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Disciplinary Brief

**FROM INDIVIDUAL ENTITLEMENTS TO COLLECTIVE EXCELLENCES:
THE OBLIGATIONS OF JUSTICE FOR COLOMBIA'S DISPLACED
PERSONS**

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It initially felt like a bit of a misnomer to call what follows a "Disciplinary Brief," since the ensuing text engages with Prof. Wolterstorff's Brief, not in my capacity as a New Testament scholar, but from my experience working with victims of forced displacement in Colombia. Here at the Biblical Seminary of Colombia in Medellín, in addition to my traditional professorial remit, I run a project called *Faith and Displacement*, which fuses insights from Christian theology and the social sciences to mobilize Christian communities in an effort to foster the holistic human flourishing (*shalom*) of internally displaced persons (IDPs). It is in relation to that side of my work that I found Prof. Wolterstorff's Preview and Brief on Justice and Rights to be especially helpful and provocative. Perhaps by extension, the application of Wolterstorff's work to a specifically Colombian issue could serve as a provocative case studies for scholars working in analogous fields or contexts.

Against Abuses of the Rights Discourse in Colombia: From Claimants for Justice to Agents of Justice

Here in Colombia, the decades-long armed conflict between guerrilla militia, paramilitary groups, the national army, and drug cartels has resulted in literally millions of documented human rights violations. In response to that grave reality, the Colombian government has made human rights a major part of the educational curriculum and public discourse for the past generation. Rights language is pervasive, and generally in what Prof. Wolterstorff dubbed a "second-order" fashion (i.e., the focus is on providing restitution to the victims of the conflict). There is a lot to celebrate in that, to be sure. But some downsides (or, in Prof. Wolterstorff's language, "abuses") have attended the prominence given to rights discourse.

1. The emphasis on rights has fostered a great deal of passivity and a certain attitude of entitlement in Colombian society, including in relation to things that are not actually human rights but may be legal rights.

2. The government is seen as the primary conveyer of second-order justice and restorer of violated rights, in spite of the fact that the government has neither the resources nor the bureaucratic & moral capacities to fulfill that task.
3. As a combination of A and B, people in this context think very little about their own agency and responsibilities *vis-à-vis* either first- or second-order justice; quite the contrary, the nation is marked by endemic corruption and a disheartening lack of integrity (including among Christians), and the population at large seldom considers that they have an obligation either to practice integrity or to be agents of restorative justice.

Needless to say, the confluence of these three downsides/abuses of rights discourse creates vicious social dynamics.

Because of this context in which I work, I was struck by the way that Prof. Wolterstorff's Preview stated that "rights are grounded in the worth (excellence, dignity) of the rights-bearer." Here in Colombia, people would ground rights in our inherent dignity (under the influence of Catholic social teaching), but not in our *excellence*. A great deal could be gained, in the Colombian context, by balancing attention to the rights you have because of your inherent dignity with an emphasis on the fact that being a person with profound dignity means that you are, by your nature, a person of excellencies, excellencies with ramifications for the way in which you are also an agent of justice (first and second order) for others. This is not by any stretch to deny the necessity of protecting against human rights violations nor to undercut the role of the state in contributing to that task. It is rather to try to activate individuals and communities as being *agents* of justice, rather than simply being *claimants* for justice.

The Rights and Obligations of Collective Entities, and Their Members

In his more fulsome Theology Brief, Prof. Wolterstorff dug deeper into "Why the recognition of rights is important", responding to the wariness that some expressed about how rights language sometimes reinforces people's sense of entitlement, due to a "mentality of possessive individualism." He picked up the distinction made above between being *agents* of justice and *claimants* for justice. Building on that distinction, he made two further clarifications that I believe would be salutary for correcting the passivity evident in many Colombians as a result of a distorted understanding of human rights. (To be clear: in this Brief, Colombians come under criticism, simply because this is the context in which I currently live and work. Nonetheless, I would venture that analogous arguments could be made in any number of national or cultural contexts where rights discourses—and abuses—have become prominent.)

Extending the Argument about Rights and Obligations

The first key move made by Prof. Wolterstorff was to counter the mentality of possessive individualism with an affirmation that *collective entities have rights as well*; rights, he pointed out, are not solely the domain of the individual person. In tandem with that observation, he made a second move, flipping the script of much rights discourse and arguing that *all genuine rights imply duties and obligations as their corollaries*: if a person or a collective has rights, then anyone in relationship to that person or collective has obligations to treat them in accordance with their rights.

If Wolterstorff is correct in claiming that rights entail obligations, and that collectives as well as individuals have rights, it follows that collectives as well as individuals have obligations. I would argue further that, if a collective has an obligation,

the individuals within that collective share that obligation, at least partially (although the full weight of that obligation does not lay upon any one member of the collective). Even if a collective concentrates power in the hands of its leadership, should the leadership fail to follow through on its duties, the members of the collective still bear those obligations, in accordance with the others' rights.

Relevance for the Colombian Displacement Crisis

This set of maneuvers holds promise for overcoming the individualist passivity that I have identified behind the indolence of much of Colombian civil society *vis-à-vis* the displacement crisis. Colombia as a nation has already agreed that forced displacement is a violation of the rights of their citizens, insofar as it entails (both directly and indirectly) a transgression of the rights to a dignified life, to safety, to liberty, and to private property. [1] Furthermore, since the Colombian government has failed in meeting its constitutional obligations to ensure the rights of its IDP citizens, the Supreme Court of Colombia has declared the displacement crisis to be an unconstitutional state of affairs. Nonetheless, the Colombian government has expressed openly that it does not have the financial or logistical resources required to rectify these human rights violations for the entire displaced population. [2] In other words: the leadership of the collective has admitted that it is incapable of fulfilling its obligations to IDP citizens.

The standard Colombian reaction to this state of affairs is to decry the ineptitude or corruption of the government, or to lament the tragedy of the situation, without taking personal initiative to rectify the injustices suffered by victims of the conflict. This reaction is more apparent the closer a population is to the center of governmental power in Colombia. In the *Faith and Displacement* project, when working with churches in Bogotá (the capital of Colombia, where the potency of the government is most apparent and where a disproportionate amount of federal money is spent), I tend to encounter a high degree of resistance to the idea that members of the church should take personal action on behalf of IDPs; people are eager to participate in our training under the assumption that it is primarily theoretical and about raising awareness, but balk when it comes to engaging personally with the displaced. By contrast, church teams hailing from smaller municipalities readily embrace training for work directly with displaced populations, because they are under few illusions that the government will sweep in and make good on its obligations to IDPs. It is in response to dynamics like these that Prof. Wolterstorff's Brief could prove especially productive in moving conversation forward in Colombia.

If I am right in surmising that the members of collectives share in the obligations of their collective, then the failure of the Colombian government to respond to the violated rights of the citizens of Colombia becomes a failing of the citizens whose rights were *not* violated. It is therefore incumbent upon those citizens to act positively and constructively at least to ameliorate if not completely rectify violations of the rights of the displaced. Prof. Wolterstorff made a similar point by evoking John Lewis and Martin Luther King Jr., who urged, "when you see something that is not right, you must say something. You must do something." In other words, when the collective leadership of civil society perpetrates or permits the violation of human rights, the constituent members of the society are bound by duty to take action themselves. So, insofar as Colombian people recognize that the displacement crisis amounts to a series of both punctiliar and persistent violations of human rights—violations not being adequately addressed by their collective leadership—they are duty-bound to act at least in some degree to rectify that injustice.

I will admit, however, to having live questions about how to analyze the degree to which one is obliged to act on behalf of

those whose rights are violated when one's collective fails to live up to its obligations. Perhaps an argument could be made that the extent of one's obligation correlates *directly* with the extent of one's power (i.e. a university president has greater responsibility than an impoverished shopkeeper) and the degree of gravity of the rights violated (i.e. action is more urgent in the face of genocide than in response to price manipulation), and *inversely* with the size of the collective of which one forms a part (i.e., one has relatively less obligation to address a problem on a national scale than one does to address a problem in one's own neighborhood). But I would be grateful for a philosopher to shed more light on this topic.

Justice and Love, and the Right(s) Thereto

Prof. Wolterstorff extended King and Lewis's exhortation "You must do something" from civil society to the Academy. As a seminary professor, however, my bailiwick is comprised to more or less equal extents by the Academy and the Church. So, in what follows, I would like to explore further how to apply the "agent" and "claimant/patient" dimensions of justice in specific relation to the work the *Faith and Displacement* project does in mobilizing local churches to respond to the displacement crisis in Colombia. But, when shifting the focus from society and Academy to the Church, I need to pick up something Prof. Wolterstorff says about love.

Justice as a Part of Love

Prof. Wolterstorff's Brief begins by discussing, not rights, but the relationship of justice and love. Responding to a position that construes (New Testament, Christian) love in a supersessionist relationship to (Old Testament) justice [3] —claiming speciously that the gratuitous charity extolled by Jesus replaces the Law's attention to proportionality and punishment—Wolterstorff argues that justice is a constituent component of love. Justice is not coextensive with love, but certainly inseparable from it, such that one could not claim to be exercising love while violating justice. In his words,

Love and justice must be understood in such a way that love incorporates justice.... Love should be understood not as gratuitous benevolence that pays no attention to what justice requires but as *care* — not care *for* but care *about*. When I care about you, I seek to promote your good, including the good of your being treated by myself and others as justice requires. Agapic love, understood as care, incorporates acting justly. Its comprehensive goal is shalom.

In relation to my ecclesially-based work with displaced people, two aspects of this argument are especially worth drawing out. First, by emphasizing "care about" others, rather than "care for" others, Wolterstorff hedges against the sort of paternalistic benevolence that so often accompanies Christian work with vulnerable populations. [4] Such objectifying and condescending care fails to recognize and cultivate the person's intrinsic excellences, thus potentially revictimizing the person through one's own good intentions. [5]

Second, by incorporating justice (to which people have a right) within love, Wolterstorff implies that people actually have a right to at very least *an aspect* of love. I am curious to know if Prof. Wolterstorff would believe that people have a right to be loved *tout court*. But even without his *imprimatur*, I am attracted to the notion that, within the scope of Christian theology and ethics, all people have the *right* to our love (especially given that the command to love one's neighbor as oneself is widely agreed to be a duty incumbent upon all Christians). Nonetheless, even if one were reticent to claim that

all people have the right to be loved in the most capacious sense of the word, the more modest notion that people have the right to justice *qua* a subset of love could have major ramifications for Christian ministry to vulnerable populations.

Love is Not Optional

Within evangelical Christianities in the Americas (Colombia being no exception), Christian social action is typically construed as an expression of love, quite reasonably. However, under a Reformation pressure to hedge against any account of moral obligation that could be construed as "salvation by works," the expression of love in social action tends to be understood as *supererogatory piety*, i.e., morally praiseworthy action that is not strictly speaking required by the religion. Given that the love expressed in Christian social action is viewed as supererogatory, people surmise that action on behalf of the marginalized and victimized is basically optional. We do not tend to see the downtrodden of society as having a binding claim on our love; the only people who we might concede have the *right* to our love are the members of our nuclear family. All other loves are thought supererogatory, optional, such that the abused of society do not have a right, strictly speaking, to our love.

Prof. Wolterstorff's argument, however, does seem to indicate that people have a right to our love, at very least insofar as justice is a part of love and a person has a right to justice. As such, if a person with whom I am in relationship has suffered the violation of their first-order rights to justice, I have a moral obligation to love them by pursuing second-order justice for that person. That sort of love of neighbor is not a matter of supererogatory piety; it is an obligation incumbent upon me, an obligation with a "peremptory" force. This sort of construal of love in relation to justice and rights creates a much stronger argument about the moral obligations of Christians towards survivors of injustices.

The Rights of the Displaced to Love and Justice

This line of reasoning is immensely applicable to the work of *Faith and Displacement* in mobilizing churches to foster the recuperation of the IDPs, especially because our foundational motivating arguments to the churches advance in close synchrony with the opening reflections on justice and love in Wolterstorff's Brief. When training churches as part of the *Faith and Displacement* project, I begin by introducing the concept of *shalom*—holistically construed in terms of spiritual, material, emotional, and relational flourishing. I then move to Luke 4:16-21, to identify how Jesus (citing Isaiah 61:1-2) construed his own ministry in multidimensional fashion, entailing justice, economic well-being, political freedom, and emotional health. [6] These opening forays reveal a good deal of theological alignment with Prof. Wolterstorff's Brief.

My next move in training churches, however, is to explore the Sheep and Goats Judgement of Matthew 25:31-46. This text commends itself to the topic of serving displaced persons because it speaks not only of the impecunious, but specifically includes the *xenoi*, foreigners or migrants. The basic argument this passage is twofold:

1. When one acts on behalf of "the least of these," one ministers to Christ and secures eschatological reward (see especially vv. 34, 40, 45).
2. Failing to act on behalf of "the least of these" gets one sent to hell (vv. 41, 46).

I want to zero in on that second point. The King's argument in Matthew 25 is not that one is condemned for having

deprived the hungry of bread, for having withheld water from the thirsty, for having stripped the naked, or infecting the sick or arresting the prisoner or expelling the migrant. Rather, the goats are condemned for having simply seen the hungry, naked, and migrant, and having done nothing. [7]

The logic of this text, claiming that one can be punished for not acting on behalf of the "least of these," implies that one has an obligation to the vulnerable. Acting on their behalf is not merely an expression of supererogatory charity; it is a morally binding duty, the neglect of which merits punishment. This text is thus neatly compatible with Prof. Wolterstorff's account of justice as a right that is a part of love. [8] Interpreting Matthew 25 for the 21st century, it would not distort the text to construe "the least of these" as people with a right to food, water, and clothing (matters of justice) as well as to being visited in prison and welcomed as strangers (matters of love more broadly). We who see the least of these, whether as members of the body of Christ or of Colombian society, have moral duties to act justly and lovingly towards them, both in terms of our daily first-order dealings with them, and in terms of pursuing second-order justice for them when the State has failed to provide it.

Conclusion

Prof. Wolterstorff's brief provides a nuanced account of rights—replete with distinctions between first and second orders, agents and claimants/patients, rights and duties, collectives and individuals—that is poignant for this theologian, working to mobilize churches in response to the Colombian displacement crisis. To explore how this might be the case, I have taken the liberty drawing out some points that seemed implicit in Wolterstorff's argumentation, specifically venturing that members of collectives share the moral obligations of their collective (e.g., citizens share some of the moral responsibilities of their governments) and also suggesting that (within Wolterstorff's construal of justice as a part of love) people's right to justice also implies a right to love. These insights strengthen the case that Colombian citizens, especially Colombian believers, are morally obligated to act on behalf of Colombian IDPs, and in such a fashion as comports with the intrinsic excellencies of those displaced persons. And although Colombia, like any other nation, has distinctive cultural and political features, I would wager that the reflections above are pertinent to any number of nations in which rights discourse is prominent and in which the Church finds itself sliding into passivity in the face of injustice. Such contexts are, lamentably, not few.

In closing, allow me to venture an exhortation for seminaries. Most institutions of theological education have a strong sense that, by training church leaders, they are serving the good of society, like leaven in dough. This strikes me as true. But our efficacy is often blunted by our tendency to silo ourselves off from other academic disciplines. *Faith and Displacement* is one seminary's attempt to learn deeply from diverse social-scientific disciplines, at the levels of theory, practice, and empirical verification. The Faculty Initiative has the potential to facilitate much the same thing, albeit in relation to a much wider range of disciplines and topics. The Faculty Initiative invites the seminary professor to contribute her or his theological knowledge to believers in other academic disciplines, as well as to receive help from those believing scholars with diverse specialties, in order to be more effective in serving the mission of the Church in the world. It is an invitation to see interdisciplinary study, not as a niche endeavor for fringe theologians, but as an opportunity to speak more truly about God, if we believe that all truth is God's truth. [9] I think we'd be foolish to pass it up.

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End Notes

- [1] David Alfonso Durán García and Juliana Inés Parra Aldana, "Derechos de las víctimas del desplazamiento forzado: aportes desde la jurisprudencia y la doctrina," in *Desplazamiento forzado en Colombia: derechos, acceso a la justicia y reparaciones*, ed. Javier Aguirre Román (Colombia: UNHCR, 2007), 13-59 (available [here](#)).
- [2] EFE, "El Estado no tiene capacidad para atender a todas las víctimas al mismo tiempo," *El Espectador*, April 9 2014.
- [3] I merits mention that, within the New Testament guild, I have not personally run into this particular flavor of Marcionism (a second-century heresy that construed the justice-hungry God of the Old Testament as distinct from the merciful God of the New Testament), at least not in overt forms.
- [4] See, e.g., Robert D. Lupton, *Toxic Charity: How Churches and Charities Hurt Those They Help (and How to Reverse It)* (New York: HarperCollins, 2011); Steve Corbett and Brian Fikkert, *When Helping Hurts: How to Alleviate Poverty without Hurting the Poor...and Yourself* (Chicago: Moody, 2012).
- [5] In our work mobilizing churches to serve displaced people, we emphasize the power and potential of the displaced person from the very beginning; see Christopher M. Hays, Isaura Espitia Zúñiga, and Steban Andrés Villadiego Ramos, *La misión integral de la iglesia: cómo fortalecer o crear un ministerio a favor de personas en situación de desplazamiento: manual del facilitador*, 2nd ed. (Medellín: Publicaciones SBC, 2020), 70-91 (available [here](#)). The danger of revictimization is also addressed in Christopher M. Hays, *El profesional cristiano y la recuperación económica de las personas en situación de desplazamiento*, 2nd ed. (Medellín: Publicaciones SBC, 2020), 45-47 (available [here](#)), and Laura Milena Cadavid Valencia and Ivón Natalia Cuervo, *Enfoque y metodologías participativas, dar voz a las comunidades*, 2nd ed. (Medellín: Publicaciones SBC, 2020), 49-55 (available [here](#)).
- [6] For a glimpse of how this is done, see Saskia Alexandra Donner, ed. *Diplomado de Fe y Desplazamiento: cuaderno de trabajo* (Medellín: Publicaciones SBC, 2020), 13-39; Hays, Espitia Zúñiga, and Villadiego Ramos, *La misión integral: manual*, 25-27 (available [here](#)).
- [7] See further Christopher M. Hays and Milton Acosta, "Jesus as Missional Migrant: Latin American Christologies, the New Testament Witness, and Twenty-first Century Migration," in *Who Do You Say I Am? On the Humanity of Jesus*, eds. George Kalantzis, David B. Capes, and Ty Kieser (Eugene, OR: Cascade, 2020), 167-70.
- [8] Even if the biblical author's own thinking would have been rooted, not in rights discourse, but in Old Testament, Second Temple, and apostolic Christian values about caring for the poor, the sick, the migrant, and the prisoner.
- [9] So Arthur F. Holmes, *All Truth is God's Truth* (Grand Rapids: Eerdmans, 1977).

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