

THE SPIRITUALITY OF TRANSFORMATIVE JUSTICE AND DEMOCRACY

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In January 2002, I sat at a simple shrine under a tree on a hot day. The shrine marked the scene of a shocking atrocity. This was in the compound of Holy Cross Parish, Kauda, in the Nuba Mountains, one of the most remote and underdeveloped areas in Africa.

In its single-minded commitment to terrorise and subjugate the people in the Southern areas of Sudan, the Bashir regime in Khartoum embarked on an infamous bombing campaign. Antonov transport planes flew low over villages and crude barrels of explosive and shrapnel were rolled down the ramp at the back of the plane onto the villages and people below.

One morning, an Antonov flew low over the Holy Cross Parish compound. The Catholic school teachers and children were having classes under the trees to shelter from the hot sun. Three bombs were dropped. One hit the ground next to a tree where a teacher was conducting her class – 14 children and the teacher were killed.

The coalition of Christian Churches under the Sudan Ecumenical Forum and peace activists began a campaign. We meticulously documented such atrocities, double-checked, and then engaged in advocacy with the important Governments involved in the Comprehensive Peace Agreement process which had not yet been concluded at Naivasha in Kenya. This advocacy and pressure led to the cessation of the bombing campaign.

Sadly, after the Comprehensive Peace Agreement was signed, and after South Sudan obtained its independence, the Bashir regime has during the past year again begun its appalling bombing campaign against the same targets in the Nuba Mountains and with even greater ferocity – reckoning, probably, that the Western Governments with so much else to attend to will not return to pressurising the Bashir regime as they did in the past. This has led to dreadful suffering, internal displacement and thousands of people hiding in caves in the mountains. Security for them is non-existent, and “security” takes on another meaning in that starvation and disease become the marks of a total lack of food security for these people.

The situation is indeed desperate. A few months ago, on November 30, 2012 there was a report which quoted Bishop Macram Max Gassis of El Obeid Diocese, in whose territory falls the Nuba Mountains in South Kordofan State of Sudan.

“The bombings are carried out on a daily basis..... The first victims of this war are civilians, especially women, children and the elderly,” said the Bishop. “Recently the church of Heban was bombed, which thankfully reported limited damage. In the month of November, Khartoum launched 330 bombs, which caused 36 deaths, mostly women and children, and 22 injuries. 30 homes and crops were destroyed.”

“No humanitarian organization is present in the Nuba Mountains and the Church is the only presence of hope for these people, with our sisters and four doctors and surgeons (2 Americans, a German and an English doctor). The only medical facility in the area is the hospital which I founded, with a capacity of 80 patients and now has over 500.”

“Many priests walk the paths that lead from the Nuba Mountains to our structure in South Sudan in Yida in Unity State, to get supplies and medicines. The journey takes 16 hours and under the threat of Sudanese bombers. I was abroad and asked the international community to implore the regime in Khartoum to stop the bombing on civilians, and to allow food and medicine to be brought to the exhausted people,” concluded Bishop Gassis (CISA).

That story highlights just how very difficult it is for the Church in partnership with affected communities to mount and sustain successful international advocacy campaigns for peace, justice and transformation - with and on behalf of the victims of wars, violence, atrocities, and human rights abuses in all their forms – including rape as a weapon of war.

The history and context here in Eastern Europe has its own particular circumstances and challenges which participants from this region know very personally. Someone like me depends completely on people like you to try to understand a little of your history and how the aftermath of atrocities, wars and all forms of violence in this area need to be addressed. All I can do is share my own story and journey with you in the hope that it can support us in our calling and mission for peace through justice.

But all of us engaged in working for sustainable peace, justice and transformation can take our inspiration from a spirituality and an analysis of the meaning of justice which can be relevant and helpful no matter what our context and challenges might be. It means that we respond to our situation empowered by the Spirit of God, and a spirituality and relationship with the Lord of justice and peace, which then enables us to discern the principles and values which can and should guide our decisions and responses.

The title of the talk I was given is “The Spirituality of Transformative Justice and Democracy”. I will try to reflect a little on the issue of justice in post-conflict situations like wars, or in situations where all kinds of atrocities and appalling human rights abuses are occurring. What kind of justice do such situations demand, what kind of justice do the victims cry out for.

For example, on my visits to Croatia and meeting the activists engaged with Recom in the quest for a Truth Commission to respond to the Balkan conflict, what struck me so forcefully was my meetings with the mothers, fathers, brothers and sisters of the disappeared.....people who had “disappeared” during the wars and violence, whose bodies had never been found, the existence of mass graves which had never been uncovered. I remember the Pax Christi meeting in Vukovar where we visited the site of the dreadful atrocity where people were taken from the hospital in Vukovar, put into a warehouse, and then taken to a field where they were shot. There were around 160 people. But when the mass grave was uncovered, only around 100 bodies were there. Where are the other bodies?

The relatives of the disappeared want to know; they want to find out the truth of what had happened to their loved ones – as happened in my own country South Africa where people sought the truth of what had happened to family members during apartheid atrocities; these relatives are still suffering the trauma of loss years after the end of the wars. Recovering the truth was/is the very first step towards achieving justice for these victims.....but how long will this still take is the question?

In post-conflict situations after the end of a war, and in all efforts to work for peace in situations of violence, what has become central to discussions over the past years has been a reflection on all the issues which make up what is termed “transitional justice”.

Transitional Justice places the emphasis or focus on the centrality of *justice* as the cornerstone of the both the process and the outcomes a time of transition from conflict and violence. One objective is to create and nurture an environment where the past evils and atrocities can never be repeated, and the ways to achieve this. But, Transitional Justice also

speaks to the possibilities of justice for the victims, accountability for the perpetrators and the past beneficiaries of injustices, and a process leading to reconciliation, if possible, and a minimally decent society.

Catholic Social Teaching principles can bring a distinctive value to the broader conversation around Transitional Justice. For example, the principle of “the preferential option for the poor” challenges nations and the communities in a society to understand and implement the process of justice primarily from the point of view of the *experience of the victims*. It calls for a reading of the history, the story of what happened from the bottom up, from the reality as *the victims experienced it*. It also calls for an empowerment of the victims to have their own stories recorded, in this way affirming their human dignity and worth. What is even more important, the preferential option for the poor calls for the victims to be enabled to explore their own energy and wisdom, so that they become the agents of transformation, i.e. how *they* can be involved in the processes which seek justice, healing, reconciliation if possible, the restoration of their dignity, and a better future for all citizens.

And then, what about the perpetrators of the atrocities? What justice do the victims want for them? Do they want punishment? The international community, in response to such terrible atrocities, genocides and so forth, and in an effort to put an end to a culture of impunity and to establish the rule of law throughout the world, established the International Tribunals to try war criminals and those responsible for genocides and gross human rights violations. If found guilty the perpetrators are punished with lengthy spells in prison. So, for example, the trial of Ratko Mladic, the Serbian army commander in The Hague.

However, there is some controversy around the International Tribunals. Some of the African Governments, for example, have stated that there is an imbalance in the prosecutions of Africans when this is compared to people from the West, especially when countries like the USA will not permit any of its citizens to be brought before the ICC.

The process at these International Tribunals is based on the notion of “retributive justice”. Retributive justice has a primary focus: retribution against the perpetrators, punishing the perpetrators for the crimes committed, and that this will hopefully stop others from doing similar things. But the question is: is retributive justice the best means of transforming the situation after terrible suffering? Does punishing the perpetrators necessarily restore a society and its wounds? Is punishment the only or best way to lay the foundations for reconciling the groups involved in a conflict or war and creating conditions for sustainable peace? It seems to me that it needs something more and different.

So, increasingly the discussion around justice is focussed on *restorative justice* as distinct from retributive justice. Restorative justice holds together a three-fold commitment: firstly, to affirm and restore the dignity of those whose human rights have been violated; secondly, to hold perpetrators accountable, emphasising the harm they have done to other individual human beings and communities, and the need for restitution; and, thirdly, to create conditions in which human rights will be respected in the future. Commenting on the South African Truth and Reconciliation Commission, Archbishop Desmond Tutu reflected that restorative justice ‘is concerned not so much with punishment as with correcting imbalances, restoring broken relationships with healing, harmony and reconciliation.’¹ This is close to the Biblical understanding of justice.

¹ TRC Final Report.1 Chapter 1 #36

Reconciliation? This is a very complex question indeed because violence and atrocities, and gross human rights violations severely hurt people. Relationships between people and between communities will have been damaged or even destroyed – firstly between individuals, then at the village or community level, and at national level or between states. Unless great efforts are made to bring about holistic healing many underlying factors could result in serious problems in the future as broken societies and people whose dignity has not been restored may develop different forms of dysfunctional behaviour – and violence could break out again. And all processes of healing and reconciliation must incorporate rich cultural dimensions present in affected communities around the world. Indeed, these cultural dimensions are a very important dimension of restorative justice.

After war and conflict, it is so important that NGOs, civic organizations and the Churches be involved in a continuous process of healing and ongoing conflict resolution in affected communities, and with individual victims. The victims cannot just be forgotten and expected to get on with life. And, just as important, there cannot be real reconciliation unless this incorporates comprehensive social reform and economic development for the victims, the poor and marginalized – to offer restitution and reparations for the victims.

This puts the focus on another aspect of justice. Catholic Social Teaching would add to the Biblical understanding of justice the notion of *distributive justice*, the sharing of the goods of creation. *Gaudium et Spes* talks about ‘paying attention to the universal destination of earthly goods. The right of having a share of earthly goods sufficient for oneself and one’s family belongs to everyone. The fathers and doctors of the church held this opinion, teaching that everyone is obliged to come to the relief of the poor, and to do so not merely out of their superfluous goods.’²

It is very important to ensure that the justice process does not merely discover truth, nor only give affirmation and healing to the victims – vitally important as these are. In line with the “option for the poor”, justice must ensure that the poor/victims benefit directly from the resources of the earth or nation, especially those who were deprived of such rights and benefits by war, conflict or authoritarian rule – so that they can live a life of dignity and a minimum level of decency. The question of economic development after war and conflict is crucial, therefore.

All these aspects of “justice” which I have briefly reflected on – all these aspects of “justice” form part of our understanding of “transformative justice” which is in the title of my talk. Transformative justice requires the recovery of truth, reflection on retributive justice versus restorative justice, healing as the first step in the journey towards reconciliation, distributive justice which will focus on the needs of the victims through restitution and reparation, and economic development which transforms their living standards so that they can live with at least minimal decency.

And another goal, part of the title of my talk, is to promote and sustain “democracy” – democracy as part of transformative justice. Obviously, there is no single all-embracing definition or understanding of democracy, and cultures around the world influence this understanding. But, a basic dimension which is central to any understanding of democracy is participation of citizens in all aspects of governance in the country, election of their own

² *Gaudium et Spes* #69.

representatives, and the right and ability of holding their representatives accountable for meeting the fundamental human rights and needs of citizens and communities.

The Spirituality of transformative justice and democracy

If all of us coming from Eastern Europe, Russia etc., and all of us as members of the Pax Christi family, if we as peace and justice activists, are to engage with our affected communities and victims of war, atrocities, and gross human rights violations – so that transformative justice does not remain a distant dream, but becomes even gradually a reality which flows into a participative democracy which ensure the rights and well-being of all citizens.....if we as peace activists are to engage in this great venture, and even more if we are to keep our spirits alive and hope-filled in the face of so many challenges and obstacles.....then, quite clearly, we will need to act out of a *spirituality* which empowers us, sustains us, and enables us to keep moving forward.

I would like to share with you a personal reflection which has helped me in my own journey. I suggest that our spirituality is quite simply the spirituality of the prophets – from the Old Testament to John the Baptist who prepared the way for the greatest prophet Jesus. You may move or respond to your situation from another starting point in your own spirituality and journey. I am simply trying to share my starting point in my spirituality.

So, let us look at the call of the prophet Jeremiah. “A word of Yahweh came to me, ‘Before I formed you in the womb I knew you; before you were born I set you apart, and appointed you as prophet to the nations!’

I said, ‘Ah, Lord Yahweh! I do not know how to speak; I am a child!’

But Yahweh replied, ‘Do not say: ‘I am a child. Go now to all those to whom I send you; and say what I command you. Do not be afraid of them, for I am with you to protect you – it is Yahweh who speaks!’

Then Yahweh stretched out his hands and touched my mouth and said to me, ‘Now I have put my words into your mouth. See! Today I give you authority over nations and kingdoms

To uproot and pull down, to destroy and overthrow, to build and to plant.’” (Jeremiah 1: 4-10)

All the prophets were called by God – none of them wanted this, or chose this. Jeremiah, for example, tried to get away from the call of God by trying to convince God that he was just a child, not able to speak therefore, which is the role of a prophet. But God did not accept this. Jeremiah and the other prophets....they were lifted out of their ordinary existence by God to take on a new mission which they knew all too well would bring them challenges, suffering, and perhaps even death. To be called by God as a prophet has nothing to do with foretelling the future; it is a call to announce the Reign of God in the present context of the people and their communities, and what the Reign of God means of even demands for people, communities, and the whole of creation.

The prophet always and at all times lives in the actual conditions of his people; he/she is one with his people, and experiences every day the reality of their life. The prophet, living in the midst of his people, is called by God to interpret the actual situation of his people in the light of God’s Word and vision for all people. So the prophet is called to listen for the voice

of God in the actual situation of the people, especially in the context of suffering and injustice, what we call today “reading the signs of the times”. The prophet then applies the Word of God to the actual context of the people with all its demands and challenges.

So, for us, we can look at the prophet, among other examples, as one model of our calling in the search for peace through justice – like the prophets, we always remain one with the people to whom we are sent by God; we grow in the culture, the wisdom and spirituality of our people, we have shared their dreams and hopes, the struggles and sufferings of our people, and we have shared in the human weaknesses of our people and communities. This means that, just like the prophet, we are the ones who can/must hold our people before God in intercession and prayer, and then we can try to bring our God and God’s word to the people and their situation in the quest for peace through justice and non-violence.

If this is to happen, then the prophet – like us – needs to live in a strong personal relationship with God. Prophetic figures like Jeremiah, Moses, Hosea, Mary, and even Jesus experienced a call to a particular mission in some kind of a “religious” experience of encounter with the God who called. From then onwards, the prophet needed to live in this personal relationship with God, who kept on forming them spiritually for their mission of bringing God into an encounter with the people and their historical context.

Through this personal relationship with God, the prophet is able to discern God’s will in the developing situation, and to enable God’s will to be done. This is beautifully captured in the classic text from Luke 4: 16-21, where Jesus recognises that the words of Isaiah the prophet exactly encapsulate his own understanding of his mission in the midst of the people in their situation of oppression and injustice. So our task is to be a witness to God present in the real world of people’s lives; we witness to God’s presence through our word and the different ways we engage with our communities in their actual struggles and in working with them so that their hopes and dreams are gradually realised.

One important dimension of our spirituality in action is that we consciously promote and develop participation – we invite our people to participate in reflecting on their situation and on discerning together what is the way forward, which are aspects of working for democracy in society. So we consciously invite our people, our partners, to take responsibility for their responses to the actual situation – we do not prescribe to them what they should or should not do.

But, what is the objective, the goal of our spirituality, our relationship with Jesus, and the actions and responses we make in our actual situation? This, it seems to me, is to reveal our God to our people in their situation as a God of compassion *and* justice, a God of justice *and* compassion, that God’s desire for our people is that they should experience justice in their situation and become people of compassion and non-violence. We can return to the call and mission of Jeremiah. God reveals to him what his mission is among his people and in the society: “See! Today I give you authority over nations and kingdom.....To uproot and pull down, to destroy and overthrow, to build and to plant.”

Jeremiah is called to uproot and pull down to destroy and overthrow.....strong words, but essentially this means that *all* injustice, oppression, abuses among the people and society must be “destroyed and overthrown” – we work to *overcome* all this evil. And in the place of injustice and oppression, the task is “to build and to plant”.....to “build” the Reign of God which will be experienced in justice, peace, non-violence, respect for the dignity of every

person.....to build, yes, and to plant.....to “plant” the seed in the heart of every person and every community which will bring hope where there is despair, courage and strength to work together for a better future in situations where there seems to be so little to inspire and give courage and hope.

But, as with all the prophets, the justice that God desires is to be proclaimed with great courage, but is to be worked for through compassion – in other words, no vendettas or revenge, rather a conscious commitment to non-violence. We have the wonderful example of all this in the story of the woman taken in adultery in John 8. Here we see Jesus as the perfect example of non-violence. He is eminently qualified to condemn her, but he very simply refuses to do so. So, in doing so, he absolutely questions all power and domination, all efforts to condemn people and to punish them, all retribution as the way to solve our human problems. For Jesus – and therefore for us his disciples – there can be no decision to use coercion, domination, and power to achieve objectives – rather compassion, sensitivity, and opening doors for vulnerable people to begin again, and to walk towards what is truly life-giving. That is our role, and that requires that we live and express the same spirituality as Jesus.

Our spirituality in view of promoting transformative justice and democracy is directed towards helping our people to recognise that we are called to promote justice which is, in fact, God’s passion, and that justice is all about working to develop *right and just relationships* between people, and between people and all of creation. And right and just relationships require that we recognise and accept that we are all sinners, but that God is a God of infinite compassion whose vision of justice excludes everything which is contrary to compassion – that is, violence, domination, oppression, cruelty, vengeance, and all the rest. Instead, we are called in our spirituality and relationship with Jesus to recognise and promote his vision of justice, viz. the peaceful resolution and reconciliation of divisions and differences, non-violence in every situation which provokes and hurts, forgiveness even when it is so hard to offer, inclusiveness of everyone, especially the marginalised and excluded in Church and society, promoting the fundamental equality of every human being, and especially those who are regarded as not worthy of equal treatment, and ensuring the integrity of creation and our planet.

When Jesus spoke about the kingdom, and what it means, he completely destroyed any concept of a kingdom of violence, power and oppression. His kingdom, what we might prefer to call the “Reign of God”, is all about love, compassion and justice in relationships with each other and with all creation, a kingdom where God is all in all.

This is the spirituality and vision to which we are called today and every day in our lives and ministries in the cause of peace in our world. And our spirituality also needs to be based on this awareness: all the prophets, and Jesus himself, did not succeed in their mission, in the way that we humans define success. They failed in the face of evil, injustice, force and power; and they suffered the consequences. But that was not the end of the story – Jesus is the risen Lord, and has handed on to us the power of the Spirit, and the call to trust in Him and in his presence and action through us to transform this world into the dream of God – a dream of sharing, of peace, of making the love of God take life in love of the neighbour.

I conclude with the words of Mahatma Ghandi and Archbishop Oscar Romero: Mahatma Gandhi said:

“Whenever you are in doubt, or when the self becomes too much for you, apply the following test. Recall the face of the poorest and weakest person whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him/her. Will this person gain anything by it? Will it restore them to control over their own life and destiny? In other words will it lead to *swaraj* [freedom] for the hungry and spiritually starving millions? Then you will find your doubts and your self melt away.”

And Romero: “God’s reign is already present on our earth in mystery. When the Lord comes, it will be brought to perfection. That is the hope that inspires Christians. We know that every effort to better society, especially when injustice and sin are so ingrained, is an effort that God blesses, that God wants, that God demands of us.” (March 24, 1980). To that I say: Amen!

Thank you!

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