

Restitution Toolkit



THE RESTITUTION FOUNDATION
"Giving back for going forward"

Restitution Foundation

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1. Restitution: What it is and why it matters!

(Summarized version of Restitution Toolkit)

Restitution is a complex term. We typically hear it in a legal sense: a man who has stolen R1000 is ordered to make compensation in the same amount. We often understand it as a quid-pro-quo kind of arrangement: pay back precisely what was taken, and all parties can go their separate ways with the matter resolved.

We understand restitution to go much deeper than this, and to be one of the most significant tools available to us in addressing the residual ills of discrimination as well as other causes of inequity in our communities. Restitution involves seeking to set right the generational ills of inequality by engaging those who have benefited from the system, directly or indirectly, in transferring wealth and social capital and reinvesting in communities that are still suffering. We understand this not to be purely a black-white issue, although we believe addressing the apartheid past is part of our mandate; but we believe restitution should become part of our common vocabulary and set of tools for addressing situations in which any person or community has suffered harm.

Restitution is also a key component of justice, which we understand as the restoration of right relationships between ourselves, other people, and our environment, in which there is enough for everyone and no one goes without, and the dignity of every human being is revered. Theologian Cornel West has said that “justice is what love looks like in public,” and as we love our neighbors, we cannot help but seek justice with them.

We are also driven to restitution as a robust and appropriate response to the grace extended by black South Africans to their white compatriots since 1994. We must refute the idea of cheap grace and recognize that what has cost our countrymen much, cannot be cheap for us, to paraphrase Bonhoeffer.

Restitution is easy to imagine in concrete terms. We understand the loss of money, land or even life. Now imagine that theft not only of resources such as land, education and money has occurred on a broad scale, but also of intangibles: dignity, a sense of safety, self-worth, an understanding of one’s rights, a sense of belonging in one’s own country.

The process of restitution recognizes that this is precisely the situation we face in South Africa today. How we make restitution for not just the tangible but intangible things that are lost when a person or community is harmed and dehumanized is something we must struggle through together, with both humility and hope.

It may help to know what restitution is not before we think about what it is. Restitution is not charity. Charity suggests discretionary giving out of one’s abundance; it services poverty but does not eradicate it. Restitution, in contrast, is highly relational, potentially costly, and long-term. It aims to restore—or even

create—whole, healthy relationships where before there was brokenness and suspicion. In this relationship, we progress past the point in which there is a clear benefactor and a clear beneficiary, roles that still leave power on one side and that can be unintentionally dehumanizing. The relationship demands that we listen to all sides, hear the voices of those wronged when they articulate their needs, and move towards healing together.

Similarly, while restitution is about justice, it is not about punishment. We are used to thinking of a retributive model of justice in which payment is exacted in proportion to the crime, but nothing is done to restore the offender to the community and the community may not benefit at all from the judgment. Restitution is about restorative justice, It understands that a crime is rarely just one person against another; it tears at the fabric of the whole community. The violation of the social contract is what is at stake. But perhaps we must begin thinking beyond even restorative justice. The very notion of restoration suggests that there was some previous time in which the parties lived in harmony and right relation with each other. Yet that is not the case; we do not have a time we can look back to as the paradigm of healthy relationships to which we seek to return. Perhaps, then, we should begin thinking in terms of *transformational justice*. Such an idea recognizes that we need a wholesale shift in the way we relate to each other—a transformation—that opens up new possibilities. Transformational justice asks us to go deeper, as we ask difficult questions about why things are the way they are, and how we can change the cycles in which we operate so that we can reduce conflict and create new and equitable relationships. Restitution is a key piece in achieving this establishment of right relationship.

2. What is restitution?

Perhaps the first place to start is in defining the terms we will be using. Restitution is a complex term. We typically hear it in a legal sense: a man who has stolen R1000 is ordered to make compensation in the same amount. We often understand it as a quid-pro-quo kind of arrangement: pay back precisely what was taken, and all parties can go their separate ways with the matter resolved.

We understand restitution to go much deeper than this, and to be one of the most significant tools available to us in addressing the residual ills of apartheid and discrimination as well as other causes of inequity in our communities. Restitution involves seeking to set right the generational ills of inequality by engaging those who have benefited from the system, directly or indirectly, in transferring wealth and social capital and reinvesting in communities that still suffer from the past's grim legacy.

In such a model, a one-to-one sort of repayment makes no sense. Imagine this scenario: a man's bicycle is stolen. This now means he has no transport, and cannot get to work; thus he loses his job. Without a job, he cannot educate his children or support his family. Perhaps he used that bicycle to run errands for the homebound elderly woman next door; now she is affected by the loss as well. Jobless and frustrated, he becomes a drain on his community rather than a resource. What would restitution look like in this situation? Certainly it is not just returning the bicycle. He is not the only person who has been affected by the crime; his family, his neighbors and his community have also suffered.

Now imagine that theft not only of resources such as land, education and money has occurred on a broad scale, but also of intangibles: dignity, a sense of safety, self-worth, an understanding of one's rights, a sense of belonging in one's own country.

Or let us use another analogy, one perhaps nearer to us since the great success of the World Cup: Imagine two teams are playing a soccer match, but the pitch is tilted at a 45-degree angle. The side defending the higher ground is able to run up a score of 1000 goals to 0. At a certain point during the match the advantaged team realises that the match is not fair and that the playing field must be leveled. While an important start, the decision to level the playing field is only the beginning of doing justice to the deprived team: after all, the score is still 1000 to 0. To just level the score of the match and continue with the game is also not good enough. For the duration of the match the disadvantaged team has had to play uphill, causing the team members to be more exhausted than the team playing downhill and to suffer many injuries. To do justice to both teams the score should be adjusted to compensate for the disadvantage or the match should be abandoned and replayed on another day. Restitution within the South African context has not only to do with leveling the playing field. It includes addressing the cumulative advantage some sectors within society enjoyed in order to address the imbalances created by our past.

The process of restitution recognizes that this is precisely the situation we face in South Africa today. How we make restitution for not just the tangible but intangible things that were lost under apartheid is something we must struggle through together, with both humility and hope. Churches are uniquely situated to deal with this question. We are a deeply religious nation, yet our faith has been profoundly compromised by the political climate sustained for several generations. The church remains intensely segregated, which results in a continuing segregation of resources which is self-perpetuating. Through restitution, we seek to make Christians aware of their complicity with unjust systems, engage them in ways to relate afresh to their neighbors and to begin rectifying the situation, and through this create a model that will catch the imagination of the country, Christian and non-Christian alike, bringing about transformation.

3. Restitution is intrinsic to justice

We understand justice to mean the restoration of right relationship with ourselves, other people, and the environment. It is a state in which everyone has enough and no one goes without. Christians recognize that God is a God of justice; the theme is woven throughout our Scriptures. He “loves justice” and “hates robbery and iniquity” (Isaiah 61:8) and “secures justice for the poor and upholds the cause of the needy” (Psalm 140:12). We, in turn, are instructed, “Do justice and righteousness, and deliver from the hand of the oppressor him who has been robbed. And do no wrong or violence to the resident alien, the fatherless, and the widow, nor shed innocent blood in this place” (Jeremiah 22:3). The entreaties to justice are bound up in what Jesus tells us is the greatest commandment and the summation of the Law: love God entirely, and love your neighbor as yourself. If, as theologian Cornel West says, “justice is what love looks like in public,” then we cannot love our neighbors without also seeking justice with them.

We catch a glimpse of how restitution may be a component of this in the well-known verses of Isaiah 2: “They will beat their swords into ploughshares and their spears into pruning hooks; nation will not take up sword against nation, nor will they train for war anymore.” Like the soccer match between unequally matched opponents, it is not enough just to try to wipe the slate clean. God does not direct the people simply to discard their spears and swords, they are not to be left in a shed or safe somewhere in case we may need them again. Rather, we are to convert the tools of destruction into tools for building a new and just world. Doing this requires giving up our weapons and using them for good. Whether it is our wealth, social privilege, or power that we have deployed as weapons to protect ourselves, the call to justice requires that we lay them down and risk vulnerability as we build societies in which we grow new life rather than destroy it. When we do this, says Isaiah, we will “walk in the light of the Lord.”

While government has its role to play in the pursuit of justice, it cannot and should not bear the entire burden. We have the resources and imaginative, spiritual and intellectual capacities to be effective and powerful agents of justice when we voluntarily band together and become agents of justice in our land.

4. What is restorative justice?

When we think of justice, we very often think of what has come to be known as retributive justice: a wrong has been committed, and the wrongdoer must pay in a manner commensurate to the crime. This is the type of justice system under which most societies operate, and may be understood as an evolved form of the biblical “eye for an eye” injunction. The focus of retributive justice is on punishment for the wrongdoer, which in turn is assumed to be justice for the wronged.

Restorative justice takes a broader view of justice. It understands that a crime is rarely just one person against another; it tears at the fabric of the whole community. The violation of the social contract is what is at stake. Where retributive justice may focus on the broken law, restorative justice focuses on the broken relationships and how to mend them. In a restorative justice model, then, we seek to balance the needs of the victim—which may include the entire community—with the culpability of the offender, recognizing that the offender also needs to be restored to right relationship.

Restorative justice often entails an acknowledgement of wrongdoing on the part of the transgressor, and a profession of repentance, usually followed up with some sort of concrete gesture of restitution. Central to this is the recognition that the offender has not simply broken a law, but hurt a real person and community, and must look them in the eye and take responsibility for that. The wronged party, in turn, extends forgiveness and a willingness to take on good faith the repentance of the wrongdoer.

Forgiveness is a term, like reconciliation, that has sometimes been cheapened by how casually it has been used to cover up sins and act as though they never happened or require no redress. People are understandably suspicious, then, when they are entreated to forgive, afraid it may mean a whitewashing of the past, a sort of historical amnesia. In truth, forgiveness does not minimize the transgression: rather, it is the only response that recognizes the immutability and irreversibility of the act. A model of punitive or retributive justice would suggest that once punishment is dealt, justice has been done, which in turn presumes that a price can be put on human suffering and it can be made right. Forgiveness, strangely enough, seems to recognize that transgressions can never fully be made right and appropriate, because the evil act simply cannot be reversed. Far from negating what has happened, it is a model that takes it very seriously indeed. Forgiveness doesn't mean we must go on as if nothing had happened; it understands with utmost gravity that something has happened that cannot be undone, and therefore can only be forgiven.

But perhaps we must begin thinking beyond even restorative justice. The very notion of restoration suggests that there was some previous time in which the parties lived in harmony and right relation with each other. Yet that is not the case; we do not have a time we can look back to as the paradigm of healthy relationships to which we seek to return. Perhaps, then, we should begin thinking in terms of

transformational justice. Such an idea recognizes that we need a wholesale shift in the way we relate to each other—a transformation—that opens up new possibilities. Transformational justice asks us to go deeper, as we ask difficult questions about why things are the way they are, and how we can change the cycles in which we operate so that we can reduce conflict and create new and equitable relationships.

5. What is the relationship between restitution and restorative justice?

Restitution plays a critical role in restorative justice. Because restorative justice seeks not just punishment but the healing of the community, it requires more of both the perpetrator and the victim than retributive justice does. Unlike retributive justice, which frames wrongdoing as a violation of law and a crime against the state, restorative justice recognizes wrongdoing as a violation of relationship and a crime against people and community. As part of the process of healing the wounds, then, the perpetrator must acknowledge that injustices have been committed and participate, along with the victims and wider communities, in seeking solutions that will repair the frayed social fabric. Making restitution—doing what is in the power of the perpetrator to restore justice and set right what was wrong—is a critical piece of this.

For our context, the language of perpetrator and victim may seem off-putting. Most whites have been passive beneficiaries of the apartheid system rather than active perpetrators of its evils. But nonetheless, the beneficiaries continue to accrue the wealth, education and social capital that was reserved for them under apartheid and continues to be perpetuated in many ways today. By voluntarily choosing to make restitution, they take responsibility for the advantages they have gained and attempt to break the cyclical nature of those advantages by redistributing both material wealth and the wealth of education and skill.

In so doing, they begin to right the imbalance that has long existed between communities. By investing in disadvantaged communities not out of a sense of largesse but a sense of the demands of justice, we take seriously the lives and struggles of our brothers and sisters and make concrete moves towards demonstrating that we rise or fall together as one nation.

6. What is charity?

An enormous amount of energy and money in Christian communities goes toward charity. Food baskets, winter clothes drives, and gifts at Christmas are familiar acts for many of us. While well-intentioned, there is often little recognition of the damage that can be done when we engage in acts of charity rather than restitution.

Charity may be understood as:

- Giving out of our surplus;
- Non-relational;
- A one-time act;
- Giving what the giver thinks is needed rather than what the recipient has identified as a need;
- An act that makes very clear who the giver is, and who the recipient is.

Too often, well-meaning Christians rely on charity to put a Band-Aid on a gaping wound. Charity does not work at understanding why the situation exists as it does, nor does it seek to set it right in the long-term. It is a short-term answer that does as much or more for the giver as for the recipient.

Charity can also be an assault on the dignity of the recipient. She has not been asked her needs, but rather had them diagnosed for her. She has not been asked why she is in the situation she is, why her community is suffering, and what she thinks the solution is. She is simply reminded again that she lacks, while others have plenty.

Bob Lupton runs an urban ministry in Atlanta, Georgia. For years he engaged in the kind of Christmas charity that is common: a family who wanted to help a less fortunate family would purchase Christmas gifts for them and take the gifts to the family's home—a family whom, prior to that day, they had never met. Lupton started to notice a familiar dynamic: the man of the house would always disappear when the gift-bearers arrived. Lupton realized that what was intended as a kind act was in fact stripping men of their dignity, showing them up in front of their children as people unable to provide for their own families. In conversation with the community, Lupton created a new model, in which gifts were donated to the ministry and parents could come shop for their own children at deeply discounted rates. It preserved the dignity of the parents and let them celebrate Christmas in their own way. Too often, our charity is well-intentioned but thoughtless, and we do not stay around long enough to notice the damaging effects it may be having on the people who are the recipients.

7. What is the difference between restitution and charity?

Perhaps the most significant difference in charity and restitution is simply a paradigm shift: recognizing not that we are giving out of magnanimity, but that people continue to suffer because of actions and policies in which we were complicit or from which we have directly or indirectly benefited. Restitution, then, is a way of trying to make right a historical injustice. It entails recognizing that a wrong has been committed, that we were somehow complicit in it, and that its ramifications continue to be felt.

Restitution, unlike charity, is:

- Highly relational;
- Potentially costly;
- Long-term;
- Developed in conversation with those toward whom restitution is being made;
- An act taking place between two equal partners rather than one who always gives and another who always receives.

Restitution will involve the development of relationships in which we hear the needs of those toward whom restitution is being made. It involves repentance: in the Biblical Greek, *metanoia*, or literally “to turn away from.” It is a turning away from the conventional way of charity to embrace a different way of relating to each other, of recognizing and owning responsibility and seeking to set things right. It is operating from a justice framework rather than a charity framework.

8. What is the theological mandate for restitution?

For too long, Christians of all stripes have embraced a gospel of cheap grace. We want Christianity to be easy; we look for it to be beneficial to us. As a result, we embrace false gospels ranging from the prosperity gospel to a pietism that focuses on the individual's personal holiness at the exclusion of the gospel's demand for social wellness and justice. Dietrich Bonhoeffer, the great 20th century German martyr, memorably said of this false gospel, "Cheap grace means the justification of sin without the justification of the sinner. Grace alone does everything, they say, and so everything can remain as it was before." True discipleship, on the other hand, he summed up this way: "When Christ calls a man, he bids him come and die." While that may not be a literal death, though for Bonhoeffer it was, it does mean death to one's own comfort, one's own determination to protect himself, and one's own sense of himself as more important than others. None of this comes to us naturally or intuitively. We should expect, then, that the work of restitution and reconciliation on earth will be a difficult and ongoing process, one that demands much of us and is costly if we are to follow in the path of Christ. This sense of realism—that the task ahead is difficult and costly—is one that stands us in good stead when we encounter opposition, resistance and our own frailty.

Restitution involves recognizing that, as Scripture warns us, the effects of sin accumulate over generations. A man deprived of his land in turn cannot make a living, educate his children, or contribute to the health of his community. His children therefore are unable to recognize their own potential, and the cycle continues.

Scripture gives us ample examples of restitution as part of the creation of a just society. In the deuteronomical guidelines for observing Jubilee, land was restored to its original owners, debts were forgiven and slaves set free, a periodical leveling of the economic playing field so that wealth could not become too entrenched and the poor could not be exploited without recourse.

The story of Zaccheus (Luke 19) is a compelling one when we speak of restitution. A tax collector, Zaccheus has repeatedly defrauded his countrymen. Upon his encounter with Jesus, he commits to giving away half of his wealth, including compensating those he has robbed up to four times what he owed them. This is not mere generosity; rather, this can be understood as a recognition on Zaccheus' part that the effects of sin are exacerbated over generations, and wealth taken from one person years ago may have resulted in a string of catastrophes for them over the years. Thus he does not settle for a simple one-to-one ratio, restoring what he took; he recognizes that to truly set things right, he must compensate them for the losses in opportunity, investment and self-betterment that may have come their way had they had the means to take advantage of them. It is only when Zaccheus makes this statement that Jesus then says, "Surely salvation has come to this house."

What we must recognize, however, is that people are understandably skeptical of relying on the same people who defrauded them to voluntarily make recompense. Once again, it can leave people at the mercy of the whims of the privileged. Thus the story of Zaccheus is perhaps best paired with the story of the unjust judge and the persistent widow—a story that comes just one chapter earlier in Luke’s gospel. In this parable, a callous judge finally grants a widow’s cry for justice not because he agrees with her, but because he wants her to stop haranguing him. Those wounded by apartheid should hear in Christ’s words, “I will see that she gets justice, so that she won’t eventually wear me out with her coming” (Luke 18:5) as encouragement to be clear and persistent in their claims to justice towards those with power.

Christ gives permission in this story for the disenfranchised to continue raising their voices in the pursuit of justice without concern for what others may think. As part of the restitution process, disenfranchised communities who have been traditionally silenced must be empowered to speak up for themselves, to articulate their own needs and to insist that they be heeded. The task of the privileged churches who hear this cry is to align themselves not with the judge, who gives in just to stop her cry, but with the Lord: “will He keep putting them off? I tell you, He will see that they get justice, and quickly.”

9. What about grace?

For those in the church, grace is an indispensable part of how we understand the world and our relationship to God and each other. Receiving a gift we do not deserve is at the heart of the salvation narrative. But too often we turn to what German theologian Dietrich Bonhoeffer called “cheap grace.” Cheap grace is wanting the gift without any of the attendant responsibilities of the relationship that come with it; it is wanting forgiveness to mean historical amnesia. Rather, Bonhoeffer argued, we must hold on to costly grace, where we recognize that the cost of what is free to the recipient may have been very high for the giver, and requires a response.

Cheap grace, says Bonhoeffer in *Cost of Discipleship*, is, among other things, “forgiveness without repentance;” it is “the grace we bestow on ourselves,” and it is “a deadly enemy.”

As South Africans, we might easily have gone the way of a violent revolution in the handover of political power. Instead, we received the grace of a negotiated settlement that allowed us to dream of a South Africa that would belong to all who lived here. Such grace requires a response. We must reach out to those who still suffer from the wounds of the past. Gratitude and generosity are the natural responses to grace; restitution is a way of embodying those values.

10. What is necessary for restitution to lead to healing?

For restitution to lead to the healing of relationships and communities, a number of steps are helpful.

Acknowledging past wrongdoing and the ways we have either been victimized by it or benefited from it is valuable in laying the foundation for open, honest dialogue and future relationship. While this can be uncomfortable, particularly for those who have benefited in the past from unjust structures, it is important to be alert to our own defensiveness and to try to put it aside to hear others speak.

Recognize that everyone has something of value to contribute and everyone has something they are lacking. We are seeking to develop interdependent webs of mutuality, in which everyone has something to give, everyone has something to learn, and everyone has something to receive. This keeps us from recreating unhealthy dynamics in which an advantaged community is seen as having all the resources and all the answers and a disadvantaged community is again left feeling like the beggar at the gates. Additionally, one who has suffered loss must focus on what they still have and can contribute in order to heal and move forward.

We must seek to rebuild relationships from a point of equality, whether of race, ethnicity, language or culture. Small but concrete steps such as making friends across racial barriers and learning another's language and culture help us move out of our old paradigm into a new one.

Look for ways to create concrete acts of restitution. Advantaged communities should remember that they have not only financial resources, but the resources of social and educational capital as well. It is OK to start small. Helping one person find a job that will enhance that person's self-worth will have benefits for the entire community, and out of that effort the communities may decide together to launch a job creation initiative.

Have a common foundation, values and vision between the parties involved. Be clear about why both parties are engaging and what they seek to give and gain in the restitution process.

In making restitution the responsibility of the "receiving" person must not be taken away lest they lose their dignity. Restitution is highly contextual: knowledge of oneself and the other person/s are vital. Restitution is personal and must "fit" the person/s and situation.

11. What is the importance for an understanding of self-awareness (e.g. Black Consciousness) in the restitution process?

In restitution, as opposed to charity, people meet as free and equal partners. The model is not the well-resourced giving to the disadvantaged out of magnanimity or noblesse oblige, but one in which, having recognized that in Christ we were meant to live with and for each other and that therefore when one part of the body suffers, all suffer, we seek a solution to the problems that plague us together.

But people who have been in charge for a very long time naturally assume leadership roles as their right, and those who have been marginalized often don't know exactly how to speak up against that. One of the most pernicious sins of the apartheid era was that it robbed black people not only of their material goods, but of their sense of self-worth and belonging. The conviction that one is uniquely made in God's image and stands on equal footing with all other people is a conviction that must be restored to many affected by apartheid. Many have internalized the belief in blackness as ugly, inferior, and undesirable. Steve Bantu Biko addressed this when he said that "the most potent weapon of the oppressor is the mind of the oppressed."

Black South Africans must regain a sense of their dignity and autonomy if they are to engage in the restitution process with whites without letting whites dictate the terms. This is critical to authentic restitution, which involves listening to the victims and letting them dictate the terms of engagement. Some of this will evolve naturally as relationships are built and people get comfortable enough to speak honestly with each other. But without beginning with a baseline conviction that we meet each other as equals, we are unlikely to get to this point. Black churches and institutions must reclaim the conviction that God looks at blackness, as He does at the rest of creation, and calls it good.

12. What are the guidelines (framework, steps) of the restitution process?

Listening

As Christians, steeped in traditions in which Scripture holds a primacy of place in our worship and theology, we are a deeply narrative people. The Scriptures are narrative: a broad tale of God's pursuit of humanity. Telling the story of one's encounter with God is known as "witnessing": saying what you saw, bearing witness to the action of God in one's life. Jesus often taught not with maxims or rules, but with parables—stories. So we are conditioned to believe in the importance of story, and this is a rich resource when it comes to processes of restitution and reconciliation. We must create spaces in which people can tell their stories.

Very often black South Africans feel that white South Africans do not know what they suffered under apartheid, and do not care to know. While the Truth and Reconciliation Commission created some space for victims and perpetrators of egregious human rights abuses to come face to face and tell their stories, the average person who had suffered under apartheid had no such venue. Their stories still bubble just below the surface, desperate to be told and affirmed.

The primacy in Christian tradition of the personal narrative, and the creation of a space in which to tell it, becomes a significant resource from which to draw when we speak of telling stories. We already know that our individual narratives form us, and that those truths transcend the empirical truth that a court or police officer seeks. Creating space in which we can hear other people's stories helps us to empathize with the storyteller, and to have our own ideas of what is true challenged and held up to the light. In the context of race relations, it can also serve to strip well-meaning whites of their Messiah complexes as they realize how much they don't know.

Make no mistake: listening can be hard. We do not like to be made uncomfortable or confronted with our complicity in another's oppression; thus, conversations tend to be shut down very quickly, if they even start. Yet they are critical to the restitution and reconciliation process. Those attempting restitution will find this to be a major challenge: the need to listen before doing is paramount, but the pain and anger we will hear if we listen to others' stories is uncomfortable enough that we will be tempted to discard the endeavor. Keeping everyone at the table will be a major challenge.

Listening also reminds us that the people know their own needs better than any outsider does, and in Pastor Xola Skosana's words, we must stop seeking white solutions to black problems. A small but telling anecdote: Wayne Gordon is pastor of the evangelical Lawndale Community Church on the economically depressed, primarily African-American South Side of Chicago in the US. Gordon often tells a story about the early days of his ministry. He had dozens of ideas for how to improve the community, but he started by first asking people what they thought they needed. Their answer took him aback: they wanted a safe place to do laundry.

Several women suggested the church get a washer and dryer and put it in the storefront where the church was meeting. Gordon admits to being skeptical; he had hoped to tackle drug addiction or education. But the Laundromat became a gathering place for the community, a safe place to bring kids and do the laundry. People donated what they could in order to use the facilities; those who had no money contributed to the upkeep of the space. Gordon calls it a “pivotal moment” in the history of Lawndale: “it established a pattern for everything we would do in ministry. The first step was to listen to the people.”

Be Specific to Your Context

One of the cornerstones of Christian faith and theology is understanding that ours is an embodied, incarnational faith. It is highly specific. Jesus always responded to people’s individual needs, meeting them where they were. If we are looking to create a universally applicable system, this can be confusing. Consider, for example, the aforementioned example of Zaccheus in Luke 19, who restores what he has taken fourfold and is told that “salvation has come to this house.” Yet just one chapter earlier, another tax collector repents and asks for forgiveness, and his genuine grief over his sins seems to be enough for the writer to call him “justified” without any compensation that the reader knows of. And in the same chapter, the rich young ruler who asks Jesus how to enter the kingdom of God is told to sell everything and give it to the poor. All, nothing, fourfold—taken together, the stories suggest that there is no formulaic way to go about restitution; it is highly contextual. The needs of a rural community in Gauteng are different than an urban community in Langa. The histories of the engaging communities, the resources available, the needs, the growth of the relationship—these will all be different in each situation. Don’t worry about creating a model of restitution that can be replicated around the world; rather, focus on the healing of your own specific community. We must be Christ in the world—in the precise time and circumstances in which we are situated, addressing the specific needs of our own brokenness and our own healing; that is part of living an incarnational faith.

Take Sin Seriously

Perhaps one of the great strengths of Christian theology is that it takes sin seriously. While Christian theologies of sin are often critiqued for being repressive and judgmental, taking sin seriously is a way of facing the injustices of the world head-on and accepting responsibility for them; it is, in a sense, taking the human condition seriously. Bonhoeffer, in his doctoral thesis, wrote, “God does not overlook sin; that would mean not taking human beings seriously as personal beings in their very culpability; and that would mean no re-creation of the person, and therefore no re-creation of community. But God does take human beings seriously in their culpability.”ⁱ

Taking sin seriously means understanding that reconciliation does not come cheaply. We should expect that the work of reconciliation will be a difficult and ongoing process, one that demands much of us and is costly if we are to follow in the path of Christ. This sense of realism—that the task ahead is difficult and costly—is

one that stands us in good stead when we encounter opposition, resistance and our own frailty. Too many Christians have come to embrace a Christianity that promises ease and comfort; being reminded that our faith is actually rooted in struggle and sacrifice can be a source of spiritual stamina when we undertake difficult work.

Lament

Lament is not merely grieving; it is also a clarion call for justice, an insistence that God set things to rights alongside a simultaneous affirmation that He will, in fact, do so. Consider the Book of Joel: Joel makes no bones about naming the evils around him and recognizing them for what they are (“Is not the food cut off before our eyes, joy and gladness from the house of our God?”—Joel 1:16), insisting that the crisis be made known (“Blow the trumpet in Zion; sound the alarm on my holy mountain!”—Joel 2:1) and an assurance that God answers His people even when He seems silent (“God is gracious and merciful, slow to anger and abounding in steadfast love”—Joel 2:13). Lament allows us to recognize that things are not as they should be, that there is deep brokenness in ourselves and our communities. It lets us name the evil and call it into the light. And the expression of grief and brokenness opens for us new opportunities for healing and redemption.

It is easy to think of lament as purely the province of the oppressed people, a tool of survival offered particularly to them. But joining in lament for the brokenness of the world, particularly in situations where we have had a hand in it, directly or indirectly, or when we are the ones who benefit from prevailing powers and principalities, can be a step toward the kind of radical solidarity reconciliation demands. UWC theologian Denise Ackerman poses the question of whether those who are not victims can also lament:

“Can penitent people lament what they have done because they see that their wrongdoing is the cause of grief and suffering? Can I, the beneficiary of apartheid, lament its existence? Can I, in fact, afford not to lament? There are conditions attached to lamenting from ‘the other side.’ They include the notions of confession, repentance, forgiveness, and reconciliation. I understand genuine confession to say: ‘I no longer stand by my wrongdoing; I repent of it and side with you in condemning it.’ Literally, repentance means turning around--going in the opposite direction.”ⁱⁱ

Perhaps as we delve into the work of restitution, we must truly repent of the structures and actions that make it necessary. The penitents “must lament our misuse of power and privilege and our failure to stand up more courageously against evil and injustice. We must lament the wasted years, the self-destructiveness of sin that destroyed the possibility of true community. Lamenting from ‘the other side,’ however, is not unending. As it is primarily part of confession and repentance, it has no need to continue forever,”ⁱⁱⁱ writes Ackerman. While coming from different places and with different vulnerabilities and places of brokenness in our lament, it may be precisely the element that lets oppressed and oppressor come together and begin to imagine a new way of being.

Trade Power for Fellowship

One of the overarching trajectories in the narrative of the early church is its struggle to understand and incarnate what a community of reconciliation looked like. As the previously Jewish church began to incorporate believers from the Gentile world, they struggled with questions about keeping kosher, circumcision, and observance of traditional Jewish feasts. In every instance, the answer is a resounding “no”: Peter’s dream in Acts^{iv} strikes down the food laws; Paul tells the church at Galatia that adding the cultural and ritual observances of Judaism into their communal life is tantamount to embracing a false gospel^v; and the feasts are not demanded. The Jewish Christians were challenged: the things that made them “them”, that made them “chosen”, come under attack when they must live in community with those they have long considered unclean. In essence, the gospel was a full frontal assault on the essentializing of identity. There could be no “us” and them”; there could only be a broader understanding of “us,” and doing that meant not enforcing a cultural whitewashing in which new converts needed to become Jewish.

This understanding that relationship does not mean remaking the other in one’s own image is central to a fully realized vision of reconciliation and restitution. It is of particular significance in contexts where people may fear that reconciliation will mean cultural annihilation.

Rather, as relationships develop between congregations and communities, those perceived as powerful must be particularly careful not to dictate the terms of engagement. This will often entail hearing difficult things said by the very people the powerful may think they are helping—but that very paradigm of helping, in which one partner is perceived as having all the resources and is giving out of their goodness to the other, is problematic. An equitable relationship will entail both the advantaged community being willing to give up power and privilege, including the traditional power of dictating the terms of engagement, and the disadvantaged community making its voice heard without fear that the partnership will be dissolved and in confidence that their perspective will be heard and valued.

Stay at the Table

Dolphus Weary, the leader of Mission Mississippi in the U.S., has said, “Do the right thing. It will be harder than you thought and cost you more than you expected. Do it anyway.” In the restitution process, we will hear hard things, be asked to go beyond our comfort zone, and engage in power dynamics that may be different than relationships we’ve had before. The temptation to disengage and walk away will be strong. Both parties should regard the relationship as a covenantal relationship, one they would only undertake leaving with the same gravity they would undertake leaving a marriage. Breaking off a relationship in the midst of the restitution process may be more detrimental than not having begun the process at all, as it confirms for the disadvantaged community what they have likely feared all along: that advantaged communities will only stick around as long as it’s convenient and serves their own purposes. A commitment to stay at the table through the inevitable tensions is critically important.

We have, within Christianity, the language of the Kingdom of God: a realm in which the current powers and principalities will be overturned, in which the last are first and the first are last, in which there is enough for everyone and no one goes without. There is a now/not-yet tension to the Kingdom: while we know it is not fully realized, and will not be in our lifetime, we strive for it anyway. One of the things this Kingdom imagery offers is hope. The emergence of communities in which people attempt to live according to different rules and create fresh relationships offers us creative alternatives to the structures of empire in which we find ourselves.

13. Bible Studies

13.1 Justice

Before we talk about restitution as an element of justice, let's explore what we mean by justice. It's a broad term that gets used in a lot of ways, from the legal to the theological.

Discussion

- *How do you understand justice?*
- *Have participants give their definition of it and what informs it (their faith, their politics, their upbringing, etc.)*

We often think of justice in a legal sense, of getting what you deserve. But God tends to talk of justice as shalom: the Hebrew word that means wholeness and peace, in which we are all in right relationship with God, each other, and our environment.

Christian Scripture talks extensively about justice as a core calling of God's people. Indeed, many translators have noted that the distinction we make between justice and righteousness is a false one. The Hebrew word for both is the same, because in the Jewish world in which Jesus lived and preached, a person could not be considered righteous if he was not also just.

A few examples of what the Bible has to say about justice:

Psalm 140:12 "I know that the Lord secures justice for the poor and upholds the cause of the needy."

Micah 6:8 "What does the Lord require of you? To do justice, love mercy, and to walk humbly with your God."

Deuteronomy 10:18 "He defends the cause of the fatherless and the widow, and loves the foreigner residing among you, giving him food and clothing."

God shows his concern for justice in the rules he lays out for the new nation of Israel. We see this in both **Deuteronomy 15:1-15** and **Leviticus 25:1-17**. (Have the group read both passages.)

Discussion

- *What does the cancelling of debts, return of land and freeing of slaves say to you about God's idea of justice?*
- *Do you see elements in this that you would identify as restitution/redistribution/restoration?*

Another vision of justice is presented in **Isaiah 2:4** "They will beat their swords into ploughshares and their spears into pruning hooks. Nation shall not take up sword

against nation, nor shall they train for war anymore.” When this happens, God says, we will “walk in the light of the Lord” (**Isaiah 2:5**).

Notice that God doesn’t simply tell them to store their swords and spears in the shed in case they should need them again. He doesn’t tell them to store them up in an armory so they can always be assured of protection. He calls for a radical vulnerability: transform your weapons into instruments of growth and renewal. Where once you had a sword, now make a plough. Where once you caused death, now give life.

Discussion

- *What “weapons” (wealth, privilege, access to resources including education and healthcare) do some people have?*
- *Do they transform them or do they tend to save them up?*
- *What might it look like if those weapons were converted?*
- *Has this study changed how you would define justice?*

13.2 Forgiveness

Forgiveness is one of the most challenging things we are asked to do as Christians.

Discussion

- *How do you define forgiveness?*
- *Does it have to mean forgetfulness as well?*
- *Is there a danger in this?*

Read **Matthew 18:21-22**. When Peter asks if forgiving someone seven times is enough, Jesus responds by saying no, it's 77 times—in other words, as many times as the offender needs. In this way, forgiveness is a lifestyle: one in which we are called upon constantly to let go of corrosive bitterness.

Discussion

Sometimes it's easier to forgive than others. We can perhaps forgive people who genuinely seem to be trying to do right, or who didn't intend to hurt us. Some of us may have friends or relatives with addictions, and we know that they are not entirely in control of their actions. But what do we do when forgiveness seems like giving a free pass to someone to continue hurting us without changing his ways?

It's notable that the passage right before Jesus' discussion with Matthew is about accountability.

Read **Matthew 18: 15-17**. In this passage, Jesus calls for confrontation of those who have hurt us: confrontation as an individual, and if necessary, corporate confrontation. When there is no repentance or changing of behavior, the offender can even be exiled from the community.

Forgiveness does not mean that we cannot insist on accountability for those who have committed wrongs, or that we cannot continue to advocate for justice, both for ourselves and for others. Perhaps a helpful passage to keep in mind here is **Luke 18:1-8**.

Discussion

- *Read Luke 18:1-8.*
- *What traits do we see in the widow?*
- *What does Jesus say about her persistence and advocacy?*

In this passage, the judge relents not because he is moved by the widow's plight but because he is worn down by her persistence. We have permission to continue to insist on justice and to wear down the power structures that resist it.

Discussion

- *What is the relationship between forgiveness and accountability?*
- *What is the appropriate response to forgiveness?*
- *How might restitution be a part of that?*

Forgiveness is a term that has sometimes been cheapened by how casually it has been used to cover up sins and act as though they never happened or require no redress. People are sometimes understandably suspicious, then, when they are entreated to forgive, afraid it may mean being asked to embrace a sort of historical amnesia. In truth, forgiveness does not minimize the transgression: rather, it is the only response that recognizes the immutability and irreversibility of the act. An eye for an eye would suggest that once punishment is dealt, justice has been done, which in turn presumes that a price can be put on human suffering and it can be made right. Forgiveness, strangely enough, seems to recognize that transgressions can never fully be made right and appropriate, because the evil act simply cannot be reversed. Far from minimizing what has happened, it is a model that takes it very seriously indeed. Forgiveness doesn't mean we must go on as if nothing had happened; it understands with utmost gravity that something has happened that cannot be undone, and therefore can only be forgiven.

13.3 Reconciliation

Reconciliation has become a word and idea that much of the world associates with South Africa. But the ideal of the Rainbow Nation sometimes papers over some of the great rifts that still exist and keeps us from truly grappling with what it means to be reconciled to each other and how we go about this monumental task.

Discussion

- *What is reconciliation?*
- *Does it just mean we can co-exist in the same country?*
- *Does it mean being civil and making sure each other's rights are protected in the political sphere?*
- *Must we be in relationship for true reconciliation?*

Read **2 Corinthians 5:16-19**

Discussion

- *What do you think he means by saying we have a ministry of reconciliation?*
- *How is that part of our identity as Christians?*
- *How can we be ambassadors of reconciliation?*

Like forgiveness, reconciliation is something that can be used cynically and become too cheap. If we keep in mind that Christ's death reconciles us to God, then we must remember, as German theologian Dietrich Bonhoeffer said, that "*what has cost God much cannot be cheap for us.*" Reconciliation is a call into whole, healed relationship with each other.

Read **Luke 10:25-37**

The parable of the Good Samaritan shows us that the Samaritan recognizes the man's wounds, binds them up, and goes out of his way to care for him, at cost to himself. Reconciliation is not his goal, but a result of his action-oriented justice.

Discussion

- *Discuss the parable.*
- *The first two people who pass by don't want to be slowed down by the man's injuries and the possible risk to themselves (the thieves might still have been in the area). Do we self-protect?*
- *In what ways might this keep us from reaching out to others?*

Sometimes wounds are not visible. How can we find out if people are wounded? What is our responsibility when they are? How do we learn to live sacrificially?

How might restitution be an action through which we move toward reconciliation?

13.4 Restitution

Discussion

- *What concepts come to mind when you think of restitution?*
- *If you were asked to define it in a sentence, what would you say it is?*

Perhaps the first place to start is in defining the terms we will be using. Restitution is a complex term. We typically hear it in a legal sense: a man who has stolen R1000 is ordered to make compensation in the same amount. We often understand it as a quid-pro-quo kind of arrangement: pay back precisely what was taken, and all parties can go their separate ways with the matter resolved.

We understand restitution to go much deeper than this, and to be one of the most significant tools available to us in addressing the residual ills of apartheid and discrimination as well as other causes of inequity in our communities. Restitution involves seeking to set right the generational ills of inequality by engaging those who have benefited from the system, directly or indirectly, in transferring wealth and social capital and reinvesting in communities that still suffer from the past's grim legacy.

In such a model, a one-to-one sort of repayment makes no sense. Imagine this scenario: a man's bicycle is stolen. This now means he has no transport, and cannot get to work; thus he loses his job. Without a job, he cannot educate his children or support his family. Perhaps he used that bicycle to run errands for the homebound elderly woman next door; now she is affected by the loss as well. Jobless and frustrated, he becomes a drain on his community rather than a resource. He is not the only person who has been affected by the crime; his family, his neighbors and his community have also suffered.

Discussion

- *What would restitution look like in this situation?*
- *Is it returning the bicycle?*
- *Is it more than that?*

Now suppose a couple of generations have passed. The bicycle is now considered an antique and is worth a great deal. It now belongs to the grandchildren of the man who originally stole it. They don't know the bicycle was stolen and were not, themselves, participatory in the original crime. Perhaps they intend to sell it to pay for school fees. What might restitution look like in this situation, in which the original wrongdoer is gone but his offspring benefit from a crime they did not commit?

Now imagine that theft not only of resources such as land, education and money has occurred on a broad scale, but also of intangibles: dignity, a sense of safety, self-worth, an understanding of one's rights, a sense of belonging in one's own country.

Discussion

- *What do you feel you've lost or has been taken from you that might be deserving of restitution?*
- *What would need to happen to set it right?*
- *In what way do you feel you've benefitted from the past or from existing social structures that favored you in some way?*
- *Do you feel a need to engage in some restitution?*
- *What forms could that take?*

Read **Luke 19: 1-10**.

Discussion

- *How does the story of Zaccheus inform the way we might think about restitution?*
- *Notice that it is not until Zaccheus commits to a concrete act of restitution that Jesus says "Today salvation has come to this house."*

In the first lesson, we looked at the idea of justice, including the Biblical commands around the Jubilee and care for the poor.

Discussion

- *How do you think restitution is connected to justice?*
- *How might it be connected to forgiveness (perhaps as an appropriate response to forgiveness) and reconciliation?*

14. Litany of restitution

One: O God of all people, we come humbly before you

All: In you we place our hope

One: We ask for courage to face the past

All: Our hope is in you

One: For the actions and attitudes of restitution

All: Our hope is in you

One: With words that do not result in action

All: We are no longer satisfied

One: For excuses and reluctant leadership

All: They are not enough

One: With government programmes alone

All: They are not enough

One: For accusations, fear and blame

All: We repent Lord

One: For our forgetfulness and short memory

All: Forgive us Lord

One: For demanding that those who have been hurt bear so much

All: Forgive us Lord

One: For those us who have grown up after Apartheid

All: We offer you our privilege

One: For those of us who were complicit with Apartheid

All: We have considered our ways

One: For those of us who were dishonoured by Apartheid

All: We open our hearts to true sorry-ness

One: Grant us, Lord God, a vision of South Africa

All: As your love would have it

One: A South Africa where the weak are protected

All: And none go hungry or poor

One: A South Africa where the riches of creation are shared

All: And everyone can enjoy them

One: A South Africa where different races and cultures

All: Live in harmony and mutual respect

One: A South Africa where peace is built with justice

All: And justice is guided by love

One: Give us the inspiration and courage to build it

All: Through Jesus Christ our Lord

AMEN

with acknowledgment to Alan Paton

ⁱ Dietrich Bonhoeffer, *Sanctorum Communio: A Theological Study of the Sociology of the Church*. (Minneapolis: Fortress Press, 1998), 155

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid.

^{iv} Acts 10:9-16

^v Galatians 3:1-5:12