# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedication</td>
<td>3</td>
</tr>
<tr>
<td>Editor’s Note</td>
<td>5</td>
</tr>
<tr>
<td><strong>PEER-REVIEWED ARTICLES</strong></td>
<td></td>
</tr>
<tr>
<td>List of Contributors</td>
<td>8</td>
</tr>
<tr>
<td>The Lost Motherhood of God:</td>
<td></td>
</tr>
<tr>
<td>St Hildegard of Bingen, Martin Luther and Us</td>
<td>13</td>
</tr>
<tr>
<td><em>Martin Badenhorst</em></td>
<td></td>
</tr>
<tr>
<td>Canon Law, a Work in Progress:</td>
<td></td>
</tr>
<tr>
<td>Ladislas Örsy’s Art of Practicing Canon Law</td>
<td>37</td>
</tr>
<tr>
<td><em>Marc de Müelenaere</em></td>
<td></td>
</tr>
<tr>
<td>The <em>Semper Reformanda</em> Principle under Scrutiny in a South African Context</td>
<td>55</td>
</tr>
<tr>
<td><em>Graham A. Duncan</em></td>
<td></td>
</tr>
<tr>
<td><em>Iimanyano Singing Siyakudumisa</em>: Ambivalent Worship and the Reformed Tradition in South Africa*</td>
<td>75</td>
</tr>
<tr>
<td><em>Vuyani S. Vellem</em></td>
<td></td>
</tr>
<tr>
<td>Schaap’s Reconciliation as Ideology and Politics:</td>
<td></td>
</tr>
<tr>
<td>Assessing South Africa’s TRC</td>
<td>97</td>
</tr>
<tr>
<td><em>Selina Beagle</em></td>
<td></td>
</tr>
<tr>
<td><strong>BOOK REVIEWS</strong></td>
<td></td>
</tr>
<tr>
<td>Chikane, R. <em>Breaking a Rainbow, Building a Nation: The Politics behind #MustFall Movements</em> (2018)</td>
<td>115</td>
</tr>
<tr>
<td>Reviewed by: Fabian Oliver</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td><em>Some of my Best Friends are White: Subversive Thoughts from an Urban Zulu Warrior</em> (2017)</td>
<td>Ngcobo, N.</td>
</tr>
<tr>
<td>OTHER VOICES</td>
<td></td>
</tr>
<tr>
<td>‘The Feast’</td>
<td>Alison Chambers</td>
</tr>
<tr>
<td>About St Augustine College of South Africa</td>
<td></td>
</tr>
<tr>
<td>Call for Papers</td>
<td></td>
</tr>
<tr>
<td>Author Guideline</td>
<td></td>
</tr>
</tbody>
</table>
To Paddy Kearney (1942–2018),

A religious and human rights leader,
the 2017 recipient of the St Augustine College Bonum Commune Award
EDITOR’S NOTE

Dedicated to the memory of a distinguished social and church activist Paddy Kearney (1942-2018), this volume consists of five peer-reviewed articles (by Martin Badenhorst, Graham A. Duncan, Vuyani S. Vellem, Marc de Mûelenaere and Selina Beagle), five book reviews, and a story by Alison Chambers. The authors who contributed to Vol. 19(1-2) of our Journal, responded to the call for papers in which we invited academics representing various disciplines of knowledge to critically reflect on the topic of the Reformation, as a way of commemorating the 500th anniversary of this historic event celebrated in 2017. But we extended the call for papers to include broader perspectives on the very nature of the Church, faith, and theology as well as the notions of transformation and transition in other, non-ecclesiial contexts.

The article which opens the volume traces a strand of continuity between the two reformers: Hildegard von Bingen (1098-1179) and Martin Luther (1483-1546). Badenhorst argues that a greater dialogue around the maternal dimension of the office of ministry, both in the Catholic Church and in ecumenical discourse, could recover God’s lost motherhood for the greater nurture of the Christian community. By probing the spiritual insights of the two historic reformers, this article sheds light on possible approaches to some of the major challenges faced by the Roman Catholic Church today. Recovering the maternal dimension of the office of ministry could create a counterweight, not only to the patriarchy inherent in the ecclesial structures of power, but also to the centralisation thereof and consequent clericalism. What is more, nourishing a spirituality which seeks to transcend the masculine/feminine dichotomy by embracing both dimensions equally, as ultimately reconciled in God’s transcendence, may prove to be the crucial antidote to the identity crisis among the Catholic clergy and the plague of sexual abuse that has marked the recent history of the Church around the world.
The second article, authored by de Mûelenaere, looks at law as a tool of continuous reform. More specifically, it interrogates Ladislas Örsy’s vision of canon law as a finely tuned instrument helping the community, in this case the Church, to attain its values. After emphasising Pope Paul VI’s crucial impact on the transformation of canon law during the years following Vatican II (and particularly his insistence on a novus habitus mentis, a new attitude of mind necessary to achieve the real purpose of the law), the author proceeds to introduce a Jesuit priest, Ladislas Örsy. Örsy has spent six decades writing extensively about the need for good law, and has become noted for creating an awareness that law must be flexible and life-giving and deal with every aspect of the life of the faithful. He considered a “permanent disposition of the human spirit [consisting] in an internal capacity to operate in new ways” (p. 40) as a key to developing a spirit of enquiry, thus enabling canon lawyers to expand their horizons beyond the limits of their own discipline. The vision of law emerging from Örsy’s unparalleled scholarship implies that canon law is the responsibility not only of the lawgiver, but of the whole community.

The other three articles deal more specifically with the (South) African contexts, both religious and secular.

Duncan points to the essential discrepancy between the 16th-century Reformation and its promoters, and the fundamentalist strand in today’s Reforming tradition, particularly as it manifests itself in the Uniting Presbyterian Church in Southern Africa. As he juxtaposes the contextual-hermeneutic approach of the former with the literalistic-static approach of the latter, he identifies the semper reformanda principle as that which has been fundamentally ignored by the Reforming tradition since it was conceptualised. The literalism characteristic of an anti-intellectual fundamentalist position is challenged by the dynamic processes of contextualisation and inculturation. Such a position continues to threaten the adaptability of the Reformed churches in South Africa. A vital role of lay people in facing this threat consists, among other things, in resisting the captivity to theological ideologies as well as in their unconditional acceptance of others and self-offering.
Vellem interrogates the paradox of worship in South Africa post-1994. Specifically, he examines the paradoxical ubiquity of Western Eurocentric symbols of worship through the prayer-Chant, *Siyakudumisa* (isiXhosa for *Te Deum Laudamus*). He deems this an “anthem of land dispossession” and the genocide of black people which glorifies the conquerors and worships the myth of the superiority of one race. By presenting the black African perspective of worship in *Imanyano* (church sodalities), the article further distinguishes the “imperial” and the “liberationist” acts of singing *Siyakudumisa*. It does so by juxtaposing two historically coinciding moments, namely *Siyakudumisa* being sung by black women and men in the dungeons of the Elmina Castle in Ghana, a “temple” of the Trans-Atlantic Slave Trade, and the same hymn – *Te Deum Laudamus* – being sung above them in the Dutch Reformed Church, by their oppressors. In this context, Vellem postulates the departure from idolatrous customs of worship to subversive liberation in the chanting of *Siyakudumisa*. The black Africans must liberate *Siyakudumisa* so that *Siyakudumisa* may liberate them.

The last article, authored by Beagle, shifts our attention from the religious to the secular meaning of transition. Considering South Africa’s transition from apartheid to democracy through the lens of Andrew Schaap’s distinction between reconciliation as ideology and as politics, the article asks whether the Truth and Reconciliation Commission (TRC) reflected reconciliation as ideological violence or as the occasion for genuine political activity. Beagle posits that, when the political stage of CODESA is taken into account – a contestation which gave rise to the ideology of the TRC – South Africa’s reconciliation appears as intensely political, rather than ideological. She further argues that transitional justice shifts liberalism into a space where liberal individualistic values may be sacrificed in favour of group needs. Therefore, the article concludes, ongoing political activism towards addressing socio-economic justice, as envisaged by “reconciliation as political,” is needed for reconciliation to take proper effect.

The peer-reviewed articles are followed by five book reviews and “The Feast,” a story on the mystery of transformation in the context of higher learning, which
has been selected for the “Other Voices” section that we inaugurated in the previous volume of *St Augustine Papers*. The author of this parable, Alison Chambers, is a chaplain at St Andrew’s School for Girls. She is currently completing her MPhil in Theology degree through St Augustine College.
FR MARTIN BADENHORST, OP, belongs to the Order of Preachers and is a member of the South Africa Vice-Province. He is superior of Blackfriars Community, Springs, and a member of the Vice-Provincial Council. He serves the archdiocese of Johannesburg as parish priest of Springs. Fr Martin is a former lecturer and former head of the department of Theology at St Joseph’s Theological Institute, Cedara. He lectured in Hebrew Scriptures, World Religions and Systematics. In Rome he was a student and a part-time lecturer for five years at the Pontifical University of St Thomas Aquinas. Currently, he teaches a number of courses at St Augustine College, on both undergraduate and postgraduate levels. He has many years of pastoral experience, having been a Parish Priest of St Dominic’s Catholic Church in Welkom as well as Our Lady Cause of Joy in Bronville, Welkom, as well as assistant pastor at St Dominic’s, Red Barns, Newcastle-on-Tyne, St Charles, Amherst, Nova Scotia, Canada, St Peter’s, Halifax, Nova Scotia, and Heilig Kreuz, Augsburg, Germany. He relishes living the dream of his calling to spread the Word of God. Among his many talents is computer network design and occasional broadcasting for Radio Veritas and Radio Sonder Grense. His hobbies include astronomy and astrophotography.

DR MSGR MARC DE MÛELENAERE is a priest of the Archdiocese of Pretoria. He was born in West Flanders, Belgium. His family emigrated to South Africa when he was nine. Msgr Marc studied for the Catholic priesthood at St John Vianney Seminary, Pretoria, obtaining the BTh degree through the Pontifical Urban University in Rome. At the same time he obtained a BA degree through Unisa. In 1993, pope John Paul II named him
a monsignor in recognition of his work for the Catholic Church in South Africa in general and the Archdiocese of Pretoria in particular. In 2005 the French president made him a Knight of the *Ordre de Merite* of France for his work among the poor and voiceless of society during the apartheid years, and in 2008 the king of the Belgians named him an Officer in the *Leopoldsorde* for his public spiritness and outstanding contribution to the common good. And in 2013 pope Francis gave him the cross *Pro Ecclesia et Pontifrice* because of his commitment to and involvement in the training of priests over more than three decades at the St John Vianney seminary in Pretoria, South Africa. In 2018, Msgr Marc was presented with the *Bonum Commune* award at the St Augustine College, Johannesburg. The reason for the presentation was his “outstanding contribution to the common good and [...] significant and exceptional contribution to the academic endeavour.”

**PROF GRAHAM A. DUNCAN** is a Professor Emeritus at the Faculty of Theology, University of Pretoria. Prior to his retirement in 2014 he was the Head of the Department of Church History and Church Polity at the same Faculty. He is the author of two major books: *Lovedale – Coercive Agency: Power and Domination in Mission* (2003) and *The Native School that Caused all the Trouble: A History of the Federal Theological Seminary of Southern Africa* (2011, co-authored with Philippe Denis). In addition, he authored a great number of articles and book chapters in both international and local publications. In 2013, he was awarded a C rating by the National Research Foundation (NRF). Prof Duncan was ordained a minister of the Bantu Presbyterian Church of South Africa in 1978. Apart from his ministry and pastoral work, he has taught at Albert Luthuli College of the Federal Theological Seminary of Southern Africa (Fedsem) and the Faculty of Theology at the University of Fort Hare. He was elected Moderator of the General Assembly of the Uniting Presbyterian Church of South Africa for 2004-2005. In all this time he has remained active in congregational work and has served a number of congregations in the Presbytery of Tshwane. He is a member of St Augustine’s Senate and a part-time lecturer in Church History in the BTh programme offered at the College.
PROF VUYANI S. VELLEM is an Associate Professor in the Department of Dogmatics and Christian Ethics and Director of the Centre for Public Theology at the University of Pretoria. He has held a number of positions in his career. As pastor in the Uniting Presbyterian Church in Southern Africa (UPCSA), he became its first black General Secretary from 2004 to 2008 and then moved on to become Deputy General Secretary of the South African Council of Churches (SACC), before he joined the University of Pretoria in 2010. Prof Vellem has authored numerous journal articles, book chapters and social commentaries on various faith-related issues. He has presented papers and participated in a number of international conferences. He has continued to advocate for justice, and is a specialist in Liberation Theology. He focuses his research interests on themes such as Christianity and Democracy, Christianity and Economics, and fields such as Ecclesiology, Public and Liberation Theologies, and Spirituality. Since 2015 he has been teaching a postgraduate module in African Theology at St Augustine College.

SELINA BEAGLE has returned to university after a corporate career spanning software development, management consulting and banking. She has a BA (English Literature and Legal Theory) and an MBA, both from the University of the Witwatersrand, and is currently studying towards an MPhil in Philosophy at St Augustine College.
The Lost Motherhood of God: St Hildegard of Bingen, Martin Luther and Us

MARTIN BADENHORST

ABSTRACT

The lives of Hildegard von Bingen (1098-1179) and Martin Luther (1483-1546) mark the beginning and the end of the series of Lateran Councils to reform the Church. This article seeks to trace a strand of continuity between the two reformers with special reference to the spiritual content of the office of ministry. Central to this content is the experience of the maternal care of God, an experience and insight which has atrophied in Christian discourse to the impoverishment of, specifically, the Catholic Church. The excesses of Catholic clericalism in the 17th century described in the article continue to affect the content of ministry for the Catholic Church. A greater dialogue around the maternal office of ministry both in the Catholic Church and in Ecumenical discourse may recover God’s lost motherhood for the greater nurture of the Christian community.

While at Bologna, he [St Dominic] transferred Brother Reginald to Paris, much to the dismay of those children whom he had so recently begotten in Christ through the word of the Gospel and who wept at being so suddenly snatched from the breasts of their accustomed mother (Jordan of Saxony 1935:61).
INTRODUCTION

These words from the first written history of the Order of Preachers set this exploration in motion. The use of the feminine image of a breastfeeding mother to describe a beloved superior appears natural and unforced in the text. The image introduced me to a commonly understood notion of ministry and ecclesiastical leadership at the time (circa AD 1233) now lost to us.

I would go on to discover an entire register of God-talk now absent from our theological discourse. The motherhood of God and the priest as her image is potent in the imagery and discourse of the medieval period and falls out of use during the period after the Reformation. The notion of maternal nurturing with respect to ministry remains present in the vision of Martin Luther, while it atrophies in the Roman Catholic Church.

The atrophy within the Roman Catholic Church gives rise to an alternate image of ministry which becomes trapped in concepts of power and domination and has led to the regrettable and inexcusable excesses uncovered in the late 20th century and still part of the struggle to rescue ministry from clericalism. It also leads to the feminine being concentrated in the image of the Virgin Mary — rendering the feminine irrelevant to ministry, except by contrast or exaggeration which we will explore below (Catholicism). Descriptions of the feminine in God were not curious during the first part of the second millennium, as our exploration will show.¹

This contrasts starkly with our own time where the feminine with relation to God is a neuralgic issue.

The feminist challenge to “Father” and trinitarian language in general does not simply revolve around different terms for the Trinity. Rather it arrives as the product of presuppositions that are hostile to biblical and creedal Christianity. Reformist feminists and Christians who wish to speak in ways that are amenable to our culture may want to stay within Christianity, but their presuppositions logically lead to the positions held by radical feminists such as Daly and Reuther [sic]. Feminist God language creates its own god in place of the God who has revealed himself as Father, Son and Holy Spirit (Surburg 2015:65).
Contrasted with Rosemary Radford Ruether’s measured tone:

This divine energy for life and renewal of life in and through all things can be imaged as female or male in ways that celebrate our diverse bodies and energies, rather than in ways that reinforce traditional gender stereotypes. But it is neither male, female, nor anthropomorphic in any essential or exclusive sense. It is the font of life that wells up to create and re-create all living things in ecozoic community (2005:319).

In presenting some talks on the subject during the development of this article, one member of the audience, in an ecumenical environment, left three copies of “Chick” booklets railing against the Catholic Church as idolatrous mother-goddess worshippers. The neuralgia is deep and constant.

These accounts simply affirm Hunt-Meeks’ point, “We will know that we no longer need to image God in female terms when we are no longer shocked or insulted by the idea” (1980:36).

The secondary neuralgia is the feminine in relationship to ministry. With Luther this neuralgia would be resolved in his understanding of the common priesthood of believers as the fundamental character of all Christians “Thus all we who are Christians are priests; those whom we call priests are ministers chosen from among us to do all things in our name; and the priesthood is nothing else than a ministry” (Luther 1883:232).

Luther emerges at the end of the internal reform attempts of the Western Church by the Lateran Councils. The Fifth Council being held from 1512 to 1517. At their inception stands Hildegard von Bingen. The Lateran councils attempted reforms of the Church by formulating principles, Hildegard sought to change attitudes and underlying spiritualities she regarded as dangerous. We now investigate aspects of the insights which unite Hildegard and Luther as reformers.

**HILDEGARD VON BINGEN**

The outline of her life, as tenth child (b 1098) tithed to the Anchoress Jutta in the monastery of Disibodenberg at around her eighth year, is well
known. This due to revived interest in her at being proclaimed Doctor of the Church by Benedict XVI on the 7th of October 2012. In 1136 she becomes the leader of what is now a significant group of anchoressess in Disibodenberg. In 1150 the women establish a separate foundation in Rupertsberg. From there she exercises an enormous influence over the German Church and Empire until her death in 1179. She leads preaching crusades against the Rhineland Catharists and is active in supporting the cause of ecclesiastical reform and reform of the clergy in particular (vide Newman 1989:4-14).

By her own admission,

even in my infancy, before my bones, muscles, and veins had reached their full strength, I was possessed of this visionary gift in my soul, and it abides with me still up to the present day. In these visions my spirit rises, as God wills, to the heights of heaven and into the shifting winds, and it ranges among various peoples, even those very far away” (Bingen, Hildegard von 1998:103r p. 23).

This visionary gift manifests as “das lebendige Licht” comfortably in the grammatical neuter in German, at the same time the source of a constant unfolding of feminine images of God and the priesthood. Even as Hildegard experienced the transcendental light of divine presence, her symbols contain a richness of gender imagery.

Her initial vision leading to the writing of the Scivas also gives her supernatural insight into the scriptures (Bingen, Hildegard von 1200b: folio 2r); it is this experience which forms a bond with Martin Luther as he describes a similar encounter with God. Here the accounts:

In the 1141st year of the Incarnation of Jesus Christ, Son of God, when I was forty two years and seven month old, a fiery coruscating light descended from heaven. It streamed through my brain and set my heart and breast aglow almost like a fire, not burning but rather warming through, like something on which a ray of sunlight falls. Now it released in me an understanding of the Scriptures, the Psalter, the Gospels and the remaining Catholic books of the Old and New Testaments (Bingen, Hildegard von 1200b: folio 2r, own translation).
Here I felt that I was altogether born again and had entered paradise itself through open gates. There a totally other face of the entire Scripture showed itself to me. Thereupon I ran through the Scriptures from memory. I also found in other terms an analogy, as, the work of God, that is, what God does in us, the power of God, with which he makes us strong, the wisdom of God, with which he makes us wise, the strength of God, the salvation of God, the glory of God (Luther 1960:337).

Noting that Hildegard’s description forms part of the introduction to her ministry of writing and that Luther’s account is given in the year before his death, we see a profound Scriptural foundation to the call to reform.

After a particularly harsh sermon to the clergy in Cologne, sometime during her preaching tour of 1161-1163, Hildegard was requested to put in writing what she had preached,

We further request that you commit to writing and send us those things that you said to us earlier in person, since, given over as we are to carnal lusts, we all too readily ignore spiritual matters, neither seeing nor hearing them (Bingen, Hildegard von 1994:15 p. 54).

Hildegard’s response, presenting her sermon (and it appears with additional material from similar sermons to the clergy as presented in the Riesenkodex (cf. Bingen, Hildegard von 1200c), pulls no punches, starting with third person references to God’s message to her, it quickly changes to the first person as God’s direct address to the clergy. In the tirade she admonishes,

For I gave them breasts to nourish my little ones, and because they failed to perform this task fittingly and at the proper time many of these little ones, like children far from their homes, have died from hunger, because they were not refreshed with correct doctrine (Bingen, Hildegard von 1994: 15r Appendix I p. 62).

This very same sentiment was highly popular as image of priesthood and the leadership of people at the time. Our initial quote from Jordan of Saxony points to this stream, which is well represented by the Cistercians of the same period.
In her article, Jesus as Mother and Abbot, Caroline Bynum (1977) explores this theme expanding on an earlier article on Cistercian community (1975). She reports Anselm of Bec writing of Jesus:

But you, Jesus, good lord, are you not also a mother? Are you not that mother who, like a hen, collects her chickens under her wings? Truly, master, you are a mother. For what others have conceived and given birth to, they have received from you. . . You are the author, others are the ministers. It is then you, above all, Lord God, who are mother (Bynum 1977:260).

Even Bernard of Clairvaux, no great friend of women, uses feminine imagery regarding himself:

To Bernard, the maternal image is almost without exception elaborated not as giving birth or even as conceiving or sheltering in a womb but as nurturing, particularly suckling. Breasts, to Bernard, are a symbol of the pouring out toward others of affectivity or of instruction and almost invariably suggest to him a discussion of the duties of prelates or abbots (Bynum 1977:261).

Bernard was at least tolerant of Hiddegard and the legend regarding Hildegard is that Bernard himself swayed Pope Eugenius III to accept her visions after hearing the initial parts of the Scivias during the synod at Trier (1147-48).6

It does appear that this is a later interpolation to explain why she was able to wield so much authority, when that simply arose from her own integrity (Benevento 2016: 24 et seq).

The feminine, nurturing, aspect of ministry is oft repeated in Hildegard, to Eberhard, Bishop of Bamberg (Bingen, Hildegard von 1994: 31r p. 95), she writes,

He Who Is, and from Whom nothing is hidden, says, O shepherd, do not allow the sweet flow of the odor of balsam dry up in you, that vitality which must be given to the foolish who do not have the breasts of maternal compassion to suck, and who, therefore, lack sustenance.

These breasts of compassion are also the breasts of justice in God, as she advises Arnold, Archbishop of Trier (Bingen, Hildegard von 1994:27r p. 90),
Now let Justice be your shield, and dress yourself in her truth, as with a breastplate, so that you may appear well armed before God and not a fugitive in the company of vanity, and learn to suck the breasts of Justice. Also, learn to heal the wounds of penitent sinners with mercy, just as the great Physician has bequeathed to you a salutary example for restoring the people to health.

In this advice the breasts of Justice are the fount of the milk of mercy in the work of the prelate. The divine breasts are not only directly available for the sustenance of God’s faithful, to an unnamed Abbess, Hildegard (1998:117r p. 63) writes,

Also, Holy Scriptures, which flow from the divine fountain, are the breasts from which mankind sucks sustenance. Hildegard’s own nurturing bosom is referred to even more frequently in the correspondence, she also has a virile breast,

Therefore, for the grace divinely bestowed on you, we return thanks to the high Giver of all good things, Who has instilled a feminine breast with virile strength, not only to turn aside sin and shame but also to provide necessary counsel and help for the needy (Bingen, Hildegard von 1998: 142, A Certain Provost to Hildegard 82).

By now we are also alerted to a particular way of speaking that cannot receive the projection of the post sexual-revolution age. Our age has a certain focus on the pleasure of sex to the degree that it lost sight of other aspects and shapes sexual expectations, sacrificing them for an athletic ability to please. The focus of sexuality at the time of Hildegard was on intimacy and vulnerability. Not that the bawdy and pleasurable was missing, but that was no more than scratching an itch and not the purpose of the power of sex, whereas eroticism in its most longing sense was interpreted as the need for intimacy, vulnerability and nurture. As example, the shoot of love in Guillaume Poitou’s *Ab la dolchor del tems novel*:

This love of ours it seems to be
Like a twig on a hawthorn tree
That on the tree trembles there
All night, in rain and frost it grieves,
Till morning, when the rays appear
Among the branches and the leaves
(Kline 2009:11).

There is the ambiguity of the phallic, spiky hawthorn entrapping and wounding, as does the vulnerability of love. Another aspect of the eroticism of the Troubadour period is the inversion of roles, which makes of the male the vulnerable if not effeminate crusader (the ambiguity is intended) for the favour of his love. Here the work of Burns (1985) is a good starting point.

Of course there is also a sociological role to the aspect of vulnerability and eroticism, which sociologists must still learn to articulate (Shilling and Mellor 2010). Part of the problematic of that articulation is the impoverishment of a lack of coherent mythos in western culture.  

Hildegard herself used a lightly veiled vulnerability and eroticism to support her arguments and authority as visionary (Benevento 2016). The ÒEdipal is certainly also discernible in the reliance on the ample bosom of Hildegard’s nurturing of her male supporters (Bingen, Hildegard von 1998: letters 102, 104, 108, 109).

Hildegard’s visions in the Liber Divinorum Operum give us insight into the nurturing and encompassing feminine of God which rooted her experience of the living light.

Brenda Kay Hudson’s doctoral thesis analyses the introductory visions from a Jungian perspective (Hudson 2016). Here, with reference to Hudson and relying on the Riesencodex (Bingen, Hildegard von 1200c: folio 208r et. seq.) cross-referencing with Migne (1892: col 741 et seq.), I offer some analytical notes on the first two miniatures found in the Lucca Manuscript (Bingen, Hildegard von 1200a).
Hildegard’s vision is perceived within the “southern breezes” (*in medio australis aeris*). From the perspective of Hildegard’s northern position it immediately occurs that the south is both where the sun “lives” from the perspective the Northern Hemisphere as well as being the *terra ignota* for most Europeans of the time. The vision is seen in these spheres of ignorance and light. The winged figure is both beautiful and wondrous (*pulchram mirificamque*), having three faces, that of lamb held, that of a woman and that of the older man above the face of the woman. The womanly visage is, in particular, suffused with much beauty and clarity (*cujus facies tantae pulchritudinis et claritatis erat*). A voice then speaks, “I am the supreme fiery power, which ignites all living sparks” (*Ego summa et ignea vis, quae omnes viventes scintillas accendi*). The voice further self-identifies as reason (*Rationalitas etiam sum*) which possesses the wind of the resounding word (*ventum sonantis verbi habens*), she is the divinely elect and gift of God’s mysteries, beautiful Love. The same Love which is the Son’s work of redemption. The lamb in her hands also produces a scintillating light.

The beauty of Love is also wisdom and reason, the holder or giver of the incarnation. She is chosen of God who is also her head and she his body. Hildegard interprets the circlet of gold as the church, placed between the heavenly (one of great age) and the incarnate God (wisdom/logos/lamb).

Here Hildegard follows the tradition of seeing Lady Wisdom of Proverbs 8:22 as more than a metaphor of God. Lady Wisdom is not a created being, she is (in the Hebrew, LXX and Vulgate) God’s first acquisition before the work of creation. She arises to our experience from the inner working of God, before creation. Wisdom is not of the created order, she belongs to the interior relationship of God and from there enters creation as the beauty, delight and coherence (*Rationalitas etiam sum*) of creation.

Here we see Hildegard’s claim to a profound, infused, knowledge of Scripture being exercised.

This same feminine aspect of God is involved in the ministry of Jesus who acts with tenderness toward the outcast and downtrodden, who makes sinners righteous (cf. Constable 2017).
This vision can be developed to great detail as Hudson (2016) has done. Many more approaches to this immensely rich vision are possible. For our purposes we have established that God, as Lady Wisdom, is the mediator of the Mediator in Hildegard’s vision.11

Because of this relationship of mediation, redeemed and virtuous humanity (represented by the left wing of God, on our right facing the image) is oriented to God as source and goal. Redeemed humanity also mirrors the face of Lady Wisdom. The angelic order (represented by the eagle face on the right wing of God; on our left facing the image) looks outward toward the created order, serving it, bringing prayers to God and seeing, with gimlet eye, the needs of ministration to the created order.

The fallen spiritual powers are represented by the grotesque figure at the feet of God, primarily entangled and disempowered by its own self. The snake of evil snags the fallen evil grotesque. It is also held down by the light issuing forth from both the lamb and body of the figure. The light flows from lamb, heart and womb, staking the grotesque in powerlessness as the same light enlightens creation.

Redeemed humanity gazes to its Source, Whose light overcomes the grotesqueness of evil. The church, as the golden band, mediates the eternal and ineffable as the nurturing of Lady Wisdom, at whose heart rests the Lamb, source of light.

The image is polyvalent, at the same time feminine nurturing, rather than masculine force is at play in this image.

Her second image in the series again shows the familiar divine figure. Here the gaze of redeemed humanity moves outward in the face of the human
figure, both Adam and Christ, held in the womb of Wisdom. There is a movement toward the centre which embraces and bridges creation, fire, water, air, earth (in a 12th century depiction of a round earth behind the human figure!). Here we see the Genesis 2 creation narrative conflated with the merismic narrative of Genesis 1. The human figure is the bridge of the cosmos with itself, the microcosm of the macrocosm (Hudson 2016:170). All are nurtured in the womb of Wisdom. Nurture is the force of the Divine, not power.

These powerful images in Hildegard’s Liber Divinorum Operum may be seen to be building on the insights of her Liber Scivias, her first book. In the Scivias, where she also oversees the illuminations, we see the sacraments as celebrated by mother church, drawing her ministry from the cross of Christ. When she fails in this nurturing celebration of Christ, she brings forth grotesque monstrosities which are only overcome by the light of Christ.
LATERAN ATTEMPTS AT REFORM

The push for reform, as well as the necessity to settle issues of the discipline of the Sacraments, lead to the convocation of the Lateran Councils which would last in five sessions from 1123 to 1517, the first four sessions (1123, 1139, 1179 and 1215), and especially the fourth, addressing clerical reform (cf Canons 14, 15, 16 & 18). However, the weight of the reform was on the side of legal declarations and external reforms, requiring continence and reshaping the clergy through imposing monastic discipline, rather than the shaping of the interior life of the clergy. In fact, as shown by Thibodeux in her study of the Norman clergy in particular (2006), there was simply an inculturation of medieval masculine norms into the clergy. Celibacy was regarded as emasculating and so had to be conformed to notions of masculinity, leading to a loss of focus on the nurturing, feminine, content of Christian ministry. The suspicion of effeminacy often accompanied celibacy, which leads to the formation of the reaction of a hyper-masculinity in terms of dominance and authority.

An aspect of the Lateran reform, with regard to the Sacrament of the Eucharist in particular, was the limiting of its celebration to validly ordained clerics (canon 1). This brought to a close a long standing discourse regarding the Eucharist, whether it was confected by the repetition of the Lord’s words of institution alone, or whether it required a properly ordained cleric to validly confect the sacrament. The controversy is reported by Abelard in his *Theologia Christiana* (4:80)

that two masters known to him propose that the words have power and confect the sacrament of the altar, even if uttered by a woman (Chenu (1967), regards the masters as being Bernard and Thierry of Chartes).  

At the same time the mendicants arose as a new expression of priestly fraternity. Many, and most especially the Order of Preachers under St Dominic Guzman, would incorporate or rely on women in their mission. It is thus no surprise that the Order of Preachers in particular would give rise to forms of spirituality and participative ministry between men and women which would edify, challenge and scandalise in turn.
THE FRIENDS OF GOD

Following in the spirit, if not the footsteps, of the first wave of Rhineland mystics with Hildegard at their vanguard, the second wave of Rhineland mystics were mostly Dominicans and lay collaborators. The well-known Meister Eckhardt was part of a group with Henry Suso, John Tauler and Margaretha Ebner, all members of the Order of Preachers, who facilitated the movement known as “the friends of God”, followers of a mystical and nurturing spirituality which has had perennial influence. Although the movement as movement dissipates around 1395, having been associated with Nicholas of Basel, burned for heresy at Basel in that same year, a lasting desire for reform and reformulation had been implanted within parts of the Germanic churches.

Especially the spirituality of Henry Suso had influence at many levels of society. His *Horologia Sapientae* is known from many copies which have come to light and was a spiritual *vade mecum* for influential members of society and the French court (refer to Muir’s fascinating discussion [Muir 2011]). On this roadmap of mystical union with Christ, the marriage of the male disciple with Christ in feminine form is found. The feminine and nurturing face of God, the union of masculine and feminine to a transcendence beyond a simple androgyny was all part of the movement’s spirituality and expression in a multitude of images, mystical insights and penitential practices.

Our own society, so redolent with the erotic, often misinterprets the admittedly fine line between sexual satiety and erotic transcendence (vide Shilling and Mellor 2010). The latter being the metaphorical vehicle for so many spiritual traditions. Suso’s images of the ascent to the altar of marriage where God the Father solemnises, by the power of the Holy Spirit, the union of male disciple with the female Christ is overwhelmingly obscure to us. Less so for that age, which sought an expression of the masculine in the spirituality of spousal intimacy usually more prevalent in the spirituality of feminine espousal to the male Christ, found especially among women religious.
**LUTHER**

We know that Martin Luther developed an interest in the works of John Tauler and studied them in depth during 1515/16, the year before the Reformation was launched by Luther’s attack on indulgences and perversions of ministry as he saw them. What the actual force of Tauler’s influence was on Luther and the interplay between Tauler and the other partners in the Friends of God movement still commands a great deal of controversy (vide Packull 1982). Whatever the arguments, it may be asserted, “that the reading of Tauler affected Luther during a crucial turning point in his spiritual and intellectual evolution” (Packull 1982:90).

What does emerge from Luther’s criticisms of the Church of his time, however influenced by the 13th century Rhineland mystics, is an image of God nurturing the sinner to salvation through Grace alone.
In many of the polemical cartoons attached to Luther’s works, the drafting of which Luther oversaw himself, images reminiscent of Hildegard’s return, now in opposition to the charge of papalatry (for example refer to the engraving of Luther Preaching by Lucas Cranach the Younger held in the Staatliche Kunstsammlungen, Dresden).  

Luther’s thought develops in opposition to those who hold that the Roman Church has a plenipotentiary divine power expressed in Papal and Episcopal authority. In 1520 he argues that the nature of Christendom is not in a physical assembly, rather in an assembly of hearts in one faith (Wriedt 2002:259). Thus it is the professing baptised whose ministry forms the core of authority in the church, it is not reserved to the clerical caste. There is still a place for ministry as individuals are asked to nurture the community by an ordered, as opposed to chaotic, exercise of the common priesthood for the sake of others. Ministry is instituted to serve (Wriedt 2002:263).

Hendel sums up the understanding of ministry for Luther as follows, “Ministry is intended to heal broken relationships and to bring wholeness, life and salvation” (Hendel 2009:176).

However, Luther’s writings on ministry contain an irreducible tension arising from the different contexts to which he responds. This is described by Gerrish (1965), as the tension between the sole priesthood of Christ and any sense of the ministerial priesthood of the faithful (Gerrish 1965:420). Other reformers, like Calvin, dismissed any participation in Christ’s priesthood by Christian ministers. However, the creative tension between ministry both as given to all the baptised and as recognised and affirmed, in some, for parochial and ecclesiastical ministry, in Luther’s thought, appeals. Luther also moves the emphases away from the liturgical acts of the minister and concentrates on the care of souls as primary task of Christian community.

This stands in partnership with Luther’s political thought. He saw the role of political authority as establishing that state of peace which allows the Gospel to flourish, and used (quite surprisingly to many) the Song of
Songs as guide in this, calling the book “an enconium of peace” (Carty 2011:543).

With regard to the relationship with women, Luther’s was a man of his time as well as being profoundly awakened by his insights. He both proclaims a traditional role for women as servant of their husbands and attacks the misogyny which marked his age. He does not see an intellectual equality between men and women, at the same time honours that intellectual equality in his relationship with his wife, Katharina von Bora (vide Classen and Settle 1991, Smith 1999, Pedersen 2010) and his many female correspondents. Some of these correspondents were leading Reformation theologians in their own right, such as Argula von Grumbach and Katharina Zell (Classen and Settle 1991). Pedersen formulates this complexity as a question in her article, A Man Caught Between Bad Anthropology and Good Theology? (Pedersen 2010). She points out that there is an inclusive anthropology at work in Luther’s 1539 work, “On the Councils and the Church”, with regard to all people in relation to the ministry of Word and Sacraments, at the same time there is an awkward aside which excludes women and children from the ministerial exercise of the common priesthood, except in cases of emergency (Pedersen 2010:195). In closing, Pedersen argues that when confronted with the contradictions with regard to women in Luther’s writings, the more patriarchal statements should be dismissed in favour of Luther’s more encompassing theology (Pedersen 2010:198).

That encompassing theology does give a specific emphasis of nurture and care to the public ministry of the common priesthood. Hearth and sanctuary are in dialogue with one another as Hannan quotes Luther, “Every father of a family is a bishop in his house and the wife a bishopress. Therefore remember that you in your homes are to help us carry on the ministry as we do in the church” (Hannan 2017:170).

Luther departs from both the Catholic Church and other reformers in this focus on the priesthood of all believers as a priesthood which nurtures others. Departing from the reservation of sacramental duties to the ordained clergy as in the Catholic Church, also from the common
priesthood as validation of any personal spiritual and intellectual encounter with the Word, as with the more radical reformers (Wriedt 2002:269).

At the same time Luther’s departure from the Catholic Church is not entirely radical. The Anabaptist reformers took things much further. At a fundamental level Luther reiterates the spirituality and tradition of the power of the Word (as Christ and as Scripture) which was resolved one-sidedly by the Lateran Councils in creating a disciplined clergy. In this Luther follows the mystical insights of Tauler, who constantly emphasises the need for outreach and nurture among Christians as affirmation and support of the life of grace developing within the individual. All minister to each other, there are no active givers and passive receivers of ministry. The connection between Hildegard’s spirituality and that of Tauler and the Friends of God movement has been highlighted in the literature of psychology (Moss 1981).

The transformative power of the encounter with the Living Light is shared between Hildegard and Luther and acknowledged by Tauler (Moss 1981:350). In the light of Moss’ conclusions regarding the journey of religious consciousness as shared by Tauler and Hildegard (Moss 1981:353-354), we may posit that Luther brings that journey to a certain structural expression in his comprehension and description of the common priesthood and its ecclesiological consequences for the Lutheran Communion.

**POST REFORMATIONAL DEVELOPMENTS**

**Catholicism**

Minnich (2007) ably documents the reaction of the Council of Trent to Luther’s stance on the priesthood of believers. He points out that the rich discussion in the Council never fully made it into the canons, nor into the catechism mandated by the Council. There was unfinished business regarding the priesthood of all the faithful which would only start being addressed at Vatican II (Minnich 2007:363), but without doctrinal conclusions.
This unfinished business created a gap that simply widened over time. A default attitude appeared to emerge which, in the face of crises, perceived or real, elevated the ministerial priesthood in the Catholic Church to a questionable level. Renate Dürr has investigated images of priesthood in the late seventeenth century (Dürr 2000). Though images of nurturing remain, emphasis on the images of protection and guarding start gaining ground in the self-description of clergy in sermons.

The feminine and nurturing images become transformed into images of longsuffering and martyrdom involving stoic and manly fortitude (Dürr 2000:98, 99). Reserving the authority to celebrate the Sacraments of the Christian Faith to the priesthood in accord with the solution of the fourth Lateran Council and the reaffirmation by the Council of Trent then lead to an elevating of the person with the power to confect the Sacraments that soon spiralled into self-aggrandisement. Bernadino of Siena teaches that the priest is greater than the Mother of God, since, among other aspects of exceeding Mary, the priest brings Christ to earth often, whereas Mary did so only once (Dürr 2000:101). The theological quality of acting in *persona Christi*, becomes an identification of the priest with Christ, not only at the celebration, but as the change in ontological status gifted by the rite of ordination (Dürr 2000:102). God’s obedience to the summons of the priest, to bring Christ into the altar bread at the words of consecration uttered by the priest, then places the priest in a position of authority over God. Dürr translates the words of the German Premonstratensian, Michael Stainmayr:

Oh holy hands!  
He who created me  
Has given it to me to create him.  
And he who created me without me  
Is created by me  
(Dürr 2000:103).

The priest as elevated to the dignity of God on earth emerges when theological metaphor becomes the literal self-understanding of priests. Nurture and the divine feminine are totally absent from this deification of the priest. The high dignity of the ministry is overthrown and extraordinary
claims regarding the dignity of the individual priest, irrespective of his actual moral capacity and state, are proclaimed.

These themes result in a self-referential clericalism which has succeeded in harming the whole community of the Church in the 20th and into the 21st century.

The relationship of the ministerial priesthood and the common priesthood remain unresolved and the shadows of the extraordinarily elevated clerical state remain functioning at many levels of the Church. Pope Francis has seen the rot and names it frequently (Radio Vatican 2016) associating it with the Pharisaism of the New Testament.

**Lutheran Communion**

The removal of an essential difference between clergy and laity in the Lutheran view, as well as Luther’s insistence on mutual ministering of the priestly people of God to each other, has resisted clericalism over time.

A study of early Lutheran Pastors’ Manuals (Burnett 2004) shows the consolidation of the Lutheran view in action during the first century of the Lutheran Confession. In the early phase of development they concentrate on the deportment of the pastor as well as his (at that time an all male assemblage) ritual duties. At the end of the period the manual concentrates on relating faith and daily circumstance. Sacramental nurture is overshadowed by the duty of care of souls.

Murdock (2015:180), gives the following insight,

Ministers in Protestant Churches could not claim the status of a separate social caste, divided from the rest of society as Catholic clergy had been both by economic privilege and by their role as conduits for divine power in the performance of sacred rituals.

Writing about customs of clerical dress in the Calvinist reform, Murdock’s findings also had their echo in the Lutheran communion.

Reformed ministers’ clothing particularly marked them out as guardians of morality within their congregations, and the clergy and their families, teachers, and even student ministers were all supposed to dress in a way
that provided a model of morality to their communities (Murdock 2015:195).

A distinction did arise between laity and clergy, but it was also often in contrast to the Catholic notion of priestly status and a clear attempt to steer clear of Catholic excesses.

As acknowledged in the joint statement between the Bishops’ Committee for Ecumenical and Interreligious Affairs of the United States Conference of Catholic Bishops and the Evangelical Lutheran Church in America made in 2015, there is a core difference between the two understandings of ministry. Within Catholicism there is an essential difference between the clergy and laity and within the Lutheran communion represented in the document there is a functional difference between the clergy and the laity (USCCB and Evangelical Lutheran Church in America 2015:94).

CONCLUSION

Now we have come to the other side, to the natural converse of the bridal image. When seen as a nursing mother, God, still initiator and giver, is so overwhelmingly feminine that to her we are all like a newborn child.

(Ellwood 1976)

We have traced a plausible line of thought between two great reforming personalities in the Church. Both saw a lack in the way ministry was exercised and sought to address it. Hildegard through a profound spirituality which acknowledged that integration of male and female in God, transcending mere androgyne, gave insight into the maternal and nurturing nature of God. Where a minister was lacking this insight, either rejecting it or being ignorant of it, congregations suffer from an abuse of power in one way or another. Being aware of the problems, the Lateran and Tridentine Councils approached the problematic from a canonical mindset and did not contribute greatly to an interior transformation of the clergy. The narrow focus of these reforms eventually centralise all ecclesiastical power, authority and even ritual participation to clergy. The
untangling only really begins with Vatican II and when the Church in the late 20th and early 21st century began to be held answerable for the abuses arising from such centralisation.

Luther picks up on one of the consequences of Hildegard’s vision, communicated through the Rhineland mystics of the Dominican family, that of the mutual nurturing of God’s people as witness to and by the common priesthood of believers. This also creates a counterweight to the centralization of the Catholic Church. The minister and the layperson are on equal footing as the baptised and only differ in responsibility for that mutual nurturing.

Hildegard remains prescient in her diagnosis of the clerical state. Unless that state is supported by a spirituality which seeks to reconcile and transcend the masculine and feminine within each member of the clergy and an appreciation that the transcendence of God contains such union, without dissolving to mere androgyny, problems of abuse will arise.

When we lose a notion of God’s motherhood we lose effective witness.

NOTES

1 One of the more striking examples is the depiction of the Holy Spirit as a woman, dating to the 14th century, found in the church of St. James, Urschalling, Bavaria. A reasonable image of the fresco is to be found at https://fotoberge.fotograf.de/page/postkarten-urschalling.

2 Jack Chick was the author of scores of illustrated Evangelical tracts encouraging conversion to Christ, for more, please refer to his NY Times obituary, https://www.nytimes.com/2016/10/27/arts/jack-chick-dead.

3 Apostoloc letter Lux sui populi.

4 The letters of Hildegard are referenced according the schema of Lieven van Acker in his definitive edition of Hildegard’s letters, the “r” indicates a response to a correspondent.

5 We are fortunate that a number of manuscripts of Hildegard’s work from close to her period survived. I am working from three main ones, Merton College (Bingen, Hildegard von 1200b), Wiesbaden (Bingen, Hildegard von 1200c) and Heidelberg (Bingen, Hildegard von 1220). The Wiesbaden, known as the “Riesencodex” (due to its size), was commissioned by Hildegard herself.


7 The bawdy could be even more than modernity would find acceptable in public discourse (Jewers 2002).

8 Refer here to the discussion on Etienne Leroux’s masterful Die Mugo in Van Coller, H.P. (1977).

9 Jung himself admired Hildegard and regarded her as role model of integration (vide Clendenen 2009).

10 A stream of Jewish spirituality makes the point that the first word of Genesis starts with the letter, beth [ב] which is the preposition “in” and adverb “as”. When reading from right to left the shape of the letter is entirely closed to anything before it, discouraging us from even speculating about before creation. In proverbs 8:22 there is an odd
rearrangement of syntax which has God acquiring-choosing-buying wisdom before the beginning, here the word "beginning" occurs without the preposition or adverb and after the reference to God acquiring wisdom. "The Lord aquired me before his works…” This may be a clue that the author of Proverbs is critical of the priestly author of Genesis in closing any discourse about God’s internal and eternal being.

11 Here used with a consciousness of the Jewish tradition naming Miriam the saviour of the saviour, as she watches over Moses in the basket.

12 This notion appeared to survive its termination in the fourth Lateran council and is found again in Luther’s discussion of the Eucharist (vide Davis 1999).

13 Luther was a close friend of the Cranach family and collaborated on many of the illustrations produced by Lucas Cranach the Elder and the Younger (Noble 2009:11 ff.).

14 Fischer (1966) presents a response to Gerrish, the tension is not questioned, simply amplified. Refer also to Ellingsen (1981).

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Canon Law, a Work in Progress: Ladislas Örsy’s Art of Practicing Canon Law *

MARC DE MÛLENAERE

ABSTRACT

The article looks at law as a tool of continuous reform. It interrogates Ladislas Örsy’s vision of canon law as a finely tuned instrument helping the community (the Church) to attain its values. After emphasising Pope Paul VI’s crucial impact on the transformation of canon law during the years following Vatican II, the article introduces a Jesuit priest, Ladislas Örsy. Örsy has spent six decades writing extensively about the need for good law, and has become noted for creating an awareness that law must be flexible and life-giving and deal with every aspect of the life of the faithful. He considered “an internal capacity to operate in new ways” as a key to developing a spirit of enquiry, thus enabling canon lawyers to expand their horizons beyond the limits of their own discipline. The vision of law emerging from Örsy’s unparalleled scholarship implies that canon law is the responsibility not only of the lawgiver, but of the whole community.

INTRODUCTION

For many people, canon law is static: if they know it exists at all, it is seen as an almost undesirable element in human life, stultifying rather than liberating, cast in concrete, something that must be applied blindly.

* The original referencing style has been kept in this article, as per the requirements of the canon law scholarship.
according to the letter. Those with a sense of history vaguely know that
 canon law did not just suddenly spring into being like the ten
 commandments, but that the Code of law as we know it, is the result of a
 process that cost many people much work over many centuries.

Canon law thus owes much to those who helped create it. For centuries,
 the popes and councils of the church issued decrees to regulate the life of
 the Christian community over which they had authority. But the science of
 canon law was only born in the eleventh century, when Gratian, a
 camaldolose monk teaching at the university of Bologna, began collecting
 this accumulated material and published an annotated version, attempting
 to bring the various discrepancies that had occurred over the centuries into
 one harmonious whole. His *Concordia Discordantium Canonum* is the
 first successful and comprehensive synthesis and analysis of the laws of
 the church. Many other collections followed, and these, combined with the
 efforts of many eminent commentators, later became the *Corpus Iuris
 Canonici*, which was the main source of church law before the first Code
 of canon law was promulgated in 1917.¹ Thus many individuals had an
 enormous influence on the development of canon law.²

¹ With *Gratian’s Decree* canon law became a science; the decretists commented on his work and the decretalists on
 the decretals of the popes of the time. Raymond of Penafort organised them into a new collection, named the *Liber extra*,
 soon followed by the *Liber sextus* of Boniface VIII and then the *Constitutiones Clementinae* of John XXII. In 1500
 John Chapuis edited all these works and, having joined two smaller collections of papal decretals, the *extravagantes*,
 these documents together became the *Corpus Iuris Canonica*. See JA ALESANDRO, “General Introduction”, in JA

² In 2001, Lawrence Wrenn praised some of the dedicated and well-known professors and prolific authors who were
 very active in this field in the first half of the twentieth century, i.e. before the Second Vatican Council and to whom the
 church remains beholden. See L WRENN, “In diebus illis: Some Canonical Giants in Days of Yore”, *Studia Canonica*
 35(2001) 485-514. He is very eclectic in his praise of nine pre-eminent canonists, all of whom exerted an enormous
 influence on the establishment of canon law during the immediate pre-Vatican II era and whose names are well known
 among students of canon law. The three Americans he praises wrote in English, and influenced the placing of the
 American tribunal system on a sound footing: Adam Ellis, sj, 1889-1961; T Lincoln Bouscaren, sj, 1884-1971; and
 William Doheny, csc, 1898-1982. The other canonists he singles out wrote in Latin: the three Italians who merit his
 attention left their stamp on the central judicial system of the Church: Matteo Conte, ofm cap, of Coronata, 1889-1961;
 Giacomo Violardo, 1898-1978; and Felice Capello, sj, 1879-1962. He is equally lavish in his praise of a very outspoken
 Dutchman, Ludoviek Bender, op, 1894-1975; a Belgian, Gommarus Michiels, ofm cap, 1890-1965; and a Spaniard,
 Siervo Goyeneche, cmf, 1886-1964. Most of these had strong links with the Gregorian University in Rome.
PAUL VI: AN EXTRAORDINARY AGENT FOR CHANGE

In our own time, the single person who was most influential in the development, in fact, the transformation of canon law, is undoubtedly pope Paul VI, an incomparable jurist who for twelve years after Vatican II guided the process of the revision of the law, making use of the insights of the council. Although he died in 1978, five years before the promulgation of the 1983 Code, he placed an indelible stamp on it, and his continuing influence on church law is incalculable. Inexorably moving away from the Roman law model, he defined canon law as

    [...] a norm that interprets two laws, divine and moral; a balance between rights and duties, liberty and responsibility; the dignity of the individual and the common good; a norm that deepens the work of the spirit, calling for integrity, firmness and goodness.³

Paul VI made it quite clear that canon law can never be an end in itself. Rather it should be an instrument for the promotion of good order in the Church, the means by which Christians’ rights are protected and their spiritual goals assisted, and the tool for the promotion of pastoral action in the church. For the pope, the spirit of the law is far more important than the letter, and its goal can be none other than the salvation of the human person.⁴

The pope also used several phrases, which can almost be considered aphorisms, to express his thoughts regarding the spirit of canon law: the letter of the law should never be opposed to the spirit of the law; therefore legalism, juridicism and rigidity are alien to canon law; law is not opposed to love since it is a sign of justice; justice is found in concern for natural rights; justice is flexible and pastoral and full of divine love; freedom is enhanced by law; law always needs reform and adaptation; and different

³ As in FG MORRISEY, “The Spirit of Canon Law: Teachings of Pope Paul VI”, Origins 8(1978-79) 37. All the further short quotations attributed to the pope come from this work. In fact, this is an excellent introduction to Pope Paul VI’s thoughts on what canon law should and can be.

⁴ The last canon in the Code makes this very clear: whatever decision is made or whatever action is undertaken, it must be done “[...] always observing canonical equity and keeping in mind the salvation of souls, which in the Church must always be the supreme law.”
cultures should be acknowledged and accepted, provided the unity of the faith is preserved.⁵

Much has been written about pope Paul’s admonitions to those entrusted with the task of revising and interpreting the Code of Canon Law, but he may be best remembered for his famous dictum which aptly summarised his thoughts on the matter. He never ceased emphasising that all serious practitioners of canon law need a novus habitus mentis, a new attitude of mind, if they are to achieve the real purpose of the law. In fact, they can neither properly understand nor justly apply the laws of the church without it. Ladislas Örsy, the subject of this paper, describes this new attitude of mind as

a permanent disposition of the human spirit [... which consists] in an internal capacity to operate in new ways; that is, in an improved method of searching for the truth and in an increased determination to reach out for values not noticed before.⁶

LADISLAS ÖRSY: CANON LAWYER EXTRAORDINAIRE

Untiring in his admonitions, addressed as often and to as many people as he could, it is clear that pope Paul VI considered that many individuals from different walks of life had much to contribute to the proper development of canon law. Especially the practitioners of the law took his sayings to heart, but none better than father Ladislas Örsy, who has spent six decades writing extensively about the need for good law. In faithfully following the directives of pope Paul VI and assiduously applying the insights of the council, he can be considered a giant in the creation of an

⁵ The revision of the Code started by Paul VI was completed by his successor, John Paul II who made some last-minute changes before he promulgated the new Code on 25.01.1983. Initially, he seemed as willing to espouse the new attitude of mind as had his predecessor. Thus he acknowledges in the Apostolic Constitution Sacrae Disciplinae Leges promulgating the Code: “If it is impossible perfectly to transpose to image of the Church described by conciliar doctrine into canonical language, nevertheless the Code must always be related to that image as to its primary pattern”. However, being a child of his culture and time, he found it increasingly difficult to maintain the flexibility pleaded for by his predecessor.

awareness that law must be flexible and life-giving and deal with every aspect of the life of the faithful.

A Jesuit priest, Örsy obtained his knowledge of both law in general and canon law in particular from several prestigious universities, like Oxford, the Gregorian, and Louvain. After qualifying in philosophy, theology, canon law and jurisprudence, he taught at the Gregorian, Fordham and the Catholic University of America, and has also functioned as a visiting professor at many other institutions of higher learning. Incredibly, he is still active at the age of 96, sharing his encyclopaedic knowledge of the law to the benefit of all the faithful.

His extensive writings are extremely valuable because he functions on different levels: as a philosopher and a theologian of law in general and canon law in particular; as a theoretician and a practitioner; as an idealist and a realist; but above all, as a believer and a member of the Catholic Church. Though widely read and extremely knowledgeable, he is humble and constantly defers to and depends on the insights of others. I consider his contribution to the art of practicing canon law as extraordinary in every sense of the term and his versatility and breadth of vision to be a gift from God to the church.⁷

A book all practitioners of law, whether of the canonical or civil variety, should read, is *Theology and Canon Law: New Horizons for Legislation and Interpretation*. Though copyrighted back in 1992, in essence it contains the development of the authors’ insights over many years into this

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⁷ On the occasion of Örsy’s 75th birthday, *The Jurist* dedicated its first issue of 1996 to him and reveals the fact that he was born in Hungary in 1921, became a Jesuit in 1943, was ordained a priest in Belgium in 1951, and made his final profession as a Jesuit in 1960. As far as studies are concerned, he obtained a licentiate in philosophy at the Gregorian University in Rome in 1948, a licentiate in theology at the St Albert College in Louvain, Belgium, in 1952, a doctorate in canon law at the Gregorian in 1957, and a master’s degree in jurisprudence in Oxford, UK, in 1963. The same issue includes a 21-page bibliography of all Örsy’s publications up to 1995, which demonstrate his wide-ranging interests, leading him to research every aspect of the life of faith. In the words of the editor: “His use of such ideas as ‘horizon’ and ‘seminal concept’ and his approach to the role of questions, have introduced a per-spective which is both original and enlivening to the study of canon law”. The editor also calls the book *Theology and Canon Law: New Horizons for Legislation and Interpretation* as “a major work”. Indeed, since his more than 200 articles have been published over six decades in more than twenty different journals and in several languages, his influence has been enormous and continues to be so. In a word, he inspires because his approach is very nuanced and flexible. Though long a professor emeritus, in 2018 he was still teaching at Fordham university and publishing articles in *Studia Canonica* and *The Jurist*, showing that his mind continues to be acute and penetrating, and that he still has the fearless ability to raise thought provoking and sometimes provocative questions.
important dimension in human interaction, and to this day it remains as relevant to the life of the Catholic Church as on the day it was published. This paper will deal with Örsy’s most important insights and attempt to show how the Church ignores them at its peril.

THE CENTRAL IDEAS IN ÖRSY’S THOUGHT

Örsy did most of his studies before pope John XXIII called the Second Vatican Council, but proved himself to be totally inspired and almost overwhelmed by its ability to break out of the stultifying mould of the many post-Trent centuries where the church thought it necessary to draw back into a self-defensive laager, facing the onslaught of a hostile world. For Örsy, Vatican II “did not just teach or legislate: it started a movement that must continue. It taught us a new method of operation”. 8 The council improved its insight into the nature of the church: it was able to move from seeing the church as imperium, based on the Roman world view, to viewing the church as communio, an organically constituted body where every single member is endowed with the power of the Spirit. The council also moved from confessional conflict to ecumenical vision, from defensive isolation to expansive presence and from a static world view to a dynamic one. 9 Örsky considers that the council was able to make this breakthrough because

A new method of work was introduced. Instead of merely affirming the known, the council began to raise questions and with the help of them moved more and more into exploring the field of the unknown [...] In the realm of the Spirit [the council fathers] were able to ascend to new heights and from there take a fresh look at the world that was so familiar to them [...] once that happened, the dynamics caused by enhanced knowledge took over. 10

From this higher viewpoint and a better spirit of enquiry, the council was able to rediscover the ancient idea and practice of communion, to discover

8 LM ÖRSY, op cit, 12.
10 Ibid, 14.
signs of God’s grace in other Christian communities, to appreciate secular values and achieve a better understanding of the mission of the church in the world, and to realise that “the word of God keeps developing in our midst without ever losing its original meaning”. Thus the council does not only represent an intellectual achievement; instead, “the impulse of the Spirit, trust in Him and courage were needed to move beyond the known and pierce the veil of the unknown”.

This is an example of the novus habitus mentis at work, and Örsy believes that a good canon lawyer should do the same that the council did: move beyond the familiar into a higher viewpoint that only enhanced knowledge can give, then raise new questions and have the courage to accept fresh answers.

Not surprisingly, he finds it necessary to add

[...however] those who have acquired this new attitude rooted in an enquiring mind can never again be mere lawyers [...] they will always be ready to move to a higher viewpoint, should the case so warrant it. That vantage point may be provided by theology, or philosophy, or history, or by any combination of the different branches of learning. From there they will be able to see the legal norms in a broader context, raise new questions, discover new answers, and then integrate the same norms into the life of the community in a happy combination of the old and the new [...]

**NEW HORIZONS FOR CANON LAWYERS**

It can readily be seen that Örsy, who himself is well versed in many disciplines, wants the practitioners of the law to develop a spirit of enquiry, which ultimately needs to discover the why? of every norm. To do this effectively, the mind necessarily moves into a higher horizon where it sees everything differently. The framework for this enquiry must include

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11 Ibid, 15.
12 Ibid, 16.
13 Ibid.
14 Ibid.
questions like: How does this norm serve the community? or, What is the value this norm wants to protect or enhance? In Örsy’s view

no [...] well-balanced development of the law and of its interpretation is possible without our canon lawyers gradually entering into the new horizon of the value oriented evaluation of the norms [...] before any law is enacted its connection with the intended value must be well established [...] the issue is not new knowledge, but rather a new way of operating.\textsuperscript{15}

When the mind’s field of vision expands to include other fields of knowledge, the horizon expands even further. Örsy, who himself is well-versed in many disciplines, thus also advocates canon lawyers to follow an interdisciplinary approach to their subject. Since nothing exists in isolation, law can never be an end in itself but needs to become part of the totality of human experience. Seeing the interaction of the various aspects of human experience brings about a new attitude of mind which by its very nature brings new insights and must affect the way we understand and apply the law. He further makes the very important observation

To progress into a new horizon is not a matter of deduction or induction or any other kind of logical operation. It is a matter of courage and determination to accept the uncertainty that the new environment brings.\textsuperscript{16}

\textbf{LAW AND VALUES}

Having established that good canon lawyers should develop a new attitude of mind in order to be true to their calling, and should moreover be able expand their horizons to include different disciplines and acquire new insights into the necessity for the law to uphold values and serve the community, Örsy moves on to what the law is. In simple terms, he states: “[...] the norm is the law, accepted and acted upon by a community of

\textsuperscript{15} \textit{Ibid}, 28.

\textsuperscript{16} \textit{Ibid}, 23.
intelligent and free persons [... however, it] is not and cannot be received by them exis-tentially, unless they understand it and act on it”.

Therefore “the Catholic community needs more than the bare bones of new canons. They need to know and appropriate the values the law intends to uphold, they need to decide and to act freely in its implementation.” It follows that the legislator must

First [...] assess the nature of the community and its needs. Then he must determine the values which can fill those needs. Finally, he must ascertain that the community has the concrete capacity to work for and obtain those values [...] today it is no longer fitting to promulgate the law without any explanation and then urge the people to obey. The legislator has the duty of clarifying the value that the law intends to uphold.

Fortunately, it is possible to observe that the legislator invariably applies this requirement when promulgating new laws for the observance of the faithful. In fact, most documents contain first a preamble, giving the theological reasons for the intended measures, then there is an enumeration of the norms themselves, and then a section on how these are best to be applied by the faithful.

In all his writings, Örsy shows that he is a firm believer that the law should be flexible. Quoting Aristotle approvingly, he emphasises that, since real

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17 Ibid, 38, 41.
18 Ibid, 76-77. On page 91 Örsy explains: “The values canon law is interested in are those which have a social significance; that is which are intended to build a Christian community and are necessary to sustain its life. [...] communities are like individual persons: they live and grow by [...] appropriating values.” By contrast, Örsy states on p 93: “[...] legal norms have a double function: they point to values and ‘order’ (direct) the community to take action to obtain them. [...] Ideally the values [...] may be suitable for the church universal, but concretely some particular churches may not have the capacity to appropriate those values.”
19 Ibid, 40, 50.
20 Mitis Iudex Iesus Christus, which modifies the 1983 Code regarding the manner of declaring marriages null, is a good example of this. It was promulgated on 08.09.2015 and came into effect on 08.12.2015. It shows a legislator determined to show the mercy of the church in ensuring that the faithful in impossible marriage situations should be helped to return to the sacraments in the shortest possible time.

In fact, the 1983 Code already enabled diocesan bishops can issue general decrees, which are true laws. Such decrees explain WHAT the legislator intends to achieve. If he were not to include a theological justification for the decision in this decree, those who have executive power can do it for him by issuing a general executory decree, explaining the WHY of the decision. Someone else could then explain the HOW in an instruction (see cc 29-33). Of course, all of this could and preferably should be contained in one single document as illustrated in Mitis Iudex.
life is more complex than any set of rules which the human mind can achieve, an ad hoc corrective is necessary, originating in the same source as the laws, that is, the virtue of justice. Therefore, to avoid legalism, which he calls a sickness in the system since it places greater value on the observance of formalities than on the granting of true justice, Aristotle’s epieikeia must be invoked. This is “[...] an act of justice [...] to balance, or correct, or complete the application of law, whenever it is so warranted.”

Thus for Örsy it is

[...] an integral and indispensable component of every legal system [...] justice for all can be achieved only through the subtle and judicious dialectics of imposing the law in most cases and letting epieikeia prevail in some.

This is different from the power to dispense contained in the Code. Dispensations allow the person in authority to suspend or ‘wound’ the law in particular cases in the interests of achieving justice. These are concerned with disciplinary ecclesiastical laws only, and the very power of granting a dispensation is curtailed in that the Code insists that it must be strictly interpreted. The very idea of epieikeia being thus curtailed would virtually make it impossible of application, to the detriment of the faithful. In my view, epieikeia is almost imperative in applying procedural law when the petitioner is unaware of its requirements. I am aware of some unjust decisions made and later upheld on procedural grounds, when all involved were perfectly aware that justice could not be not served in this way.

21 LM ÖRSY, op cit, 44.
22 Ibid.
23 See cc 85-93, especially c 92.
24 In one case, a priest who showed clear signs of remorse for his misdeed, was suspended for five years without any means of support, when, by using epieikeia, a milder punishment would have shown that the church is merciful and willing to facilitate his reintegration into the ministry. In another case, a temporarily professed sister was refused to make her final vows even though, in the words of the congregation’s leadership, she had done nothing wrong. Her appeal against this injustice was turned down on because of her ignorance of procedural requirements. Though legally correct, such a technicality is unacceptable: epieikeia should have been used to achieve justice.
PRINCIPLES OF INTERPRETATION

Just as the Bible is a collection of books which vary widely in style and in content, which means that each book needs to be interpreted from the point of view of its own inherent literary form, Örsy is a great believer that there are many different kinds of canons in the Code, each of which needs to be interpreted accordingly. He distinguishes seven different kinds of canons: *dogmatic statements*, which are basic tenets of faith and should be interpreted on the theological rather than the juridical level; *theological opinions*, which are historically conditioned and therefore subject to change; *statements of morality*, which should be interpreted within the larger field of moral theology; *spiritual exhortations*, which express the wish of the legislator and are not strictly imposed as an obligation; *theories borrowed from philosophers*, which use philosophy to solve canonical problems; *affirmations borrowed from empirical sciences* which should be interpreted according to the latest scientific insights and *canons creating right-and-duty situations*, which are the only truly legislative texts.²⁵

At this point Örsy explains the difference between *epieikeia* and *aequitas*. Whereas *epieikeia* finds its origin in the virtue of justice, *aequitas* brings flexibility into rigid structures by invoking a different value system to deal with situations not foreseen by the law and using it to achieve justice.²⁶ He explains

> Authentic equity [...] comes into play when the law is unable to uphold a value important to the community. The community then turns to another

²⁵ LM ÖRSY, *op cit*, 53-58. Örsy ends this section with the beautiful statement: “Once the fact that there are literary forms in the Code is accepted, it has a liberating impact on the understanding of the role of law in the Christian community. It eliminates the fear that the law may strangle the mysteries”, 58.

²⁶ For Örsy, while “[...] civil lawyers have to rely much more on the positive text of the law, [...] canon lawyers must always remain fully integrated with, and dependent on, religious and human values”, p 60. He quotes the example of the praetor peregrinus, a special magistrate appointed in 242 BC to deal with the needs of strangers and aliens, and observes: “There we find equity at work. The praetor peregrinus found the existing legal system all too narrow to accommodate the demands of life. Hence he went out of the field of law, entered into the field of ethical principles, and with their help construed new legal norms. Equity in Rome meant to invoke higher principles than the law could provide and with the help of these principles to give a balanced solution to legal problems. Thus, harmony between moral and legal values was re-established,”: 61-62. He adds that in late Medieval England the king’s chancellor, who was the keeper of the conscience of the king and initially was always a bishop, also distributed justice according to the principles of morality. He concludes: “The pattern of development in England was not really different from the pattern that evolved in Rome. In both cases the shortcomings of the legal system were recognised and, through the agency of an official person, a correction was brought into the law out of the field of morality, based on the needs of human nature or the dictates of Christian conscience”, 62.
(non-legal) system of ideas to justify a departure from the legal system. It lets the value prosper intact and it brings the law into the service of that value. When a case arises which cannot be justly resolved by law, it is right that the community should turn to philosophy or religion and let them prevail over positive law.\(^{27}\)

**THE FLEXIBILITY REQUIRED OF THE LEGAL PRACTITIONER**

Örsy clearly lives what he preaches. Besides emphasising that the law must be flexible both in its formulation and in its application, he requires this same flexibility in those who practice it. Therefore, he proposes certain ways to help them achieve this flexibility. Besides the rules of interpretation contained in the Code itself, he suggests his own fifteen rules of interpretation, inspired by the well-known *regulae iuris* of Boniface VIII, which “are meant to be legal proverbs, each containing a grain of truth but not the full truth.”\(^{28}\) He further explains

None of them should be applied literally or exclusively. They overlap and balance each other; they must be used with due discretion and in conjunction with one another. Together, they can serve also as a checklist for interpreters; they speak of many factors which should be considered before the meaning of a legal text is finally determined.\(^{29}\)

Here follow Örsy’s fifteen rules of interpretation, slightly adapted, with his explanations drastically summarised and with personal comments added. They show very clearly that the law is made for the people, not the people for the law. If one uses these rules when applying the law, one can achieve a far greater flexibility than is normally thought possible, and good canon lawyers can therefore be more nuanced in their pronouncements and achieve greater justice for the people.

1. *Every legal norm is a child of history*, therefore one needs to know its origins and subsequent ways of application before one can truly

\(^{27}\) *Ibid*, 63.

\(^{28}\) *Ibid*, 77-78.

\(^{29}\) *Ibid*, 78.
understand its meaning. However, living law cannot be reduced it its original intent, nor should it radically break with its own tradition.

2. *The meaning of a norm depends on its literary form*, therefore one cannot presume that every law needs a strict legal interpretation. For instance, laws concerning money matters are meant to ensure integrity and should thus be dealt with differently from laws concerning the reception of the sacraments since the sacraments are meant for people and not vice versa.

3. *When the origin of a law is a theory, to understand its meaning it is necessary to go back to the theory*, otherwise the original intent may be lost. For instance, the 1917 Code’s marriage legislation was largely based on Roman contractual theory, which was not part of the ancient theological tradition of the church. In the 1983 Code, marriage legislation is based on scripture and the insights of Vatican II, and should thus be interpreted differently.

4. *The legislator cannot speak except within his own cultural context*, therefore to some extent every law must necessarily be relative, since it represents the cultural mentality of the legislator and the impact of his environment. It is an illusion to think that any legislator can speak independently from his own internal and external worlds. The final revision of the 1983 Code by John Paul II, a Polish pope and a philosopher, is a case in point. The application of the law by Francis, an Argentinian Jesuit and a pastor, who lives the option for the poor, must of necessity, be radically different.

5. *As the mission of the church is to be the light of the nations, so its laws should show forth the wisdom of the church to all peoples*, therefore among all the possible meanings of a norm, those must be chosen which visibly display the Christian norms of justice and mercy.

6. *Universal laws are meant for the universal church*, therefore they should be universally applicable. If they are not, the law is wrong and should be revised or revoked.
7. *Every law in a Christian community is intended to uphold the dignity of human persons,* therefore if several interpretations are possible, that one must be chosen which best upholds the dignity of the person, both inside and outside the church. For instance, a ‘just wage’ should include whatever is necessary for the physical, emotional and spiritual well-being of the whole family.

8. *Canon law is there to uphold Christian values,* therefore it must promote faith, hope and love and create a friendly environment for God’s grace. Where different interpretations are possible, the one best promoting Christian values must be chosen.

9. *Law in the Christian community aims to support a value; the moment it becomes sheer formality, it collapses and ceases to exist,* therefore the law must always be concerned with substantial matters and not seek to introduce an empty ritual. To do so would destroy the Christian’s freedom in Christ. If an interpretation cannot point to a value to be upheld, it is questionable at best, or contrary to Christian revelation at worst.

10. *Every rule has its own authority,* therefore, since the legislator cannot possibly have intended that every one of the 1752 canons of the Code carry the same weight, the importance and binding force of each norm must be examined before it can be interpreted.

11. *The meaning of a single norm must also be understood in the context of the whole system,* therefore, although a single norm can be interpreted apart from the rest, its full meaning can only be ascertained within the cohesion of the whole legal system. Parallel places can help refine the meaning of the individual norm.

12. *Meanings do not stand still: they, too, are part of an evolving universe,* therefore each generation will find a slightly different meaning in the same text as human consciousness evolves over time. In a real sense, laws are there to guide a living community which continues to be animated by God’s spirit which renews us all and the legal system as well.
13. The core meaning of a norm is more enduring than the rest of it, therefore finding this enables the interpreter to see the law as a stabilising factor in the community. To use Aristotelian language: although the substance remains, accidentals can and do change.

14. Law is communication: to grasp its message, it is necessary to have a good knowledge of the world of the legislator, therefore, since the universe of the lawgiver is not the same as the universe of those receiving the law, each norm acquires a new shade of meaning in the minds of the subjects. Reception or non-reception of a law will largely depend on this.30

15. A law can be a dialectical response to a contemporary problem, therefore progress in knowledge is often through thesis and antithesis, followed by a synthesis. Thus growth is usually not uniform, but comes in spurts and starts, and the law often strengthens such dialectical movements. For instance, most of the disciplinary legislation after the Council of Trent was designed to counteract the corrupt practices in the church or the excesses of the Reformation. When the balance is restored a subtle change occurs in the meaning of this kind of legislation.31

CONCLUSION

It is clear that Örsy has not only heard pope Paul’s request that those who practice canon law should carefully develop and nurture a novus habitus mentis, a completely new way of looking at things, since the law of the church is sui generis, distinct and different from all other forms of law, but has taken it to heart in a wonderfully integrated way. The law is meant for the salvation of souls, and should facilitate this in every way possible. In his six decades of dedicated research into the subject, Örsy clearly

30 One of the most famous examples of the non-reception of a law is linked to Pope John XXIII. In 1961, just before Vatican II, he issued Veterum Sapientiae, which required all seminary studies to be done in Latin. The world largely ignored this.

31 LM ÖRSY, op cit, 78-82.
demonstrates that the law is made for the people, not the people for the law. Due to his thorough grounding in several disciplines, he has developed a permanent disposition which enables him to operate from different horizons and to highlight the Christian values that should inform all law making. Drawing on his wide experience and total commitment to the faith of the church community, he is able to challenge us to be more nuanced and flexible in our approach to the law.

For Örsy the law should be a finely tuned instrument helping the community to attain its values. Any law that is not geared to attain such a value has no place in the community and should either be adapted or abandoned. In this sense the making of canon law is the responsibility not only of the lawgiver, but of the whole community. Every member of the church needs to have the courage to think laterally or, in common parlance, outside the box, rather than follow the herd. To do this successfully one has to be steeped in the vision of the church as community, the people of God supporting one another on their pilgrimage to the Father. Pope Paul’s plea that the law should always be applied with equity, which he describes as justice tempered by mercy, remains imperative. Indeed, following pope Francis’ continued emphasis on mercy as the hallmark of God, the church community as a whole, but especially its ministers, must display this in its application of the law.

Örsy has the courage to call on age the old principles of epieikea and aequitas, as well as the regulae iuris, and to adapt them to new circumstances. His whole approach to the practice of law is nuanced and adapted to the needs of the Christian community in the twenty first century, using historical insights without being hamstrung by them. Would that many more people followed his example so that justice may be attained!

REFERENCES


The *Semper Reformanda* Principle under Scrutiny in a South African Context

GRAHAM A. DUNCAN

**ABSTRACT**

The *semper reformanda* (always reforming) principle has been fundamentally ignored by the Reforming tradition since it was conceptualised. Currently, this is manifested among the growing cadre of those who support a fundamentalist disposition and believe in the durability (perdurance) of the tradition in the form in which they promote it, though little of this is traceable to the Reformation or its promoters. They, unlike their sixteenth century Reforming predecessors, adhere to a literalistic mode of thinking which seeks to preserve and promote a static timeless faith which is applicable in all contexts for all time. Their literalism enables them to evade and avoid in-depth study of the text, its context as well as the contemporary context. This form of interpretation has taken root in Africa. It is challenged by the dynamic processes of contextualisation and inculturation whereby the gospel is incarnated in each context it encounters as it has done from the beginning of the Christian church. The concept of *semper reformanda* is investigated from the perspective of the Uniting Presbyterian Church in Southern Africa.

**INTRODUCTION**

A personal disclaimer as reflected in the words of Corey (2017: 1-3).

For those of us who were raised in Christianity, growing up we were often taught the importance of developing a “biblical” worldview and living “biblically. …It’s as if the term “biblical” is some code-word that signifies rightness, correctness, or purity, in a way that nothing else can.
It’s as if there is no higher authority, that the “name above all names” to distinguish right from wrong, is “biblical.” Now, don’t mistake what I’m about to say— I am a Christian. A committed, devoted Christian… I’m not interested in having a “biblical worldview” or even in following the Bible. This isn’t to say I don’t love the Bible; I do. I believe the Bible is “inspired” and “useful” just as the New Testament claims. It’s just that the Christian life is not about developing a “biblical” worldview or following the Bible – the Christian life is all about Jesus. And, I have to be honest: those two things don’t always align in harmony. When Jesus encountered the biblical scholars of his time, he did not commend them and then send them away so they could focus on following it. He actually rebuked them and told them that even though they knew the Bible backwards and forwards, they had missed the entire point of it all: following Him.

These sentiments which demonstrate a fluid developmental faith led me to reflect on the concept semper reformanda. This concept will be investigated from a historical perspective using the Uniting Presbyterian Church of Southern Africa as a reflective focus.

**SEMPY REFORMANDA**

*Ecclesia reformata, semper reformanda secundum verbi Dei:* “The church is reformed and always [in need of] being reformed according to the Word of God.” The verb is passive: the church is not “always reforming,” but is “always being reformed” by the Spirit of God through the Word. Although the Reformers themselves did not use this slogan, it is clearly consistent with their aspirations.

The phrase *semper reformanda* first appeared in 1674 in a devotional by Jodocus van Lodenstein, during the Dutch Second Reformation (*Nadere Reformatie*). Van Lodenstein promoted the idea that the Reformation reformed the doctrine of the church, and also the lives and practices of God’s people. His focus was personal piety, not doctrinal progressivism. There are three significant points regarding the saying. First, the original phrase presumes doctrinal stability; then, it refers to the church “always being reformed,” and finally, it is always being reformed
according to the Word of God. Hence, it is fluid and dynamic. It refers to the conviction of certain Reformed Protestant theologians that the church must continually re-examine itself in order to maintain its purity of doctrine and practice (Mahlmann 2010:382-441). In its original context *semper reformanda* was not about a future orientated faith, for the watchword of the Reformers was “Back to the sources!” (*ad fontes*). As Horton (2008:123) puts it, the Reformers “wanted to recover something that had been lost, not to follow the winds of a rising modernity.” If the church can never stand still, it is because it always needs re-orientation according to the Word that is over us (Horton 2008:125). *Semper reformanda* is not about constant fluctuations, but about solid foundations. It is about radical adherence to the Holy Scriptures, no matter the cost to ourselves, our traditions, or our own fallible sense of cultural relevance. If Christians want to change the church’s sexual ethics, so be it, but we should not co-opt and distort the Reformers or their predecessors in the early church in so doing. The only Reformation worth promoting and praying for is that which leads us deeper into our Bible, rather than distancing us from scripture.

**HISTORY OF THE ISSUE**

In the sixteenth century, John Calvin was under no illusion that the Reformation had reached its goal in his lifetime – or that it would achieve it in a foreseeable future.

Christ “loved the church, and gave himself for it, that he might sanctify and cleanse it with the washing of water by the word, that he might present it to himself a glorious church, not having spot, or wrinkle, or any such thing; but that it should be holy and without blemish” (Ephesians 5:25-27). Nevertheless, it is true, that the Lord is daily smoothing its wrinkles and wiping away its spots. Hence it follows that its holiness is not yet perfect. Such, then, is the holiness of the Church: it makes daily progress, but is not yet perfect; it daily advances, but as yet has not reached the goal (*Institutes*, 4.1.17.).
God’s people are *en route* to the kingdom; pilgrimage is a work in progress. On matters relating to Christian liberty, and liberty of conscience, the Westminster Confession (1645) states (Chapter XX:II):

> God alone is Lord of the conscience, and has left it free from the doctrines and commandments of men, which are, in anything, contrary to His (sic) Word; or beside it, in matters of faith, or worship. So that, to believe such doctrines, or to obey such commands, out of conscience, is to betray true liberty of conscience: and the requiring of an implicit faith, and an absolute and blind obedience, is to destroy liberty of conscience, and reason also.

However, there is a clear role for conscience as is evident on the Declaratory Articles of the Church of Scotland which allow for liberty of opinion in points which do not enter into the substance of the Faith without defining the substance of the Faith, but it is clear that this must be found in Scripture, as interpreted by the Church, and in the [Westminster] Confession, and in the Confession interpreted in the light of Scripture (Weatherhead 1997:20).

All of this testifies to the existence of a dynamic faith tradition which has been taken up by churches of the Reformation, including those in South Africa.

**UPCSA CONFESSION OF FAITH**

Within the Uniting Presbyterian Church in Southern Africa (UPCSA 2007) formed in 1999, the Westminster Confession adopted by the Reformed Presbyterian Church in Southern Africa (RPCSA) and the Presbyterian Church of Southern Africa’s (PCSA) almost identical “Articles of the Faith” along with its “Preamble” and “Appendices” (PCSA 1987:83-90) were eschewed as subordinate standards. It adopted a comprehensive 31 page *Confession of Faith* in 2007 (UPCSA 2007). In section 6 on “The Revelation of Redemption: Revelation, Scripture, Preaching and Personal Witness,” ample space is allowed for the *semper reformanda* principle to operate. For example, it states:
Christ reveals himself to us through the witness that Holy Scripture bears to him, and through the witness that the church bears to him on the basis of Scripture. Thus Christ speaks through Scripture, preaching and personal witness in the power of the Spirit, where and when he chooses...

Scripture is… the sufficient and unique Word of God written and the final rule of faith and life (UPCSA 2007:§6.5).

The Scriptures are inspired by the same God who accepted the constraints of the incarnation. Thus though inspired by the Spirit, the Scriptures are at the same time fully human documents… the Word of God is accommodated to our understanding in the human words of Scripture and addresses us through these words (UPCSA 2007:§6.9).

The status of the Word of God is not static but dynamic. Section §6.5 of the Confection of Faith has a footnote which states:

In adopting the confession, the UPCSA recognises that its members have different (for some, overlapping) views on the relation between the Word of God and Scripture:

1. Some fully identify the Word of God with Scripture, regarding it as verbally inspired and infallible.

2. Some distinguish between the Word of God and Scripture as its inspired and normative but fallible human record and witness.

3. Some emphasise that the Word of God is strictly Jesus Christ, the living Word, and see Scripture as the normative and authoritative witness to Christ that by the power of the Spirit becomes and is the Word of God in bearing such witness (John 5:39f., II Cor 3-4,6).

All, however, confess that Jesus Christ is the living word of God, and that the Scriptures are inspired by God and have unique authority.

This is characteristic of a “broad church” which recoils from the principle of a confessional church which demands conformity to a narrow hermeneutic, normally conservative evangelical, literalistic or fundamentalist. However, groups such as these exist within “broad churches” which in South Africa include the churches of European origin (CEOs). One such exists within the UPCSA. It is of recent origin and exhibits characteristics of exclusivity which are in contradiction to the
“broad church” principle of the UPCSA, The Fellowship of Confessing Presbyterians (FCP).

**RECENT DEVELOPMENTS**

The Fellowship of Confessing Presbyterians (FCP) claims that:

The Protestant Church is a Confessing Church. From the very beginning the Reformers gathered around commonly held articles of faith. They bound themselves around these in oaths said before God and the Church. For many years now Protestant Churches have seen the erosion of confessional standards. Many have become uncomfortable with this trend. Some have even departed the Church. Some have remained. To leave the Church is a serious matter. This group is for those who choose to remain (Facebook page accessed 22 September 2017).

No indication is given regarding the details of “the erosion of doctrinal standards.” The UPCSA Confession of Faith (2007:2.4 pages 4-31) would suggest otherwise. The FCP fails to distinguish between ‘commonly held articles of faith’ and scriptural hermeneutics. The methodology of the FCP is proof-texting – selecting and extracting texts from their source without reference to source, origin or context. This is the form of the majority of their Facebook posts which for the large part have no comment appended. Then there is a lack of theological understanding for it is not only texts that are misunderstood and misapplied but also approaches such as “decolonisation”:

“Christianity in South Africa needs to be decolonised.” This is a call at this time in our life as Christians in South Africa. I find the word “decolonise” challenging. That Christianity came with the colonisation of Southern Africa is a given. What this decolonisation will look like seems to this old traditionalist a very different matter. I wonder if we are using the right word here? I have been giving this some thought… and I feel the need to suggest words like integrate, share, reconcile, sanctify, equip, reach out, love and yes, repentance for where there is sin there must always be repentance. And the history of our country is and remains a litany of sin (Facebook, Michael Robert Craig, 1 November 2016).
This reveals that the writer has no idea what decolonisation is and then proceeds to fashion it within his own conceptual capacity and interest domain.

Then contrary views are denigrated:

I was not at Assembly, but what a lot of GA post-mortem breast-beating to try to reassert who has the moral high ground. The witness of the Carpenter, the fishermen, the tax collector, the stray Pharisee and Gentile doctor, the Carpenter’s brothers and the Easter women is our high ground, or Christianity is mythical vanity (Facebook, Rod Adamson, 18 July 2016).

There is no definition of “mythical vanity”? Perhaps John Dominic Crossan (source unknown) offers a clue regarding this as he attempts to clarify a paradoxical approach to scripture:

My point… is not that those ancient people told literal stories and we are now smart enough to take them symbolically, but that they told them symbolically and we are now dumb enough to take them literally.

One could describe the approach of the FCP as “my way or the highway” with no space for engagement, dialogue or hospitality such as is characteristic within the UPCS A on matters such as human sexuality and theological education.

**HUMAN SEXUALITY**

What is of concern is the inflexible exclusive approach towards others within the same denomination, particularly in the domain of human sexuality:

Among a majority of commissioners was staged a noisy “Brexit” on civil unions. A minority of 40+ year elitism – “we have superior professorships – doctorates – higher degrees than you,” “we are more money superior congregation commissioners than you,” “we are more politically correct lobby commissioners than you” – also broke love and unity by its arrogant “you are supposed to love your big brother elite but you’re being unlovely and not unifying around what your elite demands.” That it just slicker “unloving and non-unifying” patronising. The emeritus status of a
professor was also “brexited,” indicating where the problem probably is (Facebook, Rod Adamson, 18 July 2016).

Here we note the emergence of an anti-intellectualism that is characteristic of the FCP. Anti-intellectualism facilitates the avoidance of deep meaningful engagement. The FCP complains of a failure of love, yet it demonstrates the same failure. This is manifested most clearly in the same gender issue.

Homophobia has raised its ugly head under the guise of genuine concern and results in avoiding the issue. An unfortunate attack was made on the Convener of the UPCSA’s committee on human sexuality when he presented its report on the floor of the General Assembly – a report which proposed a more inclusive approach to those who are homosexual. And the response of the Moderator-designate of the General Assembly of the UPCSA was:

I phoned Robert Steiner today to express my dismay that he had been treated so poorly and with such cruelty at the Assembly and that there had been applause when he said that he was resigning from the committee that reduced him to tears. No matter how strongly we feel about issues, we must treat one another with respect and dignity and grace (Peter Langerman, Facebook, 13 July 2016).

The challenge of human sexuality and same-gender marriage and union has vexed all mainline churches in recent years. This issue had its origin in the UPCSA in 2004 and in subsequent events which culminated in “charges laid (and dismissed) in 2015 against two of our ministers for conducting and blessing same-sex weddings” (UPCSA 2016:388). An appendix to the 2016 report on human sexuality attempted to find space for differing views in the face of a potential division in the denomination. The appendix demonstrated how the committee employed the semper reformanda principle as its interpretive lens. It reminded the denomination that the Confession of Faith of the UPCSA allows one to draw a distinction between the Bible and the Word of God (UPCSA 2007:§6.9; UPCSA 2016:394). Further, it drew attention to the Jesus view that:
Scripture is not an evenly inspired book; it does not evenly reveal God’s truth and God’s will throughout (Matt 5:21-48). Thus they [many orthodox Christians] do not accept that the Bible itself is inerrant. … we make the *lex talionis* (e.g. 21:23-25; Lev. 24:19f.; Deut. 19:21) equally God’s Word with the command of Jesus to forgive our enemies, counter to the *lex talionis* (Matt 5:38-48) [*Lex talionis*: the principle or law of retaliation that a punishment inflicted should correspond in degree and kind to the offense of the wrongdoer, as an eye for an eye, a tooth for a tooth; retributive justice].

Here we encounter the problem of lifting texts out of their source text (proof-texting) without any reference to the original context or to the life, witness, teaching and ministry of Jesus and as if that is till binding on them today.

With regard to the Levitical commands, the appendix states that:

Christians, however, recognise that the ceremonial, or ritual laws and prohibitions of the Old Testament are not binding on them today. The same applies to ceremonial *rationales* of any laws on the Old Testament. Thus Lev. 18:22, 29f. and 20:13 are rendered non-binding on Christians because these texts provide a specific rationale that does not hold for Christians. Jesus in any case had quite different ideas to Leviticus about what defiles (See Matt 15:10-20) (UPCSA 2016:395).

Jesus saw his mission in terms of fulfilling or completing the Law and the prophets, not of undermining them: “You have heard that our forefathers were told… But what I tell you is this…” (Matt 5:17-21).

This is what the seventeenth century *Westminster Confession of Faith* (XIX.iii) says: “All which ceremonial laws are now abrogated under the New Testament.” What is clear is that while a fundamentalist interpretation remains static, the appendix adopts a *semper reformanda* approach, as did Jesus himself. We must remember that what we now refer to as homosexual relations are not what is referred to in the proof-texts normally quoted. Further, fundamentalists are quick to assert that since the UPCSA is a transnational church it cannot sanction same-gender unions as they are contrary to the law (UPCSA 2016:43). However, they do not cite South African law which permits these same unions. There is a serious lack of
consistency here. These interpreters also need to account for their use of non-biblical criteria when they claim scripture as their absolute norm.

The Presbytery of eGoli (UPCSA 2016:42) reminded the 2016 General Assembly that it had committed

to continued engagement, study and prayer over this contentious issue (homosexuality) because any decision on homosexuality cannot be divorced from the whole area of human sexuality and therefore needs to be a basic consistency in the way sexual ethics are applied to all sexual relationships.

Again, this suggests a semper reformanda approach based in a dynamic view of scripture. The presbytery’s concern was that the UPCSA should not take any action that would divide the denomination (UPCSA 2016:43).

A counter motion from the Presbytery of the Western Cape proposed that ministers be “not permitted by the denomination to officiate at the civil unions of same sex couples or to perform a blessing service for the civil union of same sex couples” (UPCSA 2016:43). This view was upheld by the General Assembly. It is likely to be challenged in the future.

THEOLOGICAL EDUCATION

Then the current policy on theological education came in for critique regarding the value of adopting Colleges with a confessional basis for their training programmes which are not supported by the UPCSA:

The UPCSA needs new balance in its academic training paradigm. If we need a Fellowship of Confessing Presbyterians, if such 'brexit' actions need adequately to be addressed to restore a fractured balance of love and unity and peace - then we also need an evangelical college or faculty historically upholding the carpenter, the fishermen, the tax collector, the stray Pharisee and Gentile doctor, the carpenter's brothers and the Easter women. UP [University of Pretoria], US [University of Stellenbosch], UNISA [University of South Africa] TEEC [Theological Education by Extension College] are not cutting through the fog of 'myth' paradigm, and are unlikely to any time soon (Facebook, Rod Adamson, 18 July 2016).
None of these statements were then or since supported by evidence although the General Assembly has approved an investigation into the possibility of increasing the number of training centres. The FCP seems to have forgotten that the Reforming tradition is thoroughly based in a strong academic tradition historically. One contemporary indication of this is the continued use of sixteenth century academic dress by ministers.

The FCP focusses on abortion, the restoration of Israel, same gender issues in various forms, all well beloved concerns of the “righteous right.” They constitute a group who do not engage with those who do not accept their views; they tend towards intolerance and suffer from a lack of focus. What is evident is that they have no interest in social justice issues.

The theoretical framework of this group is Fundamentalism which is a “form of a religion, especially Islam or Protestant Christianity, that upholds belief in the strict, literal interpretation of scripture.” It has a history that is recent and has become a parasite on Reformed theology.

**FUNDAMENTALISM**

Modern Christian fundamentalism arose from American millenarian sects of the 19th century, and has become associated with reaction against social and political liberalism and rejection of the theory of evolution.

There follows an example of the FCP’s fundamentalism:

*Quo vadis?* Some musings from my personal “hermeneutic of suspicion reflection” through 2015.

It can be said that so called liberals are in practice not at all liberal. A true liberal is able to hold various theological views in balance with an openness to views that differ from their own. Some pride themselves in that they belong to the UPCS A which is a denomination with varied and divergent spirituality and theological views. We will soon see if the theological conservative, evangelical, reformed view will be tolerated by so called liberals when committees and GA wrestle with the issues at hand. … For decades now the ministry committee has ensured that only certain universities' qualifications are acceptable for licenced ministry. Universities that is, where liberal theology is taught. Evangelical schools
are frowned upon. The evangelical reformed voice in the UPCSA is not strong when for so long impressionable student minds have been mentored to not adhere to sound doctrine. Some coming through the path set by mincom [Ministry Committee] have been hammered to forge them into the mould of liberal theology by adding courses and modules of study to their existing studies.

In recent months I also had to begin re-evaluating the barren liberal education I received and change my own stance on inter alia systematic theology to confirm again to well-grounded scripture based reformed theology. Realising many set books on my shelf are indeed for information only and if need be can in due course be dumped. Slowly replacing my reference books with new ones, even re-educating myself in some areas. My final thought is, will the UPCSA be able to hold diversity and divergent theology together in one church when some theological views no longer remain true to the Bible and confessions of the church? (Facebook, Brian J van Niekerk, 3 July 2016).

The author admits that the UPCSA is a denomination with varied and divergent spirituality and theological views. However, his subsequent comments demonstrate that he does not support this view. He operates from a very narrow definition of “evangelical.” He notes how “true liberals” exhibit a broadmindedness, while assuming the theological liberals do not. He does not realise that theological liberalism: Is “a valid Theological perspective within Systematic Theology and is used within mainstream Theological debate to help understand Holy Scripture and Doctrine” (UPCSA 2017:283).

Further, he assumes that theological education has not changed since he underwent training. This is simply not possible within the post 1994 educational dispensation where, under the supervision of the Council for Higher Education, all educational institutions are required to revise their qualifications regularly and account for lack of progress in this regard. In this context, the author has been involved in curricular development at the University of Pretoria and evaluation at the University of South Africa and Theological Education by Extension College in recent years. Again, he appears to desire a theological education where there is no freedom to develop and hold “various theological views in balance with an openness
to views that differ from their own” which is the true purpose of a university. It is a poor reflection on a church which wishes to constrain theological discussion and not allow its candidates to formulate their own theological opinions.

This is problematic for patriarchal fundamentalists whose adherence to the principle of verbal inerrancy leads them to say that the preserve cannot be altered; it must be maintained intact. “Scripture is fixed; you must not change the text. You cannot make it say what it does not say.” This apodictic protest initiates a second theological reflection. A fixed unchangeable text is neither possible nor desirable. For better or worse, be it conscious or unconscious the text is always being changed. Although translators and interpreters readily acknowledge this truth at some levels, they resist its validity at others. Nevertheless, theological warrant for changing the text lies at the heart of scripture and faith – the name of the Holy One (Trible 1985:148).

A further message states:

Dear Confessing Presbyterians in Southern Africa. The Executive Commission of the UPCSA meets next week in Harare. Please pray for the Commission as it deals with all the business. (…) We also pray that those attending will be diligent in their participation and that the true Reformed faith once delivered to the saints will be upheld. May Christ Himself reside over the proceedings as all present seek the mind of Christ. We are living in confusing times. May God the Holy Spirit break through the mists of our confusion and shine the light of truth clearly and brilliantly. Soli Deo Gloria! (Facebook, Michael Craig, 7 July 2017).

It is anachronistic to continually have recourse to the Reformation as if it set the standard of belief for all time. Its insights and reforms were also part of the semper reformanda process. There is a world of difference between the scholarship of the sixteenth century and nineteenth century fundamentalism, despite them being promoted as synonymous with one another. Calvin himself had a broad based education in the humanities which included philosophy, logic, law, religion and theology (Mullett 2011:4-14):
He [Calvin] encountered the historical-critical method while studying law and extended this method into other areas of his studies as well. Calvin placed strong emphasis on a comprehensive education for all religious and community leaders. He considered grammar, logic, rhetoric, mathematics, geometry and music to be core curriculum (UPCSA 2015:296).

In his book subtitle, De Gruchy correctly describes John Calvin as *Christian humanist, evangelical reformer*. So Calvin does not serve the fundamentalistic purpose at all well. The same is true of his Scottish colleague, John Knox (Duncan 2017:85-993).

The Reformers were not fundamentalists. Rather, they were realists developing, applying and inculcating their theology contextually in a violence-ridden context of opposition to their beliefs. Theirs was a life struggle which lasted well into the seventeenth century and only ended with the Peace of Westphalia in 1648 which brought the Thirty Years War to an end. Its impact was to destroy Europe culturally, socially, economically, politically and religiously. It is not authentic to live and witness in a time warp. What is authentic and constant is the dynamic presence and action of the Holy Spirit.

There is, however, another issue here – that of name-calling or labelling which is related to deviance (Malina & Neyrey 1991:100) and is a matter of perception and judgment which is believed: “to jeopardise the interests and social standing of persons who negatively label the behaviour and the condition” (Malina & Neyrey 1991:100; italics in original). This is the process in which the labellers, or agents of censure, promote their counter ideology against those who are perceived (van Eck 1993:201) as the opposition, i.e. fundamentalists against radicals or liberal theologians. In this case, it is of interest that the conservatives call their opponents “liberals” but never use the name “fundamentalists” with reference to themselves.

The fundamentalists promote their cause by a call to return to the simple truth of the faith by means of a reading of the plain language of scripture. They assume that their approach does not need to or seek to interpret scripture but present it as it is. If this is the case, what is the basis of their
preaching ministry, allegedly devoid of interpretation? The straightforward reading of the Word would then be sufficient for understanding and proclaiming as well as promoting the faith.

The FCP is out of touch with developments within the UPCS, its own denomination. The General Assembly in 2018 agreed that the criteria for theological education should be *inter alia*:

2.1.1 An Ecumenical approach

...This would help our students for the ministry to learn in an ecumenical community how to deal with the divided, deprived, and corrupt contexts in which many new ministers find themselves working, including poverty, HIV/AIDS, and the steady increase of secularization and decline of mainline churches.

2.1.3 African/Black Worldview

...to understand and articulate who they are as Africans. What black writers are saying theologically is important for us to be able to identify what our Reformed voice is today and the way in which we should continue reforming today.

2.1.4 Contextualisation

The curriculum needs not only to address our African contexts more seriously, but also to cater for other contexts e.g. urban and rural ministry, poverty and sustainability, pastoral and counselling practices, as well as liberational womanist, feminist and eco-theological contributions. Courses should also cater for the relationship between Christianity and culture and for these to be evaluated (UPCSA 2018:493).

The direction of theological education is clearly seen as a development (*semper reformanda*), rather than adherence to traditional western models. Instead, it fosters inculturated models which encourage interpretations broader than the literalistic model of conservative evangelicals and fundamentalists.

**CRITIQUE OF FUNDAMENTALISM**

Forsyth (2017:216) offers a significant critique of fundamentalism:
Firstly, the transmission of scripture is influenced by the prevalent culture in the initial drafting of the books of the Canon [of scripture], Secondly, it is influenced by the cultural context in which those engaged in mission have previously acquired faith themselves, and its affect upon their appreciation, and application to their surroundings of the meaning of Scripture. Thirdly, there are the contrary cultural contexts of the recipient in the process of transmission, meaning that the way in which the recipient comprehends a transmitted Gospel message is crucial.

Hence, any form of the presentation of the Gospel message can never be complete. It is in constant flux. It is a matter of context (time and space). Even meanings change over time. For instance, whatever is now defined as homosexuality, was not called that in the time of the writing of Leviticus, since the word homosexuality was only coined in the mid nineteenth century. Bosch (1991:435) refers to a “tentative and continuing process”:

The relationship between the Christian message and culture is a creative and dynamic one, and full of surprises. There is no eternal theology, no theologia perennis which may play the referee over ‘local theologies’. In the past, western theology arrogated to itself the right to be such an arbitrator in respect to Third-World theologies. It implicitly viewed itself as fully indigenized, inculturated, a finished product. We are beginning to realise that this was inappropriate, that Western theologies (Plural!) – just as much as all the others – were theologies in the making, theologies in the process of being contextualized and indigenized.

The time of the dominance of the West as the determinant of theological normativity has passed. We have moved far beyond that, even into the domain of the “interculturization of theologies” or “exchange of theologies” (Bosch 1991:456). This is truly the principal of semper reformanda at work in living contexts. However, Bosch (1991:489) offers an important caveat here. All who are involved in mission, in the transmission of the gospel must do so in a spirit of “bold humility – or a humble boldness.” This is a crucial disposition which might help eliminate much of the arrogance, aggression and strident militancy evident in divergent approaches.
In all that has been outlined above, there appears to be a lack of integrity. The issue of human sexuality is a symptom rather than a cause of dissension. This also applies to the matter of theological education. Honesty requires that we name the cause and that is conflict regarding the authority of scripture. The battle lines are drawn between “liberal” and other theological interpretations which are expressed as conservative evangelical, fundamentalist and literal which are all based, to varying degrees, on the verbal inspiration of scripture. The term “liberal” is an umbrella misnomer for all other forms of interpretation including radical, postcolonial, feminist, womanist, liberation, black and political hermeneutics which are engaged in study of the ancient and cultural contemporary contexts of biblical writings. It has to be noted that these tensions are not peculiar to the UPCSA: “theological polarisation between so called liberals, and conservative evangelicals has increased in some churches” (Wingate 2011:19).

The UPCSA upholds the semper reformanda principle in its understanding of contextuality:

Throughout history, all religious beliefs and practices emerged from and became part of daily life within particular cultural contexts. An appreciation for the historical and social contexts within which biblical texts and supplemental commentaries arose brings deeper understanding to the human “journey of faith” from creation to present day. Placing a theological work within the contexts of a community’s struggle to understand its world, God’s nature, their relationship to God and their proper response to being ‘people of God’ allows also for better understanding of the many factors that have inspired leaders and theologies throughout history.

This process continues today as we struggle with the same issues in our rapidly changing world and social contexts (UPCSA 2015:296).

**A WAY FORWARD**

Forsyth (2017:227) offers a possible resolution to the tensions through the principle and process of “glocalisation” which he describes as the global in
conversation with the local; the “indigenising principle” in conversation with the “pilgrim principle” (Walls 1996:8-9) as a “universalising factor.” And here is the possibility of mutual benefit: “That may entail a ‘creation of networks’ which might ‘critically test’ the faith of each other – thus one heaven and earth for a diverse and pluriform humanity” (Forsyth 2017:227). The promotion of a “prophetic dialogue” which Forsyth describes as “the spirituality of inculturation” in “reverence for the other” can provide a significant means of achieving a critical solidarity of purpose. This is by no means an easy challenge but it is one which finds expression in the model of “integration without assimilation” which Wingate (2011:15-16) has adopted from the work of Rabbi Jonathan Sacks, Chief Rabbi of the United Kingdom (2007). The Christian community is analogous to a home where each is valued for their own sake, and each needs the other. No-one possesses the home, all possess it together. There is a common narrative which all own, and they suffer or rejoice together. But each person in the home is valued for their own sake (Wingate 2011:15).

This is often forgotten within the Christian community, that there is “one Lord… one God and Father of all, who is over all, and through all and in all” (Eph. 4:6) and that our mission is the reconciliation of all with one another and with God. This can only be authenticated in a context of mutual regard (love in action) where anger, distrust and difference are laid aside in favour of mutual acceptance: “forgive us our trespasses as we forgive those who trespass against us.”

CONCLUSION

The *semper reformanda* principle has been fundamentally ignored by the Reforming tradition since its inception. The growing cadre of those who support an anti-intellectual fundamentalist position believe in the tenacity of the tradition which they promote, though little of this is traceable to the Reformation or its promoters. Fundamentalists, unlike their sixteenth century Reforming predecessors, are stuck in a literalistic mode of thinking which seeks to preserve and promote a static timeless faith which
is applicable in all contexts for all time. Their literalism enables them to evade and avoid in-depth study of the text, the context and the contemporary context. This form of interpretation has taken root in Africa through missionary endeavours. However, it is challenged by the dynamic process of inculturation where the gospel is incarnated in each context it encounters as it has done from the beginning of the Christian church. In all this, the laity has a vital role to play, notably through resisting the captivity to theological ideologies and through their unconditional acceptance of others and self-offering.

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Imanyano Singing Siyakudumisa: Ambivalent Worship and the Reformed Tradition in South Africa

VUYANI S. VELLEM

ABSTRACT

Te Deum Laudamus as an “anthem of land dispossession” and the genocide of black people should deeply instantiate questions about an idolatrous glorification of a conquering people and the worship of the myth of the superiority of one race. This article examines the paradoxical ubiquity of Western Eurocentric symbols of worship through the prayer-Chant, Siyakudumisa. Rejecting the subsuming of black pain under efforts to rehabilitate the Reformed Tradition in addressing the troubling quagmire of the paradox of Christian faith among blacks, it places the conversation at the level of the celestial, the sacramental view of the whole of life among black Africans as coram Deo. Arguing to bid farewell to ignorance among blacks especially, the article proposes tentative steps for the departure from idolatrous customs of worship to subversive liberation in the chanting of Siyakudumisa.

INTRODUCTION

By the turn of the nineteenth century, black people had already adopted their own ways of worship within the Christian fold. Starting from Tiyo Soga, the very first black minister to be ordained in South Africa, the Ethiopian Movement and the emergence of the African Initiated Churches – “that is, churches initiated and sustained by Africans without direct sponsorship, theological or material, by churches in the West” (Maluleke2002:327) up to what we now know as the movement of
Associations, church sodalities (*limanyano*) generally, there is a discernible, distinct black African approach to worship in contrast with the orthodox liturgical styles brought by Western missionaries to South Africa. Notwithstanding deep ambivalences or contradictions in these Associations, *limanyano* are nonetheless interpreted through the prism of liberation as “un-coerced cultural sites which give expression [and agency] to the marginalized values of black masses” (Vellem 2007:54; my addition). The Reformed Tradition, known for its emphasis on worship as God’s glorification – *Soli Deo Gloria* – a Tradition celebrated in 2017 throughout the world including in South Africa, presents the question of worship and theology during decolonial times to be more fascinating if not a more pressing one. Timothy George says there was a saying that “the rule of prayer ought to lay down the rule of faith,” in the early days of the church (George 1988:317). “Not only does worship have a shaping effect on theology, but also theological renewal can lead to liturgical revision” (1988:317).

Such a response by black Africans to the translation of styles of worship is among others expressed in the ironic place of the *Te Deum Laudamus*, in isiXhosa, *Siyakudumisa*, in acts of worship. What Maluleke suggests in his comparative analysis of *Nkosi Sikelel’ iAfrika* (God Bless Africa) with *Die Stem van Suid Afrika* and “God Bless America,” is helpful:

How has this prayer-song managed to seize the imagination of three generations of South Africans and other peoples of Southern Africa? Perhaps because of its simplicity. It includes no celebration of victory in war, no summoning of the national armed forces and no glorification of a country and nation – just a simple prayer imploring God to bless Africa, and to put an end to war and suffering (Maluleke 2002:325).

*Te Deum Laudamus* was a prayer-song, a doxology of victory of the violent dispossession of land as in the capture of Kilwa after Vasco da Gama’s ship touched the coast of Natal. Unfortunately, no longer holding by its anchor, getting swung and fatefuly drifted by the strong currents of the Indian Ocean, Vasco da Gama’s ship ultimately found anchor in Tanzania leading to the violent capture of Kilwa and the singing of *Te
Deum Laudamus. This should be mindboggling to a victim of land dispossession in South Africa. What would have happened had Vasco da Gama’s crew had the opportunity to come on land? Added to these contradictions is the symbolic meaning of the Elmina Castle in Ghana, a “temple” of the Trans-Atlantic Slave Trade in cahoots with the religion of the Reformed Tradition and its scars on the victims of colonisation. Interestingly, our parents would say: “Well, if I managed to find Siyakudumisa on Sunday, if I were to be late for the service, then it would be done, I would have not missed the worship service.” This is how pivotal this Chant has been in worship among blacks, at least in my own denomination. The extent to which this Chant is a celebration of war and the glorification of one race is a vexing question probed in this article. The article first examines the meaning of the paradox of the Reformed Tradition for black people and then proceeds to present the black African perspective of worship in Imanyano. The proposal for Chant of Siyakudumisa from under the dungeons in Elmina, ostensibly as resistance by blacks, then follows before we conclude our reflection.

ON THE PARADOX OF THE REFORMED TRADITION AND BLACK EXPERIENCE

Siyakudumisa, or Te Deum Laudamus, in the former Reformed Presbyterian Church in Southern Africa (RPCSA) where I grew up, now a constituent part of the Uniting Presbyterian Church in Southern Africa (UPCSA) after union with the Presbyterian Church of Southern Africa (PCSA) in 1999, is a liturgical Chant, a prayer-Chant, a doxological prayer-song synonymous with the identity of the former RPCSA within the UPCSA. This could be true of numerous other black congregations in various denominations such as the Methodist Church of Southern Africa (MCSA), as in the radio station, Umhlobo We Nene where every service that is broadcast will usually have a melodious recording of Siyakudumisa played and filling the waves immediately after prayer or before the sermon in the service of worship. Joyous Celebration, a famous gospel group in South Africa, dubs Te Deum Laudamus as Umbhededeso, an isiZulu word
to characterise chanting in an act of worship, and opens its Joyous 17 CD recording with this Chant. Often sung at the beginning of the service in line with the Reformed Tradition’s teachings, undoubtedly, it is one of the most beautiful melodies and pieces of music we have known to glorify God in our black churches. In the Reformed order of worship, the place of *Te Deum Laudamus* resonates with the order of *The Genevan Catechism*:

Teacher: What is the principal end of human life?

Student: It is to know God.

Teacher: Why do you say that?

Student: Because He (sic) has created us and put us on earth to be glorified in us. And it is surely right that we dedicate our lives to His (sic) glory, since he is the beginning of it (George 1988:163).

Timothy George’s title of his chapter on John Calvin is “Glory unto God,” and in the Catechism cited above, God’s glorification is undoubtedly the central motif of dedicated human response to the knowledge of God. *Siyakudumisa* assumes this position liturgically and right at the beginning of the act of worship on Sundays, the reverberations of this beautiful melody and prayer-Chant will fill the chapel, the first lines going like this:

*Siyakudumisa Wena Thixo  
Siyakuvuma ukuba Uyi Nkosi  
Umhlaba wonke Uqubhuda Kuwe  
Wena Bawo Ongunaphakade!*

Yet most black people might not be aware of the fact that *Te Deum Laudamus* was chanted by Vasco da Gama and his crew as we have already stated above, after the capture of the city of Kilwa in Tanzania. That it might be a victory song and a glorification not of God but one race, is a troublesome quagmire for theology and worship. More importantly, *Siyakudumisa* equally suggests the place of the Reformed Tradition as a religion of the conquering and colonising West.

The story told by John de Gruchy about Xolisa, whose second name is Calvin – as most black people had to be given “Christian” names during colonial and Apartheid South Africa – sheds more light on the ignorance
black African people have arguably displayed regarding the meaning of foreign names or symbols in their lives, applicable to the core of our conversation. Sometimes this ignorance is satirical and even subversive though. De Gruchy says:

I parked the car in the street outside and was approached by a parking attendant who indicated that he would take good care of it. I then asked him his name. “Calvin,” he replied. Having spent much of that day writing about Calvin, I was taken aback. “Where did you get your name?” I enquired. “It is,” he said, “the English for Xoliswa” (De Gruchy 2009:22).

John de Gruchy rightly acknowledges that Xoliswa is not an isiXhosa word for Calvin.

The presence of the Reformed Tradition in the Eastern Cape, de Gruchy explains, is probably the reason behind the connection between these two names: Xoliswa and Calvin (De Gruchy 2009:22). Just as Calvin has many portraits, therefore, the Reformed Tradition does too in South Africa. This Tradition is in the names of people who do not even know what Calvin means and in the singing of many blacks at worship who are not victors at war, but the conquered ones without knowing exactly what its association with bloody wars of land dispossession was. It is possible that when asked “what is the Reformed Tradition?” many in Amadodana (men’s guild), or Umanyano lo mama (women’s guild) may puzzle us and name unrelated and totally different things from what orthodox Reformed Tradition means despite the pervasive presence of the relics of this Tradition. Having grown up in a congregation comprising migrants mostly, I do remember how many members of Iimanyano preached from the Bible they could not even read! Later on as a pastor, I encountered an elder who could not read, but was able to lead the service on Sundays following the prescribed order of service without committing any error as he knew exactly when Siyakudumisa had to be sung! Thoughts of coercive persuasion associated with the Reformed Tradition easily come to mind.

See, the ubiquitous melodies of Siyakudumisa in the context of black worship on Sundays are about this dubious connection, these different
meanings attached to the same word or name indeed, the portraits of the Reformed Tradition, either obnoxious or benign. Rothney Tshaka (2015) has made an insightful observation that the Uniting Reformed Church in Southern Africa (URCSA) is not a genuine black church if radical black ecclesiology is evoked as the basis on which to define what a black church is. Following this, the ubiquity of Siyakudumisa might not be a portrait of the Reformed Tradition in black contexts or an expression of the existence of a black church, both without qualification. The ‘Xoliswa-Calvin’ dichotomy is a deep problem of Christian identity and thus Christian worship in South Africa. Calvin means what Xoliswa’s parents decide what the name means to them: Xoliswa (be forgiven or consoled!). Siyakudumisa thus means what these black congregations surely decide about its meaning liturgically and therefore theologically.

The obsequious signification of borrowing either a black symbol or a Western one, ignorantly, patronisingly or controversially to the point of bastardising the borrowed original is the prime question of our conversation therefore. Whether positively, or negatively, the ubiquity of the Reformed Tradition in the lived spaces of black Africans is undeniable in South Africa. More importantly, that the Reformed Tradition itself was employed as part of the tools for the struggle against the abuse of power does not need to be denied. There are many works that have attempted to re-appropriate this Tradition for liberative purposes and numerous exponents of Black Theology of Liberation (BTL) without naming them, are on record in their efforts and endeavours to harness the best of this Tradition for the liberation of black people.

Nonetheless, our position is that the relationship between the bad of the Reformed Tradition and the lived experiences of black African people is too important to be underestimated by efforts aimed at rehabilitating the Reformed Tradition as a response to this paradox. Stated otherwise, the “idolatrous customs” (De Gruchy 2009:25) of the Reformed Tradition, such as in Apartheid theology and in the colouring of black bodies since the Trans-Atlantic Slave trade should not be corrected at the expense of the liberation of black African people or by co-opting their subversive use of
the relics of this Tradition in their struggles for life. Black liberation should not and cannot be subsumed under any rehabilitative innovations of the Reformed Tradition. Dirkie Smit has correctly argued that this Tradition will never be the same again after Apartheid and colonisation (Smit2007:27-40). In one of his works on the Reformed Tradition, purposed for liberating this very Tradition as the title suggests, John de Gruchy (1991) alludes to the similarities between what the Roman Catholic Church did in Latin America and the Reformed Tradition in South Africa.

The indictment against the Reformed Tradition, he suggests, must be the same against the Roman Catholic Church. This common indictment shared by the Reformed Tradition and the Roman Catholic Church is undoubtedly associated with idolatrous acts of racism and superiority perpetrated against black people by the White race. BTL gives primacy to the history and culture of the oppressed blacks and their praxis, not the reflections of the Western thinking subject and his intellectual apologetics. How idolatrous the singing of *Te Deum Laudamus* is after the violent dispossession of African land cannot be ignored. In the context of Empire, the question about which earth is glorifying God when the whole earth is in deep pain and throttled, as the Accra Confession states, is unavoidable to engage the relics of worship associated with the Reformed Tradition.

What public implications there are in the on-going singing of *Siyakudumisa* as part of worship by a conquered people should be our cardinal theological question. The relationship between *Siyakudumisa* and the cultural dismantlement of black heritage, land dispossession and the complicity of the missionary enterprise, remain inevitable questions in any reflection on worship and theology in South Africa. The singing of *Siyakudumisa* thus makes sense as a subversive and liberative resource of worship by a conquered people. Therefore, *Te Deum Laudamus* as an “anthem of land dispossession” and the genocide of black people should deeply instantiate questions about an idolatrous glorification of a conquering people and the worship of the myth of the superiority of one race.
IIMANYANO AND AFRICAN WORSHIP

Siyakudumisa is sung by black African people at worship and this necessitates a note on what worship means from an African perspective. Black and African theologies, to emphasise the point, even though in different ways, are an expression of the rejection of the social topography and mappings imposed by colonial and modernist ideals that undergird much of theology and worship in South Africa. Iimanyano provides a different liturgical approach to worship. From this perspective, it consigns the singing of this prayer-Chant a different meaning. Iimanyano worship poses a challenge to theologies that dichotomise the spiritual from the material and promise pie in the sky in their worship.

Drea Fröchtling (2004), taking her cue from T.W. Jennings defines liturgy –leitourgia– as a system, or set of symbols and rituals intended, among other things, for public performance. Accordingly, liturgical symbols originate from different dimensions of experience that could be psychological, domestic, socio-economic, natural and even celestial. Fröchtling continues to explain that liturgy transcends the realm of words and points to the whole of life, both the horizontal and vertical dimensions of life. Liturgy is a public performance that comprises the whole of life: “It relates the past to the present, the present to the future, the vertical to the horizontal, and the crucifixion to the resurrection” (Fröchtling 2004:1). William Everett is equally helpful for our understanding of liturgy:

Religious language is the professing and confessing of people pressing for a more complete publicity. This gives new meaning to the ancient adage that the language of theology should be the language of prayer. This idea of lex orandi, lex credendi (the rule of praying is the rule of believing) means that all our language is involved in dramatic, symbolic action. It is the use of speech in order to act. Our words evoke action more than scientific verification. They are performative rather than coldly descriptive. They arise in participation more than in detached observation. Our speech acts are thus offerings into a wider public. They are all liturgical in this sense (Everett 1988:162).
The sentiments above are but a poignant repudiation of a dichotomous view of religious language and worship. Worship as religious language in *limanyano* is the profession and confession of black African people’s faith pressing to the public and giving content and meaning to the performative language of their theology and prayer, a struggle and yearning for life. BTL like other liberation theologies has for many years disputed the claims of modernity and its spatial mappings for Christian witness, liturgy, agency or sacramental imagination. Worship in *limanyano* enunciates a comprehensive view of life in which case, the comprehensive view of life by Africans becomes a public liturgical performance, a form of speech-acts that transcends the realm of words, the *praxis* of *lex orandi, lex credendi*. As Kwame Bediako elucidates:

The sixth feature (of the primal world view) is the conviction that man (sic) lives “in a sacramental universe where there is no sharp dichotomy between the physical and the spiritual.” Accordingly, the “physical” acts as vehicle for “spiritual” power, “whilst the physical realm is held to be patterned on the model of the spiritual world beyond…” Even where there is a clear ethical dualism with respect to good and evil, nevertheless, “one set of powers, principles and patterns runs through all things on earth and in the heavens and welds them into a unified cosmic system (Bediako 1995:95).

Kwame Bediako is engaging the six features by H.W. Turner regarding the nature of the primal worldview of the Africans, and this sixth feature entails the sacramental nature of the African world-view. All spheres are welded into a unified cosmic system in which the physical realm acts as a vehicle, a conduit for the spiritual realm. Manas Buthelezi makes a similar point about the sacramental character of the African worldview, or cosmo-vision:

Life, therefore, becomes our place of rendez-vous with God. Life was alive with God, but these forms of life are always *coram Deo*, in the presence of God. The concept of wholeness of life is important, not just because it happens to reflect a traditional African insight, but also because it is related to some of the modern concerns in theology (Buthelezi 1987:96).
African scholars thus have argued that the African world-view is sacramental, integrated and whole; *ipso facto*, its forms of life are always *coram Deo*. In this sense, African life as a whole is a public worship in God’s presence. Liturgy and theology are linked. In the singing of *Siyakudumisa* by black people, a symbolic liturgical language that dramatises the aspirations of the subaltern in the dungeons of Elmina – a point to which we shall turn shortly – is a thoroughgoing “Spivakan” throng of worshippers made up of the excluded, the disordered and the marginalised people. “African historical existence was suppressed and Africa was forced to become the negative underbelly of European history” (Serequeberhan 1991:4). *Siyakudumisa* is a song in the underbelly of Eurocentric worship.

**THE SUBVERSIVE PRAYER-CHANT:**

*Siyakudumisa* **DOWN UNDER FROM THE DUNGEONS OF ELMINA**

The liberation of the Reformed Tradition from within the internal critiques of this heritage, i.e. by Westerners, is appreciated and its validity and contribution to the struggle against Apartheid in South Africa is not denied nor is it our preoccupation in this article. However, the idolatrous relationship between the superiority of the White race and the Reformed Tradition as seen in the Trans-Atlantic Slave Trade defines the past and the present, the present and the future, the vertical and the horizontal, and the crucifixion and resurrection in black worship. Importantly, the continuous resistance against the liberation of black African people, at least since the Sharpeville Massacre in South Africa to this day, is equally undeniable, such that one could argue that the liberation of this Tradition is never purposeless. Indeed, it always purposes to liberate black Africans for as long as the idol of the superiority of the White race is not dismantled. The Marikana Massacre has added an important question and a deeper link between the commodification of black people and their worship in the Reformed Tradition since the Trans-Atlantic Slave trade in post-1994 South Africa. The experience of black women in this tragic history is still difficult to grasp.
Enrique Dussel poignantly says:

War is the origin of everything…We are at war — a cold war for those who wage it, a hot war for those who suffer it, a peaceful coexistence for those who manufacture arms, a bloody existence for those obliged to buy and use them (Dussel2003:1).

Dussel puts the question of the geopolitics of philosophy, and thus that of knowledge, in the context of war. For him, the space of philosophy is a battlefield, “a political space, which includes all existentially real spaces within the parameters of an economic system in which power is exercised in tandem with military control.” That the Reformed Tradition is a part of the war which is the origin of everything we know about blacks and whites from the beginning of their encounter at least since 1492, places worship, too, as part of this war, a cold war for those who wage it and a hot one for those who suffer it. Worship is war; it is about on-going war between the victims of a civilisation that put Reformed faith at the apex of democracy, modernity, nation-states, the so-called voyages of discovery and the universality and finality of Eurocentric knowledge!

Through the prism of black interlocution, we question the purpose for which the Tradition is liberated when blacks sing Siyakudumisa. We examine these contradictions arising from the idol of the superiority of the White race in the irruption of the dangerous memory of the victims of the mistranslations and re-articulations of the Reformed Tradition. Black interlocution responds to the continuous antics and the effects of diffusing and de-historicising black pain through a continuous rehabilitation of Western projects and their faith traditions that downplay black authority. Accordingly, liberation is nothing but the content and framework of the Gospel of Jesus Christ and thus worship is nothing but liberation faith of the conquered evoked, dramatised in the singing of Siyakudumisa — a rejection of the topography and mappings of Western liturgies whose innocence against the tragic history of the reification of black people is difficult to imagine. In engaging this Tradition from this perspective, interlocutors must be chosen, clearly identified and acknowledged and their perception of God
– Xolisa’s perception of God – including their social context as a text with tools of theorising their situation given primacy.

Psalms are chanted in the Reformed Tradition. In the Elmina Castle, which was first erected by the Portuguese, and later became part of the Dutch when they took control of Elmina in 1637, there is a Dutch Reformed Church! The Elmina Castle was a site of the Transatlantic Slave Trade and remains one of the “best” symbols of the ruthlessness of the colonial matrix of power. The presence of the Roman Catholic Church and the Dutch Reformed Church in this Castle which enunciated a civilisation that did not only degrade black lives, but reified and commodified them based on the colour of their skins, is excessively tragic and a troublesome reality.

Ato Ashun in his description of the inner section of the Castle says:

In the middle of the main courtyard stands a Catholic church built by the Portuguese. When the Dutch took over the castle, the church was horizontally divided into two, with the top floor used as mess hall and the lower used as a hall of trade. When the British used the castle as a police training school, the two halls were converted into classrooms for the police. In the inner courtyard, all the rooms on the ground floor ended up as female dungeons when the evil Trans-Atlantic Slave Trade started. On top to the east was the Dutch Reformed Church. Above the exit doorway of the church is an inscription taken from Psalm 132: “Zion is does Heeren ruste/Dit is syn woonplaetse in eternal eewighet’” (Ashun 2017:55-56).

It is the prayer song of women from crushed and defiled bodies in Iimanyano that we hear coming from the dungeons below the Dutch Reformed Church. It is the prayer song of men in Amadodana singing Siyakudumisa in the same dungeons of Elmina whose sound from crushed bodies and consciences we hear! Siyakudumisa in Iimanyano is not sung in the classical baroque style, but with beats, clap-bags, hose pipes, with a dignified rhythm, “smooth” and majestic, in other words not so robustly yet with a dance of Iimnayano. How black women and men come out of the dungeons of Elmina after three Industrial Revolutions is chanted rapturously, tragically every time Siyakudumisa is sung, we argue. If this connection cannot be made, it is because black women’s and men’s bodies
shall have vanished and gotten swallowed in the dungeons with their disembodied voices continuing to glorify and celebrate the faith of their own conquerors, a travesty of worship and idolatry unimaginable. Singing *Siyakudimisa* is singing against the idolatrous customs glorifying a race and its fetishised rituals of self-worship.

The liturgical contrast between the West and Africa is painted through the lens of time in *Imanyano*. There is an *imvuselelo* liturgy and style distinct from *uLeven*, “eleven,” the designation for the formal, orthodox Sunday liturgical service. Surely the time zone of those in the courtyard of Elmina and its dungeons is not the same as those who are above, on top “to the east,” chanting Psalm 132. *Te Deum Laudamus* is a doxology on top of the dungeons with a different time zone, and yet another time that irrupts and breaks forth under, in the dungeons, shapes a distinct *doxa* for theology of worship. *Siyakudumisa* is a song of temporalities in contesting times and zones in life. *Imvuselelo*, as distinct from *uLeven*, is a form of liturgy that is popular among black South African churches.

*Imvuselelo*, the trademark liturgy of *Imanyano* could be interpreted as a symbolic encapsulation of the total rhythm and drumbeat of life among black Africans liturgically. The singing of *Siyakudumisa* in an *Imvuselelo* is a different type of theology and thus a different Jesus in the underbelly of a Eurocentric heritage of theology. Worship in *Imanyano* should thus be treated as a residual symbol, as a site of life-affirming resources that disrupt complacency and decency in our uncritically accepted forms of worship and theology in the so called mainline churches. The Chant of *Siyakudumisa*, following Bénézet Bujo’s insight, is a prayer-song of a “morality of *memoria*,” an anamnestic prayer song of the demolition of being, knowledge and power of black African people. Bujo says:

> African ethics is articulated in the framework of community, which involves remembering one’s ancestors. As a narrative community, fellowship here on earth renews the existence of the community of the ancestors. This reestablishing (*poiēsis*) in turn implies the praxis which efficiently continues the remembrance of the ancestors and gives a new dynamism to earthly fellowship. Consequently, ethical behaviour in the Black African context always involves reestablishing the presence of
one’s ancestors; for one who takes the anamnesis seriously is challenged to confront the ethical rules drawn up by ancestors, in order to actualise anew the “protological foundational act” which first called the clan fellowship into life (Bujo 2011:35).

At worship, when black people sing Siyakudumisa, we cannot but remember the war of those women and men in the dungeons of Elmina, physical and spiritual, psychological and economic, packed into the ships that transported them as cheap, enslaved labour across the Atlantic. When Siyakudumisa is sung, it is the singing of Te Deum Laudamus by Vasco da Gama and his crew we sing against, the war of the dispossession of land. It is the memory of an alternative cosmo-vision, resistance instantiated in the dungeons of Elmina and the lower decks of the ships of the slave traders and their Psalm 132 that is re-established. Worship is a fellowship on earth, an anamnesis that renews and re-establishes the existence of those who struggled against the idols of the Reformed Tradition, an alternative pistis and re-membering of life outside the topography and mappings of a Tradition celebrated for five hundred years while black lives remain in dungeons, albeit varied in form and structure today. What then could be our liturgical theological turn for the appropriation of song, verse or Tradition to subversion and liberation in South Africa post-1994?

FROM IDOLATRY TO SUBVERSION AND LIBERATION IN SOUTH AFRICA POST-1994

There are tentative ideas about our praxis in BTL in the discussion so far. What we repeat in this section serves merely to punctuate and reformulate the implications of our conversation so far in enacting our theology in our land. The well-known hymn “Amazing Grace,” was composed by a slave owner. This hymn is famous among blacks. One cannot imagine its origins when it is sung with passion in our Sunday services in the black township. Siyakudumisa in this article illuminates this ambivalence of the portraits of Christian faith, especially the Reformed Tradition, the Bible and countless “sacred” symbols of this religion in the lived experiences of black people. This paradox, this
ambivalence, specifically resulting from the Eurocentric transportation and transplantation of Christianity on the African soil, has been the preoccupation of BTL for decades, inscribed in many ways in the very life of the first black ordained minister, Tiyo Soga. One might describe this dilemma as a *problematiek* centred on a rejection or embrace of foreign tools in the black struggle for authority, dignity and life as we have argued already.\(^8\) Itumeleng Mosala, whose critique of the Bible is probably one of the most ferocious, has this to say: “Once more, the simple truth rings out that the poor and the exploited must liberate the Bible so that the Bible may liberate them” (Mosala1989:193). In the same way Tinyiko Maluleke’s “Ten Theses” (2010:369-379) should be read as an enhancement of this methodological position, BTL’s methodology of rejection and embrace. The singing bees of the prayer-Chant *Siyakudumisa* sting idolatry out of *Siyakudumisa* to embrace and to protect their hive, if not liberate their hive from the idolatrous invasion of Eurocentric worship. Importantly, if this does not happen, then the singing of this prayer-Chant is a stinging idolatry to the oppressed – worship geared to sanitise and achieve their consent in celebrating victory against them. The poor and the exploited thus must liberate *Siyakudumisa* so that *Siyakudumisa* may liberate them.

How to reject or to embrace foreign symbols brought to our shores through the civilising mission of the West has been the subject of BTL’s preoccupation for decades and this article does not aim to contradict this tradition – the ability of the oppressed to colonise the tools of their oppression so as to liberate themselves. Our aim, nonetheless, is to argue that genuine black ecclesiology is not plausible without confronting the obsequious signification of Eurocentric ecclesiology and its idolatrous customs. It must now reject and move beyond merely critiquing the rehabilitative innovations aimed at subsuming BTL’s long struggle against Western theology. This then is the first step to move out of idolatry: a vigilant recognition of the fact that there is a constant ambivalence about the tools that are in the hands of the oppressed to liberate themselves, worsened by the effort to rehabilitate a Tradition that
will never be the same to black people. In this regard BTL and black ecclesiology dare not fail.

Second, the problematiek of worship and theology in the context of the decolonial turn we contend, is hot war. The “bees” have ostensibly lost their “hive” – their African home or roots, ipso facto, their African cultural dispensation! Maluleke (2010:370) eloquently makes this point, namely that “Africanisation is not neat and benign,” we repeat. This historical conjuncture, defined as Empire already within the circles of the Reformed Tradition, following Maluleke’s metaphor, suggests that the bees are not only stinging idolatry, but are colonised or re-colonised to sting their own, the very oppressed themselves. An idolatrous relationship between prayer-Chants, song, Tradition expresses the continuous mutations of the superiority of one race, perpetually seeking the consent of the oppressed in their own oppression if their killing or antics of quarantining them are unsuccessful through worship. Empire clearly mutates the African beehive, as the unprecedented uniqueness of this historical conjecture is in the ultimate defective convergence of all spheres resulting in a life killing rupture of boundaries between colonial hegemony and worship, the fusion of colonial hegemony with worship. Empire thus creates opacity and the destruction of imagination, and worship imagination in particular, among the oppressed. Idolatrous worship is an unimaginable ethos of a fetishised self-referential glorification – the doxa of worship imagined through a religious monologue of Empire.

The rise of cultic worship in South Africa and visceral politics are signs of the destruction of worship imagination. The list of unimagined acts of worship in South Africa is endless, itself a sign of the ultimate limitation of cognitive rationality in worship. The loss of sight, or elusiveness to the tool of liberation in the hands of the oppressed by the oppressed themselves – worse, the oppressed stinging themselves with the same tools they used in the fight for their liberation is never accidental, but celestial, an attack on them, the destruction of their cosmo-vision in worship. The sharpest edge of the decolonial moment reveals how exponents of this tradition have themselves become bees that sting their own.
dominance of cognitive praxis in South Africa continues to create confusion among the oppressed. The search for beehives now must vigorously go beyond the ones we “conventionally” knew – the praise-Chants, the Bible, etc. A daunting and rapidly shrinking space for liberation performance and praxis, which implies the shrinking celestial imagination for liberative worship, needs to be opened up.

Granted, as some might argue, this again is not necessarily a new proposition, as BTL’s praxis is located everywhere in the lived experiences of the oppressed. There is a different twist, nonetheless, that we humbly seek to suggest for our praxis in BTL. The decolonial turn in South Africa flashes red lights of disgruntlement, disappointment, and disenchantment by the dominated at the anomalous faith, fidelity to “critical dissensus” to dismantle any possibility of the construction of a legitimate hegemonic and oppressive project. The locus of this critical dissensus, as BTL has always argued, is in the black interlocutors as a starting point of theological reflection – blackness as wretchedness or the victims of the colonial wound. Thus truthfulness, trustworthiness and faithfulness to this interlocution, appears floating with the drifting ship that is carried and threatened by the currents and swells of Empire. Dussel says “fearless praxis of the extreme danger,” an antithesis to cognitive praxis, is justified by confidence and trust in the struggle to create an alternative vision for life (Dussel 2009:125-126; see also Mendieta2013).

It is more urgent, therefore, than ever before for BTL, first to contend with the troubling question about confidence, pistis, in the bee hive from which black worship itself emerges – as in Imanyano, ipso facto, the Bible or prayer-Chant Siyakudumisa – as to whether it is still in our hands or not. Hupomene, Wes Howard-Brooks (2010:466) explains, means coming out of Empire as resistance, rebellion. Resistance, wherever it is, and outside Siyakudumisa, provides the grammar to come out of cognitive praxis in fidelity to fearless praxis of the extreme danger to confront opacity and unimagined acts of worship. This coming out is celestial, because worship is sacramental and therefore leaves no other
option than to come out of the cosmo-vision of the West in pursuit of a pluriversal “rendez-vous of worship.”

Third, and related to the foregoing point, as we continuously imagine worship and our fidelity of the singing of the prayer-Chant Siyakudumisa through the juice of voices (Cone 2010) coming out of the crushed consciences of the oppressed, the deification of democracy in South Africa is one out of which BTL must rebelliously come. In this context, it has to be emphasised that the relationship between Siyakudumisa and land dispossession is palpable. This is essential for an on-going re-imagination of worship among the poor in South Africa today. BTL has argued that land is spiritual, economic, political and cultural for blacks. Worship as praxis –lex orandi, lex credendi, land as a spiritual powerhouse for our cosmo-vision, suggests one unimaginable question, namely, the very possibility of worship by black Africans without land. Since the world of black African people is sacramental, a desacralising chanting of Te Deum Laudamus every Sunday when blacks remain landless amounts to an idolatrous worship. Stated otherwise, the “sacramentality” of land dispossession effaces God from the oppressed. Can worship then ever be possible without land? The feasibility of subversive, liberative worship is in a heightened struggle for the return of the land. The return of land is lex orandi, lex credenti, for black lives, sung in Siyakudumisa.

CONCLUSION

We have in this article examined the paradox of worship in South Africa post-1994. The struggle for black ecclesiology must continue through a conscious refusal to subsume black authority to rehabilitative antics of the West through worship. African worship places the whole of life as a rendez-vous with God. The prayer-Chant Siyakudumisa should be viewed as anamnestic, a volcanic singing from voices juiced out of centuries of the degradation of black lives to shift from idolatry to subversive worship and liberation.
The act of celebrating the Reformed Tradition will remain equivalent to singing *Te Deum Laudamus*, an anthem of victory and the glorification of the White race, on top of the dungeons that kept black bodies, unless the sacramental imagination of the victims is allowed to shape the liturgy and theology of this Tradition. How does the perception of God in the dungeons of Elmina, in *imanyano*, differ from the image of God held by those singing *Te Deum Laudamus* on top? Unless *Siyakudumisa* is sung as a song of the disordered, disruptive and subversive, it remains a song of ignorance and the idolatrous customs that glorify the myth of the superiority of the White race at worship.

**NOTES**

1. Own English translation:

   *We Praise thee, O God:*
   *We acknowledge Thee to be the Lord.*
   *All the earth doth worship Thee, The Father everlasting.*

2. Xoliswa can mean “having asked for or received forgiveness,” perhaps the best rendition we could assume here. Many isiXhosa words do not have only one meaning. For example, *ukuxola* means attaining some form of peace, yet *ukuxolisa* means to ask for forgiveness and xoliswa assumes a tense that could possibly mean “forgiveness asked for.”

3. The work by Allan Boesak, *Farewell to Innocence* (1977), is a thesis we could deploy here as challenge to any claim of innocence by whites in ignoring the reality of the oppression of black people arising from Apartheid and its theology. This claim to ignorance has also been levelled against blacks. So many works by black scholars have examined this contradiction in different ways. One is the problematization of the AIC’s by Itumeleng Mosala in the second phase of the development of Black Theology of Liberation, another by Tinyiko Maluleke, especially the methodological assumptions in the research discourses of the AICs. The contradictions related to the use of black African symbols by Westerners or Western symbols by black Africans is rife and intriguing a discourse, at times suggesting a “colonisation” of colonising symbols as they are adapted to the liberation struggle, yet sometimes undermining the very aspirations of the liberation of black people. For example Desmond Tutu used to say black people should use the very same Bible that was used to take away their land to take their land back.

4. Another work that has looked at the idols of racism is Klippies Kritzinger’s doctoral thesis: “Black Theology: A Challenge to Mission” (see Kritzinger 1988).

5. There is also one example of work by Paul Chung, Ulrich Duchrow and Craig Nessan which employs the motif of liberation: *Liberating Lutheran Theology: Freedom for Justice and Solidarity* (1989).


7. For more on black interlocution see Vellem (2012:348-349).

8. Gideon Khabela (1996:48-76) in his work on Tiyo Soga uses concepts such as “rebellion” for the revolutionary approach and “accommodationist,” pitching Tiyo Sogs’s story within these contending and ambivalent conditions and response to the defeat of black African people, or AmaXhosa in particular at that time. For the sake of emphasis, one has to emphasize that in Tiyo Soga, this ambivalence is far from cognitive, but existential, a lived experience of a struggle between embracing and rejecting, rebelling or accommodating the impositions of western modernity.

The use of this term should be linked with the Accra Confession and subsequent reflections on its meaning, even contestations around it. It is a concept that has been engaged several times in our work.

Cf. “The Accra Confession.” This word deeply signifies a moment in history that is significantly unprecedented in the killing of life.

Inspired here by Enrique Dussel (2009:125), in his exposition of emunáh, pistis, meaning faith in a new source or symbol of legitimation.

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Schaap’s Ideology and Politics: Assessing South Africa’s TRC

SELINA BEAGLE

ABSTRACT

Andrew Schaap reflects on the role of reconciliation in transitional justice as either imposed liberal ideology or the occasion for genuine political activity. In assessing the TRC, evidence emerges that the TRC was ideological in nature. However, to consider the TRC in isolation, gives a distorted view of SA’s transition from apartheid to democracy. When the political stage of CODESA (The Convention for a Democratic South Africa) is considered, which contestation gave rise to the ideology of the TRC, a different picture of South Africa’s reconciliation as intensely political in nature emerges. The early promise of authentic political contestation leading towards a just and peaceful society has not been realised. As suggested by Schaap and others, it seems that ongoing political activism towards addressing socio-economic justice, as envisaged by “reconciliation as political,” is needed for reconciliation to take proper effect.

INTRODUCTION

Andrew Schaap’s discussion of reconciliation reflects a response to Marxist-inspired critiques of reconciliation. These critiques in general claim that reconciliation initiatives tend to favour liberal ideological hegemony and tend to further suppress recognition of real class struggles and minority conflicts in favour of political stability. In this paper I will assess South Africa’s (SA) Truth and Reconciliation Commission (TRC) in the light of Schaap’s views.
I will first briefly introduce Transitional Justice (TJ) and the role of reconciliation. Schaap’s distinction between reconciliation as ideology and politics will be summarised, and TJ’s liberal roots will be considered. I will then discuss SA’s TRC. I will argue that despite some valid criticisms, the SA TRC accomplished much of what it set out to do towards establishing some truths about the past, and restoring some faith in the new government’s commitment to justice – a narrow mandate. Even so, I find that Schaap’s assessment of reconciliation as an imposed ideology applies to the TRC. I argue, however, that considering the TRC on its own gives a distorted view of SA’s transition from apartheid to democracy. In looking at CODESA (The Convention for a Democratic South Africa) as well as other initiatives, evidence shows that the positive aspects of reconciliation as politics are present in the transition. Transitional activities in South Africa, through inclusive political contestation, resulted in an agenda for genuine social transformation of which the TRC was but one aspect.

Today a just, equal and stable democratic nation seems far from being realised despite the successful transition to democracy. This gives some support to the view that TJ alone does not create the desired future. The notion of transformational justice, as described by Paul Gready and Simon Robins (2014) suggests that transitional justice activities are bound to have limited success unless they also transform “the structural inequalities that are among the causes and consequences of violence” (Gready n.d.). Like Schaap, they call for ongoing commitment to local political activity, without which TJ is bound to disappoint. I find that the ongoing visible and authentic commitment of government to development, good governance and social justice waned soon after the TRC. The reconciliation as politics evidenced in CODESA quickly became reconciliation as ideology in subsequent government actions.

I speculate, in conclusion, that the TRC may have influenced South Africa in an unexpected way in that “truth” is favoured over accountability in certain situations.
TRANSITIONAL JUSTICE AND RECONCILIATION

There are different definitions of Transitional Justice (TJ) (Abe 2014; Kora, 2010), but generally TJ comprises a range of processes and mechanisms aimed at establishing some redress and repair of societies that are in transition from a state of conflict towards a peaceful (democratic) order. A narrow definition of TJ would focus on juridical retributive remedies for the abuses of the past, such as the Nuremberg Trials or the ICC (International Criminal Court). Wider definitions adopt a restorative focus with activities promoting broad social transformation including political, economic, cultural, sociological and psychological initiatives (Kora 2010:1-3).

Collective remembrance has been increasingly accepted as a necessary tool in social transformation after systemic human rights abuses. Exposing and commemorating the “truth” of the past is seen as necessary in building stable societies for a number of reasons. Firstly, it is based on an assumption that societies cannot “move on” unless past abuses are confronted, as unaddressed legacies fuel future conflict (Kora 2010:1). Secondly, the processes and moral values applied in the reconciliation processes, seek to establish faith in the new government’s commitment to human rights and to the rule of law, thus establishing the possibility of a better and peaceful future. Thirdly, reconciliation has the ambition of promoting a healthy civil society by recognising and “healing victims” so that a national unity becomes possible and a common future can be imagined, supported by a common factual, moral and legal assessment of the shared past. “Although their effects have been contested, truth commissions are purported to provide victims and societies with healing effects and closure, [to] shame perpetrators, and pave a way to reconciliation” (David 2017:156).

South Africa’s TRC has been much lauded in the international TJ community (David 2017:156), but there are also scholarly articles critical of this TRC as well as many others (the Serbian, Sierra Leonean, Ugandan, Nigerian, Sri Lankan and Australian reconciliation programmes) (Abe 2014; Schaap 2006; Foster 2006; Ntsebeza). There is no conceptual clarity
on what reconciliation is or should be, and little evidence that it achieves the desired outcome.

SCHAAP’S PERSPECTIVE ON RECONCILIATION

In Reconciliation as Ideology and Politics (2008), Andrew Schaap assesses radical (Marxist-inspired) critiques of reconciliation, and proposes an approach to reconciliation that would “rehabilitate” it for radical politics. A brief summary of his argument follows.

Radical theory has criticised reconciliation as being conservative in nature because it “plasters over” social conflict in favour of a “common good” that legitimates “a particular order in which the interests of some are privileged over those of others” (Schaap 2008:249).

In this way reconciliation is an ideological tool aimed at entrenching (usually) liberal market democracies. Schaap describes the specific accusations against the reconciliation project:

...too vague to form a coherent political project; illiberal because it looks forward to an ideal of community that is not compatible with the pluralism of modern societies; question-begging since it aims to restore a prior state of harmony that never actually existed; assimilative in that it represents the political claims of the ruled only in terms commensurate with the interests of the rulers; quietist insofar as it demands resignation to the injustices of the past and forgoing resentment of their continuing legacy; and exculpatory in that it provides an opportunity to redeem the good conscience of the nation primarily through symbolic gestures” (Schaap 2008:249).

Schaap argues that reconciliation should be reclaimed from conservative ideology and repositioned as an occasion for meaningful political activity. By this he means that the conceptualisations of reconciliation; the nature and causes of the past harm; and the structure and principles of the new political order can be contested between agonists in a meaningful way. Rather than presupposing the terms of political unity, reconciliation would emerge as a contingent possibility if the terms of political unity are negotiated in an authentic way. Reconciliation entails “constituting a space
for politics in the present within which conflicting memories and expectations can be brought to bear on each other” (Schaap 2007:8).

Schaap’s depiction of reconciliation as politics shares some ideas of transformational justice described by Gready and Robins (2014). They argue that the impact of TJ has been ambiguous at best, and more transformative than transitional mechanisms should be adopted. The aim of transformative justice is an ongoing commitment to remove those structural inequalities that cause and perpetuate violence and political instability. They describe change that is driven by local agency and resources, that prioritises processes rather than preconceived outcomes, and that challenges “the unequal and intersecting power relationships and structures of exclusion at both the local and global level” (Gready & Robins 2014:340). Their conceptual shift from transitional to transformational justice mirrors some of the notions of radical politics as conceived by Schaap.

**IS TRANSITIONAL JUSTICE LIBERAL IN NATURE?**

The aims and assumptions of TJ are widely seen to be liberal in nature (conservative and neoliberal are other terms used) (Kora 2010; McAuliffe 2017, Gready & Robins 2014). The word “liberal” is often used in a pejorative sense, and the accusation introduces the risk that radical thinkers will eschew TJ in totality.

The term is currently used in Europe by the left to castigate the right for blind faith in the value of an unfettered market economy and insufficient attention to the importance of state action in realising the values of equality and social justice....In the United States, on the other hand, the term is used by the right to castigate the left for unrealistic attachment to the values of social and economic equality and the too ready use of government power to pursue those ends at the cost of individual freedom and initiative (Nagel 2003:62).

Liberalism is a poorly defined term used to describe a wide range of conflicting views. In this context, “liberal” refers to a political world view that favours a form of democracy which assumes the inalienability of
individual human rights, procedural fairness and market-based economies. It emerges from a tradition where “acts of violence are of greater interest than chronic structural violence and unequal social relations” (Gready & Robins 2014:342). “Reconciliation becomes ideological, when conceived in these terms, to the extent that it affirms human rights while only genuflecting to the ideal of popular sovereignty” (Schaap 2008:252).

Most TJ programmes are employed during transitions from authoritarian regimes towards liberal market democracies, and this is certainly the focus of the international TJ industry. Further, the emphases on human rights and on individuals (victims and perpetrators) illustrate the liberal paradigm informing TJ. The unquestioning value of liberal goals (stability, civic institutions, maintenance of elite pacts), to the exclusion of the recognition of systemic class and group struggles, is what gives rise to Marxist or radical critiques of TJ initiatives. McAuliffe (2017:92) says of TJ that it is conservative in nature with little focus on transforming unjust societies.

Yet TJ presents a problem for liberals in its very nature: although the aims and assumptions may reflect liberal values, some of the programmes - such as truth commissions - violate core tenets of liberalism (Gissel 2017; Kora 2010). TJ programmes have specific political ends, largely shaped by a liberal vision: to reinforce individual human rights and individual accountability for transgressions against human rights; to give legitimacy to the new political order and its institutions; and to create sufficient unity in society to prevent the recurrence of mass violence and thus to build a functioning democratic state.

In truth commissions, the rule of law is subjugated to this political end. Liberalism values procedural fairness to ensure justice and stability in society, which includes a firm commitment to laws being applied consistently and equally. Truth Commissions challenge this consistency. For example, amnesties may be granted to some and not others, only some victims are heard, rules of evidence are applied inconsistently, retributive or restorative action is somewhat arbitrary. For a liberal, this amounts to sacrificing the individual for the common good and does not bode well for justice or stability, which depends on universal application of the rule of
law. Liberals argue that the suspension of due process sets a bad precedent for the establishment of the rule of law in the new dispensation.

The violation of certain fundamental rules of due process was justified by the good that was expected to come (Kora 2010:6).

Exceptions to normal justice may well be justified, as the “survivors” - victims, perpetrators, beneficiaries, collaborators, bystanders - of mass violence need to find a way to live together again. In addition, “normal” legalistic processes may not reflect the lived reality of moral choices during mass violence, nor promote the subsequent peace. Liberalism values the rule of law as well as political stability, so (at least) two liberal values are in conflict.

Reconciliation exercises such as truth commissions present a further problem for liberalism in the expectations of reconciliation and the assumption of a national unity that underlies TJ activities. Liberalism is built on the assumption that pluralism in society is valued and protected by the state. And yet, in truth commissions, conflicting views about the value of reconciliation, and more importantly the terms of reconciliation, are not adequately accommodated (Schaap 2008; Moon 2006).

The point here is that, although TJ is largely seen as liberal in nature, it is neither insistently nor consistently so. TJ shifts liberalism into a space where liberal individualistic values may be sacrificed in favour of group needs. To date in TJ programmes, the value of political stability has been privileged over other liberal values. This flexibility may indicate room in the (liberal) TJ industry to adopt political activity and structural change in order to achieve sustainable stability. This flexibility may indicate that Schaap’s view that reconciliation can be useful when used politically rather than ideologically is well founded, even within the TJ industry.

**SOUTH AFRICA’S TRC**

The central task of the TRC was to “seek reconciliation through creation of an accurate picture of the past” (Foster 2006:529). The TRC was mandated to gather testimony from victims and perpetrators, hold some public
hearings, give advice on amnesty applications, recommend reparations for victims, and to publish an official report. The mandate of the TRC, in particular the amnesty in exchange for truth, was a result of a negotiated settlement between the old and the new regimes (Foster 2006:528). The TRC opted for a form of restorative justice over retributive justice (Vu Lan 2015). The settlement reflected the middle ground between truth and reconciliation on the one hand, and retribution and accountability on the other. The TRC mandate reveals that truth and reconciliation was prioritised over punishment, although the possibility of judicial retribution was kept open in the amnesty process. Those perpetrators who chose not to accept the amnesty terms of “confession” risked prosecution.

Although the TRC was named for “truth” and “reconciliation,” Foster (2006), in reviewing Gibson’s 2004 book Overcoming Apartheid: Can Truth Reconcile a Divided Nation?, suggests that the implicit aim of the TRC was ultimately to support democratisation. It was thought that amnesty was necessary to get the truth, truth was necessary for reconciliation, and reconciliation was necessary for democratisation. To support the new democracy and avoid civil war, it was also necessary to accommodate the concerns of the old apartheid regime leaders in setting the mandate for the TRC. “As political action revolves around the struggle to influence or determine the future, justice becomes the art of the possible, reflecting a balance between two objectives: justice for victims of past abuse and the transition to a new future” (Gissel 2017:355). It is clear that the TRC was established to support political ends, the nature of which had been previously negotiated.

The TRC has been criticised by scholars in a number of ways (Abe 2014; Mamdani 2015; Foster 2006; Rousseau & Fullard 2009; Moon 2006), some of which give weight to the radical scepticism concerning reconciliation. In discussing the criticisms, one should be mindful of the fact that the political and social situation in South Africa was (and remains) complex and nuanced, and this was reflected in the TRC as well. Rousseau and Fullard (2009), argue convincingly that a full assessment of the TRC reveals a more heterogeneous reading of its institutional character, and that
some of the criticism is unsupported in that it does not reflect adequately the “contending impulses” within the TRC, nor at times even the dominant ones. In this paper I will briefly discuss some of the criticisms, chosen specifically to reflect on radical critiques of reconciliation, recognising that the factual evidence for the criticisms is contested.

Three of the main criticisms of the TRC are related: that it imposed reconciliation, that it constructed a version of South African history where other versions have at least equal validity, and that this was a result of the individualisation of violence taking centre stage rather than systemic or structural violence.

Mamdani (2015) shares the radical scepticism about the way individualism shaped the TRC, to the exclusion of adequate recognition of groups and systems. Mamdani asks the question whether extreme violence should be thought of as more political than criminal, and argues that the TRC’s focus on violence as criminal and on individual perpetrators, was at the expense of unearthing the issues that drove the violence. Mamdani (2015:72) says that individualising victims and perpetrators “was to ignore precisely what was distinctive about apartheid, that it was a system based on group oppression.” This allowed beneficiaries to avoid culpability, perhaps harming the reconciliation project in the long term.

It also shaped the way this history was documented. Moon (2006) argues that the terms and approach of the TRC, particularly this individualisation, and the nature of the “crimes” included for analysis, imposed a narrative of history that excludes other valid narratives, to serve the goal of national unity. The way the hearings were shaped, namely that the “harm” of apartheid was committed by a few individuals against a few more individuals shaped the narrative. The systemic, political nature of apartheid, and the wide harm it caused, was not the dominant narrative.

As to imposing reconciliation, the express purpose of the TRC was truth and reconciliation, in the name of the greater good. At times many of the TRC commissioners directly encouraged witnesses to accept this. Subsequent surveys into victims’ attitudes in South Africa and elsewhere suggest that the psychological benefits of giving testimony are contextual
and often short-lived, and at times even psychologically harmful (David 2017:159). In many cases, the initial willingness to trade justice for reconciliation and compensation is reduced over time, as victims find no change in the material circumstances of their lives (David 2017:159). It is unclear that “truth and reconciliation,” as imposed in TRC’s, is of much benefit to the victims in the absence of socio-economic repair.

A further criticism is that many of the perpetrators of systemic and individual transgressions at an individual and group level escaped any form of justice because of the way the amnesty programme was implemented. It must be difficult to reconcile when the transgressors escape any retribution. David (2017:156) points to a contradiction in the South African TRC: if the TRC sought to establish accountability, the natural consequence of accountability is a demand for justice, not amnesty. Many perpetrators chose not to participate in the TRC, and there were (almost) no consequences for them. Recommended prosecutions were not pursued by the state legal system. Although the TRC recommended (minimal) reparations, these were not adequately honoured by the government after the TRC. The communities of victims who suffered enormous material harm, not only through individual human rights transgressions but also through the systemic enforcement of apartheid policies, were not recognised for compensation in the TRC. “That human rights atrocities go unchecked in prosecutions and unrecompensed in reparations, however, allows a pattern of political authoritarianism to persist” (Cuthbertson 2008: 300).

These criticisms would support the argument that in South Africa, the TRC was an exercise in reconciliation as ideology. The TRC privileged national unity and political stability over justice, thus assimilating the victims into this national project rather than recognising their right not to reconcile, and “quieting” their entitlement to resentment and resistance. The victims had to forfeit their expectations of ordinary retribution in favour of the weak justice of the TRC, where so many “perpetrators” escaped any form of retribution, and their supporters and beneficiaries escaped accepting culpability.
ASSESSING SOUTH AFRICA’S TRANSITION MORE BROADLY

Mamdani (2015:62) suggests that to appreciate the post-apartheid transition it is necessary to consider the Convention for a Democratic South Africa (CODESA), the political process that defined the terms of the new South Africa and, indeed, set up the TRC itself. I concur with this suggestion because an assessment of the TRC alone, without the other programmes aimed at transitional (and transformational) justice, would result in an incomplete picture of South Africa’s transition. Specifically, I find that the radical critiques of reconciliation as ideology apply directly to the TRC, but that when the other initiatives are considered as well, evidence of the political nature of South Africa’s transition emerges.

The approach to TJ in South Africa was shaped by the fact that the change in power was negotiated rather than won militarily. The new government had to take a pragmatic approach, where the former antagonists needed to be brought together in the new state. The supporters of the apartheid regime still had the power to cause mass violence, and a focus on punishment would risk the negotiated exchange of power. “In decriminalizing and legitimizing opponents, CODESA (The Convention for a Democratic South Africa) turned enemies into political adversaries” (Mamdani 2015:67), thus facilitating the political activity called for by Schaap. The ideology of the TRC reflects the outcome of the politically negotiated transition.

Schaap (2008:259) argues that reconciliation as ideology is complicit in structural violence “in its appeal to an idea of commonality to legitimate a social hierarchy.” Reconciliation as politics, on the other hand, rests on staging a conflict between groups as equals with a voice to be heard even if different to the desired narrative of reconciliation and national unity. Reconciliation then provides a common vocabulary within which citizens may contest the terms and possibility of their political association. Abe (2014:14) notes that this is a reversal of the usual usage of the word reconciliation, setting up authentic contestation rather than assimilation.

To achieve this, the dispute must centre on processing the harm done, or the fundamental wrong, rather than on an imposed unity. Rather than a
(liberal) overlapping consensus on the rules of society, Schaap suggests an overlapping *dissensus*, to bring into view the nature of the fundamental wrong from all perspectives. This gives rise to the possibility of a political community addressing issues of social conflict, rather than receiving an imposed ideological reconciliation. This is particularly important to give meaningful focus to social conflicts such as class struggle, ethnic minorities and indigenous/settler communities. The result is not a reconciled society, but a political community engaged equally in a common project to contest and define the terms of a just society, on which the possibility of living in reconciliation rests. Gready & Robins (2014:356) in a similar vein argue that transformative justice “requires a reframing of the goals of transitional justice, emphasising the need for a future marked not just by unity and reconciliation but also by disagreement and ongoing activism for change.”

I suggest that CODESA reflects the political contestation Schaap advocates, as is evidenced by both the participants and the outcomes.

The participants in CODESA represented the voices of all major groups and classes. Although CODESA used “sufficient consensus” for decision making, which meant in practice that the African National Congress (ANC) and the old regime National Party (NP) voices were loudest amongst all the political parties, this doesn’t tell the full story. The ANC is considered a “broad church” representing many interest groups united in the hope of a just society. The ANC represented the trade union movement, the South African Communist Party, as well as the Women’s and Youth Leagues. Also represented were white nationalists, political rivals to the ANC and citizen’s lobby groups. The negotiations for the new political dispensation were fiercely contested and included issues important to the most marginalised in society. Class issues were and still are given extensive airing.

The outcomes of CODESA also reflect that genuine and inclusive political contest was involved. The resulting changes in South Africa illustrate the extent of the transformation negotiated. The Bill of Rights and the new constitution are considered to be amongst the most inclusive and
progressive in the world, guaranteeing rights for socially marginalised groups. Traditional indigenous political and social structures were endorsed in the Traditional Affairs acts. Eleven official languages were recognised. The “sunset clauses” including the TRC amnesty programme, were concessions to the apartheid regime.

To give effect to the new constitution and the demands of the negotiated settlement, the new government overhauled institutions, laws and policies. The TRC was set up, as discussed, to expose the “truth” of the violent past and afford the survivors a chance to reconcile. The new government also took significant policy steps to address socio-economic justice. The Reconstruction and Development Programme (RDP) adopted by the first democratic government was a policy framework aimed at eradicating the residual socio-economic injustices of colonialism and apartheid. Land restitution legislation was passed. Employment equity legislation was adopted. Social grants were implemented. During the mid-1990’s, South Africa appeared to be adopting an authentically progressive path towards social and political justice.

**HAS TRANSITIONAL JUSTICE IN SOUTH AFRICA FAILED?**

In South Africa today, race relations are poor, social justice has not been sufficiently advanced, land and wealth distribution seem to have stalled, faith in government is at a low level, and the projects of reconciliation and national unity seem to have failed. Despite the implementation of TJ programmes, the desired outcome of a just, united and peaceful country has not (yet) been achieved. South African support for the TRC has dropped significantly in recent years (David 2017:158).

McAuliffe (2017:99) argues that TJ is not central to prospects for human rights and democracy, and at most is supportive to other parallel processes, such as electoral reform, good governance and development. Government action *after* the transition is what determines the nature of the nation that results. I suggest that the TJ and transformational programmes, including the TRC, were successful in what they hoped to achieve. The social
compact had promise. But the interests of the governing party and the survivors seem to have subsequently diverged. Thus to some extent the early benefits of the TRC (and CODESA) have been undermined and today South Africans regard them with more scepticism (David 2017:157). I suggest that the TJ programmes in South Africa were largely successful, but not sufficient in themselves, to achieve the goal. Without substantial socio-economic transformation on an ongoing basis, TJ efforts are doomed to be seen as failures.

Gready & Robins (2014:346), in arguing for transformational over transitional justice, suggest transitional justice has little impact if it fails to address economic and social rights seriously. These are often prioritised by the victims, and they assist in addressing the root causes rather than the symptoms of social conflict.

Success or failure of TJ may assist, but does not cause, the desired outcome of a peaceful, united/reconciled, just, democratic nation. The failure in South Africa to capitalise on the foundations created by the transitional processes may well be due to subsequent government performance. Early signs were evident of waning commitment to the path adopted during the transition.

“It appears that once the final report was published, the TRC was already dead” (Cuthbertson 2008:300). The recommendations of reparations were delayed and reduced by government (David 2017:157) and prosecutions were not pursued by state agencies. David (2017:157) interprets Gibson’s 2002 study into responses to the TRC, saying that “the negative impact of amnesty can be offset by reparatory measures ..., although not by social acknowledgement in the absence of financial compensation.” Over time, many of the other policies and programmes aimed at socio-economic repair were abandoned or inadequately implemented. The RDP was replaced with the fiscally conservative GEAR. Land distribution has all but stalled. The public rhetoric of reconciliation and unity has been replaced by divisiveness.

A final concerning thought is that the TRC may have shaped the administration of justice in South Africa in an unanticipated way. It may
have contributed to a culture of public hearings for atrocities, with neither systemic faults being addressed nor any individuals being held to account. The police mass killing of striking miners at Marikana\(^1\) resulted in a commission, not meaningful prosecutions. The death of over 140 mental health patients caused by the activities of the Gauteng Health Department resulted in the Life Esidimeni hearings,\(^2\) but no prosecutions to date. Parliament holds hearings and enquiries into government corruption and mismanagement (such as SABC,\(^3\) Eskom\(^4\) and SARS\(^5\)), but prosecutions have not yet resulted. The hearings\(^6\) into political assassinations centered at the Glebelands Hostel have not stopped the assassinations. The TRC may have influenced the country in the unexpected way of creating a precedent for victim hearings as a replacement for criminal justice.

**CONCLUSION**

The transition in South Africa from apartheid to democracy was initially lauded as very successful, even a “miracle,” with the TRC attracting particular international positive attention (David 2017:156). Yet today, the early promise of the new South Africa has faded and the anticipated future of a just and united nation seems to be distant.

Andrew Schaap’s assessment of the role of reconciliation in transitional justice, as either political or ideological, may shed some light on the South African experience. In this paper I have considered whether the South African TRC reflected reconciliation as ideological violence, or the occasion for genuine political activity. Common critiques of the TRC seem to suggest it was ideological in nature in that it was established with preconceived ideological conceptions about justice, reconciliation and the nature of the “truth” of the past. Although contested, much scholarly literature suggests the TRC imposed reconciliation on victims requiring them to forfeit their expectations of retributive justice, offered a single ideological narrative of history, and was excessively individualistic in its outlook.
I find however that this gives an incomplete view of the transition in South Africa. When the political stage of CODESA is considered, which contestation gave rise to the ideology of the TRC, a different picture of South Africa’s reconciliation as intensely political in nature emerges.

And yet the early promise of authentic political contestation leading towards a just and peaceful society has not been realised. I suggest that this supports the view that although the TJ processes set a scene in which a better future could be envisaged by South Africans, subsequent actions have undermined this positive outcome. Ongoing political activism towards addressing socio-economic justice, as envisaged by “reconciliation as political” and transformative justice, is needed for reconciliation to take proper effect.

I conclude with the speculation that the precedent of the TRC continues to influence South Africa in an unanticipated way. We have normalised “truth” hearings as a valid alternative to criminal justice procedures in matters of public atrocities.

NOTES

1 For more information see https://goo.gl/4iirGC.
2 For more information see https://goo.gl/JJaLBi.
3 For more information see https://goo.gl/mjy8j1.
4 For more information see https://goo.gl/hiA7C8.
5 See the Nugent Commission, 2018 (https://goo.gl/z54GYt).

REFERENCES


This book is simply remarkable! Every student (especially us “born-frees”), academic and aspiring activist or revolutionary should get their hands on this publication. The author, Rekgotsofetse Chikane (Frank Chikane’s son), not only unpacks the politics behind the #MustFall movements, but also highlights the more general and deeper issues of socio-economic inequality, institutionalised racism and social ills like patriarchy, sexism and homophobia, which all take place under the façade of a “post-apartheid rainbow nation.” But beware! This book is not all roses and rainbows. As you read it, your individual privilege, whatever it may be, will constantly be under scrutiny (“Let no one ignorant of privilege enter here!”).

Chikane’s in-depth interrogation of the #MustFall movements is the one carried out by the insider. It offers a far more nuanced analysis than what was portrayed at the time by the mainstream media. Most importantly, it denounces a post-1994 “status quo that entrenched the belief that we are all equal, but some are ‘more’ equal than others. A status quo that assumes the double consciousness that took hold in our country to be unassailable” (p. 2). In this context, one can understand why the key goal of the students involved in fallism has been to liberate Black people, and especially South African youth, from the shackles of “rainbow nation,” “false integration” and “whiteness,” and enable them to fully embrace their blackness. The fallists believe that this is the only way for the Africans to be at the forefront of building a new and just nation. And they have already started the process, bottom-up style, using any means necessary.
In Chapter 1, the author gets straight to the task of “braking a rainbow.” It can be understood in terms of several *outs* and *ins*: *Out* with the deceptive concept of the “Rainbow Nation,” and *in* with the acknowledgment of the social reality marked by the deeply entrenched racial subjugation of black people. *Out* with whiteness and *in* with blackness. Whiteness simply epitomises the *status quo*, whereas blackness is emblematic of the urgently needed change. The current system is built upon hypocrisy: It explicitly invites all to join on the one hand, while implicitly rejecting Blacks, on the other hand. Lastly, *out* with reform and *in* with revolution.

This becomes a focal point of all the chapters in the book. But putting aside white people and their privilege, the book begins and ends (Chapters 1 and 16) with the question which Chikane deems essential for the future of our society, namely: Can/should coconuts be trusted with the revolution? The underlying question is whether Black people who have benefited from whiteness at the expense of maintaining the *status quo* (the “coconuts”), are willing to give up that privilege in order to support the revolution with the “born into bondage” majority. Are they willing to drop down the “snakes and ladders board” and join their comrades in the struggle? If not, whiteness will continue to rule.

Chapter 2 discusses the curious case of “1652s” in South Africa, that is “wypipo” whose outlook and motives remain entangled in our colonial history (pp. 23-24). In many of my conversations with and about white people, the statement “I was not there during apartheid, so why am I to be blamed?” keeps surfacing. This chapter will be helpful to all who echo similar views. Here Chikane also reflects on several paradoxes in which South Africans find themselves trapped on a daily basis: How different institutions make “moral” decisions which de facto increase the gap between the rich and the poor. How we teach unity externally, but practise difference internally. Another paradox, which Chikane describes based on his personal experience, is that of being a coconut, that is, benefiting from whiteness but still suffering the plight of being Black. And perhaps an even greater paradox of being a “revolutionary coconut,” that is, having
benefited from whiteness, turning against it by fully embracing one’s blackness and joining the bigger struggle.

Chapter 3 shows how the South African youth have been fighting the status quo by setting their own agenda and finding the real “enemy” of today, that enemy being “systematic economic oppression.” Chapters 4, 5 and 6 are about the politics behind #RhodesMustFall. The book reveals the conditions of black students (especially the poorest among them) who have to survive in white spaces. Then it discusses various forms of racial injustice like lowering of staff, racially oppressive objects and coursework, increasing of fees and outsourcing of workers.

Chapter 7 is dedicated to the critique of Madiba’s role in bringing about an integrated nation. It notes how many youth have turned against Madiba because of the situation they find themselves in.

Personally, I wish this critique was further developed in the book because, while there is truth in the claim, it could be argued that in many cases turning against Madiba has become a “scapegoat tactic” preventing people from addressing their current problems. I refer all interested to Tinyiko Maluleke article “Blaming Mandela is easy, but be careful,” which was published in Sunday Independent in March 2018.

Chapter 8 focuses on the complex politics surrounding the statue of Cecil Rhodes. Chikane also notes that the men were at the frontline of the most fallist movements. This begs the question whether the liberation of Blacks amounts to a liberation into the male privilege. However, the questions about intersectionality have played a very important role in the internal dynamics of the movement. Chikane highlights in particular the role of feminists and queer people.

Chapters 9 to 14 are about the politics behind the #FeesMustFall movement. The author describes the actual beginning of the #FMF, prior to the exposure of the “violent students” by the media. He discusses the main political and non-political groups involved in the movement as well key players and their ideological differences. Despite there being a battle of ideas within the movement, and despite the existence of various social
classes as well as divisions around gender and sexuality-related issues, the notion of “black pain” – Chikane argues – served as a common ground and driver of the movement.

Chapter 15 critically analyses the role of violence in the movement. While the author does not condone violence on the part of the students, neither does he shun it, especially considering the imbalance between many unarmed students and highly militarised police forces and private security companies hired by some universities.

To an ordinary Joe like me, a coloured student who has not been directly involved in the #MustFall movement, this book provided a much broader and more critical perspective on the racist policies prevalent at universities and other institutions, the ambivalent role of political parties, and the importance of the grassroots liberation movements like fallism. I found Chikane’s use of the “Black Twitter jargon” (coconuts, 1652s, wypipo, etc.) helpful and refreshing. While dealing with very serious issues and offering a thorough socio-political analysis, the book does not appear overly academic and heavy. In fact, it reads very easily and proves almost as absorbing as a good novel.

But more significantly, Chikane’s reflection oozes black consciousness, decolonisation and black self-love which are primary ideals towards our liberation as black people (in the Biko-ist understanding of black). After reading this book, one should be faced with the existential question of who am I as an African, and what is my role in the land where injustice still plagues, whiteness still sets the tone and many of us, students, are still languishing in poverty.

Reviewed by:

Fabian Oliver
A BTh student, St Augustine College of South Africa


One of the rainbow nation’s paradoxes, one that challenges many of its critics and pessimists, is how the two sides of South Africa – black and white – can intersect in the social imagery to form a racially diverse collective identity if they are being portrayed as having fundamentally different cultural-ideological values. Colourful characters like Ndumiso Ngcobo, and those that he vividly describes in his book as some of his best friends who happen to be white, may not fully understand each other’s cultures, customs and ways of life. Nonetheless, the South African reality *forces* them to share recreational spaces, gated residential estates and workplace environments, and thus obliges them to enter into some sort of covenant or social contract, which at its best is based on tolerance and friendship. The post-apartheid South African experience calls both races to become torchbearers of Nelson Mandela and Desmond Tutu’s “rainbow nation” ideal and to be drawn into a co-operative experience that represents their collective life.

*Some of my Best Friends are White: Subversive Thoughts from an Urban Zulu Warrior* is divided into 12 satirical vignettes that cover topics such as affirmative action, Zulus and violence, the rudeness of mini-bus taxi drivers, black women with bad attitudes, crime in South Africa, democracy, Indians’ pimped-out cars, black parenting methods (whipping children), whites and their obsessions with teambuilding in the corporate world and many Blacks’ nostalgia for kasie (township) life, which paradoxically coincides with the lack of willingness to return to townships. Ngcobo delivers a healthy dose of black and white humour and does not even attempt to be politically correct, as he has a great deal to say and no apologies to make about that. Nonetheless, his book strikes a perfect balance between being a satire nestled in the narrative of his
own “black experience” on the one hand and capturing a whole range of broader South African conversations about democracy, crime, and other issues which are critical for the “rainbow nation,” on the other hand. Even though some of the author’s ideas seemed a little contrived to me, I understand that “the roast of South Africa by Ngeobo” implied that everyone had to be made fun of.

Ngeobo’s book is South African satire at its best. His “in-your-face,” casual writing style is coupled with his highly unapologetic and bluntly opinionated observations about our shared context (many of which can be appreciated only by South Africans). The book reads almost like a personal diary since all Ngeobo’s reflections revolve around himself and his own experiences. He tells real-life stories, narrated from the perspective of the educated, middle-class black person. But more than just personal experiences, these stories are truly emblematic of the many aspects of black experience in today’s South Africa. This forces his readers, like myself – a Johannesburg dweller, who has shared some of Ngeobo’s experiences (e.g., being a victim of taxi drivers’ rudeness) – to laugh out loud at ourselves and, at the same time, reflect on our experience more critically.

Although he identifies himself as a “black Zulu man”, each essay reveals a myriad of complexities that educated Blacks, like Ngeobo, have to wrestle with as they navigate their multiple coconut-ish identities. Being a black South African post-1994 means that you have to manoeuvre in both white and black spaces, neither of which truly accommodate you. Ngeobo implicitly engages with critical questions, such as what it means to be black in democratic South Africa (see, for example, the chapter titled “Kasie fabulous”). As educated black Africans, on one hand, we are retreating to predominately white suburbs for many reasons, such as security, while on the other hand, we miss the nostalgia of a more enriching community experience, one that gated estates are not able to offer. Similarly, Ngeobo’s insight that there is plenty to learn for black urban dwellers to be pragmatic with money like white people (see his reflections on black experience in the chapter titled “Eish, I ain’t got it,
Joe!”) resonates strongly with me. Perhaps more radical “black consciousness scholars” would label Blacks like Ngcobo (and myself) the examples of the “pseudo two-faced consciousness,” since we believe that cultural appropriation is necessary with regard to monetary issues, among others. But Ngcobo could not care less about the labels. Far from believing in any form of essentialist identity, he seems to be suggesting that we all have to allow our sense of identity to emerge from our interactions, indeed from genuine relationships. Only that way we have a future as a nation.

You have to be South African, or at least have lived in Mzansi for a while to appreciate this book. This kind of grandiloquence delivered in a sharp-witted prose might make some “politically correct” readers feel uncomfortable. Ngcobo does not shy away from the use of “bad language” (swear words and socially controversial terms like “niggers” and “crazy palefaces,” abound in his writings). For instance, on the complex and sensitive issue of the Zulus’ alleged violence, he writes: “We Zulus have a well-developed pragmatism. Violence is just the insurance policy we cash in to establish order” (p. 59). Ngcobo actually cautions the reader in the introduction that: “If the Ben Okris and JM Coetzees are classical jazz and opera of the writing world, this is literary kwai9o”33 (p. 17). Ngcobo’s use of “literary kwai9o” – a local colloquial slang which some could deem as deliberately offending people’s political sensibilities or being discriminatory, biased, bigoted, and inappropriate – can be seen as both his linguistic self-defence mechanism and a tool of critique. Not only does it protect the author, in a way, from the charge of serving a particular political option. It also ridicules some of the shortcomings of our rainbow nation’s far-fetched aspiration at multi-culturalism, while, at the same time, paradoxically celebrating it.

The second edition of Ngcobo’s book has been published at an interesting transitional stage in South Africa’s post-apartheid history – one could say at the crossroads of the growing nationalist movement based on racial

33 Kwai9o is a South African Township genre of music derived from the Afrikaans word kwaai, which translates as “angry” in English.
sentiments and calling for exclusion (on both sides of the racial spectrum) and the “rainbowish-reconciliatory” tradition rooted in the legacy of Mandela and Tutu, which – at least on the surface – calls for the inclusion of all. Both trajectories seem to have their own “demons”: those of an open racism on the one side, and those of a concealed racism on the other. Today many ordinary South Africans find themselves at this very intersection, perhaps somewhat trapped between these alternatives. Unlike many others, the author of Some of my Best Friends are White, says it the way he sees it. Ngcobo offers an exceptional, engaging, authentic and witty account of our cultural diversity. In the face of all the tensions inherent in our social reality, thank God for people like him who still allow themselves (and us) to feel raw emotions and share frank judgements. As we “evolve” as a nation from our brutal past, we need people who show us how to celebrate our diversity while debating our differences in all honesty.

To sum up, “humour is laughing at what you haven’t got when you ought to have it”  – this is the first sentence of Langston Hughes’ 1966 essay “A Note on Humour.” It is still relevant today. Ngcobo’s insightful humour invites all of us, South Africans, to acknowledge our shortcomings and dream a better future together – and it does so in a persuasive but non-threatening way. Written satire has a tendency to become over-political at the cost of its authenticity. This is not the case when it comes to Ngcobo’s book. He successfully puts across important issues such as race and affirmative action while at the same time presenting his readers with a highly context-specific and pertinent storytelling. His humour challenges us to cross-examine some of the most complex questions and challenges facing South Africans today.

Reviewed by:

Tshinyalani Michael Khorommbi
Pan African University, Institute of Governance, Humanities and Social Science (University of Yaoundé II, Soa, Cameroon)
I often find myself in the situation where, in discussions on racism, people (who can hardly be designated as participants) demonstrate their unwillingness to become involved, their ignorance of the predicament and ability and/or desire to resolve it, and their conviction/pretence that apartheid is ended; so they play the post-apartheid game: Denial – didn’t know…, *I never really understood what was going on. I certainly never supported it. I am not a racist* (We are all racists!). *I never voted for the Nationalists* [then who did and kept them in power for almost 50 years?]. Then truth of democratic South Africa emerges: *I abhor affirmative action and black economic empowerment* [which seeks to empower blacks] *but supported job reservation* [which benefitted whites]. But note also the gnostic sub-text based in secret knowledge: *But I did not mind benefitting from it*. It is a bit like President Zuma allegedly receiving a massive salary for which he did not work – and accepting it as if it was his right and anyway, he deserved it!

In this context, here is a timely publication from Allan Boesak which, like his other recent publications, *Tenderness of Conscience* (2005), *Dare We Speak of Hope?* (2014), touches directly on our theology, our spirituality and our Christian *praxis*. However, in this brilliant analysis, Boesak moves beyond the particularity of the South African context to the global context by discussing *inter alia* parallel situations in the USA and Palestine.

This is also a work which has a strong Christological basis. Boesak engages at a deep level with Professor Andries van Aarde, a pioneer in the quest for the historical Jesus (see, inter alia, *Fatherless in Galilee*, 2001).
Boesak aligns Jesus’ mission in the Roman Empire with the Black Messiah in the imperial circumstances of our time, of the “betrayal to the cause of Jesus” which “is the thinking that the journey can even continue with integrity without the confrontation with the victims of such imperial thinking and the consequences of it in the communities of the victimised” (p. 116).

In chapter after chapter, Boesak exposes us to fresh creative thinking on topics with which we are so familiar that we have become blasé about them. Nowhere is this more evident than in his chapter on ubuntu, which is not a state of being, a destination, but something to be strived for and worked at. Boesak relates ubuntu to a loss of our humanity when “ubuntu takes flight” (p. 118) in the form of “a conservative and reactionary tradition that undermines progress and open, democratic discourse” (p. 123) as it is co-opted as a tool of cultural and political hegemony. Boesak promotes ubuntu as “social inversion,” that is, lifting up the lowly and bringing down the proud and powerful (Luke1:52), with reconciliation and transformation “as the expression of compassionate justice and love not only possible but durable” (p. 136). This is an ongoing dynamic process.

There is a deeply prophetic element in this book; a foretelling of the consequences of passive acceptance of the status quo allied with an evasion of our personal and communal responsibility. Using the bifurcation between Bonhoeffer’s cheap grace and costly grace, Boesak highlights the difference between cheap reconciliation, which is the outcome of the Truth and Reconciliation Commission, and costly reconciliation, the price Jesus paid on the cross. He also applies it trenchantly to the examples of Eugene de Kock (costly) and F.W. de Klerk (cheap). We, perpetrators, seem to be content with cheap reconciliation, while the victims are denied the fruits of costly reconciliation.

While he never mentions it directly, one gets a clear impression that this book is grounded in Boesak’s personal passion (suffering) as well as that of the South African nation (sizwe) in contradistinction to the apartheid
era devotion to the volk. It is to be commended as a tool for enhancing our contextual theology, a devotional guide for personal and group reflection, and a guide and stimulus for our pubic theology in practice. This volume will serve as a critical, yet positive, corrective to the thinking that we have “crossed the Rubicon.” As I read it, the biblical text that constantly came to mind was: “Conform no longer to the pattern of this present world…” (Rom 12:2). As the title of this book indicates clearly, we are now more than ever living in the midst of Pharaohs on both sides of the blood-red waters. This is not a destination but a point of departure and challenge to all.

Reviewed by:

Emeritus Professor Graham A. Duncan
Faculty of Theology, University of Pretoria
It is not usual for Roman Catholics to express themselves so freely on matters of considerable concern to their denomination. However, that this is the case in this book, is a welcome indication of the freedom they have been accorded by Pope Francis. The book is structured around a metaphorical *Vatican III* or *Nairobi I*. Is this a bridge too far? At this point no one can be sure, but with Francis it could materialise. What is clear is that there is an ongoing theological engagement with practical issues the Roman Catholic Church is facing currently – Francis’ election, Synod on the Family and the Jubilee Year of Mercy.

As part of this trend the papers gathered here come from a three year consultative process of the Theological Colloquium on Church, Religion and Society in Africa (TCCRSA) held from 2013 – 2015. Each year was devoted to a particular theme and the format of the book follows this: Part I, The Francis effect and the Church in Africa. 2013 – African Theology in the 21st century: Identity and profile, contexts and models; Part II, Critique of theological methodology and ecclesiial practice. Part III, A church that goes forth with boldness and creativity. 2014 – The church we want: Theological voices from within and outside the church at the service of *ekklesia* in Africa; 2015 – An agenda for Vatican III: Ideas, issues and resources from Africa for the world church.

A number of significant points emerge from these papers. First, the church is a living dynamic organism that embraces the entire *cosmos* and its theological discourse is broad. This is exercised through synodality as a conversational approach. While this book’s interest is primarily limited to Africa, it has universal relevance.

The proposal based on recent experience, to raise the role of bishops from teachers and shepherds to pastoral theologians takes account of their
experience and reflection in situ through accountability, accompaniment and action. Such a suggestion bodes well as a potential methodology for adoption throughout the church as an opportunity and a tool for listening. This may be Francis’ greatest legacy to the universal church of the future.

But perhaps the most notable contribution the book makes is in relation to the role of women in the church through the prisms of women and poverty, women and gender based violence, women and ministerial roles including ordination and the related “Eucharistic famine,” women and the family, women and HIV/AIDS, women and mortality and suffering, women and wisdom and silence, women and “marriage in stages,” and women and ecological theology. One can imagine that it has taken courage to embark on some of these “forbidden issues” and the authors are to be congratulated for their openness and fortitude in the face of hitherto insurmountable obstacles. What is important is that this process is true to the universal ecclesiastical principle of ecclesia reformata semper reformanda est.

The idea of a metaphorical ecumenical council is pregnant with possibilities, of freedom from stultified thinking to the joy of ranging widely and wildly, yet in “a respectful process of mutually enriching conversation” (Introduction). Oh, but just imagine the impact of a Nairobi I (or a Vatican III). Just imagine the patriarchal Curia emerging from the cold clinical cobwebs of the Vatican into the sweltering heat of the womb of Nairobi. It has almost apocalyptic overtones and possibilities!

Reviewed by:
Emeritus Professor Graham A. Duncan
Faculty of Theology, University of Pretoria
This is a valuable compendium of sources for the interrogation of critical categories that comprise black theology. Hopkins and Antonio, the editors of the publication, bring together insights from theologians, ethicists and clergy to introduce a range of historical, theological, thematic and global issues considered from the perspective of black religious thought. The Companion is arranged into three sections, namely “Introduction,” “Themes in Black Theology,” and “Global Expressions of Black Theology.” Through this design, the book seeks to render explicit the link between black theological perspectives and broader expressions of the liberationist trajectory, including the modes of black resistance in Africa and America. This is in tune with Evans’ call for black theologians to remain vigilant so that black theology does not become so domesticated in academic institutions that it loses any efficacy for its liberating use (p. 320). The volume also draws some attention to the encounters with the chosen aspects of womanist theology, under the guidance of one of its founders, Delores Williams.

The South African readers may appreciate that the Companion, albeit written mainly from the Western perspective, does not equate “black” with “African American” and thereby does not reduce the history of “black theology” to its formal genesis in the United States. The history of black theology in South Africa is aptly discussed by Mokgethi Motlhabi. His contribution is followed by a number of other accounts of religious experiences and thought in the black diaspora.

Among the variety of personal testimonies, Raul Suarez Ramos’ reflection on black theology in Cuba has particularly caught my attention. Ramos describes how he was brought up to stay away from Afro-Cubans who, in
his small town, were labelled as “communist witches.” He concludes his essay by point out that “the rejection of and disdain for beliefs in African tradition not only claimed biblical and theological foundations, they constituted an essential part of a racist and discriminatory ideology in Cuban society that preceded January 1, 1959 [i.e., Castro revolution]” (p. 265). Noel Erskine’s essay, in turn, offers some interesting insights into the modern Caribbean as a regional incubator of racism: “Racism was conceived in Europe” – Erskine writes – “incubated in the Caribbean, baptized in America, ordained in North Atlantic trade, and canonized in Southern Africa. So the Caribbean and Americas are major spiritual centers of the Black Story” (p. 274).

Thanks to the due attention that the Companion gives to what it labels “global expressions of black theology,” it offers theological reflections from a variety of contexts in which black people around the world continue to struggle for vital alternatives to the realities of the status quo. Those theological voices from the Other Side remain, by and large, the voices from the Underside of the Empire, whereby black people continue to be treated as “the wretched of the Earth,” to use Fanon’s famous phrase. But of course particular forms of this oppressive, discriminatory and dehumanising status quo differ significantly from one another. If someone is interested specifically in the question about the possible ways in which black theology may contribute to challenging the post-1994 status quo in South Africa, this compendium in general and Motlhabi’s chapter in particular will not prove relevant. Some of the issues surrounding black theology and postcolonial discourse are discussed by Edward Antonio (pp. 298-308). However, his analysis is not context-specific. Besides, it has more to do with a postcolonial critique than a decolonial turn, and it is the latter which seems to be at stake in South Africa today, in the age of fallism.

And yet, this overview of the global developments in black theology may offer some indication of black theology’s lasting potential to ground itself
over and over again in people’s theology, and thus to spread from academic departments to churches and ultimately onto the streets.

Reviewed by:

Professor Jakub Urbaniak
Department of Theology, St Augustine College
The grass beneath a tree is content and silent.
A squirrel holds an acorn in its praying hands,
offering thanks, it looks like.
The nut tastes sweet; I bet the prayer spiced it up somehow.
The broken shells fall on the grass,
and the grass looks up and says,
“Hey.”
And the squirrel looks down and says,
“Hey.”
I have been saying “Hey” lately too, to God.
Formalities just weren't working.

—Rumi

JM the squirrel sat alone in her office high up in the trunk of the Tree, glumly contemplating the acorn on her desk. More acorns stared down at her from the recesses that lined the walls in the trunk — perfect hidey-holes for acorn storage. Absent-mindedly she took a bite from the nut on the desk, chewing reflexively. Nothing. Just acorn.

Her imagination wandered to the previous week’s gathering, at which a visiting professor had provided a small bowl of seeds and grains. On the largest branch, home to the board room, all the Tree Creatures had
assembled, some curiously, some merely politely, sampling the strange-looking snacks on offer. The branch was so wide it could seat twelve Creatures across it and still have room to spare. Its length stretched out towards the distant horizon, obscured by clusters of leaves so that no one could say exactly where it tapered off. Red squirrels, ground squirrels, grey squirrels, tree squirrels and even the odd chipmunk and woodchuck had emerged from their offices in the Tree trunk, studiously setting aside their acorns or stowing them in the identical hidey holes that served as shelves for the entire Tree community. Large and small, striped, flecked and plain-coated, some bushy-tailed, and some with no tail to speak of, the Creatures each took a helping, pinching the unfamiliar grains between clumsy paws and delicate fingers.

Such a diverse gathering, you might think, but the nutty fragrance of acorn clung to them all and the same intelligent, friendly light twinkled from deep in their eyes and shone across their faces. Some looked kind, some cross and irritable, some rather tired, but you could recognise that they belonged here at this Tree, JM included, united in their appreciation of the Tree itself as well as the nuts which it housed.

“How to tell them what I am thinking?” JM mused. “How do I explain that the acorns can no longer fill me or satisfy my hunger? I do believe I am hungry for seeds, and for grain.” She left her office and went in search of a friend who could help her with her dilemma.

“JM!” the grey Cape squirrel from the next-door office exclaimed. “Are you sure? A taste for seeds and grains does not come naturally to squirrels like us. You will be much more comfortable in your office and there are plenty of acorns in this Tree to satisfy us all.” But JM was determined, and so the Creatures watched her pack a small bag and set off down the Tree towards the Ground to make her home in the place of grains and seeds.

“The Ground! She is so brave!” the chipmunks chattered.

“Foolhardy if you ask me,” grumbled the giant Tree Squirrel, shaking his head, while others exchanged uneasy glances.
“No need to worry,” the grey Cape squirrel said with a smile. “My friends at the Place of the Waterfall have invited her to stay with them. She will be back, and we will learn more about the grains and seeds, while they will also enjoy the acorns she has taken to share with them.”

And so a season passed and so it came to be. The Place of the Waterfall was home to a meerkat colony who were used to hosting guests and travellers. One small red squirrel was quite at ease in their midst. The nutty aroma which had travelled with JM from her days at the Tree began to fade as she worked in the sunshine alongside her new friends. Seeds and grains were grown and harvested, stored in a vast pantry alongside a collection of exotic dried fruits and all types of nuts left behind as gifts from previous guests and wanderers. JM’s acorns rested beside them, adding to the rich store from which they prepared their daily meals.

When the time came for JM to return to her work in the Tree, she filled her bag with all the seeds and grains it would hold. The first thing she did on her return was prepare a delicious wholegrain, mixed seed, fruit and nut pie for dinner. She called all the Creatures of the Tree to join her in the boardroom for the meal. Never before had they tasted such a dish.

“There’re acorns in it, to be sure,” said the giant Tree Squirrel wisely, “but so many other ingredients that they don’t taste the way they always do.”

“Quite indigestible,” muttered the woodchuck and the field mice agreed.

“Are you sure this is not meant to be only a side dish dear?” a large red squirrel asked. “Not a main meal, just an accompaniment. My palate really is more accustomed to acorns.”

“It’s all very well, but where is the recipe?” the chipmunks chattered nervously. “We should like to catalogue the ingredients you have brought, but how do we classify them? A recipe is really essential, you ought to know.”

“Just store these in the hidey-holes as you do the acorns,” JM advised, her eyes twinkling. “They belong there too. We can find all the ingredients we want whenever we need them. No need to use only the old recipes every
day. New ones are being created all the time at the Place of the Waterfall and we can do the same here. Don’t you think that the sweetness of the fruit enhances the smokiness of the acorns? I don’t know why we didn’t eat them this way before. And did you know that seeds are so nutritious? The meerkats never have trouble with colds and flu the way we squirrels do. There’s definitely something good to be found in a seed enriched diet.”

“Brave,” chattered the chipmunks. “So brave, so brave.”

“Look how excited she is,” the grey squirrels marvelled. “It’s gone quite to her head. We may never hear the end of this,” and they giggled nervously.

“Ground Creatures are not Tree Creatures,” snorted a cynical old squirrel as he left the branch, headed back to the safety of his office and his acorns.

“Don’t mind him, JM,” the grey Cape squirrel comforted. “His acorns are all stored and catalogued according to the shade of their shell, and you know no one does that anymore.”

“I must share this with the students,” JM told her. “They need to understand that collecting the acorn recipes might not be enough. They need to understand how to find food that will satisfy and also how to prepare food for all the Creatures to enjoy. The acorns will always be here, but the seeds and grains cannot be ignored.”

“Did she say that seeds and grains can take the place of acorns?” squeaked a field mouse. “Unheard of! Such disrespect! She will bring dishonour to the Tree!” The others joined in, shrieking and squealing their outrage.

“Excuse me,” JM calmly cleared her throat and raised her voice to be heard over their consternation. “I have something else to add. I learned this when I had left the Tree and walked away some distance across the Ground. Looking back at the Tree, something became clear which I had not understood before…. This is not, in fact, an Oak Tree at all. The acorns which we store are not even grown on our Tree or on a tree like ours. They must have been brought here too.”
“Lies!” a voice shouted from the far side of the branch. “She can’t prove it. And there have only ever been acorns here. If we accept this nonsense, soon we will be eating twigs and stones as well.” An angry mongoose came out of the shadows and fixed his cold eyes on JM. JM returned his gaze.

“A stone is not Food. It cannot give life. No loving Creature will serve a stone to another,” JM said. The grey squirrels moved closer, heads bobbing in agreement. “This is my recipe, if you insist on having one. The two-question method. Question one – is it Food?” The listeners shrugged but settled down. “Question two – can it be cooked on the Fire? For you know that nothing unhealthy can withstand the heat of the Fire, and the Fire has also softened some of our more indigestible acorns in the past.” The listeners nodded their approval. It made sense, they seemed to say. Fire was surely the wisest way to discern whether acorns, nuts, seeds, grains or fruit would be edible, and there was no point in testing twigs and stones in the same way – though some might try.

The very next day JM introduced her plan to the students. The students were apprehensive but encouraged by JM’s enthusiastic example. She knew it was no use simply showing them the store of grains and seeds which she had collected. They needed to gather their own, to prepare them on the Fire and to taste and see what was good.

A Feast was arranged for the following month. The students, along with any Tree Creatures who were willing, would bring their grains, seeds and nuts to the long, wide branch that held the boardroom. There they would cook their dishes together, learning from one another, and at the end of the evening, the dishes would be shared for the whole group to taste and evaluate.

They gathered at the next new moon with racing hearts and trembling whiskers, tentatively placing their offerings on the large boardroom table. The Fire glowed and crackled at the edge of the room, warming the air. Gradually the atmosphere became more light-hearted as the Creatures and students became bolder, showing one another what they had gathered, telling the stories of who they had met and where they had travelled,
discovering so many strange similarities in their experiences. Excitement and joy replaced anxiety. Side by side they prepared and cooked their contributions to the Feast. Eagerly they drew together around the great boardroom table and passed the different dishes from paw to paw.

The delighted sounds of their feasting spilled out of the Tree and overflowed across the grassy veld. Ground Creatures heard them, lifted their heads and exchanged contented smiles. Some drew closer to the Tree, curious to discover what had happened to cause such new and melodious chatter. Other Creatures twitched their nostrils as the wind carried new combinations of familiar aromas in their direction.

Up in the great Tree, a new energy enfolded the group gathered on the great branch under the silver thread of the moon. This would be the first of many meals of its kind in this Tree and in the homes of those who had shared their gifts of grains. At the edge of the room, the Fire glowed and crackled, warming the air. No one, not even JM, thought to ask from whence it had come.
The idea of founding a Catholic university in South Africa was first mooted in 1993 by a group of academics, clergy and business people. It culminated in the establishment of St Augustine College of South Africa in July 1999, when it was registered by the Minister of Education as a private higher education institution and started teaching students registered for the degree of Master of Philosophy and Doctor of Philosophy.

It is situated in Victory Park, Johannesburg and operates as a university offering values-based education to students of any faith or denomination, to develop leaders in Africa for Africa.

The name 'St Augustine' was chosen in order to indicate the African identity of the College since St Augustine of Hippo (354-430 A.D.) was one of the first great Christian scholars of Africa.

As a Catholic educational institution, St Augustine College is committed to making moral values the foundation and inspiration for all its teaching and research. In this way it offers a new and unique contribution to education, much needed in our South African society.

It aims to be a community that studies and teaches disciplines that are necessary for the true human development and flourishing of individuals and society in South Africa. The College's engagement with questions of values is in no sense sectarian or dogmatic but is both critical and creative. It explores the African contribution to Christian thought and vice versa. Ethical values underpin all its educational programmes in order to produce intellectual leaders who remain sensitive to current moral issues, who 'think rigorously so as to act rightly and to serve humanity better' (*Ex Corde Ecclesiae*).

The College is committed to academic freedom, to uncompromisingly high standards and to ensuring that its graduates are recognised and valued anywhere in the world. Through the international network of Catholic universities and the rich tradition of Catholic tertiary education, St Augustine College has access to a wide pool of eminent academics, both locally and abroad, and wishes to share these riches for the common good of South Africa.
CALL FOR PAPERS

In November 2019, we plan to publish a volume dedicated to the notion of dignity. The call for papers is open until the end of August 2019. Articles which focus on any of the following themes are welcome:

Human dignity in the contexts of:

(a) social (in)justice and ethical challenges in the globalised world;
(b) philosophical and theological discourses;
(c) religious and secular anthropologies;
(d) recent social-political and economic developments;
(e) Catholic Social Teaching and in particular the teachings of Pope Francis;
(f) ecumenical and interfaith perspectives.

Furthermore, potential authors are encouraged to submit papers on other (less obvious) aspects of dignity, including dignity of work, dignity of bodies (especially abused and excluded bodies); dignity of creation, dignity of natural environment and animals in particular, etc.

Guidelines for the authors can be found at the end of this volume as well as on our Journal’s website: www.staugustine.ac.za/sap.
AUTHOR GUIDELINES

EDITORIAL POLICY

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