WHO WILL BLOW THE TRUMPET?
A Christian Ethical Evaluation of the Jubilee As a Hermeneutical Tool for Reconciliation, Healing, and Transformation In Post-Apartheid South Africa

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Restoring Moral Values: Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church in South Africa.

ABSTRACT

WHO WILL BLOW THE TRUMPET? A CHRISTIAN ETHICAL EVALUATION OF THE JUBILEE AS A HERMENEUTICAL TOOL FOR RECONCILIATION, HEALING, AND TRANSFORMATION IN POST-APARTHEID SOUTH AFRICA.

The central theoretical argument of this thesis is that, the Old Testament concept of the Year of Jubilee is neither an anachronistic, nor a peripheral detail of the Canon of Scripture, but an integral part of, indeed a hermeneutical tool for interpreting the whole. The Jubilee can therefore serve as a hermeneutical tool for reconciliation, healing, and transformation for post-apartheid South Africa.

The thesis seeks to demonstrate the ideal of the Jubilee as a continuous and coordinating theme, in both the Old and the New Testament, by reference to: the Pentateuch, the Historical Writers and the Prophets, the apocryphal Book of 1 Maccabees, the intertestamental Book of Jubilees, the so-called Nazareth Manifesto, Pentecost, and the Book of Revelation.

In the Pentateuch, Israel liberated from slavery and returning to God, became a paradigm for the liberated slave to return to his or her inheritance in the year of Jubilee celebrated every 50th year. Seen to be divinely ordained, the Jubilee reminded God's people that they were called to act towards others as God had acted towards them, for this is part of what it means to be both just and holy. It was seen primarily as a *resitutio in integrum,* a restoration to an original state. It made provision for the redemption of the poor and disenfranchised, as well as provision and protection of the poor, the aliens, and release of slaves and their families, and indentured labourers. Its underlying concerns are with justice, freedom, human dignity, and rights. Human dignity and rights are intrinsically related to God's saving acts on behalf of his people, the assertion of divine justice in the face of every human abuse of power and injustice.

Among the Historical Writers and the Prophets the Babylonian Exile came to be interpreted as divine judgment for the neglect of an institution meant to embody justice, mercy, and grace, characteristics of both a holy God and a holy people.

Isaiah 61 casts a vision for the future in which the Jubilee becomes an inclusive promise of God's covenantal blessings to Israel and the nations.

Following the return from Exile there is evidence of a return to abuse resulting in Nehemiah calling for a national day of prayer, fasting, and confession, and a renewal of the covenant to honour the ethical implications of the year of grace.

In the intertestamental period, possibly as a reaction to hellenising influences, the idea of the Jubilee may have become somewhat exclusive and nationalistic. Against this background Jesus would give it a new, radical and universal interpretation, and implication, namely that of Israel's mission to the nations.

Jesus clearly understood his mission in terms of the proclamation of 'the year of the Lord's favour' (Luke 4: 14-21), or, of the announcement of God's Kingdom, and demonstrated this by preaching good news to the poor, freeing the prisoners, restoring sight to the blind, and releasing the oppressed. In the New Testament this is presented as a dialectic between the *already* and the *not yet,* or, as being present yet still to come.

Jesus linked his mission with that of his followers and their partnership in mission with the promise and gift of the Holy Spirit. Pentecost can, therefore, be seen as both fulfillment and announcement of God's promise. It announces that the Kingdom of God is *already* here, whereas the Book of Revelation holds out the promise that it is still to come.

The concluding book of the Bible, therefore, gathers together a theme which runs throughout the Canon of Scripture, and presents the Jubilee as good news both

for now and the future. Indeed, God's future is presented as the ultimate Jubilee. Obviously this institution, probably more ideal than real, more intentional than functional even in ancient Israel, cannot be imposed on a secular, constitutional, democracy. Nevertheless, there are implications here for holistic evangelism and mission that not only transcend, but can transform culture, politics, and economics.

In presenting the Jubilee as a hermeneutical tool for reconciliation, healing, and transformation in post-apartheid South Africa, the specific foci of this thesis is on:

- The contribution of the South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling, and building the nation in order to build upon that legacy;
- The Restorative Justice vision in order to construct a Christian ethical response to thinking about and doing justice differently;
- Restoring moral values, and this by offering a spirituality of reconciliation, healing, and transformation; and
- Taking responsibility for reconciliation, healing, and transformation by presenting some practical, Christian, ethical responses and initiatives that could place the Christian community in the forefront of this process.

OPSOMMING

WIE SAL DIE BEUEL BLAAS? 'N CHRISTELIK-ETIESE BEOORDELING VAN DIE BEVRYDINGSJAAR AS 'N HERMENEUTIESE INSTRUMENT VIR VERSOENING, HERSTEL EN TRANSFORMASIE IN POST-APARTHEID SUID-AFRIKA

Die sentrale teoretiese argument van hierdie verhandeling is dat die Ou Testamentiese konsep van die Bevrydingsjaar nòg anachronisties, nòg 'n periferiale klein besonderheid van die Kanon van die Skrif is, maar eerder 'n integrale deel daarvan, inderdaad 'n hermeneutiese instrument vir die interpretasie van die geheel. Die Bevrydingsjaar kan daarom dien as 'n hermeneutiese instrument vir versoening, herstel en transformasie vir post-Apartheid Suid-Afrika.

Die verhandeling poog om die ideaal van die Bevrydingsjaar te demonstreer as 'n voortgaande en koördinerende tema in beide die Ou en Nuwe Testamente met verwysing na: Die Pentateug, die Historiese Skrywers en die Profete, die appokriewe boek van 1 Maccabees, die intertestamentele Boek van Bevrydingsjare, die sogenaamde Nasaret Manifesto, Hemelvaart en die Openbaringe.

In die Pentateug is Israel bevry van slawerny en keer hulle terug na God. Dit het 'n paradigma geword waarvolgens bevryde slawe na sy/haar erfenis kon terugkeer in die Bevrydingsjaar, wat elke 50ste jaar gevier is. Die Bevrydingsjaar is beskou as goddelik ingestel, en as sodanig het dit God se volk herinner dat hulle geroep is om teenoor ander op te tree soos God teenoor hulle opgetree het, want dit is wat dit beteken om beide geheilig en regverdig te wees. Dit is primêr gesien as 'n *restitutio in integrum*, 'n restorasie na 'n oorspronklike staat. Dit het voorsiening gemaak vir die bevryding van die armes en ontburgerdes, sowel as versorging en beskerming van die armes, die vreemdelinge, die vrylating van slawe en hulle gesinne, en kontrakwerkers. Die onderliggende besorgdheid is met regverdigheid, vryheid, menslike waardigheid, en regte. Menslike waardigheid en regte is intrensiek verweef met God se reddingsdade teenoor sy volk, en die volvoering van goddelike geregtigheid met betrekking tot elke menslike magsmisbruik en ongeregtigheid.

Die Historiese Skrywers en die Profete het die Babiloniese Ballingskap mettertyd geïnterpreteer as goddelike oordeel oor die verwaarlosing van 'n instelling wat bedoel is om geregtigheid en genade te vergestalt, eienskappe van beide 'n heilige God en 'n heilige volk.

Jesaja 61 gee 'n visie vir die toekoms waarin die Bevrydingsjaar 'n inklusiewe belofte word van God se verbondseëninge aan Israel en die nasies.

Na die terugkeer uit ballingskap is daar bewys van 'n terugval in mishandeling wat tot gevolg het dat Nehemia 'n nasionale dag van gebed uitroep, met vas, skuldbelydenis en 'n hernuwing van die verbond om die etiese implikasies van die jaar van genade te eer.

Gedurende die intertestamentele periode, moontlik as 'n reaksie op hellenistiese invloede, het die idee van die Bevrydingsjaar moontlik ietwat eksklusief en nasionalisties geword. Teen hierdie agtergrond kom Jesus om dit 'n nuwe, radikale en universele interpretasie en implikasie te gee, naamlik die van Israel se sending na al die nasies.

Jesus het duidelik sy sending verstaan in terme van die proklamasie van die 'jaar van die Here se guns' (Lukas 4:14-21), of, die aankondiging van God se Koningkryk, en Hy demonstreer dit deur die goeie nuus aan die armes te bring, gevangenis te bevry, sig vir die blindes te herstel, en die onderdruktes te bevry. In die Nuwe Testament word dit voorgestel as 'n dialektiek tussen die *alreeds* en die *nog nie*, of tussen die hede en dit wat nog kom.

Jesus het sy sendig verbind met die van sy volgelinge en hulle vennootskap in sending met die belofte en gawe van die Heilige Gees. Hemelvaart kan daarom gesien word as beide die vervulling en die aankondiging van God se belofte. Dit kondig aan dat die Koningkryk van God *alreeds* hier is, waar die Openbaringe die belofte wat nog kom uitspel.

Die samevattende boek van die Bybel neem dus 'n tema saam wat deur die Kanon van die Skrif loop, en kondig die Bevrydingsjaar aan as goeie nuus vir beide die hede en die toekoms. Natuurlik kan hierdie instelling, meer ideaal as werklik, meer intensioneel as funksioneel selfs in antieke Israel, nie net op 'n sekulêre, konstitusionele demokrasie afgedruk word nie. Nieteenstaande is daar hier implikasies vir holistiese evangelisasie en sending wat nie net kultuur, politiek en ekonomie transendeer nie, maar dit ook kan transformeer.

Ten einde die Bevrydingsjaar as hermeneutiese instrument vir versoening, herstel en transformasie in post-Apartheid Suid-Afrika voor te hou, is die spesifieke fokusse van hierdie verhandeling op:

- Die bydrae van die Suid-Afrikaanse Waarheids- en Versoeningskommissie tot 'n hantering van die verlede, versoening en die opbou van die volk sodat daar op daardie erfenis gebou kan word;
- Die Herstellende Gereg-visie en die konstruksie van 'n Christelike Etiese reaksie op die denke oor alternatiewe wyses van regstoepassing;
- Herstel van morele waardes, en dit deur 'n spiritualiteit van versoening, genesing en transformasie voor te hou; en
- Die neem van verantwoordelikheid vir versoening, herstel, en transformasie deur praktiese Christelike, etiese reaksies en inisiatiewe te bied wat die Christelike gemeenskap op die voorpunt van die proses te plaas.

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- Lay Pastor at Claremont Methodist Church, Cape Town
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CHAPTER 1

1.1 PROPOSED TITLE

WHO WILL BLOW THE TRUMPET? A Christian Ethical Evaluation of the Jubilee as a Hermeneutical Tool for Reconciliation, Healing, and Transformation in Post-Apartheid South Africa.

1.2 FORMULATING THE PROBLEM

1.2.1 Background

In July 2003, the South African Christian Leaders' Conference (SACLA II) was held in Pretoria. Its aim was to address the 'moral and spiritual giants' that threaten South Africa, and to find Christian ethical responses to them. These were identified as:

- HIV/AIDS,
- Violence,
- Crime,
- Racism,
- Poverty and Unemployment,
- Sexism, and
- Family in Crisis.

At a Justice, Safety, and Security Track panel discussion, George Fivaz (2003:1, 2). former Commissioner of the South African Police, stated:

> South Africa has had a crime problem for decades, but the somewhat unreliable statistics for the period prior to 1994 (some police forces kept proper records and others not) suggest that violent crime began to increase dramatically in the early 1980s. Unfortunately, there is little evidence that the situation is going to improve in the immediate future, because the root causes of crime, namely: unemployment, homelessness, unacceptable levels of education, lack of a sound value and norm system, poverty, hopelessness, and an ingrained culture of violence, to name but a few, are still very much alive and well.
>
> The country also has other obstacles. South Africa is a country in transition, and transition is inevitably disruptive and difficult. For example, one of the consequences of rapid transformation, is that the law fails to keep pace with the rate of social change. South Africa's laws regarding illegal immigrants, computer crime, money laundering, and organized crime, were and are still

in some respects, inadequate, and the country is not equipped to combat this menace.

The illegal drug trade is also becoming extremely serious ...

The problem is further aggravated by a criminal justice system that still lacks the necessary capacity to create a deterrent for crime. Courts are understaffed, court rolls are over engaged with the effect that the justice process is slow and cumbersome.

What is also evident, is that the police are struggling to cope with the extraordinary workload that is flowing from the unacceptable high levels of crime in the country. Many police officers are overworked, underpaid, and demoralised. Not surprisingly, many of our skilled and experienced police officers opted over the last number of years, for early retrenchment packages, or resigned from the police service, either out of frustration, or for a better paid and less stressful private career

The main causes of crime and violence are not to be found in reductionism or determinism, whether sociological, psychological or theological. Naturally, the causes are many. Fivaz has suggested the explanations of South Africa's epidemic of violent crime include:

- We are a developing country in transition, with all the unfulfilled expectations, frustrations, anger, fear, doubt, anxiety, and insecurity that such a process engenders. This is often evidenced in the extremes of withdrawal (passive disengagement or emigration) and reaction that seeks solutions in repressive legislation, and vigilantism, or violent expressions of distrust of authority.

- Poverty and an estimated 40% unemployment that disempowers large majorities, a minority of whom see crime a justified recourse,

- Limited educational opportunities, both quantitative and qualitative, for all,

- A lack of a generally acceptable norm and value system, due in part to:

    - A global moral relativism from which most South Africans have been unexposed until recent decades, and the present overreaction in the name of personal freedom and rights. This focus on individual freedom and rights often accompanies a lack of personal responsibility, and

    - The breakdown of family life, partly due to the above in terms of moral relativism and poverty, but also impacted by the HIV/AIDS pandemic and other diseases, resulting in dysfunctional families, parentless children, child headed homes, and street kids. This presents fertile ground for crime, substance abuse, prostitution, and ongoing domestic abuse.

- A new constitution, not properly understood, and whose focus on human rights is often perceived to be more protective of the rights of the offender

than those of the victim. The resultant feelings of re-victimisation and marginalisation, often find expression in vigilantism and distrust in the judicial process and authority,

- The perception that the African National Congress (ANC), as the ruling party, often fails to implement crime prevention, ignores or justifies offences by its own supporters or key members, and appears to trivialise concerns and questions in this regard as being racist, and

- South Africa has a history of violence, and as a result has developed a culture of violence:

    - The legacy of the past: colonialism, Anglo-Boer South African wars, apartheid, tribalism, and sporadic inter-racial and inter-cultural struggles for domination, self-determination and independence,

    - The institutional violence of minority regimes and the denial of human rights to the majority,

    - The violence of the struggle to overthrow the institutionalized violence of the Apartheid era, particularly the intense "political violence" of the 1980s and 1990s, directed in part at the regime, and in part inter-tribally,

    - The ongoing legacy of the past expressed in crime and violence, domestic, sexual, communal, inter-racial and inter-cultural,

    - The post-apartheid influx of African migration, and

    - An overworked, underpaid, demoralized, and perceived to be, corrupt and ineffective police force (Fivaz, 2003:2, 3).

This view is shared and expressed by Samara (2006) and Altbekker (2007).

Tony Leon (1998:91), speaking at a Democratic Party Federal Congress in Cape Town on 5th August 1995, suggested that the ANC government is *utterly lacking* in resolve, energy, passion, and policies to address crime, and stated that *getting tough* on crime is the greatest challenge that the country faces, and that winning the war against crime would also mean winning the war against poverty.

This acknowledges the socio-economic contributors to the increased crime levels, without denying that people are moral agents, and that there are always choices albeit sometimes limited. 'The moral dimension transcends social forces. People are genuine moral agents, and they make real moral choices' (Colson and Pearcey, 1999, 28)

Two years later, in 1997, Leon (1998:103) accused the ANC government of *breaching the social contract* 'by which individual citizens renounce certain freedoms in exchange for protection by the state and the enforcement of the rule of law ... It has rendered its citizens uniquely vulnerable to murder, pillage and rape and has even suggested that concern about crime is either racist or a consequence of where you live'.

> The social dimension of ... harm caused by crime is reflected in Braithwaite and Pettit's 'republican theory of criminal justice' (1990). For them, an offence consists of an intrusion into dominion. 'Dominion' (or 'freedom a non-domination') can be defined as a set of assured rights and freedoms. It is the mental and social territory of which we freely dispose, as it is guaranteed by the state and the social environment. The assurance aspect of rights and freedoms is crucial in the theory. I am assured only if I trust that my fellow citizens and the state will take my rights and freedoms seriously (Walgrave, 2007:563).

Eleven years later, Boraine (2008:292) repeated this concern. 'I am appalled at Mbeki's attitude to those who have commented vigorously on the escalating crime rate; to the random violence, particularly towards women and children; to the fact that no-one can really count on being safe and secure. When he said this was the racist attitude of affluent whites, I was so incensed that I wrote to him'. In his appeal to the president, he suggested that Mbeki call together a national conference on crime, its causes and possible additional remedies other than those already in place. To this should be invited not only 'the usual suspects – top policemen, top military people, top businessmen, top officials – but representatives of civil society, many of whom are very anxious to help' (Boraine, 2008:293) Apart from an acknowledgement of receipt from the president's office, Boraine's 'letter was followed by a deafening silence' (Boraine, 2008:294)

Shaw (2002) echoes this sentiment and highlights the apparently diametrically opposed views held by white and black South Africans with regards to the crime situation.

Obviously the main causes of crime and violence are not to be found in sociological, psychological or, even, theological, reductionism or determinism.

1.2.2 The Problem Statement

The problem statement is less, if at all, an attempt to answer these questions, or to identify causes of ongoing crime and violence, as it is to ask: **Who will blow the Trumpet?**

- Can the **Year of Jubilee** (Leviticus 25:8-55) provide the Christian Community – especially local churches – with a hermeneutical tool for binding up the wounds of crime and violence in post-apartheid South Africa, by:
    - Effecting reconciliation?
    - Constructing a new approach to doing justice?
    - Restoring moral values? and
    - Empowering the church for ethical, practical responses?

The Jubilee is thus a symbolic frame for doing theological work and "remains vital with its fourfold stress on setting free the oppressed, the cancelling of debts, the restoration of the land, and the pursuit of all this in a spirit of festivity, symbolized by the blowing of trumpets. It is possible that Jubilee 'may contain the spark that can ignite spiritual fires capable of bringing about the personal, ecclesial and social transformation that today's world so urgently needs'" (Kenneth Leech 2001:229), or in the words of Pope John Paul II (1994): 'The social doctrine of the church ... is rooted in the tradition of the Jubilee Year' (Leech, 2001:220).

'While the government is responsible for preserving a just public order, the community's role in establishing and maintaining a just peace must be given special significance' (Van Ness and Strong, 2002:42).

1.3 AIMS AND OBJECTIVES

The aim of this proposal is to:

- Present a Christian-ethical evaluation of the Old Testament ideal of the **Year of Jubilee** so that it may serve as a hermeneutical tool for reconciliation, healing, and transformation in post-apartheid South Africa. It aims to:
    - Explore the legacy of the South African Truth and Reconciliation Commission in order to build upon that foundation,
    - Engage with the Restorative Justice vision in order to construct a Christian-ethical response to thinking about and doing justice,
    - Offer a spirituality of reconciliation, healing, and transformation as a means of restoring moral values, and
    - Offer practical and measurable responses with the aim of empowering Christian communities to take ownership of the problem and responsibility for being part of the solution thereby putting the church in the forefront of this process.

1.4 CENTRAL THEORETICAL ARGUMENT

The Old Testament concept of the Year of Jubilee is neither an anachronistic, nor a peripheral detail of the Canon of Scripture, but an integral part of, indeed a hermeneutical tool for reconciliation, healing, and transformation in post-apartheid South Africa.

1.5 METHODOLOGY OR METHOD OF RESEARCH

This study is a literary comparative study of relevant material and theoretical reflection of biblical material namely:

1.5.1 The Year of Jubilee: A Christian ethical evaluation of the Jubilee as a hermeneutical tool for reconciliation, healing, and transformation in post-Apartheid South Africa.

1.5.2 Reconciliation: The South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation.

1.5.3 Restorative Justice: An Examination and Christian Ethical Evaluation of the Restorative Justice Vision and its Challenges to the Christian Community.

1.5.4 Restoring Moral Values: Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church in South Africa.

1.5.5 Taking responsibility for Reconciliation, Healing, and Transformation: An examination of some practical Christian ethical responses and initiatives that could place the Christian community in the forefront of this process.

1.6 PROVISIONAL CLASSIFICATION OF CHAPTERS

1.6.1 The Research Proposal: WHO WILL BLOW THE TRUMPET? A Christian Ethical Evaluation of the Jubilee as a Hermeneutical Tool for Reconciliation, Healing, and Transformation in Post-apartheid South Africa.

1.6.2 The Year of Jubilee: A literary comparative study of relevant material and theoretical reflection of biblical material.

1.6.3 Reconciliation: The South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation.

1.6.4 Restorative Justice: An Examination and Christian Ethical Evaluation of the Restorative Justice Vision and its Challenges to the Christian Community.

1.6.5 Restoring Moral Values: Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church in South Africa.

1.6.6 Taking responsibility for Reconciliation, Healing, and Transformation: An examination of some practical Christian ethical responses and initiatives that could place the Christian community in the forefront of this process.

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		Africa: Transforming Under Fire	02/06/2008
VAN NESS, DANIEL. W. and STRONG, KAREN HEETDERKS	2002 2nd	Restoring Justice	Cincinnati, OH, USA: Anderson Publishing Co.
WALGRAVE, LODE	2007	*Integrating criminal justice and restorative justice,* in Handbook of Restorative Justice (eds. Gerry Johnstone and Daniel W. van Ness)	Devon, England: Willan Publishing

1.7 Schematic Representation of the Correlation between Problem Statement (2.2), Aims and Objectives (3) and Methodology (5).

Problem Statement	Aims & Objectives	Methodology
Who will blow the trumpet? Can the **Year of Jubilee** provide the *Christian Community – especially* local churches – with a hermeneutical tool for binding up the wounds of crime and violence in post-apartheid South Africa, by:	The aim of this proposal is to present a Christian-ethical evaluation of the Old Testament ideal of the **Year of Jubilee** *so that it may serve as a* hermeneutical tool for reconciliation, healing, and transformation in post-apartheid South Africa.	This study is a literary comparative study of relevant material and theoretical reflection of biblical *material namely:* **The Year of Jubilee:** A Christian ethical evaluation of the Year of Jubilee as a hermeneutical tool for *preaching and living out the Gospel* for reconciliation, healing, and transformation in post-Apartheid South Africa.
• Effecting reconciliation	It aims to explore the legacy of the South African Truth and Reconciliation Commission in order to build upon that foundation	**Reconciliation:** The South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation.
• Constructing a new approach to doing justice	It aims to engage with the Restorative Justice vision in order to construct a Christian-ethical response to thinking about and doing justice	**Restorative Justice:** An Examination and Christian Ethical Evaluation of the Restorative Justice Vision and its Challenges to the Christian Community.
• Restoring moral values	It aims to offer a spirituality of reconciliation, healing, and transformation as a means of restoring moral values	**Restoring Moral Values:** Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church in South Africa.
• Empowering the church for ethical, practical responses.	A final aim is to offer practical and measurable responses with the aim of empowering Christian communities to take ownership of the problem and responsibility for being part of the solution thereby putting the church in the forefront of this process.	**Taking responsibility for Reconciliation, Healing, and Transformation:** An examination of some practical Christian ethical responses and initiatives that could place the Christian community in the forefront of this process.

Chapter 2

The Year of Jubilee: A Christian ethical evaluation of the Year of Jubilee as a hermeneutical tool for preaching and living out the Gospel for reconciliation, healing, and transformation in post-Apartheid South Africa.

2.1 Introduction

"The Spirit of the Lord is on me,
because He has anointed me to preach
good news to the poor.
He has sent me to proclaim
freedom for the prisoners and
recovery of sight for the blind,
to release the oppressed,
to proclaim the year of the Lord's favour."

With these words, a partial quote from Isaiah 61, Jesus announced his mission in his home town of Nazareth and added: "Today this scripture is fulfilled in your hearing" (Luke 4:14 - 21). In the gospel according to Matthew (4:17b) he announced his mission with these words: "Repent, for the kingdom of heaven is near". In the gospel according to Mark (1:15) these words announce his mission: '"The time has come", he said. "The kingdom of God is near. Repent and believe the good news!"' In the gospel according to John, although the term 'the kingdom of God' (3:3) is used, Jesus spoke of a time or an hour, which is coming (4:21; 5:28; 16:2) 'and has now come' (5:25a).

The Kingdom of God therefore, was Jesus' central theme; all other themes of teaching e.g. repentance, faith, worship, humility, social relations, possessions, and the future, are tied to this theme (Filson, 1977:100-104). This view is supported by Bornkamm (1974 and 1978), Drane (1978), Hunter (1979), and Richardson (1966).

Elsewhere, the New Testament understands the Kingdom of God as a dialectic between the *already* and the *not yet*, for example in 1 John 3:2: 'Dear friends, now we are children of God, and what we will be has not yet been made known. But we know that when he appears, we shall be like Him for we shall see Him as He is'. Therefore, standing in the Kingdom that is already here, the followers of Jesus are to anticipate the Kingdom that is yet to come in its fullness by praying: 'your kingdom come, your will be done on earth as it is in heaven' (Matthew 6:10 *cf* Luke 11:2b). Indeed they are to announce or proclaim in word and deed the Kingdom that is already here and is still to come.

To return to the partial quote from Isaiah 61, Jesus clearly understood his mission to inaugurate the Kingdom as the announcement or proclamation of 'the year of the Lord's favour', that is, of a Sabbatical or Jubilee Year.

This chapter seeks to lay the Biblical and theological foundations of a thesis the concern of which is the binding up of the wounds of crime and violence in post-apartheid, democratic South Africa. Its basic presupposition is that the Old Testament concept of the Sabbatical and Jubilee Years are neither anachronistic nor peripheral details of the Canon of Scripture but an integral part of, even a

hermeneutical key to interpreting, the whole. It is believed that this can be demonstrated, not only with reference to the Pentateuch, but with reference to the perspectives of the historical writers of the Books of Joshua, Samuel, Kings and Chronicles. Their purpose is less to provide an exhaustive history than it is didactic in purpose, that is, to interpret the past as a guide for the present and a hope for the future. It can be further demonstrated with reference to Isaiah, Jeremiah, Ezekiel, Daniel, the apocryphal Book of 1 Maccabees, and the intertestamental Book of Jubilees. The 'temptation' to separate the historical from the prophetic will be resisted, because faith and spirituality, belief and *praxis*, the ongoing interaction between God's word and world are always lived out in a certain social, historical context. Writing in another context – that of the history of Martin Luther, Lutheranism and Lutheran spirituality – Hanson (2004:16) writes:

> Because we human beings live within the concrete realities of a specific social and historical context, we never approach the issues of faith and spiritual practice as an isolated individual with a blank slate. We always navigate in some sort of social boat on a temporal river flowing with various cultural and religious currents.

Prophecy is therefore, never a disembodied word. It is always a word spoken in a specific context, a word that tells forth the heart and mind of God for that context; it is forth-telling rather than fore-telling, although it may have both predictive content and consequential warnings if such a word is ignored, resisted or disobeyed (Baker 1982:975 – 986). It is also a word capable of being revisited, reapplied and indeed restated in another, later context. It is hoped that this approach to prophecy will avoid later unnecessary discussions about origins, authors and dates, for example about the Pentateuch and the number of Isaiahs responsible for the book known by that name.

Above all, it can be demonstrated in the so-called Nazareth Manifesto where Jesus announced his mission in terms of 'the year of the Lord's favour'. This can be further supported by the New Testament understanding of Pentecost as both fulfilment and announcement, and in the structure and message of the Book of Revelation. Pentecost announces the *already* of God's Kingdom as 'the year of the Lord's favour', whereas Revelation 21:1 sees the appearance of 'a new heaven and a new earth' as an eternal Jubilee, the fulfilment of Jesus' mission.

This chapter, while not offering itself as an in-depth study, but rather as an overview of the topic, will focus on the Sabbatical and Jubilee Years - and in a somewhat auxiliary capacity, on the Cities of Refuge - their underlying principles, and the ethical implications of those, in the 21st century South African context. It will do so by examining the references to these institutions in:

2.2 The Pentateuch, namely:

- 2.2.1 Exodus
- 2.2.2 Leviticus
- 2.2.3 Numbers
- 2.2.4 Deuteronomy

2.3 The Historical Writers and the Prophets, namely:

2.3.1 The Historical Writers
2.3.2 Jeremiah
2.3.3 Isaiah
2.3.4 Ezekiel
2.3.5 Daniel
2.3.6 A post-Exilic insight

2.4 The apocryphal Book of 1 Maccabees, and the intertestamental Book of Jubilees

2.5 The New Testament, namely in:

2.5.1 The so-called Nazareth Manifesto
2.5.2 Pentecost
2.5.3 The Book of Revelation

2.2 The Pentateuch

Contained within the Pentateuch are four important collections or codes of law although translating *torah* תורה תרה as law 'is unsatisfactory because of the narrow definition this calls to mind for most persons' writes Birch (1991:171). A better attempt at a translation might be, instructions, guidance, the teachings of God and its application, which is much wider than the legal codes themselves. In the words of that great ex-Pharisee and legalist, Paul of Tarsus, 'the letter kills but the Spirit gives life' (2 Corinthians 3:6a). The four collections or codes are:

- The Decalogue found in Exodus 20:2 - 17 and Deuteronomy 5:6 – 21,
- The Book of the Covenant (pre-monarchy) found in Exodus 20:22 – 23:33,
- The Holiness Code found in Leviticus Chapters 17 - 26, so called because of its repeated references to God's holiness, and the call of God to Israel to live as a holy people. Other priestly (P) legislation is found in Leviticus chapters 1 - 7 and 11 - 16. In its present form, these likely represent Israelite cultic practices prior to the Exile, and
- Deuteronomy chapters 12 – 26, which may in its present form, reflect conditions in Israel's life during the height of the monarchy c 8^{th} – 7^{th} centuries BCE.

Phillips (1970:153 -180), argues that Israel's legal system passed through the following stages:

- Sinai to Shiloh,
- The Book of the Covenant,
- The Davidic Covenant,
- Hezekiah's Reform,
- The Deuteronomic Reform, and

- The Priestly Legislation

Within the interpretive framework provided by the J,E,D, and P hypothesis it is possible to identify various stages in the development of Israel's criminal law within the Pentateuch.

2.2.1 Exodus

Exodus as we have it, writes Fretheim (1996:101 - 02) has long been thought to be 'a patchwork quilt of traditions from various periods in Israel's life. The epic traditions (J and E) are significantly represented in chapters 1 - 24, and 32 - 34..... Priestly traditions (P) are interwoven through out these chapters, but are concentrated in chaps 25 - 31 and 35 - 40, where matters relating to the sanctuary and the priesthood are laid out in detail.'

The first rudiments of the institution of the Sabbatical Year are found in the so-called Covenant Book (Exodus 20:22 - 23:33).

Exodus focuses on the deliverance of God's people from the oppression and sins of others, as well as God's commitment to protect, guide and provide for them. Exodus represents a number of shifts or movements *out of* something and *into* something. There is the shift from servitude to Pharaoh, to the service of Yahweh; from the enforced construction of buildings for the oppressive regime, to the willing and joyful construction of the Tabernacle for God's presence; and from the domain of Pharaoh the unmoved mover, to Yahweh who enters deeply into Israel's suffering and *is* moved by it. At the centre of Exodus is the giving of the Decalogue, the Ten Commandments. The second half of Exodus is taken up by the Covenant Book and regulations concerning the Tabernacle, the Priesthood, and the Sabbath (Exodus chapters 25 - 31 and 35— 40).

In the New International Version chapters 21 - 23 are sub-divided as follows:

- Hebrew slaves and their rights,
- Personal injuries and the right of perpetrators and victims to justice,
- Protection of property,
- Social responsibility - this includes sexual ethics, sacrifices to idols, treatment of foreigners, widows and orphans, money lending, etc.,
- Laws of justice and mercy including rules of evidence, the abuse of the poor, bribery and the rights of foreigners,
- Sabbath laws which are not only liturgical but social in context, and
- Religious Festivals.

Concerning the Sabbatical Year and the rights of Hebrew slaves Exodus 21:2, 3 reads: 'If you buy a Hebrew servant, he is to serve you for six years, but in the seventh year, he shall go free without paying anything. If he comes alone, he is to

go free alone; but if he has a wife when he comes, she is to go with him'. Verses 4 - 11 give additional details.

The Sabbath laws are more than liturgical regulations concerning personal rest, for they are expanded to include rest for the land, animals, Hebrews and foreign slaves, provision for the poor, and for wild animals. 'For six years you are to sow your fields and harvest the crops, but during the seventh year let the land lie unploughed and unused. Then the poor among your people may get food from it and the wild animals may eat what they leave. Do the same for your vineyard and your olive grove (Exodus 23:11). It could be said that God's concern for the poor is not only that they have their 'daily bread' (Matthew 6:11), but a share of the wine and oil also! Thus the liturgical practices of the Sabbath Day and the Three Annual Feasts are linked with practices of economic justice and ecological responsibility. The significance of rest for the land does not lie *merely* in principles of soil chemistry, rather Israel is reminded that they do not hold the land in perpetuity but in trust under God (Leviticus 25:23), who leases it to them as tenant farmers with both privileges and responsibilities. This understanding is taken up again and again in the parables of Jesus, for example in Matthew 20:1 - 16; 21:33 - 46; 25: 4 - 30. That the land belongs not to Israel, but to the Lord has obvious, but hardly simple or straight forward, implications for the present and the future of the Middle East – if not for the world!

The attempt to separate liturgy from life, the sacerdotal from the social, would long evoke a prophetic word to God's people, for example that the Isaiah 1:10 – 17: 'I have more than enough of burnt offerings, of rams and the fat of fattened animals; I have no pleasure in the blood of bulls and lambs and goats ... Stop bringing meaningless offerings! ... Stop doing wrong, learn to do right! Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.'

Yet the liturgical and the sacerdotal are important, for in the regulations regarding the Tabernacle, the Priesthood and the sacrificial system, Yahweh is seen to be both *with* and *for* his people. The Tabernacle, writes Fretheim (1996:120):

> is a microcosm of creation, the world order as God intended it writ small in Israel, a beginning in God's mission to bring creation to the point where it is perfectly reflective of the divine will. The worship of God at the tabernacle is a world-creating activity, a God given way for the community of faith to participate in God's recreation of a new world, for Israel and for all ... And this community on its way can be assured of the continual glory of the divine presence, which is not finally to be confined to Israel, but is to stream out from there into the larger world.

Therefore, the dominant narrative themes of Exodus, are that Israel is God's treasured possession, borne on eagle's wings, and called to be obedient to the Covenant, a priestly, holy, and missionary nation to the nations, because the whole earth belongs to the Lord.

2.2.2 Leviticus

At the centre, perhaps even the heart of the Pentateuch is Leviticus which is concerned with the centrality of worship for the life and well-being of the covenant

community, as well as for deliverance from one's own sins as opposed to the sins of others. Its concerns are with questions about what best serves the relationship with God and the life, health, stability and growth of the community. Recognised as part of the Priestly tradition (P), Leviticus chapters 17 – 26 presents a Holiness Code (H); this brings together two strands, namely law and narrative, and is dynamic rather than static. 'Leviticus has more of a life-giving word and world to offer than its formal character and esoteric content might suggest' (Fretheim, 1996:121).

Essential to any interpretation of the relevance of Leviticus, is its concern with law and holiness. Because God is holy and God's people are called to be holy, sin cannot be taken lightly. God is, therefore, often experienced as Judge, but judgement is always an expression of the fact that God is deeply relational. God interacts with creation and people, responds to prayer, believes in the goodness and responsibility of humanity, but also sees our capacity for sin. Judgement takes sin seriously, but always intends a new beginning. 'The sacrificial texts take the form of law, but in reality they constitute a word of good news; God thereby provides a means by which the peoples' sins can be forgiven. This divide action on Israel's behalf goes in tandem with the deliverance from slavery in Exodus 12 -15' (Fretheim, 1996:109).

The key themes of Leviticus may be outlined as follows:

- Matters in which the priesthood is more directly involved (1-16),
  - Offerings and sacrifices (1 - 7),
  - The Priesthood (8 -10),
  - Purity laws (11-15), and
  - The Day of Atonement / Yom Kippur (16), and
- Matters in which the people are more directly involved (17 - 26), although no sharp division should be made between priests and people, just as no sharp division can be made between - what today would be called – religious regulations, common and civil law. This Holiness Code covers a wide range of concerns namely:
  - eating forbidden blood (17),
  - unlawful sexual relations (18),
  - various laws, including respect for parents, sacrifices, making provision for the poor and the alien (19:10b), prohibitions on stealing, lying, deceiving, defrauding, withholding wages, perverting justice, spreading slander, bearing grudges, practicing divination, tattooing, consulting mediums or spirits, and using dishonest standards, weights, and scales (19),
  - punishment for sins ranging from sacrificing children to Molech, to consulting spirit mediums, adultery, homosexuality, etc. (20),

- rules for priests (21:1 - 22:16),
- unacceptable sacrifices (22:17- 33),
- the Sabbath and the various Religious Feasts, Passover and Unleavened Bread, Firstfruits, Weeks (Pentecost), Trumpets, Atonement, and Tabernacles (23), and
- offerings (oil and bread) and punishment for a blasphemer, a murderer, and anyone 'who takes the life of someone's animal' (24.18), (24).

Other references to the Sabbath and the various Religious Feasts are found in: Exodus 12:14 - 20; Numbers 28:16 – 25; 29:1 – 39; and Deuteronomy 16:13 – 17.

Leviticus 25 focuses on the Sabbatical Year (verses 1 - 7), and the Year of Jubilee (verses 8 - 55). Its concern with the land, domestic and wild animals, the liberation of slaves, the restoration of property, and the cancellation of debts, is widely believed to be a late Priestly (P) editorial insertion, primarily because of the assumption that the Jubilee is a utopian proposal rather than an actual practice – see Allis (1970), Gispen (1982), and Milgrom (1980). Yet Deuteronomy 15:1 – 11, which enjoins a similarly 'utopian' cancellation of debts in the seventh year, is clearly an integral part of the D Code. Verses 1 - 7 (cf Exodus 23:10 - 13) is worth quoting in full:

> The LORD said to Moses on Mount Sinai, "Speak to the Israelites and say to them: 'When you enter the land I am going to give you, the land itself must observe a Sabbath to the LORD. For six years sow your fields, and for six years prune your vineyards and gather their crops. But in the seventh year the land is to have a Sabbath of rest, a Sabbath to the LORD. Do not sow your fields or prune your vineyards. Do not reap what grows of itself or harvest the grapes of your untended vines. The land is to have a year of rest. Whatever the land yields during the Sabbath year, will be food for you - for yourself, your manservant, and maidservant, and the hired worker and temporary resident, who live among you, as well as for your livestock and the wild animals in your land. Whatever the land produces may be eaten.

There may well be a difference in emphasis between the regulations concerning 'the seventh year' in Exodus and Leviticus – with Exodus emphasizing the benefits of the institution for the poor – but there is evidence of an authoritative continuity.

Leviticus 25:8 – 54 refers to the Year of Jubilee:

> 'Count off seven Sabbaths of years – seven times seven years – so that seven Sabbaths of years amount to a period of forty-nine years. Then have the trumpet sounded everywhere on the tenth day of the seventh month; on the Day of Atonement sound the trumpet throughout your land. Consecrate the fiftieth year and proclaim liberty throughout the land to all its inhabitants. It shall be a jubilee for you ... The fiftieth year shall be a jubilee for you; do not sow and do not reap what grows by itself or harvest the untended vines. For it is a jubilee and is to be holy for you ...' (verses 8 – 12).

The Jubilee (50th) year was heralded on the Day of Atonement, thus proclaiming a year of atonement or reconciliation, by blowing the ram's horn, the *yoḥeî* יבל יובל from which the institution derives its name. The term jubilee comes from the Latin *jubilum*, from *jubilo*, meaning to shout for joy. The blowing of the *shoṗhaŕ* שפר שופר announced three other declarations of freedom; new year's day, the anniversary of the creation of the world (Leviticus 23:23 – 25; Numbers 29:1 – 6), the revelation on Mount Sinai (Exodus 19:13, 16, 19), and the future redemption as announced in Isaiah 27:13: 'And on that day a great trumpet will sound. Those who were perishing in Assyria and those who were exiled in Egypt will come and worship on the holy mountain in Jerusalem'.

Making both comparisons and contrasts with the Mesopotamia *mišarum* (justice), then the Akkadian *durârum* (liberty), and the proclamation of 'freedom' in Egypt, Weinfeld (2000:9) writes that these:

> correspond both philologically and substantively to the Israelite institutions of the Sabbatical year and the [*yoḥeî*] (liberation, jubilee). Indeed liberation of slaves, restoration of land to the original owners, and cancellation of debts are among the striking features of "social reforms", whose aim it is to establish social justice and equality and to assist the weaker members of society. These acts, which are so to speak, the epitome of the establishment of "righteousness and justice" in Israel.

In Israel these institutions were understood to be divinely ordained 'for the Israelites belong to me as servants. They are my servants, whom I brought out of Egypt. I am the LORD your God' (Leviticus 25:55).

> The prominent Exodus theme of servanthood also appears in Leviticus and informs the meaning of holiness. The Israelites, God says, are to be "my servants," no longer "their slaves ...; I have broken the bars of your yoke and make you walk erect" (25:42, 55; 26:15). The importance of obedience to the divine commands (8:56; 16:54) does not stand over against this divinely given freedom.
>
> In sum, the meaning of holiness is focused on distinctiveness and being set apart through relationship with the indwelling God, as well as serving within a mission that is God's but is set deeply within the world for the purpose of its sanctification (Fretheim, 1996:135).

The Jubilee can be seen as a *resitutio in integrum*, a restoration to an original state. It represented:

- Remission of debts,
- Returning to one's own property,
- Dealing fairly with respect to buying and selling property (and land),
- Providing a time of rest for the land,

- Allowing the poor to buy back land sold to reduce poverty. There was a correlation in the people's understanding between land and prosperity, uprootedness and poverty,

- Recovery from poverty, and

- Manumission for those sold into slavery or indentured labourers.

Provision is made for the redemption of the poor and disenfranchised, as well as for the provision and protection of the poor, the aliens, the release of slaves and their families. The underlying concerns are with justice, freedom, human dignity, and rights. Human dignity and rights are intrinsically related to God's saving acts on behalf of his people, the assertion of divine justice in the face of every human abuse of power and injustice.

2.2.3 Numbers

Numbers makes only a passing reference to the Year of Jubilee; this is in chapter 36 which is concerned with the inheritance rights of the daughters of Zelophehad should 'they marry men from other Israelite tribes; then their inheritance [it was feared] will be taken and added to that of the tribe they marry into. And so part of the inheritance allotted to us [i.e. 'the clan of Gilead son of Makir, the son of Manasseh, who were from the clans of the descendants of Joseph'] will be taken away. When the Year of Jubilee comes, their inheritance will be added to that of the tribe into which they marry, and their property will be taken, from the tribal inheritance of our fore fathers' (verses 3, 4). Moses confronted with this possibility – inevitability? – 'at the LORD's command ... gave this order to the Israelites: "What the tribe of the descendants of Joseph is saying is myth. This is what the LORD commands for Zelophehad's daughters: They may marry anyone they please as long as they marry within the tribal clan of their father. *No inheritance in Israel is to pass from tribe to tribe, ... for each Israelite tribe is to keep the land it inherits*" (verses 5 – 9, emphasis added).

Although Numbers makes only a passing reference to the fiftieth year and no mention of the seventh year, it does refer to the Tabernacle, the Priesthood, sacrifices and offerings, and the Religious Festivals including the Day of Atonement, Yom Kippur (29:7 – 11), the day on which according to Leviticus 25:9 the Jubilee was to be proclaimed by sounding the trumpet throughout the land. It is nevertheless an important book for this thesis, and that for at least two reasons, namely its structure and its reference to the Cities of Refuge (35:6 – 34 cf. Deuteronomy 19: ff: Joshua 20:1 – 9).

Long thought to be without a structure, Numbers can be seen from two angles: the focus on the census (chapters 1 and 26) and the focus on the journey itself, neither of which are mutually exclusive. The journey narrative is described as both real and symbolic, a journey of faith shaped by God's extraordinary patience, mercy, and determination to fulfil the divine purpose (Ridderbos, 1982b:846-848). It is also a journey described in 42 stages, a narrative of transition, the transition from being slaves to being slaves no more, from no sense of identity, except that defined by oppression, to a new sense of identity - that of being God's people. Throughout this transitional journey, Yahweh may be seen as the divine parent and Israel as an

adolescent child. 'Numbers centers on the problems of shaping a community identity in tune with God's intention for the creation' (Fretheim, 1996:137).

> The New Testament picks up on two themes from Numbers: (1) it cites God's providential care for Israel in the wilderness; and (2) it lifts up Israel's infidelity as a warning for the people of God in every age. These themes are carefully interwoven in 1 Corinthians 10:1 – 13, where some ten texts from Numbers 11 – 25 are referred; it is carefully noted that these passages were "written down to instruct us" (cf. Heb 3:7 – 4:11; Jude 5 – 11).

The New Testament, indeed the writer of Revelation, may well pick up on another motif from Numbers. Numbers 33:1 – 49 mentions 42 'stages in the journey of the Israelites when they came out of Egypt by divisions under the leadership of Moses and Aaron. At the LORD's command Moses recorded the stages in their journey' (verses 1, 2a). Revelation 11:15 refers to the sounding of the seventh trumpet, which along with 'loud voices in heaven' announces: "The kingdom of the world has become the kingdom of our Lord and of his Christ, and he will reign for ever and ever." In the 14 verses prior to this, the writer refers to the gentiles who 'will trample on the holy city for 42 months', the two witnesses who 'will prophesy for 1260 days' (verses 2, 3), who will be killed and then raised to life 'after ... three and a half days' (verse 11).

Just as the journey from Egypt to 'the plains of Moab ... along the Jordan from Beth Jeshimoth to Abel Shittim' (Numbers 33:49) is described in 42 stages, so it can be argued that 42 months, 1260 days, 'a time, times and half a time' (Revelation 12:4), three and a half years and three and a half days are all a shortened way of indicating the period between the *already* but *not yet* of God's Kingdom, and the appearance of 'a new heaven and a new earth', as an eternal Jubilee, the fulfilment of Jesus' mission.

The second reason why Numbers is important for this thesis, is its reference to the Cities of Refuge mentioned in chapter 35:6 – 34. Parallel verses are found in Deuteronomy 19:1 – 14, and because they are similar with only slight differences, the two references will be examined under the next heading.

2.2.4 Deuteronomy

Deuteronomy may be seen as both an ending and a beginning; it is retrospective, recalling the ancestral promises and the Exodus deliverance, retelling events experienced at Sinai and in the wilderness; and it is prospective, looking forward to the time in the promised land and even beyond. Its themes therefore, include the ancestral promises, the law, redemption and creation (Thompson, 1982:280-284). 'Deuteronomy is a pivotal book', writes Fretheim (1996:152 – 53) 'it provides an interpretive lens through which the reader is invited to interpret what precedes and what follows'. He continues:

> Deuteronomy, which means "second law", comes from the Greek translation of a Hebrew phrase in 17:18, "copy of the law". This translation correctly carries the idea that Deuteronomy is a law that follows upon that given at Sinai (29:1). The phrase also recognizes that Deuteronomy repeats and recasts various material from previous books: stories regarding Sinai and the wilderness wanderings as well as numerous laws from Exodus, including the

> Decalogue. Moreover, the phrase conveys a key characteristic of the law more generally: God's law is not a matter given once and for all. Law was integral to life before Sinai and develops after Sinai in view of new times and places. The phrase also suggests that Deuteronomy has an authoritative role in how the first law is to be interpreted; hence its association with Moses. But this is more a theological claim than a historical one, for example, Deuteronomy is in an authoritative continuity with the law given by God to Moses at Sinai and is to be given a comparable status in the community (cf. the relationship between the U.S. Constitution and its amendments).

Regarding its origin, it is possible to link Deuteronomy, or a form of it, with the law book that 2 Kings 22 – 23:30 reports was found in the Temple during a reform initiated by the young King Josiah (640 – 609 BCE), the finding of which led to him intensifying that reform. Deuteronomic influence is evident in some prophetic books, particularly that of Jeremiah, whose ministry began 'in the thirteenth year of the reign of Josiah son of Amon, king of Judah' and continued 'through the reign of Jehoakim son of Josiah king of Judah, down to ... Zedekiah son of Josiah king of Judah, when the people of Jerusalem went into exile' (Jeremiah 1:2, 3).

It is also possible to argue for an association with Moses that is both historical *and* theological. Writing from a conservative, evangelical position Brown (1993:18) argues that:

> Deuteronomy's message presupposes the reliability of the biblical claim concerning its Mosaic origin, though it naturally recognizes that considerable editorial work may have taken place after these sermons were first preached by Moses prior to the invasion of Canaan ... and, under the reverent supervision of later editors, there may have been further careful work on the narrative which, whilst preserving its original message, presented the account in a more readable form for contemporaries.

Whatever debate there is concerning origins and subsequent development, there is little debate on the relevance of Deuteronomy, little debate that there is a moral and 'authoritative continuity with the law given to Moses at Sinai', and 'the needs of new times and places'. Alongside its timeless truths and teachings about God, revelation and grace, there is teaching about: personal spirituality; corporate worship; general ethics, ranging from the social and natural orders, including relationships with the land (and its animals), other nations (and their gods), and the marginalized and the outsider. Deuteronomy confronts its readers with practical instructions of contemporary significance on subjects such as: the principles of management and effective leadership (1:9 – 18); the importance of community responsibility (3:12 – 22); the need for imaginative witness (4:5 - 8); the educative responsibility of parents (4:9 – 10); the perils of secularist materialism (6:10 - 15); and, how to cope creatively with change in a highly mobile society (8:1 – 20). Brown (1993: 26) writes:

> Deuteronomy addresses the moral challenge of poverty and homelessness. It suggests an appropriate response to the emergent new religions, as well as the militant tendency of the old ones. The book contributes helpfully to contemporary discussion about the dangers of debt, alcoholism and drug abuse. It emphasizes the necessity of compassionate but uncompromising biblical teaching on matters such as honesty in business, the management of

> money, community welfare, social hygiene, marital fidelity and sexual ethics ... has something to say to the present ecology and conservation debate, and ... comments on responsibility for the deprived millions in our world, the care of the elderly, human rights, sexual equality, child abuse, injustice, safety in the home, urbanization and animal rights. Deuteronomy also issued serious warnings regarding moral indifference, social misconduct, and the perilous nature of Spiritism and the dangers of involvement in occult activity of any kind. -

It addresses basic human rights, for example: the protection of women (24:1- 4); newly married couples (24: 5); debtors (24:6, 10 – 13, 17); vulnerable people (24:7); the community (24:8, 9); the employee (24:14,15); the innocent (24:16); the weak (24:17 – 22); the offender (25:1 – 3); and animals (25:4). Deuteronomy is concerned with issues of justice: with judges (16:18 – 17:3); manslaughter or culpable homicide (19:1 – 13); theft (19:14); false witness (19:15 – 21); victims of violence, including murder (21:10 – 14); and capital punishment (21:22, 23).

Deuteronomy 15:1 – 18 refers to the seventh year as a year for cancelling debts. Just as Leviticus 25 refers to the Sabbatical and Jubilee Years in the context of the Sabbath and the Religious Feasts, so this text precedes instructions about Passover, Weeks (Pentecost) and Tabernacles (16:1 – 17), and only a little later, the Cities of Refuge (19:1 – 14), and only a little later still, atonement for an unsolved murder (21:1 – 9).

The seventh year is not a Jubilee Year, which Deuteronomy does not mention, but contains some of its elements. It is not just about 'cancelling debts' (15:9b) – a concept possibly taken up by Jesus in the so-called Lord's Prayer (Matthew 6:5 – 15; Luke 11 – 13) - but about open-handed generosity 'towards your brothers and towards the poor and needy in your land' (15:11b), and also about freeing Hebrew slaves and not only releasing them, but about supplying them liberally.

Numbers 35:6 – 34 and Deuteronomy 19:1 – 14 both refer to the Cities of Refuge, as does Joshua 20:1 – 9. In Leviticus, provision was made for six towns or cities belonging to the Levites, three on each side of the Jordan, to 'be a place of refuge for Israelites, aliens and any other person living among them, so that anyone who has killed another accidentally can flee there' (35:15). This provision did not extend to a murderer; however '[a]nyone who kills a person is to be put to death as a murderer only on the testimony of witnesses ... no one is to be put to death on the testimony of only one witness' (35:30).

Once the assembly had investigated the killing and decided that it was a case of manslaughter or culpable homicide, the perpetrator was to be returned to the city of refuge to which he (or she?) had fled. They were required to remain there until the death of the high priest, who was anointed with the holy oil (35:25); 'only after the death of the high priest may he return to his own property' (35:28). Any violation of this sanctuary or amnesty could cancel the terms whereby it was granted. No ransom (fine or bribe) was to be accepted 'and so allow him to go back and live on his own land before the death of the high priest' (35:32).

An earlier reference to the main text in Deuteronomy 19:1 – 14, is made in chapter 4:41 – 43. It reads:

> Then Moses set aside three cities east of the Jordan, to which anyone who had killed a person could flee if he had unintentionally killed his neighbour without malice aforethought. He could flee into one of these cities and save his life. The cities are these: Bezer in the desert plateau, for the Reubenites; Ramoth in Gilead, for the Gadites; and Golan in Bashan, for the Manassites.

No conditions for sanctuary or amnesty are given here, except that the provision seems to have operated on a tribal basis. The terms of the amnesty are given in chapter 19:1 – 14 and with only slight differences, are similar to those given in Numbers 35:6 – 34. Reference is made to three cities on the west bank of the Jordan not yet given by the Lord, and not yet conquered and settled by the invading Israelites. Conservative scholars could point to this as evidence of an association with Moses that is both historical and theological! The cities were to be accessible both in terms of their location to tribal inheritances and by the construction of 'roads to them' (19:3). Once again this provision was not offered to one guilty of pre-meditated murder.

In both Leviticus and Deuteronomy the reasons for this provision for amnesty are similar:

> Do not pollute the land where you are. Bloodshed pollutes the land .... Do not defile the land where you live and where I dwell, for I the LORD dwell among the Israelites (Numbers 35:33, 34), and
>
> Do this so that innocent blood will not be shed in your land, which the LORD your God is giving you as your inheritance, and so that you will not be guilty of bloodshed (Deuteronomy 19:10).

Joshua 20:1 – 9 repeats the terms and conditions: 'Any of the Israelites or any alien living among them who killed someone accidentally, could flee to these designated cities and not be killed by the avenger of blood prior to standing trial before the assembly' (verse 9). Amnesty or sanctuary, did not mean indemnity, but a relationship of mutual accountability and responsibility between perpetrators, victims (and/or their families), and the community, with terms and conditions – a prototype of restorative justice!

2.3 The Historical Writers and the Prophets.

Outside the *Torah* what evidence is there of the observance of the Sabbatical (seventh) and the Jubilee (fiftieth) years in the historical writings and the prophets?

2.3.1 The Historical Writers

Although there is little notice in the historical writers, there are enough references – even if most of them are negative references, that is, to their neglect or abuse – to show that, in Israel, these institutions were understood to be divinely ordained: 'for the Israelites belong to me as servants, whom I brought out of Egypt. I am the LORD your God' (Leviticus 25:55). Israel the servant of Yahweh, liberated from slavery in Egypt, and returning to God, becomes the paradigm for the liberated slave to return to his or her inheritance in the Sabbatical or Jubilee years. Israel, thus liberated by the Lord is called to behave towards others as God has acted towards them, for this is part of what it means to be holy: 'The fiftieth year shall be a

jubilee to you ... it is a jubilee and is to be holy for you' (Leviticus 25:11a, 12a). 'In sum' writes Fretheim, (1996:135) 'the meaning of holiness is focused on distinctiveness and being set apart through relationship with the indwelling God, as well as serving within a mission that is God's but is set deeply within the world for the purpose of its sanctification'.

Among the references are: Joshua 20:1-9 (which has already been looked at); 2 Kings 4:1; 2 Chronicles 36: 20-23; the narrative sections of Jeremiah 34:4,5, 14-22 (where the prophet appeals to Deuteronomy not Leviticus, that is, to the tradition of the seventh rather than that of the fiftieth year); Ezra 1:1-11 and Nehemiah 5:1-19 and 10:31 give a post-Exilic insight; and 1 Maccabees 6:49,53 gives an intertestamental insight.

The historical writings include Joshua, Judges, Ruth, Samuel, Kings, Chronicles, Ezra, Nehemiah and Esther. The Books of Samuel, Kings and Chronicles became sub-divided in the Septuagint, the Greek translation of the Old Testament. It is fairly evident that Samuel and Kings are composite works, the former possibly compiled during the monarchy, and the latter compiled during the Exile. Chronicles may be the work of a single author or editor called 'the Chronicler.' The Talmud (*Baba Bathru 15a)* attributes the Books of Chronicles to Ezra, where its story is continued in the book of that name (Wright, 1982:365). Ezra and Nehemiah together continue the story with the return from exile in 538 BCE, the repopulation of Jerusalem and the rebuilding of the Temple and the city. They are a valuable compliment to the story of the Jewish Restoration which is the focus of the prophets Haggai, Zechariah and Malachi. Chronicles (Goldingay, 1982:187, 188), are certainly a post-Exilic, Priestly (P) writing. In the Septuagint they are called 'things omitted (from other books)' an indication perhaps that they were intended as a supplement to other historical writings. The writing of history is never simply a chronicle of events, but a reflection on, and an interpretation of those events. It is rarely, if ever, an apolitical or ideology-free reflection and interpretation. Thus the Babylonian Exile came (especially in the Priestly writings) to be interpreted as God's judgment for the neglect of those institutions meant to embody justice, mercy, and grace; characteristics of both a holy God and a holy people. This is reflected in the closing and the opening verses of 2 Chronicles and Ezra respectively.

A major focus of 2 Chronicles 10-36 is the history of the southern kingdom of Judah, from the secession of the northern tribes and the establishment of the Kingdom of Israel, to the Exile and the proclamation of Cyrus, King of Persia. The concluding verses testify to the neglect of the Sabbatical year, the consequence of which is linked to God's judgment through Nebuchadnezzar who:

> **c**arried into exile in Babylon the remnant, who escaped the sword... until the kingdom of Persia came to power. *The land enjoyed its sabbath rests; all the time of its desolation it rested, until the seventy years were completed in fulfillment of the word of the LORD spoken by Jeremiah.*
>
> In the first year of Cyrus king of Persia, in order to fulfil the word of the LORD spoken by Jeremiah, the LORD moved the heart of Cyrus king of Persia to make a proclamation throughout his realm and put it in writing:
>
> "This is what Cyrus king of Persia says:

> 'The LORD, the God of Heaven, has given me all the kingdoms of the earth and he has appointed me to build a temple for him at Jerusalem in Judah. Anyone of his people among you – may the LORD his God be with him, and let him go up'" (2 Chronicles 36:20-23 - emphasis added).

The almost identical opening of Ezra adds:

> "'and let him go up to Jerusalem in Judah and build the temple of the LORD, the God of Israel, the God who is in Jerusalem. And the people of any place where survivors may now be living are to provide him with silver and gold, with goods and livestock, and with freewill offerings for the temple of God in Jerusalem'" (Ezra 1:3b, 4).

It is possible that the Priestly writer – Ezra? – is hinting that the proclamation issued by Cyrus allowing the exiles to return to their inheritance coincided with a probably long, defunct, Jubilee Year.

Israel has failed to live graciously as God has been gracious to them, yet Cyrus – referred to in Isaiah 45:1 as the anointed, or *messiah* כורש כורש of Yahweh – shows grace to them, the grace of God embodied in the institutions of the seventh and the fiftieth years. Whether Ezra wrote, or was the final editor of Chronicles or not, both the final verses of the one and the opening verses of the other make a reference to 'the word of the Lord spoken by Jeremiah' (2 Chronicles 36:21b, 22a; Ezra 1:1a), a word fulfilled in Cyrus' proclamation. Again, it is possible that this proclamation coincided with a Jubilee Year.

Before asking what that word was, it could be said that the institutions of the Sabbatical and Jubilee years became a retrospective lens for interpreting the history of God's people – even if that history was a revisionist one!

Through this lens, therefore, was envisaged an ideological theocracy – which did not exclude some early form of democratic, federalism. Yet, by the time of Saul there was already evidence of abuse. The objections of Samuel to the movement from a federal theocracy to a monarchy was that the king was likely to abuse power by appointing a standing army, acquire crown lands, flocks and slaves (1 Samuel 8:4-21a). Later in Saul's reign, threatened by the popularity of David, he addressed his officials in these words: "Listen, men of Benjamin! Will the son of Jesse give all of you fields and vineyards? Will he make all of you commanders of thousands and commanders of hundreds? Is that why you have all conspired against me?' (1 Samuel 22:7,8a). Was this, even then, the expected remuneration for state officials/leading members of the ruling party, in this case Saul's fellow 'men of Benjamin'? Was this an ancient equivalent of 'the gravy train', albeit it a camel or donkey train?

2 Samuel 9:1-13 records a heart-warming and grace-filled story following the ascendancy of David the son of Jesse. It is not an explicit reference to either the seventh or the fiftieth years but embraces – indeed incarnates – the spirit of those institutions. The king asks, 'Is there anyone still left of the house of Saul to whom I can show kindness for Jonathan's sake?' (verse 1). Later still he asks, 'is there no one still left of the house of Saul to whom I can show God's kindness?' (verse 3). These questions indicate that David intended more than an act of human kindness;

he intended to demonstrate the kindness of God expressed in the covenant. Mephibosheth, the son of Jonathan, the grandson of Saul, is brought from Lo Debar, a place of no pasture as the name suggests, a place of exile or marginalization, to eat 'at David's table like one of the king's sons' (verse 11b). This is an example of return, restoration to one's inheritance and human dignity, and inclusion within the covenant community. For Mephibosheth it was, in effect, a Sabbatical or Jubilee Year – 'the year of the LORD's favour' (Isaiah 61:2a cf. Luke 4:19).

Sadly, such grace was not always shown to the marginalized, the poor, and the needy. Following the division of the kingdom into Israel and Judah there is a reference in 2 Kings 4:1-7 of debt leading to child slavery, an economic situation brought about in part by the enclosure movement of the 8th Century BCE. This abuse of power resulted in dispossessed agricultural workers, debt, voluntary – and enforced? – slavery. The prophetic rebuke of Isaiah 5:7, 8 probably related to a later development of this:

> The vineyard of the LORD Almighty
> is the house of Israel,
> and the men of Judah
> are the garden of his delight.
> And he looked for justice,
> but saw blood shed;
> for righteousness,
> but cries of distress.
> Woe to you who add house to house
> and join field to field
> till no space is left
> and you live alone in the land.

The great irony here, is that more and more, acquired dishonesty and by the abuse of power, yielded less and less. 'Therefore my people will go into exile for lack of understanding... So man will be brought low and mankind humbled, the eyes of the arrogant humbled. But the LORD Almighty will be exalted by his justice, and the holy God will show himself holy by his righteousness' (Isaiah 5:13a, 15, 16).

Both Isaiah and Jeremiah predicted exile and restoration; the latter predicted that the exile would last for seventy years.

2.3.2 Jeremiah

The ministry of 'Jeremiah son of Hilkiah one of the priests at Anathoth in the territory of Benjamin' extended from 'the thirteenth year of the reign of Josiah son of Amon king of Judah, down to the fifth month of the eleventh year of Zedekiah king of Judah when the people of Jerusalem went into exile' (Jeremiah 1:1-3), i.e. from 626 to c586BCE (Thomson, 1982:559 – 563). Although later than 'Isaiah son of Amoz' – if the traditional view, that he was the author of the entire book known by that name, is accepted – who ministered 'during the reigns of Uzziah, Jotham, Ahaz and Hezekiah, kings of Judah' (Isaiah 1:1), i.e. from c742 to 701BCE, Jeremiah will be considered first.

What was 'the word of the LORD spoken by Jeremiah' that was fulfilled in 'the first year of Cyrus the king of Persia'?

The quotes made in 2 Chronicles and Ezra are from Jeremiah 25 (cf. 27:22; 29:10). Although the word had a predictive quality to it, this hasn't led scholarship to search for two or more Jeremiahs as has been the case with Isaiah. Some scholars believe that the present text reflects editorial additions subsequent to the time of Jeremiah. Others believe that Baruch, Jeremiah's scribe, completed and arranged the final edition subsequent to the prophet's death. Jeremiah's prophecy – also quoted in Daniel 9 – may here be based on Leviticus 26:32-35, a chapter which follows instructions on the Sabbath and Jubilee Years (Leviticus 25:1-7, 8-55).

Leviticus 26 refers to rewards for obedience (verses 1-13), punishments for disobedience (verses 14-39), and promises to those who turn to God in repentance (verses 40-46). Among the consequences of disobedience, God promises to lay waste the land, scatter them among the nations, and lie their cities in ruins, so that 'the land will enjoy its Sabbath years all the time it lies desolate ... the land will rest and enjoy its Sabbaths ... the rest it did not have during the Sabbaths you lived in it' (verses 32-35). Yet to those who 'confess their sins and the sins of their fathers – their treachery against me and their hostility towards me' (verse 40), God promises to remember the covenant and the land, and not to reject, abhor or destroy them: 'I am the LORD their God ... I will remember the covenant ... I am the LORD' (verses 42-45).

The 'word of the LORD spoken by Jeremiah' that was fulfilled in 'the first year of Cyrus King of Persia' was this:

> Therefore the LORD Almighty says this: "Because you have not listened to my words, I will summon all the peoples of the north and my servant Nebuchadnezzar king of Babylon," declares the LORD, "and I will bring them against this land and its inhabitants ... I will completely destroy them and make them an object of horror and scorn, and an everlasting ruin... This whole country will become a desolate wasteland, and these nations will serve the king of Babylon seventy years.
>
> "But when the seventy years are fulfilled I will punish the king of Babylon and his nation, the land of the Babylonians for their guilt," declares the LORD, "and I will make it desolate for ever. I will bring upon that land all the things I have spoken against it, all that are written in this book and prophesized by Jeremiah against all the nations. They themselves will be enslaved by many nations and great kings; I will repay them according to their deeds and the work of their hands" (verses 8-14).

Jeremiah was probably a slightly younger contemporary of King Josiah. Born in 648 BCE, the boy-king had begun to seek the Lord in his teens. Jeremiah had received his call in the thirteenth year of Josiah's reign, and in the eighteenth year, Josiah's reforms led to the discovery of 'the Book of the Law of the LORD that had been given through Moses' (2 Chronicles 34:14a). This led to the so-called Deuteronomic Reforms. 'The national covenant,' which followed, 'like its original at mount Sinai, was broken almost as soon as made. No experience could have prepared a prophet better to bear God's promise of a new and better covenant that would create a company of converted and the era of the gospel' (Kidner, 1987:17). This, Jeremiah

records in chapter 31:31-34; part of which reads, "'This is the covenant I will make with the house of Israel after that time," declares the LORD. "I will put my law in their minds and write it on their hearts. I will be their God, and they will be my people."'

The Reform Movement which began in the reign of King Josiah may have led to Deuteronomy in the form in which we have it. It is to Deuteronomy 15:12, the tradition of the seventh year, rather than to Leviticus, the tradition of the fiftieth year, that Jeremiah appeals in chapter 34. In this chapter we read that during the siege of Jerusalem by king 'Nebuchadnezzar king of Babylon and all his army' (verse 1a), Zedekiah, the last king of Judah had made a solemn covenant with all the people in Jerusalem to proclaim freedom for their slaves. As a result of this act, whether of grace or necessity, Jeremiah made a gracious promise to the king in the name of the Lord that he would not die by the sword, but peacefully. Afterwards, when the besieging army withdrew to fight Egypt, this collective act was reversed: 'they changed their minds and took back the slaves they had freed and enslaved them again' (verse 11). As a result of this violation of the covenant, Jeremiah spoke this word in the name of Yahweh:

> "therefore, this is what the LORD says: You have not obeyed me; you have not proclaimed freedom for your fellow countrymen. So I now proclaim 'freedom' for you, declares the LORD – 'freedom' to fall by the sword, plague and famine ... The men who have violated my covenant and have not fulfilled the terms of the covenant they made before me ... I will hand over to their enemies ... I will hand Zedekiah king of Judah and his officials over to their enemies [whom] ... I will bring ... back to this city. They will fight against it, take it and burn it down (verses 17-22).

Again, there is irony here! In Jeremiah 34:17 Yahweh proclaims 'freedom' as judgment and exile, and seventy years later, Cyrus would proclaim return, restoration and freedom – again, did this coincide with a long, defunct Jubilee Year?

Confident in this proclamation of return, restoration and freedom, Jeremiah, while still a prisoner of Zedekiah, had made an investment for the future. This gave the besieged city a sign of hope: just as God's words of judgment were about to come true, so too would God's words of grace and promise. He bought a field at Anathoth from his 'cousin Hananel and weighed out for him sixteen shekels of silver' (Jeremiah 32:9). In the midst of treachery and judgment, the Word of God came to Jeremiah as a word of promise and hope:

> I will bring health and healing... I will heal my people and will let them enjoy abundant peace and security. I will bring Judah and Israel back from captivity and will rebuild them as they were before. I will cleanse them... and will forgive them all their sins of rebellion against me (Jeremiah 33:6-8).

But, beyond that, Jeremiah spoke of a greater promise and a greater hope:

> "'The days are coming,' declares the LORD, 'when I will fulfil the gracious promise I made to the house of Israel and to the house of Judah.
>
> 'In those days and at the time
> I will make a righteous Branch

sprout from David's line;
he will do
what is just and right in the land.
In those days Judah will be saved
and Jerusalem will live in safety.

This is the name
by which it will be called:
The LORD Our Righteousness" (verses 14-16).

2.3.3 Isaiah

What about Isaiah ben Amoz? To pursue the Year of Jubilee as a central – if not a dominant – and not a peripheral motif in Old Testament theological thinking and social ethics, it is not considered necessary to spend time debating whether one, two or three authors are responsible for the sixty-six chapter book of Isaiah. Certainly the book as we have it today does fall into three natural divisions, namely chapters 1-39; 40-55; and 56-66. Scholarly opinion has long been divided as to whether these chapters can be attributed in total to the pre-Exilic, Isaiah of Jerusalem, or also to an anonymous prophet of the Babylonian milieu, that is a 'Deutero – Isaiah' (responsible for chapters 40-55), and a post-Exilic, Palestinian prophet, that is a 'Trito-Isaiah' (responsible for chapters 56-66) (Ridderbos, 1982a:521-527).

The answer to that question seems to be based less, if at all, on differences in language or theology, as it is on the possibility or otherwise of prophecy being predictive: that is of it having a fore-telling, as well as a forth-telling dynamic. Whether chapter 61, the Jubilee chapter, quoted in part by Jesus in Luke 4:17-19 – to which he added the commentary (in verse 21b): 'today this scripture is fulfilled in your hearing' – belongs to Isaiah of Jerusalem who foretells a restoration after the Exile (as did Jeremiah), or to another author or editor, writing around the time of Cyrus' proclamation does not seriously effect the agreement, if at all. What is important, is its inclusion in the final editing, an inclusion, which indicates the importance of the theme, both in the present and in the anticipated future.

Motyer (1993), a conservative scholar, argues for only one Isaiah and suggests a three-fold division of the book as we have it, namely: the Book of the King (1-37); the Book of the Servant (38-55); and the Book of the Anointed Conqueror (55-66). Our concern here, is with the Canon of Scripture as we have it. He writes:

> Throughout Old Testament study it is being recognized that, whatever view be taken of the prehistory of a text, it is the task of scholarship to pursue a holistic study. This means wrestling with the text as received, being unwilling to assume that ancient editors ordered their work with scant understanding of what they were doing, and searching out the message that emerges from the totality considered as a unit of Holy Scripture (1993:13).

Having resisted the temptation to go on such a *pereginatio,* it is necessary to take a holistic look. If the institutions of the seventh and/or fiftieth years became a retrospective lens for interpreting the history of God's people, then the blowing of the *shofar,* announcing the Year of Jubilee became the metaphor for the restoration of the nation following the Exile.

The Jubilee, a declaration of freedom by blowing the *shofar,* is associated with three other occasions on which it was sounded, namely: New Year's Day, the anniversary of the creation of the world (Leviticus 23:44; Numbers 29:1); the revelation at Mount Sinai (Exodus 19:13, 16, 19), celebrated at Pentecost; and the future redemption (Isaiah 27:13): 'And in that day a great trumpet will sound. Those who were perishing in Assyria and those who were exiled in Egypt will come and worship the LORD on the holy mountain in Jerusalem.' This 3-fold scheme; Creation, Revelation, and Redemption underlies the idea of the Sabbath; the Sabbath of Creation, the Sabbath in the present, and the Sabbath of the future.

Isaiah 61 refers to the proclamation of 'the year of the LORD's favour and the day of vengeance of our God' (verse 2b). This is understood in terms of justice, judgment and redemption: as 'good news to the poor, binding 'up the broken-hearted,' proclaiming freedom for the captives and release ... for the prisoners' (verse 1), comfort and provision, rebuilding and restoration, holiness (always God's primary concern for his people), and witness to the *goyim.* The nations already are seen to have a future share in the blessings of the covenant (Ackroyd, 1980:368).

> For I, the LORD, love justice;
> I hate robbery and iniquity.
> In my faithfulness
> I will reward them
> and make an everlasting covenant
> with them
> Their descendents will be known
> among the nations
> and their offspring
> among the peoples...
> So the Sovereign LORD will make
> righteousness and praise
> spring up before all nations (verses 8,9a,11b).

The purpose of this declaration or proclamation was to bring about equality and social rights. It became a model for the redemption of the soul, the forgiveness of sin on *Yom Kippur.* In the Qumran Scrolls it serves as a model for the redemption of the collective and the erasure of sins at the End of Days. According to the calculation of the *pešer* of Qumran this corresponds to the end of the tenth Jubilee cycle.

> Such an exegesis of Isaiah 61:1-3 must have lain in the background of Luke 4:16-19, in which Jesus sees himself as bearing to the reader news of freedom and a year of grace from the Lord. The prophecy of Isaiah 61:1-3 whose source is connected with the Jubilee of years which passed between the destruction of the Temple (586) and the declaration of Cyrus (536) acquire mythical-apocalyptic significance during the period of the Second Temple being motivated by calculations of the end of seventy sabbatical years (Daniel) and the Jubilees (Midrash Melchisedek). It thus became a focus for the longing for redemption in both Judaism and Christianity (Weinfeld, 2000:211).

Isaiah also linked the Jubilee with the coming of the Spirit, a theme taken up by Luke (and other New Testament writers) in his account of Jesus' baptism, anointing, temptation, and proclamation of 'the year of the Lord's favour' (4:19), but not yet 'the day of vengeance of our God' (Isaiah 61:2b). This notion of an extended period of grace before the coming judgment, Luke takes up again in Acts 2:14-41. Following the infilling with the Holy Spirit, Peter attempts to explain this phenomenon to the pilgrims at Pentecost by quoting the prophet Joel 2:28-32. Pentecost is clearly a sign that the 'last days' have appeared, though the signs of 'blood and fire and billows of smoke', the sun being turned 'to darkness and the moon to blood before the coming of the great and glorious day of the Lord' (Acts 2:17a, 19b, 20), *have not yet been given.* For now, the promise of the forgiveness of sins and 'the gift of the Holy Spirit' is 'for all whom the Lord our God will call' (Acts 2:38, 39).

2.3.4 Ezekiel

According to the dates given by the book, Ezekiel ben Buzi began his ministry in 593BCE and continued until c571BCE.

Ezekiel, whose name means 'God strengthening,' was probably deported to Babylon along with Jehoiachim and all the leading citizens in 597BCE (2 Kings 24:14-17). They were settled in the village of Tel-abib by the river Kebar. Five years later he received his call (Ezekiel 1:2), probably at the age of 30, the time he would, under normal circumstances, have assumed his priestly duties in the Temple. He may have lived for at least another 22 years (Ezekiel 29:17). On the day that Nebuchadnezzar laid siege to Jerusalem, Ezekiel's wife died suddenly (Ezekiel 24:1, 2, 15-18) (Ellison, 1982a:363, 364, and 1982b:362, 363).

The Book of Ezekiel falls into four major parts, namely: Chapters 1-24, which contain oracles of judgment against Israel dating from before the Fall of Jerusalem in 587BCE; chapters 25-32, which contain oracles against foreign nations; chapters 33-39, which contain oracles of restoration and hope, intending to console the people following the destruction of Jerusalem; and chapters 40-48, which describe the future restoration of the Temple, Jerusalem, and Israel.

Chapter 7 (especially verses 10-14) may be a reference to a revival of the institution of the seventh or fiftieth year in a fruitless attempt to prevent the inevitable judgment: 'Though they blow the trumpet and get ready, no one will go into battle, for my wrath is upon the whole crowd' (verse 14). The closing chapters, namely 36, 37, 40-48 give expression to the vision of restoration: a rebuilt temple, which is the centre of a holy nation, priesthood, prince and people, from which grace flows, not only *to*, but *from* Israel. In chapter 47, the prophet sees life-giving water flowing from the Temple bringing life, fruitfulness and healing. In Revelation 22:2b this reference is extended as a promise for 'healing of the nations.' Ezekiel 46:16-18 refers to the prince and 'the year of freedom' (verse 17): 'The prince must not take any of the inheritance of the people, driving them off their property. He is to give his sons their inheritance out of his own property, so that none of my people will be separated from his property' (verse 18). Just as Yahweh will again show himself gracious by restoring his people to their God-given inheritance, so God requires his people to show grace.

Ezekiel was both a priest and a prophet; he made himself 'a sign' to Israel through symbolism; he stressed the transcendence of God, and that God's omnipotence cannot be limited by human failure. He emphasized the contrast between Israel's unfaithfulness and God's faithfulness. His teaching centred on responsibility and inner conversion: a new heart and a new spirit which are the gifts of a gracious, covenant-keeping God. Ezekiel's symbolism was deeply rooted in his priestly heritage, but he was no narrow ritualist, rather his message was shaped by a strong eschatological vision - that of a holy God dwelling among a holy people: 'And the name of the city from that time on will be: THE LORD IS THERE' (Ezekiel 48:35).

Again in Revelation, this is extended in the vision of 'a new heaven and a new earth ... the Holy City, the new Jerusalem, coming down out of heaven from God,' the place of God's throne, God's dwelling, from which 'the water of life' will flow bring fruitfulness, and 'the healing of the nations ... The throne of God and of the Lamb will be in the city, and his servants will serve him. They will see his face, and his name will be on their foreheads ... And they will reign for ever and ever' (21:1-22:6). In this vision 'they' extend beyond the people of Israel to include people 'from every tribe and language and people and nation,' whom God has made 'to be a kingdom and priests to serve ... God, and they will reign on the earth' (Revelation 5:9b, 10).

2.3.5 Daniel

Daniel chapter 9 is another passage which refers 'to the word of the LORD given to Jeremiah the prophet that the desolation of Jerusalem would last seventy years.' Daniel's discovery of this word prompted him to turn 'to the LORD God and plead ...with him in prayer and petition, in fasting and in sackcloth and ashes' (verses 2b, 3).

Again, it is not considered necessary to spend time debating the authorship of the Book of Daniel, whether we are looking at a prophet of the late Exilic period – a contemporary of Ezekiel and 'Deutero-Isaiah,' if such a one existed – or a prophet writing in the intertestamental period for some reason choosing to locate himself in 'the first year of Darius son of Xerxes (a Mede by descent), who was made ruler over Babylonian Kingdom' (Daniel 9:1). Modern scholarship is almost unanimous in its rejection of the book as a sixth century BCE document written by Daniel, a Jewish official at the imperial court, in spite of the internal witness of the book itself; and the statement attributed to Jesus (Matthew 24:15), referring to '"the abomination that causes desolation", spoken of through the prophet Daniel,' (i.e. in Daniel 9:27; 11:31; and 12:11). Some critics claim that the book was written by an unknown author about 165 BCE, because it contains material – prophesies? – relating to post-Babylonian kings and wars, which became increasingly accurate as they approach that date, namely Daniel 11:2-35 (or, 2-45). From that perspective it is further claimed that the book was written to encourage Jews in their conflict with Antiochus Epiphanes (1 Maccabees 2:59,60), and that it was enthusiastically received by them as genuine and authentic, and immediately placed in the Hebrew Canon. Again the main reason seems to be with confidence, or the lack of it, in the possibility of prophecy being predictive, *and* that the book contains a number of historical inaccuracies.

It is often claimed that the book is full of historical blunders, but a passing comment on one such blunder will do. The author it is claimed, is mistaken in placing Darius 1 before Cyrus and making Xerxes the father of Darius (Daniel 6:28; 9:1). Is it

possible however, that the writer is referring to Darius the Mede, a governor under Cyrus, whose father had the same name as the later Persian King? Would a second century BCE Jew have committed such a blunder with Ezra 4:4-7a before him? That text reads: 'Then the peoples around them [i.e. the returned exiles] set out to discourage the people of Judah and make them afraid to go on building. They hired counselors to work against them and frustrate their plans during the entire reign of Cyrus king of Persia and down to the reign of Darius king of Persia. At the beginning of the reign of Xerxes, they lodged an accusation against the people of Judah and Jerusalem. And again in the days of Artaxerxes king of Persia, Bishlam, Mithredath, Tabel and the rest of his associates wrote a letter to Artaxerxes.' The outcome of this was a restriction order on 'the works on the house of God in Jerusalem... until the second year of Darius king of Persia.' During this reign, a search of the archives led to the discovery of a scroll on which was written Cyrus' decree 'concerning the temple of God in Jerusalem' (Ezra 6:3a). Darius reiterated that imperial decree, and thus the 'temple was completed on the third day of the month Adar, in the sixth year of the reign of King Darius' (Ezra 6:15). Thus it is possible to identify three men by the name of Darius.

Darius I, son of Hystaspes was king of Persia and Babylon and ruled 521 - 486 BCE. He enabled the rebuilding of the Temple with 'Zerubbabel son of Shealtiel and Jeshua son of Jozadak' (Ezra 5:2a; Haggai 1:1; Zechariah 1:1); and Darius II, ruled Persia and Babylon 423 - 408 BCE, who was called 'Darius the Persian' in Nehemiah 12:22 - was this to distinguish him from 'Darius the Mede' (Daniel 9:1)? There was a Darius III, who reigned c336 - 331 BCE. Daniel 11:2 in fact, puts Xerxes as the fourth king after Cyrus.

> Since Darius the Mede is not mentioned by name outside the book of Daniel, and the contemporary cuneiform inscriptions reckon no king of Babylon between Nabonidus (one Belshazzar) and the accession of Cyrus, his historicity has been denied and the OT account of his reign considered a conflation of confused traditions (H.H. Rowley, *Darius the Mede,* 1935). On the other hand, the narrative has all the appearance of genuine history, and in the absence of many historical records of this period there is no reason why the history should not be accepted (Wiseman, 1982:265).

Again, would educated Palestinian Jews of the later date suggested for this book, who 'had access to the writings of Herodotus, Ctesias, Berossus, Menander and other ancient historians whose works have long since been lost to us, and ... [who] were well acquainted with the names of Cyrus and his successors on the throne of Persia' (Whitcomb,1982: 263), not have recognized such blunders, while rejecting other works like the Books of Maccabees from the Canon of Scripture? But, all this is to digress!

The prophecy of Jeremiah moved Daniel to repentance and intercession on behalf of his people for the fulfilment of that word. So, whether Daniel originated at the end of the Exile and the beginning of the Return, or centuries later in another time of national crisis, the concept of the Jubilee as a promise – or near eventuality – of hope and grace in the midst of judgment is underlined once again. Chapters 1 - 6 are largely historical in content, with Daniel referred to in the third person, whereas in chapters 7 - 12, the historical character fades, and the prophet, speaking in the first person, becomes the recipient of visions. These emphasize the destiny of Israel in relation to the *goyim,* the gentile nations.

Like Ezekiel, there is a strong, eschatological hope expressed in these writings, with the final chapter looking beyond history to its consummation, with an illusion to the future resurrection of the dead: 'Multitudes who sleep in the dust of the earth will awake: some to everlasting life, others to shame and everlasting contempt. Those who are wise will shine like the brightness of the heavens, and those who lead many to righteousness, like the stars for ever and ever' (Daniel 12:2, 3). Thus the eschatological hope is expressed, not only in terms of justice and mercy for God's people, but of God's people active in mission.

Chapter 9 speaks challengingly to God's people anytime and anywhere of the correlation between God's purposes and promises, *and* prayer. It is while Daniel is still in prayer and repentance that he receives an angelic vision: the assurance that his prayer has been heard. This vision looks beyond the immanent deliverance to another, a future, indeed even the ultimate deliverance of God's covenant people.

Regardless of where the Book of Daniel is located chronologically in the Old Testament, it too understands God's judgment with reference to the seventh or fiftieth years of grace. Judgment is in part due to the abuse or neglect of these institutions. Restoration is seen as the proclamation of a Jubilee, a multiple of seven sabbatical years, culminating in a fiftieth year of Jubilee.

The references to various periods of 'sevens,' whether 'seven "sevens," and sixty-two "sevens"' – after which 'the Anointed One will be cut off ... the city and the sanctuary' destroyed, and 'a covenant with many for one "seven"' confirmed, in the middle of which 'an abomination that causes desolation' (Daniel 9:24-27), an event which Jesus saw as being in the future (cf. Matthew 24:15) – are fascinating sources for students of apocalyptical literature. They need not detain us here, other than to suggest that the anticipation of the Anointed One, or Messiah, is seen in terms of the ultimate Jubilee of Jubilees. But that is still to come – *and* to come!

So judgment, mercy, exile, restoration, redemption in the present, *and* ultimately in the future – or, the ultimate redemption – is seen in terms of a Jubilee (Young, 1970:698-700).

2.3.6 A post-Exilic insight

Yet sadly, the return from exile did not finish transgression or put an end to sin, nor 'bring in everlasting righteousness' (Daniel 9:24a). In Nehemiah 5:1-19, we read that even during the rebuilding of the city there was a return to abuse. This abuse resulted in many mortgaging their fields, vineyards and homes, and indeed, selling their sons and daughters into slavery. Nehemiah's response was to call an assembly, with instructions to 'walk in the fear of our God' and to stop the practice of usury: 'Give back to them immediately their fields, vineyards and olive groves and houses, and also the usury you are charging them – the hundredth part of the money, grain, new wine and oil'. Later, a national day of fasting, confession, and prayer was held, and this resulted in the renewal of the covenant: 'a binding agreement' (Nehemiah 9:38) was made, part of which included the pledge: 'Every seventh year we will forgo working the land and will cancel all debts' (Nehemiah 10:31).

The advantages of this institution were manifold. It would:

- Prevent the accumulation of land on the part of the few to the detriment of the community at large,

- Render it impossible for anyone to be born in absolute poverty since everyone had his or her hereditary access to the land,

- Preclude those inequalities which are produced by extremes of wealth and poverty, and which result in one being dominant over the other,

- Utterly do away with slavery,

- Afford a fresh opportunity to those who were reduced by adverse circumstances to begin again their industry in the patrimony which they had forfeited, and

- Periodically rectify the disorders which creep into the state in the course of time, precluding the division of the people into nobles and plebeians – into classes locked in a Marxian political struggle – and preserve the theocracy inviolate.

At least, that was the intention, the ideal, the reality though, was and will remain different! Thus the Jubilee would remain a symbol of hope – that one day the ideal would be the real. During the intertestamental period, this hope would take on new expectations and new shapes.

2.4 The Apocryphal Book of 1 Maccabees, and the Intertestamental Book of Jubilees

Following the Septuagint, the Roman Catholic Bible includes the Books of Maccabees and other Apocryphal writings in the Canon of Scripture. Maccabees are included with the Historical Books, others are included with the Wisdom Literature and the Prophets. Some of these give important information about the position of the Jewish nation, in the second century BCE. Maccabees focuses on the resistance movement against the hellenising of Jews by the Seleucid kings, and the movement for Jewish independence. The first book covers the 40 years from 175 - 134 BCE, and was written before 63 BCE; the second book covers a part of the same period. Scholars who prefer a later date for the Book of Daniel would see in these apocryphal writings, the setting in which that book was written.

1 Maccabees 6:48 - 54 tells of the capture of Bethzur and the siege of Mount Zion by the Syrians. King Antiochus V 'granted peace terms to the people of Bethzur, who evacuated the town; it lacked store of provisions to withstand a siege, since the land was enjoying a sabbatical year.' Likewise, those defending the sanctuary at Jerusalem 'had no stocks of provisions, because it was the seventh year, and those who had taken refuge in Judaea from the pagans had eaten up the last of their reserves. Only a few men were left in the Holy Place, owing to the severity of the famine; the rest had dispersed and gone home.'

Another intertestamental Jewish work is the Book of Jubilees 'extant completely only in Ethiopic and partly in Latin, though fragments in the original Hebrew have now been found at Qumran.' This work:

> is a midrash or legendary rewriting of Genesis and the early chapters of Exodus. It gives the biblical history a detailed chronology, calculated in jubilee periods of 49 years, each divided into 7 weeks of years, each year a solar year of 364 days. The revelation at Sinai occurs in the 50th jubilee since the Creation. (Several texts from Qumran employ jubilee periods in historical and eschatological speculation (Brauckham, 1982:625, 626).

Jubilees was probably written in the late second century BCE in (proto-) Essene circles shortly before the Qumran sect came into existence. It was popular at Qumran, where its special legal precepts and calendar were observed. (It is cited by name in CD 16.13f.). It was written against the background of hellenising influences, and in opposition to them. Its (probably Pharisaic) author glorifies the *torah* as distinguishing Israel from the *goyim.* The solar calendar has the same effect, not only of setting Israel apart from the *goyim,* but also of setting apart faithful Israel from apostate Israel. It ensured the observance of the festivals on the correct dates.

> The *Jubilees* calendar derives from *1 Enoch* and was observed at Qumran. A day of the month falls on the same day of the week every year; *e.g.* New Year's Day always falls on a Wednesday. Some scholars have suggested, as a solution to the problem of the date of the Last Supper, that Jesus celebrated the Passover according to this calendar, *i.e.* on a Tuesday evening (Brauckham, 1982:626).

Whatever influence the Qumran community may or may not have had on Jesus, it could be said, that by his time, the idea of the Jubilee may have become somewhat exclusive, determining who was *in,* and who was *out.* Jesus would give it a new, radical, and universal interpretation, and application: that of Israel's mission to the *goyim.*

2.5 The New Testament

The New Testament will be examined from three perspectives, namely: the so-called Nazareth Manifesto; Pentecost; and the Book of Revelation.

2.5.1 The so-called Nazareth Manifesto

And so 'Jesus full of the Holy Spirit, returned from the Jordan and was led by the Spirit in the desert, where for forty days he was tempted ... [He] returned to Galilee in the power of the Spirit, and ... taught in their synagogues, and everyone praised him. He went to Nazareth ... and on the Sabbath day he went into the synagogue, as was his custom. And he stood up to read ... the prophet Isaiah ... Then he rolled up the scroll ... sat down ... and he said to them, "Today this scripture is fulfilled in your hearing"' (Luke 4:1,2a,14-17, 20, 21).

'Today this scripture is fulfilled in your hearing': was Jesus' one line commentary on a partial quote from Isaiah 61. Thus he proclaimed his mission in terms of 'the year of the Lord's favour,' a Jubilee Year.

The personal name Jesus occurs some 919 times in the New Testament and the title Christ occurs some 500 times. It should not be necessary, but is certainly important, to be reminded that the word Christ, or Messiah means *the anointed one,* that is, the one anointed with the Spirit to fulfil God's purposes *on* the earth, and *for* the earth.

Isaiah linked the Jubilee Year with the anointing of the Spirit. Luke presents Jesus anointed by the Spirit, and called the Beloved (3:21, 22), full of the Spirit, led by the Spirit and 'in the power of the Spirit' as the One who inaugurates God's Kingdom as 'the year of the LORD's favour,' but not yet 'the day of vengeance of our God' (Isaiah 61:2b).

> The 'voice from heaven' should be understood against the background of intertestamental Judaism. This period gives a threefold perspective of the activity of the Spirit: (a) during Judaism the Holy Spirit was the spirit of prophecy; (b) this prophetic gift had been stilled with the last Old Testament writings; (c) this activity of the Holy Spirit was to be restored at the start of the Messianic era. The descent of the Holy Spirit and the voice from heaven attest that, with Jesus, God restored the broken communication between himself and Israel (De Smidt, 1997: 148).

The 'coming of the Spirit at the Jordan can also be seen as an inauguratory stage in God's design. It is the marking of the beginning of the fulfilment [sic] of the hope of a new age enunciated in Isaiah 61:1 - 2. The Spirit has a unique eschatological significance because Jesus' ministry, commissioned at the Jordan, brought the eschatological kingdom into the present ... the Jordan event represents the inauguration of Jesus' messianic task.' Put more simply: 'Today this scripture,' a scripture proclaiming a - indeed *the* - Jubilee Year, 'is fulfilled in your hearing.'

Peterson (1991:96, 97) states: 'A. Stobel argues that AD 26-27 was a jubilee year, and that Jesus' citation of the Isaiah text took account of this actual jubilee year, when the trumpets were sounding throughout the land and the Levitical liberation traditions were remembered again.' Thus by unrolling and rolling up, by opening and closing the scroll, 'Jesus unsealed the scroll by revealing its present meaning, his inaugurating leadership in the kingdom of God, the good news' (Peterson, 1991:64). '"The time has come," he said. "The kingdom of God is near. Repent and believe the good news!"' (Mark 1:15). In the synagogue at Nazareth, Jesus adds the *kairos* word, "Today" (Luke 4:2a), thereby giving it a sense of urgency.

> The urgency is in the *attending*, being wholly present to the presence of God that Christ presents to us in his coming. Thorleif Boman in his profound study of time in the Bible, says, "*Present* means exactly what the word says; 'presence,' i.e., we are at the place where action is taking place" ... [the] emphasis is never on the future as such, but on the present that is pregnant with futurity ... [the New Testament] uses two words for time, *chronos* and *kairos*. *Chronos* is duration, *kairos* is opportunity. We coolly measure *chronos* with clocks and calendars; we passionately lose ourselves in *kairos* by falling in love or leaping into faith. We must never ... dismiss *chronos* as

> inferior or unimportant ... But only by means of *kairos* can we comprehend and participate in Christ's coming. For the coming of Christ cannot be confined to a date – it is primarily a meeting, an arrival which is already in process of taking place, although not yet consummated (Peterson, 1991:192).

This Kingdom, still to come in its fullness, but already breaking in upon us, Jesus proclaimed at Nazareth. All four gospels testify to the presence of the Kingdom in the preaching of 'good news to the poor', 'freedom for the prisoners', 'recovery of sight for the blind', and release for 'the oppressed.' Again and again Jesus is shown to have authority to forgive, to heal and to call men and women into the Kingdom; he is seen to have authority over nature, including sickness and death, and the supernatural, all the forces that oppress, blind, imprison and impoverish humanity.

Not long into his ministry, Jesus' kinsman John the Baptist was imprisoned, because of his opposition to the Herodian regime. In a crisis of faith he sent a message to Jesus asking: 'Are you the one who was to come, or should we expect someone else?' (Matthew 11:1-6). Jesus' answer is revealing (and cryptic): 'Go back and report to John what you hear and see: The blind receive sight, the lame walk, those who have leprosy are cured, the deaf hear, the dead are raised, and the good news is preached to the poor. Blessed is the man who does not fall away on account of me.' In effect, Jesus is saying go and tell John that the Jubilee is being proclaimed in word and deed. For John, both the irony of this, and the trail of his faith, was that *he* was in prison. Another sign that the Kingdom is *already* here, but *not yet* fully here, is that for him, freedom and release would come in death.

It cannot be without significance that Jesus rolled up the scroll and handed it back to the synagogue attendant in the middle of Isaiah 61:2 as we have it. The prophet spoke of the anointing of the Spirit of the Sovereign Lord 'to proclaim the year of the LORD's favour and the day of vengeance of our God.' The 'Nazareth Manifesto' announces 'the year of the Lord's favour' but not yet 'the day of vengeance of our God.' Elsewhere, and in other words, Jesus would rebuke the vengeful intention of James and John, who wanted to call down judgment on a Samaritan village for their refusal to welcome him: 'the Son of Man did not come to destroy men's lives, but to save them' (Luke 9:56). Again: 'God did not send his Son into the world to condemn the world, but to save the world through him' (John 3:17). This is not to say that future – or for that matter, present – judgment isn't entrusted to Jesus, but rather that his primary mission is to bind up, to proclaim freedom and release, to comfort, restore and heal, all that is embraced by the word *shalom,* all that is promised in the notion of salvation: 'Whoever believes ... is not condemned, but whoever does not believe stands condemned already because he [or she] has not believed in the name of God's one and only Son. This is the verdict: 'Light has come into the world, but men [and women] loved darkness instead of light because their deeds were evil' (John 3:18, 19).

'God did not send his Son into the world to condemn the world, but to save the world through him.' With similar words the writer of the fourth gospel begins to conclude his narrative: "As you sent me into the world," Jesus prays to the Father (John 17:18) on the eve of his death, "I have sent them into the world." Later, on the evening of his Resurrection, Jesus comes to his disciples with the words: '"Peace be with you! As the Father sent me, I am sending you." And with that he breathed

on them and said, "Receive the Holy Spirit. If you forgive anyone his [or her] sins, they are forgiven; if you do not forgive them, they are not forgiven"' (John 20:21-23).

Just as Jesus' mission to inaugurate the Kingdom of God is linked with the Holy Spirit, the One who anoints him to fulfil his mission, so Jesus links his followers' mission in the world with the Holy Spirit. In both Luke's gospel and his follow-up account in Acts, their world-wide mission to proclaim the Jubilee is dependent on the empowering of the Spirit of mission: 'repentance and forgiveness of sins will be preached in [my] name to all the nations, beginning in Jerusalem. You are witnesses of these things. I am going to send you what the Father has promised; but stay in the city until you have been clothed with power from on high' (Luke 24:47-49); and later: 'Do not leave Jerusalem, but wait for the gift my Father promised ... in a few days you will be baptized with the Holy Spirit ... you will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth' (Acts 1:4b, 5b, 8).

That the Jubilee is not a peripheral idea in Scripture, but an integral part of it, indeed a hermeneutical key to interpreting the whole, is supported not just in the so-called Nazareth Manifesto, where Jesus announced his mission, but in Pentecost, where the church announced its mission to the world.

2.5.2 **Pentecost** – Fulfilment and Announcement

In the New Testament there are three references to Pentecost, namely: Acts 2:1; 20:16 and 1 Corinthians 16:8.

Pentecost - or rather *pentêkonta hêmeras* - is how the Septuagint (LXX) translates the Hebrew חמשים יום, *h^a mišším yôm,* 'fifty days' of Leviticus 23:15: 'From the day after the Sabbath, the day you brought the sheaf of the wave offering, count off seven full weeks. Count off fifty days up to the day after the seventh Sabbath, and then present an offering of new grain to the LORD ... When you reap the harvest ... do not reap to the very edges of your field or gather the gleanings of your harvest. Leave them for the poor and the alien. I am the LORD your God' (Leviticus 23:15, 16, 22). Once again, the liturgical feast had social implications! The 'fifty days,' or seven weeks was called חג שבעה *chaĝ shebu'aĥ* , 'Feast of Weeks' (Exodus 34:22; Deuteronomy 16:10). Its observation is indicated in the days of Solomon (2 Chronicles 8:13) as the second of the three annual festivals, namely: Unleavened Bread, Weeks and Tabernacles.

Pentecost was a time of joy and gratitude for the blessings of the harvest. Jeremiah spoke to a rebellious people, whose wrongdoings had deprived them of those blessings, a people who did not 'fear the LORD our God, who gives autumn and spring rains in season, who assures us of the regular weeks of harvest' (5:24).

In the intertestamental period and later, Pentecost was regarded as the anniversary of the giving of *torah* at Sinai '(Jubilees 1:1 with 6:17; TB, *Pesaḥim* 68b; Midrash, *Tanḥuma 26c)'* (Freeman, 1982:909).

> The Sadducees celebrated it on the 50th day (inclusive reckoning) from the first Sunday after Passover (taking the 'sabbath' of Lv. 23:15 to be the weekly sabbath); their reckoning regulated the public observance so long as

the Temple stood, and the church is therefore justified in commemorating the first Christian Pentecost on a Sunday (Whit Sunday). The Pharisees, however, interpreted the 'sabbath' of Lv. 23:15 as the Festival of Unleavened Bread (*cf.* Lv. 23:7), and their reckoning became normative in Judaism after AD 70, so that in the Jewish calendar Pentecost now falls on various days of the week.

Pentecost is, therefore, both the fulfilment of God's promise that the Spirit would be poured out 'on all people' (Joel 2:28a; Acts 2:17a), and the announcement that, 'Today,' that promise still stands, awaiting fulfilment: 'Repent and be baptized ... in the name of Jesus Christ for the forgiveness of your sins. And you will receive the gift of the Holy Spirit. The promise is for you and your children and for all who are far off – for all whom the Lord our God will call' (Acts 2:38, 39).

It is therefore possible to see the church age, 'the last days' of Joel 2:28a and Acts 2:17a, as the announcement of 'the year of the Lord's favour' (Luke 4:19b), that is, of a Sabbatical or Jubilee Year. Pentecost announces the *already* of God's Kingdom, whereas Revelation (21:1) sees the appearance of 'a new heaven and a new earth' as an eternal Jubilee, the fulfilment of Jesus' mission: 'Now the dwelling of God is with men [and women], and he will live with them. They will be his people, and God himself will be with them and be their God. He will wipe every tear from their eyes. There will be no more death or mourning or crying or pain, for the old order of things has passed away' (Revelation 21:3b, 4).

2.5.3 The Book of Revelation, a Summing up and a Presentation – an Ending and a Beginning.

Without doubt, the Book of Revelation has produced commentators and commentaries more weird and wonderful than some of its imagery (Kümmel, 1984:462-466), (Morris, 1982:1027-1029). It may, therefore, be helpful to heed the words of Wilcock and Peterson.

Wilcock (1989:181-2) writes:

> Revelation should not stand on its own as an independent framework, but should be taken as a repetition in highly coloured language of the sequence already made sufficiently clear in the non-symbolic teaching of the Gospels and Letters.

Peterson (1991: *XI-II*) writes:

> I do not read the Revelation to get additional information about the life of faith in Christ. I have read it all before in law and prophet, in gospel and epistle. Everything in the Revelation can be found in the precious sixty-five books of the Bible. The truth of the gospel is already complete, revealed in Jesus Christ. There is nothing new to say on the subject. But there is a new way to say it. I read the Revelation not to get more information but to revive my imagination.

Wilcock identifies a literary structure which may also be a helpful hermeneutical key to 'unlocking' its 'Essential Vision, The Message of Revelation.' He sees Revelation as consisting of seven Scenes, each consisting of seven subdivisions, plus an

eighth Scene, also consisting of seven subdivisions. This gives a literary structure represented by the following equation: 7 x 7 = 49 + 1 = 50. If seven is the number of completeness, and seven sevens the number of complete completeness, *'why is there an eighth Scene?'* asks Wilcock (1989:202).

Seven *is* the number of completeness, for example 'the week of six working days is crowned with a sabbath of rest ... a pattern established by God himself in his work of creation (Gn. 1:1 - 2:3). But it is also ... ratified ... in his work of redemption. It is on Good Friday, the sixth day of the week that the redeeming work of Christ reaches its climax ... and the Saturday is the day of rest, the seventh day, which crowns the 'week' of that mighty labour of love.' The seventh day proclaimed the end of the Law and the entire Old Testament system based upon it. 'But the Sunday, the *eighth* day, did more. It proclaimed Christ to be "Son of God in power ... by his resurrection from the dead" (Rom. 1:4). The first day of a new week was in fact the first day of a new age. Small wonder then, that the pattern laid down in creation and amplified in redemption should appear in the last chapters of the Bible', which see the Kingdom inaugurated in Christ, now consummated in Christ: 'The kingdom of the world has become the kingdom of our Lord and of his Christ, and he will reign for ever and ever' (Revelation 11:15b).

> Scripture goes even further in providing blueprints to explain the last Scene of Revelation. For up to 21:8 we have had not only seven Scenes, but seven Scenes with seven sections each - forty-nine visions. And no Jew could doubt for a moment the significance of 'forty-nine', and what should follow it. 'You shall count seven weeks of years, seven times seven years, so that the time of the seven weeks of years shall be to you forty-nine years. Then you shall sound abroad a loud trumpet ... And you shall hallow the fiftieth year, and proclaim liberty throughout the land to all its inhabitants; it shall be a jubilee for you' (Lv. 25:8-10). With the year of jubilee comes the release of every slave, the reunion of every family, the restitution of all wrongs. The eighth which follows the seven, and the fiftieth which follows the seven times seven, are alike symbolic of a glorious new beginning (Wilcock, 1989:202, 203).

The sixty-sixth book of the Bible, Revelation, gathers together a theme which runs through the Pentateuch, the Historical Writings and the Prophets (as well as some intertestamental writings), Jesus' understanding of his mission, the notion of Pentecost as fulfilment and promise, and the New Testament vision of the Kingdom of God as *already,* but *not yet* fully here, and announces it as a Year of Jubilee, both for now and the future.

2.6 Conclusion

Thus, it can be said that, that the Old Testament concept of the Sabbatical and Jubilee Years are neither anachronistic nor peripheral details of the Canon of Scripture. Rather, they are an integral part of, and indeed a hermeneutical key to interpreting, the whole. Further, it could be said to be a vital dynamic in the church's understanding and *praxis* of evangelism and mission.

What are the implications of the Jubilee for the church in evangelism and mission? More specifically: what are the implications of preaching the Gospel in word and

deed as 'the year of the Lord's favour', as a Jubilee in post-apartheid, democratic South Africa, specifically for reconciliation, healing, and transformation?

Obviously these institutions – which even in ancient Israel may have been more ideal than real, more intentional than functional – cannot be imposed on a secular, constitutional, democracy that makes no claim to be God's covenant people in any biblical sense of that term. Nevertheless, there are implications here for holistic evangelism and mission in post-apartheid, democratic South Africa that not only transcend, but can transform culture, politics, and economics. What these biblical and Gospel principles are, is surely material for further academic research. Whatever answers may emerge, they must surely include a strong reference to the *missio Dei,* as Jesus expressed it in the Nazareth Manifesto:

- **Holistic Evangelism** - preaching Good News to the whole person,
- **A commitment to the values and practices of Restorative Justice** - binding up the wounds of crime by proclaiming justice, forgiveness, reconciliation, and freedom for victims and offenders of crime,
- **Restoration, Healing, and Hope** – proclaiming recovery of sight for the blind,
- **Economic Justice, Productivity, Land Reform, and Nation Building** - releasing the oppressed,
- **Ecological responsibility** - caring for God's creation, and
- **Moral Restoration** – proclaiming Kingdom values.

The specific focus of this thesis is on reconciliation, healing, and transformation. It will therefore primarily look at the local church's role in promoting and demonstrating:

- Holistic evangelism;
- The values and principles of restorative justice; and
- Moral restoration.

This will call for both the development of a specific spirituality and practical, measurable initiatives and programmes.

Kenneth Leech reminds the church that the Jubilee as a symbolic frame for theological work "remains vital with its fourfold stress on setting free the oppressed, the cancelling of debts, the restoration of the land, and the pursuit of all this in a spirit of festivity, symbolized by the blowing of trumpets. It is possible that Jubilee 'may contain the spark that can ignite spiritual fires capable of bringing about the personal, ecclesial and social transformation that today's world so urgently needs'" (2001:229).

The next chapter will look at the South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation, to see what answers and challenges it offers the Christian community to the question: Who will blow the trumpet?

Chapter 3

Reconciliation: The South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation.

3.1 Introduction

As the South African Truth and Reconciliation Commission (TRC) drew to its close, the chairperson, Archbishop Desmond Tutu (1998:6) felt it necessary:

> to remind us all that the TRC is expected to promote, not to achieve, reconciliation. Reconciliation has to be the responsibility of all South Africans, a national project - and we hope that the churches and other faith communities will be in the forefront of this healing process which is possibly going to go on for decades. We have all been deeply wounded and traumatized and it will take long to undo centuries of the alienation and animosity that were deliberate state policy.

The Truth and Reconciliation Commission was created by the Promotion of National Unity and Reconciliation Act 34 of 1995. During its tenure, and since it presented its report to the nation at the end of October 1998, the TRC has generated much discussion, debate and criticism - both constructive and negative - not to mention much academic research and publication. From many perspectives - among them, the legal, the ethical and that of mental health professionals - many questions have been asked, and many different answers have been given about the TRC:

- Did it present the truth?
- Did it promote reconciliation?
- Did it sacrifice truth for political expediency?
- Did it sacrifice justice for indemnity?
- Did it sacrifice the needs of individuals for the need to legitimize the post-apartheid state?
- Did it bind up, or merely open up, the wounds of the past? Did it fulfil its mandate? and
- Did it raise more questions than it answered?

It is not the intention here to revisit these questions and the differing and conflicting answers given to them, as it is to ask the question: What was the TRC's contribution to dealing with the past, reconciling and building the nation?

Nevertheless, in attempting to answer that question, it is necessary to look at the Act in its title, objective and powers to promote 'national unity and reconciliation' (Section 3(1)) and establish truth.

3.2 Reconciliation: Dealing with the past

How do we deal with the past? One South African response was to grant blanket amnesty – let's forgive, forget and move on – while another, within the ANC, in the words of Thabo Mbeki in an interview in the Cape Times (24 February 1997) was "to catch the bastards and hang them." Fortunately there was a realisation that this route, that of Nuremburg-style trials for the members of the apartheid state security establishment, would never have facilitated a peaceful transition (Boraine, 2000:13, 14).

International experience has shown that addressing past human rights violations is a necessary step in the process of reconciliation and nation-building. The purpose of such action, often at the moment of political change, is to demonstrate a break with the past, promote national reconciliation, and to obtain or sustain political legitimacy.

The TRC was but one of a series of such commissions held in different parts of the world since the mid-1970s. One example was the 1991 Chilean Commission on Truth and Reconciliation. Israel, Guinea, Uganda and Argentina have also established their commissions; likewise Chad, El Salvador, Honduras, Sri Lanka and Thailand – all have met with limited success.

Instead of truth and reconciliation commissions, Eastern Block countries set up procedures to investigate files of former regimes, a process known as lustration, with the Czech Republic carrying out the most. The problems with this procedure include: Facts concerning the missing and the dead were not recovered; no justice was rendered to perpetrators; and victims and families felt cheated by the compromises made without their consent. The outcome of these procedures tended to be: No truth! No justice! No reconciliation!

The lustration process can be further compounded by the alteration of files, and by innocent people being condemned unjustly.

In South Africa there were forerunners to the TRC. The Goldstone Commission of Enquiry identified death squad activities within the police force in KwaZulu Natal. The ANC also set up a number of internal commissions to deal with allegations of human rights abuses committed by ANC cadres, yet the verification of such allegations did not lead to discipline or removal from leadership - another example of truth not leading to justice!

Two conferences were held in Cape Town in 1994. The first held in February recorded its proceedings in: "Dealing with the Past." The second was held in July, but many political organisations did not send delegates as there was widespread opposition to a truth commission. "The Healing of a Nation?" (1995) published the papers presented, including that of the

keynote speaker, the Minister of Justice, Dullah Omar, who had earlier announced to Parliament (27 May 1994) the government's decision to set up a commission of truth and reconciliation. The stated purpose of the Promotion of National Unity and Reconciliation Act 34 of 1995 was: 'to bring about unity and reconciliation by providing for the investigation and full disclosure of gross violation of human rights committed in the past. It is based on the principle that reconciliation depends on forgiveness and that forgiveness can only take place if gross violations of human rights are fully disclosed' (Hay, 1998:53).

The Act was in many ways the result of political manoeuvring, a compromise which resulted from the negotiation process at Kempton Park, it being in the interests of both the regime and the ANC to provide amnesty for themselves. Nevertheless, Omar emphasised that reconciliation would not simply be a question of indemnity through amnesty. He stressed that 'to ignore the sufferings of countless victims' by 'merely granting amnesty to perpetrators without addressing our international obligations, dealing with the wounds of the past, and our duty to victims, will undermine the process of reconciliation. It is necessary, therefore, to deal with South Africa's past, including amnesty, on a morally acceptable basis' (Boraine, 2000:68).

President Nelson Mandela appointed Archbishop Desmond Tutu and Alex Boraine, as the chairperson and deputy chairperson respectively, of the Commission. It held its first meeting on South Africa's Day of Reconciliation: 16 December 1995. This day is significant for various reasons; on that day many Afrikaners celebrate the Day of the Covenant, the defeat of 12,000 Zulus in 1838; on that day too, the ANC began its armed struggle in 1961.

What was the TRC and what was its mandate?

Omar emphasized that the Commission would not be a court of law and would not conduct trials; neither would it affect the role of the criminal justice system. Its object, he stated, was 'to facilitate the healing of our deeply divided society on a morally acceptable basis ... not a witch hunt, but ... based on the need to restore a national moral conscience ... a society based on respect for human rights and human dignity' (Boraine, 2000:71).

Tutu (1998:4, 5) described the TRC as 'part of the tender bridge from a repressive past filled with conflict to a new dispensation with a healed and reconciled nation which has come to terms with its past, not by amnesia or trials, but by amnesty and storytelling. It is a commission seeking to establish as much of the truth about a specific segment of the past (1960 - 1994) as needed to provide as complete a picture as possible of gross human rights violations arising from the conflict of the past'.

The Act envisaged that the TRC would 'promote national unity and reconciliation' in a spirit of understanding by establishing the truth and disseminating its findings.

The Commission was therefore to investigate the nature, causes and extent of gross human rights violations committed in South Africa from 01 March

1960 to 10 May 1994. It was mandated to determine the fate or whereabouts of the victims of such violations; give victims opportunities to tell their stories; recommend reparation measures in respect of them; and compile a report and make recommendations of measures to prevent future violations.

The TRC had the power to grant amnesty to those making such disclosures. The ANC applied for an interdict to prevent the publication of certain sections of the report, but the application was dismissed with costs on 29 October 1998, the day the Report was presented to President Mandela.

In order to achieve its objectives, the TRC formed three committees, each with its own primary objective. These were:

- The Committee on Human Rights Violations, which was to investigate the nature, causes and extent of human rights violations,

- The Committee on Amnesty, which was to consider applications by those who had made a full disclosure and met the criteria in the Act, and

- The Committee on Reparation and Reconciliation, which was to make recommendations for reparations defined in Section 1, as 'compensation, ex gratia payment, restitution, rehabilitation or recognition'.

Hay (1998:59) refers to the Commission as 'but one mechanism, albeit an important one' that began the process of national reconciliation by closing the door to the past. 'The closure to the past is important, so long as the procedure of closing ... has been comprehensive and effective.'

How 'comprehensive and effective' the Commission was in achieving 'closure to the past' will no doubt continue to be debated, but here the concern is with the TRC's contribution to dealing with the past, reconciling and building the nation.

3.3 Reconciliation: Attem pting to heal the nation

3.3.1 The TRC: A mirror of who we are, and the promise of who we can become.

Firstly, the TRC presented itself as a microcosm of the nation and as such it could said to hold out a mirror of who we, the rainbow nation are, and a promise of who we, the rainbow nation, can become.

Boraine (2000:441, 442) is surely right when he concludes his narrative on the TRC by saying that 'despite the suspicion, distrust, and racism experienced within the Commission itself', and its difficulties *in being* reconciled', it did not succumb to these negative forces', and therefore holds out the hope that 'South Africans, despite our differences and distrust

of each other, despite incipient racism, can rise above these problems in order to work together in our common pursuit for a new vision and a new society'.

3.3.2 The TRC: An exposition of truth

The TRC exposed a great deal about the nature and extent of gross human rights violations committed in South Africa from 01 March 1960 - 10 May 1994. It also exposed truth about the causes, motives and perspectives of those responsible, and 'the extent to which many ... were themselves victims of a political system and cultural milieu that promoted violence' (Villa-Vicencio, 2000a:204).

Again it exposed 'the capacity of apparently decent people to sink to such a level where they can commit the most atrocious evil' (Villa-Vicencio, 2000a:203). The TRC reinforced the truth for the necessity of political solutions to prevent further atrocities. It reinforced the truth that information about the past, while not always enough to start the healing process, constitutes a turning point for some (many?), and in the words of Babu Ayindo, (writing on the International Criminal Tribunal for Rwanda), 'suggests that truth telling is at the heart of most "African traditional justice systems" that aim to reintegrate both the offender and the victim back into society' (Villa-Vicencio, 2000a:202). Certainly South Africans will never again be able to say 'we did not know'.

The TRC created a space which did not exist before, where narratives of suffering could emerge, thus allowing greater understanding between the sections of South African society separated by the racialised boundaries of apartheid. Richard A. Wilson (2001:224, 225), not generally positive about the Commission's effect, wrote that the sharing of narratives of suffering made possible a greater 'fusion of horizons', a base-line of understanding and a definition of the parameters of discussion of the past thus: 'The range of permissible lies is now much narrower because of the work of the TRC' (emphasis added).

The TRC also reported on 'the causes, motives and perspectives' of those responsible - albeit with a set of disclaimers arguing that its findings were 'incomplete' and 'premature' since the amnesty hearings were still underway and not all categories of perpetrators had applied for amnesty.

Concerning an understanding of perpetrators, the TRC set out three primary political contexts namely: The Cold War, including the role of the super powers and the virulent strand of anti-communism that took root in white South Africa from the 1950s onwards; anti-colonial struggles across the African continent, which escalated after the Second World War; and apartheid and the liberation struggle, which turned to armed struggle in 1960 following the banning of the ANC and PAC (Foster, 2000:222). Four sets of interrelated factors were set out as explanation, namely; authoritarianism, social identities, particular situations and ideological language, and two additional, but traditionally neglected factors, were proposed, namely, special organizational forces and secrecy and silence.

Foster (2000:224) suggests that in 'explanations of atrocities one particular form of social identity - masculinity - has frequently been ignored'.

As in Nazi Germany, it was clear that only a limited number of people were actively involved as perpetrators, the majority of people were not directly involved. However, the relative silence of the many - the media, the state, the general populace and even religious bodies - made the work of the few possible and effective.

The Commission has 'reminded us too, that the complexity of perpetration extends beyond those who pull the trigger'; that we should never lose sight of what Hannah Arendt calls the 'banality of evil', or of what Michel Foucault calls 'fascism within', that is, the human potential to love power, to desire the very thing which dominates and exploits us; and that 'society needs to take responsibility for those it spawns and nurtures (whether those who support, or those who seek to overthrow the system) if it is to redress the forces that contribute to the violation of fundamental human rights' (Villa-Vicencio, 2000a:203, 204).

Finally, the TRC raised the question about the prevention of further atrocities. 'If perpetrators' actions are primarily political (not biological or psychological) in governance, then prevention will necessitate political solutions - chiefly a fully participative, open, accountable democratic form' (Foster, 2000:228).

3.3.3 The TRC: A facilitator of catharsis

That the TRC facilitated catharsis – indeed reconciliation and healing – for some, but not for all, is probably to be expected and not surprising.

Wilson (2001:121) quotes Brandon Hamber, a psychologist who worked closely with the Commission, given in a personal interview (30 September 1996): 'The word catharsis gets used too often within the TRC. There is a perception that as long as a person is crying then healing must be taking place. But crying is only the first step and the lack of follow-up failed to deal with psychological problems which then surfaced later'.

Catharsis, at its best, represents a small step in the healing process which needs to be part of an extensive and sustained therapeutic intervention. At its worst, a cathartic experience can represent the unskilled opening of psychic wounds that have 'closed' to some degree, and there is no guarantee that the re-opening will result in needs being met and healing taking place.

A further criticism of the TRC's claim to have facilitated reconciliation and healing in some cases is that the impact in the greater context - that is, of numerous individuals as well as of the collective nation - would have been minimal, because only a few people had the opportunity for testimony and the subsequent cathartic experience.

Allen (2000:199) states that, while many non-professionals accept the 'myth' that catharsis leads to healing, many mental health professionals are

skeptical about the TRC as a healing process. This acceptance is dangerous, because survivors may be misled to testify, believing that it will be good for them; governments believing the myth may fail to allocate funds to meet survivors' treatment needs; 'such a belief may also deprive people who are in grave need of treatment because their needs are not appreciated', and 'there is a risk that those responsible for future legislation and the provision of mental health services ... may fail to provide the necessary resources that will meet the needs of survivors'.

3.3.4 The TRC: A contributor to the creation of a democratic, human rights culture and a restorative justice ethic

The TRC contributed to the creation of a democratic, human rights culture, and the shift from a punitive to a restorative justice ethic in South Africa. Its strengths and weaknesses, successes and failures present to all South Africans a call and a challenge to build upon and consolidate that legacy by the promotion of a just criminal justice and judicial system, and economic justice. Justice is a necessary part of reconciliation, but reconciliation is not just about dealing with the past; it is also about the present and the future. The TRC has put on record the need for reparation and economic justice.

In *Restorative justice: dealing with the past differently*, Villa-Vicencio (2000b:76) states that in transitional politics, political wisdom has to do with steering the ship of state 'between impunity and unrestricted punishment'. The challenges of restorative justice 'extend beyond prosecution and the courtroom. It includes punitive justice where necessary, while ultimately addressing the covenant the nation has made with itself concerning the values captured in the postscript to the interim Constitution'. The TRC was but one answer to the question: 'was South Africa going down the road of (retributive) justice or was it seeking reconciliation as it addressed its apartheid legacy?' (De Lange, 2000:23). The options as to whether to go the route of retributive justice or restorative justice were initially – and still are - seen as mutually exclusive, that is, it is one or the other – just punishment or forgiveness. It is surely better in both theory and practice, to see not two mutually exclusive philosophies of justice – as represented by the criminal justice system and restorative justice principles – but a need to balance justice and reintegration into society. Such a balance will draw on both approaches, for even (most?) advocates of restorative justice recognize and require the role of punitive justice when necessary.

Quoting political philosopher Hannah Arendt, Boraine (2000:439-441) argues for a restorative approach and states that societies can be assisted to overcome the evils in their past and helped to change for the better through forgiveness on the one hand, and promise on the other. This involves 'the recognition that full justice is impossible and that unless there is something beyond punishment, there is little hope for restoration and healing of societies which have been deeply wounded by the conflicts of the past. On the other, there is the emphasis on the need for a contract, a new commitment: a promise that the past will not be repeated, that the future will bring democracy, stability and a culture of human rights based on the rule of law'. Boraine (2000:441) refers to the view of many international commentators, academics and politicians that South Africa's TRC 'has

struck new ground and has given a new dimension to responses to human rights violations'; he hopes that 'its approach in dealing with the past and its emphasis on the promise of a new future, will inspire new and creative thinking and action in many parts of the world'.

It could be said that the TRC argued for a shift from an ethic of retribution to an ethic of restorative justice, away from punishment to accountability, reparation or compensation, a culture of human rights and responsibilities based on the rule of Law.

Nevertheless, Wilson (2001:25) argues that public opinion surveys have shown a great deal of opposition to granting amnesty, and that 'where blame is established the overwhelming majority of those interviewed preferred not forgiveness or amnesty, but punishment and the right to sue through the courts'. He further argues that the 'TRC was not particularly effective in creating a new culture of human rights or greater respect for the rule of law' (2001:227), and that 'as long as human rights institutions function as a substitute for criminal prosecutions they will be resisted by some victims and denounced as a "sell-out" by informal justice institutions'. The TRC he believed, deflected pressure for the more serious project of transforming the legal system in order to make it more representative, quick and fair. In his view, the most damaging outcome of truth commissions is that they equate human rights with reconciliation and amnesty, rather than with justice, and that amnesty could lead to impunity.

While appreciating this apprehension among human rights practitioners and legal scholars that amnesty could lead to impunity, and that if the South African model were to be introduced today, it would be unacceptable, because, in terms of international law, people who have committed war crimes and crimes against humanity cannot be considered for amnesty, Boraine (2008:202) defends the conditionality of South Africa's amnesty. He quotes Aryeh Neirer, president of the Open Society Institute in New York, and a very strong opponent of blanket amnesty: 'it is not easy to quarrel with ... Tutu when he contends that the Truth and Reconciliation Commission process are providing amnesty in exchange for acknowledgement and full disclosure, with prosecution as an alternative ... served the country better than a process that would have relied solely on prosecutions'.

He (Boraine, 2008:202, 203) further quotes Sandra Day O'Connor, formerly a judge of the Supreme Court, in an address to the Library of Congress/NYU Law School symposium in 2000, as saying that amnesty does not necessarily undermine accountability, and that perpetrators whose crimes are deemed disproportionately heinous or not politically motivated, could be denied amnesty, and subjected to prosecution. This balances the demands of justice, the promotion of truth, accountability, reconciliation and healing, and legitimises the new democratic era without the destabilising effects of a fully fledged trial.

Villa-Vicencio (2000b:76) quoting Howard Zehr, suggests that from a restorative justice perspective, the TRC 'is flawed, opportunities have been missed but the importance of this understanding [of justice] - not only in

South Africa, but for the world - must not be underestimated'. Restorative justice 'extends beyond any particular initiative or juridical procedure. It has to do with what President Mandela ... called the "RDP of the soul" ... what Shimon Perez ... calls "not a dogma, [but] a civilization, a set of attitudes to peace, justice and equality"'.

This will demand of all South Africans a commitment to a culture of human rights based on democratic structures, the rule of Law, a criminal justice and legal system that is representative, quick and fair, and a commitment to economic justice of which reparation is but a small part.

3.3.5 The TRC: A reminder that reconciliation is both a goal and a process

The TRC has reminded the nation that reconciliation is both a goal and a process. Further, it has warned of the dangers of mistaking one for the other, as well as the inherent dangers of wanting the goal so much as to force the process. It may be helpful to mention one confrontation which serves to illustrate that danger.

Two recurring questions were put to amnesty seekers and victims respectively: Are you sorry? Do you forgive? When confession with apology was offered and received with forgiveness, the Commissioners applauded this as evidence that reconciliation and healing were taking place. Sadly, when these questions were answered negatively, the Commissioners were frequently at a loss as how to respond, other than to express sadness that a contrary spirit had entered into the peaceful process of reconciliation.

A revealing example of this was given during the so-called 'Winnie Hearings'. Tutu and Madikizela-Mandela seemed to represent two contrasting - indeed, violently conflicting - black South African responses to the past. On the one hand, Tutu was popularly regarded as the icon of Christian forgiveness and reconciliation; on the other, Winnie was described as the 'Mugger of the Nation' (Independent Online, 2003), unrepentant, unforgiving and angry, saying NO to both questions - for she was both perpetrator and victim. Desmond's voice was that of a good shepherd, the blessed peacemaker, forgiving his enemies as he had been forgiven. Winnie's was the voice of black vengeance, of repressed emotions and smouldering discontent, of the economically disempowered (despite her contrary lifestyle of indulgence and extravagance), the victim of oppression and violence who was herself out of control.

Winnie did not apply for amnesty, and although prosecuted and found guilty, has never reported for sentencing. This challenges the integrity of the legal system and reinforces the view that the ruling party often fails to enforce the law in matters concerning its own supporters. Balancing this is former President P.W. Botha, who also did not apply for amnesty, and was not prosecuted for any human rights violations committed during his tenure (Boraine, 2000:221-257, and 2008:195-197).

Madikizela-Mandela became the symbol of a historical disjunctive, the ANC's own break with the past, the excesses of the 1980s struggle, and the new national historicity. In contrast, Desmond Tutu was elevated as a

symbol of reconciliation and the continuity between humanitarian motives in the past and the present (Wilson, 2001:165).

Tutu's impassioned pleas to Madikizela-Mandela, along with his declaration of love and admiration, came under heavy fire. Speaking more as a pastor than a secular commissioner, he probably believed that he could elicit from her 'some apology, some acceptance of responsibility, some accountability. Such a response was not really forthcoming' (Boraine, 2000:253). At most, she was prepared to concede that 'things went horribly wrong'.

Despite her vilification, Madikizela-Mandela continues to be the national voice of black vengeance, someone who articulates widespread emotions of anger at the continued racialisation of privilege in the 'new' South Africa, and the lack of economic betterment for the majority of black South Africans. 'Her ability to channel and articulate this resentment is the best explanation for her continued popularity ... Winnie Madikizela-Mandela is still the national figure articulating a perspective that keeps alive the aspirations of a liberation narrative of the 1980s ... She rejects reconciliation and instead nurtures the desire for a Robert Mugabe-style seizure of the political and economic resources still held by a white elite' (Wilson, 2001:165).

One of Tutu's critics, Gwynne Dyer, a London based independent journalist and historian, believed that he should have discredited Madikizela-Mandela when he had the chance; 'he wrote in very strong language, "The monster is still on the loose and South Africa will pay the price for years"' (Boraine, 2000:253). But surely to silence and repress dissonant voices, and to marginalize those who raise them, is to ensure that things will go horribly wrong again and again for many, many years!

Following the 'Winnie Hearings' and the publication of the TRC Report, the ANC's publication of its election list, 'in which Winnie Madikizela-Mandela was placed in the top ten, is an indication perhaps, of how the ANC views the TRC's findings' (Orr, 2000:323) – or perhaps an indication that someone in power recognizes that freedom, like reconciliation, is both a goal and a process!

3.4 Reconciliation: According to the TRC

The Commissioners' task was aggravated by at least two problems: Firstly, the term *reconciliation* was not defined 'and its meanings proliferated and transformed during the life of the Commission' (Wilson, 2001:98); secondly, the subjects of reconciliation, who was to be reconciled to whom, were not specified other than 'the people of South Africa'. Nevertheless, Richard A. Wilson has identified three main narratives of reconciliation that emerged during the Commission. These are: The legal-procedural; the mandarin-intellectual; and the religious-redemptive.

The legal-procedural closest to the Act, and dominant among the TRC lawyers and Amnesty Committee members (mostly judges), was concerned with applications of amnesty in exchange for disclosure. Not concerned

with imposing values, political judgments, seeking evidence of remorse or repentance, the focus was on meeting the required criteria. Within this narrative, reconciliation could be compared to a medieval penitent seeking Indulgences: when the applicant a full disclosure brings, he/she indemnified from prosecution springs! Is there not a challenge here for Reformed theologians?

The mandarin-intellectual narrative, dominant among members of the Human Rights Violation Committee (HRVC), which provided the most intellectual leadership of the three committees, and the Research Unit, was not prevalent at the level of TRC practice. Reconciliation here meant 'reconciling the non-racial, constitutionally defined nation of the present with the racially exclusive nation of the past'. Rejecting an individually-orientated view of reconciliation in favour of a more global (abstract) view, the question as to who is responsible for victim-offender mediation remains unanswered.

In contrast to the proceduralistic assumptions of the two prior paradigms, the religious-redemptive narrative pursued a substantive notion of reconciliation as a common good, defined by confession, forgiveness and redemption, and the exclusion of vengeance (Wilson, 2001:109). This view of reconciliation was advocated most strongly by Tutu and members of the Reparations and Rehabilitation Committee (many of whom were health care professionals). In Wilson's view, the lack of any mass TRC-sponsored program of mediation, as well as 'the absence of secular and political mechanisms to deal with and properly resolve conflict', meant that the Human Rights Violations (HRV) 'hearings became a symbolic substitute'.

It was Tutu more than any other national figure, and this largely due to his personal force and charisma, claims Wilson (2001:121) who:

> was able to combine three key narratives in his public statements - Christian morality, the liberation narrative of the 1980s and the reconciliation narrative of the 1990s. Due to his influence, the TRC initially made substantial promises to reconcile individuals and social groups.

This was so in part, because the other versions - the legal and the intellectual - 'were too abstract, cerebral and bloodless, to create a new hegemony within the media and to appeal to most South Africans' (Wilson, 2001:122).

The conjoining of TRC and individual narratives of suffering - as well as the cathartic power of story telling - led to a new narrative, a new story, a new truth, and a new future. 'The liberation narrative focused on individuals and wrote them into the wider story of liberation of the nation. This is where the TRC was to be most effective in the conversion (replete with its religious connotations) of the individual to a nation - building project' (Wilson, 2001:110).

Wilson (2001:111, 121) identifies these stages as following: Recognizing and collectivizing suffering; the moral equalizing of suffering; liberation and sacrifice; and redemption through forsaking revenge.

In the first stage individual testimonies were heard with the Commissioners expressing appreciation for the evidence, sympathy for the witness, and granting value to the testimony. Tutu's response (23 September 1996) was typical of this process of recognizing and collectivizing suffering: 'Your pain is our pain. We were tortured, we were harassed, we suffered, we were oppressed.' Drawing together Christian and psychotherapeutic approaches to suffering - which seek to transcend individuals' preoccupation with their own pain 'individual suffering, which ultimately is unique, was brought into a public space where it could be collectivized and shared by all, and merged into a wider narrative of national redemption. At ritualized HRV hearings, suffering was lifted out of the mundane world of individuals and their profane everyday pain, and was made sacred by attaching these experiences to a sacred image of the nation.'

While Commissioners tended to assert that all pain was equal, the reaction of partisan audiences – who cheered ANC testimonies, but jeered NP and IFP testimonies - represent a resistance to 'such historical revisionism in order to depoliticize the past - this is usually what is meant by "laying the past to rest."' Clearly they made a distinction between the actions of those who sought to overthrow an unjust system – a 'just war' – and those who sought to maintain it.

In the next stage there was a shift from the supposed neutrality of the moral equalizing of suffering 'in order to embrace the just war thesis, to place suffering into the context of the liberation struggle and to grant meaning to trauma and loss.' This conjoining of individual, political and religious narratives created a new narrative: 'meaning was attached to death by a process of teleologising – of mapping onto the experiences of the dead and the survivors a *narrative of destiny* which portrays an inexorable progression towards liberation' (Wilson, 2001:114, 115 – emphasis added). This, a common feature of 'survivor's syndrome' has been documented for the Holocaust by Bettelheim (1952) and Argentina by Suarez-Orozco (1991).

In this narrative of destiny, suffering was seen NOT to have been in vain, BUT for the cause of freedom; those who had, or were still suffering, were NOT VICTIMS, BUT HEROES in the struggle. Thus the past was given redemptive meaning in terms of the future. Conjoined narratives also called for conjoined iconographies, thus, Steve Biko (in the Guardian, 31 March 1998) emerged as the Black Christ of the African Nation, as well as an Ernesto 'Che' Guevara figure, a secular saint of the oppressed. He 'symbolizes the unfulfilled expectations of the 1970s and is untarnished by the excesses of the 1980s and the disappointments of the 1990s' (Wilson, 2001:115). Further, each mother who testified became a 'mother of the nation', a title previously reserved for those such as Winnie Madikizela - Mandela; each mother whose soul had been pierced by sorrow and the sacrifice of her son, or sons, could now look forward to the redemption - if not of Jerusalem, at least - of South Africa.

'"Sacrifice" provided the main symbolism for grafting individual pain onto wider narratives' (Wilson, 2001:117); and was used whether it was relevant

and appropriate or not. Occasionally, it was employed by Commissioners even if the victim rejected a political role, and was unwilling to locate their own suffering in a wider liberation context.

On the first day of the hearings in the Eastern Cape, Tutu stated: 'Forgiveness will follow confession and healing will happen, and so contribute to national unity and reconciliation' (Wilson, 2001:119). Here is evident the structure of predictable, progressive stages, and the dynamic from the individual victim to the collective, and back to the individual, who was urged to respond to confession with forgiveness in order to experience personal healing, and so contribute to national unity and reconciliation' .

What was the TRC's response to those who rejected their narrative and the glorification of suffering as sacrifice for the struggle? What was the Commission's response to those who gave a negative answer to the frequently repeated question: Do you forgive the offender?

Whereas those who relinquished the desire for vengeance were praised, those who expressed 'emotions of vengeance, hatred and bitterness were rendered unacceptable, an ugly intrusion on a peaceful, healing process. When such emotions did inevitably emerge at hearings, Commissioners were poorly prepared to deal with them' (Wilson, 2001:120), and preferred to give to hearings – that followed the predictable, progressive stages - a near-miraculous capacity to heal and transform. In making forgiveness a duty incumbent upon victims and marginalizing those who refused to accept this responsibility 'to contribute to national unity and reconciliation', were the Commissioners not guilty of over-simplifying the complex process, not to mention the theological dynamics at work? Worse still, were they not sometimes guilty of abuse themselves?

Given that the religious-redemptive narrative, 'the only one with any purchase in society', tended to dominate, though resisted by some, how does it compare to or contrast with a Christian understanding of reconciliation?

3.5 Reconciliation: A Christian understanding

Hay (1998:105) suggests that a Christian definition of reconciliation needs to include specific assumptions of a theological anthropology; that is, it will need to attend to its presuppositions about God, the human person and the community, for only in relation to God and others can the individual be properly understood.

At the heart of the Christian message is the conviction that God is holy, just, righteous, loving, compassionate, merciful and gracious on the one hand, and that humankind is 'fallen', separated and alienated from God, unable to restore the break on the other. For the break to be closed and for God and humankind to be made one again or reconciled, God must take the initiative. This God begins to do by a series of covenants – or contractual relationships – whereby humanity is called to God. All covenants are precursors of that made in Jesus Christ; in this new

covenant God identified with humanity by becoming human: 'The Word became flesh and made his dwelling among us' (John 1: 14a) – and on the cross 'reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting' our sins against us, and 'has committed to us the message of reconciliation' (2 Corinthians 5:18, 19a; 5:19b).

Theories of the Atonement abound in attempts to explain theologically how God does this, but at the heart of all of these, is the conviction that in Jesus Christ, truly divine and truly human, God has reconciled the demands of divine justice and divine love. God does this by becoming vulnerable and 'paying' the price. The heavenly vision of Jesus is that of 'a lamb, looking as if it had been slain, standing in the centre of the throne', the lamb who with his 'blood ... purchased men [and women] for God from every tribe and language ... [and has] made them to be a kingdom and priest to serve our God, and they shall reign on the earth' (Revelation 5:6a, 9b, 10). The response is less to understand – though certainly to try to understand and to communicate that doctrinal understanding – than it is to worship: 'Worthy is the lamb, who was slain, to receive power and wealth and wisdom and strength and honour and glory and praise!'

To the reconciled, God has committed the message and the ministry of reconciliation, the subjects of which are God, the human person, and the human community. This reconciliation is not just a goal and a process; it is an intentional goal and process. In Christian terms it involves metanoia, repentance, a turning away from and a turning towards. It may also include reparation or restitution. Indeed, it may also include living with the consequences of one's choices – but this redemptively.

Reconciliation may, therefore, be between God and the individual, or between individuals and individuals, or between groups and groups. However reconciliation in its social context is defined, it is not likely to be an exhaustive or exclusive definition. Each context is different and, because of that, may require different ritual elements in the dynamics of reconstruction. It is better therefore, to speak of the dynamics rather than of models – or even processes – of social reconciliation, for there can hardly be one prescriptive model involving a predictable, linear sequence.

3.6 Reconciliation: Dynam ics of social reconciliation

What are the dynamics of social reconciliation? What needs to happen for a victim and an offender to arrive at reconciliation? What about the unrepentant, those who refuse or do not see the need to say: 'I am sorry, please forgive me'? Where do bystanders and/or the wider community fit in? How do we know when reconciliation has been achieved?

To help understand some of the dynamics of social reconciliation, and to attempt an answer to these questions, Hay draws on two sources, one ecclesial: the order of penitents from the early centuries of the Christian church, and the other anthropological: the concept of social drama, and identifies certain similarities between them. Both models indicate that:

some process needs to be facilitated in order for reconciliation to be effected. Reconciliation doesn't just happen, steps need to be taken; the process needs to be uncomplicated and manageable for both the individuals involved and the community; and the community has a role to play as healer as has its representative leaders.

Among the steps needed, the following can be identified as necessary:

- Confronting and naming the breach – confession,
- Taking redressive action, which may include the use of:
  - Dialogue, including story telling,
  - Intermediaries, and
  - Rituals.
- Changing values and behaviour – repentance,
- Making reparation,
- Attending to the past, but focusing on the future,
- Communicating, communicating and communicating - the ongoing dynamic of transparency and accountability cannot be overestimated,
- Celebrating, and
- Involving the whole community. 'For healing and lasting reconciliation to happen the community needs to be involved' (Hay, 1998:113).

It will be seen that these steps are also to be found in restorative justice processes and practices.

Hay (1998:121, 122) concludes that social reconciliation includes the individual and the community, 'where the psyche and memory ... need to be healed through the recovery of human dignity and honour, repairing relationships, meeting the demands of justice and reparation, along with a renewed appreciation and exercising of a culture of human rights ... The Christian message of reconciliation challenges us to move beyond', an often utilitarian and justice-orientated approach to a spirituality of reconciliation, healing, and transformation, one which is more than a strategy, 'while remaining concrete and practical'.

3.7 Reconciliation: The TRC – Ten Years on: a Retrospective Evaluation

On 20/21 April 2006 a conference organized by the Institute for Justice and Reconciliation called the *TRC: Ten Years On* was held in Cape Town. The Commission's mandate was, inter alia, to make recommendations to the President

on measures 'to prevent future violations of human rights' and with regard 'to rehabilitating and restoring the human and civil dignity of victims'.

The TRC accordingly made a number of specific recommendations regarding these and other matters, while proposing that 'institutions, organizations and individuals' place 'reconciliation and national unity' on the top of their agendas. Some of these recommendations have since been implemented, some amended, others rejected, and many simply been ignored.

The *TRC: Ten Years On* conference assessed what progress had been made: by scholars, journalists and others in working through the TRC documentation deposited in the National Archives; on the promotion of reconciliation and national unity; and in the implementation of the Commission's recommendations. It gave special attention to four areas of the TRC's unfinished business, namely:

- Government decisions re: prosecution of those who where either denied amnesty or refused to apply for it,
- Reparations for those found by the TRC to be victims of gross violations of human rights,
- Access to the TRC archives, and
- National reconciliation.

Truth and Reconciliation in South Africa: 10 years on (Villa-Vicencio and Du Toit, 2007) provides a report on that conference, attempts to present a realistic assessment of what a TRC can reasonably accomplish, and provides an audit of the response of government and other agencies to the unfinished business of the Commission. It features an edited transcript of a public symposium (chaired by Tim Modise, with participation from Archbishop Emeritus Desmond Tutu, who headed the TRC, Yasmin Sooka, a former Commissioner, and several participants in the TRC's victim hearings, namely Nohle Mohapi and Thembi Simelane-Nkadimeng).

It also contains articles by leading researchers, activists, and government officials tasked with implementing the TRC recommendations. It examines the complexities of translation and interpretation of personal testimonies in TRC sessions. It also reflects on the role of media, art and cultural practitioners, how they understood and communicated the TRC to the nation, and grappled with South Africa's past. The media debate focused on issues like: Is the TRC threatening to become a cold case?; The complex legacy of the TRC; Our past is still with us; Apartheid army's deadly secrets; Dealing with the past (presented by former State President, F.W. de Klerk); Victims challenge business; No truth for the thousands of apartheid dead; and Apartheid massacres go to court.

The concluding chapter called *The road ahead* presented a conference statement, which included a number of recommendations, and looked *Beyond the TRC.*

Four main areas 'distilled' from the conference report continue to challenge South Africans, namely:

- What a Truth Commission Can And Cannot Achieve;

- The Complex Legacy of the TRC;
- The TRC's unfinished business, namely:
    - Prosecutions,
    - Reparations,
    - Archives, and
    - Healing; and
- Some answers (and challenges) to the above, namely: the road ahead: Conference Statement and Beyond the TRC.

Villa-Vicencio (2007b:2-7) examines: What a Truth Commission Can And Cannot Achieve.

How do societies in transition from extended conflict and oppressive rule to the beginning of democracy deal with the past, especially with those guilty of gross human rights violations? Prosecutions is one option, but even when this is regarded as appropriate, countries are often confronted with an inadequate legal infrastructure to deal with the past according to the rule of law, and limited financial resources, which 'need to be used to rebuild the material infrastructure of a country, including a viable justice system – without which there can be no rule of law' (Villa-Vicencio, 2007b:2). In these situations, the need for prosecution needs to be counterbalanced by a pragmatic imperative to make the most of that opportunity for peace and social construction.

It is in this context that a TRC can realistically set itself the following goals:

- To facilitate a measure of accountability and truth-telling from perpetrators,
- To break the silence on past gross violations of human rights,
- To counter the denial and provide official acknowledgment of such human rights violations,
- To provide some form of reparation for their victims, this reparation may be real or symbolic;
- To provide a basis for the emergence of a common memory, and important symbolic forms of memorialisation,
- To create a culture of accountability,
- To provide a safe space for story telling, without the evidentiary and procedural constraints of a court room,
- To bring communities, institutions, and systems under moral scrutiny,

- To initiate a process of reconciliation, recognizing that it will take time and political will to realise,

- To provide a public space within which to address the issues that thrust the country into conflict, while promoting restorative justice and social reconstruction,

- To contribute to uncovering the causes, motives, and perspectives of past atrocities,

- To lay a foundation for the rule of law in an emerging democracy, and

- To cultivate a culture of human rights (Villa-Vicencio, 2007b:6).

A TRC should not be thought of as an alternative to the criminal justice system, but as a complement to it. Nor should it circumvent international human rights law or subvert international criminal law; in fact, it can and should be consistent with both.

Critics, however, have raised three challenges to their use, namely:

- The attempt to deviate from the obligations to prosecute undermines the establishment of The International Court (ICC), which seeks to ensure that state actors no longer escape prosecution for gross human rights violations,

- Any deviation from these obligations is seen as a violation of a victim's right to judicial process and the right to prosecute, and

- The failure to prosecute undermines efforts to establish a stable democracy and under-cuts efforts to re-establish the rule of law.

While these concerns should be taken seriously, a properly-designed TRC can go far in addressing them. 'Prosecutions can and should complement the work of a TRC, and should eventually replace it once a stable government committed to the rule of law and human rights is in place' (Villa-Vicencio, 2007b:3).

The South African TRC is the one most commentators cite as legitimate under international law. To merit international legitimacy, a TRC needs, at a minimum, to incorporate the following:

- Convincing evidence that the majority of citizens endorse it;

- The disclosure of as much truth as possible concerning human rights violations;

- Accountability of those responsible, recognizing that this need not result in retributive sanctions;

- Reparation to victims;

- The suspension of prosecutions should not be a pretext for the abrogation of other international law requirements;

- A forum for story-telling, and asking questions; and

- Prosecutions should remain an option during and after the TRC for those who did not adequately participate in the process (Villa-Vicencio, 2007b:4, 5).

Citizen involvement and media coverage are also necessary to ensure domestic legitimacy.

Naturally there are limitations as to what a TRC can be expected to achieve. The South African TRC was mandated to *promote* not to *achieve* national unity. TRCs should not be viewed as a panacea for all the challenges of transition. Accordingly, there are certain things they cannot achieve, such as:

- Imposing punishment(s) commensurate to the crime(s) committed;

- Ensuring remorse;

- Ensuring forgiveness and reconciliation;

- Addressing all aspects of past oppression;

- Uncovering the whole truth;

- Allowing all victims to tell their stories;

- Ensuring closure in all cases;

- Providing adequate forms of reconstruction and comprehensive reparations;

- Correcting the imbalance between benefactors and those exploited by the former regime; and

- Ensuring that those dissatisfied with outcomes will make no further demand for punishment or revenge (Villa-Vicencio, 2007b:5, 6).

A TRC process must necessarily promote the beneficence of victims and survivors, as well as ensure that perpetrators are drawn into restorative processes; this necessarily involves effective reparations that require sustainable peace, economic growth, and political stability. They provoke debate, and raise legal and moral questions for which there are no easy answers, yet a TRC can contribute to tolerance, reconciliation, and nation building. Likewise, it has the potential to polarize, embitter and do little more than suspend the confrontation it seeks to avoid.

It is crucial therefore to embrace Desmond Tutu's reminder that reconciliation *has to be* the responsibility of *all* South Africans. It is equally crucial for the church, and its individual members, to *take ownership* of this responsibility by being in the forefront of this healing and transforming process. Without doubt, this process will continue for decades to come.

> A TRC is not something to be rushed into. It is not the Holy Grail that a society endeavouring to rise above its oppressive past often seeks. Peace-making, justice and reconciliation remain difficult, negotiated options. This said, an alternative to the compromise required is, for those who have known war, often too ghastly to contemplate. It is this that makes peace a possibility (Villa-Vicencio, 2007b:7).

Villa-Vicencio (2007a:164-166) examines: *The Complex Legacy of the TRC.*

Since the closure of the TRC in 1996, there have been ten similar commissions in other parts of the world, six of them in Africa, with five additional countries exploring such possibilities.

> Add to these the *gacaca* courts in Rwanda and the formal ritualistic healing initiatives in Cambodia and it becomes clear that an alternative to impunity on the one hand and extensive Nuremberg-type trials on the other is an attractive option for countries facing political reconstruction in the wake of long periods of human rights abuse and political violence (Villa-Vicencio, 2007a:164).

The South African TRC, however, is often more lauded elsewhere than at home, and was a contested exercise from the beginning. Some felt that it opened wounds that were better forgotten, while others wanted the last piece of forensic evidence laid bare; some regarded its scope as too limited, others questioned its methods, and still others doubted its findings, suggesting it failed to provide a complete enough picture.

On the eve of the Commission's report being released in October 1998, former President de Klerk succeeded in his application to have a finding against him expunged, while the ANC failed in its court application to block the entire report from publication.

> The Chairperson of the Commission, Archbishop Tutu observed, 'If politicians to the right and the left both have problems with the report we are probably pretty close to the truth!' This aside, it is impossible today to consider realistically the South African transition apart from the TRC. It constitutes a vital turning point in contemporary South African history (Villa-Vicencio, 2007a:164).

The TRC called on government, institutions, organizations, and individuals to place reconciliation and national unity at the top of their agendas. Some recommendations have since been implemented, some rejected, and many have simply been ignored. Four of the many recommendations made constitute a prominent part of the TRC's – and the nation's – unfinished business, namely: prosecutions; reparations; archives; and healing.

The successes and failures of the TRC will long be debated. This said, for all its limitations, no one can deny the reality of the nation's past atrocities. This acknowledgement, emanating from the work of the TRC, provides a basis for moving forward so that many who faced the holocausts and genocides in Africa and elsewhere are denied.

Sooka, Pretorius, and Steward in *The TRC's unfinished business: prosecutions* (2007:16-32), raise questions about prosecutions.

In dealing with the foot-soldiers on the side of the perpetrators, the TRC allowed white South Africans who supported the apartheid regime and who benefited from the system to escape scrutiny and accountability.

Sooka doesn't ask for foot soldiers to be prosecuted again, but for those who created the milieu to be prosecuted. In her opinion, this is not an expression of vindictiveness, but rather one of concern that people don't take responsibility, and pretend that false reconciliation will build society.

Abrahams, Seekoe, and Jobson in *The TRC's unfinished business: reparations* (2007:34-52), raise questions about reparations. Abrahams focuses on multinational and other corporations who supported and benefited from the apartheid system, most of whom would argue that their continued relationship with the apartheid government in no way amounted to an act associated with a political objective, and was based on pure business principles. If that was the case, Abrahams asks:

> why then would the South African Government argue that the TRC Act was a conscious agreement by all political parties ... to avoid Nuremberg-style apartheid trials and *any ensuing litigation?* The converse thereof is that if the objective ... was to avoid litigation, such objective was premised on the basis that persons would have to come forward and apply for amnesty ... Has any corporation made full disclosure to the TRC and applied for amnesty? The answer is no. Hence ... the TRC was not meant to be the final arbiter on all matters affecting South Africa's painful past (2007:36).

Abrahams, thus argues, that against this background, 'apartheid lawsuits should be seen as a logical continuation of the outcome of the TRC, rather than as an attempt to undermine the role of the South African Government.'

Reparation is, therefore, a necessary part of justice, reconciliation, and healing. to In order to effectively compensate survivors for giving up their right to civil action through the amnesty process, measures of redress need to encompass individuals and corporations providing generous funding for community rehabilitation programmes.

> Redress is costly. It involves giving up time, getting one's hands dirty while helping and sharing resources. We welcome the participation of individuals in our programmes of healing and re-empowerment and the commitment of resources to a Redress and Rehabilitation Fund for this work. When the situation of one member of society is remedied, as a nation we become partners in undoing the damage of the past (Jobson, 2007:48, 49).

Harris, Ally, and Gqola in *The TRC's unfinished business: archives* (2007:53-69), raise questions about archives.

In pursuing its tasks of dealing with the past and promoting reconciliation, the TRC 'engaged archive, rescued archive, created archive, refigured archive. It was, profoundly, an archival intervention. A work of memory. A work of remembering and

forgetting' (Harris, 2007:53). It could further be said that the manner in which the TRC records have been handled is one of exclusivity and inaccessibility. Put more simply, cheaper versions and versions (both hard copy and electronic) in languages other than English need to be more readily available.

While it could be said that the TRC and memory have become an industry, it could also be said that: "specific kinds of memory and memory-making are elevated above others with gendered, racialised, sexualised and class-specific implications. In this regard then, it is possible to agree with Harris, that at the same time that the TRC was a memory project, it has also become 'a work of forgetting'" (Gqola, 2007:61).

Gobodo-Madikizela, Foster, and Posel in *The TRCs unfinished business: healing* (2007:71-99), raise questions about healing, namely the issues of: trauma; forgiveness; reconciliation; and healing. On the negative side, all three of these are aspects of the TRC's unfinished business, yet on the positive side, all of these are ongoing challenges to all South Africans concerning reconciling, healing, and transforming the nation.

The Conference Statement (2007:195 - 198), offered a number of recommendations. These included:

- The prosecution of deserving cases among senior leadership;
- The making public of the government's policy on reparations;
- The provision of popular and cheaper versions of the TRC Report;
- Freer access to other relevant material; and
- Funding for the arts to find ways that speak of the past and fearlessly face the current dispensation.

Du Toit, (2007:199-204) looked at three areas in which further work is required to build on what the TRC achieved, namely:

- Concerning: "those who did not receive amnesty, prosecutions have been a 'part of the deal' from the beginning. Speedy trials are in everyone's interest in order to bring the process to an orderly close *and* to confirm the rule of law. The TRC maintained that conditional amnesty is not impunity. It is step towards rebuilding legal relations. It offers a way to lay claim to a lawless past; to say 'the law mattered after all'. To confirm conditional amnesty as instrument of law, it is vital that *not* getting amnesty is now taken seriously – in a court of law' (Du Toit, 2007:202);
- Concerning reparations: The hope was created by the Commission that reparations would allow many victims to enjoy at least some restoration of dignity, yet TRC recommendations have not been implemented. Government needs to be seen to continue to treat TRC victims with the respect and dignity that they deserve. 'TRC reparations have not made sufficient impact at community level. NGOs [Non-Governmental Organisations] have taken up this task in isolated communities, but a more systematic approach,

coordinated by the state and supported by faith communities and business, is needed ... A nationwide series of well directed projects would go some way towards addressing this need' (Du Toit, 2007:203); and

- Concerning the challenge of building relations across racial and class lines: Although this was not the central focus of the TRC, the reconciliation effort cannot avoid this challenge. "Racial stereotypes remain prevalent despite being challenged, to some extent, by the outpouring of 'human stories' during TRC hearings. Community level contact between race groups is sporadic and needs to be facilitated more systematically ... a new generation of South Africans needs to be exposed to TRC narratives, and be helped to break down myths that have justified official racism in the past and informal racism in the present" (Du Toit, 2007:204).

While all three of the above recommendations are the prerogative of government, the third, the challenge of building relations across racial and class lines, remains the responsibility of all South Africans, with hopefully the churches and their members, being in the forefront of this reconciling and healing process.

3.8 Conclusion: A Christian response to the legacy of the TRC

Given its mandate - *to promote*, not *to achieve* reconciliation - did the TRC promote reconciliation at a national level, and between amnesty seekers and victims? In fairness the answer to that question must be *yes* and *no*. Yes, the Commission process allowed for the exchange of information, the expression of emotions, the admission of guilt, apology, the granting of forgiveness, reconciliation, restitution and healing in some cases. No, and this in spite of Section 11(g) of the Act which made provision for 'informal mechanisms for the resolution of disputes, including mediation ... where appropriate, to facilitate reconciliation and redress for victims'. A further stage in the TRC could (should?) have been mechanisms 'in which the amnesty seeker could have compensated the victim, if this appeared to be appropriate. This process would not only have brought the truth to the surface, but would also have improved the probability of individual reconciliation between victims and amnesty seekers. This might also have contributed to reconciliation at national level' (Allan, 2000:197). One reason for the Commission's partial failure was that – with some exceptions – it generally failed to facilitate the process between victims and amnesty seekers, and this, because it tended to limit their respective roles to that of witnesses rather than to make them more active participants in the process. With the wisdom of hindsight and through a restorative lens, a more participative process might have been engaged successfully.

Certainly, the TRC can be, and has been criticised, and that from many perspectives, but it deserves to be evaluated in these terms: Did the South African Truth and Reconciliation Commission:

- Confront and name the gross human rights violations of the past?

- Attend to the past, both in its individual and collective dimensions, yet focus on the future, also in its individual and collective dimensions?

- Provide space for stories to be told and for catharsis?
- Reconciliation and healing to happen?
- Recommend adequate reparation?
- Communicate its findings?
- Result in new perspectives, understanding, values, priorities, behaviour and goals? and
- Promote a human rights culture and a commitment to ensure that the past is not repeated?

Perhaps it is only fair to allow both the vice-chairperson and the chairperson of the Commission to speak. Boraine (2000:295, 296) maintains that:

> The search for reconciliation and restoration is in my mind an integral part of coming to terms with the past. It is not enough simply to punish perpetrators. Not only is broader reconciliation and restoration necessary and morally right, but it places the focus not so much on the past but on the present and the future. We come to terms with the past not to point a finger or engage in a witch hunt but to bring about accountability and to try to restore a community which for scores of years has been broken. The South African Truth and Reconciliation Commission unashamedly sought to advance the process of reconciliation ... bringing the perpetrator back into society, and helping to restore to victim and perpetrator the dignity which both have lost. In this regard ... [the TRC] ... was not 'second best'.

Boraine (2008:207-210) expressed the view that there are lessons to be learnt, not only from the successes, but also from the shortcomings of the TRC. He expressed disappointment and sadness that the Commission had failed in some important respects, namely it:

- Did not gain the support of the white minority, many of whom viewed the TRC with hostility or indifference,
- Did not uncover the whole truth (how could it?) and this particularly in the area of the involvement of the military in the governing of South Africa in the 1980s,
- Did not succeed in securing even a minimal amount of justice in relation to those who drew up the policies of apartheid that resulted in death squads, torture, detention without trial, and assassinations. The inevitable consequence of this was that the foot soldiers, those acting under orders took the blame,
- Failed to persuade the ANC led government to grant swift and adequate reparations to victims. 'The government failed dismally to fulfil its responsibilities by not acting timeously on the

recommendations made by the commission, and when they finally did offer some form of reparation, it was considerably less than we had proposed' (Boraine, 2008:208),

- Failed to persuade the government to act on its recommendations concerning those who had either refused to seek amnesty, or had been denied it. The Commission strongly recommended that those agents for whom there was a *prima facie* case should be prosecuted. Boraine maintains that the Commission's demands on the perpetrators should have been stronger and, like the Commission in East Timor, those granted a form of amnesty should take part in some specific community service 'to ensure that perpetrators made some kind of atonement in the form of community service, particularly in black areas' (Boraine, 2008:210), and

- Failed to provide the *uncovering* of 'the existence and actions of individuals who refused to participate in the prosecution of their neighbours and who at grave personal risk maintained their sense of humanity and attempted to protect their neighbours of other ethnic or religious groups from abuse' (Boraine, 2008:236). This is a lesson that Boraine maintains South Africa could learn from a draft statute discussed and debated at a conference in Sarajevo, Bosnia on 3rd and 4th February 2000. Such a provision would allow for telling *good news* or *good stories*, a necessary corrective to a deluge of stories of gross human rights violations.

'What about reconciliation?' asks Tutu (1998:5) and then answers:

> Many people have an erroneous understanding of reconciliation. They say the TRC is unpopular and has tended to exacerbate sectional feelings. It is because they want a cheap reconciliation with no confrontation. They have forgotten that the Son of God who came to effect reconciliation was killed for his pains to show that reconciliation is not easy or cheap. They have forgotten that this Jesus ... was always causing division, causing a 'crisis', making people chose, saying ... that He had brought a sword. And even so the TRC can point to some extraordinary moments when reconciliation has happened (emphasis added).

From a Christian perspective, reconciliation is not only a goal and a process, and intentional ones at that, but something that is already done for us, yet done in, through, and with us. It involves the Biblical principles of responsibility, confession, repentance, forgiveness, reparation or restoration where possible, and reconciliation. In many cases it may mean some form of accountability if trust is to be restored, or established for the first time. It may mean having to live - but to live redemptively - with the consequences of one's choices; it will certainly involve a change of attitude and behaviour. Conflict resolution, mediation and reconciliation are dynamic processes and may include the following stages: A primary stage where disputants are encouraged to explain their behaviour and to express their emotions; a further stage may be in accepting personal responsibility, either of culpability, or of how one chooses to integrate the past with the

present, whether retribution or forgiveness; a final stage may be to facilitate a mutually negotiated and agreed settlement often involving changed behaviour on one, both, or all sides. A comparison could be made with Boriane (2008:267-277), who writes of the need for a holistic approach to doing justice, particularly in transitional societies. In applying restorative justice as a complement to the retributive model, he highlights the need for five 'pillars' namely: accountability, truth recovery, reconciliation, institutional reform, and reparations.

A restorative justice approach would see this as involving the offender, the victim, and the community. A Christian approach to reconciliation and restoration would see the necessity for *four* role-players in that process, namely; God, the offender, the offended, and the community. Herein lies the call for holistic evangelism that will address two pitfalls, namely: offering people an *experience of salvation* without challenging them *to be reconciled* at a horizontal level, or *to be ministers of reconciliation*; and seeking to empower people to be agents of reconciliation *without* experiencing the saving grace of God.

At the conclusion of the TRC its chairperson, Tutu gave a reminder that the purpose of the Commission was to *promote*, not to *achieve* reconciliation. That task, he maintained, has to be the responsibility of all South Africans, and expressed the hope that the Christian churches would be in the forefront of this healing and transforming process. With all its faults, limitations and unfinished business, the TRC can be said to have promoted reconciliation and the building of a democratic human rights and restorative justice culture, based on the rule of Law.

Further, it has reminded the Christian community, both of its own need for reconciliation, and issued a call and challenge to it, to be ministers, indeed a message of reconciliation, offering a modern day Jubilee, a process that the TRC could at best only start.

> All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting [humanity's] sins against them. And he has committed to us the message of reconciliation (2 Corinthians 5:18, 19).

'May the God of peace' equip us 'with everything good for doing his will, and may He work in us what is pleasing to Him through Jesus Christ, to whom be glory forever and ever. Amen' (Hebrews 13:20).

The role of the churches therefore, is to preach, teach, and model the Biblical principles of responsibility, confession, repentance, forgiveness, reparation (or restoration where possible), and reconciliation, by a commitment to holistic evangelism. It is also in the area of initiating and facilitating conflict resolution, mediation and reconciliation processes and practices that the churches could place themselves in the forefront of this healing process. This is part of what it means to proclaim the Gospel in terms of Jubilee.

The next chapter will examine and, from a Christian-ethical perspective, evaluate the restorative justice vision as a new approach to doing justice, as yet another step towards answering the question: Who will blow the trumpet?

Chapter 4

Restorative Justice: An Examination and Christian Ethical Evaluation of the Restorative Justice Vision and its Challenges to the Christian Community.

This chapter will examine:

4.1 The beginnings of Restorative Justice in South Africa,
4.2 Understanding Restorative Justice: What is Restorative Justice and how is it different from the criminal justice system?
4.3 Restorative Justice: Redefining the role players in crime; seeking to ensure that justice is done, and that just as crime wounds, so justice must heal,
4.4 Restorative Justice: Redefining the roles played by those affected by crime; seeking to ensure that justice is done, and that just as crime wounds, so justice must heal,
4.5 Restorative Justice: What might the future of the justice system look like through a restorative lens? This is material for further research, but this section suggests some guiding questions for the journey,
4.6 Justice: Whose responsibility is it anyway? Seeking to redefine the respective roles played by state and civil society in justice issues, and
4.7 Restorative Justice: A Christian ethical evaluation and response.

4.1 The beginnings of Restorative Justice in South Africa

The beginnings of Restorative Justice in South Africa: 'how the modern theory of restorative justice reached South Africa, and found its way into practice models and policy documents, then finally into law reform initiatives' (Skelton and Batley, 2006:19).

> Restorative Justice is recognised as being closely linked to African traditional justice systems. This traditional form of justice preceded colonisation and still exists in South Africa today. Modern restorative justice practice has its roots in victim-offender mediation (VOM), which became popular in the Western world during the 1970s. The term "restorative justice" was initially applied to such practices during the 1980s, and was first comprehensively presented as a theorised model in 1990 with [Howard] Zehr's *Changing Lenses* (Skelton and Batley, 2006:19).

The Restorative Justice Centre in Sunnyside, Pretoria, which later created and hosts the Restorative Justice Initiative, Southern Africa (RJISA), a network of restorative justice practitioners, was founded in 1998 by two social workers, Nigel Branken, previously employed by the National Institute for Crime Prevention and Reintegration of Offenders (NICRO), and Michael Batley, previously a probation officer with the Department of Social Development. This followed interaction between a project group from South Africa visiting New Zealand, where they were exposed to Family Group Conferencing (FGCs), a project group from there visiting South Africa, and a visit by Howard Zehr – fondly regarded as the 'grandfather of restorative justice' – who shared the philosophy of restorative justice with the project. But of course there were antecedents and parallel initiatives to the RJISA.

Since the Restorative Justice Centre started operating formally in January 2001, it has sought to:

- Promote the concept of restorative justice, and

- Demonstrate its applicability wherever possible.

What were some of the antecedents and parallel initiatives that resulted in the RJISA and what has happened since?

South Africa's participation in the modern movement of restorative justice began in 1992. The first initiatives were taken by NICRO in that year to establish and later evaluate South Africa's first VOM project. A study visit to the United States hosted by the Mennonite Central Committee took place; this included attendance at a training conference in San Francisco, Los Angeles, to observe a VOM project, and then observance of the Victim Offender Reconciliation Programme (VORP) at Elkhart, Indiana.

The first VOM in South Africa was established by NICRO in Cape Town, the results of which were published in a report: *The Development of a Victim-Offender Project,* Human Sciences Research Council (HSRC), Lukas Muntingh, 1993. This described Zehr's model of restorative justice as its theoretical framework. The report also gave examples of VOM projects in N. America and Europe, 'as well as a brief description of the Japanese legal system, which includes a parallel mediation track' (Skelton and Batley, 2006:19).

The project targeted referrals at both the pre-trial and pre-sentence stages. The report indicated that prosecutors had been reluctant to refer serious cases, and further, had referred a majority of juvenile, as opposed to adult offenders. A further concern was that the project might be seen as elitist, being available as it was to those '"employed, committing first minor offences and leading a stable life". The evaluation of the project's future prospects was that whist it would be naïve to expect that VOM would gain rapid acceptance in a society "as violent and adversarial as ours", it would still be useful to set up mediation structures, utilising them in criminal and other conflicts' (Skelton and Batley, 2006:20).

Then in 1998, the Restorative Justice Centre was established in Pretoria by Branken and Batley. From its inception, the Centre's vision remains: We believe we need to build a movement that encompasses the values of Restorative Justice, and that challenges the prevailing values, cultures, and customs of society – particularly in relation to punishment (Skelton and Batley, 2006:21) the Centre forged links with other organisations in a network called the Restorative Justice Initiative, later to be known as the Restorative Justice Initiative, Southern Africa. Since the RJC started operating formally in January 2001, it has sought to offer VOCs as an alternative to the criminal justice system, and to build capacity within South Africa for the delivery of restorative justice programmes.

Between then and July 2003, the Centre's activities include:

- Victim Offender Conferencing. The VOC pilot project launched in Pretoria in 1999 was conceived as a community-based restorative justice project, with the express aim of formulating a restorative justice model more familiar to African customary values. Although most of the project sites received their referrals from the criminal justice system, one received referral from the tribal

authorities,

- Diversion of young people from the criminal justice system to life skills programmes. These are mostly based in urban areas and mainly funded by the Department of Social Services. Since January 2002 a project has been run to develop a model for conducting diversions in rural areas funded by the Open Society Foundation,

- Serving as the driver group of the Child Justice Alliance, a civil society grouping, supporting the entrenchment of this approach in working with young offenders,

- Probationer Services,

- Training in the principles and skills required for the application of restorative justice. A project for training probation officers in this approach has been funded by the Royal Netherlands Embassy through the Department of Social Development, and

- Advocacy work for the use of restorative justice through various strategies including:

    - A workshop with the senior management of the Department of Correctional Services in April 2000, which contributed to the Department launching restorative justice,

    - A workshop in September 2002 with Howard Zehr and the task team of the DCS responsible for implementing restorative justice, and

    - A national conference in 2002, hosted by the Justice, and Safety, and Security cluster of government departments.

  The media feature intermittent stories of people who have participated in restorative justice processes in various ways, while practitioners and policy makers across a wide spectrum have undoubtedly thought that restorative justice holds some promise for South Africa. Both the media, and the general public, whilst somewhat sceptical, have at least shown some interest in the idea (Skelton and Batley, 2006:1).

What about the South African government? The government has shown openness to restorative justice, at least in theory; it is an attractive concept to policy makers in South Africa. A number of commitments to restorative justice in numerous policy documents were initiated in 1996 and continue to the present.

The South African Law Reform Commission issued a discussion paper on restorative justice in 1997. 'This paper describes restorative justice as "a way of dealing with victims and offenders by focussing on a settlement of conflicts arising from crime, and resolving the underlying problems which caused it"' (Skelton and Batley, 2006:5).

The TRC Report of October 1998 defined restorative justice as an approach which: (a) seeks to redefine crime (from breaking laws, to violations against human

beings); (b) is based on reparation (as it aims at healing and restoration of all concerned); (c) encourages victims, offenders, and the community to be directly involved in resolving conflict; and (d) supports a criminal justice system that aims at accountability of offenders and the full participation of victims and offenders.

Both the Probation Services Act 116 of 1991 as amended, and the Child Justice Bill B-49 of 2002, have defined restorative justice as it applies to juvenile offenders, as *the promotion of reconciliation, restitution and responsibility through the involvement of a child, a child's parent, family members, victims and communities.*

At an international level, South Africa was one of the state parties that co-sponsored the basic principles of the use of restorative justice at the ninth session of the Commission on Crime Prevention and Criminal Justice in April 2000. Since then the government has committed itself to ensuring the introduction of restorative justice practice where appropriate. Then on 26 November 2001, the restorative justice approach to crime was officially launched in Pretoria by the Minister of Correctional Services, Ben Skosana.

From an entirely different angle, another strand of restorative justice practice appeared in South Africa, in what is known as the *non-state justice* sector. This arose from the development of street committees, following a collapse in the legitimacy of the criminal justice system during the apartheid years, an offshoot of which is the community court projects in the Western Cape during the post-apartheid era.

These community courts have been run mainly by NGOs but have struggled to obtain funding for their work – a story that will be heard again and again. These courts are not political, nor anti-state in nature. Rather, they aim to provide locally driven community courts as a grass-roots alternative to the criminal justice system. Begun in the 1990s, these projects have not had a coherent strategy for spreading their model until recently.

Since 2003, these NGOs have joined forces. The RJISA has secured funding from the Western Cape police department, which is called the Department of Community Safety (DCS – not to be confused with the Department of Correctional Services). This has brought the community courts into a direct relationship of cooperation with the state, e.g. the Community Court in Gugulethu receives referrals from the formal justice system, the South African Police Services (SAPS), and civic organisations.

> Cases are tried "in a manner similar to the African traditional way that involves the community in decision making". The organisations and individuals involved consciously identify their work as being that of "restorative justice". They also describe it as being "community justice" and "peace building" (Skelton and Batley, 2006:22).

As part of the process of establishing a pressure group to urge the South African government to make funds available for this sector, a minimum standards of practice agreement was drawn up by the RJISA and its members in June 2007. To this, will be added accreditation procedures firmly establishing the credentials of those active in this field, thus enabling and facilitating any funding selection process on the part of government. To this date all funding such as it is, is derived from individuals, community contributions, and international sponsors including foreign

embassies.

On 3 December 2005, the Department of Justice and Constitutional Development hosted a *colloquium* on restorative justice, in which it revealed a three year programme for establishing a national justice programme that would develop restorative justice responses by government in partnership with civil society.

- Nevertheless, as practitioners of restorative justice, especially those working with offenders in the custody of DCS, continue to experience, the government has yet to develop a common understanding across all departments about how to define and practice restorative justice.

Some of the questions which emerge are: What concrete progress has been made? Who is delivering restorative justice services to victims and offenders? What are the scope and quality of these services? What issues do service providers face? How can the experience of other countries help South Africans respond to these and other similar and frequently asked questions? (Skelton and Batley, 2006:1).

As activists in the field, Ann Skelton and Mike Batley undertook a study of these issues. The starting point was a workshop held on 28 January 2005 attended by project staff members and some of the stake holders, including representatives from the Departments of Social Development and Correctional Services, as well as members of RJISA. They published the findings of their research: *Charting progress, mapping the future: restorative justice in South Africa,* Restorative Justice Centre and Institute for Security Studies, Pretoria, 2006.

Internationally, prior to the historic launch of the restorative justice approach to crime by Minister Skosana, the United Nations Economic and Social Council had issued a number of resolutions, namely:

- Resolution 1999/26 of 28 July 1999: Development and Implementation of Mediation and Restorative Justice Measures in Criminal Matters, and

- Resolution 2000/14 of 27 July 2000: Basic Principles on the Use of Restorative Programmes in Criminal Matters.

The year following the inauguration of the Restorative Justice Initiative in South Africa, the General Assembly of the United Nations passed Resolution 56/261 of 31 January 2002: Revised Draft Plans of Action for the Implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenge of the Twenty-first Century.

4.2 Understanding Restorative Justice: What is Restorative Justice and how is it different from the Criminal Justice System?

Before attempting to answer that question, it might be helpful to begin with a number of disclaimers offered by Zehr (2002:8-13) in regard to what restorative justice is *not.* It is not:

- Primarily about forgiveness and reconciliation, although restorative justice does provide a context where either or both might happen. However, this

always remains the choice of those participants who volunteer, and there should be no pressure to forgive or seek reconciliation. One of the criticisms made of the South African Truth and Reconciliation Commissioners, especially its chairperson, Desmond Tutu, was that there was pressure – albeit well intentioned pressure – on offender - perpetrators to express sorrow, regret, even repentance, and on victims to forgive,

- Primarily mediation. Although restorative justice programmes are designed around the possibility of a facilitated meeting or encounter, it is recognized that this is not always chosen or appropriate. Restorative justice approaches are not, therefore, limited to an encounter,

- Primarily designed to reduce recidivism. In an effort to gain public acceptance restorative justice programmes are often promoted or evaluated as a way to reduce recidivism. Although there are good reasons to believe that such programmes do have this effect, this is a by product, and not the reason for them. The reason for these programmes is the conviction that restorative justice is the right thing to do,

  Victims' needs *should* be addressed, offenders *should* be encouraged to take responsibility, those affected by an offence *should* be involved in the process, regardless of whether offenders catch on and reduce their offending (Zehr, 2002:10),

- A particular programme or blueprint. Although various programmes embody restorative principles, values, or practices in part or in full, there is no pure model that can be seen as ideal and, therefore, applicable in every community. Restorative justice is better seen as a *compass* pointing in a direction, rather than a map. At a minimum it is an invitation for dialogue and exploration,

- Primarily intended for comparatively minor or first-time offences. Although it is often easier to engage public support for such programmes, experience has shown that such approaches may have the greater impact in more serious cases, as has been demonstrated in truth and reconciliation commissions, and even in cases of genocide, for example in Rwanda,

- A new or North American development. Although the modern movement:

  > develop[ed] in the 1970s from case experiments in several communities with a proportionally sizable Mennonite population. Seeking to apply their faith as well as their peace perspective to the harsh world of criminal justice, Mennonites and other practitioners (in Ontario, Canada, later in Indiana, U.S.A.) experimented with victim-offender encounters that led to programs in these communities and later became models for programs throughout the world. Restorative justice theory developed initially from these particular efforts (Zehr, 2002:11).

  The movement also owes a great deal to earlier movements, and to a variety of cultural and religious traditions. It owes a special debt to the indigenous people of North America and New Zealand,

- A panacea or necessarily a replacement of the legal system. Restorative justice advocates are not agreed on what a realistic goal for the future is; it could be:

    - A fully restorative justice system,

    - A system where restorative justice is the norm, with some form of the legal or criminal justice system providing a backup or alternative, or

    - An approach to justice that will be restoratively orientated, that is towards a process that is restorative.

> In some cases or situations, we may not be able to move very far. In others, we may achieve processes and outcomes that are truly restorative. In between will be many cases and situations where both systems must be utilized, and justice is only partly restorative. Meanwhile, we can dream of a day when this particular continuum [i.e. with the current, Western legal or criminal justice system model at one end, and the restorative vision at the other] is no longer relevant because its both ends will rest on a restorative foundation (Zehr, 2002:60,61).

However, most restorative justice advocates agree that crime has both a public and a private dimension Zehr (2002: 12) writes:

> I believe it would be more accurate to say that crime has a societal dimension, as well as a more local and personal dimension. The legal system focuses on the public dimensions; that is, on society's interests and obligations as represented by the state. However, this emphasis down plays or ignores the personal and interpersonal aspects of crime. By putting a spotlight on and elevating the private dimensions of crime, restorative justice seeks to provide a better balance in how we experience justice.

- Necessarily an alternative to prison, nor

- Necessarily the opposite of retribution. Zehr, for example, despite his earlier writings, no longer sees restoration as the polar opposite of retribution. He refers to philosopher of law, Conrad Brunk – in "Restorative Justice and the Philosophical Theories of Criminal Punishment" in *The Spiritual Roots of Restorative Justice,* Michael L. Hadley, editor. (Albany, N. Y: State University of New York Press, 2001), 31-56 – who argues:

> that on the hierarchical or philosophical level, retribution and restoration are not the polar opposites that we often assume. In fact, they have much in common. A primary goal of both retributive theory and restorative theory, is to vindicate through reciprocity, by evening the score. Where they differ is in what each suggests will effectively right the balance.

> Both retributive and restorative theories of justice acknowledge a basic moral intuition that a balance has been thrown off by a wrongdoing. Consequently, the victim deserves something and the offender owes something. Both approaches argue that there must be a proportional relationship between the act and the response. They differ, however, on the currency that will fulfill the obligations and right the balance.
>
> Retributive theory believes that pain will vindicate, but in practice that is often counterproductive for both victim and offender. Restorative justice theory, on the other hand, argues that what truly vindicates is acknowledgement of victims' harms and needs, combined with an active effort to encourage offenders to take responsibility, make right the wrongs, and address the causes of their behavior. By addressing the need for vindication in a positive way, restorative justice has the potential to affirm both victim and offender and to help them transform their lives (Zehr, 2002:58, 59).

Encounter, reparation and transformation: directly or indirectly these words have been used in attempting a definition of restorative justice by stating what restorative justice is *not*. Are they helpful in attempting to define what restorative justice *is?*

While there is widespread agreement among proponents of restorative justice that the goal is to transform the way contemporary societies view crime, and related forms of troublesome behaviour, there are a wide range of views as to the precise nature of the transformation sought. 'These are to some extent in tension with one another, suggesting that restorative justice is best understood as a deeply contested concept' (Johnstone and Van Ness, 2007:1). Johnstone and Van Ness (2007:6, 7) in attempting to explain why restorative justice is so profoundly contested have identified it as:

- An appraisal concept,
- An internally complex concept, and
- An open concept.

It will not, therefore, be surprising to find contradictory and apparently contradictory statements about what restorative justice *is* and what it is *not!*

As an appraisal concept 'the judgment about whether a particular practice is properly characterized as "restorative justice" is not simply a matter of taxonomy, it is a matter of evaluation. The question is whether a particular practice or agenda meets the *standards* of restorative justice', and 'one way to do this is to continually clarify the meaning of restorative justice so that judgments can be made about how restorative a program or practice really is' (Johnstone and Van Ness, 2007:6, 7).

As an internally complex concept, as an alternative to traditional interventions into crime and wrong doing, for it to be credibly described as restorative, one or more of the following will usually need to be present, namely that there will be:

- Some relatively informal process which aims to involve victims, offenders, and others connected to them, or the crime in discussion of matters such as what happened, what harm resulted, what should be done to repair that harm, and, perhaps, what should be done to prevent further wrong doing or conflict,

- An emphasis on empowering (in a number of senses) ordinary people whose lives are affected by crime or other wrongful act,

- Some effort made by decision makers or those facilitating decision-making processes, to promote a response geared less towards stigmatizing and punishing, and more towards ensuring recognition, responsibility, and making amends as a first step towards reintegration into the community,

- A concern to ensure that the process and its outcome will be guided by certain principles or values, such as: respect for others; the avoidance of violence and coercion are to be avoided if possible or minimized if not; and inclusion to be preferred to exclusion,

- Significant attention given to the injury done to victims, the needs resulting from that, and to tangible ways in which those needs can be addressed, and

- Some emphasis on strengthening or repairing relationships between people, and using the power of healthy relationships to resolve difficult situations.

As an open concept, there will need to be recognition that the generally accepted understanding of restorative justice in the 1970s and 1980s has shifted, and no doubt will continue to shift, even if initially resisted by some, as departures from restorative justice principles and values. For instance, in the 1970s and 1980s, the concept was most commonly used in North American experiments with victim-offender mediation and reconciliation (Peachey, 2003). Then, in the early 1990s, new 'conferencing' approaches to crime emerged from New Zealand and Australia, and were subsequently identified as a form of restorative justice (Zehr, 1990). The shift was from programmes which rarely included more than the victim, the offender, and the trained facilitator, to programmes which included a much larger group of people, the victim, the offender, their families and friends, and representation of the criminal justice systems (Johnstone and Van Ness, 2007:6 - 8).

> One of the significant implications of viewing restorative justice as a deeply contested concept is that there is not likely ever to be (indeed perhaps should not be) a single accepted conception of restorative justice. Instead, we must acknowledge the differing and indeed competing ideas about its nature. To ignore or gloss over these differences misrepresents the character of the restorative justice movement, presenting it as more united and coherent than it actually is. Just as importantly, doing this presents it as a more limited and more impoverished movement than it truly is (Johnstone and Van Ness, 2007:9).

To avoid these shortcomings, three conceptions of restorative justice will be reviewed, namely: the Encounter, the Reparative, and the Transformative.

The *encounter* conception sees restorative justice as principally an encounter process, a method of dealing with crime and injustice that involves the shareholders in a decision about what needs to be done. For others, namely those who hold the *reparative* conception, restorative justice is one that seeks to heal and repair the harm done by crime, rather than to ignore the harm or to impose some sort of equivalent harm on the wrongdoer. For others still, under *the transformative* conception:

> restorative justice is conceived as a way of life we should lead. For its proponents, among the key elements of this way of life is a rejection of the assumption that we exist in some sort of hierarchical order with other people (or even with other elements of our environment). Indeed, it rejects the very idea that we are ontologically separate from other people or even from our physical environment. Rather, to live a lifestyle of restorative justice, we must abolish the self (as it is conventionally understood in contemporarily society) and instead understood ourselves as inextricably connected to and identifiable with other things and the 'external' world (Johnstone and Van Ness, 2007:15).
>
> In such a context, we would probably not make sharp distinctions between crime and other forms of harmful conduct, but simply respond to all harmful conduct (from crime, to economic exploitation, to the use of power in everyday life) in much the same way – by identifying who has been hurt, and what their needs are and how things can be put right (Johnstone and Van Ness, 2007:16).

Needless to say, there are overlaps and tensions; all three conceptions embrace encounter, repair, and transformation; therefore it is possible to regard advocates of each conception as members of the same social movement, rather than as members of quite different movements that have somehow become entangled. This is not, however to dissolve the tensions between them.

> How, then, might restorative advocates deal with the tensions that arise from working with people who hold different conceptions? Restorative justice itself offers some guidance. Encounters are important, and when possible disputes should be explored in safe environments in which disagreeing parties are able to listen and speak. Apology is a useful way to make amends, when that becomes necessary. Conflict is not something to avoid or solve, necessarily; it can be a valued possession for those who are in conflict, and wrestling with that can become the occasion for inner growth and personal transformation (Johnstone and Van ness, 2007:19).

Above all, ongoing conversation and discourse needs to be informed by the restorative values of *humility* and *respect.* Restorative justice, as simply as possible, may best be understood in terms of its primary *concerns*, basic *principles*, central *concepts*, and its *practices*.

The *Concerns* of Restorative Justice are focused on needs and roles; victims, offenders, and communities have needs to be met, and roles to fulfil.

Victims have the need for information, truth-telling, empowerment, and restitution or vindication. Offenders have a need to be held accountable – an accountability that

addresses the resulting hurts, encourages empathy, and transforms shame; they also need encouragement to experience personal transformation, and this may include healing for the harms that contributed to their offending behaviour, opportunities for treatment for addictions and/or other problems, and enhancement of personal competencies. They also need encouragement and support for integration into the community, and in some cases, they may need temporarily restraint. Communities need attention to their concerns as victims (often concerns about safety and security), opportunities to build a sense of community and mutual accountability, encouragement to take on their obligations for the welfare of their members, including victims and offenders, and to foster the conditions that promote healthy communities (Zehr, 2002:13-18).

The *Principles* of Restorative Justice are built on three central pillars or *concepts*, namely: Crime is a violation of people and of interpersonal relationships resulting in wrongs or harms; these wrongs or harms result in obligations; and engagement or participation by those affected by crime are a significant, and necessary part of the justice process.

Most judicial systems operate within the framework of retributive justice – although it will be seen that this term raises its own questions – a framework that can be reduced to three questions:

- Which laws have been broken,
- Who did it, and
- What (punishment) do they deserve?

Its central focus then, is that offenders get what they deserve – this is justice!

Within this framework, crime is seen as 'a violation of the state, defined by law breaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules' (Zehr, 1990:181). 'Retributive justice defines the normal outcome as punishment for the offender. It is predominantly backward looking' (Amstutz and Zehr, 1998:40). 'In the criminal justice system, the victim is sidelined and the offender a mere passive spectator in the justice process' (Mostert, 2003:87)

The difference between retributive justice and restorative justice is in the questions asked by restorative justice. These are:

- How is the *problem* defined,
- Who are the primary *participants*,
- What does the solution or *outcome* look like, and
- What is the *process* to get to this outcome?

Or again, by asking these questions:

- Who has been *hurt*,

- What are their *needs*,
- Whose *obligations* are these,
- Who has a *stake* in this situation, and
- What is the appropriate *process* to involve stakeholders in an effort to put things right? (Zehr, 2002:38).

  Restorative justice emphasizes one fundamental fact: crime violates relationships and people. In essence, restorative justice will lead our people to the realisation that the key to true justice is actually found not in laws but in the recognition and honouring of human relationships. It stands to reason, therefore, that if crimes or disputes are not addressed with relationship values guiding the process, the outcome will doubtless leave all parties involved with a feeling of dissatisfaction, as they walk away as losers feeling that justice has not been done (Mangange-Tshabalala, 2003:3, 4).

Therefore, the defining factor in restorative justice's concern, that just as crime wounds so justice must heal, is the active participation of:

- The victim/s,
- The offender/s, and
- The community, including the formal procedures of the criminal justice system.

Whereas in retributive justice crime seen as a violation of the state, defined by lawbreaking and guilt, and justice as that which determines blame and administers punishment, in restorative justice crime is seen as 'a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions which provide repair, reconciliation and reassurance' (Zehr, 1990:181). 'Restorative justice encourages responsibility for past behaviour by focusing on the future, on problem-solving, on the needs and obligations resulting from the offence. Reparation and restoration thus take precedence over punishment' (Amstutz and Zehr, 1998:40).

Mostert (2003:87) defines restorative justice in terms of its most basic aims. These are: 'to bring the victim and offender together ... to empower the victim to deal with the impact which the crime has on his/her life and for the offender to seek genuine forgiveness', to promote healing, and if appropriate the restoration of the relationship, and to hold the offender 'accountable for the harm done to the victim and the community'. It aims to make both the victim and the offender – the former often sidelined, and the latter a passive spectator in the justice process – active participants, along with the community, in the process of doing justice.

Not all proponents see restorative justice as being in opposition to, or an attempt to, replace the criminal justice system; nor is it a 'getting soft on crime and criminals as some believe', writes Mostert (2003:88). Some see it as a complement to the formal procedures of the justice system, which, while providing 'important safeguards for

rights ... [often] deprive people of opportunities to practice skills of apology and forgiveness, of reconciliation, restitution and reparation' (Monacks, 2003:84).

Restorative justice therefore, is an approach to doing justice that promotes healing, and while its advocates have proposed various formulations, there appear to be three fundamental propositions upon which most agree, a restorative system should be constructed. These are:

- **Proposition 1**. Justice requires that we work to restore those who have been injured: victims, communities, *and* offenders,

- **Proposition 2.** Those most directly involved and affected by crime – victims, offenders, and community – should have the opportunity to participate as fully in the response, as they wish, and

- **Proposition 3.** While the government is responsible for preserving a just public order, the community's role in establishing and maintaining a just peace must be given a special significance (Van Ness and Strong, 2002:38-43).

In an early attempt to explain the uniqueness of a restorative approach, Zehr offered a comparison between restorative justice and retributive justice, the latter representing criminal justice as we know it: a process focusing on determining the guilt of an offender and then imposing a sentence. Gordon Bazemore has taken this one step further in contrasting restorative justice with both retributive justice and the rehabilitation paradigm. While useful for purposes of description, these distinctions suffer limitations as well. Among these limitations, are:

- *Firstly*, they do not serve restorative justice well in public debate. Restorative justice includes principles of accountability, and acknowledges that these may be painful. 'This is a common understanding of retribution or punishment. The narrow definition given retribution by restorative justice proponents ("pain imposed for its own sake") is helpful in striving for analytical precision, but confusing to a public that thinks less precisely' (Van Ness and Strong, 2002:43),

- *Secondly*, that "retributive justice" is used to refer to both a theoretical system built around the principle of retribution as well as the current justice system, which is in fact a hybrid of several philosophies of justice. Consequently, it is not always clear to which of those systems the terms is used, and

- *Thirdly,* that the restorative-retributive dichotomy concedes too much, for there is much in the retributive theory that is close to restorative justice. Both are concerned with righting the wrong or restoring justice to the situation; both are concerned that offenders take responsibility for their actions; both are concerned that in punishment, offenders are not treat unjustly. 'But, as we shall see,' writes Conrad G. Brunk – quoted by Van Ness and Strong (2002:44) – 'Restorative Justice gives a much more concrete and practical account of how the injustice done to victims can be redressed, and of how justice can be done to the offender as well.' Similarly, Kathleen Daly – also quoted by Van Ness and Strong – suggests that 'restorative justice is best

characterized as a practice that flexibly incorporates "both ways" – that is, it contains elements of retributive and rehabilitative justice – but at the same time, it contains several new elements that give it a unique restorative stamp. Specifically, restorative justice practices do focus on the offence *and* the offender; they are concerned with sanctions or outcomes that are proportionate *and* that also "make things right" in individual cases.'

Daly further suggests that the term 'traditional justice' be used to describe current practices, but this can be misleading as this term is also used to refer to customary or indigenous practices. 'Criminal justice' is another alternative which emphases the offender orientation of current criminal justice practice. 'However, this usage would encounter the same problem as retributive justice: the common understanding of criminal justice is a societal response to crime and not the narrow definition of a response that focuses on the criminal' (Van Ness and Strong, 2002:45).

Van Ness and Strong suggest the term 'contemporary criminal justice' to describe the current justice system, well aware 'that this term could be read narrowly to exclude the long history of offender orientation of the criminal justice system (i.e, contemporary as opposed to historical). They do not give it that narrow reading. Perhaps some of the problems of definition, do however, help to illustrate the differences and the similarities that exist.

In conclusion it could be said that restorative justice:

- Focuses on repairing the harm caused by crime, and reducing the likelihood of future harm. It does this by:
    - Encouraging offenders to take responsibility,
    - Providing redress for victims, and
    - Promoting reintegration within the community, and this by cooperation between communities and government;
- Is different from contemporary criminal justice in a number of ways, namely it:
    - Views criminal acts more comprehensively; rather than limiting crime to law breaking, it sees it as harm done to victims, communities and offenders,
    - Involves more parties; rather than including only the state and the offender, it includes victims and communities as well,
    - Measures success differently; rather than measuring how much punishment has been inflicted, it measures how much harm has been repaired or prevented, and
    - Recognizes the importance of community involvement and initiative in responding to and reducing crime, rather than leaving the problem to the state alone;

- Responds to specific crimes by emphasizing both recovery of the victims through redress, vindication and healing, as well as recompense by the offender through reparation, fair treatment, and rehabilitation. It:
    - Seeks processes through which partners are able to discover the truth about what happened, the harms that resulted, the injustices involved, and to agree on future actions to repair those harms, and
    - Considers whether specific crimes suggest the need for new or revised strategies to prevent crime through addressing socio-economic triggers; and
- Seeks to prevent crime by building on the strengths of community and government. The community can build peace through strong, inclusive, and righteous relationships. The government can bring order through fair, effective, and parsimonious use of force. Restorative justice:
    - Emphasizes the need to repair harms in order to prepare for the future,
    - Seeks to reconcile offenders with those they have harmed, and
    - Calls on communities to reintegrate victims and offenders (Van Ness and Strong, 2002:49, 50).

Hopefully, this gives some answers to the questions:

- What is restorative justice,
- How is restorative justice different from what we do now,
- How does restorative justice respond to crime, and
- How does restorative justice seek to prevent crime? (Van Ness and Strong, 2002:50, 51).

Having looked at the concerns, principles, and concepts of restorative justice, it is time to look at its processes and practices. A restorative justice approach seeks to ensure that justice is done, and that just as crime wounds, so justice must heal by:

- Redefining the role players in crime (4.3), and
- Redefining the roles played by those affected by crime (4.4).

Restorative justice can be seen as a model of doing justice that lends itself to involvement and practice by the community – especially the Christian community. It therefore offers a tool to the church, empowering and equipping to ensure that just as crime wounds, so justice heals.

4.3 Restorative Justice: Redefining the role players in crime; seeking to ensure that justice is done, and that just as crime wounds, so justice must heal.

Victims, offenders and communities are all stakeholders. Victims have been hurt and therefore have needs to be addressed. The offender has obligations arising from these needs, but he or she also has needs. Likewise the community has needs, but also obligations; the community has the need for reassurance; it also has the need and the obligation to take ownership of both the victim and the offender. This includes being accountable by supporting victims, holding offenders accountable, and giving them support. As victims, offenders and communities are all stakeholders, restorative justice involves inclusive, collaborative processes in an effort to do justice, make reparation, restoration, and facilitate reconciliation and resolution.

Throughout these processes, these questions are asked:

- Do victims experience justice,
- Do offenders experience justice,
- Is the victim-offender relationship addressed,
- Are communities' needs taken seriously, and
- Is the future being addressed? (Dodd, 2003:81, 82)

Concerning victims: are they listened to and taken seriously? Are their hurts and needs being addressed? Are they receiving compensation or restitution, information and support? Is their experience of justice adequately public? Does the outcome adequately reflect the seriousness of the offence?

Concerning offenders: do they understand the seriousness of the crime and accept responsibility? Are they encouraged to put things right (if possible), and to change behaviour? Are there mechanisms for monitoring or verifying such changes? Are their needs being addressed? Are they included in the process?

Concerning the victim-offender relationship: is there opportunity for dialogue, exchange of information about the crime, and about one another, and participatory decision-making?

Concerning the community: are its needs being taken into account? Is community protection and safety taken seriously? Is there need for the community to witness some public restitution or symbolic action? Are all three stakeholders involved and is the process respectful to all?

Concerning the future: is it being adequately addressed? Is there provision for addressing the problems which led up to, and were caused by the crime? Is there provision for monitoring, verifying and troubleshooting outcomes?

If the defining factor in restorative justice approaches is the active participation of the victim/s, the offender/s and the community, what are the roles to be played by these role players?

4.4 Restorative Justice: Redefining the roles played by those affected by crime; seeking to ensure that justice is done, and that just as crime wounds, so justice must heal.

This may best be demonstrated in terms of the four values of restorative justice. These are:

4.4.1 Encounter,
4.4.2 Amends,
4.4.3 Reintegration, and
4.4.4 Inclusion (Van Ness and Strong, 2002:53ff)

4.4.1 Encounter

Encounter is one of the pillars of a restorative justice approach to crime: one that is usually restricted in the conventional criminal justice system by rules of evidence, practical considerations, and the dominance of professionals speaking on behalf of clients who are generally passive in the process.

A number of programmes are available which permit legitimate role players in crime to *encounter* one another outside the courtroom and to create an opportunity for *amends, reintegration* and *inclusion.* These include:

- Mediation,
- Conferencing,
- Circles of Support, and
- Impact Panels.

Mediation
Mediation offers victims and offenders an opportunity to meet one another with the assistance of a trained mediator, to talk about the crime and come to an agreement on steps towards justice. (Van Ness and Strong, 2002:547).

The victim-offender mediation programmes (VOMs) allow the victim and offender to pursue three basic objectives, namely: to identify the injustice; to discuss how to make things right; and to consider the future.

Both victim and offender are confronted with the other as a person, rather than as a faceless, antagonistic force; this permits them to gain a greater understanding of the crime, of the other person's circumstances, and what it will take to make things right, or to do justice.

> Such encounters help victims achieve a sense of satisfaction that justice is being done and cause offenders to recognize their responsibility in ways that the usual court process does not. Victims confront the offender, express their feelings, ask questions and have a direct role in determining the sentence. Offenders make amends to the victim. In the past, offenders often have not understood the effect their actions had on their victims, and this process

gives them greater insight into the harm they caused as well as an opportunity to repair the damage (Van Ness and Strong, 2002:60).

Conferencing

Family Group Conferencing (FGC) was initiated by legislation in New Zealand in 1989, was adapted and significantly changed in Australia, and is now being used in the USA, Europe and other parts of the world. This relatively new programme actually has ancient roots: 'the New Zealand model was adopted from the "whananau conference" practiced by the Maori people' (Van Ness and Strong, 2002:61).

Conferences differ from VOMs in several ways: they are facilitated, not mediated; they include not only the victim and offender, but also their families and support groups, sometimes including the arresting police officer and other representatives of the criminal justice system.

> The conference follows a detailed process. Open-ended questions are posed to each participant, and no specific outcome (such as restitution) is presupposed. Once the facilitator has explained the procedure, the offenders begin telling what happened. The victims follow by describing their experiences, expressing their feelings, and directing questions (if they have them) to the offenders. The victims' families and friends add their thoughts and feelings. The offender's family and friends also speak in turn.
>
> Following this phase, the group discusses what should be done to repair the injuries caused by the crime. The victims and their families... state their expectations, and the offenders and their families... respond. Discussion continues until conference participants agree to a plan, which is then recorded... Conference facilitators expect that the group is fully capable of developing ideas, solutions and resources to deal with the matter that has brought them together (Van Ness and Strong, 2002:62).

Several evaluation studies indicate that victim satisfaction with the conference is very high, consistently around 90 per cent (D.B. Moore and T.A. O'Connell, 1994; also P. McCold and B. Wachtel, 1998), that restitution agreements are reached in 95 percent of the cases (Moore, 1994), and completed without police follow-up in more than 90 percent of the cases (Wachtel, 1998), that repeat criminal behaviour appears to be between one-third (Moore, 1994) and one-half (Wachtel, 1998) of what would normally be expected. Moore and O'Connell following extensive interviews with a randomly selected sample of participants in concluded conferences 'concluded that the offenders had developed empathy with their victims; families of offenders reported that their child's behavior had changed; support networks had been strengthened; and an improved relationship had developed between a number of the parents and police officers (R. Green, 1998; also K. Pranis, 1997)' (Van Ness and Strong, 2002:63).

Circles of support

Circles of Support are a community-based decision making approach attended by offenders, victims, their friends and families, interested members of the community and usually, representatives of the justice system, and facilitated by a community member called a *keeper*.

> The focus is on finding a path that leads to a constructive outcome, wherein the needs of the victim and community are mutually understood and addressed along with the needs and obligations of the offender. In the context of the group, the process moves towards consensus on a plan to be followed (the "sentence") and how it will be monitored... Non compliance... results in the case being returned to the circle or to the formal court process (Van Ness and Strong, 2002:64).

Impact panels

Victim-offender panels (VOPs) are 'made up of groups of victims and offenders who are linked by a common kind of crime, but are not each other's victims or offenders. The purpose of these meetings is to help victims find resolution and to expose offenders to the damage caused to others by their crime, thereby producing a change in the offender's attitudes and behaviors' (Van Ness and Strong, 2002:66).

VOPs are varied in form and content. They may bring together victims of burglary and offenders, who have been convicted of unrelated burglaries, or expose convicted drunk driving offenders to the harm caused to victims and their survivors, e.g. Mothers Against Drunk Driving (MADD) in the USA who organize Victim Impact Panels (or Drunk Driving Impact Panels).

The keys to the success of these encounter programmes are that:

- They are designed to empower all the participants by promoting dialogue and encouraging mutual problem solving,
- Their primary goal is to offer victims and offenders the opportunity for encounter,
- Participation be voluntary,
- They be motivated by concern for both victims and offenders, and
- They be designed to meet the needs of all who participate in them.

The essential 'elements of an encounter are: meeting, narrative, emotion, understanding and agreement' (Van Ness and Strong, 2002:69). This can result in healing for both victims and offenders, however these elements when combined do not necessarily result in reconciliation. Nevertheless:

> Encounter programs offer a context in which the parties have an opportunity to face one another. The formal criminal justice system separates the parties and limits their contact, reduces the conflict to a simple binary choice of guilty/not guilty, and deems irrelevant any information related to the conflict and the individuals that does not directly prove or disprove the legal elements of the crime charged. An encounter, on the other hand, offers victims, offenders, and others the chance to decide what they consider relevant to a discussion of the crime. The encounter tends to humanize them to one another and permits them substantial creativity in constructing a response that deals not only with the injustice that occurred but with the futures of both parties as well (Van Ness and Strong, 2002:77).

4.4.2 Amends

Making amends is not an attempt to undo the past but rather to take practical steps to repair the harm caused by the offender's behaviour. The four elements of making amends are:

- Apology,
- Changed behaviour,
- Restitution, and
- Generosity (Van Ness and Strong, 2002:81).

Apology

Carl D. Schneider suggests that apology itself has three elements. The first is an *acknowledgement* of the wrong done, and that the one making the apology is accountable for that violation. The second is *affect*, an expression of regret or shame in words or demeanour. The third is *vulnerability;* the effect of an apology is to make the wrongdoer powerless before the person wronged, and to some extent, to transfer power to the victim. An apology is an exchange of shame and power between the offender and the offended. Within the restorative justice field of ongoing study and research, focus is being given to the element of shaming or shame: is it constructive; is it compatible to a restorative approach; is it inherent and necessary? 'Where the offender has previously exerted power to the disadvantage and shame of the victim, in offering an apology, the offender shames himself [or herself] and gives the victim power to accept or reject the apology' (Van Ness and Strong, 2002:83). Most restorative justice processes, do however, require decisions more than an apology: they require further amends as well, namely changed behaviour and restitution.

Changed Behaviour

Changed behaviour minimally means to stop committing crimes, but the change can be more constructive than that. Genuine change has two components: changed values exhibited in changed behaviour. There are three strategies for changing behaviour, namely to: Change the environment, Learn new behaviours, and Reward positive behaviour.

These elements are often incorporated in restorative encounters, for example, the offender may agree to stay away from certain places or (more positively), to attend school or work. This changes the environment of the offender and makes it less likely that he/she will repeat patterns of behaviour that lead to crime; e.g., violent offenders could learn new behaviour by taking anger management courses, completing an addiction treatment programme, or signing up for a training course in a work area that interests him/her. One type of reward is the follow-up meeting that takes place in many encounters, during which offenders receive positive reinforcement of their efforts to satisfy the agreement (Van Ness and Strong, 2002:84).

Restitution

Restitution is a prime way for the justice system to respond restoratively to the harm done to victims; it requires the offender to recompense the victim for the harm

sustained, and is made by returning or replacing property, by monetary payment, or by performing direct or symbolic service for the victim.

When restitution is simply imposed as an obligation by the state, the full restorative potential is limited e.g., restitution payments may benefit the victim, but they may limit the offender in making amends because he/she is given no choice about what amends to make, and how to make them. This is contrary to the defining principle in restorative justice, that 'of involvement by all parties, and relegates the offender to a passive role – receiving the sentence of restitution rather than accepting the obligation for it' (Van Ness and Strong, 2002:86). These payments may be restricted by the offender's financial limitations. Furthermore, the moral value and impact of such amends may be limited by reducing it to a monetary settlement, and may leave all parties dissatisfied. An example of this moral dilemma could be in reducing a life to a financial value – this in itself could be offensive.

The question emerges: Who should receive restitution? To attempt to answer that it may be helpful to imagine a series of concentric circles around each crime: the inner circle represents the direct victim, the one against whom the crime was perpetrated; the other circles expanding outwards represent the remaining categories of victims, secondary victims or co-victims – for example homicide survivors; tertiary victims, or the local community in which the crime took place; those who suffer indirect injuries, such as insurers or employers, would form the fourth circle; and the outer circle represents the general public.

Must restitution include all the victims in each of these circles? Is it practical or possible to do so? Van Ness and Strong (2002:87f) suggest that, 'as a general principle... those who have suffered direct and specific injuries should receive restitution in criminal proceedings. Therefore, the more indirect or general the injuries, the less obligation there would be for a judge to order specific restitution.' They further suggest that while communities and society are harmed by crime, 'we must think carefully before including society as a victim entitled to restitution because the nature of "harm" to society – and thus the amount and method of restitution – is often vague' (Van Ness and Strong, 2002:88). 'Alan Harland and Cathryn Rosen have made an excellent case for differentiating direct victims from society at large and, therefore, for treating restitution differently from community service.'

This does not preclude community service as a form of restitution. It does, however, require that the nature and extent of the harm done to society, as well as the most appropriate means for the offender to repair that harm, be clarified. In order for such community service to be restorative it would need to include: direct involvement by the victim and offender in a restorative process; involvement of the community in determining community service that is meaningful to both community and offender; community members and offender working side by side; public acknowledgement of offender's contribution; opportunities for reflection that help the offender and community to understand and accept community service as "giving back"; and opportunity for offender to gain or enhance skills or competencies (Van Ness and Strong, 2002:89).

Generosity

Generosity means going beyond the demands of justice and equity, examples of which may involve the offender offering services that do not necessarily benefit the

victim, and only tangentially relate to any debt to the community as a whole. Usually it will look more like a contribution being made than a debt being repaid – going the extra mile – but is clearly intended to be part of making amends.

Amends therefore, are an important feature of restorative justice and can be made through apology, changed behaviour, restitution, and generosity. Restorative justice is more concerned with repairing harm, than with punishment that ignores the need and obligation to make restitution. It, for the most part, does not deny the place of incarceration, especially to restrain dangerous individuals, or where other forms of restitution are not feasible. However:

> Incarceration need not be the standard against which all punishments are measured. In a restorative system, restitution rather than incarceration provides that gauge. If restitution for the harm done to victims is returned to its central place in the sentencing process, programs will do more than divert nondangerous offenders from prison; they will ensure that offenders make restitution to victims so that harms are ameliorated and a measure of restoration occurs (Van Ness and Strong, 2002:97).

4.4.3 Reintegration

The process of reintegration is twofold: it includes the reintegration of victims and offenders and has three elements: Acknowledging human dignity and worth, Providing material assistance, and Offering moral and spiritual direction.

Reintegration of crime victims

Crime victims are a widely diverse group and demographic characteristics such as gender, race and age probably have no significant impact on crime-related psychological trauma (Dean J. Kilpatrick 1996), (Van Ness and Strong, 2002:102) e.g., Post-Traumatic Stress Disorder (PTSD) and depression. However, prior victimization, especially in cases of violence, does increase the incidence of trauma. Even in cases where serious psychological trauma is not likely, victims frequently experience a crisis requiring some interventive strategy to help with feelings of isolation and disorientation.

Crime victims are commonly viewed as having failed in some way to protect themselves, and therefore to be partly responsible for being victims. The criminal justice system often reinforces this stigmatization.

Reintegration for victims, therefore, focuses on: crisis intervention and help with the trauma; ongoing support as life is resumed; and offering a stabilizing family or community environment is which the victim feels secure and cared and able to work out his/her feelings and fears.

Reintegration of offenders

Reintegration of offenders involves them taking responsibility and recognizing the effects of their crime on their victims, their own family and the community.

Released offenders do not all have the same burdens in seeking reintegration, although the differences are more in degree than in kind. Among the different needs they face are: needs relating to discrimination; the need to have access to available resources e.g., public or private agencies offering help; the need to find

employment; the need for immediate financial support; the need for psychological, moral and spiritual support; and needs arising from the pressure of unrealistic expectations (from the community) and the legacy of long-term institutionalization.

Victims and offenders therefore, both experience alienation and discrimination, and need help reintegrating into the community as whole, contributing, and productive members, and not just as tolerable presences or outcasts. This requires action on the part of all the role players, the community, the offender, and the victim.

Support and assistance groups can offer mutual respect, mutual commitment and spiritual direction. For victims there is strength in meeting together, being listened to, understood, recognized as victims, but also affirmed and encouraged to move beyond victim status. For offenders, there is support, encouragement, and accountability. This can include expressing intolerance, but understanding, of deviant behaviour and/or affirming and encouraging positive behaviour.

Support groups remain limited in terms of reintegration unless similar relationships are forged with the wider community. This requires a commitment to the creation and maintenance of such relationships, and raises challenging questions to societies that are highly urbanized, individualistic, or fragmented, where such relationships are often lacking.

This is one of the major challenges to faith communities. The conclusion of this thesis will explore this challenge in terms of the Christian community and the church, especially in its expression as the local church.

4.4.4 Inclusion

The promise of restorative justice is the inclusion of victims, offenders and community members in the process that follows crime. By inclusion is meant the opportunity for direct and full involvement of each of the parties. Restorative justice emphasizes the fundamental fact that crime violates relationships and people. The criminal justice system focuses less, If at all, on broken relationships, than on law breaking, and that as an offence against the state. This in turn separates the victim from his/her crime and reduces him/her to the role of witness for the prosecution.

Restorative justice rejects the exclusion of victims and seeks to provide for their inclusion. The ingredients of inclusion are: an invitation; an acknowledgement that the person has unique interests; and a recognition that he/she might want to try different approaches.

Restorative justice doesn't ask whether the victims should take part or not, but how. How victims should be included, will include allowing them: *Information, Presence* in Court and Victim Impact Statements, and to *Participate* in order to argue for reparation.

Information
What sort of information? Two categories of information of interest to victims are identified: information about the services and rights they may expect; and information about the status of their particular crime and its subsequent criminal proceedings.

Included in the former is information about: crime victim's compensation; victim services e.g. rape crisis centres, battered wives shelters, and general victim support service agencies; the steps in a criminal prosecution; contact information; and the victims rights during the criminal proceedings.

Included in the latter would be information about: cancelled/rescheduled hearings; bail hearings; bail release; pre-trial release; dismissal/dropping of cases; plea bargaining; trial dates/times; and sentencing hearings (Van Ness and Strong, 2002:127-129).

Presence in Court and Victim Impact Statements

Many victims want the opportunity to tell criminal justice decision makers how the crime has affected them, but such testimony is usually ruled out as irrelevant and prejudicial to the defendant's right to a fair trial if offered during the trial itself. Victim Impact Statements are a means of safeguarding the defendant's rights while allowing the victim to present a statement, either as part of the present investigation, or as part of the sentencing hearing itself, or both.

Participation in criminal proceedings

Restorative justice, in the interests of victims' rights argues: for victims to be given legal standing in criminal proceedings; and against the over-professionalizing of justice, that maintains the view that the police, prison, and judicial personnel, are the only effective role-players in dealing with law breakers, thereby reducing the role of victims and the community in the various stages from investigation to sentencing.

What the prosecutor thinks is in the best public interest may be at variance with the victim's interest. This argues for victims being given standing to act independently of the prosecutor at any stage in the criminal justice process when their interests in recovering restitution and securing personal protection are at risk. Therefore, victims should have the right to appear in court to argue for restitution at sentencing, and at any other stage in which that interest may be affected. Each victim, should therefore, be given a formal role in the criminal justice system; this would give both an explicit recognition that crime is an offence against the victim, and a distinction between the legal interests of the victim and the government.

The creation of such a role would satisfy two of the three requirements of inclusion: *invitation* and *acknowledgement* of interests. Attempting to create it, would recognize the possibility of the need for, and the creation of, a different approach.

In conclusion, *Encounter programmes* offer a context in which the parties to crime have an opportunity to face one another, whereas the formal criminal justice system separates them and limits their contact; it further reduces the conflict to a simple choice of guilty or not guilty, and deems irrelevant any information that does not directly prove or disprove the legal elements of the charges. An encounter offers victims, offenders, and others the chance to decide what is relevant; it tends to humanize them to one another, and permits them the opportunity to construct a response that deals not only with the injustice, but with the futures of the parties as well. For the success of these encounter programmes, a number of elements are key. These are that:

- The encounter process is designed to empower participants, promote dialogue, and encourage mutual problem-solving;

- The primary goal of these programmes is to offer the opportunity for encounter to victims and offenders. Programmes should have clear missions, related goals, and objectives that guide planning, operations, and evaluations. To ensure this, ongoing evaluation processes will be both helpful and necessary. Attempts to move the programmes to adopt new goals e.g., diversion of offenders from prison, should be identified and addressed so as not to lose sight of the overall goal;

- The encounter process requires both the victim and offender to participate voluntarily. The more voluntary the parties' participation, the more likely it is that reconciliation and healing will take place;

- Encounter programmes are most effective when they are motivated equally by concern for victims and offenders. While this is conceptually true, it is also pragmatically true that, in order to *sell* the concept to a public often suspicious of restorative justice as a *soft on crime* option, it is important to ensure that the needs of victims are not minimized, but even perceived to be prioritized. It is also important for programme facilitators to incorporate the concerns and interests of those responsible for the local criminal justice system; and

- Encounter programmes should be designed to meet the needs of participants, especially in violent and more serious cases. These will likely require longer, more professional intervention and support (Van Ness and Strong, 2002:77, 78).

An encounter is a restorative process that offers the offender an opportunity to accept responsibility for making amends, and provides directions for doing so. In some instances in which an encounter is not feasible or appropriate, courts may still provide for sanctions that call on an offender to make amends. Restitution is the most obvious and direct way of doing that, although community service, under the right circumstances, may serve as restitution.

Amends, an important dynamic of restorative justice, can be made through apology, changed behaviour, restitution, and generosity. The South African Department of Correctional Services, in evaluating the extent of rehabilitation view three elements as essential: increase in knowledge; increase in skills; and a change in attitude. Where an offender has nothing else to offer due to still being incarcerated, this could be seen as evidence of changed behaviour, and preparedness for release and reintegration.

A restorative approach is more concerned with reparation, than with punishment that ignores the need and obligation to make restitution. It also attempts to reduce the likelihood of future harms, thus a restorative system for the most part, recognizes the need for incarceration in restraining dangerous individuals. Incarceration, however, need not be the standard against which all punishments are measured. In a restorative system, restitution rather than incarceration provides that gauge.

Sanctions should first redress the harm to victims. To manage the threat inherent with high-risk offenders, restitution should be designed and resourced to establish and maintain the supervision necessary. Again regular evaluation of programmes is important. Finally, a restorative system will strive to make the most of restitution sanctions while guarding victims' and offenders' interests in an efficient and timely hearing of their cases (Van Ness and Strong, 2002:96, 97), (Johnstone and Van Ness, 2007:12-15), and (Radzik, 2007:192-207).

Both victims and offenders struggle with stigmatization and other issues concerning their future; it is therefore important that for restoration to occur, victims and offenders need to find wholeness as participating members of their community. To do so, each having barriers to overcome, will need help with reintegration. Many agencies can help in this process of *reintegration,* from government, community organizations, and faith communities. There are, at least, three areas of assistance that a caring community can offer to the reintegration process. These are the needs for: concrete affirmations of personal value and common humanity, so that they are no longer outsiders, but acknowledged members of the community; help in dealing with immediate practical and material challenges and needs, and moral and spiritual direction, providing hope for a future that is not determined by the past.

In working towards the reintegration of both victims and offenders, communities can provide encouragement, practical help, and avenues of hope and purpose, despite the ravages of the past. This not only strengthens the victims and offenders, but also serves to reinforce the values and resiliency of the community itself (Van Ness and Strong, 2002:121). It is hoped that the local Christian community would prove to be such a community.

Inclusion involves an invitation, acknowledgement of the interests of the party invited, and acceptance of the alternative approaches that may be required. Encounter programmes such as mediation, conferencing, and circles are thoroughly inclusive – more inclusive than the criminal justice system can be. However, restorative justice argues that the criminal justice system could be changed so as to create an opportunity for inclusions for those victims who wish to take it. The real question here is: How?

A goal that is highly consistent with a restorative justice approach to crime might be to expand and formalize a role for the victim who wishes to pursue restitution. Such a goal would have at least five practical implications to the criminal justice system, namely: that access to legal representation separate from that currently provided by the prosecutor be made available; that the decision to prosecute remain with the prosecutor in the interest of the public, as well as for practical reasons of efficiency and fairness; that sentences be constructed so as to increase the likelihood of restitution being ordered and paid; that care be taken to ensure that the rights given to victims do not diminish the defendant's rights or limit the prosecutor's duty to protect the public interest; and that the right to counsel available to a crime victim in the civil process be available to the victim seeking restitution in the criminal process.

These principles provide a basis for expanding the criminal justice system to include a formal role for victims to pursue restitution. Victim inclusion addresses the injustice of excluding from the court proceedings those directly harmed by the

crime; it moves the criminal justice system toward a more restorative focus (Van Ness and Strong, 2002:150, 151).

4.5 Restorative Justice: What might the future of the justice system look like through a restorative lens?

> A statue of the goddess Justicia stands above the Old Bailey law courts in London; she is blindfolded as she holds the scales of justice. This reminds us that justice must not be skewed by the status of, relationship to, or hope of reward from one of the parties to a dispute. Impartial justice has become equated with mechanically (and sometimes mechanistically) applying rules to determine an outcome. Dispassionate justice has become equated with indifference concerning that outcome. We are preoccupied with what Jonathan Burnside has called "an antiseptic construal of justice," one that values "objectivity, impartiality and the fair application of rules." That, he argues, must be balanced by "a passionate construal of justice [that] would emphasize love, compassion and the vindication of the weak."
>
> Under such a "passionate construal" of justice, the goddess might throw off her blindfold and draw her sword in righteous anger or open her arms in a merciful embrace. We may agree that a law court with that sort of statue over it would dispense justice differently, but in what ways? What outcomes would we expect? How would its processes be different? How would the architecture of the building change? Would the demeanor of those who staff it be different? Reflection on this can prepare us for a transformation of perspective (Van Ness and Strong, 2002:243, 244).

This section will look at:

- Four models of a Restorative System (Van Ness and Strong, 2002:221), and
- Some conceptual and practical objections to Restorative Justice, within a holistic judicial system.

Before looking at the *four models* it might be helpful to look at the relationship between restorative justice programmes and with the criminal justice system. There are at least four ways that existing programmes have intersected with the criminal justice system.

One way has been to find discrete problems or opportunities that cannot be addressed by the contemporary justice system and use that as an opportunity to fashion a restorative response.

A second approach has been to create restorative programmes that are essentially outside the criminal justice system. An example of this is one adopted by Claassen and his colleagues with the Fresno Victim-Offender Reconciliation Program (VORP). 'In conjunction with the Center for Peacemaking and Conflict Studies and Fresno Pacific University, [Claassen] has designed a series of training sessions called "Implementing Restorative Justice Principles in Your Agency." The sessions include basic and advanced courses in restorative justice as well as a course in implementation strategies' (Van Ness and Strong, 2002:222).

A third relationship involves identifying stages or decision points in the criminal justice process that may be amenable to restorative practices; an example would be making juries more restorative by having them hold their discussions in the presence of the victims and defendants, diversifying juries, and encouraging juries to question witnesses, lawyers, and judges. This approach was taken in Wagga Wagga, New South Wales where the Family Group Conferencing model from New Zealand was adopted for use with police officers dealing with juvenile offenders. Thus, restorative practices were incorporated into a particular point in the formal justice system.

A fourth relationship involves adding restorative outcomes (as opposed to processes) to the criminal justice system, for example, restitution could become a sentencing option for judges, as could community service. While this approach does not have the benefits of restorative processes, such as encounter and amends, it would provide reparative benefits to the victim and community. This approach was taken in Belgium where an organization called *Begeleidingskienst voor Alternatieve Sancties* (BAS!) accepts referrals of minors whom the juvenile court has sentenced to do community service. BAS! also runs a mediation programme. 'Community service becomes another judicial sentencing option, considered restorative because its focus is on having the offender repair the harm (in this case symbolically) rather than on punishment or rehabilitation of the minor. This approach seems to be used in other parts of continental Europe' (Van Ness and Strong, 2002:224).

The **four models**, are:

- A unified model in which restorative justice is the only option,

- A dual-track model which incorporates both systems, each independently of the other; this independence would be seen as normative and not merely strategic, the assumption being that both approaches are necessary for practical, if not theoretical reasons,

- A backup model which assumes that the restorative justice response will dominate, but with a significant yet smaller criminal justice system still needed. While orientated towards a unified system, this model concludes that vestiges of the criminal justice system will also be needed as a backup when the restorative approach fails to address the needs of all the stakeholders, e.g. when coercion and/or restraint may be required in the interest of public safety, and

- A hybrid model which limits restorative justice to the sanctioning phase, and therefore does not include restorative features at other junctures.

These four models may reflect diverse intermediate strategies for achieving a unified system model, or they may stem from different conceptions of what the future could look like. Models 1, 2 and 3 could be part of a strategy to achieve a unified system that is fully restorative and this by: demonstrating the superiority of restorative justice; by developing restorative models in discrete parts of the justice system, or operating within it; and hence influencing the criminal justice system to become restorative.

> Each of these models has significant theoretical implications that will be developed further. It is important to explore the political philosophy underlying them, and the cultural contexts that lead proponents to advocate one or the other. Our purpose in outlining the models is simply to note that restorative justice advocates differ in their conceptions of a restorative system and that these differences need more extensive examination (Van Ness and Strong, 2002:226).

A major unresolved issue remains whether restorative justice can be a conceptual foundation for an entire justice system, or simply a subsidiary aspect of a system that remains offender-orientated and punishment-based. In the 1990s, this was a hypothetical question, but it is assuming practical proportions as we enter the twenty-first century.

Obviously this is material for further research – and indeed is receiving such attention within restorative justice circles – but it might be helpful to offer some guiding questions, some of which arise from current objections to restorative justice as a unified system model, and the humble realization that it is necessary to listen attentively to these objections.

> It is extremely important that the restorative justice movement listens carefully to this critical discourse, heeds it and adjusts its proposals, claims and language in its light. This will strengthen rather than weaken the restorative justice movement, although it might also involve a painful rejection of familiar and much loved themes. What is interesting is that even the most fervent critics tend to regard restorative justice – suitably reformulated and modified – as an extremely valuable contribution to the ongoing debate about how we should understand, relate to, and handle the problem of wrongdoing (Johnstone, 2007:610).

Included in this critical discourse are:

- Conceptual and practical objections to restorative justice raised and addressed by Van Ness and Strong (2002),
- Four challenges addressed by Walgrave (2007),
- The risks posed by restorative justice interventions to human rights raised by Skelton and Sekhonyane (2007), and
- The dangers of seeking to ground justice practices in universal principles, and the call for restorative justice to remain an open ethical forum as discussed by Pavlich (2007).

Among the conceptual objections are (Van Ness and Strong, 2002:155-181):

- This means the end of criminal law,
- Multiple parties cannot pursue multiple goals and achieve a single overarching purpose,

- Not all harms can be identified, and of those that are, not all are of equal importance,
- Government and community will not be able to share responsibility for public safety in the way anticipated by restorative justice theory,
- This will reduce due process protection,
- Victims cannot receive adequate attention in any model that simultaneously considers offender rehabilitation,
- This will cause unacceptable disparity of sanctions, and
- Coercion will be necessary, and coercion is antithetical to a restorative model.

Among the practical objections are (Van Ness and Strong, 2002:185-201):

- Restorative justice will not work with dangerous offenders,
- Most victims and offenders are never identified,
- Large-scale use of restorative justice will lead to its depersonalization,
- Individualistic and pluralistic cultures will keep restorative justice from working, and
- Restorative justice may work for minor crimes, but certainly not for murder.

Walgrave is well known in the restorative justice movement for his view that restorative justice should be conceived less as a complement to the traditional punitive justice system, and more as a philosophy which should penetrate and modify the criminal justice system itself. As restorative justice has expanded its scope, and as the earlier view that there is a clear distinction between it and more conventional conceptions of criminal justice has eroded, many proponents have concluded that there may be challenges that restorative approaches are incapable of addressing, thus necessitating use of conventional criminal justice philosophies and processes. Walgrave does not agree, and addresses four challenges. These are:

- How to deal restoratively with the public dimension of criminal wrongdoing,
- How to deal restoratively with non-cooperative offenders,
- How to ensure that wrongdoing is adequately and restoratively censored, and
- How to ensure that outcomes of restorative processes are just.

From a South African perspective, Skelton and Sekhonyane raise the question as to how the risks posed by restorative justice interventions to human rights, may best be managed. These include risks to:

- The rights of victims and suspects to a fair trial or due process, and
- Broader human rights issues, namely:
    - Issues of social justice, and
    - Power imbalances.

It is extremely important that the restorative justice movement listens carefully to the critical discourse, and responds to the questions and concerns raised. This will help to discern direction for the future. The questions and concerns above may be grouped together under a number of interrelated issues, among them:

- The place of criminal law, due process, and the rights of suspects and victims,
- The relationship between the state and the community,
- The justice of outcomes, namely the parity versus disparity of sanctions, reparations, and restitution,
- The moral issues of coercion and punishment, and
- Power imbalances and other social and cultural issues.

The place of criminal law, due process and the rights of suspects and victims: engaging with the critical discourse.

Clearly criminal law plays an important role in a total societal response to crime. It does so by making explicit the kinds of behaviour that society rejects as harmful, and therefore should be judged by its demonstrable contribution to reducing such behaviour. One way to do this is to restrain and help resolve retributive anger arising from crime (or, in restorative language when citizens harm others). All programmes should be tested according to whether they contribute to the overarching goal of the reintegration into safe communities of victims and offenders who have resolved their conflicts. Within this goal, individual sentences should be designed to achieve such resolution limited by the demonstrable demands of public safety (Van Ness and Strong, 2002; 182).

While there is the danger that restorative processes can be operated so as to violate fundamental protection of rights, that need not result in due process violations, and this largely because of restorative values such as respect for human dignity, voluntary participation, and the creation of community harmony that addresses underlying injustices. However, to ensure that good practices are followed, training, design, and evaluation should be done regularly. This will expose problems when they happen (Van Ness and Strong, 2002: 182, 183). Again careful planning, consultation and collaboration, evaluation of outcomes against intents, and changes where necessary, can meet the restorative requirements of justice for

victims. This also addresses concerns about the potential of programmes to succumb to the status-quo of offender focus, and the suspicion that restorative justice is an option *soft on crime*, and ensures that the needs of victims are prioritized.

Skelton and Sekhonyane (2007:580-593) raise questions about managing the risks posed by restorative interventions to the human rights of suspects and victims. The rights of offenders are:

- The right to a fair trial by a competent and impartial court,
- The right to remain silent,
- The right to be present and to participate at the trial,
- The right of adequate notice and time to prepare,
- The right to expect that any punishment given should be proportionate to the crime, and should not be cruel, inhuman or degrading,
- The right of appeal for the trial to be reviewed,
- The right to be placed on an equal footing with the prosecutor, and
- The right to legal representation.

All the above are based on the presumption of innocence until proven guilty, a basic right in most Western democracies.

Suspects' rights may be at risk within restorative processes in that most start *from* a position that the offender must acknowledge responsibility, and it may be argued that this effectively removes the presumption of innocence, and the right to silence. While it can be argued that he or she voluntarily relinquishes these rights in order to benefit from the restorative justice option, it can also be argued that such decisions are not really voluntary. Is there not the risk of coercion? The answer to that depends on how the options are put to the subject.

> Furthermore, it must be said that this problem ... is not unique... in a restorative justice process. Police cautioning and plea bargaining are options in many formal criminal justice systems, and when accepting ... the suspect gives up the rights to be presumed innocent and to remain silent in order to benefit from a diversion or a reduced sentence. Improving the manner in which the options are put... can reduce the risk of coercion, and proper training of the officials... responsible... is necessary (Skelton and Sekhonyane, 2007:583).

The right to legal representation is considered an intrinsic part of the right to a fair trial, and while some restorative processes do allow parties to have legal representatives present, lawyers not trained in mediation or restorative justice may hinder, rather than help the process. A New Zealand model, where youth advocates specially selected and trained assist young people in family group conferences, may help to ensure rights protection.

A fair trial includes the right not to be tried twice for the same offence; this is known as double jeopardy, or as *autrefois acquit, autrefois convict.* The risk of double jeopardy in restorative justice may arise when an offender complies up to a certain point, and then fails to complete all the terms of the agreement. Although this is not true double jeopardy, because it does not involve having previously been convicted of a crime, there is risk, because the offender may have done months of community service, or paid a sum of money, only to find him or herself back in the criminal justice system. Legislation to prevent this may leave the victims with no remedy.

One of the unintended consequences of efforts to find alternatives to the criminal justice system is net widening, that is, the drawing of a larger number of people into the new processes. It can appear in different guises, for example, where there is insufficient evidence to sustain a conviction, cases end up being *dumped* on the restorative justice pile, along with petty cases that the prosecution doesn't consider worth taking to trial, school cases that could have been dealt with in school, or family issues that could have been dealt with in the family.

In dealing with child offenders, special care should be taken to ensure that the process does not result in domination, or in outcomes that are disrespectful or humiliating, and that the child is properly supported throughout. Children may also be excluded from mediation due to their inability to pay material reparation, or once in a process, in order to avoid *more trouble*, may be coerced into making false admission, or concede agreements that they cannot fulfil.

Although the fair trial principle focuses on the defendant, in recent years the rights of victims have come to the fore. The rights movement has concentrated on reforming laws that are detrimental to victims such as, cautionary rules that prejudice victims, particularly women and children, and which weaken the impact of their evidence. Also, the rights movement has fought for the right of victims to be informed about the development of their cases, and greater participation. This includes the right to make victim impact statements, and in some cases, the right to participate at sentencing.

Victims' rights may also be at risk within restorative processes. These risks include:

- Coercion to participate,
- Threats to personal safety through participating,
- Offender-biased proceedings, and
- A lack of information about what to expect from proceedings. 'Restorative justice processes may leave victims without a remedy if there is a failure by offenders to follow through on agreements, especially with regard to restitution' (Skelton and Sekhonyane, 2007:582).

One attractive aspect of restorative justice is that restitution or compensation can be dealt with in the same forum as the offence. However, if this does not happen, the failure may result in overall distrust in the potential of these processes to meet victims' needs. The questions that emerge are: 'Can we ask victims of crime to forfeit their rights to use the civil process as a prerequisite to participating in a restorative justice process? If we do not do so, what about the risk to offenders who

may be asked to pay compensation through a restorative justice process, and later be sued through the civil process (Skelton and Frank 2004)? It is clear that legislated mechanisms are necessary to manage these risks, and such regulations are already in place in some jurisdictions' (Skelton and Sekhonyane, 2007:583).

Restorative justice, because it is seen as being non-punitive, focused on restitution and reparation, rather like a civil law compensation claim, could result in its proponents tending 'to neglect procedural protection for suspects, and even see strict procedural rules as a stumbling block to achieving restorative outcomes' (Skelton and Sekhonyane, 2007:581).

Skelton and Sekhonyane (2007:593).observe that:

> In an attempt to be sensitive to human rights protection, restorative justice practitioners appear to be getting drawn into a confined discourse about due process rights, in which restorative justice processes are being expected to provide the same protections as the courts. The protections relating to due process were designed to deal with specific dangers interest in the criminal justice trial process, particularly adversarial trials. It is not particularly logical, therefore, that the rules designed for those processes must be mirrored in restorative justice process (Skelton and Frank, 2004:209).

Restorative justice processes that are interlinked with the formal criminal justice processes may be under pressure to conform to due process standards commonly found in the criminal justice system, whereas those processes less closely linked to the criminal justice system may be able to find informal and individual ways of ensuring rights protection. 'In general it appears that there is a consensus that there should be standards or guidelines in the practice of restorative justice, although on the issue of how these standards should be set and what they should contain there is and should continue to be much debate.' Further, in identifying rights protected in the criminal justice system, Skelton and Sekhonyane (2007:591-593) propose that future discourse needs to be broadened beyond the Western legislation focus on individual rights.

The relationship between the state and the community: engaging with the critical discourse. This will be looked at under a separate heading: 5.6 Justice: Whose responsibility is it anyway? Seeking to redefine the respective roles played by state and civil society in justice issues.

The justice of outcomes, namely the parity versus disparity of sanctions, reparations, and restitution: engaging with the critical discourse.

Another concern raised by Walgrave is ensuring that outcomes *are* in fact just. Behind this concern are some other questions, namely about:

- The relationship between restorative justice and the state: Again, this will be looked at under a separate heading: 4.6 Justice: Whose responsibility is it anyway? Seeking to redefine the respective roles played by state and civil society in justice issues, and

- The parity of sanctions, reparation, and restitution.

In most criminal justice systems, if a convicted person is of the view that his or her sentence is disproportionate to the offence or is inconsistent with sentences in similar cases, he or she may apply for leave to appeal. This option is not always available in restorative justice processes, thus there is a risk of disparities in outcomes.

> [T]he problem of proportionality is different in a retributive system than in a restorative approach, but it exists in both. Restorative proportionality may be addressed through guidelines based on tort law or derived from [just] desert theory. These guidelines could be made available to the parties after they have negotiated reparation. They would be free to disregard the guidelines if they felt that their circumstances were sufficiently different to justify the departure. A "day fine" approach could be added to address the problem of the different economic circumstances of offenders (Van Ness and Strong, 2002:183).

Restitution and other reparative sanctions should be linked to the direct harm caused to the victim. 'Furthermore, direct victims should receive reparation before secondary victims, the community, and the government. In determining reparative sanctions, the courts must balance the reparative goal with the limiting goals of human dignity and public safety' (Van Ness and Strong, 2002:182).

The moral issues of coercion and punishment: engaging with the critical discourse. Coercion is another dimension of disagreement in the restorative justice field, especially when a crime is so serious that a mere encounter seems insufficient. *Purists* exclude the use of force, and when encounters are unfeasible, seem to have no option but to leave the case to the traditional justice system. *Maximalists*, on the other hand, try to develop restorative justice into a fully fledged alternative to the traditional system, and therefore include coercion, arguing that, under some conditions, imposed sanctions can serve a reparative goal. The options are based on different views, those who adhere to a process-based approach, and those who refuse to reduce restorative justice to a process, maintaining that no process can be defined and valued without referring to the purpose for which it is undertaken. For the latter, there is no reason to give up a principled restorative approach in cases of non-cooperative offenders.

The question remains as to how this can be done. As coercive restorative sanctions can only be imposed under a system of legally based rules and procedures, this too remains a challenge for restorative justice in its relationship with traditional criminal justice. Among the questions are: How will the priority for informal processing be related to the formal judiciary; how far will reparative sanctions remain distinct from punishment; and how do the legal procedures of traditional justice apply to a system oriented primarily to reparation? (Walgrave, 2007: 566).

The question of punishment is another for which there is no simple answer. The differences between enforced restorative sanctions and punishment raise questions for which there are no simple answers.

> McCold (2000), for example, does not accept coercive judicial sanctions as being potentially restorative, because these would shift restorative justice back to being punitive. For others, a punitive response to crime is needed, even though restorative responses may be socially constructive. Such

adherents try to integrate restorative schemes into the punishment philosophy (Duff 1992; Daly 2000). Duff (1992), for example, calls restorative justice interventions not 'alternatives to punishment', but 'alternative punishments' (Walgrave, 2007:566).

Of course, much depends, on how punishment is understood. If every painful obligation is seen as punishment, then yes, most reparative sanctions will be punishment. Such a position however overlooks some critical differences between punishment and restoration. Punishment can be said to be composed of three elements: hard treatment, the intention of inflicting it, and the link with the wrong committed. If one of these elements is lacking, there is no punishment. Painful obligations that are not imposed with the intention to cause suffering are not punishments, for example, paying taxes. Taking the hardship of the obligation into account is not the same as intentionally inflicting pain. 'Pain in restorative justice is a possible reason to reduce the obligation, never to augment it. In retributive punishment, the painfulness is the principal yardstick, and its amount can be increased or decreased in order to achieve proportionately' (Walgrave, 2007:567).

Punishment is an act of power, a means used to enforce legal and political systems, to express disapproval, and possibly to enforce compliance. Restoration on the other hand, is not a means but a potential outcome. Whereas the former is neutral about the value system it enforces, restorative justice is not morally neutral; the broad scope of harm considered for reparation demonstrates the latter's orientation towards the quality of social life.

Whereas punishment is a *means*, based on the intentional infliction of pain, restorative justice is an *objective* for which the intentional infliction of pain is an obstacle. It recognizes that, while censure is needed, harsh punishment is *not the only way* to express it, and that disapproval can be, and is routinely, expressed without punishment.

The challenge, therefore, remains for restorative justice to demonstrate with conviction that, following a crime, a restorative setting is more appropriate for communicating moral disapproval and for facilitating change than punitive procedures and sanctions, and that the intentional infliction of pain poses serious social and ethical problems.

Penal theories can be either *consequentialist* or *retributivist* or both. The former reasons that the evil associated with punishment is needed to achieve a greater social good, namely order and peace. However, it can also be argued that an increasing reliance on punishment for dealing with crime leads to more imprisonment, more human and financial costs, less morality, and less public safety?

The different versions of retributivism all basically go back to the Kantian principle that punishing the wrong is a categorical imperative – surely justice requires it! Retributivist theories advance several arguments, namely:

- Punishing evil is a deep human need; it overcomes our resentment, or expresses our adherence to the good,

- Evil can only be defined through punishing it; it is imperative that norm transgression be responded to by punishment,

- Retribution refers to the wrongs of the past, which provide a controllable yardstick for constructing proportionality in the degree of pain delivery, and

- Good societies must issue clear norms, enforce them, and unambiguously disapprove of law breaking, so that all citizens understand these norms, and that lawbreaking is reduced for the future (Walgrave, 2007;568).

Restorative justice would agree that censure is necessary, but that: it need not include intentional pain infliction; censure is a matter of communicating disapproval; the communicative potential of penal justice is limited; and that there may be better ways of condemning wrongful behaviour effectively.

> Penal theories thus do not resolve the ethical problems concerning punishment as the intentional infliction of suffering. Moreover, punishment is counterproductive. For society at large, penal criminal justice intervention may offer a strong confirmation of legal order, but it carries with it the seeds of more social discord and unwell-being, and thus of more crime and criminalization. [Put more simply: prisons are universities of crime!] Victims are principally used as witnesses but then left alone to deal with their losses and grievances... For the offender, the sanction is a senseless infliction of suffering, which does not contribute to public safety nor to the victim's interests. It is a counterproductive, ethically highly doubtful intrusion into the offender's freedom (Walgrave, 2007:569).

Thus the ethical challenge presented to restorative justice, is to explore ways of expressing blame without punishment. In retribution, the blameworthiness of the unlawful behaviour is clearly expressed; the offender's responsibility is indicated; and the balance is, supposedly, repaired by paying back the offender the suffering he/she has caused. The questions that arise are: How might restorative justice fulfil the same functions; and how might restorative justice ensure that restitution is not seen or experienced by the offender as retribution, and by the victim as further violation of his/her rights?

Walgrave (2007: 569, 570) argues that what distinguishes restorative processes from punitive censure, is that restorative censure does not refer to an abstract legal rule, but to the obligation to respect the quality of social life. Restorative justice also holds the offender responsible, but in an active way by contributing positively to repairing the negative consequences of his or her offence. Here, the *pay back* principle is reversed, that is:

> The offender must pay back him or herself by repairing, as much as possible, the harm and suffering he or she has caused. In stead of doubling the total amount of suffering, the balance is now restored because suffering is now taken away. Retribution is achieved, but in a constructive way. Such reversed, restorative retribution also contains a proportionality principle. Proportionality, however, is not based on a 'just desert' principle, but on a principle of 'just due' – what the offender can reasonably be expected to 'pay back' for the losses he or she has caused.

Walgrave calls on restorative justice theorists to accept the necessity of using coercive power when deliberative processes are impossible. 'Not to do so obscures restorative justice's commonalities with retributivism and makes it difficult to point out the essential differences. The concept that intentional pain infliction is indispensable when censuring wrongful behaviour is, in my view, a principle that restorative justice cannot encompass.'

Thus the ethical challenge presented to restorative justice to explore ways of expressing blame without punishment remains. A further challenge is to explore ways in which, when it is necessary to use coercive power, it is done in a way that does not intentionally inflict pain.

Power imbalances, and other social and cultural issues: engaging the critical discourse. A critique often levelled at restorative justice has been its inability to resolve questions relating to social justice, questions which relate to economic, social, and racial inequalities.

> It is likely that the rights of those who are disempowered, excluded and vulnerable due to these inequalities will be at risk in restorative justice processes. While it is not suggested that the criminal justice system is any better an arbiter of these social justice concerns (Ashworth 2002), the broader ambitions of restorative justice dictate that these concerns be brought to the centre of the discourse relating to both theory and practice (Skelton and Frank 2001) (Skelton and Sekhonyane, 2007:585).

Disparities arising from differences such as race, class, culture, age, and gender also pose a substantial threat to the protection of, and promotion of, rights in restorative justice programmes 'The assumption that coercion disappears once there is consent to participate in a restorative justice process is dangerous and denies the nuances relating to power that are present in all human interactions (Skelton and Frank 2004)' (Skelton and Sekhonyane, 2007:585).

Other broader concerns are related to the protection of rights in non-state forms of justice. These non-state forms of justice, while taking many forms, can broadly be divided into three categories, namely:

- Traditional or customary courts,
- Popular forums modelled on traditional systems, and grown out of a lack of faith in colonial or imposed systems, and
- Communities taking the law into their own hands resulting in outcomes that are not restorative.

Each of these systems have their own inherent threats to human rights, which are not always apparent, especially in a culture of political correctness which tends to see traditional, indigenous, community-based, and informal, as always better than the institutional – especially if the institutional can be dismissed as Western or Colonial.

The patriarchal nature of traditional society may mean that the justice system is sometimes prejudicial towards women and children. African traditional courts, for

example, often do not follow the principle of a fair trial, and in such systems, a person is often presumed guilty until proven innocent, and the right to remain silent is not recognized. On the other hand, many aspects of these traditional courts can be described as restorative.

Northern Ireland and South Africa are two examples of where the legitimacy of the state and its apparatus had suffered a serious collapse, giving rise to non-state forms of justice, often no more than 'kangaroo courts' dispensing vengeance rather than justice. There is a need to balance the different values represented by the state and the community, namely impartiality, proportionality, consistency, participation, and involvement of the victim and offender.

> Strang and Braithwaite (2001:13) summarise the balance needed: 'We come to see the restorative justice agenda not as a choice between civil society and state justice, but as requiring us to seek the most productive synergies between the two' (Skelton and Sekhonyane, 2007:586).

In South Africa, vigilantism is an example of what can happen when high levels of crime, especially violent crime, the resulting fear, and the perception that the criminal justice system lacks the will, or the means to take control of the situation. Vigilantism can take a proactive or reactive posture; it can be aggressive or defensive. It can be a reaction from both the poor and marginalized, living in 'squatter camps', to the rich in 'up market' suburbs. This is also given expression in the xenophobic attacks across South Africa in the winter of 2008.

'There appears to be a fairly broad agreement that rights should be protected in the operation of restorative justice. Setting of standards both internally (within the project or programme) and at a national or even international level has now become part of restorative justice discourse (Van Ness 2003)' (Skelton and Sekhonyane, 2007:588).

At the eleventh session of the UN Commission on Crime Prevention and Criminal Justice, Canada put forward a resolution that encourages countries to draw from the *Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* in developing and implementing restorative justice. The resolution was approved and the basic principles may be seen as guidelines to assist states and organizations in their work. They include guidelines on what should happen when the parties fail to read agreement, and when there is failure to implement an agreement that has been made.

Human rights protection, therefore, should be part of developing restorative justice practice. Moreover, Skelton and Sekhonyane (2007:592) quote J. Humbach (2001): 'Towards a natural justice in right relationships', in B. Leiser and T. Campbell (eds) *Human Rights in Philosophy and Practice.* Dartmouth: Ashgate, who has offered a fresh perspective on rights:

> He is of the view that depersonalized rights and rules cannot mediate the intricacies of interactions among human beings. Humbach refutes the idea that justice is achievable through the protection of individual rights. He believes that what we should be striving for is 'a justice of right relationships'. He contracts this with the justice of rights, which he characterizes as 'a justice of entitlements'. A justice of right relationships, on the other hand,

> arises out of the human attachments and connections that people form: 'At its core, the justice of right relationships is the intrinsic good that inures to persons who live in interaction with others whose fundamental concern is to maintain the quality and mutual worth of their rights' (200:42) (Skelton and Sekhonyane, 2007:592).

The way forward may lie in broadening the discourse around rights, not least by shifting the focus from maximizing self-interest to other values such as peace, reconstruction and reconciliation. The starting point of this is the moral ethic of collective unity, which in South Africa, it is argued, is captured in the concept of *ubuntu* – I am because of others; I am for others. Restorative justice theorists and practitioners may need to move beyond the focus on the individual who characterizes the Western approach to human rights, and begin an evaluation of the rights of the individual within a more communitarian approach (Skelton and Sekhonyane, 2007:593).

Taking note of the observation above of the dangers of idealizing, even romanticising that which is traditional, indigenous, community-based, and informal as opposed to the institutional or Western, then surely South African restorativists have much to give, as well as much to gain, from the ongoing discourse between restorative justice proponents worldwide and the current – as opposed to traditional – justice system. A further way to facilitate this is to see restorative justice as an effort to reintroduce a people's ethical values – including the values of peace, reconstruction and reconciliation – into a criminal justice process that has become *over-rationalized* – that is, dominated by professionals' concerns with smooth and effective management of a people-control system.

> George Pavlich focuses upon this dimension of restorative justice and cautions against recent efforts to ascertain foundational and universally applicable restorative principles which can be used to identify and guide genuinely restorative practices. Such efforts to ground justice in universal ethical principles are dangerous, he argues, and should be refused. As an alternative, Pavlich argues, we should understand ethics as itself an essentially contested discourse. Hence, we should conceive of restorative justice as an open ethical forum that is valuable precisely because it enables people to struggle with the ethical limitations of a past, unjust way of being with one another and collectively to imagine better ways (Johnstone and Van Ness, 2007:558).

In conclusion, whatever the future may look like, it will certainly call for a transformation.

> Restorative justice programs and thinking have now expanded throughout the world. This expansion shows no sign of letting up, and while there is always need for caution in making claims about a restorative future, there does seem to be evidence that the future of justice will at least include restorative elements.... In restorative systems, the values and principles of restorative justice are sufficiently predominant, and competing values and principles are sufficiently subordinate, so that the system's processes and outcomes are highly restorative (Van Ness and Strong, 2002: 237, 238).

Whatever else this means, it means that restorative justice recognizes the persons involved, not just the laws implicated. Such recognition is inherently transformational, that is, it transforms, rather than merely reforms, the nature of the justice process and our expectations for the outcome of that process. A hallmark of restorative justice, then, should be transformation. The metamorphosis needed to bring a restorative system into reality would involve transformation at three levels, namely:

- Transformation of perspective,
- Transformation of structures, and
- Transformation of persons

Transformation of perspective calls for – demands – the risk of creativity. It also invites others to help us use or explore a different pattern. It challenges us to look beyond ourselves to other places, times or traditions to find new ways of looking at familiar problems.

> One of the hallmarks of restorative justice has been the interest of its advocates in looking outside their own present cultures for inspiration and ideas. Considering how crime has been handled in the past or how it is resolved in other cultures helps pull us out of the troughs of our current patterns of thinking about crime. While what we see in the past or in other cultures cannot be transferred directly to our contemporary situations, it may spur us to new ideas and possibilities (Van Ness and Strong, 2002:243).

Further, considering alternatives to approaches that we have taken for granted, can lead to a transformation of perspective. For example, the adversarial paradigm of crime has resulted in significant implications in our thinking about criminal justice.

An alternative hypothesis concerning criminal law and societal norms might be the following: A society's harms are best revealed in the course of conversation. Under this perspective, the law might be considered the conclusion of a kind of conversation defined by the lobbying and deliberation process that precedes its adoption, as well as discourse in the media, in entertainment or in art, and intimate discussions carried out by the participants themselves, rather than by only professional representatives (Van Ness and Strong, 2002:244, 245).

A transformation of perspective is likely to lead to the recognition that some of the structures that are interwoven with criminal justice also need transformation. Just as individuals must accept responsibility for their acts, so societies must assume responsibility for the inequalities – for example, social, political, and economic inequalities – that plague them.

It is essential therefore to monitor these structures whose interplay affects criminal justice. These especially include so-called restorative justice structures in order to discern imbalances, inequalities, or disparities that result in less justice for some, and to seek remediation and even transformation of those structures (Van Ness and Strong, 2002:246).

Restorative justice uses words not usually heard in contemporary debate over criminal justice policy: healing, reconciliation, negotiation, vindication, and transformation. These words do not rest easily on current structures. Rather, they remind us that crime is less a violation of laws, than it is a violation of human relationships. Further, they remind us that, just as crime wounds, so justice must heal, because justice is also about relationships. It is not surprising; therefore, that encounter has been a hallmark of the restorative justice movement.

> In victim-offender mediation, conferences, circles and victim-offender panels, real people who are confronting specific crimes meet to understand the dimensions of the injustice done, the harm that resulted, and the steps that must be taken to make things right. These meetings permit participants to deal with relational and passionate dimensions of crime, and to seek more satisfying responses than can be offered by antiseptic justice (Van Ness and Strong, 2002:247).

At their root, crime and injustice are moral problems. Does this mean that crime and injustice must have moral solutions? The realization that crime has moral roots, and therefore requires moral solutions, can lead to hypocrisy. This should warn against glib assertions that can lead into another us/them dichotomy that intensifies the existing state of war against criminals. Just as there are two kinds of criminals, those who get caught and the rest of the human race (attributed to Charles Colson), so there are two kinds of criminologists, those who view criminals as different from themselves and those who do not (Van Ness and Strong, 2002:247, 248). Hypocrisy, injustice and indifference are also moral problems! Therefore, it is not only the world, it is not only others, but we ourselves who need to be healed and transformed.

A hallmark of restorative justice must be ongoing transformation: of perspective; of structures, and of people. It begins with ourselves, because we too have recompense to pay, reconciliation to seek, forgiveness to ask, and healing to receive. Restorative justice is an invitation to renewal in communities and individuals *as well as* procedures and programmes, for the transformation of the world begins with our own transformation (Van Ness and Strong, 2002:249).

It is the conviction of this thesis, that this happens within community, primarily that community that encounters the living presence of One who preached good news to the poor, healed the broken-hearted, brought deliverance to captives and recovery of sight to the blind, liberated the oppressed, and proclaimed 'the year of the Lord's favour'. That One who continues to speak that this scripture is fulfilled 'Today' (Luke 4:19,21b).

4.6 Justice: Whose responsibility is it anyway? Seeking to redefine the respective roles played by state and civil society in justice issues.

The *Central Theoretical Argument* of this thesis is that: The Old Testament concept of the Year of Jubilee is neither an anachronistic, nor a peripheral detail of the Canon of Scripture, but an integral part of, indeed a hermeneutical tool for interpreting the whole. Jesus was deeply influenced by the year of jubilee, and therefore understood his role in the *missio Dei* as inaugurating the Kingdom of God by proclaiming 'the year of the Lord's favour' (Luke 4:19); and by preaching good

news to the poor, proclaiming freedom for the prisoners, recovery of sight for the blind and release for the oppressed.

Crime and violence are community problems with severe moral implications and therefore require ethical solutions initiated by government and community. Communities disempowered by crime and violence can be, and need to be, empowered to become a significant, responsible, and accountable part of the solution, thus facilitating the binding up of the wounds of crime and violence.

It aims to explore ways in which communities can initiate creative, practical, reconciling, healing, and transforming responses to crime and violence, which will cooperate with government agencies. This will enable communities (especially the local Christian community) to:

- Take ownership of the problem,
- Take responsibility for being part of the solution,
- Cooperate more effectively with existing government agencies,
- Propose changes in existing legislation where necessary, and
- Facilitate and participate in the ongoing healing and transformation of society, and this in part by bringing a restorative system into reality by working towards transformation - a transformation of: perspective; structures, system, and persons.

If this means adopting a restorative vision in dealing with crime, violence, and justice issues, a number of transitions, indeed transformations will be necessary, including a transformation of perspective, structures, and persons. Fundamental to this is a redefinition of the respective roles played by state and civil society in justice issues. In attempting to answer the question: *Whose responsibility is it anyway,* it might be necessary to consider the answer under two headings, that is: a *General* response; and a *Contextual Response* to: Whose responsibility?

A general response to: Whose responsibility?

The debate about distinguishing between the roles of government and civil society in the context of restorative justice practice has generated considerable interest and debate. In their book *Critical Issues in Restorative Justice,* Zehr and Toews (2004), devote an entire section to this issue under the heading: Government and Systems. The following is an overview of the current aspects of the debate:

Maximize State Involvement	**Minimize State Involvement**
As a facilitator of the criminal justice system, the state is in the best position to take leadership in adopting restorative justice values and principles. Without its ownership, true change can't happen. Change the system from within.	As a facilitator of the criminal justice system, the state is too ingrained in its current values and principles so that it functions the way of Restorative justice practice. With its involvement, true change won't happen. Challenge/counter the system from outside.

The system's professionals desire change, and restorative justice offer a welcome set of values, principles and ways to bring more humanity to their work. Their involvement should be embraced and encouraged.	The system's professionals will co-opt restorative justice because the pull of system values and principles are too strong to resist. For the integrity of the field, their involvement should be minimal.
System professionals are well suited to practice restorative justice in their jobs. They are not the enemy, and can learn new skills and new ways to partner with their constituents.	System professionals are allied professionals but not appropriate as restorative justice practitioners. They work within a system that maintains influence over them, limiting their ability to practice with integrity.
The recent surge in state involvement has brought restorative justice into the mainstream, making it more widely accessible. Legislation is being passed to promote restorative approaches. Restorative justice can't hide under a bushel	The recent surge in state involvement has "McDonaldized" restorative justice, contributed to increased misunderstand-dings and turned restorative justice into a passing fad, subject to the whims of politicians and founders.

(Skelton and Batley, 2006:123).

Objections, concerns, and challenges to the prospect of adopting a restorative vision of justice have already been raised above. Also stated is the view that an open, respectful, and honest examination of these, not only helps to clarify the ways in which the restorative vision differs from current practice, but also suggests values and elements that need to be incorporated into restorative programmes in the present, and guiding questions concerning the future of restorative justice. One concern is that government and community will not be able to share responsibility for public safety and human rights in the way anticipated by restorative justice theory.

Crime control is not the exclusive province of the state; government and community need to play complementary and cooperative roles in promoting safety. In the view of some restorative justice theorists, the social controls imposed by government should interfere as little as possible with the restoration of victims, offenders, and their communities. Because voluntary participation by the victim and offender should be encouraged, the government's coercive powers should be employed only when necessary, and in ways that foster offenders' responsibility and victims' involvement as much as possible (Van Ness and Strong, 2002:182).

While distorted vision and net widening can undermine government and community cooperation; these risks are reduced when the overarching goal of restoration is clear. While this goal is the same for both, they have different methods of achieving that goal. These differences give the government and the community opportunities to influence the other. This influence will be destructive only when it reduces the likelihood that the common goal will be achieved (Van Ness and Strong, 2002:182).

The traditional criminal justice system, according to restorative justice, focuses exclusively on the public aspects of crime, while restorativists see crime primarily as harm to people. In practice, many restorative processes in prioritizing the private dimensions of the harm and suffering caused, may tend to neglect the public dimensions. However, the public dimensions of a crime remain essential.

Walgrave (2007:562) invites readers to imagine a scenario where the authorities did nothing, or limited their intervention to registering the crime of burglary and identifying the offender, and then inviting the offender and the victim to try to find a solution without exerting any pressure on the offender. Not only would the community peace be lost, but also order and justice in society as a whole. Order and peace are both threatened by crime, and both demand a public response. Consequently, restorative justice should include not only the community but also the state dimension.

This is not to call for over-criminalization especially when this would intrude on private life or be based on purely moral or religious beliefs. Over-criminalization would represent ethical absolution, leading to a kind of *Talibanization* of society. Public order and norm enforcement must be limited to what is needed for the quality of public life. Possible harm to social life is the only reason for criminalizing behaviour. There still remains, however, a grey area. Why, for example, is it debated whether criminal justice should intervene in some types of sexual behaviour among consenting adults, in the use of (currently illegal) drugs or in abortion? The reason is that, while there may be a large majority who consider such behaviour undesirable, there is no agreement on whether such behaviour is sufficiently harmful to social life to justify the authorities' intrusion into individual rights and freedoms (Walgrave, 2007:563).

An example of such a *grey area* is the ongoing debate between pro-life, and pro-choice campaigners. The former would argue that abortion raises questions about the rights and freedom of the unborn. Does that not call for criminalizing behaviour that threatens the very right to life, or does that represent ethical absolutism, a kind of *Talibanization* of society?

Another reason for not excluding the state is that an offence is often seen as an intrusion of dominion. 'Dominion' (or freedom as non-domination) can be defined as a set of assured rights and freedoms, and individuals are assured only if they trust their fellow citizens *and* the state to take these rights and freedoms seriously. If the authorities' role is minimal, citizens' trust in their right to privacy and possessions is undermined, and their sense of dominion at stake. Public intervention after a crime is not, therefore primarily (as retributivists would suggest) to rebalance the benefits and burdens, or to reconfirm the law, but to restore assurance that the authorities take dominion seriously.

This happens when the intrusion is clearly censured, and when the offender, if possible, is involved in reparative actions. 'The offender's voluntary co-operation can only restore assurance if it is backed up by public institutions. *Indeed, assurance comes not only from the individual offender's repentance and apologies but also from the authorities' clear determination to take the assured set of rights and freedoms seriously'* (Walgrave, 2007:564 – emphasis added).

Constitutional democracies guarantee a set of rights and freedoms for all citizens, rights and freedoms that cannot be infringed, unless by legally well defined exceptions and according to clearly defined procedures. The criminal justice system seeks to safeguard these rights and freedoms through a complex of formal rules and conditions, and by the employment of legal professionals. For most restorative justice proponents, criminal justice procedures and outcomes may lead to legal justice, but not accord with what is considered to be just, if by justice, more is meant, than the right punishment for the crime being the right solution to the problem or problems resulting from the crime. Initially, many restorative proponents avoided state control, fearing the state's power to invade the process to the detriment of its informal, humane, and healing potential. However, the scales were often tipped so far from state control that legal guarantees were also lost.

It is now almost generally accepted that a state-controlled legal framework is needed to locate restorative justice within the principles of a constitutional democracy. However, a broad range of interpretations remain, between the minimalist option, which sees the state as a marginal safeguard far removed from the restorative justice process, and the traditional criminal justice position, which locates the state as the central actor and stakeholder in the procedure (Walgrave, 2007:570).

An essential part of restorative responses are encounters where all stakeholders tell their stories, express their emotions, come to understand one another, and *perhaps* conclude an agreement. If it can be argued that the state is a sort of victimized stakeholder, can it not also be argued that the state has a function as a safeguard, indeed possibly, a coercive safeguard, of the rights and freedoms of citizens? Again, if it can be argued that the state is sometimes a victimized stakeholder; can it not also be an offending stakeholder? Is this not the case when a direct correlation can be made between social injustices and inequalities, and crime?

Walgrave (2007:571) suggests a number of reasons why the state cannot withdraw completely: *Firstly*, if corrective state power could not be invoked, mediation or conferencing could risk uncontrollable abuses of power by imposing unreasonable and excessive punitive outcomes. The state therefore, has a role as guarantor for the power balance in deliberations, and for the reasonableness of the outcome.

Secondly, a complete absence of the state in the process would leave the parties to find a solution by themselves. Unable to guarantee respect for rights and freedoms, the state authorities would thus not be able to assure dominion. The state therefore, must be present, if only in the background, for assurance to be given that the deliberations actually take place, and result in an acceptable outcome. The authorities thus demonstrate their commitment to dominion, not only regarding the victims' rights and freedoms, but also guaranteeing those of offenders, as well as safeguarding the collectively assured set of rights and freedoms [i.e., dominion].

Thirdly, though voluntary participation is crucial to restorative processes, one must not be naïve: offenders do not always ask to participate in a conference or in mediation; the great majority probably wants to get away with the least possible sanction. Restorative justice processes offer the space for free deliberation, but social pressure is always present. The threat of referral to court may convince some offenders to accept deliberation with the victim, and although 'such offenders do not present the best possible starting position for restorative encounters ... even

meetings such as these appear to deliver more satisfying outcomes than traditional court proceedings' (Walgrave, 2007:571).

Thus the challenge to restorative justice is to reformulate the public aspect of a crime as an intrusion upon dominion, and reframe the public dimension of the response as an attempt to restore the general assurance of rights and freedoms. Its main purpose is to communicate to the public at large that rights and freedoms are taken seriously by the authorities, and that the most effective way to achieve this is possibly not punishment, but the guarantee of reparation. As Walgrave (2007:574) puts it:

> I strongly believe in the necessity to retain a criminal justice system which must, however, be orientated primarily towards doing justice through restoration, not through punishment. In the longer term, the criminal justice system should evolve towards being a fully fledged restorative criminal justice system.

Quoting Braithwaite and Parker (1999), Walgrave adds: 'The rule of law must not only penetrate into restorative justice, but restorative justice concerns must also guide legal discourse and procedures'. Also:

> Reflections on restorative justice must include a sociological analysis of the rise of restorative justice within the broader social and societal context (Bottoms, 2003). The sociology of the current criminal justice system is one of the main topics for investigation, because criminal policy is strongly influenced by it, and because opportunities for restorative justice are largely dependent on the space allocated to them by that very system. Is it possible to imagine that restorative justice philosophy could penetrate the criminal justice so deeply that the system would itself become a restorative justice system? Or, would some reparative practices receive additional value only within the bureaucratic - administrative approaches that are dominant in the criminal justice system (Bottoms 2003)? ... Restorative justice advocates should [therefore]... try to maximize the possibilities to penetrate the criminal justice system by including scientific strategic change processes (Mintzberg and Quinn 1991) in their deliberations towards criminal justice' (Walgrave, 2007:575, 576).

A specific response within the present South African context to the question: Whose responsibility?

The South African Department of Correctional Services sees the relationship between DCS and the community, community-based organizations, non-government organizations (NGOs), and faith-based organizations (FBOs), as inherent to the successful achievement of the rehabilitation and reintegration of offenders. A key objective then, is to promote community responsibility for correction, and to enhance this by making provision for participation by communities, as well as participation from relevant state departments in the integrated justice system, through the process of community supervision and parole boards. Accordingly, DCS has outlined six guiding principles for the relationship between the department and civil society, namely:

- Community participation and programmes shall promote the restoration of relationships and bring about healing and forgiveness,

- DCS will actively participate in community initiatives and projects,
- All applications for community participation will be subjected to a screening process to ensure that programmes promote the care business of DCS,
- Programmes rendered to offenders or staff by community-based service providers will be evaluated to ensure adherence to DCS's core business,
- Community participation will aim to enhance effective reintegration of offenders into society as law-abiding and productive citizens, and
- DCS will enter into collaborative partnership with the community, and expertise and resources will shared by both parties (Fakier, 2007:30).

While it is evident that DCS has come a long way in incorporating the principles of restorative justice into its approach to offender rehabilitation, a number of challenges still remain in promoting restorative justice as an acceptable and viable mediation process. Some of these challenges are:

- Promoting restorative justice as an organization-wide approach to offender rehabilitation,
- Modelling restorative justice principles within organizational processes,
- Promoting restorative justice across multiple organizational systems and levels,
- Instilling in all correctional officials the values of treating offenders humanely,
- Developing programmes to help offenders come to terms with the harm their offence has caused,
- Promoting mechanisms for increased community participation in the restoration of broken relationships, and
- Enhancing victim participation in the restoration of relationships severed by crime (Fakier, 2007:31).

These challenges emphasize two crucial actions in the implementation of the restorative justice agenda in DCS, namely: the need for co-operation between role-players; and recognition that the potential of restorative practice to transform criminal justice can only be realized if those practices move from the periphery to the main stream.

South Africans Skelton and Batley (2006:135), state their 'contention that the cause of restorative justice would be best served by civil society playing an active role in direct service delivery, with the State fulfilling the roles of enabler, resourcer, and guarantor of quality practice. The role of the State as implementer should be kept to a minimum'. Accordingly, they make a number of recommendations to strengthen these roles, namely:

- 'A number of magistrates' courts should be identified as pilot sites. These sites would be required to consider restorative options in all suitable cases at district court level (at various stages of the system, such as pre trial diversion, plea and sentence agreement, pre-sentence, as part of sentence, with prisoners)',

- 'that urgent attention be given to the ways in which the Departments of Justice, Correctional Services and Safety and Security could fund the activities of civil society organizations that pertain to their functions' (Skelton and Batley, 2006:136),

- 'that the State participate actively in...['a process to develop practice standards... a process ... actually put into motion by the Restorative Justice Initiative Southern Africa (RJI SA) and the Royal Danish Embassy ']... with a view to ultimately endorsing the standards generated, and then using them as a basis for accreditation, monitoring and evaluation' (Skelton and Batley, 2006:137),

- That the Department of Justice and Constitutional Development take the lead in a process for drawing on existing practice within the traditional justice field and strengthening links with the formal criminal justice system, with the participation of traditional leaders, and

- That the RJISA engage directly with Themba Lesizwe (The Network of Trauma Service Providers), and with relevant government departments and agencies in addressing the issue of the victim-support/empowerment sector having the lowest level of integration and implementation of restorative justice.

  South Africa is often acknowledged as possessing knowledge and experience of restorative justice on account of the internationally recognized Truth and Reconciliation process. This may also be an acknowledgement of the fact that the approaches and practices of African traditional justice are generally compatible with restorative justice practices. To date, however, South Africa has made limited progress in infusing the criminal justice process with restorative justice principles and practice... It will take strong commitment on the part of both government and civil society to broaden that path until restorative justice becomes the road most travelled by victims and offenders in South Africa (Skelton and Batley, 2006:137).

Justice: Whose responsibility is it anyway? The simple answer to that question would seem to be: everyone's, including the Christian community's, and therefore yours and mine – ours! The practical outworking of that answer is, of course, less simple, but it is the conviction of this thesis that the Christian community can be, and needs to be, a major stakeholder in taking responsibility for binding up the wounds of crime and violence, by actively promoting reconciliation, healing, and transformation. This places the church in the forefront of facilitating the major consequences of Jubilee.

4.7 Restorative Justice: A Christian ethical evaluation and response.

It has already been stated that restorative justice uses language not usually heard in contemporary criminal justice policy debate, words like: healing, reconciliation, negotiation, vindication, and transformation. A hall mark of restorative justice theory and practice is transformation: transformation of perspective, transformation of structures, and transformation or people. Van Ness and Strong (2002:249) suggests that it begins with the individual,

> for we too have recompense to pay, reconciliation to seek, forgiveness to ask, and healing to receive ... Restorative justice is an invitation to renewal in communities and individuals as well as procedures and programs. Transformation of the world begins with transformation or ourselves.

It is the conviction or this thesis that this not only happens in community, but primarily in that community that encounters the living presence of the One who preached good news to the poor, healed the broken hearted, brought deliverance to captives and recovery of sight to the blind, liberated the oppressed, and proclaimed 'the year of the Lord's favour'; the One who continues to speak that this scripture is fulfilled: 'Today' (Luke 4:19,21b).

While restorative justice uses language akin to that used in Christian conversation, and indeed conversion, do these words have the same meaning? How can restorative justice theory and practice be evaluated from a Christian ethical perspective?

Borrowing from Zehr's term, an attempt will be made to evaluate restorative justice by looking through four lenses, namely:

- Biblical Justice, both criminal and social,
- Christian Anthropology, or its understanding of what it means to be truly human,
- Christology, or its understanding of the person and work of Jesus Christ, and
- Missiology, or its understanding of the church's mission in the world.

4.7.1 Biblical Justice, both criminal and social

Marshall (2005), identifies recognizes that coming to grips with biblical teaching on justice is no easy matter, because there are many complexities with which to deal, namely: the huge amount of data, for example the numerous texts in the Old and New Testaments which speak explicitly, and refer implicitly to justice; the diversity of the data, for example the different historical contexts and different positions taken by biblical writers in regard to criminal justice; and the distance and differences between the cultural and religious worldview of the Bible and contemporary secular society.

Added to these factors are the complexities that surround the concept of justice itself: 'What actually *is* justice? Does justice have an objective existence, or is it merely the product of social agreement? Is there an unchanging essence to justice

– such as fairness or equality or balance – or does it mean different things to different people in different settings? Where does justice come from? How is justice known? How should it be defined? What is the relationship between justice, love, and mercy?' (Marshall, 2005:4).

While raising these questions, he does not explore them in any detail, other than to state that justice is a paradoxical value. The paradox is, that on one hand, we all have 'a strong intuitive sense of what justice is' but 'what appears obvious to one person is not always obvious to others. People may agree that justice is the fundamental principle to consider, but they frequently disagree on how the principle translates into practice' (Marshall, 2005:5). Examples given are conflicting views on capital punishment, abortion, and slavery. Another example could have been apartheid; in South Africa, some branches of the Christian community found biblical justification for this political policy, while others not only denounced it as an injustice (that could not be justified), but as a heresy, a system that obscured God's self-disclosure in the Christ-event.

Justice, generally, let alone biblical justice, cannot be reduced to a simple, all encompassing definition, yet most expositions of justice seem to include at least four elements, namely: distribution, power, equity, and rights.

Justice both entails the appropriate distribution of social benefits and penalties, that is, that people get their fair share of society's goods and rewards (social justice), and that they are not subjected to punishments or penalties unless they morally deserve them (criminal justice), and involves the exercise of legitimate power, whether to arbitrate between conflicting claims (to social justice), or to impose sanctions (criminal justice). The misuse or abuse of power is therefore an injustice; requires fairness and balance; irrelevant, secondary considerations should not arbitrarily favour or disadvantage one party; and has to do with honouring rights or entitlements, especially in conflict situations, or when these are disputed. A right exists when someone has a moral or legal claim to some good, which others have a duty to respect or uphold.

'At the broadest level, then, justice entails the exercise of legitimate power to ensure that benefits and penalties are distributed fairly and equitably in society, thus meeting the rights and enforcing the obligations of all parties' (Marshall, 2005:7).

'Disputes arise' Marshall continues 'when deciding questions like these: *Who* should exercise power? What *kind* of power is appropriate? *What* benefits or penalties do particular parties deserve? What constitutes a *fair* distribution of resources...? *Whose* right takes precedence when there is a clash between the legitimate rights or claims of various groups?'

The answers given to these, and other, questions depend on many factors including one's worldview or belief system – thus justice intersects with religious understandings and meanings.

> Most philosophers now agree that the content of justice cannot be determined simply through the exercise of objective, disembodied reason. No such faculty exists. Reason does not exist in splendid isolation from the rest of human experience. Human beings can only ever think of justice...

> within the context of particular historical and cultural traditions... our reasoning, and thus our understanding of justice, is unavoidably contextual or historical in character (Marshall, 2005:7, 8).

Does this mean that justice is always subjective and relative? Marshall (2005:8) maintains that Christians can be confident, not only that justice has a real objective existence, because God exists, 'but that it is possible to know something substantial about the nature of justice, just as it is possible to know something substantial about the nature of God. And the place to learn about justice, first and foremost, is the biblical narrative of God's creative, sustaining and redeeming activity in the world'.

For the biblical writers, justice is not discovered through abstract philosophical speculation, but known primarily through God's self-disclosure in history, and the record of that revelation. In this biblical narrative, two God-initiated events stand out as unequally important in understanding God's justice, indeed the *God of justice,* namely: the *Exodus event* of liberation from slavery, and the formation of the Hebrews into a covenant community under God's law; and the *Christ event*, the coming of Jesus Christ, who also brings deliverance and inaugurates a new covenant.

Between and around these two events, the biblical writers have much to say about justice, both divine and human. Justice is one of the most recurring topics in the Bible. Although the Hebrew and Greek words – *mishpat, sedeqah, diskaiosuṇe,* and *krisis* – occur over 1000 times, many modern readers fail to recognize how pervasive the notion of justice is in the Bible. This is, in part, because these words are translated by a variety of English equivalents, some of which seem to lack any obvious connection with justice. One example of this is the term 'righteousness'; in the Bible this 'refers broadly to "doing, being, declaring, or bringing about what is right." When it is used in contexts that deal with conflict, coercion, or social distribution, it often has the force of justice or justice-making' (Marshall, 2005:11).

In modern English usage the terms 'righteousness' and 'justice' have different connotations; the former carries a sense of personal moral purity and religious piety; the latter relates to public judicial fairness and equality of rights. In biblical usage, however, righteousness includes what we mean by justice; often *sedeqah* (righteousness) and *mishpat* (justice) occur in a word-pair with virtually identical meanings: 'But let justice roll down like waters, and righteousness like an everflowing stream' (Amos 5:24 – see also Isaiah 32:1; Psalm 72: 1,2).

> Once we realize that the term righteousness belongs to the same field of meaning as justice, it becomes clear that the New Testament is no different from the Old Testament with respect to its focus on, and commitment to, the realization of justice (Marshall, 2005:12).

At least five foundations, beliefs or convictions, can be mentioned in seeking to understand 'the biblical worldview that shapes its distinctive theology of justice' (Marshall, 2005:10), namely: Shalom, Covenant, Torah, Deed-Consequence, and Atonement-Forgiveness.

Reflection on biblical justice naturally takes place within a theological and cultural worldview that is, in many ways, very different from ours. According to this, Israel

exists in a unique *covenant* relationship with God. The conditions of this covenant relationship are set out in the *Torah,* the law given to Moses and gradually unfolded and developed through succeeding generations. 'Biblical justice is therefore covenant justice ... Law, justice, and covenant are thus overlapping concepts in the Bible' (Marshall, 2005:15). Torah, by definition involves legislation, but is addressed, not to legal expects, but to the entire community and really means "instruction". It is God's means of instruction in righteousness or right-relatedness. Here we are not dealing with hard and fast regulations that had to be applied to the letter in every situation. The imperative was to 'do justice and only justice,' not simply to enforce positive legislation (Deuteronomy: 16:18-20; 17:8-13).

One example of this may be the frequent recourse in the Old Testament to capital punishment (about 20 offences carried the death penalty as opposed to 18th Century European law where there were several hundred capital crimes). The 'fact that biblical law declares that certain deeds are so serious as to be worthy of death is *not* to say that death was invariably, or even typically, exacted for actual offending' (Marshall, 2005:17). The purpose of the law is to enable Israel to experience *shalom,* that state of well-being and wholeness that God always intended for humankind in creation. In shalom, peace and justice go together. 'That justice requires peacemaking is made crystal clear in a passage from Isaiah 42 which, as we will see, seems to have been central to Jesus' sense of mission' (Marshall, 2005:13). Shalom, however, is constantly disrupted by Israel's sinful *deeds,* which bring their own *consequences.*

This raises the difficult question of the place of divine punishment in the biblical assertions about God's active, punitive intervention in human affairs. Any answer needs to be assessed in the light of the basic worldview that deeds carry their own inherent outcomes. Human actions are of consequential importance – because we are of importance to God – and we cannot escape responsibility for these. This is an essential prerequisite for human freedom, and an essential element of who God is and what God does.

God's law however, provides a means of diverting these consequences onto a sin-offering, so that *atonement* can be made, *forgiveness* experienced, and reintegration into the covenant community restored. It is this restoration rather than some act of vicarious punishment that turns away God's wrath and satisfies God's justice. 'Things have been made right again. In the New Testament, of course, it is Jesus' representative sacrificial death that serves as God's definitive means of "right-making" for human sinfulness and impurity' (Marshall, 2005:20).

This then, is 'the biblical worldview that shapes its distinctive theology of justice,' and invites us to ask: What is the distinctive shape of biblical justice? It can be said to be: an Attribute of God, an Emulation of God, and Object of Hope, a Primary Obligation, a Commitment of Action, a Relational Reality, a Partiality for the Disadvantaged, and a Restorative Activity.

Biblical justice is a complex, multi-faceted reality that relates to every dimension of human experience, and it has many different applications. Our knowledge of justice comes, not primarily through philosophical speculation, but from our knowledge of God 'through observing God's *actions* to liberate the oppressed, *and through* heeding God's *word* in the Law and Prophets to protect and care for the weak' (Marshall, 2005:25).

Created in God's image, humans are called to learn from God what justice means and to reproduce that in the world. Emulating God's justice is, therefore, the evidence of what it means to know God. Knowing God's justice and faithfulness is the foundation of a confident hope of a better future. The knowledge that the full revelation of justice remains an object of hope has two important implications for how we view the present, namely: no existing political or economic system can be regarded as the full, or even an adequate, realization of justice, therefore there is always the need for prophetic witness; and we are not meant to resign ourselves to the evils of the world, while waiting passively for God's future.

We are to work in partnership with God. 'God's coming justice is the culmination of, not a substitute for, human striving for greater justice here and now' (Marshall, 2005:29). Justice doesn't just happen, it requires commitment and struggle. 'The pursuit of justice must therefore be a primary obligation of the people of God. It is so critical, say the biblical prophets, that without a commitment to justice, all other means of worshipping God, even those commanded by God's law are bankrupt' (Marshall, 2005:30).

Justice is therefore, an essential mark of holiness, and a commitment to action. 'If justice is a personal attribute of God, and if human beings as God's image-bearers are called to emulate God's justice in the way they live ... it follows that *justice is about relationships'* (Marshal, 2005:35). This relational character of biblical justice helps to explain why the biblical writers see no tension between justice and mercy. If justice is understood primarily about relationships – and not in arithmetical or legalistic terms – 'then mercy is often the best way to get there. Mercy helps to bring about, rather than to interfere with justice. Compassionate acceptance of human fallibility is essential to the functioning of healthy relationships. Where failure occurs, justice must be seasoned with mercy, or it is not true justice' (Marshall, 2005:37).

One of the many complex, multi-faceted dynamics of biblical justice is that it requires different priorities in different settings. In some circumstances – for example when dealing with criminal wrongdoing or in arbitrating disputes between litigants – impartiality is essential, but in respect to social justice - which deals with the way wealth, social resources, and political power are distributed in society – 'a definite *partiality* is to be exhibited. A special concern or bias is to be shown for the welfare of four groups in particular – widows, orphans, residential aliens (or immigrants), and the poor' (Marshall, 2005:39). And this for two mean reasons: because some groups in the community are more frequently the victims of injustice than other groups, and, because the conditions of the impoverished, oppressed, or marginalized violate God's intentions for the world. This is not to say that the poor are automatically virtuous, or always innocent of wrongdoing, but that 'God's bias or "preferential option" for the poor is, ultimately in the interest of equity' (Marshall, 2005:41).

Arguably the term that best captures the spirit and direction of biblical justice, both social and criminal, is the word *restoration*: 'the fundamental goal of the biblical judicial system is to restore what has been damaged by the offending. Restoration is required at several levels – restoration of the victim to wholeness, restoration of the offender to a right standing in the community, and restoration of the wider society to peace and freedom from fear, sin, and pollution' (Marshall, 2005:45).

This is not to overlook the reality of punishments in the biblical legislation, but argues that these are a means to an end, not an end in itself: 'the distinctive concern of biblical justice is not to punish sinners, but to restore shalom by clarifying and dealing with the damage caused by wrongdoing. Punishment was a tool for helping to achieve this' (Marshall, 2005:48).

Biblical justice seeks to restore dignity and autonomy to those who have been unjustly deprived of access to sufficient resources in order to meet their basic needs for physical survival and human fulfilment. God's justice, shown in the liberation of Israel from slavery and her establishment as a covenant people, is the paradigm by which Israel is summoned to emulate God's justice in the way she lived in the world. Sometimes Israel honoured that call, but often she failed, experiencing a series of historical catastrophes in consequence. The Sabbatical and Jubilee Years were given to Israel, both as liturgical signs and social witness to remind them of God's gracious initiative in the Exodus event. Israel, the servant of Yahweh, liberated from slavery and returning to God, became the paradigm for the liberated slave to return to his/her inheritance in the Sabbatical or Jubilee years. Israel, thus liberated by the Lord, is called to behave towards others, as God has acted towards them, for this is part of what it means to be holy. Israel's neglect and abuse of these directives was seen to be a primary cause of the Exile insofar as it was seen to be a violation of social justice (2 Chronicles 36:21). Out of this, grew the hope 'that one day in the future, God's liberating justice would manifest itself on earth in a new way, restoring Israel's fortunes and renewing all creation' (Marshall, 2005:49).

'In the New Testament, Jesus presents the fulfilment of this biblical hope. Jesus incarnates the justice of God. In him, justice moves from heaven to earth in a new and dramatic way. For the New Testament authors, Jesus is "the just one" whose life, death, and resurrection constitute the definitive revelation of God's justice on earth ... Christians, therefore, can learn most about justice from examining the life, teaching, and actively of Jesus' (Marshall, 2005:49).

Aware 'of the longstanding biblical expectation that one day God would "raise up for David a righteous Branch [to] execute justice and righteousness in the land" (Jeremiah 23:5; Isaiah 9:2-7, 11:1-5, 61:1-9) ... Jesus deliberately evoked this messianic expectation by defining his own mission in terms of bringing justice to the oppressed' (Marshal, 2005:50). In his ensuing ministry, Jesus enacted this mission statement namely: "to bring good news to the poor ... to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favour" (Luke 4:18b, 19), that is, to announce the Jubilee Year.

Jesus' proclamation of the Kingdom of God impinged directly on the major dimensions of social and political life: the use of wealth and power, the exclusion of the weak and disadvantaged from full participation in community, and the use of violent means either to protect the unjust status quo, or to overthrow it and bring in a new dispensation of religious, political, and military power. Jesus' strategy was a two-fold one, namely 'by a prophetic denunciation of the injustices and social evils of the surrounding society on the one hand, and by a calling together of an alternative society to live out the reality of God's kingdom on the other' (Marshall, 2005:53).

This is evident in at least four major areas of social life addressed by Jesus, namely: a rejection of social discrimination; a critique of economic injustice; a mistrust of institutional power; and a repudiation of war and violence. Added to this was a call for individual and communal repentance, and the challenge of a new ethic for his followers. In this community, the weak are to be honoured, wealth is to be justly distributed, leadership is to take the form of servanthood, and the way of nonviolent peacemaking is to prevail. 'Seeking to live in accordance with the vision of the coming reign of God's justice is to be the supreme concern of its existence (Matthew 6:33)' (Marshal, 2005:63).

Jesus' rejection of the three existing options in regard to the status quo – namely the *revolutionary option of* the Zealots, who sought to bring in the kingdom by military force, the *withdrawal option* of the Essenes, who sought purity in distancing themselves from the corruption of surrounding society while they waited for God to act, or the *establishment option* of the Temple rulers, who sought to make the best of a poor situation by collaborating and compromising – did not spare *him from* suffering a violent death himself. 'So threatened were those in positions of power by Jesus' message of radical love under the rule of God that they conspired to kill him' (Marshall, 2005:61).

In the New Testament, the death of Jesus is depicted as *both* a hideous example of human injustice *and* a demonstration of God's saving justice, and both dimensions need to be held together in dynamic tension. The injustice dimension is underlined in many texts, yet 'Jesus' death is presented as more than an act of brutal injustice. It is also portrayed as the means by which God's saving justice defeats the power of sin and death ... In the person of Jesus, God entered fully into the experience of alienated humanity in order to break the power of evil that locks the human race into the endless cycle of violence and counter-violence. On the cross, Jesus absorbed in his own bodily experience the full impact of human sinfulness. "He himself bore our sins in his body on the cross, so that, free from sins, we might live for righteousness" (1 Peter 2:24)' (Marshall, 2005:62).

On the cross, 'Jesus reversed the logic of evil, thus crippling its power. He died a violent death. But God raised him from the dead, demonstrating that God's power [demonstrated in weakness] is greater even than the annihilation of death that comes from the exercise of violence. Jesus' resurrection serves as the objective evidence that evil has been defeated, and a new form of human existence has been initiated' (Marshall, 2005:63).

Just as the stakeholders/role-players in a restorative approach to justice include the victim, the offender, and the community, so too these three, plus God, play a role in the biblical approach to justice, which is best captured by the word *restoration.*

Marshall's concise comments on the role of punishment, both its role and its intention, in *doing justice* is helpful in the ongoing debate within restorative justice circles about restraint, cohesion, and punitive justice. Further, he establishes a sound foundation for theological reflection on the dynamic, rather than the static aspects, of Torah, or law, as God's means of instruction in righteousness or right-relatedness. If the biblical imperative is to *do justice and only justice,* this seems to invite an ongoing dialogue with the Bible, one that allows us to hear what "the Bible says" in a way that moves us beyond hard and fast regulations that must be enforced to the letter in every situation. It is an invitation to know God and to learn

about the meaning of justice; it is an invitation to love God and to participate in God's great mission to restore justice in the world,

> To strive for the justice of God's kingdom is to pursue "what makes for peace." The pursuit of justice is also what builds up the mutual bonds of *community* and brings joy in the Holy Spirit. For biblical justice is, finally a joyful justice, not a grim justice. It is joyful because it restores, heals, and makes things right' (Marshall, 2005:64).

4.7.2 A Christian Anthropology, or view of what it means to be truly human

A biblical view of human nature is at once optimistic and pessimistic; it sees humanity as a complex mixture of good and evil, strength and weakness, with the capacity to be hurt and to hurt, to forgive, yet needing forgiveness. Above all a Christian anthropology understands humanity as existing to glorify God, *and* to share in that glory. Thus, it can be viewed (again to use Zehr's terms) through a number of lenses, among them, humanity as: *Reflecting the* ***imago Dei***, the image or likeness of God; *Fallen or affected/effected by sin*; and *Destined to reflect and share in God's glory.*

Humanity: Reflecting the *imago Dei*, the image or likeness of God

In the complementary accounts of Genesis one and two, human persons are seen to be 'in the image of God ... created male and female' (Genesis 1:27), yet 'formed ... from the dust of the ground' (Genesis 2:7), dust into which God breathed 'the breath [*ruach*] of life' What does the *imago Dei* mean? It means that to be human is to be a cognitive, an affective, a volitional, *and* a relational being. Whatever else the image of the Triune God means, it means the capacity to love and to be loved. It means that our sense of being (identity), belonging (acceptance and security), and our doing (purpose), are all lived out in a network of relationships: our relationship with God, others and self – and indeed with the environment.

Unlike Descartes, Christian anthropology does not say: *Cogito ergo sum* – I think therefore I am. Nor does it say: I feel, I choose, or I act, therefore I am. Rather, it says: I relate, therefore I am. This biblical sense of being, belonging, and doing is echoed in the African concept of *ubuntu* – because of others, I am. It is humanity living and growing in love, in human community that reflects the image of God who is love. This God *is* and *does* within a mysterious relationship of community-in-unity that orthodox Christian theology attempts to describe, but never to define, as the Trinity: the fellowship of Father, Son, and Holy Spirit. This fellowship is both the source and the goal of humanity, namely the love of God, or the God of love.

One of the many facets or characteristics of this love is the gift of human freedom, the freedom to accept, reject, or simply to take for granted this love.

Humanity as fallen, or affected/effected by sin

Whether the story of the Fall of Humanity recorded in Genesis chapter three is taken as a literal truth, or as truth at another level presented in narrative form, is probably less important than it continues to be in the Bible versus Science debate. What is important is that to be human is to have the power of choice (even if that is a limited power), and that human choices have consequences that affect and effect all our relationships. The orthodox doctrine of sin attempts to describe this reality. The primary (ultimate?) consequence of sin, is judgement, and judgement has

consequences for all our relationships: God, others, ourselves, our work, our environment, and of course politics and economics. It could be argued that the consequences *is* the judgement, but this is not to suggest some impersonal cause-and-effect mechanism that works independently of a just God, rather it is God who ensures the operation of the process in the first place.

A reverent and intimate relationship with God is affected and effected by separation, guilt, and fear of judgement. Human relationships, including the most intimate sexual relationships, are affected and effected by power dynamics, including dominance and control, and various forms of abuse, including exploitation and manipulation. The relationship with the environment shifts from one of faithful stewardship to that one of exploitation, greed, neglect, indeed everything that could be called the rape of the earth, that ecological irresponsibility that threatens human existence on this planet.

The biblical concept of sin, therefore, is less a violation of rules and regulations, than it is a violation of relationship: God, individual others (their rights, dignity, freedom, property, wellbeing or life), the community (its essential harmony or shalom), other communities or nations, the environment, and ourselves as created in the likeness of God.

Without doubt, there is an ethic of punitive justice in the Scriptures, especially, but not exclusively in the Old Testament – for sin is serious and must be taken seriously – but these are also an ethic of forgiveness, reconciliation, reintegration, and restoration.

Much of the sacrificial system is concerned primarily with healing the breach caused by sin, the breach between God and persons, or between persons and persons, and offering a new beginning, and a new future. Judgement, though often experienced as punitive, is discovered, again and again, as redemptive and restorative in intention and effect. Indeed the whole biblical notion of atonement is about *making one* again, about reconciliation, and the restoration of relationships within the covenant community.

The message of the New Testament is that through faith in Jesus Christ, God initiates a new covenant with Jews and Gentiles alike.

> But now a righteousness from God, apart from law, has been made known, to which the Law and the Prophets testify. This righteousness from God comes through faith in Jesus Christ to all who believe. There is no difference [between Jew and Gentile], for all have sinned and fall short of the glory of God, and are justified freely by his grace through the redemption that came by Christ Jesus. God presented him as a sacrifice of atonement, through faith in his blood. He did this to demonstrate his justice, because in his forbearance he had left the sins committed beforehand unpunished – he did it to demonstrate his justice at the present time, so as to be just and the one who justifies those who have faith in Jesus (Romans 3:21-26).

Humanity: Destined to share in God's glory

Not only has humanity sinned and fallen short of God's glory, we are destined to reflect, and share in, the glory of God. This God accomplishes in and through Jesus Christ – who he is, and what he does.

> His divine power has given us everything we need for life and godliness through our knowledge of him who called us by his own glory and goodness. Through these he has given us his very great and precious promises, so that through them you may participate in the divine nature and escape the corruption in the world caused by evil desire (2 Peter 1:3, 4).

In the Orthodox or Byzantine tradition this is referred to as *theosis* – deification.

> It refers to the way in which God stoops down to history in the incarnation (*katabasis*) in order to lift up his creatures to transcendent union with God (*anabasis*). Athanasios of Alexandria expressed the idea classically by saying: 'The Word became man that we might become god.' For the Byzantines, to become god, or become divinised, meant to arrive at such an association with God's presence that the person entered into communion with God by grace. The phrase is deliberately used by Byzantine spiritual writers because it is so stark and shocking in its connotations. It always has to be understood correctly by means of two constant presuppositions: (a) that the gift of divine communion is initiated at God's invitation, and (b) that it is a deification by grace that immortalizes the soul because of its nearness to the Lord who is the source of its life. These two ideas radically separate off the Byzantine notion of deification from pagan uses of the term, and also show it to be a notion corresponding to the western term 'grace', though a far more dynamically conceived system of redemption (McGuckin, 2001:171,172).

'*Theosis* is no less, and no more, than falling down and getting back up, starting anew. If our eyes enjoy the vision of God (the mystery of becoming God), then it is because our tears can express the beauty of humanity (the mystery of being human)' (Chryssavgis, 2004:76).

4.7.3 Christology: a Christian view of the person and work of Jesus Christ

Christology is the attempt to understand the revelation of God in the person and work of Jesus Christ i.e., who he is and what he has done, is doing, and will do. It is foundational to understanding the ethical implications of Christian discipleship, the life that has heard, and chosen to respond to, the call of God in Christ.

Again, orthodox or classical Christian theology states that Jesus of Nazareth is truly God and truly human. He is both the image of God, and the image of what it means to be truly human. And again to use Zehr's term, Jesus is a bi-focal lens through which we see what God is like, and through which we see ourselves as God sees us i.e., we see both our fallenness in comparison to Christ, and our ultimate destiny in him. Christian understandings of holiness, perfection, or *theosis* may vary, but they all share in the common hope of Christ-likeness.

In the Johannine Christological vision it is stated thus:

> In the beginning was the Word, and the Word was with God, and the Word was God. He was with God in the beginning.

> Through him all things were made; without him nothing was made that has been made. In him was life, and that life was the light of [humanity] ...
>
> The Word became flesh and made his dwelling among us. We have seen his glory, the glory of the One and Only, who came from the Father, full of grace and truth ...
>
> From the fullness of his grace we have all received one blessing after another. For the law was given through Moses, grace and truth came through Jesus Christ. No one has ever seen God, but God the One and Only, who is at the Father's side, has made him known ...
>
> ... to all who received him, to those who believed in his name, he gave the right to become children of God – children born not of natural descent, nor of human decision or a husband's will, but born of God (John 1:1-4, 14, 16-18, 12, 13).
>
> That which was from the beginning, which we have heard, which we have seen with our eyes, which we have looked at and our hands have touched – this we proclaim concerning the word of life. The life appeared; we have seen it and testify to it, and we proclaim to you the eternal life, which was with the Father and has appeared to us. We proclaim to you what we have seen and heard, so that you also may have fellowship with us. And our fellowship is with the Father and with His Son, Jesus Christ. We write this to make our joy complete (1 John 1:1-4).

Thus the proclamation 'of the gospel about Jesus Christ, the Son of God' (Mark 1:11) is always relational in its purpose; it is also transformational: 'Dear friends, now we are children of God, and what we will be has not yet been made known. But we know that when he appears, we shall be like him, for we shall see him as he is' (1 John 3:2).

In the Pauline Christological vision it is stated thus:

> He is the image of the invisible God, the firstborn over all creation. For by him all things were created: things in heaven and on earth, visible and invisible ... all things were created by him and for him. He is before all things, and in him all things hold together. And he is the head of the body, the church; he is the beginning and the firstborn from among the dead, so that in everything he might have the supremacy. For God was pleased to have all his fullness dwell in him, and through him to reconcile to himself all things, whether things on earth or things in heaven, by making peace through his blood, shed on the cross (Colossians 1:15-20).

Again, it is both relational and transformational, for in Christ God:

> chose us ... to be holy and blameless in his sight. In love he predestined us to be adopted ... through Jesus Christ ... In Him we have redemption through his blood, the forgiveness of sins, in accordance with the riches of God's grace that he lavished on us will all wisdom and understanding. And he made known to us the mystery of his will ... which he purposed in Christ, to

> be put into effect when the times have reached their fulfilment – to bring all things in heaven and on earth together under one head, even Christ.
>
> In him we were also chosen ... in order that we, who were the first to hope in Christ, might be for the praise of his glory. And you also were included in Christ when you heard the word of truth, the gospel of your salvation. Having believed, you were marked in him with a seal, the promised Holy Spirit, who is a deposit guaranteeing our inheritance until the redemption of those who are God's possession – to the praise of his glory (Ephesians 1:4-14).

Or, more briefly still: 'For in Christ all the fullness of the Deity lives in bodily form, and you have been given fullness in Christ, who is the head over every power and authority' (Colossians 2:9, 10). And, of course, as Paul never fails to state, this has both ethical and transformational implications. Redeemed humanity, along with the rest of creation groans in hope, the hope 'that the creation itself will be liberated from its bondage to decay and brought into the glorious freedom of the children of God. We know that the whole creation has been groaning as in the pains of childbirth right up to the present time. Not only so, but we ourselves, who have the first fruits of the Spirit, groan inwardly as we wait eagerly for our adoption....the redemption of our bodies' (Romans 8:21-23).

In the Petrine Christological vision it is stated thus:

> His divine power has given us everything we need for life and godliness through our knowledge of him who called us by his own glory and goodness. Through these he has given us his very great promises, so that through them you may participate in the divine nature and escape the corruption in the world caused by evil desires (2 Peter 1:3,4).

These promises also include hope for the transformation of creation for 'in keeping with his promise we are looking forward to a new heaven and a new earth, the home of righteousness' (2 Peter 3:13). Again there are both transformational and ethical implications.

Finally, Christology cannot be understood without reference to mission, for it is concerned both with who Jesus is and with what he does. And this mission, Jesus shares with his disciples, his church in every generation.

4.7.4 Missiology: A Christian view of the church's mission in the world.

The gospel of John (20:19-23) presents Jesus as the evening of the Resurrection coming to his disciples and addressing them thus: "Peace be with you! As the Father has sent me, I am sending you ... Receive the Holy Spirit. If you forgive anyone his [or her] sins, they are forgiven; if you do not forgive them, they are not forgiven." Thus the mission of the church is not a separate mission from that of Jesus: it is a sharing in the *missio Dei*, a mission that both originates, and is consummated in the heart of the Triune God, namely 'to bring all things in heaven and on earth together under one head, even Christ' (Ephesians 1:10b).

Christ's mission is effected in his incarnation, proclamation of "the year of the Lord's favour" (Luke 4:19), suffering, atoning death, resurrection, and ascension. It is continued through the ministry of the Holy Spirit whom he sends to be *with*, *in* (John

14:16, 17), and *upon* his disciples, equipping them to be his "witnesses in Jerusalem in Judea and Samaria, and to be ends of the earth" (Acts 1; 8). That mission can be understood in many ways, but it is primarily one of reconciliation, for as stated above the *missio Dei* is 'to bring all things in heaven and earth together under one heard, even Christ' (Ephesians 1:10b).

> For Christ's love compels us because we are convinced that one died for all ... And he died for all, that those who live should no longer live for themselves but for him who died for them and raised again.
>
> So from now on we regard no one from a worldly point of view ... Therefore, if anyone is in Christ, he [or she] is a new creation; the old has gone, the new has come! All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting [humanity's] sins against them. And he has committed to us the message of reconciliation. We are therefore Christ's ambassadors, as though God was making his appeal through us – we implore you on Christ's behalf: Be reconciled to God. God made him who had no sin to be sin for us, so that in him we might became the righteousness of God.
>
> As God's fellow-workers we urge you not to receive God's grace in vain. For he says,
>
> "At the time of my favour
> I heard you,
> And on the day of salvation
> I helped you."
>
> I tell you, now is the time of God's favour, now is the day of salvation (2 Corinthians 5:14 – 6:2)

4.8 Conclusion

Given that restorative justice's language is often akin to that used in Christian conversation and conversion, can it be evaluated from a Christian ethical perspective? If a hallmark of restorative justice is transformation: the transformation of perspective, structures, and persons – how can this be evaluated from a Christian ethical perspective?

In a previous chapter: *Reconciliation: The South African Truth and Reconciliation Commission's contribution to dealing with the past, reconciling and building the nation*, it was stated that a Christian definition of reconciliation needs to include specific assumptions of a theological anthropology; that is, it will need to attend to its presuppositions about God, the human person, and the community, for only in relation to God and others can the individual be properly understood. In Christian terms reconciliation involves *metanoia* – repentance: a turning away from something and a turning towards someone. It may also include reparation or restitution, and it certainly seeks the restoration of relationships: restoration with God, and through God's grace, restoration with self, others, the community, and creation. Such reconciliation anticipates the unity of all creation in Jesus Christ.'

The same can be said about a Christian definition of transformation; it too must include specific assumptions of a theological anthropology.

It is argued here that restorative justice – seen through the lenses of biblical justice, anthropology, Christology, and Missiology – can be viewed and owned as a Christian ethical response to crime. Restorative Justice is a response to crime, which takes healing, reconciliation, reparation and restitution, and restoration seriously – and this by taking justice seriously.

It is further argued that restorative justice is a response to crime, which seeks to hold together in creative and redemptive tension, the Gospel imperatives of grace and truth, love and law, and mercy and justice.

The goal of restorative justice is integration: the integration of victims and offenders, and of both with their communities, and this is facilitated by:

- Acknowledging human dignity and worth,
- Providing material assistance, and
- Offering moral and spiritual guidance.

Government agencies are limited in giving spiritual direction. It is the view of this thesis that the Christian community with its view of human nature (anthropology), understanding of the person, work (Christology), and mission (missiology) of Jesus Christ, a mission shared with his church in every time and place, is both called and equipped to:

- *Acknowledge*, affirm and celebrate the dignity and worth of each human being as created *imago Dei*, in the image of God,
- *Mobilise* the church's resources in fulfilment of it's mission, and
- *Offer* moral and spiritual direction, the promise of forgiveness and reconciliation, and the hope of individual and community healing and transformation.

The values of restorative justice, as the name suggests, are highly restorative, and whatever else this means, it means that restorative justice recognises the persons involved, and not just the laws implicated. Such recognition is inherently transformational, i.e., it transforms rather than merely reforms the nature of the justice processes and our expectations of the outcome of those processes. A hallmark of restorative justice then, should be transformation, the metamorphosis needed to bring a restorative justice system into reality would involve transformation at these three levels, namely: transformation of perspective, transformation of structure, and transformation of persons.

It is here, that the church, often perceived as a marginalising community rather than as an integrating and inclusive community, has the potential to be a major agent for the transformation of persons, perspectives, and structures, as well as for the reintegration of both victims and offenders. It has this potential despite a history of: relegating this responsibility to law and order agencies, and a preference for law

which punishes (retributive justice), rather than for grace which restores (restorative justice).

Why does the church/Christian community have the potential to be a major – perhaps *the* major – agent for reintegration both of victims and offenders into the community, not just as whole, contributing, and productive members, but also for reinforcing 'the values and resiliency of the community' (Van Ness and Strong, 2002:121)? -

The call or mission of the church/Christian community to a society traumatised by crime is to:

- Lead people to the realization that the key to true justice is found in the recognition and honouring of human relationships The church has the resources to effect this *transformation of perspective*;

- Take a stand for restorative justice principles and to ensure that all three stakeholders i.e., victims, offenders, and the community are objects of holistic evangelism, enabled to hear the good news of God's forgiving, redeeming, and transforming love so that:

  - Victims can see the future in terms of healing and wholeness,

  - Offenders can take responsibility and make amends for their crime, and also see the future in terms of reintegration into society and the building of holistic relationships and,

  - Communities can support victims, help integrate offenders, build relationships, and prevent or reduce recidivism.

  The church has the resources to effect this *transformation of persons;*

- Buy into the criminal justice fraternity and thus ensure that crime and legal disputes are addressed with the process guided by relationship values. The church has the resources to effect this *transformation of structure;,* and

- Facilitate the experience of brokenness in the service of empowerment both to victims and offenders, and indeed to South African communities.

  People can then find that the same experience that caused brokenness can now serve as a source of strength both to themselves and to others. This is the kind of approach we need to implement in criminal justice practice, if we are to have any hope of combating crime and vigilantism. If crime wounds, then justice must heal (Mangane-Tshabalala, 2003:3).

  The church has the resources to effect this *transformation of perspective.*

The church, in terms of its structures and people – formal and informal, institutionalised and spontaneous – has the resources to effect this *transformation of perspective, structures, and people*. Indeed, *this* is the mission of the church.

Thus a Christian-ethical evaluation of restorative justice challenges the church to think about and do justice differently, namely in terms of proclaiming the Jubilee.

While acknowledging the many socio-economic contributors to the high crime levels, Christians cannot deny that people are genuine moral agents, real people making real choices - although sometimes these may be limited. Therefore the moral dimension must of necessity transcend social forces (Colson and Pearcey, 1999, 28). Recognizing that internal change is necessary before external change can be effected, the next chapter will look at restoring the moral values necessary, and this by offering a spirituality of reconciliation, healing, and transformation of the local church in South Africa.

Chapter 5

Restoring Moral Values: Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church in South Africa.

5.1 Spirituality: A General Introduction.

'Spirituality' is a word that is commonly used yet difficult to define. Concerning its precise subject matter, many theologians have particular suspicions, some of which are rooted in a long separation between theology and spirituality. This separation has led to the interpretation that the former is concerned with the intellectual, and the latter with the devotional aspects of Christianity. Other suspicions are rooted in spirituality's apparent desire to cross all kinds of disciplinary boundaries; its apparent claims to unlimited recourses (for example, historical, theological, philosophical, psychological, and anthropological); and its inability to define its own methods very precisely.

> As a matter of fact, significant attempts have been made by scholars in recent years to provide a coherent definition and methodology from both a theological and historical standpoint. As an area of study and reflection, spirituality is emerging more clearly as interdisciplinary but with a special relationship to theology. It is concerned with the specifically 'spiritual' dimension of human existence (Sheldrake, 1998:33, 34).

While it is useful to reach some general definition of the term, especially for the purpose of conversation between faith and between disciplines, overall, generic definitions have severe limitations. The way we understand the concept is ultimately dependant on quite specific religious perspectives.

> *In Christian terms, 'spirituality'* concerns how people subjectively appropriate traditional beliefs about God, the human person, creation, and their interrelationship, and then express these in worship, basic values and lifestyle. Thus, spirituality *is the whole of human life viewed in terms of a conscious relationship with God, in Jesus Christ, through the indwelling of the Spirit and within the community of believers*. As a field of study, 'spirituality' examines this dimension of human existence from a variety of standpoints of which the theological, historical and phenomenological are the most common (Sheldrake, 1998: 34, 35 - emphasis added).

While Christian spirituality embraces the whole of human life lived in 'the fellowship of the Holy Spirit' (2 Corinthians 13:14b), and has many traditions, Sheldrake (1999:10), maintains that:

> their source [is] in three things. First, while drawing on ordinary experience and even religious insights from elsewhere, Christian spiritualities are rooted in the scriptures and particularly in the gospels. Second, spiritual traditions are not derived from abstract theory but from attempts to live out gospel values in a positive yet critical way within specific historical and cultural contexts. Third, the experiences and insights of individuals and groups are not isolated but are related to the wider Christian tradition of beliefs, practices and community life. From a Christian perspective, spirituality is not

> just concerned with prayer or even narrowly religious activities. It concerns the whole life.

In the West, what today is called 'spirituality', and used to be called ascetical and mystical theology, began as an undifferentiated reflection on Christian sources and their application. From the patristic period until the development of the 'new theology' of scholasticism around the twelfth century theology was a single enterprise.

> To be a theologian meant that a person had contemplated the mystery of the incarnation and possessed an experience of faith on which to reflect. Theology was always more than an intellectual exercise. Knowledge of divine things was inseparable from the love of God deepened in prayer. For Augustine (*De Trinitate*, Books XII – XIV), God is known not by *scientia* but by *sapientia* – that is to say, not by objectification and analysis but a contemplative knowledge of love and desire. Patristic theology was not an abstract discipline separated from pastoral theory and practice ... Thus, theology was a process, on different levels, of interpreting Scripture with the aim of deepening the Christian life in all its aspects (Sheldrake, 1998:36, 37).

Scholasticism could be said to have resulted in a divorce between theology and, what today is called, spirituality. This was not the case in the Eastern Orthodox tradition which:

> continued to follow the patristic model of 'mystical theology'. This synthesised ethics, spirituality and doctrine. Orthodox theology may be defined as a spirituality that expresses a doctrinal attitude. In a sense, doctrine has priority and lends to practice as a natural outcome. Yet, theology itself is inseparable from contemplation and is mystical in that its overall aim is to show forth the divine mystery. True theologians are those who experience the content of their theology. On the other hand, mystical experiences, while personal, are nevertheless the working out in an individual of a faith that is common to all (Sheldrake, 1998:37, 38).

In recent decades a major shift has taken place in western theology; this shift "has been from a more deductive, transcultural theology towards serious reflection on experience of God in its particular and plural cultures. In harmony with this shift, and partly provoked by it, understanding of the Christian life have also changed. 'Spiritual theology' has given way to a more dynamic and inclusive concept known as 'spirituality'" (Sheldrake, 1998:55). As a consequence, the separation or divorce noted at the end of the Medieval period and reinforced by the Enlightenment has begun to break down.

Sheldrake makes four observations:

- Christian Spirituality is not limited to elites, and 'has broadened beyond attention to a limited range of phenomena, for example mysticism, to include reflection on the values and lifestyles of all Christians' (Sheldrake, 1998:56). This term has gained ecumenical acceptance 'and so studies of it tend to draw on the riches of a shared Christian heritage rather than limit themselves to sectarian understanding of life in the Spirit';

- Christian Spirituality has become more fruitfully associated with mainline theology and biblical exegesis. 'This is associated with a renewed theology of grace and of the human person. In some cases, reflection on experience, and the question of the relationship between experience and tradition, has become the heart of theological method'. Interesting to note; the Wesleyan approach to *doing* theology – or reflecting on Christian sources and applying them – has engaged the 'Wesleyan quadrilateral' namely; scripture, reason, tradition, and experience. 'One specific area where there is a fruitful dialogue is in the interrelationship between spirituality and moral theology', now more commonly called ethics.

  Nowadays, moral theology focuses more on who people *are* rather than just being concerned with what they *do*. Spirituality and moral theology thus find a common language in a renewed theological anthropology and understanding of grace, increasingly acknowledging the basic unity between the moral and the spiritual life. The focus is on what enables a person to become truly human within a commitment to Christ and aided by the action of grace (Sheldrake, 1998: 57).

  Yet spirituality and ethics are not totally synonymous. While spirituality, in its widest sense, includes the whole of a person's or group's spiritual experience or orientation, and therefore may include behaviour and the attitudes that underlie it, it cannot be reduced to that;

- "Christian spirituality is not so much concerned with defining 'perfection' in the abstract as with surveying the complex mystery of human growth in the context of dynamic relationships with God" (Sheldrake, 1998:58); and

- Christian spirituality is never abstract or pure in form but is lived out in a context, and indeed is shaped by that, even as it seeks to reshape or transform that context. Further, that context has become much more fluid in recent decades.

  In Christian terms, spirituality, concerns not only some other life but simply human life at depth. What this means arises from what Christian revelation and tradition suggest about God, human nature and the relationship between the two. Christian spirituality derives its specific characteristics from certain fundamental beliefs, e.g. Christianity affirms that human beings are capable of entering into a relationship with God that is lived out within a community of believers sustained by the presence of the Holy Spirit. 'Put briefly, Christian spirituality exists in a framework that is Trinitarian, pneumatological and ecclesial' (Sheldrake 1998:61).

'The challenge to Christian spirituality', then 'is to show how its vision of God may contribute powerfully to the desire to find communion with others, express compassion for others and transform the world' (Sheldrake, 1998:202).

In 2 Corinthians 5:11 – 6:2, the Apostle Paul speaks of both a ministry and a message of reconciliation. It can therefore be concluded that a ministry of reconciliation presupposes a spirituality of reconciliation. Here we are looking at cultivating a spirituality of reconciliation, healing, and transformation in post-apartheid South Africa, which would mean making these a lifestyle rather than a

series of programmes or initiatives, yet remaining concrete, practical, and accountable.

5.2 Spirituality: A Journey with Henri J.M. Nouwen for Developing a Spirituality of Reconciliation, Healing, and Transformation for the Local Church.

Reconciliation, healing, and transformation in Christian terms are less a series of programmes or initiatives, than they are a spirituality, a way of being transformed in Christ by the Holy Spirit, in community, for the sake of others. It is not just an inner journey, for to be considered a Christian spirituality, it must take on an incarnational form. Some practical aspects of this will be examined in Chapter 6: Taking responsibility for reconciliation: An examination of some practical Christian ethical responses and initiatives that could place the Christian community in the forefront of this healing process. Here the concern is with cultivating a spirituality of reconciliation, healing, and transformation. This raises the question (amongst others): What spiritual disciplines are called for in cultivating such a spirituality? This thesis seeks to engage with the life, ministry, and message of Henri J.M. Nouwen in an attempt to offer answers with the potential of facilitating healing and hope in South Africa.

Nouwen (1932-1996) is, according to statistics, 'the most widely read writer in the English-speaking world in the area of Christian spirituality' (Beumer, 1999:129). It is not primarily for this reason that Nouwen is chosen to be a guide, or better still, a companion on the quest to find answers to the questions: what might a spirituality of reconciliation, healing, and transformation look like, and what spiritual disciplines does such a spirituality call for? Nevertheless, the statistics are surely not without significance! What answers is Nouwen giving, or maybe more significantly; *what questions is he asking?*

In the midst of escalating Cold War tensions in the 1980s, Nouwen wrote: *Peacework. Prayer, Resistance, Community*. Although not published in full until 2005 – nine years after his death – it might prove to be his most prophetic book. Nouwen's own spiritual journey could be said to have consisted of three intersecting movements: it was a journey *inwards, outwards,* and *upwards*; it was a movement towards *self, others* and *God*.

It is not the intention here to force this three-fold schema into the above three dynamics in peacemaking, nevertheless it might be helpful to look at Nouwen's contribution to developing a spirituality of reconciliation, healing, and transformation within another three-fold schema, namely the relationship between: his Christology; his spirituality; and his social ethic.

Nouwen has been, and continues to be, the subject of growing interest, both academic and popular, in North America, England, and to a lesser extent in Europe (especially in his native Holland), but little or nothing seems to have been attempted in Africa or South Africa as yet. It is suggested that Nouwen's contribution to developing a Christian social ethic in the African or South African context is material for even further academic research.

This section, therefore, will examine the relationship between Henri Nouwen's:

- Spirituality,.
- Christology, and
- Social ethic.

Before that, however, it might be appropriate to ask: Why Nouwen? It is hoped that the answer, or answers, to that question, will unfold as Nouwen's spirituality, Christology, and social ethic are explored. For those wishing to locate the message in the life of the messenger, a brief biography of Henri J.M. Nouwen is presented as APPENDIX 2.

5.2.1 Nouwen's Spirituality: Living With Jesus at the Centre

Faced with the hash reality of our world, a world in which human lives seem to count for nothing, a world where hunger, HIV/AIDS, violence, corruption, oppression, and discrimination appear to be the order of the day, there seems to be two choices (or temptations) among many. Refuge is sought in either:

- Cynicism, possibly the outcome of a disillusioned idealism, which no longer expects anything better from, or for the world, new political dispensations, or even people, and therefore has lost hope, or
- Pseudo-mysticism, a world-denying spirituality which projects its hope into another world or a future world, but also expects nothing better in the present or in the immediate future.

Both share a common loss of hope for the future, no expectation of transformation in, and with it, an abdication of personal responsibility and engagement with the present.

Nouwen proposes a spirituality that 'does not accord with these two means of escape, neither with the secular form (cynicism) nor with the Christian form (unearthly spirituality) ... his spirituality is deeply imbued with ethics ... it possesses a strong twofold quality of intimacy and solidarity' (Beumer, 1999:122). His way of looking at the world scene is not analytical but meditative or contemplative. He does not use rational analysis, not that this is unacceptable or unimportant for he was always eager to become acquainted with the analysis of ethicists, politicians, and sociologists. His interest arose from another perspective; the personal and the religious.

Personal, for Nouwen, however does not mean private: for him what is the most personal is also the most universal. This statement frequently repeated came originally from Carl Rogers: 'What is most personal is most general' (Beumer, 1999:123). Personal for Nouwen meant neither the interior nor the exterior life, but a critical balance between interiority and exteriority. In *Creative Ministry* (1972), he 'expounds on the vital link between contemplation and ministry in this way: "To contemplate is to *see* and to minister is to make visible. The contemplative life is a life with a vision and the life of a ministry is the life in which this vision is revealed to others"' (Hernandez, 2006:51).

Never a household name, yet at the time of his death he could be counted as one of the most popular Catholic writers anywhere, and not only by Catholics, or English speakers, but by every sort of Christian worldwide. When First Lady, Hillary Clinton, was asked by Oprah Winfrey to recommend a *single* book to her "O" magazine readers, she chose a Nouwen title that she said had lifted her through her darkest hours in the White House (O'Laughlin, 2005a:1).

He was a man with a peculiar ability to befriend others, and was able to connect on a personal level to literally hundreds, and even thousands of people. As a priest, he embodied the Catholic theory of priesthood in the words *alter Christus*; 'he was also a man of sorrows walking his own personal *via dolorosa*' (O'Laughlin, 2005a:7); a gifted man, yet one who was restless, uncertain, and occasionally even unable to cope – 'uniquely gifted but also uniquely needy' (O'Laughlin, 2005a:8); a man, a writer, a priest, and a spiritual friend and guide to many, loved and widely appreciated at the time of his death.

Since his death and even before, a small flood of books, either about him or based on his writings, as well as anthologies of his writings have appeared. In addition, there have been articles, films, seminars, retreats, and an international teleconference. In the United States, Canada, the Netherlands, and even Chile, there are now Henri Nouwen societies. There is a Henri Nouwen Literacy Centre. Anyone attempting to write a biography 'must have a good background in theology, psychology, and spirituality, and must be able to keep these different perspectives in balance' (O'Laughlin, 2005a:10).

Among Nouwen's biographers are: Jurjen Beumer, a fellow Hollander and Protestant pastor, *Henri Nouwen, A Restless Seeking For God* (1996); Michael Ford, *Wounded Prophet, A Portrait of Henri J.M. Nouwen* (1999); Robert Jonas, *Henri Nouwen* (1998); and Michael O'Laughlin, *God's Beloved, A Spiritual Biography of Henri Nouwen* (2004), and *Henri Nouwen, His Life and Vision* (2005). In 2000 Deidre La Noue's doctoral thesis (Dallas University) appeared in book form entitled *The Spiritual Legacy of Henri Nouwen*.

Rolheiser dedicated his book, *The Holy Longing: The Search for a Christian Spirituality* (1999) to Nouwen:

> [He was] our generation's Kierkegaard. By sharing his own struggles, he mentored us all, helping us to pray while not knowing how to pray, to rest while feeling restless, to be at peace while tempted, to feel safe while anxious, to be surrounded by a cloud of light while still in darkness, and to love while still in doubt (O'Laughlin, 2005a:13).

Nouwen's gift was the ability to speak his faith into a world where certainties had failed. Perhaps the irony of his ability to provide a model for many in the post-modern era was that, while Nouwen's struggles, doubts, and insecurities were real, his faith was grounded in the tenets of the apostolic tradition. These he did not doubt, but accepted them as a given, and believed in them. His answer to the question: What does it mean to live spiritually, was a simple, yet profound one. To live spiritually, for Nouwen was to live with Jesus at the centre.

Thus, there is a vital connection between Nouwen's spirituality and Christology. Of equal significance, there is a dynamic connection between his spirituality, his Christology, and his social ethic.

> When Henri Nouwen died in Holland of a heart attack on the 21 September 1996, the Christian church lost one of its most dynamic and compassionate priests, and the world of contemporary spirituality mourned one of its most prolific and influential commentators. Nouwen reached an unparalleled cross-section of people and gathered around him an international network of friends ... they were Eastern Orthodox monks, evangelical Protestants, radical Catholics and secular Jews (Ford, 2000:3).

Thus there are a number of reasons why Nouwen has been chosen as guide and companion on the quest for a spirituality of reconciliation, healing, and transformation, namely:

- 'Statistics show that Nouwen is the most widely read writer in the English-speaking world in the area of Christian spirituality' (Beumer, 1999:129). While popularity is not in itself the reason for the choice, it may be an indication that as a writer, he continues to provide answers, or better still, to ask the right questions. His 'conception of Christian spirituality is ... comprehensive in nature. His treatment of the subject in several of his writings surfaces its far-reaching implications' (Hernandez, 2006:63);

- 'Nouwen recognises that our spiritual life is a gift, a supernatural one at that', continues Hernandez;

- His spirituality is grounded in the reality of the present; it is not a life before, after, or beyond our everyday existence. 'To Nouwen, our life in the Spirit represents our continuing response to the invitation of Jesus for us to enter and embrace an intimate, fruitful, and ecstatic life, born and nurtured not within a context of fear but of love' (Beumer, 1999:63, 64); and

- 'Nouwen calls us to celebrate the wonder of the spiritual life with the ringing affirmation of being loved by God, convinced that this truth represents the very essence of our existence. He vigorously insists on our holding to our true identity as the beloved children of God, for ultimately it is what provides substance to our life in the Spirit' (Hernandez, 2006:64). In *Life of the Beloved* (1992) he unfolds the implications of a life so deeply identified with the life of Christ as one that is chosen, blessed, broken, and given for the sake of others.

While recognising all of the above, especially the aspect of gift or grace, the following characteristics of Nouwen's spirituality offer themselves as a guide:

- It is a spirituality that requires our active participation and incorporation with God. It is a spirituality that embraces struggle for it is a journey involving 'the ongoing process of conversion and transformation' (Hernandez, 2006:64);

- It is an integrative spirituality, encompassing the unified movement to one's innermost self, one's fellow human beings, and God, namely the threefold

foci of the Great Commandment. Here can be detected the intertwining relationship of spirituality, psychology, and ministry, but also the dynamic interplay between theology and spirituality. Nouwen's was a spiritual journey seeking integration, the unity of soul and spirit, a search to knowing self and knowing God that recognised the interpretation and mutual influence of psychology and spirituality.

> As a clinical psychologist and a spiritual theologian, Nouwen integrates his understanding of the mind with a knowledge of the heart to create books which connect with the core of a person's search for God and the self. He is a bridge between divine revelation and human struggle. Drinking from the well of his own experience, he builds on the American psychologist Carl Rogers' dictum that 'what is the most personal is the most universal'. Nouwen discloses his hopes and anxieties with such honesty and intimacy that reader's feel he is speaking directly to them. This is what gives his writings credence. He acknowledges that 'each human being suffers in a way no other human being suffers'.
>
> Any form of brokenness, though, can be befriended and 'put under the blessing'. Physical, mental or emotional suffering might be experienced as an intrusion but, according to Nouwen, it can also be claimed as an intimate companion. He explained ... that the spiritual life 'is a constant choice to let your negative experiences become an opportunity to conversion and renewal'.
>
> Human suffering, then, need not be an obstacle to joy and peace, but the very means to it. In a confused and dislocated world, bereft of meaning, Nouwen is a trustworthy companion, even though he admits he does not have all the answers (Ford, 2005:10).

The ultimate question for Nouwen is located:

> where all the Christian mystics and spiritual leaders have taught us to locate the question, where the only answer according to them can be found: in falling and rising again. This is the whole thing in a nutshell: "The most radical challenge came out of the question, 'Is Jesus truly enough for you, or do you keep looking to others to give you your sense of worth?'" ... If I hold back something of myself and for myself and then strike a nice little bargain with God and Jesus, my spirituality is nothing but smoke and my ethics nothing but hot air (Beumer, 1999:135).

Thus, for Nouwen, the spiritual life is an interior struggle that ultimately offers freedom: freedom from forces that want to oppress us; freedom to forgive others, to serve them, and to form new relationships *with* and *for* them; and freedom to love and to work for a free world.

> The words "compassion," "caring," and "freedom" serve as a triptych of Nouwen's ethics. Together they contribute to the great evangelical process of healing, the healing of the world and of humanity. These are not static images that reproduce this beautiful painting. There are

other visible elements as well, in all sorts of tints and colours: hospitality and friendship, for example. But above all there is joy. Just when you think that the triptych has become too dark, that these human activities seem too much like obligations, then the light of joy jumps out at you ... I don't think I'm going too far when I say that Nouwen's ethic is encircled by a deep joy. "Joy is the secret gift of compassion" ... This joy reaches us through those for whom we put ourselves out. I have something for the other, certainly for the other who suffers, only if to first dare to receive his or her gift. Thus conversion is of vital importance because it lets us into the house of God's love. "The joy that compassion brings is one of the best kept secrets of humanity. It is a secret known only to a very few people, a secret that has to be rediscovered over and over again" (Beumer, 1999:135, 136).

It might be helpful to make a comparison with Foster's (1993) classic *Prayer, Finding the heart's true home* in which prayer is understood in terms of three movements, namely: Moving Inward - Seeking the transformation we need; Moving Upward - Seeking the intimacy we need; and Moving outward - Seeking the ministry we need;

- It is a spirituality that sends: it is missional. 'Christianity is about God's life freely flowing from us to others' (Hernandez, 2006:64); it is a confluence of inward realities and outward expressions of those realities;

- It is a spirituality that is counterintuitive and countercultural. 'Nouwen challenged the impulses and intuitions of the prevailing culture – and the Christian churches it has affected' (Hernandez, 2006:3), Nouwen's spirituality is one of downward mobility (Beumer, 1999:130, 131). Deeply rooted in his Christology, there is a strong *kenotic* ethic in Nouwen's spirituality; this will be examined more fully below under Nouwen's Christology and social ethic;

- It is a spirituality that calls for many spiritual disciplines, among them solitude, service, and prayer. Linked to these would be the gifts of friendship and hospitality; the creating of free and generous space for others to encounter the real presence of God. It is thus a contemplative spirituality. For Nouwen, contemplation meant: to see spiritual realities, and ministry (and mission) meant: to make visible what is seen. He believed deeply in theology's original meaning: union with God in prayer.

  Nouwen was convinced that Christian leaders need to reclaim the mystical so that everything they are and do emerges from a heart which knows God intimately (Ford, 2000:19).

  Through acts of devotion and adoration, Christian ministers learn to keep listening to the divine voice and find within it the wisdom and courage to be relevant and contextual. 'Only then would it be possible for them to address contemporary issues. Only then would it be possible for them to remain flexible without being rigid, willing to confront without being offensive, gentle and forgiving without being soft, true witnesses without being manipulative' This calls for fidelity in prayer;

- It is a Eucharistic spirituality, and that in the primary sense of thanksgiving, but also in the sense that the believer's life in union with Christ, is also one that is *taken* (or chosen), *blessed* (or anointed), *broken*, and *given* for others. In Chapter 6: Taking Responsibility for Reconciliation, Healing, and Transformation, the role of liturgy, especially the liturgy of the Lord's Table will be examined as a resource for peace building and change (also see APPENDIX 4);

- It is a spirituality that calls for a posture of vulnerability. A definition of vulnerability as a chosen, conscious aspect of Nouwen's spirituality would need to include: a willingness to be wounded in the interest of ministry and mission, and a willingness for those wounds to be used redemptively i.e. to serve one as *a wounded healer.* This has nothing to do with spiritual masochism; rather it is an identification with Christ in his *kenosis.* Certainly It will call for forgiveness, but as in the quote above from Beumer, it will also call for joy, for a vulnerability that smells of burnt martyrdom is hardly what is needed! This too will be examined in further detail under Nouwen's social ethic;

- It is a spirituality that allows for, indeed calls for paradox, the paradox that is the human individual. For example, Nouwen spoke and wrote on the importance of prayer, yet for him the practice of prayer was never easy (Ford, 2000:15); neither were solitude and silence. The Quaker spiritual writer Parker Palmer believes 'that Nouwen's books were deeply engrossing and engaging precisely because they came out of this ongoing wrestling match between the paradoxes in his own life. He practised what he preached – and he preached the struggles, sometimes the anguish, sometimes the joy, which he himself was living' (Ford, 2000:16);

- It is a spirituality of solidarity that is not individualistic but lived out in community (Beumer, 1999:127): and above all

- It is a Christocentric spirituality. It is about living with Jesus at the centre, but ironically, also living with him at the margins.

5.2.2 Nouwen's Christology: Christ, the Heart of God, Humanity, and the World.

While Nouwen's Christology is in harmony with the orthodox creedal statements of the church, it is refined simply, clearly, and profoundly by the *leitmotif* of the Descending Christ. This is set out in one of the few books he wrote in his native Dutch, namely: *Brieven aan Marc* (1987) first published in English in 1988 as Letters to Marc about Jesus. This book was written to Marc van Campen, his sister's son, then nineteen years of age; its subject is Jesus Christ, written from the passionate conviction that Jesus is the centre of his own life.

> In the course of writing I became aware that I was engaged not only in telling Marc what I thought about Jesus and the meaning of our existence, but also in rediscovering Jesus and the meaning of my existence for myself. When I began these letters I had no precise idea as to how I should write about the spiritual life. I was often surprised at the way places where I was staying, events that were happening in the world and people whom I met were

> providing me with ideas and new perspectives. These letters, then, have come to be the 'log' of a spiritual journey which I want to explain to Marc and to others besides. Although my initial intention was to write something helpful to Marc himself, it soon became evident that my main concern was to convey to him the enthusiasm I myself was feeling about my own discoveries. The letters in this book witness first and foremost, therefore, to my personal dealing with the life of faith. It was in that spirit also that Marc himself has received and valued them (Nouwen, 2003a: viii).

The seven letters to Marc are entitled:

1. Jesus: the heart of our existence,
2. Jesus the God who sets us free,
3. Jesus the compassionate God,
4. Jesus the descending God,
5. Jesus the loving God,
6. Jesus the hidden God, and
7. Listening to Jesus

As a young priest, Nouwen was taken to Rome, as an assistant to his uncle, Monsignor Anton Ramselaar, who had been called there to provide help and expertise in the role of the laity in the church and the issue of Catholic-Jewish relations at Vatican II. He was thus present in Rome during several council sessions and took a small part in the intense reconsideration of Catholic principles that took place there. The philosophy of Vatican II was to play a defining role in Nouwen's life and work; above all it would lead him into a more humble, realistic, and Christ-centred spirituality.

In his first book, *Intimacy: Essays in Pastoral Psychology (1969)*, Nouwen wrote an essay that presents the program for his later ideas, breathing as it does the open atmosphere of Vatican II.

> Here he takes up his theological position and sets the tone. Here, even at this early stage, we recognise the author who was to come. In many keys, timbres, and modifications he would compose variations on this "theme." "A deeper understanding of the incarnation leads to a rethinking of the humanity of God. More and more it has become clear that God reveals Himself to man [sic] and his [sic] world and that a deeper understanding of human behavior leads us to a deeper understanding of God. The new insights of psychology, sociology, and anthropology and so forth are no longer feared as possible threats to the supernatural God, but more as an invitation to theological reflection on the new insights and understanding ... "
>
> To put it in sharper theological focus: God has entered into the reality of creation (incarnation and downward mobility). Although separate from creation, God is nevertheless fully jointed with it. Precisely because reality (humanity and the world) is from God, created by God, then nothing in or about that reality is alien to God. That opens tremendous perspectives and possibilities. Indeed, this God-given creation asks, as it were, for fulfillment, for a complete humanity ... Creation waits and points to Christ; in Christ God has turned towards us with his Very Best and has shown us the Divine Face. We have been looked upon and loved by that Face. Even though these

> theological sentences sound somewhat abstract, the main point for Nouwen was in the faith experience of being seen and knowing that one is loved (Beumer, 1999: 143, 144).

Put more simply: 'God has become human, God-with-us. Now that this is so, we can also become fully human; "since God has become man, it is man, who has the power to lead his fellow man to freedom"' (Beumer, 1999:147).

In his first letter to Marc, Nouwen writes: "If you were to ask me point-blank: 'What does it mean to you to live spiritually?' I would have to reply: 'Living with Jesus at the centre'" (Nouwen, 2003a:5) It is here that Jesus is encountered as *The God Who Sets Us Free.*

> What I personally find so fascinating is that *spiritual* freedom is something quite different from a *spiritualised* freedom. The freedom Jesus gives doesn't imply that oppressors can go on oppressing, that the poor can stay poor and the hungry can stay hungry since we are now, in a spiritual respect free. A true spiritual freedom that touches the heart of our being in all its humanity must take effect in every sphere: physical, psychical, social and, in a global sense, terrestrial. It is meant to be everywhere visible; but the core of this spiritual freedom doesn't depend on the manner in which it is made visible. A sick, mentally handicapped or oppressed person can still be spiritually free, even if that freedom cannot as yet manifest itself in every area of life ...
>
> Freedom belongs to the core of the spiritual life; not just the freedom which releases us from forces that want to oppress us, but the freedom also to forgive others, to serve them and to form a new bond of fellowship with them. In short, the freedom to love and to work for a free world (Nouwen, 2003: 14-16).

Already Nouwen's Christology can be seen to impact upon his spirituality and his ethics. Freedom, for Nouwen, means the freedom to live with others in community for the sake of the wider community:

> It tells us something about the different aspects of communal worship: owning up to our confusion, depression, despair and guilt; listening with an open heart to the Word of God; gathering around the table to break the bread and so to acknowledge the presence of Jesus; and going out again into the world to make known to others what we have learned and experienced in our lives ... the various components of a eucharistic celebration. It's there that you find confession of guilt, proclamation and exposition of the Word, partaking of the Lord's Supper and being sent out into the world (Nouwen, 2003a:16).

'God sent Jesus to make free persons of us. He has chosen compassion as the way to freedom. That is a great deal more radical than you might at first imagine,' Nouwen (2003a:26) writes in his third letter to Marc, *Jesus: The Compassionate God.*

> It means that God wanted to liberate us, not by removing suffering from us, but by sharing it with us. Jesus is God-who-suffers-with-us ...

> God's love, which Jesus wants to make us see, is shown to us by his becoming a partner and a companion in our suffering, thus enabling us to turn it into a way to liberation. You're probably familiar with the question most frequently raised by people who find it difficult or impossible to believe in God. How can God really love the world when he permits all that ... suffering? If God really loves us, why doesn't he put an end to war, poverty, hunger, sickness, persecution, torture, and all the other misery that we see everywhere? (Nouwen, 2003a:26, 27).

Nouwen draws on his experiences in South and Central America as 'the beginning of an answer! I discovered that the victims of poverty and oppression were often more deeply convinced of God's love than we are and that the question of the why of suffering was raised less by those people who had tasted suffering themselves than by us who had merely heard and read about it'. 'I've gradually come to see that these people have leaned to know Jesus as the God who suffers with them. For them, the suffering and dying Jesus is the most convincing sign that God really loves them ... He is their companion in suffering. If they are poor, they know that Jesus was poor too; if they are afraid, they know that Jesus also was afraid; if they are beaten, they know that Jesus too was beaten; and if they are tortured to death ... they know that Jesus suffered the same fate. For these people, Jesus is the faithful friend who treads with them the lonely road of suffering and brings them consolation. He is with them in solidarity' (Nouwen, 2003a:28).

God's solidarity with humanity, Nouwen understands, in terms of the incarnation and the *kenosis*, or self-emptying of Christ. 'How is that love made visible through Jesus?' Nouwen asks in his faith letter to Marc, *Jesus: The Descending God*. He answers:

> It is made visible in the descending way. That is the great mystery of the Incarnation. God has descended to us human beings to become a human being with us; and once among us, descended to the total dereliction of one condemned to death. It isn't easy really to feel and understand from the inside this descending way of Jesus. Every fibre or our being rebels against it. We don't mind paying attention to poor people from time to time; but descending to a state of poverty and becoming poor with the poor, that we don't want to do. And yet that it is the way Jesus chose as the way to know God. (Nouwen, 2003a:36).

Pivotal to his understanding of the person and work of Christ, and therefore quoted in full, is the Christological hymn in Philippians 2:6-11:

> [Christ], being in very nature God,
> did not consider equality with God
> something to be grasped,
> but made himself nothing,
> taking the very nature
> of a servant,
> being made in human likeness.
> And being found in appearance
> as a man he humbled himself
> and became obedient to death –
> even death on a cross!

Therefore God exalted him
to the highest place
and give him the name,
that is above every name
that at the name of Jesus
every knee should bow,
in heaven and on earth
and under the earth,
and every tongue
that Jesus Christ is Lord,
to the glory of God the Father

'Here, expressed in summary but very plain terms, is the way of God's love ... The descending way of Jesus is the way to a new fellowship in which we human beings can reach new life and celebrate it happily together' (Nouwen, 2003a:36, 37).

Ultimately for Nouwen, Jesus 'is the wounded healer who in his downward mobility (incarnation) searches for broken people and shares in the brokenness of our existence' (Beumer, 1999:149). Jesus, not only draws a self-portrait here, but invites his disciples to become like him for "Jesus never makes a distinction between himself and his followers ... He is their model. In his last prayer to his Father, Jesus prays for his disciples: 'They do not belong to the world anymore than I belong to the world ... As you have sent me into the world, I have sent them into the world'" (Nouwen, 2003a:41).

Nouwen became synonymous with the phrase, The Wounded *Healer*, the title of his best known book published in 1972. This will be expanded upon later in: *The Wounded Healer: Accepting Weakness and Vulnerability as Spiritual Gifts.*

'Just as that love is made visible in the descending way of Jesus, so too will it becomes visible in our descending way' (Nouwen, 2003a:41)

Jesus: The Loving God is the focus of Nouwen's fifth letter to Marc. Contrasting what humans often mean by the word *love*, he goes on to write of what Jesus means when he speaks of love.

> Jesus is the revelation of God's unending, unconditional love for us human beings. Everything that Jesus has done, said and undergone is meant to show us that the love we most long for is given to us by God, not because we've deserved it, but because God is a God of love.
>
> Jesus has come among us to make that divine love visible and to offer it to us. In his conversation with Nicodemus he says: '... this is how God loved the world: he gave his only Son ... God sent his Son into the world not to judge the world, but so that through Him the world might be saved.' In these words the meaning of the Incarnation is summed up. God has become human – that is, God-with-us ...
>
> The descending way of Jesus, painful as it is, is God's most radical attempt to convince us that everything we long for is indeed given us. What he asks of us is to have faith in that love ... The Greek word for faith is *pistis*, which means literally, 'trust'. Whenever Jesus says to the people he has healed:

> 'Your faith has saved you,' he is saying that they have found new life because they have surrendered in complete trust to the love of God revealed in him (Nouwen, 2003a:51, 52).

In his sixth letter to Marc, Nouwen picks up on a further paradox of the Incarnation, not just that God's love is revealed in the weakness of the Cross, but that the revelation is given in a hidden life: 'Now that Christianity has become one of the major world religions and millions of people utter the name of Jesus every day, it's hard for us to believe that Jesus revealed God in hiddenness. But neither Jesus' life nor his death nor his resurrection was intended to astound us with the great power of God. God became a lowly, hidden, almost invincible God' (Nouwen, 2003a: 65).

To illustrate the love of God, as shown in the life, death, and resurrection of Jesus, Nouwen tells Marc the story of Jean Vanier and L'Arche, a story that became part of his own story.

> It is the tale of a man who turned aside from an aristocratic lifestyle and an elite education to embrace the poverty of those with mental disabilities. From his decision came a worldwide spiritual movement, one that Henri saw as a sign of God's love in the world. Christ is the exemplar of this kind of descent from exaltation to solidarity with those who suffer and are in need of redemption. "Descending" is the *leitmotif* of the gospel, the way of Christ and the way of all Christians, one in which we seek solidarity and find joy (O'Laughlin, 2005b:111,112).

The final letter to Marc was entitled *Listening to Jesus*, and again it was his 'meeting with Jean Vanier and [his] stay in the L'Arche community' that helped him, both to listen to, and hear an answer to "The burning question ...: 'How best am I to follow Jesus?'" (Nouwen, 2003a:73).

'To sum up: Nouwen expressed a personal spiritually charged ethic that followed the radical downward mobility of Jesus into the heart of our world. In the Christian community this movement of solidarity is celebrated, professed, and lived out. Herein lies his ethical primacy' (Beumer, 1999:130, 131).

5.2.3 Nouwen's Social Ethic: Living Out the Downward Mobility of Jesus in the Heart of our World

Resisting both cynicism and pseudo-mysticism, Nouwen's spirituality is deeply imbued with ethics and possesses a strong twofold quality of intimacy and solidarity. Nouwen's writings reflect the political and social context in which he wrote. His criticism of protest in the 1960s was not that it was meaningless but that it was not deep enough.

> When only our minds and hands work together we quickly become dependant on the result of our actions and tend to give up when they do not materialise. In the solitude of the heart we can truly listen to the pains of the world because there we can recognise them not as strange and unfamiliar pains, but as pains that are indeed our own. There we can see that what is most universal is most personal and that indeed nothing truly human is strange to us (Beumer, 1999:123).

The human tendency is to *upward mobility:* searching for success, answers, and meaning, by moving upwards. In the New Testament story of the temptation the devil tempts Jesus to be upwardly mobile by being efficient and useful, exercising power, and to doing sensational things. Nouwen contrasts this with the *downward mobility* of the Kingdom of God, the movement from God to humanity, made visible in Jesus. It is this movement that makes the Gospel good news: God comes down, disturbing and thwarting human striving – brining salvation. Nouwen's ethic then, is *kenotic* - that is: an invitation to go the self denying, self emptying way of Christ. It is this that makes his spirituality and social ethic counterintuitive and countercultural.

Further, Nouwen advocates an ethical-spiritual approach that challenges 'the habit of acting out of the profit-and-results mode of thinking ... Not that it is unimportant to attain results (no war, no hunger, no suffering). On the contrary. But if we want to arrive at that point, then selflessness and humility are necessary. Indeed, isn't it true that actions and social plans often run aground because human vanity and self interest block any real chance of commitment?' (Beumer, 1999:126).

In order to safeguard against a spirituality that is either privatised or narrowly activist, it is important to see the connection between intimacy and solidarity, and for Nouwen it is only in community that the spirituality of solidarity really begins to take shape.

> In community what is personal is expanded, without being lost in the collective. Here contact with the Eternal One is learned and practiced in prayer and struggle. "What do we desire? As I try to listen to my own deepest yearning as well as the yearnings of others, the word that best seems to summarise the desire of the human heart is 'communion.' Communion means 'union with.' God has given us a heart that will remain restless until it has found full communion" (Beumer, 1999:127).

For Nouwen, this is a community that could be described as eucharistic; in this community bread and wine teach us, over and over again, about breaking and sharing; in this community, personal religious experience is enriched, and solidarity is learned, celebrated, professed, and lived out.

Herein lies his ethical primacy: the analysis of political facts follows only at a distance. Yet, Nouwen was not an ethicist in so far as he was not interested in formulating ethical principles; rather he wanted to demonstrate what really happens to human beings when they learn to look at this world and themselves through the eyes of God. When people learn to see Jesus in the life of the other, they change. They become compassionate, caring, and ultimately free people. *Compassion* is the basic stance. *Caring* is what literally develops out of compassion. And freedom is the beckoning perspective within which this takes place (Beumer, 1999:130 -132).

It is more of a social than a political ethic. During his Latin American sojourn, he came into full contact with political or liberation theologies (often Marxist-oriented), but these kinds of analyses are not found in him; he found them too insistent, too oblivious to concrete human beings.

In Western Europe, Nouwen is starting to be valued by, indeed to be impacting, right and left, upon conservative believers and radicals. Conservative Christians are discovering that he is not just one who comforts the soul, 'but that his spirituality is

socially renewing and radical. And sceptical progressive believers are becoming more receptive. Their political radicalism, which admittedly is something that they do not find in Nouwen as such, is freed from narrowness and pedantry in Nouwen's approach. Suddenly there's more room, *room for encounters* and for renewing energy' (Beumer, 1999:130 – emphasis added).

The one place that he did express himself about the political and social organization of society however, was (according to Beumer) '[in] *With Open Hands* ... where he wrote about prayer and revolution: "You are Christians only so long as you look forward to a new world, so long as you constantly pose critical questions to the society you live in"'.

Again not wishing to schematise too much, these three terms appear frequently in Nouwen's books, namely: compassion; caring; and freedom. They form the heart of his social ethic.

The *kenotic* hymn in Philippians 2:6-11 is preceded in verses 1-5 by an appeal to the church at Philippi to have the attitude 'as that of Christ Jesus'; an attitude that encompasses, among other things, 'tenderness and compassion', unity of spirit and purpose, unselfishness, humility, and commitment 'to the interests of others'. In 1982 a book wholly devoted to this theme appeared: *Compassion: A Reflection on the Christian Life*. In it Nouwen confirmed that compassion, derived from the Latin words *pati* and *cum*, which together mean 'to suffer with', it:

> asks us to go where it hurts, to enter into places of pain, to share in brokenness, fear, confusion, and anguish. Compassion challenges us to cry out with those in misery, to mourn with those who are lonely, to weep with those in tears. Compassion requires us to be weak with the weak, vulnerable with the vulnerable, and powerless with the powerless. Compassion means full immersion in the condition of being human (Beumer, 1999: 133).

Nouwen saw compassion not as a natural response, for the natural inclination is to avoid, indeed run away from all that which compassion invites one into. It is found, in Nouwen's quintessential concept, by entering into 'the human "inner sanctuary," that pivotal spot where God and humanity meet.' Again there is emphasis on the importance of prayer in Nouwen's spiritual ethic, or ethical spirituality. It could be said that for Nouwen: Caring is prayer and prayer is caring?

Nouwen understood care to derive from the Gothic *kara*, which means to grieve, to experience sorrow, to cry out with.

> There is nothing condescending in this. It is not the case that the one who cares should posses and give to the other something that the other does not have. On the contrary, we must first recognize that we stand with empty hands at the side of someone who is seriously ill or dying, or who is undergoing great suffering. "The friend who cares makes it clear that whatever happens in the external world, being present to each other is what really matters" ... Nouwen noted these words not as just so much pastoral wisdom, but as words born out of his concrete encounters with the elderly ... the dying ... AIDS patients, and handicapped people (Beumer, 1999:134).

> Prayer, life with the poor, and life in community – these three are the veins and arteries of Nouwen's spirituality. In Genesee he learned to experience a deep prayer life, in Latin America he learned that contact with the poor is essential for prayer. In Peru he wanted to attain the third major point, a life in community with and among the poor. But he was not able to realise this until Daybreak in the L'Arche movement, the next great phase of his life (Beumer, 1999:180 footnote 23).

Nouwen wrote three journals in each of these contexts. A final journal was published on the day of his burial in which he gives an account of his inner struggle. *The Inner Voice of Love: A Journey Through Anguish to Freedom* expresses his 'spiritual imperatives' based on contact with his spiritual directors.

Essential to understanding Nouwen's social ethic of peacemaking, reconciliation, healing, and transformation, is: *Peacework* • *Prayer* • *Resistance* • *Community*. In it, he identifies the three imperatives that he considers essential for peacemaking, namely:

- Prayer,
- Resistance, and
- Community.

Along with it, it might be helpful to look at a little booklet Nouwen wrote a few years after moving to L'Arche, where he continued to grapple with the spirituality of peace, namely: *The Path to Peace*. That booklet is included in the collection *Finding My Way Home* (2005a). To prayer, resistance, and community, he adds two further imperatives:

- Receiving the gift of peace from the weak, the broken, the poor, and the marginalized; and
- Accepting weakness and vulnerability as spiritual gifts.

The assumption is that other imperatives such as: non-violence, racial justice, addressing divisions, making connections, and gratitude, are embraced and included to a great extent in the above, and that all these are embodied in a radical commitment to follow Jesus.

Prayer

> A peacemaker prays. Prayer is the beginning and the end, the source and the fruit, the core and the content, the basis and the goal of all peacemaking. I say this without apology, because it allows me to go straight to the heart of the matter, which is that peace is a divine gift, a gift we receive in prayer (Nouwen, 2005b:25, 26).

Nouwen describes prayer as an intentional shift from the place of those who hate peace to the place of those who are committed to seeking and working for it. In Nouwen's language it is even more explicit than that: it is to 'enter into the house of him who offers us his peace' (Nouwen, 2005b:26); it is 'a gift not of the world, but certainly for the world' (Nouwen, 2005b:62).

For Nouwen, prayer is not only about transforming our world, but about transforming us. It invites us 'to explore critically the ways in which the "cares of life" strangle us. Only then can we see the converting power of prayer and its pervasive role in peacemaking (Nouwen, 2005b:27).

An honest exploration of why we do what we do, say what we say, and think what we think, may reveal 'that our most generous actions, words, and fantasies are entangled with ... needs ['for attention, for affection, for influence, for power, and *most of all the will to be connected worthwhile*']. ' *Thus we have to confess that* much of our behavior – even our so-called good behavior – is an anxious, though perhaps unconscious, attempt to advance our own cause, to make ourselves known and to convince our world that we need to be reckoned with. This is the "goodness" of sinners that Jesus so fiercely criticizes'. These needs, conscious or otherwise, often spoil the most altruistic gestures, because they are often anchored in deeply hidden wounds, the vicious repetition of which creates the milieu of those who hate peace.

> It can indeed come as a great shock to realize that what we consider works of service in the name of God may be motivated to such a degree by our wounds and needs that not peace, but resentment, anger, and even violence become their fruits ... Through it might be easy to recognize the forces of darkness around us, it is very hard to recognize these same forces in our own "good works". Self-doubt, inner restlessness, fear of being left alone, need for recognition, and desire for fame and popularity are often stronger motives in our actions for peace than true passion for service. These are the motives that bring elements of war into the midst of our action for peace (Nouwen, 2005b: 30).

Prayer as confession, as self-honesty, allows us to confront the shadows, to recognize that we are sometimes part of the evil against which we protest. The failure to do this may result in us becoming like that which we resist, fight or protest against, or being overcome by that which we seek to overcome.

> The invitation to a life of prayer is the invitation to live in the midst of this world without being dropped in the net of its wounds and needs. The word "prayer" stands for a radical interruption of the vicious chain of interlocking dependencies that lead to violence and war and for an entering into an entirely new dwelling place. It points to a new way of speaking, of breathing, of being together, of knowing – truly to a new way of living (Nouwen, 2005b:32).

When Nouwen speaks 'about prayer as the basis for peacemaking [he] speak[s] first of all about moving away from "the dwelling place of those who hate peace" into the house of God. Prayer is the center of the Christian life. It is the only necessary thing (Luke 10:42). It is living with God, here and now' (Nouwen, 2005b:33).

"Prayer means entering into communion with the One who loved us before we could love. It is this "first love" (1 John 4:19) that is revealed to us in prayer' writes Nouwen (2005b: 36). 'The deeper we enter into the house of God, the house whose language is prayer, the less dependant we are on the blame or praise of those who surround us, and the freer we are to let our whole being be filled with that first love'.

> In prayer, however, again and again we discover that the love we are looking for has already been given to us and that we can come to the experience of that love. Prayer is entering into Communion with the One who molded our being in our mother's womb with love and only love. There, in that first love, lies our true self, a self not made up of true self, a self not made up of religious and acceptances of those with whom we live, but solidly rooted in the One who called us into existence. In the house of God we were created. To that house we are called to return. Prayer is the act of returning (Nouwen, 2005b:36, 37).

For Nouwen (2005b:37), the paradox of peacemaking is 'that ... we speak of peace in this world only when our sense of who we are, is not anchored in the world', but in Christ. He is aware that this may sound remote from the real issues of peacemaking, and appear to be in contrast to action, but states: 'Prayer – living in the presence of God – is the most radical peace action we can imagine' (Nouwen, 2005b:38). 'But if we are willing to see prayer as belonging to the essence of peacemaking and to consider that prayer itself *is* peacemaking and not the preparation before, the support during, and the thanksgiving after, we will have to struggle hard against the secular "dogma" of pragmatism'.

Prayer, for Nouwen, is an inner journey of discovering the true self: in prayer, 'we break out of the prison of blame and praise and enter into ...God's love. In this sense prayer is an act of martyrdom: in prayer we die to the self-destroying world of wounds and needs and enter into the healing light of Christ' (Nouwen, 2005b:39); prayer makes us free to stand in the midst of this world without being overwhelmed by fear (Nouwen, 2005b:41); 'prayer makes sense only when it is an act of stripping oneself of everything, even of our own lives, so as to be totally free to belong to God and God alone'.

> What has all this to do with actions to end the arms race? I think that the most powerful protest against destruction is the laying bare of the basis of all destructiveness: the illusion of control. In the final analysis, isn't the nuclear arms race built upon the conviction that we have to defend – at all costs – what we have, what we do, and what we think? Isn't the possibility of destroying the earth, its civilization, and its peoples a result of the conviction that we have to stay in control – at all costs – of our own destiny?' (Nouwen, 2005b:41, 42).

Prayer then is an act of divesting oneself of all false belongings and illusions of control, it is an act of dying to all that one considers one's own in order to be born to a new existence which is not of this world, namely the Kingdom of God. 'Prayer is indeed a death to the world so that we can live for God' (Nouwen. 2005b:42); it is an anticipation of life in the Kingdom that is still to come, lived out as a sign of the Kingdom that is already here.

Another element in Nouwen's spiritual-ethic is the acceptance of weakness and vulnerability as a source of experiencing God's power. More will be said of this later, but here it is enough to say that this acceptance is in itself a form of resistance to the illusion of control, and the domination of human needs for affection, attention, influence, and power, which are often anchored in deeply hidden wounds.

Prayer is therefore, both affirmation and protest. It is the affirmation that forgiveness, reconciliation, peace, and healing are gifts to be received and shared; it 'is a protest against a world of manipulation, competition, rivalry, suspicion, defensiveness, anger, hostility, mutual aggression, destruction and war. It is a witness to all-embracing, all healing power of God's love' (Nouwen, 2005b:44).

Often, prayer is entering into that solitude – which is also God's gift – were nothing is done; no activity happens which is motivated by 'the pressures of those who live their lives as victims of a series of emergencies', desperately needing to take control. Yet, this is *not* a passive response. 'It calls us to an active listening, in which we make ourselves available to God's healing presence and can be made new' (Nouwen, 2005b:45). In this active listening one may hear what the apostle Paul (in Romans 8:22-27) calls: the groans of creation, our own inward groaning, and the groaning of the Holy Spirit. In this attentive listening we may hear that that is all one groan, the groan of Creator and creation for 'all things, whether things on earth or things in heaven' to be reconciled to God in Christ (Colossians 1:19).

Resistance

For Nouwen, resistance (along with prayer) means saying both *No* and *Yes*: 'Resistance means saying "No" to all the forces of death, whatever they may be and, as a corollary, saying "Yes" to all of life in whatever form we encounter it' (Nouwen, 2005b:50).

When the Second World War came to an end, Nouwen was thirteen years old. Forty years later, living only a few miles from the place where the Trident submarine – a weapon able to destroy in one second, more people then were gassed in the holocaust – he looked back and asked: "Why was there not a massive popular uprising? Why weren't there ... thousands of people protesting ...? Why did those who pray, sing hymns, and go to church not resist the powers of evil so visible in their own land?" (Nouwen, 2005b:48). During the escalating tensions of the Cold War and growing threat of nuclear holocaust he wrote:

> Today I am asking myself the question: "Does my prayer, my communion with the God of life, become visible in acts of resistance against the power of death surrounding me? Or will those who are thirteen years old today raise the same question about me forty years from now that I am raising about the adult Christians of my youth?" I have to realize that my silence or apathy may make it impossible for anyone to raise questions forty years from today. Because what is being prepared is not a holocaust to extinguish a whole people but a holocaust that puts an end to humanity itself. That will make not only giving answers but also raising questions a total impossibility (Nouwen, 2005b:49).

Peacework suggests that a clear and forceful "No" needs to be said to the powers of death, among them: the nuclear arms race; violent public entertainment; destructive stereotyping; and even self-loathing.

> Our preoccupation with death, however, goes far beyond real or imagined involvement in physical violence. We find ourselves involved over and over again in much less spectacular but not less destructive death games. During my visit to Nicaragua and my subsequent lectures and conversations in the United States about the Nicaraguan people, I became increasingly aware of

> how quick judgments and stereotypes can transform people and nations into distorted caricatures, thus offering a welcomed excuse for destruction and war. By talking one-dimensionally about Nicaragua as a land of Marxist-Leninist ideology, totalitarianism, and atheism we create in our mind a monster that urgently needs to be attacked and destroyed ... People would say: "But shouldn't we be aware that Russia is trying to get a foothold there and that we are increasingly being threatened by the dark powers of Communism?" Such remarks made me see that long before we start a war, kill people, or destroy nations, we have already killed our enemies mentally, by making them into abstractions with which no real, intimate human relationship is possible. When men, women, and children who eat, drink, sleep, play, work and love each other as we do have been perverted into an abstract Communist evil that we are called – by God – to destroy, then war has become inevitable (Nouwen, 2005b:59).

The 'enemy' to be demonised may no longer be Communism, but it certainly served as a justification for many human rights violations in South Africa. Stereotyping, prejudging, labelling, scape-goating and condemnation of those different from us makes *them* 'less and less one-of-us and more and more the stranger, the XXX, and finally "the problem"' that needs a solution, even a final solution!

Had he been writing more than twenty years later, Nouwen might have warned against the danger of reducing "the problem", the enemy, to another label, namely: Islam! Again, it is frighteningly more easy to find a solution for the problem that is defined as Islam, if we do not have to engage with Muslims as people, 'men, women, and children who eat, drink, sleep, play, work and love each other as we do'.

Often the enemy is within: 'As peacemakers we must have the courage to see the powers of death at work even in our innermost selves because we find these powers in the way we think and feel about ourselves. Yes, our most intimate inner thought can be tainted by death' (Nouwen, 2005b:62).

Nouwen identifies a number of paralysing dynamics: self-rejection, remorse, and guilt. The central message of the Gospel is that of forgiveness and acceptance by God in Christ. Resistance here then means saying "No" to these dynamics, and a saying "Yes" to being a 'forgiven people, loved unconditionally, and called to proclaim peace in the name of the forgiving Lord' (Nouwen, 2005b:64).

Further, Nouwen maintains that "No" needs to be said to other, 'less visible but no less hideous forms of death, such as abortion and capital punishment' (Nouwen, 2005b:67). It is interesting, if not ironic, that he includes these two together for – to risk stereotyping – it often looks as if, in the United States of America, the politics of left and right separate these two. On the left, pro-choice advocates are often caricatured as being opposed to capital punishment (and in that sense, pro-life), whereas on the right, pro-life advocates are often caricatured as being in favour of capital punishment (and that sense, pro-death rather than pro-life).

Other 'less visible but no less hideous forms of death' would surely include violence or abuse of any kind, discrimination on the basis of race, religion, gender, or sexual orientation, and the excesses of reverse discrimination sometimes called *affirmative action*. Yet, resistance is a form of affirmative action, for it also calls for saying 'Yes'.

Perhaps, the primary affirmation is saying 'Yes' to '[t]he words of Jesus [that] go right to the heart of our struggle; "Love your enemy, do good to those who hate you, bless those who curse you, pray for those who treat you badly (Luke 6: 27-28). The more I reflect on these words, the more I consider them to be the test for peacemakers. What my enemies deserve is not my anger, rejection, resentment, or distain, but my love. Spiritual guides throughout history have said that love for the enemy is the cornerstone of the message of Jesus and the core of holiness' (Nouwen, 2005b: 70).

Nouwen identifies this, not only as *the cornerstone of the message of Jesus and the core of holiness*, but 'one of the greatest dangers that face peacemakers: that peacemakers themselves become the victims of the evil forces they are trying to overcome. The same fear of "the enemy" that leads warmakers to war can begin to affect the peacemaker who sees the warmakers as "the enemy"' (Nouwen, 2005b: 69).

> One of the reasons why so many people have developed strong reservations about the peace movement is precisely that they do not see the peace they seek in the peacemakers themselves. Often what they see are fearful and angry people trying to convince others of the urgency of their protest. Thus the tragedy is that peacemakers often reveal more of the demons they are fighting than of the peace they want to bring about (Nouwen, 2005b:70).

What, asks Nouwen, 'has all this to do with the work of resistance?', and goes on in characteristic manner to answer:

> It means that only a loving heart, a heart that continues to affirm life at all times and places, can say "No" to death without being corrupted by it. A heart that loves friends and enemies is a heart that calls forth life and lifts up life to be celebrated. It is a heart that refuses to dwell in death because it is always enchanted with abundance of life. Indeed, only in the context of this strong loving "Yes" to life can the power of death be overcome. I therefore want to say as clear as I can that the first and foremost task is not to fight death but to call forth, affirm, and nurture the signs of life wherever the become manifest (Nouwen, 2005b:71,72).

This is not a call to passivity, or a freedom from conflict, but what Flora Slosson Wuellner (2004:113-126) calls: *Bringing the Passionate Peace*, the *shalom* of Jesus Christ. That means saying a passionate strong "Yes" to what Nouwen calls: *The Search for the Tender and Vulnerable Life* (Nouwen, 2005b:72). This will be examined later, because for Nouwen, as for the apostle Paul, an essential aspect of his spirituality is the notion that God's grace and power are 'made perfect in weakness' (2 Corinthians 12: 9a, 10b): 'For when I am weak, then I am strong'. Being vulnerable means having a different attitude than that of utilitarianism and pragmatism to the unborn, the severely mentally and physically disabled, the elderly, and those in prison. Nouwen identifies 'three aspects of life which are in stark contrast to the powers of death. They are humility, compassion, and joy. These three aspects of life therefore must characterise the "Yes" of the resister' (Nouwen, 2005b:75).

Humility: Drawing on the Latin root of the word – *humus*, meaning soil –Nouwen sees humility essentially as 'the joyful recognition that we belong to the created world, that we are intimately connected with all that lives and moves' (Nouwen, 2005b:75).

> In our modern civilization, so much emphasis is placed on being different, unique, and special, that it is very hard to remain truly connected. This question often makes us lose sight of our basic sameness as created human beings ... As long as our distinctiveness is our major concern, we put ourselves on the dangerous road of comparing and competing. When countries and continents follow this road, violence, war, and even global suicide are real possibilities. But when we are willing to acknowledge and even celebrate our intimate connectedness as human beings we are on the road to peace ... It is the freeing affirmation: "I am like all other people and I am grateful for it!" (Nouwen, 2005b:75, 76).

'A humble "yes" to all forms of life – even the less noticed – affirms the deep interconnection between all people and forms the true basis of peace' (Nouwen, 2005b:77).

In all of Nouwen's books, ' the Christian journey is a humble return to the ground of who and what we actually are, and in that return, a discerning that we are greater, more mysterious, and more loved than we thought. Something and someone greater than ourselves shares and mirrors what we are, enlarging and blessing us infinitely' (Jonas, 2005:xxxv, xxxvi).

Compassion: At the heart of compassion, for Nouwen, is saying "No" to 'the temptation to focus more on issues than on people ... when our peace work is primarily issue-orientated it easily loses heart and becomes cold, calculating, and very impersonal. When we fight for issues and no longer see concrete people with their unique personalities and histories, competition will dominate compassion and winning the issue may mean losing the people'.

While not denying the need for critical analysis of political and socio-economic issues, compassion means saying "Yes" to real people.

> When our "Yes" remains compassionate, that is, people-orientated, the complex issues of our time will not drag us down into despair and our hearts will burn with love. We cannot love issues, but we can love people and the love of people reveals to us the way to deal with issues. A compassionate resister always looks straight into the eye of real people and overcomes the human inclination to diagnose the "real problem" too soon (Nouwen, 2205b:78).

Joy: For Nouwen, the fruit of humility and compassion is joy. 'Joy is one of the most convincing signs that we work in the Spirit of Jesus. Jesus always promises joy ... There probably is no surer sign of a true peacemaker than joy' (Nouwen, 2005b:79). If joy is received as a gift from God, then one of the spiritual disciplines of that gift is the affirmation of life. For Nouwen, that is a vital spiritual discipline. Why?

> Many peacemakers, overwhelmed by the great threats of our time, have lost their joy and became prophets of doom ...

> This joy does not necessarily mean happiness. In the world we are made to believe that joy and sorrow are opposites and that joy excludes pain, suffering, anguish, and distress. But the joy of the Gospel is a joy born on the cross. It is not the sterile happiness of victory parties, but the deep joy that is hidden in the midst of the struggle. It is the joy of knowing that evil and death have no final power over us, a joy anchored in the words of Jesus: "In the world you will have trouble, but be of good cheer; I have conquered the world" (John 16:33) (Nouwen, 2005b:81).

Resistance then is an act of faith and prayer. 'Thus the "No" to death can be fruitful only when spoken and acted out in the context of a humble, compassionate, and joyful "Yes" to life. Resistance becomes a truly spiritual task only when the "No" to death and the "Yes" to life are never separated' (Nouwen, 2005b:82).

Resistance 'does not stand in contrast to prayer, but is in fact a form of prayer itself. It is hard to overcome our tendency to consider resistance as the active part of peacemaking and prayer as its contemplative part. But I am increasingly convinced that we will fully grasp the meaning of peacemaking only when we recognize not only that prayer is a form of resistance but also that resistance is a form of prayer' (Nouwen, 2005b: 83); 'After my own, very limited, experience with war resistance I even dare to say that, for those who resist in the name of the living God, resistance is not only prayer but also liturgy' (Nouwen, 2005b:88).

Liturgy is the business of God's people gathered as community, and this (community) is the next dynamic in Nouwen's attempt to express a spirituality of peacemaking. Before that however, he gives some warnings and makes some observations, namely:

- 'Christian resistance cannot be dependant on signs of success. It is first and foremost a spiritual resistance, based not on results but on its own inherent integrity' (Nouwen, 2005b:91).

  > Indeed, more important than our effect on people is our own spiritual authenticity ... Here we are touching the core of all resistance. It is an act flowing forth from our deepest understanding of who we are. It is an act of spiritual integrity ... a way of proclaiming the peace that we have found in God's house ... an expression of what we have become through the transforming power of Jesus. In this sense, it is a true act of prayer. And true prayer does not calculate the consequences (Nouwen, 2005b:91, 92);

- Christian resistance takes many forms. 'It is not important that all Christians act in the same way for peace or even agree on any style of peacemaking. It is important that their actions are all done and experienced as a form of personal or communal prayer' (Nouwen, 2005b:92,93), and that prayer and resistance bring 'us into a new and creative relationship with people ... deepens and strengthens our relationship with God';

- Christian resistance is non-violent, because the peace we want to bring is not of this world.

> It is brought not by enslaving our enemies, but by converting them; not by showing strength, but by sharing in the confession of a common weakness; not by becoming unapproachable, but by making oneself vulnerable; not by retaliation, but by turning the other cheek; not by violence, but by love. Jesus shows the way ... Jesus' way is the way without curses, weapons, violence, or power. For Him there are no countries to be conquered, no ideology to be imposed, no people to be dominated. There are only children, women, and men to be loved. And love does not use weapons. Love is not made manifest in power but in powerlessness' (Nouwen, 2005:93, 94);

- Christian (non-violent) resistance is not without opposition, indeed 'when the powers preparing for war make peacemakers look more like enemies of the people, the day may come when antinuclear [or any other form of] demonstrators will face consequences quite different from arrest by polite police officers and an overnight stay in jail' (Nouwen, 2005b:97). Christian resistance may mean accepting a call to suffering.

  In her excellent, little book *Forgiveness, the Passionate Journey, Nine Steps of Forgiving Through Jesus' Beatitudes,* Wuellner looks at the last two beatitudes thus: 'Blessed are those who are persecuted for righteousness' sake, for them is the kingdom of heaven' (Matthew 5:10), as *Living As Whole Persons among the Unreconciled* (2004:127-140); and 'Blessed are you when people revile you ... Rejoice and be glad, for your reward is great in heaven' (Matthew 5:11, 12) as *Becoming a Singing, Shining Enemy* (2004:141-149); and

- Christian resistance is lived out in Christian community (and this with its own conflicts, divisions, needing forgiveness, reconciliation, and unity).

> [A] community of resistance can persevere even when its members have their moments of weakness and despair. Peacemaking can be a lasting work only when we live and work together. Community is indispensable for a faithful and enduring resistance [and witness]. Without community we will be quickly sucked back into the dark world of needs and wounds, of violence and destruction, of evil and death' (Nouwen, 2005b:97).

No one can deny that Christian community is often the dark place of *needs and wounds, of violence and destruction, of evil and death*, but if the people of God cannot begin to live out another message – namely one of reconciliation, peacemaking, healing, and transformation – there, what hope is there of us living it out in the world? Indeed, what hope is there for the world?

Community

The word liturgy is derived 'from the Greek phrase *ergos to lao*, which means "the work of the people." It is the communal work of worship by the people of God' (Nouwen, 2005b:88, 89). More will be said about the role of liturgy in raising consciousness and transforming the conscience of God's people later. Here, it is enough to say that worship, prayer, scripture reading, preaching, and the sacraments, remind the *laos*, the people of God, 'that they themselves [are] the first who need ... to be converted' (Nouwen, 2005b:86), and that, in Nouwen's words: 'I

do not preach against the evils of the world to just change the world, but to prevent the world from changing me.'

> By our worship we create together the new heaven and the new earth, and lay the foundation for the Kingdom of God among us. By making ourselves vulnerable to God and to each other and sharing in a very simple way ... signs of peace, we are building God's dwelling place right in the heart of the world. Thus we continue the incarnation of God's Word of Peace and invite those who are living in the darkness to enter with us into the house of God's love (Nouwen, 2005b:90).

Christian community is more than an equipping or 'protective context for prayer and resistance. It is also the first realization of the "new heavens and the new earth" (2 Pet. 3:13). It is not just a means to accomplish peace; it is the place where the peace we are seeking receiving its first form' (Nouwen, 2005b:99).

Community prevents prayer and resistance from degenerating into forms of individual heroism, arrogance, or the self righteousness of an *us and them* posture. Why? 'Only when we belong to a supportive, as well as self-critical community is there a chance that our peacemaking effort may be more God-serving than self-serving.

> Jesus himself did not suggest that we should go into this world as heroes, fighting the demons alone. No, he sent his divine Spirit, who brings us together in one body, a body of very different people, united by the same promise and set free for the same work of peace ... it is this living body of the Christian community that is able to oppose the powers and principalities that roam around this world. When peacemakers are not part of community, they are not part of the living Christ, and their peace is a false peace (Nouwen, 2005b:101).

Nouwen asks: 'if the Christian community is so essential for peacemaking, what then makes us part of such a community?' (2005b:102). Again, he identifies a number of qualities that constitute Christian community. These are:

- A life of mutual confession and mutual forgiveness:

> a willingness to live in shared vulnerability ... a place where strength is ... in weakness, faith is revealed in the recognition of doubt, life is revealed by the honest realization of moments of despair, love is revealed amid the reality of jealousy, suspicion, and distrust, joy is revealed in the midst of sadness, and peace is revealed within the humble awareness of violence, conflict, and divisions. Indeed, Christian community is nothing less than Jesus Christ revealed among us sinful men and women (Nouwen, 2005b:103).
>
> Christians are peacemakers not when they apply some special skill to reconcile people with one another but when, by the confession of their brokenness, they form a community through which God's unlimited forgiveness is revealed to the world (Nouwen, 2005b:104, 105).

Confession and forgiveness are choices for reconciliation instead of self defence. 'They are more than signs of good will. They are the first realisation of the new heaven and the new earth we are awaiting' (Nouwen, 2005b:106);

- A life which in which hope becomes a visible sign of the Kingdom of God that is *already* here, and *still to come*.

> The Christian community is the living representation of the risen Lord. It is a sign of hope precisely because it represents the light that cannot be killed ... the hope of those who belong to the living Christ is a hope rooted in what has already occurred, even if the total fullness of this event has not yet been revealed (Nouwen, 2005b: 108).

Nouwen, who celebrated the Eucharist daily, would not only have been reminded of this, but would have proclaimed this hope daily in the words of the apostle Paul: "For whenever you eat this bread and drink this cup, you proclaim the Lord's death until he comes" (1Corinthians 11:26).

Christian history provides models of what a community of resistance can look like, and while each generation needs to listen to the past as part of its discerning process in the present, it also needs to listen to the groans of creation, its own groans, and the groans of the Holy Spirit (Romans 8:22-27), in the present, in order to discern what a community of resistance could or should look like in its context. Again, Nouwen discerns vulnerability – power in weakness – as one of the forms that such a community needs to take today;

- A life of 'reaching out to each other in total vulnerability' (Nouwen, 2005b:110).

> As humanity we have entered a period in which our faith is being stripped of all support systems and defence mechanisms. But it is precisely with this naked faith that we are called to build a community of hope that is able to resist the darkness of our age.

Again, this recurring theme in Nouwen's social ethic will be discussed later, but here vulnerability means a willingness to be mutually accountable.

> They are accountable to each other, always open for criticism and new directions. Their main concern is to do the will of God and not their own. Thus they spend much time and energy carefully discerning what type of life or action they are called to (Nouwen, 2005b:111);

- A life shaped and formed in worship. Another recurring theme in Nouwen's social ethic is gratitude:

> neither prayer nor resistance can be understood in their full significance outside the context of community life. Both are expressions of a confidence in the risen Lord. The resurrection of Jesus as celebrated in the life of the Christian community is much more than a past event joyfully commemorated in the present. It is an event that is recognised as a continuing reality within the life of the

> community itself ... A life in community is a life lived in unceasing gratitude to the Lord with whom we dwell (Nouwen, 2005b:113, 114)

At the centre of that life, for Nouwen, is of course the Eucharist, the essential meaning of which is *thanksgiving*.

> Thus the community of peacemaking is a Eucharistic community. The word "eucharist" means gratitude. Whenever peacemakers speak and act, their words and actions announce the "good grace" (*eu* = good, *charis* = grace) of God. Therefore the eucharist, belongs to the center of the communal life of peacemakers. It is the event in which all peacemaking is summarized. A little piece of bread and a small cup of wine are taken and shared and Jesus' words are spoken: "This is my body, this is my blood" ... Small, insignificant human gifts become God's greatest gift, the gift of himself to all of us. We give God part of ourselves; he gives us all of himself ... We make a small gesture of gratitude, and he shows us the limitlessness of his generosity. Then we see that all is a pure unconditional gift ... a gift to be grateful for, not a property to cling to, hoard, or defend. All that is asked of us is to believe that we are loved so fully, so deeply, and so unreservedly that God's abundance is ours (Nouwen, 2005b:118, 119);

> Celebrating the Eucharist requires that we stand in this world accepting our co-responsibility for the evil that surrounds and pervades. As long as we remain stuck in our complaints about terrible times in which we live and the terrible situations we have to bear ... we can never come to contrition... [never accept that] the conflicts in our personal lives as well as the conflicts on regional, national, or world scales are *our* conflicts, and only by claiming responsibility for them can we move beyond them – choosing a life of forgiveness, peace, and love (Jonas 2005:89); and

- A life of generosity and hospitality. Hospitality is another dynamic in Nouwen's spiritual-ethic.

> *Hospitality* is "a practice deeply embedded in the narratives and teaching of the Christian tradition, a practice that recognizes the vulnerability of strangers, the dangers of exclusion, and God's special presence in the guest - host relationship" (Hernandez, 2006:41).

Nouwen viewed hospitality as a fundamental attitude toward one's fellow human beings that can be expressed in several different ways: as an attitude in all relationships, including total strangers; as '"the creation of a free space where the stranger can enter and become a friend instead of an enemy. Hospitality is not to change people, but to offer them space where change can take place." Indeed, the Bible's command to extend hospitality to strangers (Heb 13:2) urges us to open up an avenue "where strangeness breeds not estrangement, but engagement" instead' (Hernandez, 2006:42);

Hospitality is also the gift of a healing community.

> Hospitality itself can be transformed into healing community – even as it "creates a unity based on the shared confession of our basic brokenness and our shared hope" ... To Nouwen, all of ministry can be reckoned as hospitality. It represents one of the two major compassionate services a Christian can render. The other act, which is bound by the same unified spirit of compassion and solidarity, deals with the challenging realm of social justice (Hernandez, 2006:43);

Hospitality is also a sacred and safe space for Christians to discover their unique giftedness (for ministry and mission), and that all Christians share with Christ in the ministry and the message of reconciliation:

> Peacemakers come from God and they return to God with the fruits of their labor. Their home is God's home, their wisdom God's wisdom, their love is God's love. They have found this ... In and through their Lord Jesus Christ, who come from God to bring peace to this world, and who returned to God to bring all people with him as his sisters and brothers. The peace we have found is the peace that belongs to God. Christ is the first peacemaker since he opened the house of God to all people and thus made the creation new. We are sent to this world to be peacemakers in his name. This is what St. Paul means when he speaks about reconciliation: "For anyone who is in Christ, there is a new creation: the old creation has gone, and now the new one is here. It is all God's work. It was God who reconciled us to himself through Christ and gave us the work of handing on his reconciliation. In other words, God in Christ was reconciling the world to himself, not holding men's faults against them, and he has entrusted to us the news that they are reconciled. So we are ambassadors for Christ; it's as though God were appealing to us, and the appeal that we make is: 'Be reconciled to God'" (2 Cor. 5:17-20) (Nouwen, 2005b:126).

Receiving the gift of the weak, the broken, the poor, and the marginalised

In his essay *The Path to Peace*, Nouwen added this fourth imperative. In this essay, he struggled with 'a sense of futility ... even despair about saying something meaningful about peace, peacemaking, or a spirituality of peace ... In the past I have often said that prayer, resistance, and community are the three core aspects of peacework. I still believe that this is true, but ... I am no longer as sure ... I am no longer sure ... How then do I proceed? (Nouwen, 2005a:55, 56).

The answer he gives grew out of his experience with the L'Arche Daybreak community close to Toronto, Canada. Here, his recurring theme – so essential to his Christology, spiritually and ethics – that of strength in weakness, was to take on a new, a deeper, indeed an incarnational form.

As pastor to Daybreak, in all his lectures and sermons, Nouwen 'wanted to convey the fact that every l'Arche core member, and every person in the world, has gifts to offer, gifts of love and wisdom. The work of l'Arche assistants is to create a living situation [indeed, a sacred space] where these gifts can be offered and received' (Jonas, 2005:li).

> Jean Vanier and l'Arche were a revelation to Henri Nouwen. Here he saw put into practice money of the principles he had preached and championed for years – the downward mobility and solidarity of the young volunteers, the centrality of the Eucharist, the inclusion of the most marginalised members of society, and the recognition of God's grace working among and through these forgotten individuals. According to Henri, l'Arche was a community living in the true spirit of Jesus, in the spirit of the Beatitudes (O'Laughlin, 2005b:106, 107).

Like many others living and working with people with disabilities, Nouwen's initial feelings and attitudes were pity, concern, and a certain alarm at his own responsibility for the needs of people unable to care for themselves. However, as he became more involved with L'Arche, he realised that the movement had a philosophy that was very different from the world's way of thinking, and which transformed his own.

> Although Nouwen was a master at simplifying huge theological topics, working with the disabled required a whole new approach from him. A great communicator, he was confronted with people who could not understand words. A man of action, he was confronted by people who could only move with difficulty. He had to learn a whole new way of teaching people. Ultimately it dawned on him that the disabled were teaching him and helping him as much as he was serving them ... they revealed to Henri new ways in which Christ was present in the world. "The kingdom belongs to such as these, "... The disabled members of l'Arche taught Henri simplicity. By loving him for himself, they taught him that he did not need to do or be anything in order to be accepted (O'Laughlin, 2005b:121, 122).

One disabled person, a young man called Adam Arnett, was to become, or rather embody, for Nouwen the gift of vulnerability. 'After several months of caring for Adam, Henri began to feel a peace he never before knew. He concluded that the poor share with us the gift of peace, God's reign of peace, which belongs first and foremost to them, according to the Beatitudes' (Dear, 2006:52). In Nouwen's words: 'The gift of peace hidden in Adam's utter weakness is a gift not of the world, but certainly for the world' (Nouwen, 2005c:62).

> For Adam's gift to be recognised, someone has to lift it up, hand it on, and someone has to receive it. That, maybe, is the deepest vocation of the one who assists people with disabilities. It is helping them to share their gifts and helping others to recognise and receive their gifts.
>
> Adam's particular gift of peace is rooted in his *being* and in his *heart* and it always calls forth *community* (Nouwen, 2005c:63).

Nouwen's vocation to Adam was to recognise him, lift him up (and this, on a daily basis, *literally*), and hand him on, so that others might receive him too, discovering that 'Adam was a peacemaker of a very special sort' (O'Laughlin, 2005b:124).

Adam's life stands in contrast to that of Nouwen and many others, for whom 'life has been built around the idea that my value depends on what I do ... a little success, a little popularity, and a little power ... In his silent way Adam keeps telling me, "Peace is not primarily about doing. It is first of all the art of being"' (Nouwen,

2005c:66). 'Adam's peace is not only a peace rooted in his being; it is a peace rooted in his heart' (Nouwen, 2005c:67).

> Let me say here that by "heart" I do not mean the seat of human emotions in contrast to the mind as the seat of human thought. No, by heart I mean the center of our being where God comes to dwell with us and bring us the divine gifts of trust, hope, and love. The mind tries to understand, grasp problems, discern different aspects of reality, and probe the mysteries of life. The heart allows us to enter into relationships and experience that we are sons and daughters of God (Nouwen, 2005c:68, 69).

Not forgetting his background, Nouwen states:

> I do not make a naïve psychological statement overlooking his severe handicaps. I am speaking about a love ... that transcends thoughts and feelings precisely because it is rooted in God's first love, a love that precedes all human loves. The mystery of Adam is that in his deep mental and physical brokenness he has become the preferable mediator of that first love poured into his heart by God. Maybe this will help you see why Adam is giving me a whole new understanding of God's love for the poor and the oppressed. He is offering me a new perspective on the well-known "preferential option" for the poor (Nouwen, 2005c:71).

For Nouwen this is in part, 'the divine peace that flows from the hearts of those who are often called the poor in spirit'. It is also – and again for him – 'a peace that always calls forth community' (Nouwen, 2005c:72).

In Adam, Nouwen has discovered another New Testament conviction, or rediscovered it in a new, deeper, and transforming way.

> Adam truly calls us together around him and molds his motley group of strangers into a family. Adam is our true peacemaker. How mysterious are the ways of God: "God chose those who by human standards are fools to shame the wise; he chose those who by human standards are weak in order to shame the strong, those who by human standards are common and contemptible – indeed those who count for nothing – to reduce to nothing all those who do count for something, so that no human being might feel boastful before God" (1 Cor.1: 27-30). Adam gives flesh to these words of Paul He teaches me the true mystery of community (Nouwen, 2005c:74, 75).

'It is a community that proclaims that God has chosen to descend among us as an infant in a stable, in complete weakness and vulnerability, and thus to reveal to us the glory of God' (Nouwen, 2005c:77). Here is to be found the heart, the essence, of Henri Nouwen's spirituality, Christology, and ethics.

In *In the Name of Jesus, Reflections on Christian Leadership* (1989), Nouwen examines the three temptations faced by Jesus in the wilderness, temptations which still face Christian leaders, namely: the temptation to be relevant; the temptation to be spectacular; and the temptation to be powerful. Adam's life, death, and legacy were a reminder to Nouwen to keep focused on:

> the one who doesn't cling to his divine power; the one who refuses to turn stones into bread, jump from great heights, and rule with great power; the one who says, "Blessed are the poor, the gentle, those who mourn, and those who hunger and thirst for righteousness; blessed are the merciful, the pure in heart, the peacemakers and those who are persecuted in the cause of righteousness" (See Matt. 5:3 -11) ... keep your eyes on him who becomes poor with the poor, weak with the weak, and who is rejected with the rejected. Not one, Jesus, is the source of all peace (Nouwen, 2005c:81).

Nouwen asks: 'Where is his peace to be found?' and God goes on to give an answer that – again – is at the heart of his spirituality and ethics.

> The answer is surprising but it is clear. In weakness. Few people are telling as this truth, but there is peace to be found in our weakness, in those places of our hearts where we feel most broken, most insecure, most in agony, most afraid. Why there? Because in our weakness our familiar ways of controlling and manipulating our world are being stripped away and we are forced to let go from doing much, and relying on our self-sufficiency. Right there where we are most vulnerable, the peace that is not of this world is mysteriously hidden (Nouwen, 2005a:81, 82)

> It is a peace not constructed by tough competition, hard thinking, and individual stardom, but rooted in simply being present to each other and working together in harmony, a peace that speaks about the first love of God by which we are all held safe, and a peace that keeps calling us to community in a fellowship of the weak (Nouwen, 2005a:77).

It is here, perhaps, that Nouwen's social ethic is most challenging, indeed prophetic. His writings 'beckon us to listen, but in a rather different mode: counterintuitively as well as counterculturally ... Chesterton once remarked that "the saint needed by each culture is the one who contradicts it the most." ... Nouwen evidently fulfils such a role even today' (Hernandez, 2006:134). It is this aspect of his Christology, spirituality, and ethics, which it is now necessary to turn to.

The Wounded Healer: Accepting weakness and vulnerability as spiritual gifts (of empowerment) for ministry and mission – the heart of Henri Nouwen's Christology, spirituality, and ethics.

> '[The Lord] said to me, "My grace is sufficient for you, for my power is made perfect in weakness." Therefore I will boast ... about my weaknesses, so that Christ's power may rest on me. For when I am weak, then I am strong' (2 Corinthians 12:9, 10).

God's power is made perfect in weakness; for when I am weak, then I am strong.

When Diana, Princess of Wales, died a year after Nouwen, "she was described in one magazine as having been 'like ... Nouwen's Wounded Healer', a woman who had not disguised her own struggles but, by living through them, had managed to give hope to others – especially those who suffered and those who were marginalized. Both shared an admiration for the work of Mother Teresa" (Ford, 2000:56).

Nouwen became synonymous with the phrase, *The Wounded Healer,* the title of one of his best know books published in 1972, and few words sum him up more accurately. His letter, written in 1970, from Utrecht, to Betty Bartelme, religious editor at Doubleday, in which he proposed a new pastoral book consisting of three substantial articles around the question: 'How do we face the world of tomorrow?' reveals the significance of this work for its author.

> I have this strange feeling that this book has really changed me very much. If I will write more things in the future it certainly will be different. I think I am getting less sweet... Time is becoming very precious to me and I can hardly keep up with my own change of feelings' (Ford, 2000:113, 114).

Are the terms *wounded healer* and *vulnerability* the same? Whether they are or not, Nouwen became synonymous with both, although he did not invent these concepts. It had roots in his psychological training, in his theology, especially in his Christology, and in his own personality and experience. Though he did not invent it, he certainly popularized it.

> In the autobiographical *Memories, Dreams and Reflections*, published in the 1960s Carl Jung had written:
>
> > As a doctor I constantly have to ask myself what kind of message the patient is bringing me. What does he mean to me? ... The doctor is effective only when he himself is affected. 'Only the wounded physician heals.' But when the doctor wears his personality like a coat of armour, he has no effect. I take my patients seriously. Perhaps I am confronted with a problem just as much as they are. It often happens that the patient is exactly the right plaster for the doctor's sore spot (Ford, 2000:56, 57).

The phrase *wounded physician* is not referenced in Jung's autobiography but its origins lie in the Hebrew Scriptures. Nouwen was fond of an old Talmudic legend – taken from the tractate Sanhedrin – which makes the same point. Rabbi Yoshua ben Levi asked the prophet Elijah when the Messiah would come. He was told to ask him himself for he was sitting at the gates of the city. The Rabbi wanted to know how he would recognize him, and was told:

> "He is sitting among the poor covered with wounds. The others unbind all their wounds at the same time and then bind them up again. But he unbinds one at a time and binds it up again, saying to himself, 'Perhaps I shall be needed: if so I must always be ready so as not to delay for a moment'"(Nouwen, 1979:82).

For Nouwen, with his Christocentric theology and spirituality, this story is given 'a fuller interpretation and significance' by Christ 'making his own broken body the means to liberation and new life. Likewise, ministers who proclaimed liberation were called not only to care for other people's wounds but to make their own wounds into an important source of healing. They were called to be wounded healers. The wounds he often spoke of were those of alienation, separation, isolation and loneliness – ones he shared himself' (Ford, 2000:57). 'He is both the wounded minister and the healing minister' (Nouwen, 1979:82).

This notion is carried on in the New Testament in the works traditionally attributed to Peter and Paul.

> Nouwen believed ... that, in a mysterious way, wounds could become a means towards both hope and healing, just as 1 Peter describes the transforming power of the bruises of Christ: 'He himself bore our sins in his body on the cross, so that, free from sins, we might live for righteousness: by his wounds you have been healed.' If this aspect of his pastoral theology was not exactly original, his popular presentation of it certainly was, and Nouwen successfully built a reputation on it. (Ford, 2000:63).

The Apostle Paul's imagery – both challenging and reassuring – is that of;

> treasure in jars of clay to show that the all-surpassing power is from God and not from us. We are hard pressed on every side, but not crushed, perplexed, but not in despair; persecuted, but not abandoned, struck down, but not destroyed. We always carry around in our body the death of Jesus, so that the life of Jesus may also be revealed in our body (2 Corinthians 4:7-10).

Paul's discovery that God's grace is sufficient, and that his power is made perfect in weakness resulted in the statement of faith: 'That is why, for Christ's sake, I delight in weaknesses, in insults, in hardships, in persecutions, in difficulties. For when I am weak, then I am strong' (2 Corinthians 12:10).

> Nouwen, then, was not alone in the world of great preachers and ministers as a person who was highly effective and compassionate but who was also psychologically scarred. Over the course of more than 20 years, he was responsible for popularizing the concept of the wounded healer which he traced back to its biblical foundations. His work transformed pastoral teaching in the Church by showing that priests and ministers need not be afraid to own their own wounds and use them to heal others. But the struggles had to be lived through in the heart, not merely discussed in the mind. The healing had to come from the sacred centre, that place of divine encounter which resourced so much of his theology and teaching (Ford, 2000:64).

By vulnerability, Nouwen did not mean that Christian leaders or;

> preachers should self-indulgently share their own personal idiosyncrasies, worries, and hang-ups, but he did expect them to have the courage to offer their own understandings and experiences of doubt and faith, anxiety and hope, fear and joy, as a source of recognition for others if the word of God were to bear fruit. Preachers could not be available to others until they put the whole range of their own experiences – including prayer, conversations and lonely hours of suffering – at the disposal of those who had come to listen to them. In effect, preachers had to be willing to give their lives for the people. 'Every time real preaching occurs the crucifixion is realized again: for no preacher can bring anyone to the light without having entered the darkness of the cross himself [or herself]' (Ford, 2000:45).

Nouwen saw human brokenness – whether alienation, separation, isolation, or loneliness – as gifts to be cherished, as 'an invitation to transcend our limitations and look beyond the boundaries of our existence' (Nouwen, 1979:84).

Nouwen's own gift as a wounded healer is attested by many, a gift often expressed in generosity, hospitality, and in the ministry of presence by being there and listening. He 'gave hope and encouragement to thousands of people the world over who suffered from depression' (Ford, 2000:61).

His own depression – as much, perhaps, even more, than his training in psychiatric hospitals – brought him close to many. The journal that he had written and reworked during his own emotional breakdown was published on the day of his funeral in Canada as *The Inner Voice of Love.* 'Nouwen believed then that in a mysterious way, wounds could become a means towards hope and healing' (Ford, 2000:63), and this by allowing them to be a place of divine encounter. *In the Name of Jesus* (1989) 'reflected on the need for Christian leaders to be completely vulnerable, with nothing to offer, but their own selves, entering powerlessly into solidarity with the anguish which underlay the ... veneer of success' (Ford, 2000:69, 70).

> For Kathy Bruner, Nouwen was prophetic because he could express what was true. However, because he came from a place of truth and authenticity, it meant that he was also vulnerable in his own suffering: 'Somehow, through the suffering he lived, came an intense authenticity that enabled him to jump into people's hearts and lives. Out of all his inner pain, he was always able to ask where God was in it all, where truth was located and where joy could be found' (Ford, 2000:75).

'Nouwen's vocation was to affirm students in their own sacred journeys and then in common vulnerability, enter with them into the search, allow their questions to resound in the depths of his soul, listen to them without fear and discover the connections with his own life. No fresh insights, though, would ever develop unless they came from a source which transcended both pupil and teacher' (Ford, 2000:120). 'He wanted to help them get to that pain and allow God's Spirit to touch it and heal it. As a trained psychologist, he was not at a loss for creative strategies in dealing with distraught people'.

Vulnerability also created for Nouwen an incarnation of his mission shift, away from the image of dominance and arrogance which had previously, so often, characterized the church's presence, to one in which missionaries were themselves called to conversion. Nouwen's spirituality was always incarnational and prophetic. 'The prophetic aspects of his leadership came not from his being on the edge of the Church but from being deeply rooted in its spirituality and traditions' (Ford, 2000:193). For him prophecy was always a word *to* the church from *within* the church.

Ford (2000:111) quotes Peter Naus, a Dutch friend who spent a year teaching with Nouwen at Notre Dame, and who believes that Nouwen's spirituality came out of the psychology to which he was exposed, rather than the other way round.

> Henri's books almost all start with human experience to which he gives a spiritual meaning. His core concept, the wounded healer, is a profound

> spiritual concept – but it's also a very profound psychological concept within a phenomenological, not a behaviourist tradition ...
>
> Henri found a way of connecting the psychological with the transcendental approach, so he would say to pastoral people, 'Do not stay at the psychological level, you have to bring something else, you have to clarify the transcendental dimension. As a pastoral counselor you have to show how human experience can be elucidated by reference to the Gospel.' On the other hand, he was always very clear that you couldn't talk about a spirituality, which was disembodied, as it were, of human experiences – so he found his own unique solution for bringing the two levels together.

For Nouwen: 'True spirituality leads to creative ministry; real ministry comes from a natural fruit of genuine spirituality. Spirituality and ministry go together and are correctly seen as one piece' (Hernandez, 2006:131). 'He expounds on the vital link between contemplation and ministry in this way: "To contemplate is to *see* and to minister is to make visible. The contemplative life is a life with a vision and the life of a ministry is the life in which this vision is revealed to others"' (Hernandez, 2006:51).

Nouwen's vision consists of 'three interactive movements of the spiritual life correspond[ing] with the unified movement of love at the core of the Great Commandment: love of self, love of others, and love of God. These in turn, coincide with the journey of love upon which everyone embarks ... All three journeying movements toward perfection in love occur within the context of imperfect realities with which one has to wrestle. In truth, the inward, outward, and upward journeys are journeys of imperfection' (Hernandez: 2006:131).

> The inward journey of imperfection involves self-confrontation in conjunction with the human reality of brokenness. The path leading to wholeness is through the inward process of woundedness and brokenness. One experiences a growing sense of wholeness by first coming in direct contact with one's inner condition of brokenness.
>
> The outward journey of imperfection represents a movement toward others within the context of ministry. Fruitfulness in ministry can only be achieved by dying to one's self and bringing an end to self's perceived power. True power in ministry is displayed best in the midst of weakness. God's power flows freely through a weak vessel.
>
> The upward journey of imperfection has to do with the idea of reaching up to God via communion in prayer. The way to holiness incorporates the sobering experience of suffering as a preliminary to glory. Union with God means communion with and through suffering (Hernandez, 2006:131,132).

Thus the journey to perfection is through imperfection, the journey to wholeness is trough brokenness, and the journey to power for ministry and mission is through weakness. This approach to ministry and mission, while not unique, nor original to Henri Nouwen, is one that he distinguishes 'by its counter intuitive and counter cultural qualities' (Hernandez, 2006: 132). Indeed, it could be said to run counter to the Christian prosperity movement with its promises of health, wealth, and success. While this movement, indeed spirituality, is less self-confident and assertive as it

was in the last decades of Nouwen's life and ministry, it is still influential, and therefore his critique is still relevant, and it is thought, likely to remain relevant as the church in every generation (in the footsteps of Jesus) engages with the three-fold temptations: to be relevant; to be spectacular or popular; and to be powerful (cf., Matthew 4:1-11; Luke 4:1-14). The irony, or paradox, of this, according to the Lucan account of the temptation of Jesus is that in resisting these temptations, 'Jesus returned to Galilee in the power of the Spirit'.

> Ministry is entering with our human brokenness into communion with others and speaking a word of hope. This hope is not based on any power to solve the problem of those with whom we live, but on the love of God, which becomes visible when we let go of our fears of becoming out of control and enter into his presence in a shared confession of weakness.
>
> This is a hard vocation. It goes against the grain of our need for self-affirmation, self-fulfillment and self realization. It is a call to true humility (Garvey, 2002:76).

Nouwen's struggle to articulate and live out a *spirituality of vulnerability* might best be expressed in the phrase: an *empowered vulnerability* – one that belongs primarily to 'the meek, for they will inherit the earth' (Matthew 5:5).

> We find no surrender to evil here. These words do not summon us to weak submission and powerlessness but to a different kind of power. This new power neither invades nor defends, yet it is the toughest, most enduring and transforming energy in the world – an empowered vulnerability that is not victim hood (Wuellner, 2004:53).

Prayer, often a confession of our inability to pray, confesses 'our broken, vulnerable, mortal ways of being [so] that the healing power of the eternal God becomes visible to us' (Garvey, 2002:25).

5.3 Conclusion: Nouwen's legacy – The challenge to discover and live by the Pauline conviction: *God's power is made perfect in weakness.*

In coming to a conclusion, it would be helpful to look at two encompassing and encapsulating notions of Nouwen's spirituality, as outlined in his essay: *The Path of Power* (1995), and his definitive work: *The Wounded Healer* (1979). These two books together draw significantly on everything that has been said of his Christology, spirituality, and spiritual-ethic.

In *The Path of Power,* Nouwen explored the mystery of God's power revealed in weakness – the weakness resulting (at least in part) from resistance to relevance, popularity, power, and control – that mystery of an empowered vulnerability.

Theology, for Nouwen, is as simple and as profound as 'looking at reality with the eyes of God ... and so to discern the ways to live' (Nouwen, 2005a:26). His typical three-fold schema is one of exploration, showing, and then proclamation.

> The path of power is really about a theology of weakness. We want to look with God's eyes at our experience of brokenness, limitedness,

> woundedness, and frailty. We want to look at them in the way that Jesus taught us to hope that such a vision will offer us a safe way. I will focus on three words: "power," "powerlessness," and "power." I first want to explore the power that oppresses and destroys. Then I want to show how power is disarmed through powerlessness, and finally I want to proclaim the true power that liberates, reconciles, and heals (Nouwen, 2005a:26).

Power: The lust for power entraps and corrupts the human spirit; it results in resentment, revenge, wounding, competition, violence, and fear. Nouwen contrasts these with gratitude, forgiveness, healing, compassion, cooperation, and love. The human need for dominance and control grows out of a shared insecurity. We are 'so insecure about who we are that we will grab any, yes any, form of power that gives us a little bit of control over who we are, what we do, and where we go' (Nouwen, 2005a:28). 'We use power to give us a sense of ourselves, we separate ourselves from God and each other, and our lives become *diabolic,* in the literal meaning of that word: *divisive'* (Nouwen, 2005a:29).

Nouwen refers, not only to economic and political power, but, to religious power. With the collapse of Communism in the closing decades of the 20th century, the great ideological struggle of East and West seemed to give way to an outburst of neo-nationalism followed by ethnic cleansings, only to give way to a new religious crusade where conflicting and competing fundamentalisms fuel that struggle.

> The most insidious, divisive, and wounding power is the power used in the service of God ... [This] devastating influence in the hands of God's people becomes very clear when we think of the crusades, the pogroms, the policies of apartheid, and the long history of religious wars up to these very days. It might be harder though to realize that many contemporary religious movements create the fertile soil for these immense human tragedies to happen again' (Nouwen, 2005a:31, 32).

The human need for certainty and security, which often finds its political expression in fascism, can, along with the need to hold the moral high ground, easily find its religious expression in a rabid fundamentalism.

'What was and is God's response to the diabolic power that rules the world and destroys people and their lands?' Nouwen (2005a:33) asks. 'The answer is a deep and complete mystery because God chose powerlessness.' 'In an all-embracing mercy God chooses to disarm the power of evil through powerlessness – God's own powerlessness' (Nouwen, 2005a:32).

Powerlessness: Whether (as argued by Naus) or not, Nouwen's spirituality came out of the psychology to which he was exposed, rather than the other way round, it is certainly rooted in the Christological concept of *kenosis,* self-emptying.

This Christological mystery is also the mystery of our calling, a calling expressed in our spirituality and social ethic. It is grounded in the mystery of the incarnation.

> God chose to become so powerless that the realization of God's own mission among us became completely dependent on us ... That's the mystery of the incarnation; God became human, in no way different from other human

> beings, to break through the walls of power in total weakness. That's the story of Jesus (Nouwen, 2005a:34, 35).

For Nouwen, God's powerlessness as it is revealed in Jesus of Nazareth – an empowered vulnerability – is revealed 'not only [in] a powerless birth and [in] a powerless death, but – strange as it may seem – [in] a powerless life' (Nouwen, 2005a:37). Nouwen sees in the Beatitudes (Matthew 5:3-12), a self-portrait of Jesus: One who knows his need of God, who identifies with the marginalized, who does not need to dominate or be in control; who shares the grief of humanity, who does not hide his fears; who is gentle, who does not break the bruised reed (Isaiah 42:3); who hungers and thirsts for justice; who shows mercy, who calls out not for retribution, but for forgiveness; who stays focused on the values and priorities of the Kingdom (namely the unity and healing of God's creation); who seeks to reconcile men and women to God, to one another, and to themselves; who lives with grace, mercy, and love among the unreconciled, and who accepts that the call of God includes the call to suffer *with* and *for* the sake of others.

Power: 'In and through the powerless Jesus, God disarmed ... [the 'diabolic powers that divide and destroy']. However, this mystery confronts us with a new and very hard question: how do we live in this world as witnesses to a powerless God and build the kingdom of love and peace?' (Nouwen, 2005a:39).

Firstly, Nouwen dispels the misconception that the call to powerlessness – to be a wounded healer by demonstrating empowered vulnerability – means being doomed to being a doormat, to being soft, passive, subservient, or to victimhood – always dominated by the powers that enslave. He answers *no* to the following question:

> Does it mean that economic weakness, organizational weakness; physical and emotional weaknesses have now, suddenly, become virtues? Does it mean that people who are poorly prepared for their tasks can now brag about their poverty as a blessing that calls for gratitude? When we read Paul's words, "My strength is made perfect in weakness" (2 Cor. 12:9), do we imagine that we are dealing with a weakling who uses his low self-esteem as an argument to proclaim the gospel (Nouwen, 2005a:39, 40).

Nouwen was fully aware of the dangers of a theology of weakness, including the dangers of abuse. He rightly acknowledged Nietzsche's criticism of such a theology when it keeps the poor in their poverty and the "faithful" in subservient obedience, allowing them to be manipulated by the powerful in society and church. In contrast to this, Nouwen:

> shows a God weeping for the human race entangled in its power games and angry that these same power games are so greedily used by so-called religious people. Indeed, a theology of weakness is a theology that shows how God unmasks the power games of the world and the church by entering into history in complete powerlessness. But a theology of weakness wants, ultimately, to show that God offers us, human beings, the divine power to walk on the earth confidently with heads erect (Nouwen, 2005a:43).

The God who chooses vulnerability is powerful, for vulnerability is a choice only of those who know where the real source of true power lies. This is evidenced in the Johannine account of Jesus role-modelling servanthood to his disciples:

> Jesus knew that the time had come for him to leave this world and go to the Father. Having loved his own ... he now showed them the full extent of his love ... Jesus knew that the Father had put all things under his power, and that he had come from God and was returning to God ... get up ... took off his outer clothing, poured water into a basin, and began to wash his disciples' feet (John 13:1-5a).

Jesus' role of servant was not a quest for identity, affirmation, reassurance, belonging, appreciation or recognition (which so much religious effort and its attendant power struggles can be), but: an expression of *knowing* who he was; to whom he belonged; his purpose; and his destiny. Empowered vulnerability, for Nouwen, is learning to accept *the divine power to walk on the earth confidently with heads erect.*

> God is powerful. Jesus doesn't hesitate to speak about God's power. He says: "In truth I tell you, there are some standing here who will not taste death before they see the kingdom of God come with power" (Matt. 9:2). Wherever Jesus went there was the experience of divine power ... Jesus was filled with God's power. Jesus claims for himself the power to forgive sins, the power to heal, the power to call to life, yes, all power. The final words he directs to his friends are full of this conviction. He says: "All power in heaven and on earth has been given to me. Go, therefore, make disciples of all nations" (Matt. 28:12-19).
>
> Power is claimed, and power is given. In and through the powerless Jesus, God wants to empower us, give us the power that Jesus had, and send us out ... to reconcile the estranged, to create community, and to build the kingdom of God.
>
> A theology of weakness is a theology of divine empowering ...
>
> Yes, we are poor, gentle, mourning, hungry and thirsty for justice, merciful, pure of heart, peacemakers, and always persecuted by a hostile world. But we are no weaklings, no doormats! The kingdom of heaven is ours, the earth our inheritance. We are comforted, have our fill, experience mercy, are recognized as God's children and ... see God. That's power, real power, power that comes from above.
>
> The movement from power through powerlessness is our call ...
>
> It is this power that engenders leaders for our communities, women and men who dare to take risks and take new initiatives. It is this power that enables us to be not only gentle as doves, but also as clever as serpents in our dealings with governments and church agencies (Nouwen, 2005a:43 - 47).

In order to 'keep moving from dividing power to uniting power, from destructive power to healing power, from paralyzing power to enabling power' (Nouwen, 2005a:49). Nouwen suggests three disciplines, namely:

- 'to focus always on the poor who are close to us and in our world',

- 'to trust that God gives us what we need to truly care for the poor that are given to us', and to live lives of risky generosity (Nouwen, 2005a:48), and

- 'to be surprised not by suffering but by joy' (Nouwen, 2005a:49).

'And so, with an eye focused on the poor, a heart trusting that we will get what we need, and a spirit always surprised by joy, we will exercise true power and walk through this valley of darkness performing and witnessing miracles. God's power becomes ours and goes out from us wherever we go and to whomever we meet' (Nouwen, 2005a:49).

In *The Wounded Healer,* Nouwen (1979:87) asks: 'How can wounds become a source of healing.' In answer he points to themes already discussed above. 'How does healing take place? Many words, such as care and compassion, understanding and forgiveness, fellowship and community, have been used for the healing task of the Christian minister. I like to use the world hospitality ... hospitality embraces two concepts: concentration and community' (Nouwen, 1979:88, 89).

Hospitality is the ability to pay attention to the other and to do so without intrusion i.e., the intrusion 'of our unrecognized need for sympathy, friendship, popularity, success, understanding, money or a career' (Nouwen, 1979:90). 'Concentration, which leads to meditation and contemplation, is therefore the necessary precondition for true hospitality.'

'Why is this a healing ministry?' Nouwen (1979:92) asks, and gives the following answer: 'It is healing because it takes away the false illusion that wholeness can be given by one to another. It is healing because it does not take away the loneliness and pain of another, but invites him [or her] to share his [or her] loneliness on a level where it can be shared.'

> Through this common search, hospitality becomes community. Hospitality becomes community as it creates a unity based on the shared confession of our basic brokenness and on a shared hope. This hope in turn leads us far beyond the boundaries of human togetherness to Him who calls His people away from the land of slavery to the land of freedom. It belongs to the central insight of Judaeo-Christian tradition, that it is the call of God which forms the people of God.
>
> A Christian community is therefore a healing community not because wounds are cured and pains are alleviated, but because wounds and pains become openings or occasions for a new vision. Mutual confession then becomes a mutual deepening of hope, and sharing weakness becomes a reminder to one and all of the coming strength (Nouwen, 1979:93, 94).

Needless to say the idea of the wounded healer was not without criticism, some believing that Nouwen was calling for the removal of *all* distinctions between care-givers and those they serve.

> But here, Henri felt misinterpreted. He believed that Christian ministers should simply remain grounded in their own vulnerability, their brokenness in Christ, and resist the temptation to objectify their fellow Christians, making them into mere "parishioners," "clients," or "directees." To be a healing,

> Christ-like presence for others, care-givers must be available as whole persons who participate simultaneously as both givers and receivers.
>
> Henri believed that certain boundaries between ministers and those they serve are good. But he was concerned about ministers who deny their own suffering and their humanity by disappearing into a professional role. Henri would develop his message in his book *The Way of the Heart* (1983) and often return to the issue (Jonas, 2005:xxxi, xxxii).

In one interview, Nouwen pointed out that he never intended the wounded healer to be the exclusive archetype for ministers. In that interview – with John Robert McFarland, "The Minister as Narrator" (review of "the wounded healer" idea), *Christian Ministry* (1987) (Jonas, 2005:xxxii) – he said:

> Jesus played many roles: Good Shepherd, the Gate, the Cornerstone, the Bridegroom, the Brother, and so on. Our ministry should bear the marks of each of these titles ... I never considered the wounded healer a complete model. I just find that it reminds me – and maybe others like me – of something I was in danger of forgetting.

Later still, in response to his apparent overemphasis on Jesus' call to weakness and vulnerability, he responded:

> I am not saying it like a doormat. I am not saying I am nobody. I am not saying I am not worth much or psychologically a wreck. I'm saying I am a very weak, broken, sinful, fragile, and short-living person – but I rejoice in it. I can stand under the cross of my own suffering – or of God's suffering – but I can stand. I don't have to fall apart. I stand with my head erect. I can do that.

While not a complete concept, the idea of the wounded healer reminded Nouwen, *and* many others, what we are all in danger of forgetting: It *is* very weak, broken, sinful, fragile, and short-lived people that God calls in Christ, that apart from him, we can do nothing, but that we can do everything through him who gives us strength (Philippians 4:13). It was this conviction – at the heart of his spirituality, Christology, and social ethic – that made Henri J.M. Nouwen the teacher, imperfect spiritual guide and mentor, wounded healer and prophet, and peacemaker that he was, and remains for many.

Surely this echoes the essence of the Apostle Paul's paradoxical conviction, and their legacy is the challenge to discover and live by this conviction: *God's power is made perfect in weakness; for when I am weak, then I am strong!*

In her tribute to Nouwen – delivered at his funeral service in Markham, Ontario, on Saturday 28 September 1996 – Sue Mosteller, a close friend at Daybreak, spoke of the legacy of his life's message:

> If we enter into the privileged and very sacred centre of our hearts and listen to God's Spirit who is living there, we will hear the message that Henri was sent to teach us: don't be afraid of your pain, choose to love when relationships are difficult, choose to believe when hope is flagging, help each other, step through wounded and bitter feelings to be in union with one

another, forgive each other from your hearts because God is near, calling each one of us, 'Beloved' (Ford, 2000:218, 219).

If this is Nouwen's legacy, how does it contribute to the development of a spirituality of reconciliation, healing, and transformation in South Africa?

5.4 Summary: Henri J.M. Nouwen's Contribution to Restoring Moral Values by Helping to Develop a Spirituality of Reconciliation, Healing, and Transformation relevant to South Africa

The spirituality that Nouwen offers is one that makes no distinction between the inner and the outer life affecting and effecting the relationship between God, others, and self. This balance has often been lost between evangelicals and activists in South Africa to the detriment of each other and to the nation as a whole. He offers a spirituality that is integrative, one that holds together the three imperatives of the Great Commandment (Mark 12:29-33), namely to love God, others, and self. It is deeply rooted in his understanding of who Christ is, and what he has done, is doing, and can confidently be expected to do in the future. His Christological vision calls for a radical social ethic that is committed to justice and, because it is realistic about human nature, the world and society in which we live, and the sin and brokenness we share, a social ethic that is committed to reconciliation, healing, peacemaking, restoration, and transformation.

Nouwen elicits a Christocentric spirituality that calls us to live with Jesus at the centre. Living with Jesus at the centre means to live in union with the One who is called, and who calls us to live as, the Beloved of God. To live as the Beloved is to find our true identity, sense of belonging and security, meaning, and purpose in the assurance that we are loved, and deeply loved, by God. He holds out a spirituality that is deeply personal, but never private, and committed to the gift and the obligation of Christian community, for to live in Christ is to live in community. It is a spirituality that resists both cynicism and pseudo-mysticism, is deeply grounded in Christian hope for the future, and calls for responsible, active, and sacrificial engagement in the present.

Ironically, Nouwen's is a spirituality that calls us to live with Jesus at the margins of society. To live as the Beloved is to live in the certainty of God's love revealed in Christ. This empowers us to live in and to speak to a post-modern world where certainties have failed, or are no longer trusted, without succumbing to the deceptive *certainty* of an unquestioning and sometimes rabid fundamentalism. It allows for, even calls for, paradox and mystery. It does not offer simplistic answers to the mystery of God's love and justice and human suffering, and while not denying or trivializing these questions, does not see suffering or weakness as obstacles to grace, joy, and peace. Rather, it is a spirituality that invites us to encounter God, to experience God's strength in human weakness, and to reveal God's presence there by living as signs of the Kingdom that is *already* but *not yet* here.

Nouwen's is a spirituality with a strong, even a dominant, kenotic ethic, one that is counterintuitive, countercultural, and therefore prophetic. Contemplative certainly, his is a spirituality that is also deeply missional. For Nouwen, contemplation means to see (God), and ministry and mission means to make visible, to and for others, that (God) which is seen.

Such spirituality promises individual and collective transformation through the free gift of God's grace, yet one that requires our voluntary, active, participation. Being transformed by grace means allowing ourselves to be shaped or formed by others in community for the sake of others. This calls for many other spiritual disciplines, among them: solitude, prayer, service, generosity, hospitality, compassion, caring, friendship, and gratitude. All of these are outward expressions of inner moral values. For Nouwen, the disciplines of gratitude and generosity are at the heart of what it means to live in a community that is called eucharistic. It is also eucharistic in the sense of being called to live life as offering and sacrifice. It is a life of deep intimacy with Christ and costly solidarity with the world he came to save. To live in union with Christ and solidarity with others is to accept being taken (or chosen), blessed (anointed or empowered), broken, and given by God to and for others.

Such an identification calls for an intentional posture of vulnerability that follows Christ in his *kenosis,* or downward mobility, into the world, and shares in his mission as a wounded healer. This personal, spiritually charged, social ethic of downward mobility is lived out in: prayer, resistance, community, receiving the gift of the poor, the suffering, the weak, the broken, the oppressed, and the marginalized, and accepting our own weaknesses and vulnerability as spiritual gifts. It is here that we are invited to both find and to reveal the presence of Christ.

Prayer is essentially transformational, a transformation that begins with us as we name and take responsibility for our own sinfulness and brokenness. It involves mutual confession and forgiveness, and communion or intimacy. Prayer summons us to divest ourselves of all illusions of control and power. It calls for both protest and affirmation, and that in the traditional, biblical language of dying and rising, of taking off the old and putting on the new. It is martyrdom in the sense that we are called to resist self-centeredness in order to affirm Christ-centeredness and other-centeredness. It resists the multiple powers of death, among them warmongering, violence, racism, xenophobia, and the demonizing of the other as *the enemy*. In humility and confession we are called to recognize that the enemy, and that which we hate most, is often within ourselves. Such a spirituality exposes the temptations of power, success, and relevance; it resists the tyranny of pragmatism by reminding us that the right thing to do is always the right thing to do, even if it doesn't seem to work or result in the immediate, desired outcome.

Further, such spirituality resists discrimination on the basis of race, religion, gender, or sexual orientation. It resists the ethic of blaming and retribution. It affirms human dignity, value, worth, freedom, responsibility, and accountability, and expresses itself in an ethic that is people-centred rather than issue-centred. It affirms, indeed celebrates, unity in diversity and diversity in unity. It calls for compassion and humility, and in doing so, it engenders joy.

Compassion is the willingness to share suffering alongside of, with, and for others. Humility is the willingness to share a common humanity, and in our context to share, a common sense of being African. Boraine (2008:215) writes: 'South Africa needs to rediscover the core meaning of *ubuntu* if it wishes to continue the process of reconciliation. With crime statistics soaring and a high incidence of violent crimes ... it seems as if *ubuntu* is a romantic notion that is practiced in the breach. To recognize and to affirm our common humanity in South Africa is essential if our social, fabric is not to be torn asunder.'

It is a spirituality with an ethic more social than political, and one that is committed to non violence.

Above all, Nouwen offers a spirituality that is committed to Christian community and to spiritual and moral formation within that community, despite its own conflicts, divisions, frustrations, and brokenness, as well as its own need for forgiveness, reconciliation, mediation and unity.

By staying in touch with these very weaknesses we can connect with the God of grace who became vulnerable in Christ, the God whose power is made perfect in weakness (2 Corinthians 12:9b).

To live in Christian community (at the risk of repeating some of the above) is to:

- Live in mutual accountability, confession, and forgiveness,
- Accept others' and our own brokenness as spiritual gifts,
- Be formed in and through worship and prayer (liturgy),
- Live in gratitude, generosity, and hospitality, and to discover that hospitality (the gift of giving sacred space to others) is the gift of healing, and to
- Live with Jesus at the centre and at the margins.

To live in Christian community is thus to discover the grace of *empowered vulnerability*, the grace that calls us to be a healing, reconciling, restoring, transformed, and transforming community. We respond to this call not by denying our own woundedness or our past (whether as wounded victims or wounding offenders), but by acknowledging it, taking responsibility for it, and learning from it, ever confident in God's redeeming grace.

The Jubilee is, among other things, about moral restoration by proclaiming Kingdom values. This is surely more than, but most certainly can include, programmes of moral renewal for every section of South African society. As Vorster (2007:262) reminds us: 'what is also required is a correct attitude among citizens. Social processes cannot succeed if they are not carried [out] by honest, committed people. Good intentions can easily go astray when people are not willing to serve the bigger purpose. This attitude is lacking. Crime, corruption, sexual immorality, power abuse, exploitation and poverty still plague society and blemish the positive results [following South Africa's transition to democracy in 1994] ... Churches should play an important part in the development of a new attitude. And what is better than pointing to the example of the attitude of Christ? This is the reason why the positive influence that the churches can exert in South Africa's new Liberal Democracy can hardly be overestimated'.

For the Christian community to blow the Jubilee trumpet, proclaiming 'the year of the Lord's favour' (Luke 4:19) means more than initiating and facilitating such programmes. It means a radical commitment to following Jesus and the *kenotic* lifestyle he modelled in servanthood and sacrifice. The conviction of this thesis is that Nouwen is a spiritual guide or companion (among others) who can help us

restore moral values by the development of a spirituality of reconciliation, healing, and transformation relevant to South Africa.

Chapter 6

Conclusion: Taking responsibility for Reconciliation, Healing, and Transformation: An examination of some practical Christian ethical responses and initiatives that could place the Christian community in the forefront of this process.

6.1 Introduction

The TRC has challenged the Christian church to do business with both its theology and its practice of reconciliation. It was Tutu (1998:6), the chairperson of the Commission, who challenged the Christian community to 'be in the forefront of this healing process which is possibly going to go on for decades'.

> The churches were at the forefront of the struggle for freedom and justice and goodness. They helped to get us here and now continue their good work through being agents of unity and reconciliation, assisting to rehabilitate the moral quality of our society and promoting *ubuntu,* persuading their members to be ready to forgive, and persuading the beneficiaries of apartheid to be ready to give reparation and assist in the process of transformation for their own sakes, for the sake of their children and for the sake of the future of this rainbow nation.

This raises the question: How can the Christian church be in the forefront of binding up the wounds of the past, facilitating the healing process, and living as a people and a sign of hope? More specifically and personally, how can that part of the Christian church to which I belong, be in the forefront of this healing process?

The previous chapter looked at a Spirituality of healing, hope, and transformation, and asked two guiding questions:

- What does such a spirituality look like? and
- What (other) spiritual disciplines does such a spirituality call for?

For a spirituality to qualify for the definition of *Christian*, it needs to be incarnational, concrete, practical, and measurable. What does this mean? While seeking to be more than a series of initiatives, programmes, or projects, two questions may be asked:

- What *concrete and practical* responses can the Christian church, especially at its local level, make in taking responsibility for binding up the wounds of the past, crime, and violence? and
- What are the church's resources for taking on such responsibility?

These questions will be examined from a general perspective pertaining to all churches, with the conclusion offering a particular and personal journey. Before that however, some questions need to be asked about the content, context, and the recipients of the church's ministry and mission of reconciliation.

6.2 The Church's ministry and mission of reconciliation

From the perspective of the Johannine gospel, the writer understands that, just as God entrusted Jesus with a mission in the world, so too Jesus entrusts his followers with a mission in the world (John 20:21). How the church understands its apostolic mission in general, will determine how it is undertaken in its specific South African context, and what it means to be *in the forefront of this healing process* of reconciliation, healing, and transformation, thus contributing to peace-making and nation-building. At least two questions emerge concerning the Christian community's apostolic mission:

- What is our mission? and
- Who are the recipients of our mission? To whom are we sent?

Among the answers to these questions are:

- The church's mission is to proclaim the good news of God's Kingdom breaking in upon us; it is the proclamation:
  - Of 'the year of the Lord's favour' (Luke 4:19). According to the Lucan gospel, Jesus clearly understood his mandate in terms of proclaiming a Jubilee Year, that is a year of release, restoration and return,
  - '[O]f a new covenant - not of the letter but of the Spirit; for the letter kills, but the Spirit gives life' (2 Corinthians 3:6), and
  - Of 'the ministry of reconciliation... We are therefore Christ's ambassadors' (2 Corinthians 5:1820).
- The church's mission is to hold out the hope of God's Kingdom (which is understood as creation healed and being healed) coming in its fullness, and to live in prophetic anticipation of that, and
- The church is appointed and anointed to proclaim this as:
  - Good news to the poor,
  - Freedom to prisoners,
  - Sight to the blind, and
  - Release or liberation for the oppressed i.e., in terms of 'the year of the Lord's favour', the Year of Jubilee (Leviticus 25:8-54; Isaiah 61:1-11; cf Luke 4:14-21).

It is interesting and challenging to note that in the case of prisoners, the blind, and the oppressed, the good news is specified and takes the form of tangible, concrete and practical changes to their circumstances, but in

the case of the poor, the nature of that good news is unspecified. It is therefore part of the mission of the church, to discern what form that good news might, could, or should take in its given context.

6.3 The church's resources for its ministry and mission of reconciliation

The church's primary resource is the gift, presence and power of the indwelling Holy Spirit. According to the Pauline corpus, the ascended Christ has given gifts to all his people to fulfil his, and by extension, their mission on earth.

> It was he who gave some to be apostles, some to be prophets, some to be evangelists, and some to be pastors and teachers, to prepare God's people for works of service, so that the body of Christ may be built up, until we all reach unity in the faith and in the knowledge of the Son of God and became mature, attaining to the whole measure of the fullness of Christ (Ephesians 4: 1-13).

Among the church's resources therefore, are its:

6.3.1 Prophetic ministry,
6.3.2 Evangelical ministry,
6.3.3 Pastoral ministry, and
6.3.4 Teaching ministry,

Among its other resources are the church's:

6.3.5 Liturgical and Sacramental life,
6.3.6 Ministry of Presence,
6.3.7 Ministry of Healing,
6.3.8 People, and
6.3.9 Commitment to Social Justice.

6.3.1 The Prophetic ministry of the church

The church's prophetic role is to speak and enact the values, priorities and goals of the Kingdom of God within its given political, social and economic context. This involves the church participating fully and responsibly at a national level, but always remembering that participation doesn't mean acquiescence to the status quo. It involves comforting the afflicted, 'afflicting' the comfortable, developing and providing leadership and solidarity with the poor (Hay, 1998:153). It means making an intentional option for the poor and marginalized, and not identifying with structures of power and wealth. It means exploring the appropriate, relevant and practical implications of the Year of Jubilee in the South African context, especially in terms of restoration. This could include the restoration of:

- Land,
- Dignity,

- Responsibility and productivity,
- African culture and spiritual heritage, and
- Ecological responsibility in caring for God's creation.

Vorster (2004:285), drawing on De Gruchy (1997), states that part of what it means for the church to remain true and faithful to its prophetic vocation, is a critical solidarity involving three touchstones namely, the church should: take sides with the poor and all who remain oppressed; always defend human rights; and be self-critical if it wants to be credible in the eyes of the community at large. Critical solidarity is therefore a valuable definition of the prophetic role of the church, especially at a time of transition. It is here that the recommendations of the TRC to the churches need to be evaluated and implemented.

6.3.2 The Evangelical ministry of the church.

The church's ministry in the specific context of binding up the wounds of the past, crime, and violence, is to ensure that victims, offenders, and their communities are objects of holistic evangelism. This will mean proclaiming the good news of God's forgiving, redeeming, healing, and transforming love, so that:

- Victims can see the future in terms of healing and wholeness, of which forgiveness may be a necessary part,
- Offenders can take responsibility for their actions, make amends and also see the future in terms of reintegration into society, and the building of holistic relationships. This will involve the biblical dynamic of *metanoia,* repentance, and
- Communities can support victims, help reintegrate offenders, build relationships, and prevent or reduce recidivism.

Some of the practical, measurable and accountable ways that the Christian community could mobilize its resources may be:

- To provide a safe environment that will help victims and offenders to grow, learn, tell their stories, forgive, be forgiven, and find strength,
- To promote the principles and practices of restorative justice e.g., by gathering for reflection, prayer and action, by promoting workshops, rallies, and liturgies that bring crime and justice issues into corporate worship, and
- To work together with other agencies, both government and NGOs, especially with restorative justice initiatives and diversion programmes, one of which, the Fig Tree Project, is outlined in APPENDIX 1.

6.3.3 The Pastoral ministry of the church

The church's pastoral ministry could involve putting into place structures for victim offender mediation and reconciliation. It could also involve becoming agents for peace and reconciliation initiatives. Victim Offender Conferencing (VOC) is a restorative justice means to this end, which the church could adopt and adapt with Christian integrity. An example of such a Christian programme is Prison Fellowship International's Sycamore Tree Project (STP) currently conducted by crime-care ministries in the following countries: Australia, Cayman Islands, Colombia, Costa Rica, England, Hong Kong, Hungary, Kenya, Korea, Netherlands, New Zealand, Northern Ireland, Panama, Philippines, Rwanda, Scotland, South Africa, USA and Wales.

In South Africa, the first STPs were piloted by the Prison Fellowship South Africa (PFSA) Free State and Vaal Triangle Region in Leeuhof and Groenpunt Centres of Correction in 2005/6 respectively. Subsequently, PFSA has partnered with the Department of Correctional Services to implement the STP in all prisons throughout South Africa. By December 2007, this programme had been implemented in 35 prisons in three provinces: Gauteng, Western Cape, and Free State. The Sycamore Tree Project is outlined in APPENDIX 3.

In 2002, the C.B. Powell Bible Centre at the University of South Africa, Pretoria, in cooperation with Tshepo Network, a Radio Pulpit Community Building Initiative hosted a series of workshops on different aspects of prison ministry. The papers presented were published in 2003 as *Prison Ministry, the new challenge* (ed: Francois Swanepoel).

Swanepoel (2003:105-126), in his presentation *EVERYONE CAN DO SOMETHING*: *The local church can be actively involved in various ways!* outlined the following practical suggestions for evangelical and pastoral involvement:

- Contact Ministries;
    - Friendship Ministries; evangelical, supportive, and logistical,
    - Preaching Ministries; evangelical, discipleship, and focused on addressing holistic needs,
    - Discipleship Ministries; establishing and developing the *church in prison* through small groups,
    - Specific Goal Ministries, i.e. KAIROS, Alpha, and EE III, all actively involved in prisons throughout South Africa,
    - Training Ministries; skills development and education,
    - Pastoral Counselling Ministries; indicated as the greatest need during a combined UNISA/DCS survey (2002), and
    - Group Work that includes: bible study, support, prayer, evangelization, fellowship, training, and discussion groups focusing on relationship

and personal issues such as family life, friendship, work, self image, loneliness, discipleship, loss, conflict, money matters, depression, substance abuse, sexuality, gangs, and HIV/AIDS.

- Support Ministries;
  - Correspondence Ministries; encouragement ministry through letter writing,
  - Correspondence Training programmes/courses; and
  - Prayer Ministries.
- Financial Empowerment Ministries;
  - Financial support for ministries, and
  - Financial support for prisoners, ex-offenders, victims, and families.
- After Care Ministries;
  - Ministry to those inmates preparing for release and reintegration,
  - Ministry to the community/church in preparation for offenders' release into that community/church, and
  - Ministry after release; this could include support groups, halfway houses, vocational training, and social skills development.
- Ministries to Victims; e.g. a holistic trauma response and support centre, supported, staffed, and resourced by a collaboration of government, churches, NGOs, and other community support groups; and
- Ministries to Families of victims and offenders.

The crime situation in South Africa is often experienced as so overwhelming as to be debilitating, often resulting in a fatalistic resignation to despair and inactivity. It is important therefore, to awaken individuals and leaders within the faith community, to the immense range and diversity of possible involvement, thus placing the Body of Christ in the forefront of the healing process of reconciliation and transformation.

> *Prison ministry* [and by extension, to *all* people affected by crime and violence] is an important ministry. It is a challenging ministry. It is a demanding ministry. It can be a rewarding ministry. Every local church and every Christian is called to be actively involved ... in some way or another. If we really work together we can make a difference not only to the crime rate, but more importantly, to the lives of many people and most importantly, to the kingdom, the glory and honour of God (Swanepoel, 2003:126).

6.3.4 The Teaching ministry of the church

The church's ministry of teaching is perhaps one of its greatest resources in engaging people in the transforming values, priorities and goals of the Kingdom of God. The church has a vital role to play in education – in its literal sense of *leading out* and *leading towards* – and this task will engage the ministries of prophecy, evangelism and pastoral care, as well as the church's liturgical and sacramental life.

Practical outcomes of this could be seminars and workshops focusing on reconciliation and related issues, e.g. the relationship between justice, forgiveness, reconciliation and reparation. It could also involve training and equipping leadership at the local level, as well as theological students, in the the skills required for ministries of:

- Reconciliation,
- Trauma counselling,
- Victim offender conferencing/mediation,
- Conflict resolution, and
- Crime-care to *all* those affected by crime.

Vorster (2007:260) suggests that preaching can fulfil an important role by:

- Revealing the moral principles and norms of the Kingdom of God, basically, preaching should shape Christians into servants,
- Teaching Christians how to build the nation, by fostering repentance and forgiveness, and by reminding people of all races that unity and harmony is the way to peace,
- Defining the moral foundations for a responsible redress of society's social inequalities i.e. land restitution, affirmative action, political protest, labour relations, business, religious freedom, and HIV / AIDS prevention,
- Nurturing respect for human rights, especially those of women and children, the most common victims,
- Revealing the God-given foundations of responsible family life and sexuality, and
- Being politically relevant by being in dialogue with other role players in the socio-political field.

6.3.5 The Liturgical and Sacramental life of the church

At the centre of the church's liturgical and sacramental life is the Holy Communion (Eucharist). This is an invitation to remember, to be

reconciled, forgiven, and healed, to find hope, and to celebrate life together (1 Corinthians 11:26).

The church gathered as eucharistic community is itself a microcosm of the nation; it is a paradox reminding us who we are, and what we are called to become, i.e. broken yet whole, divided yet one, and sinful yet holy. The Eucharist reminds us that, Christ-likeness is both a process and a goal. Therefore, at a national, regional and local level, the church can promote reconciliation and healing by:

- Creating appropriate liturgies,
- Utilizing the themes of the Christian year e.g. Advent, Lent, Good Friday, Easter and Pentecost, and
- Celebrating and proclaiming reconciliation and unity.

Vorster (2007:261, 262) further proposes the following broad guidelines for the church gathered as worshipping community:

- Praying for the poor and for a Christian response to poverty,
- Reminding Christians of their calling to be involved in addressing and being part of the solution to social problems,
- Celebrating the sacraments in such a way that highlights the plight of the marginalized, especially abused women and children,
- Expressing the unity of the Christian community in such a way that it brings hope to a society reeling under the impact of racism, xenophobia, and ethnocentrism,
- Accentuating the Christian virtue of sharing against the background of the current policies of land reform and affirmative action,
- Drawing attention to the importance of family life and the value of stable families for society at large,
- Focusing attention on the HIV / AIDS pandemic, its impact on those infected and affected, and the sin of rejection and stigmatization,
- Welcoming people with a same-sex orientation, while guiding them towards a Christian expression of their sexuality and
- Encouraging one another to live with the attitude of Christ – one characterized by servanthood and sacrifice.

The worship service can function as a generating station where the energy for social change can be created. Christians can be the carriers of this energy to the secluded regions of society where people live in the darkness of despair. *Worship should move people to seek solutions* (Vorster, 2007:262– emphasis added).

The church might explore how the Lord's Table could itself become a sacred and safe space, for bringing people together, to name the breach and offer bread to one another as a sign of journeying together towards forgiveness, reconciliation, peace and healing. Liturgically, bringing together the past, the present, and the future, the Eucharist is itself process and goal, a means to the end, which is the Kingdom of God. A more extensive exploration of this is presented in APPENDIX 3.

6.3.6 The church's ministry of Presence

This can be understood in a number of ways and at a number of levels, among them:

- Making South Africa, and in fact, Africa home, by embracing the former and intentionally connecting with the latter. This could involve exploring Black and African theology and seeking *rapprochement* with African Independent Churches (AICs). Seeking to embody the Kingdom of God in Africa could mean listening to and taking seriously the voices of discontent, and struggling to reconcile the ideal with the fallacy of the rainbow nation. One particular area of engagement with the AICs could be in the area of holistic healing,

- Being a local church, i.e. being the Body of Christ in a particular context and culture, and promoting and celebrating reconciliation proper to that context, and

- Offering the traditional ministry of sanctuary i.e. a sacred and safe place for people: to tell their stories; to intentionally enter the process of reconciliation, especially where its necessary preconditions are *metanoia* – repentance and confession, forgiveness, doing justice and making reparation; and to discover a locus of meaning, healing and hope.

6.3.7 The church's ministry of Healing

It is ironic that in exploring the church's resources for reconciliation, healing, and transformation, the church's explicit Ministry of Healing, does not immediately offer itself, and is easily and often overlooked. There is therefore a need for *rapprochement* between mainline, AICs, and Charismatic and Pentecostal churches to explore the theology – or theologies – of healing, the practical implementation of such ministries, as well as the dangers of divorcing practice from theology. This offers itself as fertile, contextual challenges for further research.

6.3.8 The People of the church

Being a microcosm of the nation, the people of the church, can provide a place for story telling, by black and white, young and old, and rich and poor. They are given an opportunity to tell their stories, hear, understand and hopefully, find one another. Storytelling, perhaps more than confrontation, has the power to engage people passionately and

compassionately in practical responses to poverty, crime, violence and other forms of inhumanity as well as the HIV/AIDS pandemic.

6.3.9 The church's commitment to Social Justice

Finally, the church has a commitment to social justice, and this commitment is worked out in and through its other ministries of prophecy, evangelism, pastoral care, teaching, presence, and healing, and in its common life and witnessexpressed in liturgy and sacraments.

6.4 Conclusion

In conclusion, the church can be *in the forefront of this healing process* of reconciliation, transformation, peacemaking, and nation building by:

- Cultivating an appropriate spirituality that makes this a lifestyle rather than a series of strategies, programmes or initiatives, yet remaining concrete, practical, measurable and accountable,

- Continuing to challenge injustice, especially economic injustice in general, and to call for changes in legislation to close the gap between rich and poor; and in particular, to challenge the disparity of income between its people, and between its clergy,

- Educational programmes including: preaching, teaching, training, equipping, small groups, and the use of liturgy as means of personal and community transformation,

- Providing job-training and placement facilities,

- Promoting the principles and practices of restorative justice as a Christian ethical response to healing relationships affected by offending behaviour, thus doing justice,

- Promoting the principles and practices of restorative justice in order to influence the criminal justice fraternity, and to ensure that crime and legal disputes are addressed fairly, quickly and guided by the values of human relationships,

- Providing sanctuary – a safe place, as well as mediation and counselling facilities for victims and perpetrators of offending behaviour,

- Active holistic evangelism, pastoral care and spiritual formation programmes in prison,

- Providing pastoral support for ex-offenders, and *building a bridge* between the church in prison and local church experiences of life in Christ. In order to facilitate this integration, the local church frequently needs to be challenged to transform its own perspective, by *becoming the bridge,* thus witnessing to the unity of the Body of Christ, and

- Networking with other organisations in order to draw alongside all the stakeholders – victims, offenders and communities – supporting and encouraging them to take responsibility, make amends, reintegrate, build relationships, and prevent or reduce recidivism.

Much of the above finds endorsement in proposals offered by the US Catholic Bishops' Conference of 2007 concerning the role of the church in addressing issues related to crime, namely to:

- Teach right from wrong, respect for life and the law, forgiveness and mercy,
- Stand with victims and their families,
- Reach out to offenders and their families, advocate for more treatment, and provide for the pastoral needs of all involved,
- Build community,
- Advocate policies that help reduce violence, protect the innocent, involve the victims, and offer real alternatives to crime, and
- Work for new approaches.

Some of the above can be achieved by individual local churches, but the more challenging and demanding areas would call for collaboration or networking to form ecumenical and other partnerships across the *rainbow nation.* Such networking could resource the church to meeting these challenges both quantitatively and qualitatively and in itself could accelerate the healing process.

6.4.1 A particular and personal journey: From local churches' initiative to national and international para -church organization

The Conference of the Methodist Church of Southern Africa in Johannesburg on 30 August 2005 adopted The Charter of the Mission Congress (held in Umtata in November 2004) which stated: God has given us the vision of "A Christ-healed Africa for the healing of the nations", and challenged its members 'to share more deeply God's passion for healing and transformation'. The words *for healing and transformation*, which the MCSA had been using for some time, had earlier been incorporated into the mission statement of my own local church, the Three Rivers Methodist Church, Vereeniging, namely: Calling, Equipping and Sending Disciples of Jesus Christ for Healing and Transformation.

As a local church we entered into a partnership with other local churches, including Afrikaans-speaking churches, in the Vaal Triangle, and in 2001 initiated a crime-care ministry called Parakletos. A former policeman and transformed Apartheid law enforcement officer, Douw Grobler, was appointed as Mission Pastor to initiate community involvement in crime-care. The long-term vision of Parakletos was to minister to victims of

crime and violence (and their families), offenders - both awaiting trial and sentenced - in correctional facilities (and their families), and members of the uniformed services, especially the Department of Correctional Services (and their families).

Guided by evangelical and pastoral concerns, and later by restorative justice principles, Parakletos – as the name suggests – saw itself as being *called alongside* all the major players affected by crime and violence, namely victims, offenders *and* the wider community. In the five years that it was operating, its focus tended largely – but not exclusively – to be on prison ministry, and this mainly due to restrictions on human and financial resources.

Early in 2005, Parakletos was invited to become partners in the revival of Prison Fellowship South Africa (PFSA), now one of 126 chartered and member countries of Prison Fellowship International. PFI is a global organisation of independent national bodies committed to working together in reaching out to prisoners, ex-prisoners, victims, related families, and others affected by crime. Established in 1976 by former White House aide Charles Colson (of Watergate fame *and* infamy), PFI has grown from a prison ministry to become a holistic crime-care ministry, and into the largest such ministry in the world. Its vision statement reads:

> *To be a reconciling community of restoration for all those involved in and affected by crime, thereby proclaiming and demonstrating the redemptive power and transforming love of Jesus Christ for all people.*

Its mission statement reads:

> *To exhort and serve the Body of Christ in prisons and in the community in its ministry to prisoners, ex-prisoners, victims and their families, and in its advancement of Biblical standards of justice in the criminal justice system.*

PFSA's vision is to be a reconciling community for all, thereby rehabilitating those who have offended society, and assisting with their reintegration into the community through the proclamation and demonstration of *ubuntu* and the love of God.

Parakletos, now incorporated as PFSA: Free State and Vaal Triangle Region, is providing momentum to the national ministry, under the leadership of Douw Grobler, now appointed as Executive Director, to be functional in all of South Africa's nine provinces. More recently, and in partnership with the Departments of Correctional Services and of Justice and Constitutional Development, the Restorative Justice Initiative of Southern Africa, the business sector, represented by SASOL, and some international donors (facilitated by PFI), PFSA has been exploring the implementation of juvenile offender diversion programmes, in particular, the Fig Tree Programme (see APPENDIX 2).

In an attempt to promote both the principles and practices of restorative justice, as a Christian ethical response to healing relationships affected by offending behaviour, thus doing justice, and to motivate and resource local churches in taking responsibility for placing themselves in the forefront of the reconciliation, healing, and transformation process, the Restorative Justice Centre and PFSA have partnered with the South African Council of Churches (SACC) in April 2008. The aim of this partnership is to compile a DVD-based facilitation of:

- Bible studies focusing on Biblical Justice and the foundation it offers Restorative Justice,
- Presentations on Restorative Justice,
- Practical suggestions and guidelines for local church involvement, and
- A listing of restorative justice practitioners and other resources offered to the local church.

It is hoped that this resource will be completed for timely distribution by the SACC to its members and others, for use as a resource in and around South Africa's Day of Reconciliation on 16 December 2008 and thereafter. Much of the aim and focus of this resource is shared by the aims and objectives of this thesis.

The funding for this resource is a gift of the Mennonite Christian Community in North America. This is yet another example of foreign investment in South Africa's future, and it is hoped that, as the movement gains momentum and the benefits of a reconciled, healed, and transformed nation becomes evident, such investments, resources, and initiatives will promote generosity, involvement, and ownership from within South Africa.

This thesis echoes the hope of Desmond Tutu; that the churches will be in the forefront of this healing process which is going to go on for decades, and is offered as a resource to that end.

APPENDIX 1

LOCATING THE MESSAGE IN THE LIFE OF THE MESSENGER
A Brief Biography of Henri J.M. Nouwen (1932-1998)

Henry Jozef Machiel Nouwen was born on 24th January 1932 in the small village of Nijkerk, some 28 miles southeast of Amsterdam in Holland. He was the eldest of four children. His father, Laurent Jean Marie Nouwen (d 1997), who became an eminent professor of tax law at the University of Nijmegen, came from a family of 11. It was a pious Catholic family: one daughter became a nun, and Laurent spent a few months in a Dominican seminary testing his vocation. Henri's mother, Maria Huberta Helena Ramselaar (d 1978), was one of an artistic family of eight. They too were traditional Catholics, though not as strict as the Nouwens. Her elder brother, Anton, was ordained a priest in 1922 in the archdiocese of Utrecht and became a Vatican adviser on Jewish – Christian relations.

'Almost immediately, it was clear that Henri was a uniquely gregarious and anxious child. His family jokes that Henri was restless and "on the go" even in the cradle' (Jonas, 2005b:xxii).

> Understanding Henri's family is one key to understanding Henri Nouwen. In Henri's family we see dedication to religion and spirituality, balanced within a caring, educated, and cultured lifestyle. He inherited from his father an energetic sense of purpose and drive. From his mother came his great concern for others and his tenderness. This family was a strong one, capable of properly nurturing and then sending someone like Henri Nouwen into the world (O'Laughlin, 2005b:21).

Yet it was never as simple as this, for Henri's relationship with both his parents was complex. His social, cultural, religious, and family background, especially his relationship with both his parents, is undoubtedly *one key to understanding Henri Nouwen,* but it might also be wise to heed the words of Robert A. Jonas for whom Nouwen was a friend and mentor:

> As a psychotherapist, I am well aware of a certain branch of psychology that might reduce all of Henri's life to some unconscious conflicts with his parents. Through persuasive to some, this interpretation would be simplistic, and just as inadequate as the view that his relationship with his parents had nothing to do with his message. To me, Henri's presence and ministry obviously tapped into a spiritual power that transcends the conditioning of childhood. And yet it is obvious ... that he carried a pattern of emotional conditioning which both animated his work and fuelled his inner conflicts (Jonas, 2005:xxxvi).

Henri was never convinced of his father's unconditional love. Friends talk about Laurent Nouwen as a traditional patriarch, the stern taskmaster, who like a good Dutch father, called his eldest son to achieve more and more. Only later in life did father and son come to realize how much alike they were and how much they really loved each other.

> Shortly before his death in 1997, at the age of 94, Henri's father Laurent spoke about his son:

> He was very generous and always brought me gifts. He was very proud of his father and he would always try to impress me by saying, 'I'm a great man, father, I have been a success'. I was very proud of his success. When he left Holland to go to the States he had nothing – no money, no relations, nothing. When he had money, he gave it away. He was a very devoted son but also very human. I miss him a lot. He was always writing and visiting. He had much of his mother in him, eager, always working (Ford, 2000:89).

Henri's brother Laurent points out that, although Henri as the eldest son was always trying to live up to what he thought were his father's expectations of him, there is little in his brother's writings about living up to the expectations of a demanding God. Henri had learnt (or continued to learn) that:

> God loved humanity before humanity loved him – so people were already the beloved of God without having to do anything: 'Henri might have been prepared for that insight by his struggles with a demanding father, but he never perceived God that way'. Other friends, though, believe that Henri was very wounded by his father, and was always distressed by his father's attitude towards him (Ford, 2000:89).

Of all his family members, Henri felt his mother most understood and loved him. He probably idealised her as the perfect mother, but she was certainly the one human relationship in which he had absolute trust. He often said that it was her devotion to the Eucharist that inspired him to become a priest. She followed every decision he had made, discussed every trip he had undertaken, and read every article and book he had written. They were extremely close, and yet Henri sometimes felt freer to share his feelings with his readers than with his own family, including his mother. In *In Memoriam* and *A Letter of Consolation* written at the time of her death from cancer in 1978, he makes this clear:

> For example, he writes that if he had told his mother straight-out how much he loved her and how much he relied on her, she might have become "confused, embarrassed, or even offended. Or perhaps she would have simply called me a sentimentalist." Both books make clear that Henri did not feel that his parents acknowledged or appreciated his rich emotional life. But Henri does not share with the reader how he *felt* about this. One can presume that some of the experiences that his mother discounted or rejected may have been critically important to Henri, but we hear almost nothing of this (Jonas, 2005:xxxviii).

In his *Letter* to his father Henri reveals much about the great distance between them. It also reveals much about how the son perceived the values of the father: "a man with a strong personality, a powerful will, and a convincing sense of self ... Experience has taught you that displaying weakness does not create respect ... you fiercely guarded your own spiritual, mental, and economic autonomy ... anything that reminded you of death threatened you ... you had very little sympathy for people whom you considered 'failures.' The weak did not attract you" (Ford, 2000:88, 89).

> The letter conveys beautifully the love of a son for his father. But it is also a son's plea that the father lay claim to his own spiritual life in a deeper way and re-examine his aversion to those – like Henri himself – who are suffering and emotionally vulnerable. Henri's *Letter* exemplifies the efforts of many who have come through counselling, psychotherapy, and spiritual direction with a renewed desire to make contact with their parents (Jonas, 2005:xxxviii).

In a memorial given at Nouwen's gravesite on 18 May 2006, his brother Paul said:

> Henri's search for God ... [was] a restless looking for the great Father. It brought him ... to become a pastor, looking after people who were vulnerable indeed but strongly beloved children of God. L'Arche became his home where he tried to be a beloved man himself. Still he went on travelling, always on the way to find the Father ...
>
> ... He spoke and wrote in a simple, not really academic language that moves the hearts of vulnerable people, whom we all are. He was the wounded healer. He wanted us to believe that we are the beloved children of God whoever we are ...
>
> Now ... he is with the Father ...
>
> And now ... He gives support to many people in this world who are looking for the love of God and perhaps not knowing who God is. His message for all of us is this: Do not say that you cannot find God, but do your utmost so that God can find you! (Nouwen. P, 2007:xvi).

Much of this is reflected in Henri's understanding of God – indeed in his Christology – who shows his love to humanity in the Incarnation, suffering, dying, and death of Jesus, the liberating, the compassionate, the descending, the loving, and the hidden God.

> Were unconscious forces at work in Henri's focus on God's powerlessness? Perhaps Henri's reading of Jesus sometimes overlooked the grace that can be present in the power of personal and social visions and creativity, in the power of making things happen and getting things done. Henri tended to emphasize Jesus' powerlessness, what he *endured,* what happened *to* him, rather than what he decided and created. Is it possible that Henri's interpretation was influenced both by his Roman Catholic environment (with its emphasis on compassion for the poor) and by the ways in which his father used his personal power to distance himself from intimacy, an intimacy that Henri desperately needed?
>
> One might speculate whether Henri's particular understanding of Christian love and forgiveness had a terrible cost, a severe, life-long repression of the emotions (and the self) his parents deemed unacceptable. I believe that the spiritual life can never be reduced to mere psychological categories. Henri dedicated his life to that within us which is truly beyond categories, the divine source and destination of our fragile and precious being. And yet we all live at the nexus of the human and the divine, heaven and earth. These powers came together powerfully in a person like Henri, and the story can be told in many ways (Jonas, 2005:xxxix,xl).

From an early age, Nouwen wanted to be a priest like his uncle Toon, who was to play a major role in his life.

> Since I was six years old, I felt a great desire to be a priest. Except for a few fleeting thoughts of becoming a navy captain ... I always dreamt about one day being able to say Mass, as my uncle Anton did ... By the time I was eight years old, I had converted the attic of our home to a children's chapel, where I played Mass, gave sermons to my parents and relatives ... Meanwhile, my grandmother ... gently introduced me to a life of prayer and encouraged me in a personal relationship with Jesus (Nouwen, 2005d:14).

When Henri was eight, Holland was invaded by the German army. Indeed the makeshift chapel in which young Henri, or Harrie as he was known in the family, played priest was adjacent to the room where his father was hidden from enemy soldiers who were looking for him. It was only at the age of 18 that he was finally able to enter the minor seminary at Rijsenburg, of which his uncle Toon, now a monsignor, had been appointed Rector. A year later, in 1951, he attended the most prominent Dutch seminary in Utrecht and remained there until his ordination in 1957. He was ordained on 21 July 1957 in St. Catherine's Cathedral, Utrecht by Archbishop (later Cardinal) Bernard Alfrink, Primate of the Netherlands, who had also been born in Nijkerk.

Alfrink was one of the most significant figures in Nouwen's life. He was a biblical scholar, and for many years, prior to his being transferred to the Episcopal chancery, had been a professor at Nijmegen University. His life was also one of considerable adaptation and evolution. Despite his later reputation as a liberal churchman, Cardinal Alfrink held very traditional views when he assumed office. However, he came to the point of allowing many sweeping changes, once he became caught up in the extraordinary series of events that led to the theological *Prague Spring* that took place in the Dutch church in the fifties and sixties. Alfrink 'found in the apostolic period of early Christianity a model of collegiality that he thought very pertinent to Catholicism in the modern world. Instead of a top-down authoritarian model, he encouraged a new level of collegial cooperation and consultation among the bishops of Holland. Cardinal Alfrink also created a national pastoral council that gave lay people a voice in the church for the first time' (O'Laughlin, 2005b:36).

It was in this period of ferment that Nouwen finished his seminary studies, was ordained, and, having distinguished himself at the seminary, was offered the chance to continue his studies in Rome. Having considered the proposal, he made a counterproposal: that he be permitted to study for a doctorate in psychology at Nijmegen University. 'Nijmegen was a Catholic university, and priests had studied there since its inception; however, the field of psychology was still new, influenced by challenging, even radical theories proposed by thinkers such as Sigmund Freud and Carl Jung. Their theories on human nature, on the unconscious, on sexuality, and on religion were radically at variance with the teachings of the Catholic Church' (O'Laughlin, 2005b:38, 39). Nevertheless, Cardinal Alfrink gave his blessing.

During this period Nouwen made the first of many trips to the United States of America as (an unpaid) Chaplain on the Holland-America cruise line. In Boston he met with Harvard psychologist Gordon Allport, who was involved in the pastoral counselling movement and was able to give Henri some of the expert advice he needed. Professor Allport encouraged him to complete his studies at Nijmegen and then seek a fellowship in religion and psychiatry at the Menninger Foundation in Topeka, Kansas. The Foundation was becoming a centre for those wishing to embrace a more multidisciplinary approach to psychology.

Also during this period, Nouwen was taken to Rome as an assistant to his uncle, Monsignor Anton Ramselaar, who had been called to Vatican II, to provide help and expertise concerning the role of the laity in the church and the issue of Catholic-Jewish relations.

Nouwen spent two years (1964-1966) at the Menninger Clinic. His stay included some supervised counselling, study of psychology's Freudian roots and its modern derivatives from Karen Horney to Gordon Allport, and much debate about the relationship between

psychiatry and religion. It was here that he met Doctor John Dos Santos. When Dos Santos was later invited to begin a psychology department at the University of Notre Dame, Indiana, he invited the young Dutch priest to join him for a one-year teaching appointment. Nouwen actually spent two years at Notre Dame (1966-1968), where he became the first faculty member to teach Abnormal Psychology, and broke new ground by bringing in Protestant psychology professors for monthly lectures.

It was also here, almost by accident, that his career as a writer began. One of his students, a journalist from the *National Catholic Reporter,* asked permission to publish one of his lectures in that journal, the response to which was so positive that further essays were published, and then gathered into Nouwen's first book: *Intimacy: Essays in Pastoral Psychology* (1969). "I never planned to be a writer and I never really thought of myself as a writer. In fact, my father always used to say that I didn't have more than three hundred words in my vocabulary", he wrote in *The Critic,* Summer 1978 (O' Laughlin, 2005b:57).

Nouwen's time at Notre Dame brought him into contact with the civil rights movement and the growing opposition to the war in Vietnam. He took part in demonstrations and activities supportive of the black community's struggle for equality, including the 1965 civil rights march in Selma, Alabama.

> So it was that Henri Nouwen became an agent of change and of renewal in America. He had begun to expound his penetrating insights into the spiritual life of modern people, and with his crazy, intense, personal style, he surprised and then quickly won over his new, American audience. Being an exemplar of change and renewal would be his principal role in the United States and then in other parts of the Western world for the rest of his life. Notre Dame opened up his new and very important stage in his journey (O'Laughlin, 2005b:58).

In 1968, as America reeled with the assassinations of civil rights leaders, Martin Luther King and Robert Kennedy – gunned down in April and June respectively – Nouwen returned to Holland to teach pastoral psychology and spirituality to seminary students at the Pastoral Institute in Amsterdam and the Catholic Theological Institute in Utrecht, and to renew his bid for a doctorate at the University of Nijmegen.

Nouwen had attended King's funeral in Atlanta, 'making instant friends with several mourners and feeling strangely at home in a culture that must have seemed starkly different from his white, upper-middle-class, Catholic upbringing in Holland. Here in the gathering storms of America's apparent self-destruction, Henri felt nourished by the resonant mix of grief and joy displayed by those who loved Martin Luther King and by their vision of hope' (Jonas, 2005:xxvii).

> The crises in America's cities challenged Henri to develop and express a Christ-centered vision for America. In all he wrote, all he said, Henri encouraged his listeners to keep their hearts open and to trust that the suffering that accompanies love is God's suffering, too. Henri believed that Christ continually offers a creative channel of leading, a source of energy in the struggle to bring forth, through the power of the Spirit, a world marked by justice and love (Jonas, 2005:xxvi).

Nouwen's return to Holland proved to be a dark period in his life, yet interestingly enough it was also a time when he began to do some of his first significant writing. He published *Creative Ministry* and *The Wounded Healer: Ministry in Contemporary Society* (both in 1972).

In 1970, largely due to the interest shown in his first book, *Intimacy,* Nouwen was invited to lecture at Yale Divinity School, an invitation he turned down. Six months later the school renewed its offer and He accepted on condition that he would not be expected to produce technical works of scholarship like the rest of the faculty. He returned to America with the approval of his bishop in Holland, and would remain at Yale for ten years, eventually gaining tenure as a full professor in 1974. 'His classes drew Yale's brightest and most prayerful students and were always filled beyond capacity' (Jonas, xxxiii).

> While at Yale, Henri enjoyed the work of preparing America's future ministers for their role as Jesus' presence to a suffering world. Most of his books and seminary lectures would revolve around the themes of faith, solitude, silence, prayer, woundedness, and God's love ... More and more, he dropped academic language and difficult theological terms. More and more, he directed his writing to an audience of moderately educated Christians, both Catholic and Protestant, ordinary people in the pews.
>
> As a seminary professor at Notre Dame and Yale, Henri began a powerful enquiry into how to heal the split between theological training and spirituality' (Jonas, 2005:xxix, xxxx).

His popularity as a professor at Yale was matched by a growing reputation as a spiritual writer. 'For the ten years he was to remain at Yale he was more and more widely read and quoted as an authority in the field of pastoral ministry and spirituality' (O'Laughlin, 2005b:64). 'It was at Yale that he learned to speak more openly about his own spiritual journey instead of using textbook examples and other abstractions, and it was at Yale that he found the forum to speak about the civil rights movement, American foreign policy, and many other concerns that were shaking the nation and the world' (O'Laughlin, 2005b:65).

The restlessness, that had been part of his temperament since he was a small child, also asserted itself more and more in the decade he remained at Yale. 'In spite of his success ... he was feeling increasingly hollow and ungrounded. If he were to apply his theory about personal spirituality at the heart of ministry to his own person, he knew that the conclusion would be that his own spirit was broken and his sense of certainty very tenuous ... and so he was forever searching the horizon for some new person or interest or activity to give him a greater sense of fulfilment' (O'Laughlin, 2005b:66).

One such person was Thomas Merton, originally a university intellectual and hipster, converted to Catholicism, then a teacher in a Catholic college, and finally a Cistercian (or Trappist) monk.

> Merton's unique vision proved to be a transformative element that has enlivened and shaped all subsequent attempts to live a monastic life in the Western church. It has also had a dramatic impact on Christian thinking generally. From within his monastic enclosure Thomas Merton engaged problems of war and peace, the civil rights movement, Latin American injustice, spiritual authors of previous centuries, and Zen Buddhism. He published journals, such as *the Sign of Jonas,* that ranked as spiritual classics, and books on prayer, spiritual direction, and personal ethics (O'Laughlin, 2005b:68).

Nouwen had met and talked with Merton on a visit to his Kentucky monastery, the Abbey of Gethsemani in 1964.

> Merton was to solidify for Nouwen the conviction that a life of prayer should ideally center around a kind of contemplation that took the world in, understood it, and saw in it the coming of Jesus ... Nouwen absorbed the teachings of Merton and made them his own ...
>
> Although Merton was a much deeper thinker than Henri Nouwen, Thomas Merton exemplified for Nouwen the kind of awakened and inspired Christian writer who was fully engaged with his faith and reaching out to learn from and interact with the world ... In the Yale years Merton continued to be a pivotal model for Nouwen. Psychology as a framework was receding for Nouwen, and in its place were creativity, contemplation, and engagement in the spiritual life (O'Laughlin, 2005b:69).

So, during this time, Nouwen tested the possibility of a monastic vocation. In 1974 and 1979 he spent two sabbaticals in a Trappist monastery in upstate New York, close to Lake Ontario, the Abbey of Genesee, whose abbot was Dom John Eudes Bamberger. From this period came two important works: *Reaching Out: Three Meditations on the Christian Life* (1975), and *The Genesse Diary: Report from a Trappist Monastery* (1976). A third book was to follow: *A cry for Mercy: Prayers from the Genesee* (1981).

Nouwen was to return a third time to the Abbey of Genesee, but this time to prepare to test another vocation. He had discovered that he was not called to the monastic life. His question now was whether God was calling him to live and work in Latin America.

In July 1981, Nouwen resigned from Yale and began preparation to spend six months in Latin America. From October 1981 to March 1982, he stayed there, beginning with a three-month Spanish course in Cochabamba, Bolivia, at the *Instituto de Idiomas* of the Maryknoll congregation. He then spent three months in Peru, living with a small family in a *barrio Nuevo,* a shanty town in Lima, called *Ciudad de Dios*, City of God. It was here that he celebrated his fiftieth birthday on 24 January 1982.

> Not only was he able to make concrete, rather than abstract, his sense of what Latin American poverty was and was not, he came to know some of the leading figures in the liberation theology movement, especially Gustavo Gutiérrez, its leading exponent. Gutiérrez was Nouwen's guide to the theology of the South, and he couldn't have asked for a better mentor. However, it became apparent to Gutiérrez and perhaps to others that Henri Nouwen was not someone who should make a lasting commitment to Latin America. It was suggested that he might be more useful if he were to return to the United States and explain to people what was happening in Latin America, and thus be a bridge between these two worlds. Henri should not stay in Latin America, but he could do the work of "reverse mission" in the North (O'Laughlin, 2005b:92).

Although this proved to be a significant and formative time, in the end Nouwen accepted this judgment, and opted not to become a missionary, but to return to the United States with a new agenda. From this period came *¡Gracias!: A Latin American Journal* (1982). In this he wrote: "The plane from Buenos Aires and Santiago has just arrived. I am eager to get on board and head north; but I am also aware that something has happened to me. I sit here and wonder if going north still means going home" (O'Laughlin, 2005b:92).

Indeed, something had happened to him! "Nouwen underwent almost a conversion in Peru as he began to realize how individualistic and elitist his own spirituality had been, and to discover the ways in which his thinking had been dominated by influences within his own North American tradition, with its particular emphasis on the interior life ... just how 'spiritualised' his own spirituality had become" (Ford, 2000:142).

> Gutiérrez rates Henri Nouwen as one of the best spiritual leaders of the twentieth century, not only for his work in bridging the worlds of social justice and spirituality, but also for stressing the importance of a contemplative dimension in the spiritual life, which should always be part of any active commitment to social change (Ford, 2000:143).

Gutiérrez invited Nouwen to write the introduction to the English translation of his *We Drink From Our Own Wells.*

Does this mean that Henri Nouwen was now a social activist? A commitment to social justice was becoming a big part of his life, especially after his return to the United States in 1982. Besides his efforts to change American attitudes and policy towards Central America, he was active in or sympathetic to, a number of other causes.

> The civil rights movement, Latin America, nuclear disarmament, the AIDS epidemic – these were the causes that interested Henri the most. He wrote, visited activists, spoke out, and even took part in protests throughout his life, yet many of his friends thought he should do more. They urged him to take a stronger stance and capitalize on his national reputation to draw attention to one cause or another and help bring about real change. In fact, as Henri regarded the motley array of activists agitating for this and against that, he sometimes found it difficult to identify completely with them or their causes. Their own positions were often reactive, angry and fearful, full of the same impulses and emotions as those of the people they opposed (O'Laughlin, 2005b:98).

Nouwen concluded that a different approach was needed and proposed a spirituality of peacemaking: 'by realigning oneself with God in prayer and renouncing the world's message of negativity, self-criticism, fearfulness, and violence. He unmasked as lunacy the quest to obtain one's own national security by threatening the survival of humanity ... What he envisioned was a spirituality of peace and peacemaking that was grounded in prayer, self-knowledge, mutuality, and love for one's enemies.'

In Dear's, *The Road to Peace* (1999), an anthology of Nouwen's writings on peace and justice won a Pax Christi Book Award.

> Dear argues that "the essays on peace and justice gathered here in this collection are not side interests or posthumous footnotes to his great body of writing. They offer some of his most spiritual insights. They stand at the center of his thought."
>
> Deirdre LaNoue rejects this in *The Spiritual legacy of Henri Nouwen.* In commenting on whether or not "they stand at the center of his thought," she writes: "I do not agree. The center of Nouwen's thought was a personal relationship with God. He obviously believes that such a relationship would express itself in social activism, but this was not the center of his thought and work. Loving God and loving others as much as self was at the center of his work. Social activism was only one expression of these relationships at work" (Grigsby, 2007:196).

LaNoue further suggests that 'the self-centered spirituality that characterizes many Americans [and surely, not only Americans] in the 1980s and 1990s, seems to point to the fact that some ... today are dangerously close to practicing a kind of modern Gnosticism where the desire to know God ... results in a tendency to forget about or ignore one's obligation to love and care for others. Nouwen's thought concerning social activism is relevant and in keeping with the teachings of Scripture and the examples of many throughout the history of the Christian church' (Grigsby, 2007: 197), and is a message that the contemporary church needs to hear. So, while Henri Nouwen was not *primarily* a social activist, the social justice implications were integral, and are just as necessary and urgent now, if not more so, than when first put forward.

Nouwen's social ethic is primarily an ethic of compassion. Two key works are, *Compassion: A Reflection on the Christian Way* (1982), and *Here and Now: Living in the Spirit* (1994). His core themes are: moving from competition to compassion; being the beloved (of God); downward mobility; suffering with others; and self-confrontation. He warns of an activism that is not grounded in prayer and patience, or that does not reflect gratitude, while recognizing that compassion finds expression in action, and that it must at times include confrontation, without which compassion fades into fruitless sentimentality.

Compassion is not a call to find God in the heart of the world, but to find the world in the heart of God; it is related to and linked with the theme of inclusively. Covenant is God's way of bringing creation together, and the new covenant established by Jesus Christ is 'inclusive, involving all places, all peoples, all races, all ages. In Jesus' cross, all humanity would be lifted to himself. The core of the new covenant is that all belong together. How do we live the truth that all are brothers and sisters? Life is an interruption of eternity. Inclusivity is to live with the heart of God and together with all people; no one is excluded' (Grigsby, 2007:200, 201).

Nouwen enjoyed reclaiming old terms and making them provide new insights. From compassion and inclusiveness comes fecundity, or fruitfulness. In typical Nouwen style he describes the fruitful life as having three aspects: vulnerability, gratitude, and care. This means living life as gift, receiving and giving, with gratitude and generosity.

At Yale Divinity School, Nouwen taught for several years a course called *Compassion.* Although lecturing in a highly academic setting, he was motivated by the need to instil in future pastors what he considered the fundamental quality for effective ministry – a compassionate heart. Part of the course was entitled: *The Compassion of Vincent van Gogh.* 'Henri used the life of Vincent van Gogh as a powerful case study to introduce his students to the three components of a compassionate life – solidarity, consolation, and comfort' (Berry, 2007:113)

By solidarity, Nouwen meant the compassionate crying out with those who suffer; by consolation, he meant the compassionate feeling of the wounds of life; and by comfort, he meant the compassionate ability to point beyond the human condition to glimpses of strength and hope.

> Nothing has changed in the human condition, except that it has been given a purpose: all the human struggles are woven together through an embracing, healing, comforting love. Compassion manifests itself first of all in the consciousness of being part of humanity, in the awareness of the oneness of the human race, in the intimate knowledge that all people, wherever they dwell in time

> or place, are bound together by the same human condition. Through this inner sense of solidarity and consolation, the even deeper bond with all of creation can be sensed – and that gives us strength (Berry, 2007:119).

'In Van Gogh, Henri saw not only a fellow Dutchman and wounded healer, but also one whose life was characterized by "downward mobility ..." Nouwen, too, moved "downward" as his life unfolded, from prestigious positions at Yale and Harvard to living with the poor in Latin America and the physically impaired and mentally handicapped in the L'Arche Daybreak Community' (Petriano, 2006:117). Downward mobility was the core of his Christology, spirituality, and social ethic.

What Nouwen sought was a Christian spirituality which is global in its dimensions and unafraid to take seriously the dark forces at work on the international level. Of course he recognized that, when applied to global relations this 'would be seen as naïve. But our collective survival depends on it: "We must move out of the place of death wishes and death threats and search, as nations, for ways of international reconciliation, cooperation, and care"' (Grigsby, 2007:202, 203).

As a spiritual resource for peacemakers, in order to clarify a spirituality of reconciliation and peacemaking, he wrote *Peacework: Prayer, Resistance, Community.* Written in 1981, this very mature and penetrating work only appeared in 2005. 'Nouwen's balanced holistic vision of peacework asks that anyone hoping to be a saint be a peacemaker, and anyone hoping to be a peacemaker be a saint. The two are inextricably bound together' (O'Laughlin, 2005b:99).

After returning to the United States of America in March 1982, Nouwen took up residency in private living quarters made available to him on the grounds of Genesee Abbey. Shortly after, he was invited to take up a position on the faculty at Harvard to which Nouwen replied that he no longer wished to teach full time at university level. Eventually a compromise was reached in an agreement that he would teach only one semester a year at Harvard and be free for the second half of the year to persue other interests, particularly in Latin America.

In January 1983, Henri started his first teaching semester at Harvard, and taking the gospel of Luke as his text, he 'wove together his vision of the spiritual life, a vision that combined monasticism, prayer, politics, Latin America, and much more, yet his Harvard experience failed to satisfy him. Part of his unhappiness stemmed from how he was being perceived. In the pluralistic atmosphere that is Harvard Divinity School, Henri Nouwen, the great Christian risk-taker, seemed like a traditionalist' (O'Laughlin, 2005b:100, 101).

When that semester ended, he went of to Latin America again, travelling first to Mexico where he became a student at the Centre for Economics and Social Studies in Mexico City, and then moving to Nicaragua where the Sandinistas were fighting the American-backed Contras. He met with Sandinista leaders including Tomās Borge. The Sandinistas claimed that their movement was consonant with the vision and values of the Roman Catholic Church, and in fact their leadership included at least one priest. Nouwen had concerns however: he felt that Borge, a charismatic speaker, was manipulative; he further, on occasions, pointed out apparent contradictions in their stated mission of creating a more compassionate Nicaragua, and suggested that they drop the use of the word "dogs" to describe the political opposition (Jonas, 2005:xlv). Nevertheless, he felt that the Sandinistas might succeed in their mission if only they could be left alone to do so. The Reagan Administration, however, had no patience for such a leftist experiment so close to

its borders. Economic sanctions were imposed, anti-Sandinista rebels were trained at basis in the United States and in neighbouring Honduras, many tons of supplies and ammunition flowed to the rebels, and the CIA embarked on an expensive propaganda campaign inside Nicaragua to discredit the Sandinista government.

Nouwen returned to Harvard determined to speak out for the common people of Nicaragua and for peace in the region. He embarked on a lecture tour that included private, prayerful meetings with several U.S. Senators who valued his spiritual advice and perceptions. Others in the United States, however, started to question his motives; it was suggested that he was politically naïve, identifying too strongly with the left, or more cynically, that he was just preparing to write another book or set himself up as 'an instant expert on Latin American affairs" (Ford, 2000:146).

Nouwen did not see himself as a political strategist, but in every struggle for human rights, he often spoke of two dangers: at one extreme was the danger of acquiescence to oppression; at the other was the danger of activism 'in which we rebel with a hatred and pride equalling that of the oppressor ... True peacemakers stand firm in the affirmation of all people, regardless of race, class, gender, or social role, and are always motivated by God's love, not their own. Henri explores this middle way between acquiescence and rage in his trilogy on Latin America, *Compassion* (1982), *¡Gracias!* (1983), and *Love in a Fearful Land: A Guatemalan Story* (1985). Most of all, for Henri, the struggle for justice arose out of a vision of who God is, not out of a human calculus of needs and material goods' (Jonas, 2005:xlvi).

Nouwen was about to receive criticism from another source. For his second semester at Harvard he chose the gospel of John. His focus was not only intensely Christocentric but on the *descending way* of Jesus, one that he called his followers to embrace. Naturally in this pluralistic environment, majoring on inclusively and tolerance, there was a mixed reaction. While Catholic and Evangelical students embraced Henri's message with gratitude, others accused him of *spiritual imperialism.* Ironically, he discovered 'at Harvard that when he tried to talk about Latin America, everyone really wanted him to talk about prayer and contemplation, asking him about the inner life, the spiritual life and ministry' (Ford, 2000:150).

Mystified and hurt that he was being misunderstood, Nouwen became depressed, began to feel more and more uncomfortable at Harvard, and ultimately that he was 'caught on the descending way that he had made a central part of his message, and he hoped that Jesus was with him as he plunged first into depression and then off the academic stage' (O'Laughlin, 2005b:103). After his third semester at Harvard ended, he resigned.

Nouwen's journey on the descending way of Jesus was about to take a further step when, before he began his third semester of teaching at Harvard, he received an invitation to visit a community for disabled people in Trosly-Breuil, France.

The community, called L'Arche, was founded by Jean Vanier. Vanier, whose father had been the governor-general of Canada, had been a professor of philosophy at St. Michael's College in Toronto when, in 1964, with the encouragement of his spiritual director, Pére Thomas Philippe, o.p., he made the decision to leave the academic world and invited two mentally handicapped men to move into his home and form a household with him. Others joined and soon after more households were formed. Eventually a new, international movement was born numbering over one hundred communities spread over the world: France, Britain, Ireland, Italy, Spain, Belgium, Switzerland, Denmark, India, Australia, The

Ivory Coast, Burkina Fasso, Palestine, Haiti, Honduras, Mexico, The Dominican Republic, Brazil, Canada, and the United States.

Vanier's parents, Georges and Pauline 'led such exemplary lives of service and Christian witness, particularly during and after World War II, when they offered great assistance to refugees, that they are now being considered for beatification by the Catholic Church' (O'Laughlan, 2005b:106).

Nouwen accepted Vanier's invitation and went to France for a thirty-day retreat in Trosly-Breuil. He returned nine months later, when he finished teaching, this time for a longer stay. These two visits marked another turning point in Nouwen's spiritual journey.

> Jean Vanier and l'Arche were a revelation to Henri Nouwen. Here he saw put into practice many of the principles he had preached and championed for many years – the downward mobility and solidarity of the young volunteers, the centrality of the Eucharist, the inclusion of the most marginalized members of society, and the recognition of God's grace working among and through these forgotten individuals. According to Henri, l'Arche was a community living in the true spirit of Jesus, in the spirit of the Beatitudes (O'Laughlin, 2005b:106,107).

During his long stay at Trosly-Breuil Henri made a brief visit to Toronto to serve as celebrant at the wedding of a friend. He received permission to stay at the Toronto L'Arche community, Daybreak. While there, an accident took place that threw the community into turmoil when a core member was hit by a car and seriously injured. To the parents, the Daybreak community seemed partly to blame. Nouwen stepped into this crisis, provided pastoral care and guidance, restored calm, and helped reconcile the community and the family. This intervention had such a profound impact on the Daybreak community, that they invited Henri to return and serve as their pastor.

Nouwen returned to France for almost a year to familiarize himself with the world of the disabled. Once again he kept a journal, this time called, *The Road to Daybreak: A Spiritual Journey* (1988).

With the approval of his Cardinal Archbishop in Holland, Nouwen joined Daybreak, initially for a three year period, but would remain there for ten years, from August 1986 until his death in September 1996.

The first years at Daybreak were not easy for Nouwen. He had many adjustments to make as well as new relationships to develop. Besides being a pastor – not only for the first time in his life, but to a different group of people than he was used to – he continued to be a writer. It was important for him to find a good balance between pastoral work and spiritual writing; it was a matter of trading of one source of productivity for another. His productivity during those years in terms of books was enormous, some eleven titles, all written in the context of living and working in this vulnerable community.

Nouwen hadn't been at Daybreak for a year when he suffered a severe emotional collapse and spent seven months in a small Christian treatment facility in Winnipeg, Canada. Then in 1989, he was involved in a serious accident, and narrowly escaped death. Both of these events, in the late 1980s, had significant consequences for him.

From December 1987 to June 1988, in what he describes as the most difficult period of his life, Nouwen kept a secret journal. Later, re-worked for a wider audience, *The Inner Voice*

of Love: A Journey Through Anguish to Freedom (1996), was distributed to bookshops on the day of his funeral in Canada. 'The book contains a gripping series of spiritual imperatives to himself' (Ford, 2000:62).

Nouwen's complete emotional collapse was trigged by the break-up of a close, platonic, friendship. He describes it in his Introduction to *The Inner Voice of Love* as:

> a time of extreme anguish, during which I wondered whether I would be able to hold on to my life. Everything came crashing down – my self-esteem, my energy to live and work, my sense of being loved, my hope for healing, my trust in God ... everything. Here I was, a writer about the spiritual life, known as someone who loves God and gives hope to people, flat on the ground and in total darkness (Nouwen, 2005e:9).

What he found strange, 'was that this happened shortly after I had found my true home. After many years of life in universities, where I never felt fully at home, I had become a member of L'Arche ... received with open arms, given ... attention and affection ... and offered a safe and loving place to grow spiritually as well as emotionally.' Now, just when he had found a home, he felt 'absolutely homeless ... devoid of faith ... I felt that God had abandoned me. It was as if the house I had finally found had no floors ... paralyzed ... I could no longer sleep. I cried uncontrollably ... I could not be reached by consoling words or arguments ... All had become dark. Within me there was a place I didn't know existed, a place full of demons' (Nouwen, 2005e:10). 'Despite his periods of total confusion, the notes he kept show a man of incredible faith, perspicacity, wisdom and spirituality. Throughout his exile he never became suicidal and the insights slowly drew him into an inner freedom' (Ford, 2000:182).

Nouwen's insights into the essence of his human struggle were indeed perspicuous: 'Going to L'Arche and living with very vulnerable people, I had gradually let go of many of my inner guards and opened my heart more fully to others. Among my many friends, one had been able to touch in a way I had never been touched before ... it seemed as if a door of my interior life had been opened, a door that had remained locked during my youth and most of my adult life" (Nouwen 2005e:10)

> L'Arche was his first real home, where he had begun to deal with his own being in a realistic and incarnational way, rather than in an intellectual and theorized sense. Daybreak was a safe place where he was free to break down and face his own brokenness in all its complexity. People with developmental disabilities surrounded him every day and proved to be a constant revelation to him: they could not deny the reality of who they were, and Henri realized that he could no longer repress the wounded child in him. He started to face his own vulnerability as never before, but found that, in the context of L'Arche this was actually life-giving and not life-threatening. The close relationship which had developed ... was the trigger for many things he had never known, named, accepted or admitted. There were huge parts of his personality that he had never allowed himself to look at or consider, because being successful had been such a driving force to him ... but all of that had been only one highly developed side of his personality' (Ford, 2000:178).

Part of Nouwen's therapy involved being held physically, 'a clinical version of what friends had been offering him for many years, but it was not the only remedy. Nouwen also learnt how to be held in other senses – emotionally, spiritually and psychologically – but the darkness was often so deep that he had no vision of ever surviving it' (Ford, 2000:182).

Another part of his therapy was writing. His private journal, not intended for publication, was written in the form of admonitions, or spiritual imperatives to himself. *The Inner Voice of Love* is, perhaps, 'Nouwen's most intimate and penetrating work, one in which Henri, the wounded healer, speaks to Henri, the wounded person' (O'Laughlin, 2005b:132).

Eventually, Nouwen returned to the Daybreak Community. 'The treatment eventually brought Henri to a place of healing within himself, and at the same time opened up many dimensions of his being which he would never seal off again ... He returned to the community and the friendship was restored' (Ford, 2000:5). 'He still faced a spiritual battle, and would have to ensure that his emotions did not distract him. But it was not all about words. Winnipeg had also given him the space to reflect on a painting which encapsulated the meaning of his whole life' (Ford, 2000:183), 'a restless looking for the great Father' (Nouwen. P, 2007:xv), the search for the Father's love. But more of that later!

Nouwen's concept of the wounded healer was not without criticism. 'Some ... criticized the idea ... believing that Henri was calling for the removal of all distinctions between care-givers and those they serve. But here, Henri felt misinterpreted' (Jonas, 2005:xxxi). He never intended the wounded healer to be the exclusive archetype for ministry, pointing out that, 'Jesus played many roles: Good Shepherd, The Gate, The Cornerstone, The Bridegroom, and so on' (Jonas, 2005:xxxii). Indeed, the gospel of John 2:24, 25 states that 'Jesus would not entrust himself to them, for he knew all men. He did not need man's testimony ... for he knew what is in man.' *The Inner Voice of Love* made this clear, even if its wise counsel was leaned at great personal cost. The titles of some of the spiritual imperatives are revealing:

- *Set Boundaries to Your Love;*
- *Open Yourself to the First love;*
- *Remain Anchored in Your Community;*
- *Stay United with the Larger Body;*
- *Claim Your Unique Presence in Your Community;*
- *Let Your Lion lie down with Your Lamb;*
- *Control Your Own Drawbridge:*
- *Continue Seeking Communion;* and
- *Keep Choosing God.*

From a pedagogical perspective Kathleen M. Fisher (2007:147) suggests that four examples 'from *The Inner Voice of Love* impart wise counsel for education: seek community, set personal limits, recognize others' limitations, and respect the different aspects of one's personality.'

This thin volume not only offers profound direction and counsel to Christians struggling with depression, but may also provide a roadmap to the church in its contemporary journey in adopting a posture towards Christians struggling with same sex orientation – a posture that seeks to hold together (theological) truth and (pastoral) grace. This may be material for further research, possibly in the field of pastoral theology and ethics.

A quote from one imperative, entitled *Let Your Lion Lie Down with Your Lamb,* may bring balance to Nouwen's concept of vulnerability both in his Christology and in his spirituality.

> There is within you a lamb and a lion. Spiritual maturity is the ability to let your lamb and lion lie down together. Your lion is your adult, aggressive self. It is your

initiative-taking and decision-making self. But there is also your fearful, vulnerable lamb, the part of you that needs affection, support, affirmation, and nurturing.

When you heed only your lion, you will find yourself overextended and exhausted. When you take notice only of your lamb, you will easily become a victim of your need for other people's attention. The art of spiritual living is to fully claim both your lion and your lamb. Then you can act assertively without denying your own needs. And you can ask for affection and care without betraying your talent to offer leadership. Developing your identity as a child of God in no way means giving up your responsibilities. Likewise, claiming your adult self in no way means that you cannot become increasingly a child of God. In fact, the opposite is true, the more you can feel safe as a child of God, the freer you will be to claim your mission in the world as a responsible human being. And the more you claim that you have a unique task to fulfil for God, the more open you will be to letting your deepest need be met.

The kingdom of peace that Jesus came to establish begins when your lion and your lamb can freely and fearlessly lie down together (Nouwen, 2005e: 92,93).

This is classic Nouwen! The style is deceptively artless, bringing together in simple language biblical and psychological insights, and presenting the core of Nouwen's spirituality, namely: to love the Lord our God with all our heart and with all our soul and with all our mind and with all our strength, and to love our neighbour as ourself (Matthew 22-37-39; Mark 12:30, 31).

Thus, the love of God and the love of neighbor cannot be separated (cf. 1Jn 4:20-21). Nouwen unpacks the dynamic of the Great Commandment thus: "The first commandment receives concreteness and specificity through the second; the second ... becomes possible through the first." Loving God enables us to truly love others; loving others proves that we truly love God. The melding of these two corresponds to the marriage between spirituality and ministry.

Ministry must be fuelled by genuine spirituality to be effective. For spirituality to be authentic, it must give birth to actual practice of ministry. Nouwen embraced the conviction that communion with God results in deep community with others and that true community leads to creative ministry. Spirituality and ministry go hand in hand (Hernandez, 2007:85)

'In *Reaching Out* Nouwen laid out this same concept schematically, unravelling the interlocking relationships of psychology, ministry, and theology with a spirituality that is, a "full and mutual sharing of one thing in the complete reality of the other." This kind of co inherence is what framed Nouwen's integrated approach to ministry' (Hernandez, 2007:84).

Nouwen's spirituality was not only holistic but 'decidedly counter-intuitive and counter-cultural, a *spirituality of imperfection* that Nouwen exemplified in his life. He recognized that the spiritual journey to perfection as a journey through imperfection, factoring in the realities of struggle, weakness, and incompleteness' (Hernandez, 2007:84). 'In a way, Nouwen's life mirrored the eucharistic formula invoked during holy communion: "taken or chosen, blushed, broken, and given"' (Hernandez, 2007:86). This was schematically set out in *Life of the Beloved: Spiritual Living in a Secular World* (1992).

> To a culture that remains highly individualistic, Henri Nouwen inculcates the ideals of community; to the narcissistic tendencies of the majority, he promotes the value of compassionate living; instead of the cherished notion of upward mobility, with its undue emphasis on success and productivity, he elevates the path of *downward* mobility, with its themes of self-sacrifice and humility; to a wounded lot seeking recovery and healing, he enhances the value of *care* more than *cure* of souls; and finally, to a professedly "spiritual" generation seeking power and perfection, he introduces a theology of weakness, powerless, and imperfection. All in all, Henri Nouwen's spirituality is summed up in a simple but compelling phrase; a spirituality of imperfection (Hernandez, 2007:92, 93).

The other significant event happened in 1989, by which time Henri was back on his feet, but not for long. Early one dark winter's morning, while weaving his way through traffic across a busy icy highway near Daybreak, he was stuck by a passing truck and thrown to the ground. He had been on his way to another community house to help a core member, His-Fu, who was blind and dumb get ready for school. He was rushed to York Central Hospital where it was discovered that he had five broken ribs and a ruptured spleen. Admitted at 10h30 a.m., by 6.30p.m. he was dying. 'As he drifted in and out of consciousness and found himself standing on the portal of the next world, he felt a readiness to leave this life and experience what lay beyond ... Henri Nouwen, to his own great disappointment, did not die. He felt that he clung to life out of a sense of unresolved issues and conflicts ... but he realized how much resolution the experience had granted him' (O'Laughlin, 2005b:148).

He pulled through, and the following week his father and sister flew from Holland and stayed four days. His father's visit was significant; it was to do with forgiveness – Henri let his own father go free. Following his mother's death in 1978, he wrote *In Memoriam* (1980) and *A Letter of Consolation* (1982). His own experiences on the threshold of eternity inevitably provided him with inspiration for two other books. *Beyond the Mirror: Reflections on Death and Life* (1990) and *Our Greatest Gift: A Meditation on Dying and Caring* (1994).

Henri's return to life was both a return to the many struggles of life and another case of reverse mission. He would proclaim the love of God in a new way; 'he could be a witness to the world of ambiguities from the place of unconditional love' (Ford, 2000:190).

> Thus, for Henri Nouwen, death held more promise than fear. Death was an entryway into the next stage of our journey, and, for him death was also the resolution of wondering and waiting to see God. He did not approach death dogmatically, yet he faced it with great certainty that death is a return, a re-entry, into the blessed presence of God. Grief he explored and grasped and also befriended ... Being near death, he had found he was near to God (O'Laughlin, 2005b:149).

Between these two books, two others were published in 1992: *Life of the Beloved: Spiritual Living in a Secular World,* and *The Return of the Prodigal Son: A Meditation on Fathers, Brothers, and Sons.* The conviction that the life of Jesus and the life of his followers have many parallels, led him to develop a meditation on the Eucharistic ritual of the breaking and distribution of the bread: just as Jesus is taken (or chosen), blessed, broken, and given, so too are his followers. *With Burning Hearts: A Meditation on the Eucharistic Life* followed in 1994 – with its emphasis on life received and offered as gift with gratitude and generosity. *Can You Drink the Cup?* Published in the year of his death is a deep but

simple reflection on how the Eucharist gathers together and reflects our lives. 'In contrast to the tendency of traditional Catholicism to see the Eucharist primarily as a holy manifestation of Christ among us, Nouwen ... makes it clear that the Eucharist is about bringing our lives into communion with others and with God. There is for Nouwen a seamless continuity between our lives and ... God, and the greatest point of connection is at the table' (O'Laughlin, 2005b:153, 154).

In the Introduction to *The Inner Voice of Love* (2005e:12), Nouwen wrote:

> When I returned to my community, not without great apprehension, I reread all I had written during the time of my 'exile'. It seemed so intense and raw that I could hardly imagine it would speak to anyone but me. Even though Bill Barry, a friend and publisher at Doubleday, felt strongly that my personal struggle could be a great help to many people. I was too close to it to give it away. Instead I started work on a book about Rembrandt's painting *The Return of the Prodigal Son* and found there a safe place for some of the insights I had gained from my struggles.

Nouwen's attention had first been captured by the painting when he saw a poster of it in 1983 in Trosly-Breuil. Then, before joining L'Arche Daybreak, he had the opportunity to see the original in the Hermitage in Saint Petersburg and spent days meditating before the painting and taking notes, relating it to his own life and longings. Almost immediately upon his arrival at Daybreak he hung a poster of it on the wall of his work space. Later still, during his time at Winnipeg, these thoughts returned to him as he read the parable in the Bible and continued to study the painting. 'The painting put him in touch with his deepest self. It became a summary of his life, but also a call to become something else' (Ford, 2000:185).

'From the first, Nouwen saw himself as ... the prodigal. His relationship with his own father had often been strained and marked by Henri's need for a level of approval and intimacy that was hard for his father to understand. With this book, in some ways, he renews his old quest for his father's love; in fact, the book is dedicated to his father on the occasion of his ninetieth birthday' (O'Laughlin, 2005:141,142). 'Then it was pointed out to him that he might be more like the elder son ... He had never run off or wasted his time and money on sensual pursuits – but at the same time he could recognize his own jealously, anger, sullenness and subtle self-righteousness' (Ford, 2000:185).

> It was Sister Sue Mosteller who told him, 'Whether you are the younger son or the elder son, you have to realize that you are called to become the father'. Now was the time for him to claim his true vocation: to be a father who could welcome his children home without asking them any questions and without wanting anything from them in return. If he looked at the father in the painting, she told him, he would know who he was called to be. Daybreak needed him, not just as a good friend or as a kind brother, but as a father who could claim for himself the authority of true compassion.
>
> So, back at Daybreak, Nouwen began to claim that spiritual fatherhood and to write the initial chapters of *The Return of the Prodigal Son,* a meditation on the themes of homecoming, affirmation and reconciliation for readers who had known loneliness, dejection, jealously and anger (Ford, 2000:185,186).

For Nouwen, the ways to compassionate fatherhood were grief, forgiveness, and generosity.

> Rembrandt portrays the father as the man who has transcended the ways of his children. His own loneliness and anger may have been there, but they have been transformed by suffering and tears. His loneliness has become endless solitude, his anger boundless gratitude. This is who I have to become, I see it as clearly as I see the immense beauty of the father's emptiness and compassion. Can I let the younger and the elder son grow in me to the maturity of the compassionate father? (Nouwen, 2003:136, 137).

Did Nouwen become the compassionate father that Daybreak needed him to be? Apart from *Sabbatical Journey: The Final Year* (1997), Henri Nouwen's last book, was almost certainly, *Adam: God's Beloved* (1997). In fact he did not live to put the book in its final form. It was edited after his death by Sr. Sue Mosteller.

In 1986, shortly after his arrival at Daybreak, the community, with some trepidation, assigned to his care Adam Arnett (1961 –1996), a 25 year old man who could not speak or move without assistance, and who had suffered from frequent seizures from the age of three months that left him more vulnerable as time went on. Unable to speak or to walk without assistance, the only real activity he could carry out without help was eating with a spoon. Initially, Nouwen was unwilling to accept this responsibility, but finally accepted the community leadership's decision, and began to help Adam, perhaps the most hands-on experience he had ever had in his life.

> He also began to discover Adam's special qualities – there was a peace that seemed to emanate from Adam, and Henri found himself able to talk to Adam ... Although he could not be sure Adam understood him, their time together became more fruitful and important. Just as some of the monks Henri had known lived in silence, Adam was a silent and peaceful presence that made itself felt. Slowly Henri began to see that Adam had a very real ministry to those around him, and that his patience and vulnerability were very Christian qualities. Christ said, "Blessed are the peacemakers," and Adam was a peacemaker of a very special sort (O'Laughlin, 2005b:124).

Completed only weeks before his own death, *Adam: God's Beloved* (1997), doesn't follow Nouwen's typical three-fold schema, but rather locates the story of this wounded and vulnerable young man in the story of another wounded and vulnerable young man, Jesus, the Rabbi from Nazareth. He wrote of Adam's: hidden life; desert; public life; way; passion; death; wake and burial; resurrection; and spirit.

'In September 1995, the community sent him off on a year's sabbatical with a mandate to write, but also to cut back on the public speaking which had spiralled again since his breakdown. He was to be accountable for how he spent his time ... In a prolific burst of writing, he ended up producing *Can You Drink the Cup? Bread for the Journey,* and *Adam,* edited *The Inner Voice of Love* and kept a detailed journal which was published as *Sabbatical Journey*' (Ford, 2000:207).

The first entry in *Sabbatical Journey: The Diary of his Final Year* (1997) was made on 2nd September 1995, and the last on 30th August 30 1996. In the original, unedited journal Nouwen meets, celebrates, consoles, counsels, and connects with over a thousand people, and in friendship he mentions over the six hundred by name. Unbeknown to him, *Sabbatical Journey* was his immediate preparation for his death, which occurred only three weeks after his return to L'Arche Daybreak.

However, before he settled down in Canada, there was one more project he needed to attend to. He had agreed to cooperate with Dutch television to make a film on the theme of the Prodigal Son and on Rembrandt's painting, part of which was to be filmed in the Hermitage in St. Petersburg. He flew to Holland to meet with the film crew. Later he was rushed to hospital where it was determined that he had had a heart attack. After a priest had heard his confession and administered the last rites he began to get better, but later that night he suffered another series of heart attacks and died on Saturday, 21 September 1996.

In the following days there were two funeral services, one in the cathedral at Utrecht where he had been ordained 39 years before, the other in the Slovak Catholic Cathedral of the Transfiguration in Markham, Ontario. Jean Vanier gave the eulogy in Utrecht: He spoke of 'a mystery in Henri', calling him a man of great energy, vision, and insight, but also a man of great pain, fuelled by anguish: "Sometimes I sensed in Henri the wounded heart of Christ, the anguish of Christ ... Our God is a lover, a wounded lover. This is the mystery of Christ, the wounded lover. And somewhere that is Henri, a wounded lover, yearning to be loved, yearning to announce love" (Ford, 2000:216). He had been a gift to L'Arche, the gift of a priest and a compassionate friend. In her tribute in Toronto, Sue Mosteller described Nouwen as a man of compassion, a man of the Word, and a man of the Eucharist.

Nouwen's father Laurent donated the chalice that Henri had received at his ordination to the Daybreak community, the chalice, which had originally been given to his Uncle Anton.

Perhaps the last word should belong to Robert A. Jonas, who regarded Henri as a friend and mentor:

> Henri Nouwen remained a complex person to the end, but it is also true that in his final years many friends felt graced to see him grow in self-acceptance and inner peace – the fruit of his lifelong intention to receive God's love fully. He showed us all that the very things we often flee – our vulnerability and mortality – can, at any moment, become the place of holy transfiguration, for us and for our world (Jonas, 2005:lxix).

APPENDIX 2

THE FIG TREE PROJECT

The overcrowded conditions in South African prisons, the high recidivism rate of 87%, and the *crime-university* effect prison sentences have on juveniles in particular, has brought about a realisation for the need of an alternative system to prison sentences, i.e. that of diversion, where the judiciary are offered an alternative to prison sentences for juvenile offenders. Similarly, the high incidence of juvenile offending behaviour, often originating at home, finds expression in school, and results in expulsion. This can be avoided if school bodies are offered an alternative.

Parakletos, now incorporated into Prison Fellowship South Africa (PFSA), was approached in July 2003 by the then Presiding Bishop of the Methodist Church of Southern Africa, Rev. Mvume H. Dandala to explore two diversion programmes that have been operating with measured success in Hong Kong since 1999. These are Operations Phoenix and Dawn. These were formulated after researching juvenile offending behaviour in six Pacific-rim countries (Lee and Lee, 2003:114 – 140).

Douw Grobler and Stephen Barry (2006) were able to visit Hong Kong in 2005 in order to conduct the said research. Since then, PFSA - recognized as a leader in crime-care within the restorative justice fraternity, and well respected for its contributions to reconciliation, healing, and transformation - has adopted and adapted lessons learned from the two models, and developed a contextual diversion programme/juvenile crime intervention for South Africa. This programme has been provisionally named the *Fig Tree Project.* A scriptural foundation for the project and title is found in the parable told by Jesus, which illustrates a 12-month intervention aimed at saving a fruitless tree from destruction.

> "A man had a fig tree, planted in his vineyard, and he went to look for fruit on it, but not find any. So he said to the man who took care of the vineyard, 'For three years now I've been coming to look for fruit on this fig tree and haven't found any. Cut it down! Why should it use up the soil?'
>
> "'Sir,' the man replied, 'leave it alone for one more year, and I'll dig around it and fertilise it. If it bears fruit next year, fine! If not, then cut it down'" (Luke, 13:6-9).

The concept and project has been favourably received by representatives of the Departments of Justice, and Correctional Services, the Restorative Justice Centre, Pretoria, and the National Initiative Against Overcrowding in Prisons.

A pilot programme is scheduled to be conducted in the Vaal Triangle area starting in June 2008. This will take the form of a partnership between PFSA, Prison Fellowship International (PFI), and SASOL. The project is outlined below.

Purpose of the project
The Rehabilitation of *Youth-at-Risk*
The principal goal is to eliminate deviant and unlawful behaviour, and to work towards reconciliation and reintegration with the local community

Project Structure
The project is structured according to the following basic components:

- Each participant is assessed and a plan of intervention is agreed upon where strategic partners in psychology, welfare, substance abuse, and counselling are involved on an individual needs driven basis,

- Groups of around 25 participants are formed into a *class*. They attend an eight week foundational programme of two hours per week. This programme focuses on: transformation, restoration, reconciliation, and development of individual potential, including leadership skills,

- Support groups are formed around each participant, and positive activities are encouraged. These may include: community service, sports activities, social events, skills, and academic development. These are determined by advised choice and availability within the community,

- After completion of the foundational programme, monthly meetings are held, at which experiences are shared and individuals are held accountable to the group,

- Individual and group counselling sessions continue,

- Participants are encouraged to enrol in courses and positive activities presented by churches and elsewhere in the community. All are encouraged to participate in community service and other activities aimed at community upliftment,

- An activity weekend is arranged to develop problem solving, conflict resolution, and leadership skills,

- Where the need is identified, participants' parents are involved in group-sessions,

- Monthly group sessions continue, until a final assessment is made at the end of the year. Based upon this, a report is compiled and sent to the referring body. Participants are encouraged to continue attending the monthly sessions.

- Participants of earlier classes are equipped to facilitate, support, and coordinate activities and meetings, and

- Meetings are held with parents where parenting skills are developed and problems discussed. At the outset, they are asked to commit themselves to supporting the referred juvenile, and guidelines are supplied.

Termination of participation

Participation may be terminated in one of four ways:

- Those identified by the project director(s) as non participative, uncooperative, or disruptive, may be directed to the referring body for their reassessment,

- Those who wish to withdraw from the project, will be reassessed by the referring body, who may decide to continue with the interrupted prosecution or other disciplinary action,

- Those who have completed the project, will be commended to the referring body, along with a full report, and

- Those who, according to the opinion of the project director(s), have made sufficient progress to warrant early release from the project, will be commended to the referring body, again with a full report.

Expected outcomes of the project
The Fig Tree Project focuses on:

- Strengthening the participants' **belief** in the moral validity of rules,
- Activating their **commitment** to social values and norms,
- Revitalizing their **involvement** in conventional activities,
- Encouraging their **attachment** to conventional others, while
- Discouraging their **attachment** to delinquent peers.

Benefits
The main benefits inherent in implementing the project are:

- **Individual and Family Counselling services**
  By therapeutic intervention, the participant's coping capacities in relating to their family, school, peers, and vocational systems are enhanced.

- **Volunteer and Community service**
  By providing opportunities for the participants to grow and show concern for the needy and marginalised in the community, their life experiences are enriched.

- **Groups and Activities**
  By enhancing the participant's social skills, interpersonal relationships, and life aspirations, their undesirable attitudes and behaviours are modified.

- **Adventure programme**
  By exploring their potential through accomplishing some command and problem solving tasks, the participants' self-confidence in boosted, and

- **Parental work**
  The parents involved are equipped with specific knowledge and skills to cope with the situation confidently.

Beneficiaries and their specific rolls
To benefit from the project, stakeholders are required to be active, not passive, and therefore have specific roles to fulfil.

- **Youth-at-Risk**
  Their voluntary participation and cooperation is required.

- **Parents and Families**
  In addition to their voluntary participation and cooperation, they are required to support the participant, and provide a supervisory and accountability structure.

- **Local Community**
  By their voluntary participation and cooperation, they support, encourage, and reinforce the efforts of the participants in rehabilitation, reconciliation, and reintegration.

- **Schools**
  Their voluntary participation and cooperation in referring participants, making time and venue accessible to the pupil participants, they support, encourage, and reinforce their efforts to *make things right.*

- **Judiciary**
  By endorsing the project, and referring individuals, they too support, encourage, and reinforce the participants' efforts to *make things right.*

- **Department of Correctional Services**
  By hosting *reality contacts* in the form of exposure to life in prison, and encouraging ex-offenders to share their experience of crime, prison, and reintegration, they assist in breaking through the barriers of denial

- **Government**
  The promotion and establishment of restorative justice practices such as this diversion project are important roles of government, and

- **South African Police Services**
  By their voluntary endorsement, participation, and cooperation in referring individuals, they too support, encourage, and reinforce the participants' efforts to *make things right* in a restorative as opposed to retributive environment.

The participants are 14 - 18 year olds who have committed petty crimes and instead of expulsion, prosecution, or a possible prison sentence, are referred to the programme on a voluntary basis. As well as judicial referral, referrals may also be made by schools, community organisations and parents; individuals may also refer themselves.

This project will be based within the community. The local church will be equipped and empowered to act as facilitators, thus becoming part of the solution in addressing crime. Crime-care is then seen as a partnership between local community and government agencies, and this, in terms of restorative justice principles.

APPENDIX 3

THE SYCAMORE TREE PROJECT

The Sycamore Tree Project (STP) is an intense, short-term project that facilitates the mediation process between victims of crime and offenders in an attempt to bring about reconciliation, restitution and reparation. This is done by awareness raising, recruiting and training volunteers to mediate between victims and offenders. The victims and offenders are not related, that is, the victims are not the particular victims of those offenders.

The Sycamore Tree Project is about a voluntary journey where, together, victims and offenders discover the **biblical principles** of responsibility, confession, repentance, forgiveness, and reconciliation. The name comes from the account in Luke, of the corrupt tax collector named Zacchaeus, who climbed a sycamore tree to get a better view of Jesus as he walked through Jericho.

> Jesus entered Jericho and was passing through. A man was there by the name of Zacchaeus: he was a chief tax collector and was wealthy. He wanted to see who Jesus was, but being a short man, he could not, because of the crowd. So he ran ahead and climbed a sycamore-fig tree to see him, since Jesus was coming that way.
>
> When Jesus reached the spot, he looked up and said to him, "Zacchaeus, come down immediately. I must stay at your house today." So he came down at once and welcomed him gladly.
>
> Al the people saw this and began to mutter, "He has gone to be the guest of a 'sinner.'"
>
> But Zacchaeus stood up and said to the Lord, "Look, Lord! Here and now I give half of my possessions to the poor, and if I have cheated anybody out of anything, I will pay back four times the amount."
>
> Jesus said to him, "Today salvation has come to this house, because this man, too, is a son of Abraham. For the Son of Man came to seek and to save what was lost" (Luke 19:1-10).

As a result of this encounter with Jesus, Zacchaeus was transformed. The transformation was evidenced in the community by his acts of reparation, as he paid back four times the amount he had stolen from the local taxpayers, and gave away half his wealth to the poor.

Drawing on Christian and restorative justice principles, the project brings together small groups to talk about their experiences of crime. Although both the foundation and facilitators of the programme are Christian, there is no requirement that participants be Christian, so long as they are willing to be involved in such a programme. (In two programmes facilitated in the Vaal Triangle, a participant from the Islamic faith joined the group with measurable success.)

All participants are asked to agree to some basic standards of conduct, namely:

- To attend all sessions,
- To be punctual,
- To participate in the discussions and activities,
- To listen to each other without interruption or condemnation,
- To show mutual respect,
- To keep confidentiality,
- To be as honest as possible,
- To stay focussed, and
- To participate in an act of closure, which may include some form of restitution.

The **benefits for victims** are that:

- They are given, often for the first time, an opportunity to talk about and reflect on the offence committed and its impact on their lives, and
- They are more fully informed about crime, offenders, and restorative justice by:
  - Exploring Biblical concepts of repentance, forgiveness, and reconciliation,
  - Telling their stories to convicted prisoners, and
  - Hearing prisoners begin to take responsibility for their actions.

In many cases, this has helped victims to experience closure and peace, and even to experience salvation or Christian growth, and in some cases, even a support for and involvement in prison ministry.

The **benefits for offenders** are that they too are given the opportunity, often for the first time:

- To understand the results of crime on victims and the community,
- To agree to take responsibility for their actions, and
- To begin making amends by taking part in an act of symbolic restitution.

As with most victims, many prisoners have experienced salvation or Christian growth as a result of the project and in some cases, ex-offenders have themselves become involved in Prison ministry e.g. Joseph Nyembe, who after release from Prison, became involved in prison ministry, and is currently serving as a Director on the Board of Prison Fellowship South Africa (PFSA).

The **benefits to the community** are that interested, affected parties are given the opportunity to become directly involved in responding to crime:

- By providing support to victims,
- By holding offenders accountable,
- By assisting with their rehabilitation and reintegration,
- By building relationships, and
- By helping to reduce recidivism and prevent crime.

The project is located both within correctional centres and the community. It is run over a period of eight weeks with one two-hour session per week as follows:

SESSION	TOPICS	OBJECTIVES
Session 1	**Introduction**	To prepare offenders and victims to participate in the project
Session 2	**What is Crime?**	To explore what the Bible says about crime
Session 3	**Responsibility**	To understand what it means to take responsibility
Session 4	**Confession and Repentance**	To understand the meaning, importance, and power of confession and repentance
Session 5	**Forgiveness**	To understand the meaning, importance, and power of forgiveness
Session 6	**Restitution**	To understand restitution as a response to crime
Session 7	**Towards Reconciliation**	To move towards healing and restoration by sharing letters and covenants
Session 8	**Celebration**	To reflect on and celebrate new awareness that group members have about crime and healing

After an initial year of implementation in 2007, the Department of Correctional Services has confirmed its intention to see STPs established in all prisons throughout South Africa.

The impact of STP in South Africa cannot yet be measured, but perhaps the most fascinating use of the programme within the African context, has been in the facilitation of the reconciliation process between the Hutus and the Tutsis in Rwanda. Here the programme is called The Umuvumu Tree, after a local tree well known for its healing properties.

The formation of a partnership between PFSA, Prison Fellowship International (PFI), and the International Prison Chaplains Association (IPCA) in March 2008, has as its focus the promotion and establishment of restorative justice practices throughout Africa. For this purpose, STP has been identified as the chosen means,

as it lends itself to facilitation by meagrely resourced and basically trained teams. Although STP's demands for resources is minimal, it has accredited itself as having an effective outcome, as its performance in Rwanda, and more recently Kenya, confirms.

APPENDIX 4

RECONCILIATION, HEALING AND TRANSFORMATION AT THE LORD'S TABLE

Liturgy is what the people of God do in corporate worship, therefore every Christian tradition has liturgy, even those traditions which underplay the liturgical and sacramental aspects of our life lived in community.

By liturgy is meant all that a congregation or assembly of Christians do when they gather to worship: it may be minimalist and fairly unstructured, or *high baroque* in form and content; it includes *when* and *where* we gather, *with whom* we gather, *how* we gather, *what* we wear, and *who* does *what*. At least, it is likely to contain elements of praise, and thanksgiving, confession and assurance of God's forgiveness, attending to the Word of God in Scripture and sermon, and intercessory prayers. On a regular or occasional basis, it may include the sacraments of the Lord's Table – Holy Communion or the Eucharist – and Baptism.

Liturgy could be described as *a total culture* into which people enter and are moulded. The presumption is that much of this moulding process takes place gradually, even subliminally.

> In this way the liturgy functions like any other 'culture': by continuous reinforcement of particular behaviour and by setting those behaviours within a community of meaning, the liturgy encourages fidelity. To the extent that 'we are children of the liturgy ... we cannot help bearing its image' (White, 1999:23, 24).

Ritual practices link the forming of our very identity, and when they 'contain within them the embodiment of particular ways of being we, through that practice, become the sorts of persons who are disposed to be *that way*' (McFee, 2006:69). This shaping and forming happens, in part, because our brains think in images or schemas. 'Neuroscientists tell us that the more frequently we visit particular images, the more our memories are strengthening through the strengthening of neural synapses. "Cells that fire together; wire together"' (McFee, 2006:70).

> This is the neurobiology of habituation, or of "practices". If our repeated ritual practices, like circle processes or Holy Communion, are formative of our lives and our relationships, we must look closely at the images, or "schemas" we create in these ritual practices.

To enter into the spirit of liturgy, in whatever form it takes, is therefore, 'to enter into the arena where the Holy Trinity is actively engaged in restoring and renewing worshipers as they make themselves available to divine power' (White, 1999:24). None of this is automatic or *magical* but is an intentional process 'which requires a willingness on the part of the worshiper to be approached by God.' The human search for God is possible only because God approaches us first – this is the basic understanding of grace. It is often 'in the liturgy that human beings are able to be most open before and vulnerable to God. Because of this, love and faith reach their highest form of expression' (White, 1999:25).

Just as spirituality concerns both the relationship with God and the living out of that relationship in the world, so too the shape and context of liturgical worship is the shape

and context of the living out by providing models for human relationships within and outside the community of faith.

> Through visions of genuine holiness, through acts of reconciliation with God and other human beings, and images of the future of the world and its contents, the liturgy reorders all our dealings with others (White, 2006:26).

Thus, as White suggests, participation in liturgy can facilitate in: revealing our identity and vocation; establishing community; locating ourselves in time and space; living responsibility; and negotiating sickness, dying, and death.

> Ritual provides a structure in which to faithfully struggle and search for lasting solutions. Through ritual, symbolic action "makes real" for us God's restorative [and indeed transformative] possibilities and moves us towards those possibilities (McFee, 2006:69).

Ritual provides a structure in which to faithfully struggle and search for God's possibilities and moves us toward those possibilities. Key words here are: ritual, liturgical practices, structure, search, movement (or process), and transformation. How does this relate to those traditions which underplay the liturgical and sacramental aspects or our life lived in community?

While the Pentecostal and Charismatic traditions are, generally speaking, unlikely to locate themselves within the liturgical tradition of the church, Cartledge (2006) describes a contemporary model of those spiritualities that calls for an enriching dialogue and interaction between these (apparently) differing (and sometimes competing and conflicting) traditions, or ways of doing worship. Cartledge, a senior lecturer in Pentecostal and Charismatic theology (at the University of Birmingham), is himself a charismatic Anglican.

Of course there are differences within the Pentecostal and charismatic traditions, yet there are common features that unite them. 'Essential to these features is the emphasis that at the heart of Christianity there is and should be an *encounter with the Holy Spirit.* This is free, spontaneous, dynamic, transformative, and should be an ongoing experiential reality within the purposes of God' (Cartledge, 2006:25). While this encounter is described as free, spontaneous, dynamic, spontaneous, dynamic, transformative, and ongoing, that does not imply that it lacks human intentionality or spiritual disciplines. Cartledge (2006:25-30) identifies both:

- A Process: Search-Encounter-Transformation, and
- A Framework: Narrative, Symbols, and Praxis.

The search-encounter-transformation cycle may consist of praise (*search*); prayer, the ministry of God's word, and prayer ministry (*encounter*); and edification, healing, holiness, and empowerment (*transformation*).

Christian spirituality, from whatever tradition, is concerned not just with the process of worship but with the life of faith which contains devotional practices and concrete behaviour. It concerns the quest for a fulfilled and authentic Christian existence bringing together fundamental beliefs, values, and the whole experience of life. 'The main components can be seen to comprise a search for God who is revealed in Christ, and an

encounter with this same God by means of the Holy Spirit, which consequently effects change or transformation' (Cartledge, 2006:26).

Charismatic spirituality can also be defined in terms of a structure or framework within which certain themes are displayed, namely: narrative, symbols, and praxis.

Scripture provides the narrative structure, a narrative enlivened by the Spirit in the historical-narrative of the church. While this is certainly true of other traditions the Charismatic emphases lie in pneumatology and participation.

> Charismatics expect God to reveal his glory in worship, to answer prayer, to perform miracles, to speak directly by means of dreams and visions and prophecy. It is presuppositional to the Pentecostal and charismatic narrative. God is not absent but deeply present. Even if the end of worship is indeed the worship of God, Charismatics expect to experience 'something' of the divine life in the life of the Church because of the sheer graciousness of God. God loves to give himself to his people (Cartledge, 2006:28, 29).

While seeming to underplay the liturgical and sacramental, Pentecostals *have* their symbols e.g., glossolalia as well as 'other embodied symbols, often embedded in rituals' (Cartledge, 2006, 29) that enable 'a person to identify with a particular group and yet to retain individuality'.

Cartledge suggests that prayer, particularly intercessory prayer is the primary theological activity of Pentecostal and Charismatics. 'It appeals to the intuitive and extrovert: prayer is something to be encountered with others, as well as in the Spirit. The way of being in the world is therefore socially expressed prayer. Life is so imbued with the presence of God that prayer becomes a habit'. More recently, some Charismatics, moving away from 'a worldview that sees reality in the dichotomous terms of light and darkness, or the spiritual kingdom of God versus the spiritual kingdom of Satan' (Cartledge, 2006:135) and from a cosmological dualism that, while fuelling spiritual warfare, tends to be a world-denying rather than world-affirming, are moving towards 'a greater engagement in society and a willingness to work alongside others for the transformation of social structures whilst being aware that ultimately the kingdom of God is what matters'.

> In many respects the kingdom of God is a dominant theme and could be said to encapsulate the others. This category contains the subjects of signs and wonders, eschatology, witness and baptism in the spirit (Cartledge, 2006:32).

Could not this model be embraced by the term liturgy, if by that we mean liturgy in the broadest sense of all processes and frameworks or structures that facilitate encounter, the transforming mystery of the Kingdom of God *already* present, yet *still to come*, actively at work in the church gathered for worship?

One example of liturgical practice, of a ritual that provides a structure in which to faithfully struggle and search for God's transformative possibilities, and to move us toward those possibilities, is: The Lord's Table, Holy Communion, or Eucharist.

Why this particular liturgical practice? The choice of this practice has less if anything to do with the neuroscience of ritual formation, than it has to do with the fact that this is one schema that Jesus represented to his followers that reorientates their understanding of who they are and who they are called to be. The rituals he engaged are aimed at

reshaping their conceptions of relationships. In choosing the role of servant – indeed of modelling the role of servant – Jesus redefined social values, ideologies, and social stratification, and embodied a radical hospitality 'through which his followers could see what sorts of persons and relationships God was calling them to be and have' (McFee, 2006:71).

> Our communion rituals, are in part, extensions of Jesus' table ministry, and are therefore rituals of redefining relationship and hospitality. They are the symbolic roots of peace building communities – creating right relationships around the table – those who are friends, those who are strangers, even those who are enemies. *If we answer this call to the table of Jesus, we can be formed through our rituals as persons working to shift the shape of our own society's dominant images of separation and retribution* (emphasis added).

In light of this we need to ask: *are* our communion (and other) liturgies embodying this vision of God's Kingdom? Do they form us as "those who hunger and thirst for righteousness" and justice and those who seek to be "peacemakers" (Matthew 5:6a, 9a)? If not, *how* can we reshape them so that they can help reshape or transform us? The key question being asked here is how the Lord's Table or Eucharist can more effectively become a place of reconciliation, healing, and transformation. Outside the gospel narratives, the definitive text for practising this ritual is 1 Corinthians 11:17-33, which includes these verses:

> For I received from the Lord what I also passed on to you: The Lord Jesus, on the night he was betrayed, took bread, and when he had given thanks, he broke it and said, "This is my body, which is for you: do this in remembrance of me." In the same way after supper he took the cup, saying, "This cup is the new covenant in my blood; do this, whenever you drink it, in remembrance of me." For whenever you eat this bread and drink this cup, you proclaim the Lord's death until he comes.

We proclaim the Lord's death until he comes. The church at Corinth, to whom the Apostle Paul was writing, was certainly not modelling, yet alone embodying, the radical hospitality of the Kingdom of God. Indeed, they merely repeated the *social values, ideologies*, and *social stratification* of the Greco-Roman and Jewish world around them; they did nothing *to shift the shape of their society's dominant images of separation and retribution.* Not only was there blatant snobbery in the Corinthian church, but relational issues of a moral nature were simply not being addressed. Paul challenged the Corinthian Christians to look at their liturgical practices from a number of perspectives – or, again, to use Zehr's term, a number of lenses – the first two being *retrospective* and *prospective*.

The first perspective or lens is a retrospective one; we are invited to look back and *remember:*

- The Lord at table,
- The Lord raising from table to model servanthood,
- The Lord rising from table and going to the Cross, and
- The Lord modelling sacrifice.

This, Paul may have hoped, would have challenged their social values, power ideologies, and social stratification – and ours!

The second perspective or lens is a *prospective* one; we are invited to look forward in anticipation and hope of God's Kingdom being fully manifested for all to see. This too, Paul may have hoped would have challenged their ways of being together, and of being in the world – and ours!

Next the Apostle challenged them to look through another lens, the *introspective* lens of self examination. The individual is to examine himself or herself in terms of their relationship with God *and* with one another for 'whoever eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of sinning against the body and blood of the Lord. A [person] ought to examine himself [or herself] before he [or she] eats of the bread and drink of the cup. For anyone who eats or drinks without recognising the body of the Lord eats and drinks judgements on himself [or herself]' (1 Corinthians 11:27-29). Thus it could be said that this lens is a bifocal one, for it is both a *looking within* and a *looking around*, a remembering of who we are called to be, and an acknowledgement of how for we are from that ideal. Needless to add, it is also a *looking up*.

The Eucharist then, is primarily an *anamnesis* – a re-presentation, a making present again – a place of remembering, but in a much fuller sense than simply recalling the past. Remembering can also be written, and so often needs to be rewritten, *re-membering*. 'The Last Supper is a meal in the midst of conflict where Jesus names the conflicts in the room, and then gives bread, the gift of forgiveness, not a stone, or retribution, or punishment. In remembering this living reality, we are called to re-member or re-frame our world and our own actions so that we do likewise' (Porter, 2006:18).

The Table is not only a place for conflict transformation at a local level, it is also a place for modelling an alternative to the adversarial retributive justice system, and this by demonstrating the values and practices of Restorative Justice as a Christian ethic. We need to explore the Holy Communion as a place of conflict transformation, and this by naming, not by denying, or avoiding the conflicts in our churches. More than that, the Table is an opportunity to explore the Holy Communion in a number of contexts related to reconciliation, healing, and transformation, namely as:

- A facilitator of conflict resolution and reconciliation;
- An opportunity to:
    - Present the theology of Christian reconciliation,
    - Model a vision of the local church as an alternative community, as The Beloved Community,
    - Teach the practice of conflict resolution,
    - Facilitate the experience of reconciliation, and
    - Empower Christians at the local level to act as peace makers.

Thus liturgy can serve as an educational tool, and that in the sense of *e-ducare*: to lead out, but also to lead or point towards;

- An alternative to the adversarial, retributive justice model and this by demonstrating the values and practices of restorative justice as a Christian ethic; and,

- A Facilitator of *Holy Conferencing* – a place were decision-making is done differently, namely by discernment and consensus, rather than by domination or majority vote.

The common denominator in this is the conviction that our relationship with Christ shapes every other relationship, both those at the Table and those not.

> As we engage in the practice ... of Holy Communion week after week, we internalize this paradigm of relating and carry it into the world where it can mold our relationship outside of the ritual ... "The more you are in Communion, physically participating in communion, the more you get to be in communion when you're not in Communion." As Holy Communion takes a more central place in our worship practices, it becomes a ritual that shifts the shape of our relating, calling us to a social order based in the example of Jesus (McFee, 2006:74).

Jesus not only names the conflict present around the table, but by washing the disciples' feet, 'he names the structural and systemic problems of his society. He turned the society upside down' (Porter, 2006a:19) by demonstrating the *kenotic* ethic of servant hood, of *downward mobility*. He named the conflicts because 'Justice requires the naming. Truth requires the naming. As important, transformation requires the naming' (Porter, 2006a:20). What is unnamed festers beneath the surface only to explode in destructive ways. 'You must name it to heal it. Diagnosis is necessary for treatment.'

Whatever its limitations, shortcomings, failures, or unfinished business, surely this is what the South African Truth and Reconciliation has taught us: 'lessons about the importance of relationships and the need for reconciliation, about the power of the telling and hearing of stories, about the role of forgiveness and apology in relationships, and about restorative justice' (Porter, 2006b:83).

A key practice here is story telling. Narrative can be a powerful means to reconciliation, healing, and transformation and especially when our stories are told within, and then integrated with the Gospel story - the narrative that is shared in Word and ritual action around the Table. An example of this is found in the Institute for the Healing of Memories, whose Director is Fr. Michael Lapsley. A white Anglican priest, Lapsley had been exiled from South Africa because of his anti-Apartheid activity. Prior to his return, following the release of Nelson Mandela, he was the victim of a letter bomb, which resulted in the loss of both hands and one eye. Participants in his *Healing the Memories* workshops;

> include whites, both English and Afrikaners, blacks and coloreds. They watch a drama that includes something for everyone. As they talk about the drama they begin to tell their stories about their experiences under apartheid ... in the end they create a liturgy, which weaves together all their stories. In the telling and hearing of the stories the participants more from shame and humiliation to a new sense of dignity. This is the beginning of a process where the truth is told, memories are healed, bridges are built that overcome social distance, and relationships are created where none existed before. A new future is created. Is this a vision of what can and should happen at the Table of Holy Communion? (Porter, 2006b:84).

Is this not also a model for local congregations, in a shared locality, to facilitate their own version of the Truth and Reconciliation Commission? A comparison here could be made with the Sycamore Tree Project (see APPENDIX 3) which brings together offenders and victims of (unrelated) crimes in an attempt to facilitate truth telling, understanding, forgiveness, taking responsibility, bridge building, reconciliation, healing, and transformation.

Lapsley was recently awarded an honorary doctorate of Theology by the University of Kwa Zulu-Natal. In his acceptance speech on the 19th April 2008, he said:

> Often the key to breaking the cycle that turns victims into victimisers is when there is not just knowledge of wrong that has happened but acknowledgement.
>
> Today my own work lies in the field of healing of memories – creating safe and sacred spaces where people can begin the journey of acknowledging and letting go of that which is destructive inside them and taking from the past that which is life giving – to speak theologically – redeeming the past ...
>
> The work of reconciliation and healing needs to be part of our national project for several generations. The question for our generation is not – have we completed the journey – but what has been and will be our contribution?
>
> When you see me, in my physical reality of brokenness, I hope I remind you of the terrible things we did to each other as South Africans. A thousand times more importantly, I hope in my own small way I am a sign of hope to you, that's stronger than the forces of evil and hatred and death, are the forces of gentleness, of kindness, of compassion, of life, of God.

Central to the practice of restorative justice are:

- A focus on harms (thereby giving priority to the needs of victims, with the intention of making amends),
- Accountability, and
- Engagement.

These three imperatives are easily recognised in the counsel of Jesus, concerning a brother or sister who offends.

> "If your brother [or sister] sins against you, go and show him [or her] his [or her] fault, just between the two of you. If he [or she] listens to you, you have won your brother [or sister] over. But if he [or she] will not listen, take one or two others along, so that 'every matter may established by the testimony of two or three witnesses'. If he [or she] refuses to listen to them, tell it to the church; and if he [or she] refuses to listen even to the church, treat him [or her] as you would a pagan or tax collector.
>
> "I tell you the truth, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven.

"Again, I tell you that if two of you on earth agree about anything you ask for, it will be done for you by my Father in heaven. For where two or three come together in my name, there am I with them" (Matthew 18:15-20).

A fairly common approach to facilitating these three practices – a focus on harms (thereby giving priority to the needs of victims, with the intentions of making amends), accountability, and engagement (or encounter) – is that of Circle Processes of which there are a number of types. These Peacemaking Circles include:

- Talking Circles;
- Circles of understanding;
- Healing Circles;
- Sentencing circles (which brings together the victim, the offender, family and friends of each, other community members, representatives of the justice system, and other resource professions, so that by consensus, a sentence is developed for the offender, and possibly responsibilities for the community members and justice representatives. A sentencing circle may also involve a Healing Circle for the victim and a Circle of Understanding for the Offender);
- Support Circles;
- Community-Building Circles;
- Conflict Circles;
- Reintegration Circles; and
- Celebration or Honouring Circles (Pranis, 2005: 14-17).

Naturally all these different types of Peacemaking Circles have their own dynamics, but the following could reasonably be said of all Circle Processes:

- A Peacemaking Circle is a way of bringing people together in which:
    - Everyone is respected,
    - Everyone gets a chance to talk without interruption,
    - Participants explain themselves by telling their stories,
    - Everyone is equal – no person is more important than anyone else, and
    - Spiritual and emotional aspects of individual experiences are welcomed;
- Peacemaking Circles are useful when two or more people:
    - Need to make decisions together,
    - Have a disagreement,

- Need to address an experience that resulted in harm to someone,
- Want to work together as a team,
- Wish to celebrate,
- Wish to share difficulties, and
- Want to learn from each other; and

- The Peacemaking Circle is a container strong enough to hold: anger, frustration, joy, pain, truth, conflict, diverse world views, intense feelings, silence, and paradox (Pranis, 2005:8, 9).

Circle Processes can be a great gift to the church. The JUSTPEACE Center for Mediation and Conflict Transformation in the United Methodist Church (USA) has found that it:

- Evokes the best of our theology,
- Recognises the importance of ritual and sacred space and time,
- Emphasizes the significance of relational covenants,
- Encourages deep listening and respectful speaking from the heart,
- Moves us away from parliamentary procedure to consensus decision-making,
- Creates an empowering servant or stewardship understanding of leadership, and
- Focuses on the mission of reconciliation, healing relationships, and creating community (Pranis, 2005:30).

Pranis adds that:

> the Circle Process has helped bring us back to a better and more faithful way of being Church As the process gained wide acceptance, we have found that it has the capacity to transform the way we make decisions, the way we conduct our grievance procedures, even the way we experience Holy Communion as the ritual of reconciliation and the healing of relationships.

Is this not the essence of *ubuntu*, being human through other relationships, the *shalom* of right relationships? Surely this is the essence of Christian fellowship and the challenge of re-membering.

The dynamics of Circle Processes are:

- The whole network of persons affected, all the stakeholders, sitting in a non-hierarchical circle,
- A greeting/opening ritual – this sets apart space and time as special or sacred,

- A talking piece (this gives the holder the right to spoke without interruption),

- Circle processes – questions are asked by the facilitator. Questions may relate to: understanding, misunderstandings, responsibility, and accountability. For *victims* the process may include: confronting (naming), asking for accountability, and seeking healing. For *offenders* the process may include: listening, understanding, acknowledging the offence (confessing), and making things right (repentance), and

- Closure/celebration. This may include Holy Communion, 'even if we were not able to truly offer each other signs of reconciliation and love. All of this must be done in a way that is not manipulative, and does not trivialise either peoples['] harm or the sacrament of Holy Communion. All of this is highly contextual, depending on the focus for the circle at the Table (Porter, 2006b:87).

Porter reminds us that:

> Restorative Justice is the story of the parable of the lost sheep in Matthew 18: seeking out, restoring, and rejoicing. No one is to be lost. In this chapter, Jesus also gives very practical advice on how this restoration will take place, with the victims having the moral authority to confront the offender, to ask for accountability, and to seek healing. The offender has the moral responsibility of conversion, and accountability leading to healing. The journey of the offender is to listen, to understand, to acknowledge the offence (confess), and to make things right (repent). If this is done, Jesus says that the offender will be restored to community. The restoration is always met with great rejoicing, as in the parable of the lost sheep. God is present on this journey with everyone (2006b:85, 86).

The frame within which Jesus' society operated is reflected in our own, and remains one of *naming* for the purpose of punishment or retribution (*blaming*). 'At the Last Supper, Jesus reframes and breaks the cycles of violence and retribution by saying that the naming should lead to bread, to forgiveness, and to reconciliation ... The frame within which Jesus calls us to live out our own lives is not the frame of naming the punish, but the frame of naming to give bread. Here we move from blaming to naming, from punishment to accountability, from retribution to forgiveness' (Porter, 2006a:21).

> The giving of bread does not negate the reality that our deeds have consequences. That accountability is important ... There are consequences for our actions. Some actions are so contrary to God's plan for life that it would be better not to have been born. However, none of this is seen here as God's or Jesus' retribution against Judas. The hanging is self-imposed (Porter, 2006a:22).

Thus, what 'Jesus has done is transform both the way we deal with conflict, differences, and harm as well as the way we experience Holy Communion.' Participating in the Sacrament is to come to a place where we both *receive* the gift of communal and personal forgiveness, and are *called to* share that forgiveness. 'We see the Table as the place where we receive the word of reconciliation but also where we are spiritually formed into reconcilers, empowered to name and give bread, empowered to practice reconciliation.'

This obviously has reconciling, healing, and transforming consequences, not only for those who gather around the Table, but also and just as importantly, for our nation, our world, indeed our cosmos.

Porter (2006a:23) concludes with a story from the South African Truth and Reconciliation Commission.

> In the days of *apartheid*, seven youths were killed by the South African military in an ambush. One of the men who participated in executing the youth testified before the Commission. In the room were the mothers of these young men. After ... testifying, the mothers were asked if they wanted to say anything. The spokeswoman for the group ... turned to the young man and said, "You are going to listen to our anger. Sit there and listen." One after another, these mothers spoke of the pain they had suffered. Then, after all had finished talking, one of the mothers ... said, "Come here. Come here; let me hold you. Let me forgive you. I have no son, now. But I want you to be my son, so that you will never do these things again." She named the conflict. She then offered bread – indeed, her life. Thanks be to God.

The Holy Communion is, therefore, a place to teach the theology, ethics, and the practice of Christian reconciliation. It is a place of witness 'in all of life – even where there is tension, exclusion, anger, and hurt. We bear witness that all of our conflict, both in the church and in the larger arenas of human struggle, is canopied by the passionate and forgiving Lord. As witnesses we embody the message that pardons guilt and overcomes the power of sin. We who eat and drink with him on this side of the Easter experience are witnesses of reconciliation. We know the way of reconciliation, even when we are participants in conflict' (Carlton Felton, 2007:26).

The re-membering of those absent is a call to pastoral care, evangelism, and social witness.

> Are there those who feel shunned or unworthy? Are all socio-economic and educational classes included? Are children, the elderly, the infirm present? Are there persons with physical, emotional, and mental incapacities? Are there persons of diverse sexual orientations and identities? Where are the poor, the homeless, the destitute? What about those confined to penal and custodial institutions? Who else among God's beloved people are absent? If the community gathered around the Table of the Lord does not reflect the variety and inclusiveness of all God's people, the church is defying the Christ who ordered: "Go out at once into the streets and lanes of the town and bring in the poor, the crippled, the blind, and the lame ... Go out into the roads and lanes and compel people to come in, so that my house may be filled" (Luke 14:21,23) (Carlton Felton, 2006:32).

There need not be, indeed dare not be, any division/conflict/separation between the *spiritual, sacramental*, and *social*. Indeed, these 'three aspects must be held together today if the church is to be effective in its ministry of reconciliation. Spiritual revival can be kindled and sustained though the Lord's Supper; a revived church can be the instrument of healing in the society'.

This calls for the compassion and commitment that challenges and seeks to transform the conditions that breed and feed conflict. If the sources of suffering are to be addressed, if reconciliation and healing are to take place in society, then systemic changes are required. The power of God working through ordinary Christian people expresses itself in personal and social transformation.

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