which can be prosecuted in any event as ‘crimes against humanity’” (para. 566).
suggested above, then of course it is hard not to conclude that Rutaganda’s genocidal acts also intended war. But it should not be forgotten that the claim that all Tutsis were enemies in war was an ideological one, a piece of Hutu Power ideology used to get Hutus out on the streets killing Tutsis. All Tutsis did not, of course, pose harm, and we know they were not targeted because the killers thought they posed harm. They were killed because they were Tutsis, as part of a specific campaign to eliminate all Tutsis. The civil war was fought between the RPF and the Rwandan government. In suggesting that genocidal acts advanced the war because the killers thought they did, the tribunal provides a textbook example of the confusion of motive and intention. Genocide perpetrators may have believed they were preventing a Tutsi takeover, but this does not change the fact that the intention of their acts was genocide. Nor does it make their acts of genocide also count as acts of war. Courts of law wisely leave motive to the sentencing stage of trials, but here the tribunal has relied upon motive as a guide for

53 On the distinction between intention and motive, I am influenced here by G.E.M. Anscombe’s *Intention* (London: Blackwell, 1957). Eric Gregory’s discussion of just war in Augustine is also helpful in pulling out this distinction. “Intentions,” he writes, “are revealed by acts and not necessarily by stated motivations” (*Politics and the Order of Love* [Chicago: Chicago University Press (2008)], 316). While Gregory concedes that Augustine failed to distinguish between intention and motivation, he is unconvinced “that these developments are radically inconsistent with an Augustinian ethics of love” (315). It is not Augustinian, Gregory argues, to say, “I am regrettably going to destroy this village in the spirit of love” (314). I agree with Gregory and contemporary just war theorists on the importance of the distinction between motivation and intention. I simply wish to press just war theorists such as Turner Johnson on their act-descriptions, suggesting that many acts in war may not have the structure of an act of war. For the relevance of the distinction between motivation and intention in the context of the Congo, see the discussion in Avocats Sans Frontières, ‘The Application of the Rome Statute of the International Criminal Court by the Courts of the Democratic Republic of Congo’, 32.
judging the intention of the acts. It has done better in other cases to leave motive out of it.

This review of recent cases in humanitarian law shows us that even as conceptual distinctions have sharpened between war crimes, crimes against humanity, and genocide, telling the difference between the three in context is another matter. The challenge is made no easier by the fact that all three tend to take place at the same time, often in the same place.

Such was the case in the Rwandan refugee crisis, to which I now want to return.

2.4 Witness to Genocide

As we now shift our attention back to the Rwandan refugee crisis, recall the basic contours of James Turner Johnson’s account. Johnson argued that there were two stages of the 1996-1997 war in Zaire: first, Rwandan forces began by attacking the camps in October 1996, in response to cross-border raids by armed Hutu groups. The AFDL joined them, with the aim of toppling Mobutu in Kinshasa. This phase of the war ended with the mass repatriation of the majority of refugees in November 1996. Subsequently, the war entered a second phase. As the AFDL/Rwandan forces continued to pursue the armed Hutu westward, the armed Hutu began to use the unarmed refugees as shields. Turner Johnson writes, “Actions against the Hutu fighters in turn became less discriminate, and at some point along a spectrum in this period of the conflict, it is
proper to say that the targets ceased to be the radical Hutu fighters themselves and became the various masses of Hutu refugees as a whole. That is, the initial action against the radical Hutu militias based in the refugee camps evolved into a war against the Hutu refugees themselves.”

The war to defeat the armed Hutu and topple Mobutu went from one using discriminate methods to one using indiscriminate methods. The change was one of degree (“along a spectrum”), not of kind.

When we turn to Umutesi’s account of the same events, two key differences strike the reader. First, according to her, all of the refugees, armed and unarmed alike, were targeted from the very beginning. She describes retreating from Bukavu at the beginning of the war: “I left Bukavu at a run in a hail of bullets and shells… Shells whistled overhead and at every step we expected to have one land on us. For several kilometers the paved road, which linked Bukavu and Kavumu Airport, we ran along Lake Kivu, and the flood of refugees made a nice target for the Rwandan artillery.”

At the Inera camp, she writes, “At four in the morning we started folding the sheeting and waiting for the first shots so that we would know which way to run… In the beginning, the gunfire was sporadic. Then bullets began to rain down on us. Light weapons alternated with heavy weapons and grenades… When the shooting got closer and more sustained, and when we began to see the wounded, we abandoned most of our

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provisions in the banana groves of the Shi.”  

Later she describes the destruction of the largest camp of all, Mugunga, which was the last attack before the mass repatriation. When the refugees “were only a few kilometers from Mugunga they came upon rebels who split them up, letting some, mostly women and children, go and keeping others, mainly men and women who were well-dressed or wearing jewelry. These they killed after robbing them of their money and anything else of value.”  

Attacks such as these, where unarmed refugees were specifically sought out and killed, are especially difficult to justify as merely the unintended effect of discriminate attacks.

Second, while Turner Johnson frames the subsequent direct attacks against all of the refugees as a change “along a spectrum” of conflict, and continues to use the language of war, Umutesi signals a change of intent. The AFDL/Rwandan alliance was already systematically attacking refugees before the repatriation. That was not new. What was new was how thorough and comprehensive the subsequent attacks were. Umutesi recounts how the AFDL/Rwandan alliance pursued them through jungles, villages, towns, and camps, relentlessly chasing them down at every turn. The rebels did not just kill refugees when they happened to come upon them; they sought them out: “All that we could understand was that the rebels were coming. They were riding in many trucks and jeeps and wore white headbands. They said they were going to

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56 Ibid., 112.
57 Ibid., 120.
Boende and were asking the local population about the refugees. They particularly wanted to know which roads the refugees had used.”

Such attacks had no discernible military utility in terms of the wider struggle against the armed Hutu and the Zairian government. In fact, rebels often stopped pursuing armed Hutu so that they could pursue unarmed refugees instead. Umutesi describes one such instance after the AFDL/Rwandan alliance destroyed the Tingi-Tingi camp:

Just as a small group of us neared the bridge, we heard shots... People scattered in every direction, abandoning most of their meager provisions. In this terrific mass, those who fell were trampled. There was such a crush of people attempting to cross the bridge that many of them were shoved into the river. Thousands of others threw themselves into the water, trying to swim to the far bank. Where the river was deep, children, the old and the sick drowned. When people began to run in all directions, sweeping before them everyone who was in their way, I tried to keep my balance and held tight to Zuzu’s hand, which was covered with scabies. She in turn tugged at my hand saying: ‘Auntie, let’s run fast. If we don’t, they will kill us.’ We ran on, pushed from behind by those who followed, and hid in the closest huts, but there was so much shooting that these were not safe either. We entered the forest by the first path we found.

Umutesi also speaks about multiple massacres that were committed after the war ended in May 1997. She describes one of these massacres: “After we had been in the

58 Ibid., 190.


60 Umutesi, Surviving the Slaughter, 162-163.
courtyard for about an hour, a young man named Shako arrived on his bicycle. He had just come from Mbandaka. He told us that the rebels were slaughtering Rwandan refugees between the village of Kalamba and Mbandaka. He said he had never seen such savagery. No one was spared. Women and children were butchered without pity.61 “Many people in Mbandaka told us about these massacres, which they described as horrifying. Even women and children were killed without pity. The rebels, we were told, took babies by their feet and smashed their skulls on the walls of houses or put a bullet in their heads.”62 Umutesi herself was pursued well into September, four months after the war ended. Turner Johnson acknowledges that atrocities were committed after the war, but continues to refer to them as “warfare against noncombatants.” Umutesi calls them by a different name: “Those who survived these acts of genocide had hidden with the local population or had been able to reach the surrounding forests.”63

In pointing to the comprehensiveness of the attacks, the unrelenting pursuit of every last refugee, the gratuitousness of the violence, and the fact that many of the massacres were committed after the war ended, Umutesi makes it difficult for the reader to avoid any other conclusion. In the years since these events, most observers have

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61 Ibid., 204.
62 Ibid., 242.
63 Ibid.
come to agree. In a June 1998 report, the UN called attention to the fact that “the targets were neither Interahamwe combatants nor soldiers of the former FAR: they were women, children, the wounded, the sick, the dying and the elderly, and the attacks seem to have had no precise military objective. Often the massacres were carried out after militia members and former FAR soldiers had begun to retreat.”64 More recently Filip Reyntjens has written, “The supposition cannot be excluded that [March 1997] was the moment the Rwandan authorities decided that repatriation was no longer a viable option… The only avenue remaining then became pure and simple extermination.”65 Most recently, in 2010, the UN released its Mapping Report documenting human rights violations over the past ten years of violence in the Congo. They listed an astonishing 104 attacks committed against refugees between 1996-1997, and all but concluded that they constituted genocide:

Several incidents listed in this report, if investigated and judicially proven, point to circumstances and facts from which a court could infer the intention to destroy the Hutu ethnic group in the DRC in part, if these were established beyond all reasonable doubt. The scale of the crimes and the large number of victims, probably several tens of thousands, all nationalities combined, are illustrated by the numerous incidents listed in the report (104 in all). The extensive use of edged weapons (primarily hammers) and the apparently systematic nature of the massacres of survivors after the camps had been taken suggests that the numerous deaths cannot be attributed to the hazards of war or seen as equating to collateral damage… the apparent systematic and widespread attacks described

64 UN A/51/942, para. 46.
in this report reveal a number of inculpatory elements that, if proven before a competent court, could be characterized as crimes of genocide.\(^{66}\)

The Rwandan government responded to the release of the report with outrage and threatened to pull out of its peacekeeping commitments in the African Union. Fifteen years after the events, the controversy over how to name these attacks remains intense. The hostility of Rwanda’s reaction reminds us how much is at stake in whether we name these events “war” (even “war against noncombatants”) or genocide. Charges and counter-charges of genocide have been far too commonplace in the Great Lakes region over the past fifteen years, and these accusations are often thrown around to erase the wounds that each side has inflicted upon the other. Here the tone of Umutesi’s narrative is instructive. A great deal of her account is spent in lament for the genocide that her Tutsi countrymen suffered in Rwanda. When she goes on to represent the suffering of Hutus in Zaire, she does not present this as a separate, competing story. These are, for her, two parts of the same story, one in which the line between good and evil cuts through every person involved. Her story offers a glimpse of how the history of this period might one day be written.

\(^{66}\) 2010 UN Mapping Report, para. 31.
2.5 Beyond Bare Life

I have tried to show how Umutesi’s account interrupts a straightforward war reading of the Rwandan refugee crisis. Even a strong moral condemnation of these attacks as indiscriminate warfare can prevent us from a deeper and more truthful understanding of such acts. Description is moral judgment. But if we left Umutesi’s account concluding only that she was a witness to genocide, we would miss how her account also challenges another description of the crisis that is as misleading as Turner Johnson’s. This is Georgio Agamben’s reading of the Rwandan refugees as “bare life”.

While Agamben’s analysis no doubt illumines several key features of the refugees’ experience, especially the impunity that surrounded the attacks against them, Umutesi’s narrative challenges Agamben’s analysis at its most fundamental level. While Agamben presents the refugees as having been reduced to a bare, biological, and ultimately dehumanized existence, Umutesi testifies to how she and her companions retained their humanity even amidst these conditions. It is the ultimately theological character of Umutesi’s witness that we shall try to appreciate in the remaining part of this chapter.

Agamben discusses the Rwandan refugees in his influential book *Homo Sacer*. His account owes a great deal to Hannah Arendt’s work on refugees, so it is helpful to begin with a brief word about her approach. As Arendt saw it, there was a profound

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irony that surrounded the position of the refugee in the twentieth century. Given that
the refugee is stripped of his or her political status, the refugee should present us, at
long last, with the bare naked human subject upon which liberal theory bases its theory
of human rights. Stripped of civil rights, we should expect to see in the figure of the
refugee the rights that are ours simply by being human (life, liberty, speech, etc). And
thus we should expect to see refugees still claiming and enjoying these rights outside the
state. Yet no sooner did refugees appear all over post-World War I Europe than it
became clear that those who were reduced to their bare humanity had no rights at all:
“The conception of human rights, based upon the assumed existence of a human being
as such, broke down at the very moment when those who professed to believe in it were
for the first time confronted with people who had indeed lost all other qualities and
specific relationships—except that they were still human. The world found nothing
sacred in the abstract nakedness of being human.”68 The Rights of Man, she argued,
were in reality only enjoyed as civil rights within a nation-state. Once a citizen is cast
out of the state, human rights become empty talk. “No paradox of contemporary
politics is filled with a more poignant irony than the discrepancy between the efforts of
well-meaning idealists who stubbornly insist on regarding as ‘inalienable’ those human

68 Arendt, Origins of Totalitarianism, 300.
rights, which are enjoyed only by citizens of the most prosperous and civilized
countries, and the situation of the rightless themselves.”

For Agamben, Arendt’s key insight was her recognition that in the modern
nation-state, birth and citizenship coincide. Whereas in ancient Greece one was born a
private individual and only entered the polis after having met life’s necessities, in the
modern nation-state, life itself is politicized at birth. Natural life is inscribed into the
state. So long as one is a citizen, one is not conscious of the difference between birth and
nationality. It is only when one is expelled that one becomes aware of the difference, as
one is thrown back upon the simple fact of one’s birth, the sheer givenness of one’s
biological existence, or as Agamben puts it, “bare life”. For Agamben, the refugee
represents the separation of birth and nationality, showing us that outside the nation-
state, there is only bare life:

If refugees (whose number has continued to grow in our century, to the point of
including a significant part of humanity today) represent such a disquieting
element in the order of the modern nation-state, this is above all because by
breaking the continuity between man and citizen, nativity and nationality, they
put the originary fiction of modern sovereignty into crisis. Bringing to light the
difference between birth and nation, the refugee causes the secret presupposition
of the political domain—bare life—to appear for an instance within that
domain.

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69 Ibid., 279.
70 Agamben, Homo Sacer, 131.
Whereas Arendt believed the refugee was rightless but still human, Agamben pushes it one step further: the refugee is no longer human at all, but simply bare life.

Whether the refugee is a “bare human” or “bare life”, both Arendt and Agamben agree that the refugee exists in a state of extreme vulnerability. They both argue that such life exercises no real claim upon anyone. This means that anything can be done to such life. As Agamben famously puts it, such life can “be killed but not sacrificed”.71 What he means is that without a framework in which this life is intelligible as specifically human, killing such life does not really count as killing at all. This is what makes genocide possible: the lives that are killed do not count as lives, so nobody stops it.

According to Agamben, the difference between our age and Arendt’s is that there now exist humanitarian groups trying to fill the gap. The whole premise of their existence is to meet the biological needs of stateless peoples, as states themselves refuse to meet these needs. The problem is that humanitarian organizations become the unwitting accomplices of states who cast such people out, just to the extent that they consent to deal with people at the bare biological level to which states reduce them.

“The separation between humanitarianism and politics that we are experiencing today is the extreme phase of the separation of the rights of man and the rights of the citizen. In the final analysis, however, humanitarian organizations—which today are more and

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71 Ibid., 71-74, 133.
more supported by international commissions—can only grasp human life in the figure of bare or sacred life, and therefore, despite themselves, maintain a secret solidarity with the very powers they ought to fight.”

At this point in his argument, Agamben addresses the Rwandan refugees specifically. He writes,

It takes only a glance at the recent publicity campaign to gather funds for refugees from Rwanda to realize that here human life is exclusively considered (and there are certainly good reasons for this) as sacred life—which is to say, as life that can be killed but not sacrificed—and that only as such is it made into the object of aid and protection. The ‘imploring eyes’ of the Rwandan child, whose photograph is shown to obtain money but who ‘is now becoming more and more difficult to find alive,’ may well be the most telling contemporary cipher of the bare life that humanitarian organizations, in perfect symmetry with state power, need. A humanitarianism separated from politics cannot fail to reproduce the isolation of sacred life at the basis of sovereignty, and the camp—which is to say, the pure space of exception—is the biopolitical paradigm that it cannot master.

What Agamben is suggesting here is that humanitarian organizations such as those that administered the camps in Zaire cannot but deal with refugees at the level of their bare, biological life. Rather than question the reduction of refugees to bare life, humanitarian organizations provide a concrete space—the camp—to protect such life. Designed to be temporary, camps become permanent. An exceptional space becomes the rule, as refugees linger abroad while their home governments refuse them citizenship. While humanitarian organizations try to keep such bare life alive, such life is actually far more

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72 Ibid., 133.
73 Ibid., 134.
vulnerable to killing outside the law. As more and more contemporary conflicts involve mass displacement, more and more human beings find themselves existing as bare life.

It is important to note, before turning to the limitations of this reading, that there are a number of points of convergence between Agamben and Umutesi’s accounts. Umutesi’s description of the camps makes clear that they were organized to deal with refugees at the most basic biological level, without any regard for the different needs of men or women or the distinction between armed and unarmed refugees. Umutesi’s account also makes clear that the deaths of the refugees were surrounded with complete impunity. She writes, “For two years, the UNHCR had seemed unmoved by the plight of the Rwandan refugees, and in certain situations it had blatantly acted against them, although theoretically their duty was to defend them.” 74 At another point she writes:

What crime had all of these victims committed to deserve such a death? Where was the international community that talked about human rights but withdrew when they should have prevented the genocide by the Hutu militias and when they should have condemned the massacres of the Hutu by the RPF? Where was this international community that had applauded the destruction of the camps in eastern Zaire, which abandoned us once again… 75

Umutesi’s account also includes a number of particularly harrowing passages that speak to the inhuman conditions that she and her companions endured. She describes “children in such terrible condition that they looked like old people, and children

74 Umutesi, Surviving the Slaughter, 154.

75 Ibid., 166.
hospitalized with advanced malnutrition, so wasted that they hardly looked human.”

At other points she describes women who “lost all of their female attributes,” refugees wandering the forest “like wild beasts” and “the inhumanity of the lives that the world had condemned us to live.” She describes a young girl who collapsed on the road “like a dog, food for the ants.” She recounts the plight of a friend: “When she arrived at Tingi-Tingi, I had trouble recognizing her. She, who had always been so plump, was now a walking skeleton. She couldn’t have weighed more than forty kilos.”

Despite these points of convergence, however, there are important ways in which Umutesi’s account pushes back against Agamben’s. First, her account compels us to wrestle with the fact that the refugees’ very vulnerability was caught up in the persistence, not the stripping, of particular identities. Most obviously, their enduring identities as Hutus constituted the whole basis of the attacks against them. They were targeted not as bare life, but as Hutus. This connects to the fact that the humanitarian camps themselves were organized not in terms of biological life per se, but the biological life of one specific ethnic group: the Hutu. In her work on the relation between exile and

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76 Ibid., 154.
77 Ibid.
78 Ibid., 166.
79 Ibid., 154.
80 Ibid., 166.
81 Ibid., 151.
ethnic identity, anthropologist Lisa Malkii argues that instead of perpetuating a condition of bare life, humanitarian camps tend to foster artificial spaces of ethnic purity.\textsuperscript{82} Whereas identity construction in one’s home country is constantly contested through interactions with other groups, no such exchange with other groups takes place in the camps. The artificial homogeneity of these spaces leads to the purification and radicalization of ethnic identity. In the case of Zaire, we see that this homogenization not only shaped ongoing identity construction within the camps, but how those on the outside perceived the Hutus inside. Salient distinctions between those who were armed and unarmed, genocide perpetrators and the innocent, were lost, and all the inhabitants were aggregated into one mass identity. Moreover, this was not just any generic kind of Hutu, but a genocidal Hutu (“the single largest society of fugitive criminals against humanity ever assembled,” as Gourevitch put it). Umutesi describes how she and other inhabitants were constantly fighting against this perception: “After Habyarimana’s assassination in 1994 and the ensuing genocide, a large part of the world saw all Hutu as genocidal, from the old woman who could hardly walk to the baby still nursing at his mother’s breast.”\textsuperscript{83} Viewed from the outside, the space of the camp dissolved differences, and made it all the easier for the AFDL/Rwandan forces to target the refugees on the basis of this identity alone.


\textsuperscript{83} Umutesi, \textit{Surviving the Slaughter}, 73.
For those inside the camps, however, key differences remained. This connects to a second way the bare life reading is challenged. Umutesi’s account makes clear that the experience of exile for women was completely different than for men. She demands that we reckon with the gendered dimension of her experience. In the Inera camp outside Bukavu, she writes,

Those in charge of humanitarian aid had not thought of feminine hygiene, and during their periods women used old rags or skirts… Since men ran the camp, they had not thought of private places where women could go to wash this laundry away from the eyes of passersby. We had to wash it late at night or early in the morning in front of our blindés… To add to the discomfort of the situation, many women were obliged to wash these bloody rags in the same pots in which they prepared food for their families.84

She goes on to describe numerous instances of sexual exploitation: “Some locals took advantage of the abundance of female workers to force the women to sleep with them prior to hiring them. Some, particularly those who had sole responsibility for their families, accepted this and a few months later found themselves pregnant.”85 Even the Zairian security forces who were supposed to be protecting them from rebels preyed upon them: “Like all soldiers, those of the CZSC loved women and money too much. When women didn’t come of their own accord, or when they didn’t have enough money for prostitutes, they entered the blindés and took women by force. In Kashusha camp, for example, women didn’t go out any more after six o’clock. When they went to the

84 Ibid., 77.
85 Ibid., 78.
bathroom, they had to arm themselves with a razor blade. That way, when a soldier from the CZSC tried to force the door they could cut the sheeting and leave by the back.”

As they travelled, Umutesi describes how men often abandoned their families, but women were expected to stay with their dying husbands until the end. “Examples of men who abandoned their wives on the other side of the Lualaba River are legion.”

Describing a female friend who waited with her husband while rebels were en route, “If she had been a man, such a crisis of conscience might not have occurred… [but she] was a woman, and it was unthinkable for her to abandon her sick husband.”

The sexual advances only continued as they journeyed further west. Once when Umutesi fell sick, a man invited she and her companions to stay in his home. Not long into their stay, “he began to explain to me that if I wanted to get well soon, I would have to make love to him”; when she said no, “the man refused to give me any aspirin to bring the fever down… He was so angry about his failure that a few days later he chased us out of the house.” Summarizing the experience of women during the entire year-long flight, she writes, “I remembered that in Bukavu I had met young girls from the

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86 Ibid., 83.
87 Ibid., 175.
88 Ibid., 174-175.
89 Ibid., 201-202.
university, teachers and elementary students who, during the genocide and even in the camps, had been forced to marry soldiers in order to be fed and protected… Now that [this man] reminded me that his help did not come without a price, and that I would have to give my body in repayment, I understood all these women who before me had found themselves faced with this alternative and who had chosen to give themselves rather than die."\textsuperscript{90}

Although the ordeal presented these unique challenges for women, Umutesi also makes clear that being a woman had its advantages. It was through solidarity with other women that they were able to form a League that campaigned for (and often won) changes in their treatment. They were able to get UNHCR to move the Zairian police force further from the camp in order to protect the women from them. In sticking together on the road west, they were able to pool food, supplies, and money when they were able to work for the locals. In these ways they challenged gender roles as well. “Many women were still convinced that politics had to be handled by men and they continued to wait for them to act… Nevertheless, with time, I became more and more convinced that a determined, aggressive group of women had to take the lead.”\textsuperscript{91}

In addition to pointing to the abiding way that her identity as a Hutu woman endured and shaped her experience of the exile, there is a third way that Umutesi’s

\textsuperscript{90} Ibid., 220.

\textsuperscript{91} Ibid., 85.
narrative challenges the bare life reading. This relates to Umutesi’s recovery of her Christian faith. She explains how she grew up Catholic in Rwanda but then abandoned her faith: “As far back as I could remember, the members of my family were practicing Catholics… My father was very devout. Every day, before going to sleep, the whole family gathered together on our knees and said the evening prayers. Even if we were already asleep, they woke us up to pray. After my father remarried, we abandoned this practice, which was for us children an act of obedience and not of faith.”

After the first few weeks fleeing the AFDL attacks in October and November 1996, Umutesi describes arriving at a place called Irangi. “Irangi, where we stayed for about two weeks, is on the stretch of paved road between Bukavu and Kisangani, about ninety-two kilometers from Bukavu… The refugees had put up their blindés all around a former hotel. It soon became a camp that was really a prison. In the event of a rebel attack we had little chance of escaping. There was only one exit and a few well-armed Tiri guarded it. Those who tried to leave were robbed of all their belongings, molested, and even killed.”

And yet, “In the prison of Irangi I rediscovered prayer.” She recounts how a woman named Immaculée, whom Umutesi befriended along the way, helped her: “It

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92 Ibid., 116.
93 Ibid.
94 Ibid., 118.
was thanks to Immaculée that I again found the words that had been lost for so long.”

With her she says she relearned “the Lord’s Payer, the Creed, the Gloria and other prayers that I had forgotten.” Later “my daughters taught me religious songs that I sang often, even on the road or when I was fetching water. The songs that I loved the most were: Nyir’ibambe ndaje unyakire (Lord I come to you, welcome me) and I wowe rutare rwanjye (You are my rock).” Umutesi says, “After praying I felt restored. Thanks to my faith, I was able to bear the daily humiliations, deprivation, sickness, and misery better.” As she goes on, “the most important thing that Immaculée taught me, which continued to help me even when we were no longer together, is to accept God in everyday life. To accept him like a loving father, who comes to our aid every time we call on him, even for the smallest things in life. This faith would be my greatest support during the years spent in the equatorial forests of Zaire.”

Umutesi’s rediscovery of prayer “in the prison of Irangi” presents a rather startling interruption. Cornered into Irangi by the local militia, with the constant threat of theft, rape, and militia attacks, Umutesi nonetheless makes a recovery. She finds words again. Both Arendt and Agamben defined the experience of refugees as precisely

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95 Ibid.
96 Ibid.
97 Ibid., 214.
98 Ibid.
99 Ibid., 118.
the loss of speech. Cast out of the state, the refugee no longer inhabits a polity where one’s words are effective, where they are heard and shape the way one is treated. Given that language is what makes us human, the loss of language is concomitant with the loss of humanity itself. And yet in the prison of Irangi, it is “words” that Umutesi recovers. And not just words, but a context in which these words are effective. These words are the means through which friendship and the gathering of a community become possible again. In prayer, the women transform a prison into a polity of their own. They exit the world that subjects women to humiliation and enter into the divine economy of the Gloria, the “Lord God, Heavenly King”; they enter into “Our Father”, into the Creed’s movement of the Father, Son and Holy Spirit. Through prayer, a theological horizon breaks into the suffocating immanence of the camp. Umutesi says she is able to bear “daily humiliations” through an encounter with a God who appears “in everyday life”. Insignificant things are charged with God’s presence. Songs and hymns become the means through which she and her companions re-work the conditions they have been made to suffer. Prayer becomes a form of agency.

100 In Origins of Totalitarianism, Arendt writes, “The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective” (296). Agamben writes, “There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion” (Homo Sacer, 8). Both draw upon Aristotle’s definition of man as “the living being who has language” (Politics, 1253a 10-18).

101 For the centrality of prayer in agency and identity, see Sarah Coakley, Powers and Submissions: Spirituality, Philosophy, and Gender (Oxford: Blackwell Publishers, 2002).
The image of Hutu women recovering voice through prayer serves as a counterpoint to the image of refugees as bare life. Whereas Agamben presents these refugees as entirely excised from human society and swallowed up into the autonomy of bare life, Umutesi suggests that she and her companions, even amidst horrific violence, continue to stand before God and one another. There is little she can say to make this claim appear more credible than Agamben’s, but the concrete practice of prayer in Irangi displays its truth for them. It is through prayer that their enduring human particularity becomes legible again.

Ultimately it is Umutesi’s insistence upon the endurance of concrete human particularity in the face of suffering that most powerfully strikes the reader of her memoir. Agamben supposes that in the experience of the refugee we can arrive at that elusive lowest common denominator that lies buried below our deepest differences: biological existence itself, pure zoe, completely abstracted from the bios of politics, language, and sociality. In the refugee, we reach the foundation. Umutesi’s sober account of her journey through Zaire suggests there is no ghost to be found outside the city gates, no univocal sameness beyond difference, no bare life beyond life and death. Rather, there is only more difference. In suffering, there are still faces. In anonymity, there are still names.\textsuperscript{102}

\textsuperscript{102} In this regard, I think Luke Bretherton relies too heavily upon Agamben’s reading of refugees, even if his ultimate intention is to “hallow” such life. The proposal to “hallow” bare life assumes such life is “bare” to begin with, a description Umutesi’s account challenges. See Luke Bretherton, ‘The Duty of Care to
And so Umutesi names. Her memoir is a moral work—a prayer—that seeks on every page to restore her companions to name. There was Zuzu, the young girl with scabies on her hand who said, “Let’s run, or they will kill us”; Muhawe, a four-year old with an over-sized head suffering from malnutrition and “too weak to get up and walk even a few steps.”103 There was Bakunda, Assumpta, Virginie, Marcelline, and Gisimba, Umutesi’s travelling companions along the way. There was Jeanne, an old colleague from Rwanda who gave birth in a hospital camp before being killed in a rebel attack. There was Parti, who Umutesi nursed back to health only to find out he had been stealing from the other refugees; Sipi who provided Umutesi and her girls a place to stay and then decided to sell them out to bounty hunters; Ma Marie who led the women to a shed in the forest when the rebels attacked and bathed Umutesi everyday during her sickness. There was Shako, who gave the women “all the cassava, pondu, flamboyant, and fish we wanted.”104 There was Ya Pepe who “would rather be killed while trying to save a human life than to fail in his charitable duty”. There was Ma Mundimi, the Bonde village madwoman, “whose insanity did not diminish her humanity.”105 “For her


103 Umutesi, Surviving the Slaugher, 77.

104 Ibid., 215.

105 Ibid., 238.
we were not poor refugees to whom one gives food out of charity, or women with whom you could sleep for a few bags of fish or caterpillars. She was among those rare individuals who, behind the mask of misery, saw the women we had once been and respected us.”

Finally, there was the woman Umutesi had trouble even recognizing when she saw her in Tingi-Tingi. “She, who had always been so plump, was now a walking skeleton. She couldn’t have weighed more than forty kilos.” Her name, Umutesi tells us, was Thérèse.

Arendt helped us see that genocide is not only the attempt to eliminate a group, but change humanity itself. Marie Béatrice Umutesi was a witness to such an attempt in Zaire in 1996-1997. But she was also a witness to the futility of this attempt. She witnessed to its futility not only by surviving it, but by showing that those who were killed never stopped being human. Her theological claim is that it is ultimately not in our power to change the nature of humanity. Human particularity endures the very attempt to destroy it. This is what she points to again and again in her memoir. The truth of such a claim, however, is contingent upon there being witnesses such as Umutesi who perform the moral labor of remembering victims rightly. “Even the dead will not be safe from the enemy if he wins,” Walter Benjamin wrote. The very truth of

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106 Ibid., 226.

the past is contingent upon how it is remembered. Those in the camps of Zaire can be remembered as bare life, bare humanity, or Zuzu, Assumpta, and Thérèse. Their human particularity awaits our act of memory. Genocides are not finally won or lost on the battlefield, but in the realm of memory. It is through naming the victims that the deepest conceits of genocide are finally overcome:

One day when I was on the verge of cracking, I took a pen and began to write down everything that was in my heart. I described the suffering of Muhawe and the other children, who, like him, were starving and whose graves lined the long road into exile. I describe the tragedy of the old women who lived along in plastic blindés riddled with holes, and the suffering of the street children of Bukavu who lived by begging. I imagined the horror experienced by the young RPF soldier who, back from the war, found that the militias had exterminated his entire family. I spoke of the murder of my cousin Laurent and my mother’s friend Nyirarukwavu. I made a habit of writing...108

108 Umutesi, *Surviving the Slaughter*, 78.
3. “Dying, We Must Announce Life”: Archbishop Emmanuel Kataliko and the Bukavu Civil Society Strike

One of the most vocal defenders of the Rwandan refugees during the first Congo war was the Archbishop of the Catholic Church in Bukavu, Christophe Munzihirwa. As early as 1994 when the refugees began to arrive in Zaire, Munzihirwa called attention to their plight.¹ He organized relief efforts in the camps (there were 400,000 refugees in the diocese of Bukavu alone) and tried to incorporate the refugees into the larger life of the church.² “Your fate has become our fate,” he wrote. “It is the same Christ who suffers in us all… May the Spirit of Christ soften the hard hearts of leaders and enlighten those who do not see clearly through the maze of your story.”³ His outspoken activity did not endear him to the Rwandan government across the border or the AFDL rebels they would soon sponsor. When they invaded in October 1996, Bukavu was one of the first cities they sacked. Many civilians fled during the siege, but Munzihirwa stayed in the

¹ Archbishop Munzihirwa campaigned actively for the refugees. In an letter to the UN High Commissioner for Refugees, he wrote, “The refugees are thus stuck. Zaire doesn’t want them, Rwanda doesn’t want them… The situation is thus explosive. It is urgent. I launch a new appeal: the true solution to this painful problem can only come from political negotiations between those in power in Kigali and representatives of refugees who seek reconciliation. It is indispensible that the international community apply pressure in this direction in order to assure that the refugees return safely and with dignity. It is indispensible that UNHCR, in collaboration with the Zairian authorities in the refugee camps, and P.A.M. continue to assume their responsibilities in the refugee camps, and the transit camps in Rwanda and in the sorting centers. Peace in the region is at stake” (letter dated October 6, 1995).


city. He circulated a letter among the churches, imploring them to “remain firm in love.” After leaving a meeting with NGOs on the morning of October 29, he was stopped in the main square by one of the AFDL soldiers and shot dead.

The seat of the Archbishop of Bukavu remained vacant until May 1997, when a bishop from Butembo named Emmanuel Kataliko was appointed Munzihirwa’s successor. He took the helm at a pivotal moment, two days after Mobutu fled Kinshasa and two days before Kabila stormed to power. Kabila immediately declared a new day, suspending the constitution, raising a new flag, and changing the name of the country to the Democratic Republic of Congo. He organized a government and rewarded many of his Rwandan benefactors with top cabinet positions.

The honeymoon, however, would not last long. The reality of Congo’s problems (inflation, crippling debt, the collapse of the public sector, and continuing unrest in the east) quickly set in. Additionally, Kabila’s relations with Rwanda soon soured, culminating in a dramatic break-up in July 1998, when he ordered all Rwandan military personnel to leave the country. In response, Rwanda promptly sponsored another rebel

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movement called the Rally for Congolese Democracy (RCD). In August 1998, the RCD, Rwanda and Uganda launched a second and much longer war that would eventually expand to include a total of seven states, numerous additional rebel movements, and countless local defense forces. Kabila’s new era of peace lasted just one year.

Rwanda, Uganda, and the RCD justified the war by citing national security concerns. Rwanda accused Kabila of failing to finish off the genocide perpetrators who were still roaming in the east, and being complicit in violence that various indigenous groups were committing against Banyarwanda (specifically Congolese Tutsis) in North and South Kivu. The RCD, composed of many of these Congolese Tutsis, argued the same. Uganda accused Kabila of providing safe haven for various Ugandan rebel movements, including its longtime nemesis the Lord’s Resistance Army. After Rwanda and the RCD failed to take the capital during the war’s early stages, they retreated to the southeastern region, which they occupied for the duration of the war. Uganda and another rebel movement, the MLC, occupied the northeastern part of the country, effectively partitioning Congo into three regions. Military encounters soon grew infrequent, and many of the participants turned to non-combat activities, including the reconfiguration of political authority in the occupied regions and the exploitation of Congo’s vast mineral wealth.\(^7\)

\(^7\) We will explore the role of resource exploitation in greater detail next chapter.
By the end of 1999, the war had dragged on for a year and a half and was degenerating into innumerable regional squabbles over land and resources. The RCD rebel group was internally divided and about to suffer the first of many splits. Numerous Mayi Mayi groups (local indigenous militias) were proliferating. Soon Rwanda and Uganda turned the guns on each other in a six-day battle over the diamond-rich area of Kisangani. Meanwhile, the civilian toll of the war was adding up.

On December 24, 1999, Archbishop Kataliko took the pulpit of the Catholic Cathedral to preach his annual Christmas message. The 68-year old bishop had been a vocal opponent of the war since before it began, but his electrifying sermon would mark a turning point for the Church and the city of Bukavu. He called out the RCD for its many wartime abuses:

Our country (and we ourselves) have become objects of an exploitation worse than the colonial era. Everything of value is pillaged, vandalized, removed, or destroyed… Resources, which should be used for our development, the education of our children, for the treatment of sickness – in short, for a more human way of life – serve instead to kill us… Taxes are collected, but instead of being invested for the common good, they are misappropriated… In the city, armed groups, often in military uniform, burst into our homes and steal what little goods we have, threatening, kidnapping and often killing our brothers in the process. Our brothers and sisters in the villages are massacred in great numbers. The victims are already counted in the thousands and those who try to save themselves are forced to take flight… Our Church herself is not spared. A number of parishes, presbyteries, and convents have already been sacked. Our priests and members of the religious life have been beaten, tortured, and killed because they denounce the flagrant injustice into which their people have been
plunged, condemning the war and preaching reconciliation, forgiveness, and nonviolence.\textsuperscript{8}

The sermon struck a chord not only with Catholics in Bukavu, but with Protestants, Muslims, and other members of the civil society. The Catholic Church spearheaded a city-wide strike that closed schools, health clinics, NGO offices, markets, and transportation. Given that the churches operated most of the city’s social services – services that the RCD relied upon for maintaining order – they stood in a position to bring the life of the city to a halt. Unable to stop the strike, the RCD focused their energies on Kataliko, whom they arrested and exiled to another province. The move backfired, as it prompted another round of strikes and a campaign to bring the bishop back. Everyone from Pope John Paul II to the European Union and the UN’s Special Rapporteur for Human Rights called for the return of Kataliko. Seven months later the RCD finally capitulated and allowed him to return. Tens of thousands of Bukavu residents greeted him in the streets and Kataliko presided over a public Eucharist that was attended by 40,000 people.

The controversy between the RCD and the Catholic Church in Bukavu provides a particularly illuminating lens for exploring the local dimensions of contemporary armed conflict. There are three specific dimensions that I want to explore in this

\textsuperscript{8} The Archdiocese of Bukavu has compiled most of Kataliko’s writings in two booklets, Les Lettres et Messages de Monseigneur Emmanuel Kataliko (10 Mai 1997-4 Octobre 2000) and Les Ecrits de Mgr Kataliko. All translations in this chapter are my own.
chapter. The first is how this controversy challenges us to move beyond a focus on military conduct and consider the non-combat activities of rebel actors. In contrast to the stereotypical picture of rebel movements as criminal and anarchical, the RCD made a concerted effort to install itself as the legitimate governing authority in the region. This involved appropriating many roles conventionally associated with the state (including taxation, defense, trade, and education policy). Although it did not control the state apparatus at the federal level, the RCD sought to exercise a de facto form of political sovereignty at the local level. As we will see, the exercise of such sovereignty was fundamental to its attempt to legitimate its violence.

Second, the controversy allows us to explore in greater depth the interaction between rebels and civilian actors. In this case, the interaction was not one of passive submission or coerced collaboration, but a more complex relationship that ran in both directions. While the RCD controlled the means of force, it depended upon civilians for the provision of most of the city’s services, from transportation to hospitals and schools. By withdrawing these services, the Catholic Church and broader civil society was not only able to cripple the RCD’s operations, but expose its fundamental lack of legitimacy. In this way, civilians stood in a particularly strategic position to shape the course of the conflict.

Third, the controversy allows us to explore how local Christians theologically framed and practically reasoned through this phase of the conflict. I will focus
specifically upon the figure at the heart of the controversy, Archbishop Kataliko. In his sermons and letters, Kataliko re-narrates the experience of the war Christologically, showing how Christ’s solidarity with human suffering offers an alternative way through it, transforming suffering into agency. In this way, Kataliko does not approach the war as a separate sphere of human action with its own time and law, but instead shows how the church’s liturgical time of birth, passion, and resurrection remains the determinative lens for Christians throughout rebel occupation.

Kataliko’s theological voice will help us see how the Bukavu civil society strike was not, in the end, a form of resistance to the RCD’s political authority; it was a display of the RCD’s own dependence upon the more fundamental peace sustained by ordinary civilians. In the face of a sovereignty exercised through power over death, the Church witnessed to the possibility of a passage from death to life, embodying what Kataliko referred to as the “strange call” of the gospel: “Crushed by pain we are called to announce the end of suffering; imprisoned, we must liberate; plunged into darkness, we must shine light; saddened, we must obtain joy; dying, we must announce life.”

3.1 Law-Making Violence: The Rally for Congolese Democracy

In this first section, I want to explore how the Rally for Congolese Democracy attempted to construct its own form of political sovereignty in its occupied zones. This will allow us to see the wider impact the RCD had upon civilian life in Bukavu and
beyond. It will also allow us to see how political order did not simply collapse during the war, but underwent ongoing transformation and reconfiguration as other groups attempted to fill in the gap left by the state.

Influential commentators such as Michael Ignatieff and Robert Kaplan have presented rebel movements as atavistic, ethnically-motivated, undisciplined actors that rule captive populations largely through terror and anarchy. More recently Paul Collier has emphasized greed as the primary motivating factor for rebel actors. But as Jean and John Comaroff persuasively argue, a strict dichotomy between law and lawlessness, order and disorder, private and public interest, rarely holds up in context, and in fact, many rebel movements deliberately attempt to model themselves after states, often appropriating state forms and functions. In this sense they “double” the state in an

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11 In Law and Disorder in the Postcolony (Chicago: University of Chicago Press, 2006), Comaroff and Comaroff observe that “criminal violence does not so much repudiate the rule of law or the licit operations of the market as appropriate their forms—and recommission their substance. Its perpetrators create parallel modes of production and profiteering, sometimes even of governance and taxation, thereby establishing simulacra of social order. In so doing, they refigure the pas de deux in which norm and transgression, regulation and exception, redefine each other both within and beyond national polities. In the process, the means and ends of the liberal democratic state are refracted, deflected, and dispersed into the murkier reaches of the private sector, sometimes in ways unimagined by even the most enterprising of capitalists, sometimes without appearing to be doing very much at all to disturb the established order of things” (5).
attempt not only to draw attention to the legitimacy crisis of the existing government, but also to ground the legitimacy of their own movement.\textsuperscript{12}

Apropos here is Walter Benjamin’s distinction between law-preserving and law-making violence. For Benjamin, \textit{law-preserving} violence is the lawful exercise of violence by an already established political authority; \textit{law-making} violence, on the other hand, does not draw upon an existing legal order; rather this violence brings into existence a new legal regime that authorizes violence after the fact.\textsuperscript{13} Arendt, tracing this distinction back to Sieyes’ discussion of constituted and constituting power, reminds us that all violent revolutionary movements not based on existing democratic traditions must struggle to resolve this problem.\textsuperscript{14} Given that revolutionary actors cannot draw upon the existing constitutional order to ground their violence, their very violence must bring such a constitutional order into existence \textit{ex nihilo}. Thus it falls to the rebel actors to display the future order now, in the very way they conduct themselves.


\textsuperscript{13} See his essay, ‘Critique of Violence’ in \textit{Reflections} (New York: Harcourt Brace, 1978). He writes, “All violence as a means is either lawmaking or law-preserving. If it lay claim to neither of these predicates, it forfeits all validity” (287).

In his illuminating study of the RCD, Denis Tull shows how the RCD tried to do exactly this: constitute, through its violence, a new legal regime.\textsuperscript{15} They employed a number of strategies to bring this about. I will briefly mention four.

First, militarily, the RCD was hierarchically organized, wore uniforms, carried arms openly, and controlled territory, satisfying the conditions for lawful combatancy in international humanitarian law. While their actual record of observance remained extremely poor, their state-like formality convinced international actors that they were at least more legitimate than the less disciplined, more predatory Interahamwe and Mayi Mayi groups who were active in eastern Congo. The RCD’s military alliance with Rwanda and Uganda also served to elevate its status (in a way similar to the nineteenth century practice of third-party recognition).\textsuperscript{16}

Second, politically, the RCD took over the remnants of the provincial state apparatus, appointing governors and other officials in a political system they called “regional federalism”.\textsuperscript{17} They raised their own flag and observed national holidays. They claimed the right to tax the population and imposed tariffs on imports and exports.

\footnotesize
\begin{itemize}
\item\textsuperscript{17} IRIN reported that “a recent RCD-Goma provincial governors’ meeting in Bukavu, resolved that to enable each province to be self-reliant, ‘regional federalism will be implemented officially’” (August 22, 2000).
\end{itemize}
They sought alliances among tribal authorities and waded into succession struggles, mimicking the divide-and-rule strategies of the Belgian colonial officials and later Mobutu. They also carried forward Mobutu-style patronage that was the quintessential marker of state rule for many years.

Third, economically, the RCD exerted extensive control over the exploitation of natural resources. This took a variety of forms, from seizure of existing stocks and direct exploitation to licensing and the monopolization of exports. Early on, the RCD made meager sums of $20,000 a month on tax revenues (8% on exports through licensing), but during 2000, the price of coltan shot up 38% and the RCD enjoyed a temporary boom. It then set up an export monopoly and earned $1.12 million in December 2000 alone. Even though Rwanda got the lion’s share of resources in the RCD zones (earning an estimated $120 million in 2000), Tull argues that the RCD still probably made $30 million from resources in 2000. Such revenue played a crucial role in making their military operations self-sustainable.

Fourth, internationally, the RCD did not need de jure state sovereignty in Kinshasa to engage in diplomatic relations with other states or international actors. De facto sovereignty over Eastern Congo was sufficient. As mentioned above, the RCD carried on relations with Rwanda and Uganda, but it also worked with humanitarian

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organizations eager to deliver aid in the occupied zones. Later, international peacemakers gave the RCD a place at the negotiating table with the other states involved in the conflict, and the RCD eventually received one of the vice-presidencies in the transitional government. None of the more “illegitimate” actors (such as the Interahamwe and Mayi Mayi forces) were included in these talks. The RCD’s outward-facing orientation recalls what Jean-François Bayart refers to as “extraversion”, a mode of governance that compensates for the lack of local democratic support through strategic relationships with allies abroad.\(^1\) This became yet another way the RCD mimicked the state, as many African states, especially Mobutu’s in Zaire, have propped themselves up through exactly these strategies of extraversion.

Summarizing these and other measures, Tull writes, “a form of political order has emerged that takes little interest in the international legalism that assigns sovereignty and its benefits to the central government in the capital. The lines on maps may still identify these areas as an integral part of the DR Congo, but the actual distribution of power has radically shifted to the advantage of violent non-state actors.”\(^2\) He goes on:

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\text{[W]hile these insurgents have stopped short of pursuing secessionist agendas, they clearly consider themselves to be state rulers. To be more precise, they}
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\(^2\) Tull, *Reconfiguration of Political Order*, 158.
claim that the political rule they exercise in Eastern Congo possesses the quality of stateness. They aim to project a self-declared legitimate authority over a more or less demarcated territory and the population living therein. In this sense, they have conveyed the qualitative and symbolic trappings of stateness on themselves, if only temporarily, by virtue of being the heir to the authority of the displaced government.21

Speaking of broader political trends in Africa, Cameroon postcolonial theorist Achille Mbembe has called this style of de facto rule “private, indirect government”. He argues that “a new form of organizing power resting on control of the principal means of coercion (armed force, means of intimidation, imprisonment, expropriation, killing) is emerging in the framework of territories that are no longer fully states.”22 Borders in such territories “change in accordance with the vicissitudes of military activity”, yet “the exercise of the right to raise taxes, seize provisions, tributes, tolls, rents, tailles, tithes, and exactions makes it possible to finance bands of fighters, a semblance of a civil apparatus, and an apparatus of coercion.”23 This means that the relation between state and civil society is playing out at more decentralized levels, as relations of political obligation, loyalty, rights, and duties come to be redefined locally.

It is this interaction between rebels and civilians that will be of particular interest for us in this chapter. As a movement that sought to support itself through taxation, trade regulation, border control, and other measures, the RCD opened a sphere of

21 Ibid.
22 Mbembe, On the Postcolony, 92.
23 Ibid., 92-93.
interaction with civilians that a more fringe rebel movement would not have experienced or desired. Indeed, just to the extent that the RCD sought to install itself as a legitimate political authority, it made its movement dependent upon civilians. It would be civilians that paid the taxes and shipped the goods that kept the RCD in operation. If the RCD exercised their authority well, they would buy themselves a legitimacy that other less organized guerilla movements did not enjoy. But if their efforts backfired and they alienated civilians, they would jeopardize their image as legitimate actors. More practically, they would lose the material support they needed to keep the war with the government going. As we will see, the unlikely dependence of would-be sovereigns upon civilian populations would be a key discovery of the Bukavu civil society in early 2000.

But before turning to this, let us first introduce one of the key civilian actors in Bukavu, the Catholic Church. The Catholic Church would prove to be the biggest obstacle in the RCD’s attempt to legitimate itself in the eyes of local and international actors.
3.2 The Catholic Church in Bukavu

As Gérard Prunier has detailed, the Catholic Church in Congo has undergone several different transitions over the course of its history.24 The Church began as an integral part of the Belgian colonial order.25 It worked hand-in-hand with the Belgian state, running many schools and other services and receiving vast subsidies and land allocations. Its position during colonialism was decidedly better than the Protestant churches, which Leopold excluded from his administration (the Protestant churches would in turn become his staunchest critics, organizing the global campaign against his notorious exploitation of Congolese workers in the rubber and ivory trade).26

When Mobutu came to power in the 1960s, he distanced himself from the Church and attempted to nationalize the schools, universities, and other services that it had provided. As Congolese historian Geoges Nzongola-Ntalaja observes, disestablishment turned out to be a blessing for the Church, as it now had to find its own voice outside power.27 It began to work more closely with communities on the ground, and a new generation of Congolese bishops arose as the vocal opposition to the regime and its


injustices. When Mobutu’s nationalization programs ended in disaster, he outsourced education and health back to the churches. This meant when it came to the actual provision of public services, residents in towns and villages often had more contact with the Church than the government. As a result, Prunier writes that the Catholic Church came to embody a new form of social and political legitimacy, in a way not unlike the social and political legitimacy which had briefly been the prerogative of the nationalist parties in the early 1960s. This was due to the moral weight of the Church, or at least of some of its representatives. But it was also due more materially to the fact that in many ways the Church had substituted itself for the progressively collapsing State. It provided many of the basic services in terms of health, education and even communications. This was particularly true in the Kivus, which, being both very distant from Kinshasa and vaguely considered as ‘rebellious’, were particularly neglected.28

The credibility of the Church was further strengthened through its active role in the democratization movement of the early 1990s, organizing marches and providing leadership when the Sovereign National Congress eventually convened (one particularly influential bishop, Monsignor Monsengwo, was named president of the Congress).

The Catholic Church in Bukavu managed to remain strong during the years of collapse and even during the wars. The Bukavu Archdiocese ran the majority of the schools, educating 150,000 students and employing 4,500 teachers. The archdiocese’s health organization oversaw the city’s major hospital, in addition to 9 other general hospitals.

reference hospitals and 153 health centers in South Kivu.29 The Church’s international support network (including Caritas, Catholic Relief Services, and UNICEF) played a major role in helping to sustain these services amidst state collapse and civil unrest.30

But other dioceses that were able to draw upon the same international resources have not fared as well, as many Catholic churches have succumbed to ethnic and political strife during the war years. The difference in Bukavu has been its moral authority, epitomized by Christophe Munzihirwa and Emmanuel Kataliko, as well as many laity who died defending others. More than simply a social service provider, the Church provided a tradition of moral witness in the face of extraordinary hardship. The Church’s local credibility and ability to concert action was rooted in its record of costly solidarity with the civilian population. It provided a point of living continuity between past and present when so many other institutions had collapsed.

When the second war broke out, it was Munzihirwa’s memory that Kataliko invoked as a moral compass going forward. In a pastoral letter that was circulated throughout Bukavu, he wrote,

> It was hardly two years ago that we lived through a war that some have called a ‘liberation’. In prophetic fashion, our Pastor, the late Monsignor Christophe Munzihirwa, was among us recommending that everyone remain in their homes and stand firm in faith. This message was salutary for many families. In effect,

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30 Ibid., 125.
by suffering the anguish and worries of everyday life here, those who took this counsel suffered less than those who fled on long and perilous journeys elsewhere. In the present situation, our counsel is the same. We implore you not only to avoid danger on the road, but above all to endure the risks and hopes of the present situation together, by strengthening our ties of brotherhood and solidarity. This is how we will assume our common destiny.\(^{31}\)

In the ensuing months, Kataliko organized the Church to help meet the city’s needs. In his pastoral letter, “Be Strong and Courageous: God will not forsake you”, he implored Christians to adopt nonviolent modes of response: “Facing an often brutal and indiscriminate violence, sweeping upon us from all sides, let us try to resist with all the force of our faith, without which we will be carried away by an equal spirit of violence. Responding to violence by violence is never the right solution, but rather a way of being dominated by the same evil that one wants to combat and eliminate.”\(^{32}\) Kataliko spoke specifically to what the Church could do to control food prices:

In the face of famine which menaces us, let us try to respond with a great collective effort, without being paralyzed by fear or weariness. Since we cannot rely much on foreign aid, we must take charge ourselves... For the merchants, do not give into the temptation of raising the price of basic foodstuffs and profit at the expense of the population. For those growing food, redouble your efforts, despite the insecurity and fear, in order to cultivate the fields and produce the food necessary not for your own subsistence alone, but for your brothers who are living in the towns.\(^{33}\)


\(^{33}\) Ibid.
He further suggested that it was the responsibility of the Church, as a body committed to truth-telling, to tame the growing problem of rumors, which were swirling throughout the city and causing more insecurity than the actual violence. The Church would also keep its schools, clinics, and other services open.

The work of peace, he suggested in a later letter, does not stop during war, nor does one have to wait for wars to end to build peace. The church must commit itself to the everyday work of peace in the middle of the war: “We must understand that peace is not only the gift of God which we fervently seek every day, not only the fruit of negotiations which elites make elsewhere (without the participation of the people), but the fruit of our everyday work around the Christian and human values of trust, solidarity, forgiveness, reconciliation, and justice. Peace is not first the result of armed struggle but above all the fruit of our arduous human struggle.”

The truth of his words would soon be put to the test.

3.3 The Controversy Between the RCD and the Catholic Church

As the RCD sought to wield more authority over the city, they began to encroach upon the Church’s work. In 1998, the RCD decided to withhold the grading of state exams, preventing students from moving to the next grade level. Kataliko protested the

policy: “The present administration in East Congo has blocked the correction of the 1997-1998 State Exam. In doing so, it takes the destiny of our children hostage to armed conflict... This is an attempt to use the State Exams as another way to bring about the balkanization of our country, compromising peace and violating our children’s right to an education.”

He also spoke out against the RCD’s growing abuses against the population, demanding that the RCD “keep its military from pillaging villages and parishes in the interior and stop harassing the population with its vast campaign of arrests.” As the RCD’s abuses mounted, Kataliko became increasingly more outspoken, writing leaders abroad. In a letter to the U.S. Conference of Bishops, Kataliko spoke of “arbitrary arrests, kidnapping, torture and assassinations by the Rally for Congolese Democracy against all those who dare to think differently from them.”

He went on to describe how the RCD had attempted “to force customary leaders underground, along with Catholic priests and Protestant ministers” in “an attempt to decapitate a people of its traditional leadership.”

But it was Kataliko’s 1999 Christmas sermon in which he delivered his most extensive critique of the RCD’s abuses. “We are born down by an oppression rarely

38 Ibid.
known in previous periods,” he preached. He spoke of how the RCD and its sponsors were illegally exploiting resources and imposing excessive taxes: “These exorbitant taxes strangle not only large-scale trade and industry but also the women who make their living through small business: a sack of beans purchased in Goma is taxed upon departure and once again upon arrival in Bukavu.” An “insatiable thirst for material things pushes individuals or groups to seize more and more goods at the expense of others. Thus certain people have lost their homes, their land and their liberty to the point of being reduced to a miserable, inhuman condition.” Meanwhile those in the public sector received no salaries. He went on to deplore the many massacres in rural areas and the persecution of the church. “The moral decay has reached so absurd a level that some of our countrymen do not hesitate to hand over their brother for a ten or twenty-dollar bill.”

The sermon was not, however, simply a catalog of the RCD’s abuses. Kataliko offered nothing less than a Christological re-reading of the entire war, re-situating the crisis in Bukavu within the wider drama of the Incarnation. The good news of Christmas, Kataliko preached, is that “the Son of God entered into solidarity with our

40 Ibid.
41 Ibid.
42 Ibid.
human condition.” Not only did Christ become human, he was “born into poverty, persecuted from the first moments of his life, and was forced into exile in a strange land. He never avoided the costs of this solidarity, and facing death, he did not turn away.”

As Christ draws near to the oppressed, those in Bukavu can draw near to Him. Those living in an “inhuman condition” can enter the “human condition” of Christ. His birth can be their re-birth. They can exit the violent economy of exploitation and oppression and find liberating new life in Christ. Christ’s mission is their mission: “Today, we His Church cannot betray the hope which He has brought to us. We, His children, are called to continue His mission: to proclaim life and life in abundance, to resist evil in all its forms, and denounce all that degrades the human person.”

He says that many Congolese Christians have already been faithful to this mission, and their example provides a way forward: “We are engaged with courage, with a firm spirit and an unshakeable faith to be near all those who are oppressed, if necessary, with our own blood, as Monsignor Munzihirwa, the Father and sisters of Kasika, Father Georges Kakuja and so many other Christians have already done.” In the face of violent liberation movements, the liberation of Christ provides a different way: “The Gospel

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43 Ibid.
45 Ibid.
46 Ibid.
calls us to reject the use of arms as a means of resolving conflicts. It is through our suffering and our prayers that we will fight for freedom and bring our oppressors to reason and inner freedom.” \(^{47}\)

Kataliko’s sermon galvanized Catholics, Protestants, and the broader civilian population into collective action. At the end of January 2000, Church and other civil society leaders began circulating tracts inviting the population to a general strike.\(^ {48}\) The aim of the strike was “to protest the lack of payment of wages, the taxation by the [RCD], and the continuing presence in eastern Congo of foreign Rwandan and Ugandan troops.” \(^ {49}\) While several of the organizers were arrested before it began, the strikers moved forward with their plans. Prunier writes, “Gaining encouragement from [Kataliko’s] unambiguous denunciation, Church-inspired NGOs organised a general strike in Bukavu between 31 January and 6 February 2000. The city was dead for a week, demonstrating both the depth of resentment against the foreign occupation and the capacity for social mobilisation of the Church.” \(^ {50}\) Schools, markets, clinics, and transportation all ceased as strikers peacefully demonstrated in the streets.

\(^{47}\) Ibid.

\(^{48}\) This included Patient Bagenda Balagizi, chair of the anti-poverty organization the Comité Anti-Bwaki, and church leader Gustave Lunjwere, who were arrested by the RCD two days before the strike began. See Human Rights Watch, ‘Crackdown on Civil Society Activists: A Human Rights Watch News Release’, February 2, 2000. For an outline of the strike, see ‘Relégation de Mgr Kataliko: dossier chronologique’, http://www.inshuti.org/katali5.htm (accessed May 26, 2010).

\(^{49}\) Human Rights Watch, ‘Crackdown’.

\(^{50}\) Prunier, ‘The Catholic Church and the Kivu Crisis’, 158.
The RCD tried to crack down on the strike by making more arrests\textsuperscript{51} and
denouncing the action as a challenge to their public authority.\textsuperscript{52} They accused President
Kabila of infiltrating civil society and collaborating with the leaders of the churches.\textsuperscript{53}
But the strike continued and became such a concern that the president of the RCD, Dr.
Emile Ilunga, decided to move his headquarters from Goma to Bukavu.\textsuperscript{54}

After the strike concluded, the RCD decided to zero in on Kataliko. On February
10, 2000, while Kataliko was en route from Kinshasa to Bukavu, he was detained by the
RCD and sent to Butembo (a city some 400km north of Bukavu). The move was another
attempt to demonstrate their political authority over the city. “We are not attacking the
Church,” an RCD spokesman said. “The Movement is attacking the individual, the
person Monsignor Kataliko…. A bishop is a citizen of a country who has obligations,

\textsuperscript{51} This included Jerry Dunia Kashindi, director of Le Centre pour l’Education, Animation, et Defense des
Droits de l’Homme, who was arrested and held for four days. There were many arrests before the strike as
well: “On 16 January 2000 in the morning, security forces of the RCD arrested at her home Ms. Immaculée
Birhaheka, President of the leading women’s group Promotion and Support of Women’s Initiatives (PAIF) in
Goma. She was taken to the "Bureau 2" detention center in Goma where she was whipped with a piece of
tire. Her colleague Jeannine Mukanirwa, Vice President of PAIF, was arrested the same day. Several other
women detained at the Bureau 2 were beaten during their detention, and some had to be transferred to
hospital. Immaculée Birhaheka was released on the same day but received further visits by RCD soldiers at
her house, threatening her and demanding money” (HRW, ‘Crackdown’).

\textsuperscript{52} ‘Relégation de Mgr Kataliko: dossier chronologique’

\textsuperscript{53} Human Rights Watch, Eastern Congo Ravaged: Killing Civilians and Silencing Protest (May 2000), 29.

\textsuperscript{54} “The leader of the main Congolese rebel movement said Thursday he was moving his headquarters to the
southeastern rebel-controlled town of Bukavu, where civil unrest has paralyzed commercial operations…. In
his address monitored on rebel radio, Ilunga said that he was temporarily moving his headquarters to
Bukavu to investigate the discontent among the population.” The Independent, February 17, 2000.
duties and rights, and thus if he commits a fault, he can be reprimanded.”55 In a later interview, the president of the RCD echoed this sentiment, “[Kataliko] should refrain from making inflammatory inter-ethnic speeches and stick to the religious duties for which he is responsible. He should leave temporal power to us. We are responsible for that.”56

If the move was intended to demonstrate the RCD’s claim to temporal power, it backfired.57 The Catholic Church immediately went on strike again, closing schools and its charity and development offices.58 Others churches joined them. On February 15, the ECC (the umbrella organization for Protestant churches in South Kivu) expressed its support: “In waiting for his return, the ECC/SK expresses all of its solidarity with the brothers and sisters of the Catholic Church who have stopped their professional and social activities.”59

57 For a comprehensive list of all those who spoke out in solidarity with Kataliko, see Nkuzi Baciyunjuze Justin, La Naissance de l’église Bashi: L’ère des pionniers 1906-1908 (Rome: Gregorian University Press, 2005), 238-240.
58 Timothy Longman, America (http://www.americamagazine.org/content/article.cfm?article_id=1768) (accessed May 27, 2010).
3.4 Time, Suffering, and Agency

From exile Kataliko wrote a series of letters to the Church in Bukavu that provide an intimate glimpse into the ways that the Church and its leaders attempted to practically reason through the crisis. He writes, “From where I am addressing you, dear brothers and sisters, I have not ceased praying for you and asking God that you may be filled with the knowledge of His will, in all spiritual wisdom and understanding (Col. 1:9).” He continues, “When I think of your suffering, your sacrifices, your prayers of supplication, and above all the population of Kalonge, of Bunyakiri, of Burhale and the entire region engulfed in flames, tears come to my eyes.”⁶⁰

What is particularly striking about these letters is how Kataliko continues to re-narrate Christologically the events through which he and the church are living. As he did in his Christmas sermon, Kataliko figures their collective experience through the wider arch of the church’s liturgical time. As the season of Advent transitions to Lent, Kataliko moves from the theme of birth which sprung the church into action on the streets of Bukavu to the theme of suffering and the Church’s entry into the paschal mystery of Christ.

“My time of Lent has been a period of meditation, reflection, and union in the mystery of Christ who came to save his people,” Kataliko writes. “My dear brothers and sisters in Christ, during the time of Lent, we cannot forget to follow the way of the

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⁶⁰ Emmanuel Kataliko, ‘If God is for us, who can be against us?’, March 15, 2000.
Figure 3: Archbishop Emmanuel Kataliko of Bukavu. Copyright by Luigi Lo Stocco 2000. Reproduced with permission from Luigi Lo Stocco.
Cross, as He did to the bitter end in order to manifest the love of the Father (Jn. 15:13).”

As the churches continue to undergo the oppression of the RCD, Kataliko encourages them to see their suffering not as a bare fact, but as a passage into Christ’s sufferings.

“Insofar as you have participated in the sufferings of Christ, stand firm: ‘Let none of you suffer as a murderer, a thief, a criminal, or even as a mischief maker. Yet if any of you suffers as a Christian, do not consider it a disgrace, but glorify God because you bear this name’ (1 Pet. 4: 15-16).”

In invoking the temporal horizon of Lent, Kataliko challenges the temporal autonomy of war. War is often conceived as a separate time, distinct from peace. Hobbes famously framed war in temporal terms, writing “For War consisteth not in battle only, or the act of fighting, but in a tract of time wherein the will to contend by battle is sufficiently known. And therefore, the notion of time is to be considered in the nature of war, as it is in the nature of weather.” In humanitarian law, time is also seen as a key determiner for demarcating war from the domain of ordinary criminal law. It is war’s protracted nature that distinguishes it from riots or internal disturbances.

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61 Ibid.

62 Ibid.


64 The ICTY Appeals Chamber for the *Tadic* case provides the following definition of armed conflict, “On the basis of the foregoing, we find that an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State” (Decision on Jurisdiction, paragraph 70). Here length of hostilities is the primary criterion of distinguishing armed conflict from riots or other disturbances.
Congo, the RCD repeatedly played upon such temporal assumptions, especially the adjusted expectations and sacrifices that such a time demands.\textsuperscript{65} Kataliko’s invocation of the church’s time shatters this supposed autonomy, showing how the time that orders the church’s peace continues to order the church’s life in war. For the church, there are not two times, but one time.

Thus Kataliko encourages the churches to continue to live into the liturgical time of Lent even during the war: “‘Take your part in suffering in order to announce the Gospel’ (2 Tim 1:8). The Church, the people of God, born from the wounded side of Christ on the cross (cfr. Jn 7:38-39; 19:34), lives the Paschal mystery during the privileged time of Lent.”\textsuperscript{66} As Kataliko moves from Christmas to Lent, the theme of birth is not left behind, but is recapitulated in the time of Lent, as the church continues to be born again from “the wounded side of Christ.” Entering into the humanity of Christ at Christmas, the church enters even more deeply into this humanity during Lent. The very suffering that puts their humanity in question becomes the means through which they enter into the humanity of the Son of God. Kataliko’s reference to John 19:33-34 is particularly suggestive: “But when they came to Jesus and found that he was already dead, they did

\textsuperscript{65} “I mean, we are at war,” one-time RCD president Adolphe Onusumba said in defence of their participation in the coltan trade. “We need to maintain the soldiers. We need to pay for services.” The Washington Post (March 19, 2001), A1. In a radio address, RCD military commander Jean-Pierre Ondekane said, “We are in a war, and the war is not yet over. Kabila is in the process of building his troops, amassing his weapons. He prepares for war and these people want to destroy us… We have to prepare for the war that is still to come.”

\textsuperscript{66} ‘Take heart, I have overcome the world’, March 2, 1999.
not break his legs. Instead, one of the soldiers pierced Jesus’ side with a spear, bringing a sudden flow of blood and water.” Kataliko reminds those in Bukavu that the church itself was born when Christ was pierced by a soldier. Out of his wounded body comes their very life. As the church is now pierced by the RCD, this suffering does not bring the life of the church to an end; rather this piercing renews their birth and re-founds the church.

Thus the suffering that the Church is undergoing in Bukavu is not a fate they must suffer passively. Rather, their suffering can be transformed into a distinctive way of enduring and transcending the crisis. Kataliko writes,

Suffering overwhelms us, but we follow Christ who has overcome the world (Jn. 16:33). We are called to pass through our suffering, and in this passage from death to life, God has given us a mission, the same one as Jesus the suffering servant. Although oppressed and humiliated today, we are called to remain firm to the plan of God who is love, justice and truth, without being contaminated by the mentality of the oppressor who thinks only of himself, despising others and dominating them. The people who live thus become the Servant of God.67

The church gives shape to its suffering, and bears it in a particular way, the way of the suffering servant. It does so, first, by continuing to gather as a worshipping community even in Kataliko’s absence. “Do not forget the liturgical services, our source of spiritual strength and courage in facing the future,” he says.68 In worship, the piercings of rebel occupation are transformed into the waters of Baptism and the blood of the Eucharist.

67 Ibid.

68 Kataliko, ‘If God is for Us, Who Can Be Against Us?’, March 15, 2000.
Suffering does not scatter the community, but binds them together. As they continue to gather, a public space is created where words can be heard and actions are made effective. Kataliko shows them, as he did at Christmas, that the church’s freedom to suffer means it can speak freely about the abuses they are undergoing. Through this space public speech can continue to rise up and flow freely and disruptively into Bukavu’s city streets. “Should we be afraid of speaking about the oppression, terrible living conditions, physical torture and psychological injury that this socio-political mess imposes? The church cannot say everything, but she cannot pass over everything in silence. Her role, and it is often envied for this privilege, is to be next to those who are wounded, to put its hands in the wounds of injured humanity and support it with hope (Cfr. Lk. 10:29-37, Mt. 25:31-45).”

Suffering not only frees the church to speak, but to act. Even as they suffer dislocation and loss of livelihood, Kataliko’s Lenten message is that suffering can be a form of agency. The Church can transform its hunger into fasting. They have the power to reshape their suffering into Lenten disciplines of renunciation. This was epitomized by the ongoing civil strike, a public display of the fact that the Church still had something to renounce even in the midst of war. In turning the stifling conditions of rebel occupation into a city-wide fast, they displayed a power that is possible when a

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69 Emmanuel Kataliko, “Réponse à son Excellence Monsieur le Président Dr. Emile Ilunga Kalmbo, RCD/Goma” (le 22 Mars 2000), Butembo.
body of people acts in concert and lives according to the rhythm of a different time.

“What a strange call God makes for us,” Kataliko writes. “Crushed by pain we are called to announce the end of suffering; imprisoned, we must liberate; plunged into darkness, we must shine light; saddened, we must obtain joy; dying, we must announce life.”

The Church ended up striking for almost three months before Kataliko himself asked teachers and workers to go back to their jobs. The strike had a number of significant consequences. First, it removed the civilian support upon which the RCD’s entire military, political, and economic operation depended. To continue its struggle against the Congolese government, the RCD relied upon civilians for tax revenue, labor, trading, and consumption. By ceasing transport and trade, the civilian population denied the RCD these crucial sources of revenue. Second, the strike also significantly weakened the RCD’s standing as political authority over the city. It showed how the RCD was incapable of administering the provincial government apparatus. It failed to provide salaries and wages; it misappropriated taxes and provided no public goods. In fact, the strike displayed how the RCD was dependent upon civilians for the provision of social services. It was the civilians themselves who ran the schools, universities, clinics, and NGO offices that kept the city going. Once these services were withdrawn, the entire life of the city ground to a halt. Third, the strike considerably weakened the

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RCD’s standing internationally. As the campaign to return Kataliko spread from Bukavu and Congo to Europe and America, the civilian population helped shift international opinion against the RCD. The UN Special Rapporteur for Human Rights Roberto Garreton deplored Kataliko’s exile and demanded his return. The European Union issued a declaration calling for his release. Pope John Paul II expressed outrage, calling Kataliko’s exile “a serious violation which painfully affects all Catholics.” The strike prompted Human Rights Watch to release a major report on the RCD’s abuses against civilians.

In these ways the strike crippled the RCD economically, politically, and internationally. It made dramatically visible that the legal scaffolding that the RCD erected around its movement did not and could not legitimate its violence. It could not constitute law. It could not constitute authority. More deeply, the strike made clear that the RCD’s very violence was dependent upon the prior peace of the city. To exploit resources, generate revenue, buy weapons, and wage war, the RCD needed the civilians

71 “The EU exhorts the rebel leaders of the RCD-Goma, in keeping with the verbal promise they made, as well as the Rwandan government, to do everything they can to allow Monsignor Emmanuel Kataliko to return quickly and in perfect safety” (BBC Monitoring Africa, February 2000).

72 Pope John Paul II said, “Preoccupying news continues arriving from the Democratic Republic of Congo. In the last few days Bukavu’s Archbishop Emmanuel Kataliko was prohibited by local authorities from returning to his Diocese. A serious violation which painfully affects all Catholics! In solidarity with the Clergy and faithful of Bukavu, I vow that the meritorious Prelate may soon return among his flock. At the same time, I appeal for the prompt implementation of the peace accords of Lusaka, asking the Lord for unity and reconciliation for that beloved Nation” (BBC Monitoring Africa, February 16, 2000).

who kept the economy circulating and maintained order in the city. By withdrawing from the economy and withholding its services, the civilian population of Bukavu made clear that those waging war were dependent upon this more fundamental peace. Thus while the strike was certainly about protesting the RCD’s human rights violations and its attempt to police the religious authority of Kataliko, it clarified the actual order of resistance: it was not the civilians who were resisting the RCD’s violence, but RCD’s violence that resisted the peace of the city. Put theologically, the church-led strike witnessed to the ontological priority of peace. It witnessed to the truth that evil is but a privation of the good.

3.5. Necropolitics and the Politics of Life

In these ways the Bukavu civil society strike stripped away the RCD’s legal façade and exposed the violent core of its project. Above Achille Mbembe helped us appreciate the RCD as a form of “private, indirect government” by pointing to the way rebel groups claim the prerogatives of taxation, regulation, and protection from the state. In his more recent essay, “Necropolitics”, Mbembe goes further and argues that it is, above all, power over life and death that defines the sovereignty of such groups. With the legal veneer of the RCD’s movement stripped away, the actual terms of the struggle between the RCD and the Catholic Church became clear: it was ultimately a contest over the very meaning of death. I want to conclude this chapter by exploring the
centrality of death in the RCD’s attempt to assert sovereignty over Bukavu, and how it was through an alternative practice of death (one rooted in a deeper politics of life) that Kataliko and the Church overcame it.

Following Foucault and other recent theorists of sovereignty, Mbembe argues that a proper analysis of sovereign power requires going beyond the liberal discourse of the social contract to an examination of the actual ways sovereignty makes subjects out of individuals. Drawing specifically upon Foucault’s formulation of sovereignty as the power “to take life or let live”, Mbembe argues that “the ultimate expression of sovereignty resides, to a large degree, in the power and the capacity to dictate who may live and who must die. Hence, to kill or to allow to live constitute the limits of sovereignty, its fundamental attributes.” While deeply shaped by Foucault, Mbembe goes on to question key aspects of his thought, most notably Foucault’s genealogical account of power. As Foucault saw it, sovereign power (quintessentially expressed in

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the public ordeal of the scaffold) began to be supplanted in the eighteenth century by forms of power focused more on life: first, disciplinary power (exercised at the decentralized level of the body through such institutions as the prison, barracks, asylum, and hospital) and later biopower (the power to “make live and let die”, exercised at the macro level of populations: public health, eugenics, race, sexuality, etc.). Working from the context of the postcolony, Mbembe questions this genealogy: “Is the notion of biopower sufficient to account for the contemporary ways in which the political, under the guise of war, of resistance, or of the fight against terror, makes murder of the enemy its primary and absolute objective?” Sovereign power, Mbembe argues, is still very much with us. While there are no doubt disciplinary and biopolitical forms of power in postcolonial contexts, power over death is still the primary way many groups (especially non-state groups) attempt to control territory and dominate populations.

In describing Palestine and various African settings, Mbembe prefers to speak of “necropolitics”, a form of politics that centers upon the strategic deployment of death,

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76 Foucault develops this genealogy in Society Must Be Defended (New York: Picador, 2003) and in ‘Right of Death and Power over Life’ in The History of Sexuality: An Introduction (New York: Vintage, 1978). It is important to note that Foucault says that the power to take life is still an essential aspect of biopower. In fact, precisely because life is elevated to supreme value, it comes to justify more, not less, killing. In Society Must Be Defended, he writes, “How can a power such as this kill, if it is true that its basic function is to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings? How, under these conditions, is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill, and to expose not only its enemies but its own citizens to the risk of death? Given that this power’s objective is essentially to make live, how can it let die?... It is, I think, at this point that racism intervenes... What in fact is racism? It is primarily a way of introducing a break into the domain of life that is under power’s control: the break between what must live and what must die” (254).

77 Mbembe, ‘Necropolitics’, 12.
and where the political is concomitant with war.\textsuperscript{78} Here violence is not so much law-making as perpetually law-suspending, an echo of politics as it was practiced under the former colonial order. Resource extraction and taxation do not concern public welfare, but sustain a politics aimed at dominating populations through the ever-present threat of death. Mbembe writes,

\begin{quote}
The extraction and looting of natural resources by war machines goes hand in hand with brutal attempts to immobilize and spatially fix whole categories of people or, paradoxically, to unleash them, to force them to scatter over broad areas no longer contained by the boundaries of a territorial state... If power still depends on tight control over bodies (or on concentrating them in camps), the new technologies of destruction are less concerned with inscribing bodies within disciplinary apparatuses as inscribing them, when the time comes, within the order of the maximal economy now represented by the ‘massacre.’\textsuperscript{79}
\end{quote}

The resonances between this reading and the situation in Bukavu are particularly strong, as the RCD (despite its rhetoric of legality) relied primarily upon military engagement and the spectacle of massacre to control the local population.

When politics is necropolitics, political subjectivity becomes a matter of how one works out one’s relation to death. This is the bleakest point in Mbembe’s argument. As he sees it, one is either \textit{made} a political subject through death or one \textit{becomes} a political subject by reclaiming one’s own death and spending it in a way free of political control. For Mbembe, drawing heavily from Bataille, death becomes a final way of reasserting

\textsuperscript{78} See also his essay ‘African Forms of Self-Writing’, \textit{Public Culture} 14:1 (2002), 267.

\textsuperscript{79} Mbembe, ‘Necropolitics’, 34.
agency. This may take a variety of forms, such as suicide bombing, where “resistance and self-destruction are synonymous.”\(^80\) Freedom is identified with and exhausted by death. Mbembe writes, “Far from being an encounter with a limit, boundary, or barrier, [death] is experienced as ‘a release from terror and bondage.’... this preference for death over continued servitude is a commentary on the nature of freedom itself (or the lack thereof)... death, in this case, can be represented as agency. For death is precisely that from and over which I have power. But it is also that space where freedom and negation operate.”\(^81\) In the end, the question of agency is reduced to varieties of self-destruction.

It is here that Archbishop Kataliko offers a different path. Like Mbembe, he is alert to the centrality of death in the RCD’s political project. But Kataliko does not ultimately locate agency in death; rather he speaks of a passage from death to life. In one of his last letters written from exile (his 2000 Easter letter), Kataliko likens the position of those in Bukavu to that of the women going to the tomb on Easter morning. He writes:

Sometimes I fear that you might fall into discouragement and resignation. This makes me think of the women who returned to the tomb in the early morning, saying to themselves, ‘Who will roll away the stone from the entrance of the tomb?’ (Mark 16:3). These women were humiliated because their master had been killed; they were discouraged because they did not have any help in

\(^80\) Ibid., 36.

\(^81\) Ibid., 39.
moving the stone. Their inability to move the stone speaks to their deeper powerlessness in the face of death.\textsuperscript{82}

In identifying the position of those in Bukavu with the women at the tomb, Kataliko acknowledges that they stand before the seemingly immovable fact of death. Bukavu has become a kind of tomb, a veritable necropolis. “And yet,” Kataliko writes, “the surprise of God is great. ‘God raised Jesus from the dead, freeing him from the agony of death, because it was impossible for death to keep its hold on him’ (Acts 2:24).” The fact of death has, like the stone, been rolled away. Those in Bukavu are no longer bound by the power of death, but free of its power:

The faith that we share in this message of Christ’s resurrection must comfort us in the difficult times in which we are living. In the faith of Christ, death no longer has the last word. If life is stronger, we must continue to believe in the inviolability of human life. If our hope in the resurrection is stronger, let us persevere, faithful in distress and strong in our witness ‘because hope never fails’ (Rom. 5:5).\textsuperscript{83}

In the face of a sovereignty premised upon the givenness and irreversibility of death, Kataliko proclaims that “death no longer has the last word”, that “life is stronger.” This is not merely the consolation of eternal life after death, but the promise of life now. Surrounded by death, the Church can live free of the fear of death. The response to the RCD’s necropolitics is not the reassertion of control over one’s own death—as if death

\textsuperscript{82} Emmanuel Kataliko, ‘We are Risen with the Lord’, April 20, 2000.
\textsuperscript{83} Ibid.
were one's own to begin with—but a way of life not determined by death. In the face of a politics of death, the Church practices a politics of life.

We have seen Kataliko repeatedly emphasize the theme of life throughout his writings. In his 1999 Lent letter, he wrote, “We are called to pass through our suffering, and in this passage from death to life, God has given us a mission, the same one as Jesus the suffering servant.” In his Christmas sermon, Kataliko preached, “We, His children, are called to continue His mission: to proclaim life and life abundant.” In a letter addressed to the RCD during his exile, Kataliko described his role among the people of Bukavu as one who must “defend their rights to life according to the example of the Good Shepherd who watches over his sheep and does not abandon them to their own fate (Cfr. Jn 10, 1-19).”

When summarizing the “strange call” of the Gospel to the Church in Bukavu, Kataliko wrote, “Dying, we must announce life”.

In emphasizing the theme of life, Kataliko repeatedly returns to the witness of Munzihirwa. Free of the fear of death, Munzihirwa lived a life of freedom, free to speak out on behalf the Rwandan refugees, free to condemn the AFDL’s abuses, free to stay in Bukavu when it was seized, and free to remain in solidarity with the other residents of the city. He was free to live. Munzihirwa’s freedom was realized not in re-asserting control over his death, but in living as if death were not. Kataliko preached from the

84 Emmanuel Kataliko, “Réponse à son Excellence Monsieur le Président Dr. Emile Ilunga Kalmbo, RCD/Goma” (le 22 Mars 2000), Butembo.
same freedom, condemning the RCD’s abuses and inviting the church to enter into the
promise of life now: “We are engaged with courage, with a firm spirit and unshakeable
faith to be near all those who are oppressed, if necessary, with our own blood, as
Monsignor Munzihirwa, the Father and sisters of Kasika, Father Georges Kakuja and so
many other Christians have already done... It is through our suffering and our prayers
that we will fight for freedom and bring our oppressors to reason and inner freedom.”

So long as the RCD controlled the meaning of death, it could continue to rule over
Bukavu, but if death was not determinative for the Church in Bukavu, then the RCD was
powerless because it had no other means than fear of death to control their actions. No
longer bound by death, they were no longer bound by the RCD. Rather, the Church’s
freedom subjected the RCD to a power greater than death.

What is particularly striking about Kataliko’s emphasis upon life is his refusal to
conceive life in Bukavu in any less human terms than life in more favorable
circumstances. Recall from last chapter how Agamben distinguished two kinds of life:
the qualified life of the citizen and the “bare life” of the refugee. In Agamben’s
formulation of sovereignty, sovereign power is precisely this capacity to divide life into
binary terms: the included and the excluded; those who live as members of a political
community and those who are cast out; those who live a properly human life and those
are reduced to an inhuman life. Kataliko, on the other hand, speaks of “life and life abundant”. Such an emphasis leaves behind a dichotomized construction of life, one that approaches life as divisible, and instead points to a vision of life rooted in plenitude, beyond degrees of less or more. The life that Kataliko proclaims is not some half-life, a merely biological life that awaits additional human features when a proper polity is restored; it is life, and just to the extent that it is life, it is abundant life – a life that is a possibility for those in Bukavu now.

On this point it is particularly instructive to pay close attention to the New Testament passages that Kataliko cites in his writings. These passages include: “I came that they may have life, and have it abundantly” (John 10:9), “the mind governed by the Spirit is life and peace” (Romans 8:6); “Now this is eternal life, that they know you, the only true God” (John 17:3); “I am the way, and the truth, and the life” (John 14:6). In all of these passages, the Greek word for life is the same: zoe, precisely the word that Agamben reserves for bare life. Zoe, as Agamben explains, was the word Greek philosophy used to refer to the mere fact of existence; it was identified with biological necessity and those basic conditions that are necessary to keep any living being, human

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85 In Homo Sacer, Agamben writes, “The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoë/bios, exclusion/inclusion. There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion” (8). Earlier he writes, “the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power... In Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men” (6-7).
or animal, alive. Thus zoe was associated with the household, and the life of women, children, and slaves who met such biological needs. Bios, on the other hand, was the term used to refer to a way of living proper to a group; it referred to a specifically human form of life, a life of speech and action beyond biological necessity. Agamben argues that the relation between bios and zoe was a competitive one: the bios that men led in the polis presupposed the exclusion of women, children, and slaves, who met the needs of zoe in the household. Agamben contends that this is a division that western political society has never been able to leave fully behind, even as it has extended citizenship to more and more groups. On Agamben’s view, it is precisely the politicization of all spheres of life that gives the state the power to reduce some citizens to bare life all over again.

What is startling about the New Testament use of zoe is how it subverts the conventional Greek meaning of the term. Hardly bare, zoe in the New Testament connotes a sense of fullness, depth, and plurality. The term (used 134 times) encompasses a staggering diversity of meanings: not simply the fact of existence itself, but human life, eternal life, life in God, life in Christ, the word of life, life in the

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86 Agamben writes, “The Greeks had no single term to express what we mean by the word ‘life.’ They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: zōē, which expressed the simple fact of living common to all living beings (animals, men, or gods), and bios, which indicated the form or way of living proper to an individual or a group” (Ibid., 1).

87 Mark 9:35, James 4:14

88 Luke 18:18, John 5:24, Acts 13:46, Gal. 6:8, 1 John 5:20, among several dozen others
Spirit, resurrected life, life in the church, newness of life, and the life “that now is”. Rather than the lowest form of life that one seeks to leave behind, zoe is consistently framed as supreme good. Bios, on the other hand, appears far less frequently (only 10 times in the New Testament). When it is mentioned, it is usually discussed as something to be left behind. It is as if the New Testament reverses the Greek priority of bios over zoe, or rather, transcends the distinction altogether. There is

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89 John 5:26, Eph. 4:18  
90 John 14:6, Rom. 5:10, 8:2, Gal. 2:20, 2 Tim 1:1, 1 John 5:11  
91 John 6:63, Phil. 2:16, 1 John 1:1  
92 John 6:63, Rom. 8:2, 1 Cor. 15:45,  
93 John 5:29, 11:25, Rom. 11:15, 1 John 3:14  
94 Acts 5:20  
95 Rom. 6:4  
96 1 Tim. 4:8

97 Uses of bios include: the “manner of life” (biosin) that Paul has left behind (Acts 26:4), the “affairs pertaining to this life” (biotika) that Paul regards as trivial (1 Cor. 6:3-4), the “past life (biou)” spent in passions, revels, and lawless idolatry (1 Peter 4:3), the “affairs of this life” (biou) that no good soldier of Christ Jesus gets entangled in (2 Timothy 2:3-4), the “cares and riches and pleasures of this life (biou)” that choke those who hear the Word of God but do not allow it to mature (Luke 8:14), the “living” (bion) that the prodigal son devours with harlots (Luke 15:30), the “whole living (bion)” that the widow gives away in temple treasury (Mark 12:44), the “livelihood” (bion) that cannot buy the hemorrhaging woman a cure (Luke 8:43). Perhaps the most revealing use comes in 1 John 2:16: “For all that is in the world, the lust of the flesh and the lust of the eyes and the pride of life (biou), is not of the Father but is of the world.”

98 In his ‘Zoe’ entry in Kittle’s Theological Dictionary, Rudolf Bultmann contrasts the New Testament focus on zoe to the Greek prioritization of bios: “But there is no development of the distinctive Greek concept of Bios. The reason for this is that Zoe does not take on its meaningful content in a Bios; it is rather responsible before God the Judge. Man, and specifically the believer, is not to live his life for himself, but for God, for
only \textit{zoe} and \textit{zoe} abundant. \footnote{See John Milbank, ‘Atonement: Christ the Exception’, in \textit{Being Reconciled: Ontology and Pardon} (London: Routledge, 2003). Milbank writes, “In both St. Paul and the \textit{Epistle to the Hebrews}, one finds the tendency, as throughout the \textit{New Testament}, and supremely in its Pneumatology, to promote the category of ‘life’. It is almost as if it is suspicious of categories of human cultural institution and of the culture/nature divide” (102).} Gone is the sense that \textit{zoe} exists merely for the sake of another form of life. Gone too is the antinomy between slaves, children, and women on the one hand and free male citizens on the other. \footnote{On the overcoming of antinomies in the \textit{New Testament}, see Bernd Wannenwetsch, ‘The Surmounting of Antinomies in Worship’, in \textit{Political Worship} (Oxford: OUP, 2004).} Rather, all of life stands equally before God. Moreover, in light of Christ’s incarnation, death, and resurrection, life now exceeds death. Any discernible line separating mortal and eternal life has been blurred; \textit{zoe} contains both within itself. Eternal life can be lived within the boundaries of a mortal life, and mortal life ecstatically exceeds its boundaries and swells with the infinite capaciousness of immortality. Christ’s victory over death now invests the emptiest, most abandoned points of existence with overflowing life, and suffering now becomes a way of entry into the very life of God. Citizenship in heaven translates into full citizenship in the \textit{zoe} of God now—even for, and especially for, those denied citizenship in earthly polis. The central movement is not one from \textit{zoe} to \textit{bios}, but from \textit{thanatos} to \textit{zoe}. }

\textit{the kurios}. If he tries to live for himself, he lives in sin and death. His life stands under the question of its whence and whither” (863).
This is the heart of the message that Kataliko proclaims: even in rebel-occupied Bukavu, there is life. Those in Bukavu may be excluded, exiled, and deprived of many of the conditions that are necessary for human flourishing and yet there is still the promise of a fully human life in Christ. Their humanity is no doubt “injured”, but this does not reduce them to bare life. Rather, the church stands with injured humanity and, as Kataliko says, heals it with its hope. This means that those in Bukavu do not have to wait until a proper polity is restored to become political; rather, their everyday work is already eminently political. This is the great lesson of the civil strike: their everyday work of peace (teaching in schools, healing the sick in health clinics, producing food in the surrounding farms, mining resources, providing transport, buying and selling goods in the market) is not merely “household’ activity, but deeply political activity. It is what sustains the life of the city, and, as they discovered, the very life of the RCD. This strike displayed that the RCD did not wield effective sovereignty over them; rather, the RCD was fundamentally dependent upon them. The RCD’s very capacity to inflict death was dependent upon its deeper politics of life.

And this politics of life proved its strength. As a result of the Church’s strike and the international pressure it inspired, the RCD was finally forced to capitulate. On September 15, 2000, after seven months of exile, Archbishop Kataliko returned to Bukavu. He was greeted in the streets by thousands of well-wishers who joyously chanted “Karibu tena Baba” – welcome back, Father. Kataliko celebrated an open-air
Eucharist on the steps of the Cathedral that was attended by an estimated 40,000 people.

“In our life,” he said to the crowd, “there is a time of testing; a time for remembering; a time for drawing breath; a time for speaking. And through this God brings us all.”

He continued, “In life we cannot say there won’t be problems, because there are many. But if you have the fortune of having friends who can aid you, who care for you, who follow you, the problems diminish... We thank God for all that he has worked. Let us stay united, help one another, and pray for each other and God will bless us... Our life is in the hands of God: it comes from him and it returns to him.”

3.6 The Procession

In this chapter, we have attempted to explore the local dimension of armed conflict through the lens of the controversy between the RCD and the Catholic Church in the city of Bukavu. Such a lens enabled us to move beyond a focus upon the battlefield to explore the non-combat activities of rebel movements and how such activities intersect with the lives of civilians. As the RCD came to depend upon the civilian population for taxes, labor, and the provision of city services, we saw how civilians stood in a position of unlikely power to paralyze the activities of the RCD and weaken their standing nationally and internationally.


102 Ibid.
As we saw in Chapter 1, both just war theorists and pacifists have largely downplayed the potential role of civilians in war. For just war theorists, the key moral agents are state and non-state military actors, and the key moral decisions concern the discriminate and proportional use of force. For pacifists, the emphasis tends to fall on alternatives to war, but they have had very little to say about how civilians might act nonviolently in war. By focusing on the interaction between the RCD and the Catholic Church in Bukavu, we have been able to consider more seriously the potential impact of nonviolent strategies in the midst of war. We saw the various ways that everyday practices of peace continue during war. Not only must schools continue to educate children and health clinics treat patients, but rebel actors depend upon such activities for their very attempt to maintain order and constitute political authority. This is why the concerted action of churches and other civil society actors became so significant: without their support, rebels could not continue their activities or exercise effective rule.

Nonviolent action in war witnessed to the ontological priority of peace and the victory of life over death.

Second, the Church’s nonviolent witness proved to be essential in exposing the RCD’s fundamental lack of legitimacy. While it may appear that nonviolence offers no political praxis in the face of violence that threatens to shatter peace in a thousand fragments (O’Donovan), what the church strike showed was how profoundly limited strategies of violence are when it comes to questions of authority and power. The RCD
failed to establish authority because it could not elicit any respect and recognition from the civilian population; it was fundamentally powerless because it could not concert the action of civilians on behalf of its program. Its reliance upon violence was in the end a sign of its fundamental lack of authority and power and a testament to the actual logic of its sovereignty.

Kataliko’s theological re-reading of the experience of rebel occupation and exile also weakened the sense in which war is an autonomous sphere of activity. Rather than bring a theoretical position to an independently constructed problem called “war”, Kataliko continued to practically reason through the experience of occupation theologically, drawing from the same Christology and liturgical rhythms that guided the Church’s ministry before the war. Figuring the church’s suffering through the prism of Christ’s birth and paschal mystery, Kataliko helped the church to see how suffering could become a form of moral agency. Acting in concert, they witnessed to a law not based in violence, but in peace. Although dying, they announced life.

The events following Kataliko’s return to Bukavu would confirm the power of this witness once more. Kataliko was only able to stay in Bukavu for a couple of weeks. The sixty-eight-year old bishop faced continued threats and fell ill. Kataliko flew to Rome, where his situation worsened. On October 4, 2000, he died of an apparent heart attack. Whether the result of foul play or not, the seven month ordeal had clearly taken its toll. Just three weeks after his triumphant return, his body was received in Bukavu
again. Once more, tens of thousands gathered in the streets. His funeral procession began at the airport and slowly wound its way to the center of the city. Archived footage shows throngs of people standing shoulder to shoulder, some on rooftops trying to catch a glimpse of the passing cortege. Various church groups can be seen singing hymns. Others wail in lament.

At one point in the footage the funeral procession abruptly halts. One can hear the sound of gunfire, presumably coming from the RCD forces that were patrolling the streets. The mourners scatter. Some throw themselves behind embankments while others drop to the ground. One can see several women huddled together, the brilliance of their yellow and blue floral-patterned pagnes covered in mud. After several minutes the gunfire stops. The people get up. They slowly gather around the truck carrying the coffin, picking back up the painting of Kataliko that was displayed in the front of the vehicle. The truck’s wheels begin to turn. The mourners begin to sing their hymns again. The procession continues.

This procession of mourners, undeterred by the ongoing violence of the RCD, dramatizes how the struggle for control over Bukavu was at its heart a struggle over death. Willing to put their lives on the line once more to mourn their leader, these local Christians witnessed to the truth of Kataliko’s teaching that “life is stronger”. Their

procession visibly displayed a passage from death to life, a freedom over which no earthly power is sovereign.
4. “War is Our Daily Bread”: The Political Economy of Armed Conflict in Ituri

Last chapter we sought to move beyond a focus upon military conduct to consider how rebel and civilian actors interact in contemporary armed conflict. Moving from the battlefield to the city, we explored how the RCD attempted to legitimate its violence by constituting its own form of public authority in Bukavu. As we saw, civilians occupied a strategic position in this process: they could either comply (by paying taxes, providing social services, and performing their daily civil duties) or opt out. The civil strike of 2000 helped us glimpse not only the possibility of nonviolence in war, but also how nonviolent witness can expose the lie of law-making violence and transform suffering into agency.

This chapter continues the dissertation’s movement beyond the ethics of the battlefield to consider another key interface of rebel and civilian actors: the market. Doing so will help us re-frame the question of civilian vulnerability in war. Recall from our discussion in Chapter 1 that for Ramsey and O’Donovan the key moral problem with contemporary conflict was noncombatant casualties arising from indiscriminate modes of fighting. For Ramsey, insurgency warfare all but forced counter-insurgency actors to violate the principle of discrimination. The urgent moral question was whether the state’s counter-insurgency campaign could find a way to fight justly. O’Donovan, equally concerned with the problem of noncombatant casualties, went on to explore
how insurgents themselves might better observe discrimination. As we began to see in the introduction of this dissertation, however, a focus on direct or indirect attacks on civilians only captures one dimension of civilian vulnerability in today’s conflicts. Battle-related deaths in most civil wars actually account for a small fraction of total war deaths, in some cases as little as 10%. The majority of deaths are in fact related to the indirect effects of war, such as malnutrition and disease. These effects may be connected to indiscriminate conduct and displacement, but they are also tied to a much broader set of dynamics: the destruction of traditional livelihoods, the rush to boom-and-bust industries, the weakening of the state and the consequent loss or diversion of public revenue that would otherwise fund roads, clinics, or other social services. Paradoxical as it may sound, the non-combat activities of rebel actors account for more civilian deaths today than the direct military engagements. Limiting the focus to military conduct prevents us from considering the full scale of civilian vulnerability in contemporary conflict.

Last chapter we saw that the RCD’s attempt to constitute political authority involved a significant economic dimension. Control of the provincial state apparatus allowed the RCD to set up export monopolies, issue licenses, collect taxes on imports and exports, and engage in direct exploitation of resources. In this chapter we explore

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the economic activity of state and rebel actors in greater depth, looking specifically at how such activity has impacted civilian livelihood strategies and increased civilian vulnerability. In many cases it has destroyed livelihoods, but it has also introduced new economic imperatives that push civilians to pursue other opportunities. This means the economy that is destroying traditional livelihoods is the same one that supplies the few available exit strategies. Regardless of where one turns, the conflict economy appears impossible to avoid. As the pastor in Goma put it above, “War is our daily bread. It is our life. It is there everyday. The war is there on the radio and in the market. We deal with its consequences in our families, at work, in school, in whether we eat or not. It is what we talk about around the dinner table. Today there may be peace but tomorrow war. If things are quiet, we still hear rumors of it coming. It is there. You can’t get around it. It is our daily bread.”

How do civilians maneuver through the political economy of conflict? If most forms of livelihood require participation in industries that benefit armed actors, are alternatives possible? We need to consider more closely the multiple ways that civilians enter, negotiate, perpetuate, or potentially transform conflict economies in various degrees.

My own understanding of the impact of war upon civilian livelihoods has been shaped by fieldwork conducted in the town of Nyankunde in the Ituri region (see Fig. 4). I spent a total of six months in the town in 2008-2009, engaging in participant
Figure 4. Map of Ituri Region of Congo. Box indicates region of interest. Reproduced with permission from Human Rights Watch under Creative Commons License, 2003.
observation and interviews with town leaders, teachers, hospital staff, and representatives of the local UN peacekeeping force. Nyankunde was one of the hardest hit towns of the war, destroyed in 2002 as a result of a major attack that killed 1,200 people and displaced the entire population. It presents as complete a picture of disrupted livelihood as one could find. And yet in a region where many other villages still remained empty, residents found a way to return to Nyankunde and engineer alternatives to the livelihood options of the conflict economy. Thus this town offers a particularly illuminating window into how civilians themselves stand in an important position to mitigate the indirect costs of war.

This chapter is organized in three parts. I begin by providing a broad overview of the conflict economy in Congo, looking at the role of resource exploitation and the way this has sustained conflict and affected the livelihood strategies of civilians. Next I provide a background to the local dimensions of conflict in the Ituri region, where longstanding land disputes and Ugandan gold exploitation fueled the violence. I offer a close description of how this conflict has impacted life in Nyankunde and how residents have found ways to fill crucial public infrastructure gaps and have begun to restore the fabric of their local community. As we will see, this agency has been rooted in a deeper ecclesial economy of prayer, forgiveness, and wounded healing. In the final section I consider the broader relevance of this work and argue that approaches to armed conflict that focus upon military actors and indiscriminate conduct not only overlook deeper
sources of civilian vulnerability, but the very actors upon which constructive alternatives to conflict economies depend.

4.1 The Conflict Economy in Congo

Soon after the war in the Congo began, reports began to trickle out about the widespread illegal exploitation of resources. In June 2000, the UN dispatched a team of investigators that uncovered systematic exploitation not only by Rwanda and Uganda, but by major rebel movements and ethnic militias. At the beginning of the conflict, all sides generated revenue by looting existing stocks of cassiterite, diamonds, coltan, and timber. When these stocks were exhausted, actors began to engage in direct exploitation and trade. In the case of Rwanda, this was a highly organized operation. The Rwandan government, in partnership with the RCD, set up several companies that controlled the trade of diamonds, coltan, and gold in the occupied region of North and South Kivu. These resources were extracted, transferred to comptoirs, shipped to Rwanda and then exported to the global market. Uganda’s involvement was less systematic, as individual officers of the UPDF worked with a small group of business elites in northeastern Congo (including the Ituri region, which we explore below) to smuggle exports across the border into Uganda. Flights that carried resources in one direction often carried arms in

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the other. As the UN Panel detailed, Rwanda and Uganda’s official exports of diamonds and coltan (resources that neither country produces) significantly increased during the war years. The Panel went on to name some seventy international companies that have traded in minerals that were sourced in the Congo.

On the basis of these activities, many commentators have concluded that the war in the Congo is best understood as a war of plunder. Paul Collier at the World Bank cites Congo in support of his thesis that greed, not grievance, causes civil wars. Others situate the war within a longer legacy of plunder that goes back to King Leopold and the infamous “red rubber” scandal through which modern Congo was born. While I think the plunder narrative is a misleading characterization of the war (as it overlooks many other dimensions of the conflict, not least of which is the legacy of the Rwandan genocide and issues over land and citizenship), there is no disputing that resource


4 See Paul Collier, ‘Doing Well out of War’, paper prepared for Conference on Economic Agendas in Civil Wars, London, April 26-27, 1999; Collier and Anke Hoeffler, Greed and Grievance in Civil Wars (Policy Research Paper no, 2355) (Washington, DC: The World Bank, 2000). In analyzing data on civil wars from 1960-1999, Collier found that the grievances typically thought to cause civil war (historic inequalities, racist or oppressive regimes, disenfranchisement, ethnic or religious hatred) had little bearing on the actual onset of conflict. Instead, it was largely economic factors that appeared to cause civil wars. Specifically, Collier found a strong statistical correlation between availability of primary export commodities, large, young male populations, and a general lack of education. Where these three correlates were present, the risk of civil war onset was much higher. Collier concluded that greed, not grievance, causes civil wars. His work has generated significant controversy, mostly for what many believe (the present author included) is a false dichotomy between greed and grievance. See Karen Ballentine and Jake Sherman, eds., The Economics of Armed Conflict: Beyond Greed and Grievance (Boulder: Lynne Rienner Publishers, 2003).

exploitation sustained the armed activities of state and non-state actors longer than would have been possible without it.\(^6\)

Significant for our purposes is the impact this exploitation had upon the local economy and civilian livelihood strategies. First, resource exploitation had the effect of destroying many traditional forms of livelihood. It did this in direct and indirect ways. The practice of exploitation directly destroyed livelihoods by sustaining the existence of armed groups who attacked villages, roads, farms, and cities, which in turn disrupted the conditions necessary for laborers to go about their farming, transport, and trade. Resource exploitation also destroyed livelihoods indirectly, in that it deprived the Congolese state of the public revenue that it would have collected through concession rights and export duties. Such revenue could have been used to maintain roads, river transport, health facilities, and schools. Instead, these and other institutions, already devastated under years of neglect and mismanagement under Mobutu, decayed even further, increasing civilian vulnerability to disease, malnutrition, and the other indirect costs of war.

The link between illegal resource exploitation and conflict, however, did not only destroy livelihoods. It also transformed them. This adds another layer of complexity to the problem, as civilians attempted to shift their strategies in light of new opportunities.

\(^6\) The president of Rwanda, Paul Kagame, admitted as much when he said the conflict was a “self-financing war.” See UN Panel S/2001/357, 27.
Stephen Jackson describes how the emergence of the coltan industry dramatically reshaped the local economy in North and South Kivu. Areas that were once used for agriculture and cattle-grazing were converted to artisanal mining. A large percentage of the local population abandoned subsistence modes of livelihood and moved to the mining centers. Initially, during the coltan boom of 2000, when global prices increased tenfold, many civilians benefitted. When prices dropped precipitously in 2001, however, many of these civilians were left exposed, no longer able to farm or to sustain their families on the mineral. Making matters worse, the price drop led armed actors to eliminate intermediaries and engage more directly in the selling and export of the mineral themselves, further narrowing entry points for civilians. Nonetheless, many civilians continued to pursue artisanal mining because, in light of insecurity, it was still more reliable than farming at home. Many youth also found the mining privileges that came along with militia life impossible to resist.

Timothy Raeymaekers and Koen Vlassenroot of the Conflict Research Group describe how the conflict economy has also led to a shift from rural to urban modes of livelihood. In cities such as Bukavu, Goma, and Bunia, local residents have attempted to improvise ways forward by engaging in various forms of petty commerce, from

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driving motorcycle taxis to repackaging wholesale goods, money changing, smuggling, and prostitution. As hundreds of humanitarian organizations have descended upon these cities, many civilians have also sought employment with groups such as Medecins sans Frontieres, UNHCR, the Norwegian Refugee Council, and World Vision. In these ways, the conflict has not only disrupted livelihoods, but resulted in significant demographic shifts and, in limited ways, opened up new opportunities that represent exit strategies for some civilians.

Not every one, of course, enters the conflict economy at the same level. Many peasants who have worked in coltan or gold mines have little interest in the programs of armed actors, but other more well-positioned groups have been able to sustain livelihoods through direct support for armed groups. Patience Kabamba has shown that, to keep their lucrative hold on the import trade in Butembo, Nande businessmen provided funding for local Mayi Mayi militias. In contrast to the more insecure position of most civilians in the economy, the Nande have maintained a fairly stable position throughout the war.

What this brief survey helps us begin to see is how there are several different points of entry into this economy, where civilians participate in various ways, in some cases as victims of destroyed livelihood, but in others, as proactive agents who hedge...
their bets on artisanal mining and other petty commerce. In still other cases, civilians are more directly complicit with armed movements, providing financial support in exchange for security. Thus the conflict economy impacts livelihood at different levels and degrees, which makes local analysis of the conflict economy all the more important.

I now want to take a closer look at how these various dynamics have converged in one particular region, the Ituri district of northeastern Congo, where the town of Nyankunde is located.

### 4.2 Conflict and Livelihood in Ituri

As mentioned in the Introduction of this dissertation, the war in the Congo has involved many regional sub-conflicts. While these sub-conflicts have overlapped with the larger war and would not have erupted without the presence of states and regional rebel movements, it is important to understand these conflicts in terms of their own dynamics. This is especially the case with the Ituri conflict, which broke out just as the wider war was winding down in 2002. An intensely local struggle over longstanding land disputes, this conflict gives us an important glimpse into economic dimensions of conflict and the impact of war upon livelihood.
At the heart of the Ituri conflict were particular grievances over land between two main groups, the Hema and the Lendu. The Hema are a predominantly pastoralist group, while the Lendu are agriculturalist. Tensions between these groups over competing claims to land predate the colonial period, but, as was the case in so many African contexts, colonialism exacerbated these tensions. Belgian colonials worked closely with the Hema and provided them with leadership posts and preferential access to education. Crucially, they also challenged the traditional land tenure system. Prior to colonialism, different tribal groups held land in collective trust, but the Belgian colonial administration nationalized all vacant land, including many of the areas that Hema and Lendu groups contested. A second major blow to this traditional system came after colonialism, when Mobutu nationalized all land (vacant or otherwise) through a 1973 land law. This put all land in the hands of the state, and while selectively enforced, it meant that Mobutu and his patrimonial circle could allocate land to the highest bidder, further flouting tribal rights to land. In Ituri, Hemas were well connected to Mobutu and quickly consolidated much of the former Belgian landholdings and many other areas, establishing themselves as a formidable new entrepreneurial class. The tension between traditional and market practices of land was never resolved, leading to

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enormous confusion and creating a widespread sense of disenfranchisement among Lendus, who now earned their livelihood as landless peasants working on Hema land.

Periodic outbursts of violence ensued, but for the most part, tribal leaders were able to contain it. This all changed when the Ugandan army occupied Ituri shortly after the wider war began in 1998. The presence of the Ugandan army in Ituri helps us see how the macro-level of the war intersected with the local level. Ugandan army officers immediately began working with many of the Hema businessmen to export gold, timber, and other resources back to Uganda. Sensing their moment, a number of these Hema families also decided to seize the last remaining disputed landholdings. With the military support of Uganda, they evicted a number of Lendu, which prompted a massive insurgency. Lendus organized numerous militias and the Hemas organized their own. Uganda, eager to maintain insecurity for its resource enterprise, armed both sides and the situation quickly deteriorated. In all, 60,000 people died between 1998 and 2003 and another 500,000 were displaced. When Uganda finally pulled out of the region in 2003, there were still a number of highly-armed militias who continued to engage in a vicious struggle until a French force finally retook Bunia and an international UN peacekeeping force secured the major cities and towns. While some of the militias integrated with the government army, several militias remained in the region and continue to cause significant insecurity to this day.
How has all of this affected livelihood? The conflict essentially became a way for Lendu and Hema militias to remake land policy in Ituri, with displacement being the chosen means of allocating land. The very question of how land is owned and distributed was at stake for these actors, which was not only an economic question but a deeply political one, the result of political processes both past (colonialism, Mobutu’s land reforms) and present (the various ad hoc governance structures of these ethnic groups). A few of the Hema businessmen found their position enhanced through the export trade with Uganda, but even they had farms destroyed and thousands of cattle slaughtered. Some peasants were forced to mine gold in places such as Mongbwalu and Durba, while others chose to work there, as conventional modes of subsistence were no longer tenable. Many also moved to the more secure cities such as Bunia, the capital of Ituri, or Beni, in a nearby province. There they engaged in the kind of petty commerce that Vlassenroot and Raeymaekers described above.

The conflict’s impact on livelihood and the ways civilians have responded can best be appreciated by looking closely at specific contexts. I now want to turn to the town of Nyankunde, where my fieldwork has concentrated.

### 4.3 Alternatives to the Conflict Economy: The Case of Nyankunde

Nyankunde is located in the traditional homeland of the Bira tribe, a breathtaking stretch of hills and savannah country at the foot of the Blue Mountains.
Prior to the war Nyankunde was home to about 15,000 people. While predominantly Bira, community leaders have long welcomed other groups, and as many as 17 regional ethnic groups have been represented here at one time, including a sizable number of Hema and Ngiti (the southern cousins of the Lendu).

Historically each tribe has had a particular niche in the local economy. Hema have specialized in cattle, Ngiti in agriculture, and Bira in commerce and other small trades. A large market was located in the center of Nyankunde where people from surrounding towns and villages came to trade. Most families also maintained subsistence farms in the hills, which provided daily staples such as cassava, manioc, and sweet potatoes.

Different groups have been attracted to Nyankunde for the sizeable mission station that was established by Protestant missionaries in the early 20th century. The station included schools, a printing press, and a large hospital (the Centre Medical Evangelique, or CME). This hospital provided jobs to some two hundred people and medical training to hundreds more, serving as the region’s premier health provider and an access point for thousands of rural Congolese. In these ways Nyankunde stood at the center of an important web of economic interdependence, education, and healthcare.

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Initially life in Nyankunde was not deeply affected by the fighting, which was concentrated in the northern region of Ituri. As militias proliferated and inched closer to the town, however, tensions between Hemas and Ngitis mounted. The major Hema militia, the Union of Congolese Patriots (UPC), installed a small base in the town in 2002. This strained relations between Hema and Ngiti, and several violent incidents ensued. Fearing more violence, the Bira chief decided to take the fateful measure of expelling the Ngiti from the town in August 2002. Given that Hema residents were allowed to stay, the Ngiti population perceived this to be a total betrayal and a sign that the Bira and Hema were allied against them. This perception was only reinforced when they learned that Bira civilians guided the UPC to the Ngiti town of Songolo during an attack in late August 2002. It was in response to this attack that Ngiti militias launched a massive, six-day massacre on Nyankunde beginning on September 5, 2002. They targeted Hema and Bira in homes and offices and even attacked some patients in hospital beds. In all, 1,200 people were killed, making it one of the worst attacks of the entire Congo war.

As a result of the attack, all of the residents of Nyankunde were displaced. Most of them fled to refugee camps in Oicha, a town in the neighboring province of North Kivu, or Bunia, the capital of Ituri (about an hour from Nyankunde). The refugees adapted to their new settings in various ways. Among them were former staff members of the CME hospital. In response to the overwhelming medical needs, they decided to start new clinics in Bunia and Beni. Drawing upon some international funding, many of
the staff managed to make due. Non-hospital staff joined extended families and engaged in the petty commerce in which so many others were engaged. But many in Bunia soon found this unsustainable. The cost of living in the city was high. The conflict had dollarized the economy and driven up food prices. While some considered mines and others pondered moving out of Ituri or out of the country altogether, a group of residents began to consider another option: returning to Nyankunde.

By early 2004, the UN had finally increased the numbers of its peacekeeping force in Congo (known by the acronym MONUC), and a small base was established not far from Nyankunde. Some residents approached the new Bira chief (the previous chief had been assassinated during the 2002 attack) and asked him if he would be willing to lead them back. In many ways the proposed return made little practical sense. A return to subsistence farming would make food more affordable, but there was no guarantee that militias would not come and destroy their farms. Many of these militias still roamed the region, some not 15km outside the town. The MONUC peacekeeping team, chronically understaffed, had a reputation for inaction. The small force that existed back in 2002 had done nothing to stop the slaughter of the town; few were convinced they would do anything to protect them this time. In terms of security, the residents were largely on their own.

Many residents who had spent a lifetime building up the schools and hospital could not imagine starting all over again. Most of the Protestant missionaries had fled
the country. Members the hospital staff in the new clinics in Bunia and Beni told me frankly that Nyankunde was finished. “We spent decades building up that hospital,” they said. “Our home is here now.”\footnote{Interview with the author, Bunia, January 30, 2009.} Returning to Nyankunde was not only a risky livelihood strategy, but morally reckless. It would invite militias to return and endanger further life, including many children. Finally, many of the displaced were still deeply traumatized from the attack, and few could stomach the thought of returning to the place where they had lost their loved ones.

Why, then, go forward with the return? Why not simply follow the new economic trends of the conflict economy (mines, transportation, smuggling, etc.)? In the literature on conflict economies, one tends to find an emphasis upon certain economic imperatives (e.g., shifts in livelihood brought about by conflict, the need to adapt to modes of production now available). What I heard from those in Nyankunde were reasons that had everything to do with livelihood, but a vision of livelihood not solely reducible to the economic. Residents spoke of the need to bury the dead, to repair their family’s gardens in the hills, to rebuild the local Brethren church, to carry forward the work of the schools and hospital. These reasons outweighed the comparative security of other options. For them, there were debts to the dead to consider. There was a sense of mission that needed to be fulfilled. In short, there was a more robust, multi-layered process of moral discernment going on, which involved a weighing of many different

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kinds of goods, ends, and loves, not solely reducible to material self-interest or rational choice.

Particularly striking is the account of one hospital worker who was displaced to a refugee camp in Oicha. In the camp he was part of an intercessory prayer team that met several times a week and engaged in what he called various “spiritual disciplines” (including regular fasting and 24-hour prayer vigils). He recalls:

There were Hema, Lendu, Nande and Bira from Nyankunde in our group. About thirty of us came together in prayer. We prayed about everything: healing for our parents, for marriage problems, alcoholism, witchcraft, trauma, for the fools that no one was looking after. We prayed for forgiveness for the divisions in our churches, for tribalism, for the militias, for everything in our country’s past – the Belgians, Mobutu, Kabila. We wanted to be cleansed of all of it.

During one of these prayer sessions, he says he saw a vision of Nyankunde covered in blood, “with bodies above the ground”, and he heard the voice of God saying to him, “Pray to me in Nyankunde.” He says it was a desire to pray in the ruins of the town and see the town restored that led him to join the others who had decided to go back. “We said to God, ‘You rebuilt Jerusalem, please Lord, help us rebuild Nyankunde.’”

This small group of residents returned to the town in January 2004. The first thing residents did when they arrived in the town was bury the human remains that were still strewn alongside the road. When this was finished, they began to plant again.

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14 Interview with the author, Nyankunde, January 31, 2009.
When this was done, they began to put roofs over their homes again. As one person explained it to me,

You can only begin again, start again… You can think, ‘Oh, they’ll come again.’ Yes, they might come again, but what then? You’ll be back where you were at the beginning. You can do nothing, you can wait and wait, thinking they’ll come again tomorrow. But they’ll always come tomorrow. Or you can do something, start building your home again, start planting again. While the other waits, I’ve already built my home. When they start putting up bricks, I’ve already put the roof on. When they’ve finished their home, I’ve finished my garden. Then if the militia come? They come. We’re back to where we started. But if I do something, and you do nothing, and they don’t come, I’ve moved forward while you stay in the same place. I’ve built a home and a garden, and you still don’t have paint on your house.15

As another member of the local Brethren church put it, “We have faith. We pray to Jesus, pray for His protection, and we go on with life. Without faith, I don’t know how our lives would be possible. We have to be able to act without knowing. We don’t know if the militia will come tomorrow or not, and we won’t know. We do without knowing.”16

When the first phase of rehabilitation was finished, residents slowly began to trickle back. Two key questions loomed next: re-opening the market and rebuilding the hospital. Both initiatives posed further risks to the town. In terms of the market, few initiatives could serve as a more open invitation for militia attack than this. But as it

15 Interview with the author, Nyankunde, February 5, 2009.
16 Interview with the author, Nyankunde, September 20, 2009.
turned out, re-opening the market became the town’s best defense against another attack. How so?

Re-opening the market involved inviting many of the Ngiti women who formerly lived in Nyankunde to come back and trade. This required the new Bira chief, Gaston Harabo, to reach out to the Ngiti chief in Songolo, not a popular or easy move given that it was the Ngiti who had sacked the town in 2002. “One verse that has guided me,” Chef Gaston shared, “is Matthew 5:9, ‘Blessed are the peacemakers, for they will be called children of God.’ This is a major struggle for us, but we have to forgive our enemies. The same force you use to hurt is the same force that is necessary to forgive.” Beyond the superficiality of reconciliation seminars and public gestures that have become common in the region, Chef Gaston knew forgiveness had to take tangible form. It had to touch the material fractures that existed between the Bira, Hema, and Ngiti. It had to be embodied in the very way they approached the rebuilding of the local economy. He negotiated a deal with the Ngiti chief that would allow the Ngiti women to travel back and forth between Nyankunde and Songolo every day to trade in the market.

The re-opening of the market accomplished two concrete things. First, it re-established the local political authority of the traditional chiefs, a form of authority that has been devastated throughout Congo as a result of the war (as we saw last chapter, ...}

{17 Interview with the author, Nyankunde, February 11, 2009.
rebel groups such as the RCD deliberately sought to destabilize and replace such authority. Second, it provided a crucial channel through which reliable information about the movements of militias could be communicated. No one knew more about the movements of Ngiti militia than the women from Songolo. And the women from Songolo now had more of an incentive to trade in Nyankunde than support Ngiti militia who had destroyed their livelihood. So the market ended up doubling as an intelligence service, delivering reliable information, taming rumors, and rebuilding ties between Bira, Hema, and Ngiti. Market exchange became a means of re-opening a communication network that was broken, and thus functioned as a practical form of social healing. It re-wove the delicate web of ethnic and economic interdependence that prevailed before the war. This work is still in its beginning stages today. Relationships remain visibly broken. The Ngiti women still do not live in Nyankunde as they used to, and they depart for Songolo at the end of each day. But this humble daily work has become a way of embodying forgiveness and building peace even as the region remains embroiled in conflict.

The second initiative was the re-opening of the hospital. As mentioned above, the hospital staff had dispersed to various cities, and most western missionaries had fled the country. There were few medical resources as it was, and these were already split between hospitals in Beni and Bunia. For many of those now pursuing their livelihood in these new clinics, the proposal to re-open the hospital in Nyankunde was out of the
question. It would draw resources away from their work, and would likely be
destroyed by militia anyway. Yet nowhere was the medical need greater than in
Nyankunde, where rural populations had no access to care. In a war in which most
people died from malnutrition and disease, this was the main front. No one could deny
this.

A persistent young doctor who grew up in Nyankunde named Mike Upio made
the case for rebuilding the hospital. He had worked with Medecins sans Frontieres but
felt that their emergency-based approach did not meet the deeper clinical needs of
people back home. As he told me, “Mothers were dying from childbirth. People were
dying from malaria, from bacteria in the water where they were washing their clothes;
men were dying from liver disease. Who was taking care of these people?”18 He
returned to the hospital’s mission statement: “I re-read our mission statement and it
said, ‘Our mission is to preach the gospel and heal people.’ That is what Jesus did.
Jesus suffered with people and he healed them. I saw that was our mission too. I saw
that you have to suffer with the people if you want to heal them.”19

So he proposed a compromise with the hospital staff: if they would permit him
to re-open the hospital, he would raise his own funds. They agreed. In 2005 Dr. Upio
set to work. In the beginning he simply saw patients in the ruins of old examining

18 Interview with the author, Nyankunde, February 17, 2009.
19 Ibid.
rooms. Then he took these ruins and made hospital beds out them, rebuilding the hospital one ward at a time. He raised funds from Samaritan’s Purse and the European Union. He reached out to MONUC and rebuilt trust between civilians and peacekeepers. The patient load began to grow. Dr. Upio studied old bush doctor techniques and performed surgeries with minimal equipment. Soon a medical resident came to help him. They re-opened the nursing school, which his wife helped to lead.

Dr. Upio tells me he makes $100 per month, which is why so many graduates of medical programs in Congo leave for Kenya or South Africa. But having grown up in Nyankunde, Dr. Upio’s ties are at home. “When people see that we are here, and that the hospital is open, they feel they can stay. If there’s no hospital, there’s no Nyankunde. It goes beyond how many patients you see or how much money you make. In other hospitals they charge $3 a consultation, we charge $1. They have electricity and cold drinks, we have no power and we don’t make any money. But we’re with the people. And now more people feel they can come back.”

As he insists, there are no guarantees. As the hospital grows, it only becomes more of a target. Over the course of my research, the hospital was attacked twice, once in October 2008 and again in October 2009. During the first attack the militia held the town hostage and stole cell phones, livestock, and motorcycles. The second time they came at night and burned down a home and kidnapped one of the hospital staff’s

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20 Ibid.
daughters. When she was returned, she was treated in the hospital. Each attack has prompted more debate about the prudence of keeping the hospital open, but at the insistence of the hospital’s own staff, it remains open. “Really, it is a question of whether we believe in God or not,” the hospital’s chaplain said to me. “If I say I believe in God but can’t sleep in this town, what does that say? But if we believe God really is our protection, then that means not running away. We have to live by faith.”

 Returning to Nyankunde, re-opening the market, re-building the hospital – these are actions that reflect moral discernment about what is the appropriate action at a particular time with respect to certain concrete needs. We have explored how conflict not only destroys livelihood, but also imposes new economic imperatives, often limiting livelihood options to the very sectors that keep conflict going. What is particularly noteworthy about the precarious work of repair in Nyankunde is that it represents not only a livelihood strategy in the midst of insecurity, but also one community’s moral judgment about how to maneuver through the vast conflict economy. Their action, like the action of the refugees in Irangi and the church in Bukavu, reflects a sense of moral vision, a capacity to locate agency where there appears to be none. Their moral imagination, rooted in a sense of obligation to the dead, prayer, embodied forgiveness, and a vision of wounded healing, opens up a freedom to pursue alternatives when none

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21 Interview with the author, Nyankunde, February 10, 2009.
appear possible. Bound by a love for their community, “doing without knowing”, they are free to exit the war economy and begin to construct alternatives.

4.4 The Promise of the Local

Let me now pull back and return to some of the issues with which we began, and consider the broader relevance of the local moral agency of civilians in Nyankunde. Earlier we saw that for Ramsey and O’Donovan, the moral problem with contemporary armed conflict was the high number of civilian casualties that are sustained either through direct or indirect attacks on civilians. While Ramsey limited the relevant moral perspective to state actors, and O’Donovan expanded the moral lens to include non-state insurgents, both understood the solution in terms of more discriminate conduct. As we have seen, not all civilian deaths in civil war are battle-related, but rather the result of the indirect effects of war. While indiscriminate conduct certainly contributes to the high incidence of indirect deaths, not all indirect deaths are attributable to indiscriminate conduct. A focus on discriminate conduct thus not only overlooks other forms of civilian vulnerability, but the sources of that vulnerability.

We have sought to place the problem of indirect deaths in both broader and more local perspective, especially in relation to the economics of conflict. We saw how Congo’s conflict economy increases vulnerability in a number of ways, whether it is through rebels exploiting resources that would have generated public revenue to sustain
roads, schools, and health facilities, or the introduction of new economic imperatives, such as market-induced migration to mines and cities, making lives more vulnerable to volatile shifts in mineral or food prices. These economic volatilities can sustain further conflict, starting the cycle over again, with more attacks on villages, further displacement, and more vulnerability and disease.

The focus on civilian battle-deaths ends up framing the problem too narrowly, and this in turn leads to solutions that do not address the relevant issues. In framing the problem in terms of indiscriminate conduct, for example, O'Donovan proposes reforms in humanitarian law as a way to coax rebels into more discriminate behavior. Yet if rebels are engaged in resource exploitation that provides them with a more lucrative livelihood than the one they would have if they settled for peace, the promise of POW status and immunity from prosecution will hold little weight. Moreover, the fact that rebels sustain their movements through resource exploitation and other forms of wealth suggests that even if they did observe discrimination, the indirect costs of war would still be high. The focus on humanitarian law not only fails to appreciate the actual motivations of rebel actors, but also deflects attention away from the wider economic practices that are disrupting livelihood and causing more civilian deaths. This not only includes the activities of rebel actors, but states and international corporations as well.

Recognizing the limits of humanitarian law and paying more attention to the economic dimensions of conflict, some economists have appealed to less noble instincts. In some cases they have proposed that political negotiators cut deals that make peace more profitable than war; in others they have designed instruments that bleed armed actors of the markets they need to sustain their activities. These proposals have inspired such global initiatives as the Kimberley Process (whereby countries certify the sources of their exports and companies agree to trade in only certified minerals) and stricter enforcement of OECD guidelines (non-binding codes of ethics for multi-national corporations aimed at achieving greater transparency and corporate responsibility in international trade). When enforced, such measures represent an important part of any solution to conflict economies. But they are not without their loopholes, as traders can easily smuggle resources into another country and export them under their name (we saw this in the case of gold exported from Congo to Uganda). Such measures may also have unintended effects. The problem with assuming that rebels are motivated only by greed is that cutting off resources may, if the rebel movement is in fact more motivated by ideology or ethnic grievance, have the opposite effect, leading them to dig in their heels and commit more atrocities. If, on the other hand, such measures work, many

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civilians are put in a potentially more vulnerable position because they are deprived of
the industry upon which they have come to depend for their livelihood.24

This latter point reminds us that economic solutions can be just as narrowly
focused on military actors as those centered on humanitarian law. It is here that I think
the kind of moral agency displayed in Nyankunde is indispensible, as it shows us a
direct way of combating the indirect costs of war without depriving civilians of
livelihood alternatives. Indeed, those in Nyankunde are meeting the indirect costs of
war by restoring old options and creating new ones. Congolese doctors are foregoing
higher-paying jobs elsewhere to provide healthcare at home that is mitigating disease.
Families are preventing malnutrition by growing food on the hills their mothers and
fathers farmed. Markets have been re-opened to generate surplus revenue again. Town
leaders are spearheading efforts to foster collaboration between Ngiti, Hema, and Bira,
in the hopes of comprehensive land reform in the future. In these ways civilians in
Nyankunde are filling the public infrastructure gap, but they are not simply doing what
a more robust state would do if it were in place. They are addressing the indirect costs
of war in a distinctly local way, particular to the community’s own gifts, and this is what
makes it effective: it is through re-imagined kinship networks that the needs of orphans
and displaced neighbors are met and the fractured relationship between parents and

24 See Karen Ballentine and Jake Sherman, eds., The Economics of Armed Conflict: Beyond Greed and Grievance
(Boulder: Lynne Rienner Publishers, 2003).
children is mended. It is through local communication networks that trust is restored, taming the fear and rumors that send other populations in flight. It is through inhabiting the town’s ruins that the residents maintain a material pact with the dead and heal from the traumatic past. In short, they are recreating a public commons that is not only precariously overcoming the stifling privation of war, but offering a genuine alternative to livelihoods that sustain conflict. In doing so, they are offering the kinds of real incentives that will bring civilians and ex-combatants home. The work of returning to villages, burying the dead, restoring a connection to the land, confronting the traumatic past, and rebuilding markets and hospitals represents the primary front of many of today’s civil wars. It is there that the struggle should be waged.
5. Recovering the Ordinary in Nyankunde

Last chapter we explored the importance of local alternatives to the conflict economy in Congo. We saw how residents in Nyankunde have returned to their town and are restoring livelihood options in a way that directly addresses the indirect costs of war. The lens of Nyankunde helped us better appreciate the moral agency of civilians in armed conflict, as local residents consider how different livelihood strategies intersect with, perpetuate, or cripple the wider economies that keep conflict going. By opting out of these economies, those in Nyankunde not only affect the course of the conflict and mitigate civilian vulnerability, but begin to restore the fabric of their community.

In this final chapter I want to explore more deeply what is involved in the work of restoring this fabric. The 2002 attack against Nyankunde was one of the worst massacres of the entire Congo war, resulting in the deaths of 1,200 people. In terms of lives lost alone, the attack devastated the town; but it destroyed much more. It tore apart families, shattered civic institutions, damaged traditional leadership, ruptured an intricate web of economic interdependency, and violated countless social conventions governing speech, action, and the body. Moreover, it displaced the entire population. Some fled to towns in the same district, but many fled to other provinces or countries. The entire community was broken apart, and the town itself was abandoned for two years before anyone returned.
As we will see in the first section of this chapter, the very nature of the attack threatened to destroy the conditions through which its truth might be known. Given that the entire population was displaced for over two years, the remains of the built world of Nyankunde gradually began to recede into the surrounding natural environment. Militias deliberately abandoned unburied bodies to decompose and disappear. In this way the attack created the conditions for its own erasure. It not only destroyed lives, but the very conditions that make those lives intelligible as such. To even tell the truth of the attack has required a restoration of those conditions that make human life and death intelligible. Hence the significance of burial as the first act residents performed when they returned home.

Recognizing the contingency of the very truth of the attack helps us begin to see how the violent events of 2002 cannot be understood as events that are over and done with. In many ways, the events of 2002 are still playing out in Nyankunde today. Drawing upon the work of Veena Das, I will show that precisely because mass atrocities disrupt the ordinary so comprehensively, every sphere of the ordinary bears the marks of atrocity and thus becomes a concrete point through which the event lives on. How the event lives on is part of the truth of the past event, thus how residents restore the ordinary is another entry point into the event’s truth. Just as residents must work to restore the conditions that make the attack intelligible, they are also working out the truth of the attack in how they pick up the pieces of the ordinary. The work of tending
and repairing ruined institutions such as the market and hospital not only helps to meet livelihood needs and mitigate the indirect costs of war; it also restores a relationship to an ongoing past. On the one hand, re-inhabiting ruined institutions restores the attack of 2002 to a visibility that the attack itself threatened to disappear; on the other, the resumption of ordinary institutions shows how this very past continues to be re-shaped. Comparing this work of repair in Nyankunde to St. Augustine’s response to the sack of Rome in *The City of God*, we will see how truth, memory, and agency are tied intimately together. The past only becomes visible as residents pick up the pieces of their ruined institutions and weave them into a wider story that changes the truth of the event itself. St. Augustine aptly summarized this kind of moral agency as a “virtue greater than a great misfortune.”

5.1 Metamorphoses

As we discussed last chapter, the town of Nyankunde was able to stay out of the broader war during its initial stages. When the UPC, a Hema militia group, set up camp in the town in 2002, things began to deteriorate. Tensions rose between the town’s Hemas and Ngitis (the cousins of the Lendu, against whom Hema militias were fighting in other parts of Ituri). In response to several violent incidents, the Bira chief of Nyankunde decided to expel the Ngiti population from the town. Following this, the
UPC attacked the Ngiti town of Songolo (to which many of the displaced Ngiti had fled). This set the stage for a major Ngiti counterattack against Nyankunde.

The attack began on the morning of September 5, 2002. It was a joint operation of Ngiti militia and one of the occupying rebel movements, the RCD-ML (a breakaway group of the RCD movement that we explored in Chapter 3). The plan, according to the RCD-ML, was to attack only the UPC soldiers in Nyankunde. But when the joint forces entered the town, the Ngiti militia immediately broke away and began systematically slaughtering Hema, Bira, and other civilians. They were unsparing, killing people in their homes, schools, and work fields. They entered the hospital and killed patients in their beds. Several workers in the hospital were rounded up and put in a makeshift prison and starved over several days before being marched to their deaths outside the town. A number of women were raped. Dozens more were forced to serve as porters transporting medical supplies, foodstuffs, tin roofs, and countless other goods to Ngiti strongholds several kilometers away. The Ngiti attackers burned homes, schools, the printing press, and the hospital itself. They threw many bodies into large bonfires. They left many more unburied on the streets.

The six-day massacre killed over 1,200 people. The town was emptied of all its residents. Most people fled to Oicha, a town in the neighboring province of North Kivu, or Bunia, the capital of Ituri. The militia continued to loot the town for the next several months, stripping it of its last remains, before moving on to attack other towns.
The Ituri conflict, as we reviewed last chapter, continued after the broader Congo war drew to a relative close in 2002. Fighting in Ituri did not end until 2003, when several Hema and Ngiti militias entered the UN’s demilitarization and demobilization program (others integrated into the national army). The remnants of militias that did not demilitarize continued preying upon the local population, preventing Nyankunde residents from returning. It was not until 2004, after a larger UN peacekeeping contingent was established in the nearby town of Marabo, that about two hundred people were finally able to return.

When residents described to me the state of their town when they first returned, they employed images drawn from nature: “Nyankunde was a bush”, “the town had become a forest”, “the grass was growing out of the top of the houses and through windows”, “there were reeds all over the church floor”. The human world of Nyankunde had been absorbed by the natural world. Homes and schools seamlessly blended in with the natural landscape, decomposing like the leaves and limbs surrounding them (Fig. 5). The work of human hands – old books from the printing press, children’s toys, picture frames, bicycles, operating tables – had become like natural artifacts. The attack had not destroyed the town as much as it had brought about a metamorphosis of the human into the natural.

In On the Natural History of Destruction, W.G. Sebald notes a similar kind of metamorphosis following the firebombing of German cities during World War II:
Figure 5. Ruins of a Home in Nyankunde. Photograph by the author.
At the end of the war, some of the bomb sites of Cologne had already been transformed by the dense vegetation growing over them—the roads made their way through this new landscape like ‘peaceful deep-set country lanes.’ In contrast to the effect of the catastrophes insidiously creeping up on us today, nature’s ability to regenerate did not seem to have been impaired by the firestorms. In fact, many trees and bushes, particularly chestnuts and lilacs, had a second flowering in Hamburg in the autumn of 1943, a few months after the great fire. If the Morgenthau [pastoralization] Plan had ever been implemented, how long would it have taken for woodland to cover the mountains of ruins all over the country?”

Heinrich Böll, one of the few German authors who tackled the subject of the destruction of the German cities, wrote, “‘It was a question of botany. This heap of rubble was bare, naked, all rough stones and recently shattered masonry… with not a blade of grass in sight, whereas elsewhere trees were already growing, pretty little trees springing up in bedrooms and kitchens… you could tell the date of a building’s destruction from the plants growing among the ruins.’”

Residents in Nyankunde also described finding human remains scattered throughout the town. “The bodies had decomposed on the road,” one person told me. “Sometimes all we found were the bones.” During the attack, nurses tried to bury some of the bodies. Ngiti militia burned many others, but most were abandoned when residents were forced to flee. In the intermittent years, these bodies were left to fossilize

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2 Ibid., 39.
3 Interview with the author, February 11, 2009.
like other forms of life. In the process, the human body, like the human world, blended into the natural surroundings, gradually becoming less discernibly human.

Hannah Arendt suggests that this slow absorption of the human into the natural would be the normal course of things if human beings did not continually construct and sustain their artificial built worlds.\(^4\) Mortality, she observed, infects everything human beings touch. No sooner have human beings harvested food than they devour it, and no sooner have they uttered words or performed deeds than these words and deeds vanish. Everything surrounding human beings would perish if it were not for their propensity to make things. Human work translates the ephemeral into the durable by borrowing material from nature and shaping it into something that lasts: a piece of pottery, poetry, buildings, history, laws, a polis. The built world, so long as it is sustained and renewed, compensates for the human being’s mortality and allows human words and actions to be memorialized, holding at bay nature’s otherwise inevitable encroachment. For Arendt, the human capacity to make things is what allows mortal man to approximate the immortality of the gods.\(^5\)

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In an important point for our purposes, Arendt goes on to suggest that it is the human built world itself that gives human experiences their intelligibility. Death, for example, has the specific human meaning of a departure only because there is a built world that outlasts individual human lives. The persistence of the built world is what allows us to recognize death as a definite end, rather than an indistinguishable point in an endless natural cycle. Likewise, birth has the specific human meaning of an arrival only because we are born into a world. We arrive as newcomers (and not merely the next nameless incarnation of a species) because there is a world that precedes us, one that welcomes and initiates us. Human birth and death derive their intelligibility from the existence of a built world. They are as fragile as the built world itself, which means the intelligibility of birth and death, like speech and action, is conditional. When the built world is destroyed, so too is the very intelligibility of birth and death.

These considerations help us to begin to understand what was at stake in the attack on Nyankunde in 2002. The loss of life alone made it one of the worst massacres of the entire Congo war. But the fact that all of the surviving residents were displaced,

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* In *The Human Condition*, she writes, “Nature and the cyclical movement into which she forces all living things know neither birth nor death as we understand them. The birth and death of human beings are not simply natural occurrences, but are related to a world in which single individuals, unique, unexchangeable, and unrepeatable entities, appear and from which they depart. Birth and death presuppose a world which is not in constant movement, but whose durability and relative permanence makes appearance and disappearance possible, which existed before any one individual appeared into it and will survive his eventual departure. Without a world into which men are born and from which they die, there would be nothing but changeless eternal recurrence, the deathless everlastingness of the humans as of all other animal species” (96-97).
that their homes and buildings were stripped, and that no one was able to return for two years means that the attack also threatened to destroy the built world of Nyankunde. Thus, following Arendt, it threatened to destroy the very conditions that make a human death or birth intelligible. We can only appreciate the gravity of the attack if we see how it created the conditions for its own erasure. So long as residents remained displaced, and so long as the human world gradually blended in with its natural surroundings, the very conditions necessary to mark the fact that human beings died during those September days in 2002 were put in question. Certain conditions are required for the truth of events to be known. If those conditions are eliminated, then not only is access to the truth of the past denied, but the very nature of that truth is altered.

As Walter Benjamin suggested, there is an intimate relation between truth, memory, and place. Memory is not simply tied to the mind’s capacity to recall things at will. The body has its own memory, and it is in relation to particular places and material objects that the body’s memory is activated. For Benjamin, the majority of life’s experiences are not subject to voluntary recall; rather memory requires material objects acting upon us for the past to become present again. It was the taste of a Madeleine cake, Benjamin reminds us, that flooded Proust’s mind with the memories of his childhood. Take away the taste, take away the object, and there would be no remembrance.

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If our access to places or material objects is denied, our continuity with the past – the body’s memory – is ruptured. Our very ability to know the truth is put in question. For Benjamin, a critic of modernity, what was particularly pernicious about modern change was that it destroyed the conditions that make remembrance possible. Modern wars reduced cities to rubble; technological advances destroyed what only yesterday was celebrated as a new foundation. Built into the nature of modern change, he suggested, was a destructive process that prevents one from recognizing the very destructive nature of this change. It takes an angel of history to tell us about the destructive inner logic of human progress: “Where we perceive a chain of events, he sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead… [but this] storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward.”

Despite the darkness of this picture, Benjamin discerns a way forward through the “pile of debris”. Destruction is rarely so complete that it leaves no trace at all. In fact, it often acts as a witness against itself. In the materiality of ruins one finds another entry point into the past, and the possibility of re-activating the body’s memory. In the 1930s and 40s Benjamin took to the streets of Paris and sought out the ruined objects of

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8 Benjamin, *Illuminations*, 258.
the nineteenth century that were not yet obliterated. On the underside of Paris, in its arcades, subway stations, and back alleys, Benjamin uncovered hieroglyphics of the past that were still legible. These traces of the past helped make the truth about modern change visible again.

In a similar vein, G.W. Sebald recognized the importance of returning to the ruins of the firebombed German cities. The furious rush to bulldoze these ruins and bring about the “economic miracle” after World War II had all but erased these events from the national memory. But the German “literature of the ruins”, when it did not indulge in allegory or sentimentality, offered another entry point into the past and the possibility of making these long-suppressed events publicly decipherable.

When residents returned to Nyankunde in 2004, they found that their human world was on the verge of being reduced to natural history. The attack threatened to destroy the built world that gives human death its intelligibility; it threatened to unmake

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11 He writes, “The destruction, on a scale without historical precedent, entered the annals of the nation, as it set about rebuilding itself, only in the form of vague generalizations. It seems to have left scarcely a trace of pain behind in the collective consciousness, it has been largely obliterated from the retrospective understanding of those affected, and it never played any appreciable part in the discussion of the internal constitution of our country. As Alexander Kluge later confirmed, it never became an experience capable of public decipherment” (4). He later adds, ““From the outset, the now legendary and in some respects genuinely admirable reconstruction of the country after the devastation wrought by Germany’s wartime enemies, a reconstruction tantamount to a second liquidation in successive phases of the nation’s own past history, prohibited any look backward” (7).

the very deaths of the victims. This process of unmaking, however, was not finished. When the residents of Nyankunde returned in 2004, there were still ruins. In the ruins of Nyankunde there remained an entry point into the past, and the possibility of restoring the truth of the attack.

5.2 In the Ruins of Nyankunde

As mentioned last chapter, the small group of residents that first returned to Nyankunde immediately began by burying the dead. I want to explore how burial served to reverse the attack’s ongoing “unmaking” of Nyankunde and how it initiated the process of restoring the truth of the past.

While militias prevented residents from returning, bodies were abandoned to decompose on the roads and in the forests. In this way, the work of marking their deaths as specifically human deaths was left undone. By returning and burying these bodies, the residents re-introduced a distinction in the landscape, marking these remains by graves in the earth. This concrete act showed that those who died were human beings, and not merely more nature decomposing. The ground in which they were placed, re-shaped by human hands, publicly displayed the humanity of the victims and carried this humanity forward as a permanent part of the town. Without such an act, the victims would have been no less human, but the nature of the attack destabilized this truth. It advanced another claim: that those who died were no different from any other
part of nature. The act of burial re-established order, putting this claim to rest and displaying another truth. By burying the dead, the residents responded to a past that was still awaiting recognition. They re-made what the attack threatened to unmake.

Judith Butler has suggested that our attitude toward the living is displayed in the way we grieve the dead. By grieving some lives and not others, we make implicit distinctions between these lives. In a certain sense, we are always living our future grief now, in precisely the way we relate to others. She writes,

We imagine that when the child is wanted, there is celebration at the beginning of life. But there can be no celebration without an implicit understanding that the life is grievable, that it would be grieved if it were lost, and that this future anterior is installed as the condition of its life. In ordinary language, grief attests the life that has already been lived, and presupposes that life as having ended. But, according to the future anterior (which is also part of ordinary language), grievability is a condition of life’s emergence and sustenance.13

Butler’s comments help us see that burial in Nyankunde not only witnesses to the truth of what happened, but also restores a certain attitude toward the living and those yet to be born. To bury suggests that the lives of the dead are grievable; it also announces that future lives will be grievable as well. In this way, the acts of burial that residents performed upon returning to their town served as a kind of re-founding event. It resurrected moral order in two specific ways: looking backward, it solidified the truth about the identity of those who died; looking forward, it announced that future life

would be welcome again. In this way, burial restored the conditions in which death and birth could be intelligible.

After burying the dead, many residents set about the work of re-inhabiting the ruins. On my first visit to Nyankunde in 2008, Dr. Upio and I walked through many of these ruins. “I grew up in that house,” he said, pointing to a small home at the foot of the mission station. “As kids we would run through the hills and play football in the pitch by the school.”14 As we entered the mission station, we began to pass some of the old missionary homes. Behind one of them was a swimming pool; its cement sidings were cracked and dirt seeped into the murky rainwater that had gathered at the bottom. “I used to swim here. Every day after school we would race to see who would make it in first.” Dr. Upio then walked me through the remains of the old evangelical printing press, where missionary Bill Deans used to print off tracts and a bi-monthly circular.15 There were now flowers pushing through the iron casting of the presses (see Fig. 6). We stopped at Dr. Upio’s home, which he said was the former home of Dr. Carl Becker, one of the founders of the hospital that Dr. Upio now directs.

In re-inhabiting these ruins, the residents re-establish a material connection to the past that displacement put in jeopardy. The physical homes, schoolyards, and other structures allow childhood memories to return. Through the materiality of the ruins,

14 Interview with the author, March 10, 2008.

Figure 6: Ruins of the Nyankunde Printing Press. Photograph by the author.
this past can continue to return and act upon the present. While all the missionaries fled during the attack, their presence could still be strongly felt in the remains of the large mission station where many locals were now living and working. Dr. Upio told me he was proud to be living in Dr. Becker’s old home, and that he saw rebuilding the hospital as a way to honor his legacy. Yet it was clear that Dr. Upio and the other hospital staff were re-working their relationship to this missionary past as well. One staff member at the hospital talked about moving beyond “mission-station Christianity” and a gospel based on “saving souls.” “Our ministry is a call from God,” he said, “and this means suffering for the Lord too.”16 His words showed that Christianity itself was one of the ruins of the town, and that Christians who returned are repairing ruined words and practices as much as homes and schools. To continue to inhabit the Christian faith was another way residents were re-inhabiting ruins and re-working the past.

Such ruins mediate a world that long preceded the attack, but precisely as ruins, they also witness to the attack itself. In this respect I want to explore how the ruins of ordinary institutions and practices (as well as physical structures) bear the mark of the 2002 attack, and how, in rebuilding these broken institutions, residents are opening additional space in the realm of the ordinary where the past can appear and be re-worked.

16 Interview with the author, October 21, 2008.
Here the work of anthropologist Veena Das is especially helpful. In her work on the legacy of violence surrounding the Partition in India, she speaks of the “eventfulness of the everyday”. What she means is that violent events such as the Partition, which involved kidnapping, rape, and countless atrocities, are so comprehensive and disruptive that they leave their imprint upon the whole of everyday life, hence the “eventfulness” of the “everyday”. The event echoes into the ordinary, and thus the everyday becomes a crucial ground for exploring the truth of the event well after it has ended.

What is particularly helpful about Das’ approach is the way that she challenges conventional assumptions about the relation between mass violence and the ordinary. Typically commentators draw attention to the way that everyday life is destroyed by mass violence; such violence is horrific and unspeakable. While not denying this, Das suggests that it is precisely because such violence is totally disruptive of ordinary life that we have to pay even more attention to the everyday. A person may not speak

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18 Ibid., 218.

19 She writes that her book “narrates the lives of particular persons and communities who were deeply embedded in these events, and it describes the way that the event attaches itself with its tentacles into everyday life and folds itself into the recesses of the ordinary” (Ibid., 1).

20 She writes, “My interest in this book is not in describing these moments of horror but rather in describing what happens to the subject and world when the memory of such events is folded into ongoing relationships” (Ibid., 8).
about the violence out loud, but ordinary practices and institutions bear witness to the event indirectly. Crucial for Das in this respect is the Wittgenstinian distinction between saying and showing: *saying* concerns that which can be articulated in speech, while *showing* gestures toward truths in a more indirect way through lives and practices.\(^21\)

When one considers the impact of violent events upon ordinary life, and how ordinary life “shows” these events in innumerable ways, one begins to see that there is a much closer relationship between mass violence and everyday life than is often supposed.

This relationship has an important temporal dimension. For Das, a violent event is not simply “over and done with”. An event may happen on a certain calendar date but its impact upon everyday life plays out over the long haul. Events, she writes, are “carried forward and backward in time.”\(^22\) While one must appreciate violent events as discrete, historical acts (and name them as such, as we did in Chapter 2), it is equally important to attend to the ways in which these events play out in time.\(^23\) This requires what Das calls a “descent into the ordinary”, where one looks for the traces of events upon patterns and routines of ordinary life. To know “what happened” requires

\(^{21}\) Ibid., 92.

\(^{22}\) Ibid., 218.

\(^{23}\) She writes, “In the context of the Partition, historians have often collected oral narratives formulated to answer the question: What happened? I have chosen not to frame the question in these terms. Instead, seeing how the violence of the Partition was folded into everyday relations has animated my work. Another way to put this is to say that I am not asking how the events of the Partition were present to consciousness as past events, but how they came to be incorporated into the temporal structure of relationships, especially remaining mindful of the projecting character of human existence” (Ibid., 75)
attending to the ways that “what happened” is still happening in the everyday.

Descending into the ordinary, one comes to know the truth about past violence as it continues to impact such institutions and practices as kinship structures, marriage, or mourning rituals. How these practices change after the violent event bears witness to the violence itself.

Note one very important premise of this process. The witness of institutions and practices to violent events is contingent upon ordinary people picking back up these institutions and practices after they have been damaged. If a practice is entirely abandoned, it cannot bear the mark of violence. The very visibility of the past is dependent upon the agency of those willing to be vulnerable enough to descend again into the ordinary. It depends upon those who return to the space of devastation and attempt to build a future with the broken pieces.24

Let us now turn back to Nyankunde. Last chapter, we explored the ways two important institutions, the market and the hospital, are providing livelihood alternatives for those in the town and mitigating civilian vulnerability in the midst of continued insecurity. Now I want to explore how these institutions bear witness to the 2002 attack, making it publicly decipherable in ways that the very nature of the attack threatened to

24 Das writes that she seeks to understand “what it is to inhabit the same space of devastation again, to make your dwelling with the broken pieces of rubble, to stalk time, to inhabit the world in a gesture of mourning—all this gives everyday life a quality of something recovered. This is not some kind of oriental fatalism but an acceptance of finitude in a gesture that assumes that hope is always hope against the evidence (otherwise it might be expectation?)” (Ibid., 101).
prevent. While residents could have abandoned the town for more lucrative options in the conflict economy or other parts of Congo, their fidelity to place and these particular ruined institutions is not only providing a way forward, but making the truth of the past legible at the same time. Through these institutions they are re-working the 2002 attack into an ongoing story.

Let us begin with the market. Last chapter we saw how the market was the centerpiece in a web of economic interdependence between Bira, Hema, and Ngiti. When the Bira chief expelled the Ngiti from Nyankunde in 2002, this web began to unravel. When the Ngiti destroyed the town, any sense of interdependence was destroyed. The market, like the town, lay vacant for years. It was only re-opened when the new Bira chief reached out to the Ngiti chief in Songolo and invited the Ngiti women to come back and trade. The women who accepted this invitation faced a number of risks in travelling almost 20km each way from Songolo to Nyankunde. Militias still prey upon people travelling this road, especially women. Some have been abducted and raped while travelling it; others have had their goods and earnings stolen along on the way.

The significance of the women taking such risks goes beyond the important livelihood needs that are met. Their commitment to the broken institution of the market is creating a way forward that also deals with the past. The presence of the 2002 attack can be felt in the market in a number of ways. The market itself bears physical signs of
the attack (many stalls are still in disrepair), and there are far fewer traders and buyers than before. But perhaps the most visible sign of the attack is the daily commute of the Ngiti women. Before the attack, many of these women lived in Nyankunde and did not need to travel back and forth. The commute registers publicly a major difference in market practice. It announces how relations between Bira, Hema, and Ngiti have deteriorated, even as they are being rebuilt. It shows that the attack happened, and concretely displays the effects of the attack in one sphere of the ordinary. Through these effects, one glimpses another dimension of the attack itself: it was not simply a six-day siege, but a much more comprehensive event that rippled into every sphere of the ordinary and is still ongoing. In all of these ways, the market makes the attack decipherable and illuminates more dimensions of its truth. Like burial, the market overcomes the attack’s own inner logic of self-erasure, bringing it into open visibility. Importantly, the concrete practices of the market allow the past to return in a mediated way. The past does not return as a haunting specter; its return is mediated through an ordinary institution, through the selling of beans, the buying of cassava, and the walking of a well-worn path. Ordinary means become a way to work through an extraordinary event.

This would not be possible, however, if the women did not re-commit to the institution of the market. This is where the visibility of the past is dependent upon civilian agency. It takes the willingness of the Bira to invite their former enemies back
into the town and the courage of Ngiti women to make the daily sojourn. Both could go their own ways. They could abandon the market, or pursue other livelihood options. But by committing to a ruined institution, they not only meet livelihood needs, but also open the possibility of dealing with an extraordinary event in an everyday way, one that reconstitutes the ordinary in the process. They are able to devise a new routine, a new ordinary out of the fragments of this past. The past becomes present, and a way forward is made possible. It is this fidelity to the ruined ordinary that builds a future without repressing the past.

The hospital, like the market, has also served as a concrete institution mediating past and present. Few institutions were more central to ordinary life in Nyankunde before the 2002 attack than the hospital. Since 1965, when a consortium of churches founded it, the Centre Medical Evangélíque served the medical needs not only of the town, but the broader region. Over the years, it grew to include operating suites, pediatric and maternity wards, a pharmacy, several training schools, and even its own airstrip for emergency transport. It provided hundreds of jobs and training for hundreds more.

In the attack of 2002, the hospital was the site of some of the most horrific acts that were committed. I mentioned above that Ngiti did not spare patients in their beds.

25 These groups were African Inland Mission, the Conservative Baptist Mission, Unevangelized Fields Mission, and Worldwide Evangelical Crusade Mission. The Assemblies of God and Norwegian Baptists joined the CME board in the 1990s.
The militia also killed the hospital chaplain as well as several other staff. When Dr. Upio’s own mother was wounded at her home, she was brought to the hospital. But she, like many others, could not be treated in time. After residents fled, the Ngiti militia completely gutted the hospital, taking medicine, equipment, roofing, and other materials, leaving the hospital in ruin (Fig. 7).

As we saw last chapter, Dr. Upio re-opened the hospital in 2005, and in just five short years, he and his team have managed to restore many wards and services. This has enabled the hospital to combat malnutrition and disease, which continue to cause so many deaths throughout Congo. And yet the hospital still bears the scars of the attack at nearly ever point of the compound. Rehabilitated wards stand side-by-side with the remains of old ones. An operating table remains exposed under splintered wood beams (Fig. 8); a few beds are scattered in an otherwise empty obstetrics ward; the supply room is stocked with a broken EKG machine and expired drug bottles. The generator that provides the hospital’s electricity runs for two hours a day. The water filtration system remains broken, so all of the hospital’s water is boiled. Staff and salaries are a fraction of what they used to be. And of course, there are no missionaries. Before the attack there was a veritable army of western doctors and nurses, providing the latest care and a ready supply of donated equipment. A Japanese nurse and a part-time British volunteer are all that remain today.
Figure 7: Ruins of the Wards at the Centre Medical Evangelique in Nyankunde. Photograph by the author.
Figure 8: Ruins of the Operating Suite at the Centre Medical Evangelique in Nyankunde. Photograph by the author.
In these ways the hospital is but a shell of its former self. But this very difference makes the hospital, like the market, a public marker of the 2002 attack, a material space through which the truth of the past becomes visible. Many former hospital staff members with whom I spoke in Beni and Bunia shared openly about how unthinkable it would be for them to return to the hospital. The trauma they endured there, and the material link with their memories, would be too much to bear. This gives us some sense of the emotional cost that is suffered by those who have returned to the hospital and work there everyday. The hospital workers risk further scars as they descend into the space of devastation. Choosing to descend, however, they open up the possibility of an ongoing relationship with the truth of the past. The attack so comprehensively destroyed the hospital that it now echoes into every dimension of its present existence. As an ordinary institution, like the market, the hospital facilitates a mediated encounter with the past. Ordinary routines like hospital rounds carry within them the weight of the past; amidst the ruins, they become a means through which the extraordinary is encountered.

As the hospital mediates the past, it also becomes a point at which the truth of the attack can still be altered. The past is not past. To take one example: the intention of the attack was not only to destroy Bira and Hema, but to erase the built world of Nyankunde itself. This is what would have happened had the residents not returned. Returning and restoring the hospital, Dr. Upio and his staff have altered the nature of
the attack, reversing its intended erasure just as burial reverses the unmaking of the dead. In this way, the event of the attack not only lives on its effects, but the effects weave the violent event into a wider story. What happened in 2002 is still happening.

In returning to the CME hospital, as opposed to working at MSF or another hospital in Bunia, Dr. Upio has also picked up the ruins of a missionary enterprise that, despite four decades of work, had ended in destruction. Dr. Upio could have easily abandoned this work as someone else’s. The fact that he and his fellow workers picked up the pieces and made them their own allows this hospital to become one more concrete avenue through which the past can continue to be reworked. By not abandoning it, we can see the very discontinuity between the hospital before and after the attack. This means we can see the transformation of the very Christian mission that guided the hospital for so long. In ruined form, the hospital’s mission (“To preach the gospel and heal people”) now sounds different. In the ruins, in the aftermath of the attack, amidst continued insecurity, preaching the gospel means being willing to suffer, as one staff person put it above. It means becoming wounded so that others might become healed. In this way, the hospital is not only healing concrete medical wounds, but facilitating a healing of the 2002 attack. In the very way the Christian mission looks and sounds different, the attack becomes visible, and Christianity can be a form of working through this past. As wounded healers, Dr. Upio and his staff not only witness to the possibility of going on, but to the nature of the God who inspires their work.
5.3 Virtue Greater than Great Misfortune

The way in which those in Nyankunde have moved forward in the ruins of their town recalls the way another African Christian responded to the devastating sack of a beloved city. St. Augustine wrestles with the aftermath of the sack of Rome in Book I of *The City of God*. As a consoling pastor, he responds to the various travails that Christians and others suffered during the attack: destruction of property, theft, famine, slaughter, denial of burial, captivity, and rape. The list is eerily similar to what residents suffered during the sack of Nyankunde.

Augustine reflects on the fact that Christians and non-Christians suffered these afflictions in common. They were “afflicted equally”. While Augustine’s attention in Book XIX will turn to “common objects of love”, it is striking that at the beginning of his magisterial work on the two cities, his attention is focused squarely upon common afflictions. During the sack of Rome, Christian and non-Christian shared the same experiences of suffering. In the aftermath, they shared the same ruins. This reminds us that while Augustine will later ground the “commingling” of the two cities in their joint

26 Augustine treats the theme of common afflictions in Book 1.8-9. He writes, “It has pleased the divine providence to prepare for the righteous in the world to come good things which will not be enjoyed by the unrighteous, and punishments for the ungodly with which the good will not be tormented. He has, however, willed that the good and evil things of this world should be common to both, so that we may neither grasp too eagerly after those goods which are seen to be possessed by the wicked also, nor dishonourably flee those evils with which even the good are generally afflicted” (1.8). Below he writes, “Hence it is that, under the same affliction, the wicked hate and blaspheme God while the good pray and praise Him. What is important, then, is not what is suffered, but by whom” (1.8).

27 Augustine, *City of God*, 1.8.
pursuit of the “needs of this mortal life” and “earthly peace”, this commingling is rooted perhaps more deeply in their shared ruins.

As Book I continues, it becomes clear that while every one in Rome shares the same ruins, they do not inhabit them the same way. Two modes of response can be discerned. On the one hand, there are Augustine’s cultured critics, who use the occasion of the sack to put forward their critique of Rome’s conversion to Christianity. For them, the concrete sufferings of the sack are merely an opportunity for derision. They have made “unburied bodies an occasion for mocking Christians” (1.12); they “reproach those Christian women who were outraged in captivity” (1.28); they laugh at those who were taken captive (1.14). These critics have completely closed themselves off to any real reckoning with bodily wounds. Instead of tending wounds, they run for the theaters: “O insane minds! What is this error – or, rather, madness? For, as we have heard, the peoples of the East and the greatest cities in the uttermost parts of the earth bewailed your fall with public lamentation and mourning – and you looked for theaters!” (1.33).

The other mode is one of consolation: “But we are not here so much concerned to return an answer to outsiders as to bring comfort to our own people” (1.16). Later Augustine calls the grief of those in Rome “a kind of wound” that is “healed by the application of our loving words of consolation” (19.8). Augustine the consoling pastor slowly moves through each of the wounds and tends them. In each case, he sounds a
common consolation: it is not what Christians have suffered, but how they suffer it. He writes:

In the same fire, gold glows but chaff smokes, and under the same flail straw is crushed and grain purified; nor is the oil of the olive mingled with the lees because extracted under the weight of the same press... What is important, then, is not what is suffered, but by whom; for, stirred up by the same motion, mud gives forth a dreadful smell, yet ointment has a sweet fragrance (13).

The burden of lost possessions is not heavy for those who “held those things in the manner of which they had heard, as one poor without but rich within – that is, if they had made use of the world as if not using it” (1.10). Hunger allows them “to fast more diligently” (1.10). Captivity cannot take the righteous out of the presence of God. For those who have been raped, even the terrors of their violation can do nothing to their chastity: “You have a great and true consolation if you retain an honest conscience because you did not consent to the sins of those who were permitted to sin against you” (1.28); “not only the minds, but also the bodies” of these women remain holy (1.17). In all these cases, there is the promise of a “virtue greater than such great misfortune” (1.15).

Thus while Christians and non-Christians, critics and consolers suffer common afflictions and share the same ruins, they inhabit them differently. Augustine’s two cities can be read as two ways of responding to ruins. While one turns away from the ruins out of self-love and lust for domination, the city of God returns to the ruins out of love for God and neighbor. While the earthly city sees only suffering, the city of God
looks to the ruins with expectation, believing that those who suffer still retain agency and can still transform their suffering as they sojourn. The city of God is this very sojourn of suffering in time, the eternal community that carries every violent event into the future through a virtue greater than great misfortune.

Similarly, those in Nyankunde model a posture of receptivity at the ruins. Instead of turning away, they descend again into the ordinary. Instead of seeing the town as finished and overgrown by nature, they see ruins, and through them, the past and the future. By returning, they not only allow the violence of the past to achieve legibility, but they show how this violence has an after-life. In turning back to their broken institutions with expectation, they transform what they have suffered into a way forward. Common ruins become common objects of love.

5.4 Truth as a Relationship with the Ordinary

As Congo emerges from nearly two decades of violence, much recent attention has focused on how the country will deal with the legacy of its past. In 2010, the UN released its massive Mapping Report that details major atrocities committed on Congolese soil since 1993.28 Included among these are the crimes against Rwandan refugees that we reviewed in Chapter 1, the abuses of the RCD that Archbishop Kataliko

critiqued in Chapter 3, and the many atrocities that were committed during the Ituri conflict, including the attack on Nyankunde. In the final section of its report, the UN recommends several transition mechanisms to assist Congo as it takes on the monumental task of confronting its past.

The first is the International Criminal Court, which was launched in 2002. Several cases from the Ituri conflict have already been referred to the Court. The Court’s inaugural case deals with crimes committed by Thomas Lubanga, the leader of the UPC Hema militia group (the group that was stationed in Nyankunde during the attack). The ICC’s second case deals with representatives from an Ngiti group that sacked the town of Bogoro towards the end of the Ituri conflict. The UN also recommends a truth commission modeled after those implemented in South Africa, Peru, and Guatemala.

While these national and international transitional mechanisms will no doubt play an important role in helping Congo confront the legacy of its past, in this chapter I have sought to stress the importance of another register of truth: the ordinary. The lens of Nyankunde has helped us see the major challenges that attend any attempt to deal with the past, and how essential the descent into the ordinary is for such a reckoning. In closing I want to stress three key lessons that we should take from the work that residents are doing in Nyankunde.

First, residents have helped us see that the truth about the past is contingent upon restoring local conditions in which this truth is intelligible. While telling the story
of violence at a governmental hearing may help provide important facts and serve as an essential form of recognition and healing, it does not address the local conditions by which the truth of events is made intelligible. In Nyankunde, we saw that that the 2002 attack created the conditions for its own erasure. By displacing residents, the attack threatened to blend the built world of Nyankunde back into the natural world, thereby eliminating what gives death its very intelligibility as a departure. Returning to the ruins of Nyankunde, residents restored this built world, and through burial, showed how those who died were human beings. In this act of showing, they restored the truth of the attack and made good on a past that awaited recognition.

Second, Nyankunde helped us see the importance of ruins, and the particular role of ruined institutions in mediating the past. By descending into the space of devastation and reviving such institutions as the market and hospital, those in Nyankunde helped us see that the ordinary can be a marker of past violence. Given that the 2002 attack destroyed the entire town, every institution bears its mark. As the event ripples into these institutions, they become concrete sites where the past can be made publicly decipherable. This not only combats the attack’s inner logic of self-erasure, but provides an ordinary means of dealing with extraordinary violence. The market and hospital provide accessible ways of dealing with world-destroying violence. They lead this violence home, and in the process, re-knit the ordinary with the fragments of the
former world. The ordinary not only allows the past to become visible, but provides a way to go on without leaving the past behind.

Third, the lens of Nyankunde helped us see the role of civilian agency in the process of mediating the past. Only if the Ngiti women risk travelling the 20km to Nyankunde can the market become a space in which the past re-appears. Likewise, only if wounded healers return to their work can an inhospitable ruin become hospitable again. Such agency mediates the past and present, but does so in a way that cannot but change the past, as it now becomes part of a wider narrative of healing. Those in Nyankunde not only witness to what happened, but how what happened is not over yet. Risking continued insecurity and the possibility of further wounds, men and women in Nyankunde are living from ruins and re-making the past into their future.
Conclusion

“War is our daily bread.” These words of a pastor in Goma served as the point of departure for this dissertation. His words challenged us to move beyond a picture of war focused primarily on state and military actors and reckon with the impact of war upon everyday life. Throughout our study we have seen each part of his description borne out.

We saw how war is “ours” in the way in which every civilian has had to negotiate the effects of war, whether it was Umutesi and her companions being stalked by AFDL rebels on their journey westward, the members of the Bukavu civil society trying to maneuver through the hurdles of RCD occupation, or the residents of Nyankunde whose entire world was destroyed.

We saw how war is “bread” in the way in which resource exploitation and land disputes have destroyed or transformed livelihoods, introducing new economic imperatives that keep conflict economies going and increase civilian vulnerability. We saw how the RCD depended upon civilians keeping markets and clinics open for the operation of their political authority, and how quickly the legal façade of their movement fell away when this civilian bread was withdrawn.

We saw how war is “daily” not only in the way it has been an ongoing reality since 1996, but in how it has rippled into families, work, school, and church, such that no area of life has been left untouched by it. As we saw last chapter, war is daily long after
violence has ended, as it echoes into ruins and leaves its mark on the very way civilians move forward. “It is there. You can’t get around it. It is our daily bread.”

In our attempt to understand war as daily bread in Congo, we adopted a local lens, approaching the civilian experience of war through memoirs, letters, sermons, and fieldwork. This enabled us to see a different side of civilian vulnerability, one not limited to indiscriminate conduct but tied to the deeper political and economic upheavals of armed conflict. At the same time, this lens helped us glimpse a wider field of moral action, one in which moral agency is not exhausted by combatants but includes civilians whose own decisions enable and stifle the course of conflict. We saw that while civilians are more vulnerable in contemporary conflict, they also stand in the best position to mitigate its costs.

In these ways, the local lens helped us to provide a thicker description of the multiple layers of conflict, vulnerability, and agency in the Congo war. But our emphasis upon local description in this dissertation has not simply been about providing more information about conflict economies or civilian livelihood strategies. It has been about better appreciating the integral link between description and moral judgment. Description, I have argued, is not a neutral stage on the way to moral judgment. It is moral judgment. We saw this most clearly in the case of the Rwandan refugee crisis. Whereas James Turner Johnson took for granted that the acts committed against the refugees were acts of war, Marie Béatrice Umutesi’s testimony required that
we more critically examine the underlying intelligibility of these acts. The refugees were not targeted as a means of waging war against the Zairian government or the Hutu rebels; they were targeted because they were Hutus. In helping us make the distinction between war and genocide, Umutesi allowed us to appreciate how our very act-descriptions contain implicit moral judgments. One cannot assume that all acts in war intend war, or that violence at one level is necessarily related to violence at another. Each act of violence in war requires its own moral investigation. We also saw how Umutesi challenged Agamben’s assumption that she and her companions were reduced to “bare life”. As a Catholic Hutu woman, she pointed to the lived meaning of her dislocation and the ultimate futility of strategies of dehumanization.

We also explored the relation between description and moral judgment in the context of the struggle between the Catholic Church and the RCD in Bukavu. In practically reasoning through the ordeal of rebel occupation, Archbishop Kataliko did not presume an independently constructed problem called “war”; rather, his theological lens remained determinative for how he understood the nature of the struggle. The fact that the RCD was waging war and occupying the city did not ultimately shape his understanding of the situation; rather it was Kataliko’s understanding of Christ’s birth, death, and resurrection that led him to read the situation as he did. The suffering he observed was not neutral or given; rather, this suffering could be transformed into a form of agency and a way of entering more deeply into the sufferings of Christ. In the
face of the RCD’s politics of death, he perceived the possibility of a politics of life. “It is through our suffering and our prayers,” he preached, “that we will fight for freedom and bring our oppressors to reason and inner freedom.”

Likewise, for Dr. Upio and the residents of Nyankunde, the decision to return to their town amidst significant insecurity reflected a very different moral judgment than the one that concluded, “Nyankunde is finished.” It reflected a different sensibility about how to combat the indirect costs of war (where those costs are best met, by whom, and when). Dr. Upio judged that those costs could be met in Nyankunde, well before all of the desirable conditions were in place; in doing so, he saw and inhabited a different world than those who continued to find the conflict economy more alluring.

Finally, and perhaps most vividly, we saw how description is moral judgment in the way that residents in Nyankunde are negotiating the legacy of the past. From one perspective, the attack against Nyankunde in 2002 ended when the last residents fled the town and the rebels finished gutting the buildings. But from a different, more theological perspective, what happened during those days in September 2002 is still being decided. As we saw, the attack was so total and destructive, it displaced the residents and kept them away long enough for the town to begin to blend into the surrounding natural environment. The attack unmade the very deaths of those who died. But in returning, residents began to reverse these processes. By burying the dead, they were able to give the intelligibility of death back to those who died. By re-
inhabiting the ruined institutions of the market and hospital, they were able to maintain an ongoing relationship with the past. The residents, ruins, and reviving institutions have all become part of a living re-description of the 2002 attack. This is a story that continues to be told not by denying the past, but by bringing it into visibility. It is a story in which violence is not finished, but woven into a new ordinary. In the materiality of the ruins, description and moral judgment become one. In a community that risks going on with the fragments of the past, its very life becomes a witness to the truth of what happened.
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Biography

John Kiess was born on February 5, 1979, in Fort Smith, Arkansas. In 2001 he graduated from the University of Virginia with a Bachelor of Arts in Political and Social Thought. In 2004 John earned a Masters of Arts in Comparative Ethnic Conflict at Queen's University, Belfast and in 2005 he earned a Masters of Philosophy in Theology at Cambridge University. In the spring of 2011 he completed a Ph.D. at Duke University in the Graduate Program in Religion. John has received the George J. Mitchell Scholarship, the Jack Kent Cooke Graduate Scholarship, and the Evan Frankel Scholarship, as well as the Duke Graduate School Summer Research Grant and Dissertation Travel Award. In 2011 he accepted a position as Assistant Professor of Theology at Loyola University Maryland, in Baltimore.