

“O brother where art thou”

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Restorative Justice Congress

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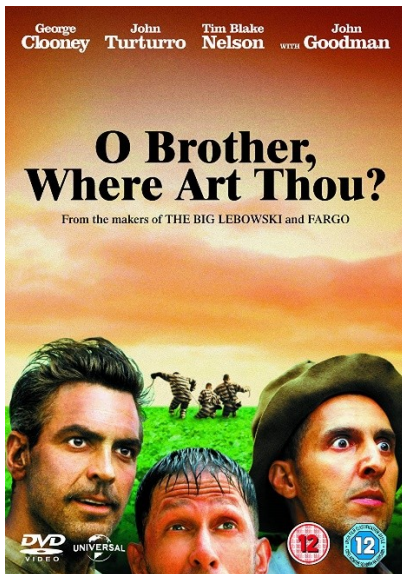
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1. Introduction

“O b. w. a. t.” is the title of an American movie from the year 2000. Like the famous novel of James Joys Ulysses, which everyone seems to know, but no one I know ever has read, this movie is a modern adaptation of the ancient Greek myth of Odysseus, who wants just one thing – return home- but who hast to stay on “a long and winding road”: life! There he has to fight many fights, face many temptations and challenges, is being trapped in the underworld (Hades) before he finally reaches his goal.



Even though the movie itself does not seem to have much in common with restorative justice, the mythological plot has.

The title of the movie is a combination of two biblical questions: **Genesis 3,9** tells us about God looking for Adam who is hiding ashamed because he didn't follow Gods commandment. God is looking for him asking: **“Adam, where are you?”**

In **Genesis 4,9** we read that God is asking Kain who just murdered his brother: **“Kain, where is your brother?”**

And also a third biblical question is connected to our topic. It is the question the angel asks Hagar the chased away servant of Abraham **“Hagar, where do you come from, where are you going? (Gen 16,8)”**

All those questions and quotations have one thing in common: They concentrate on a location and they focus on the question **“where”**. Where on your Odyssey of life are you at the moment ?

If I as a full-time prison-chaplain think about restorative justice, I have of course both in mind: victim and offender but because of my work I have to put the focus on the offender. People in prison are like Ulysses trapped in Hades and so are victims of crime.



In Austria **restorative justice** is called “diversion” and it can only be found in connection to minor crimes. If you take part in such programs of diversion there wont be a trial and you prevent yourself from going to prison by doing social work.

But also people in prison long for possibilities to look back, to fix or restore whatever is possible, and most of them truly long for forgiveness. Therefore we also have to ask what we can do in our prisons to restore justice in the life of people who committed a crime.

Our daily experience shows us, that it is not very helpful or even possible to ask someone “**who are you?**”. He wouldn’t be able to give an answer, we wouldn’t be able to give an answer. Only God can answer that question.



That is why the popular tattoo amongst prisoners: “only god can judge” is a very true statement. According to Christian believe God is the only one who knows who I really am, who you really are. The question: “**what have you done?**” is likewise not helpful because it would reduce the person to only one aspect, to only one moment in time: the moment of the offence.

The question “**where are you**” opens a space in which stories can be told, in which perspectives can be described, in which moving and change becomes possible. So even if people have “been spending most their lives in a gangsta`s paradies” they may come to the point where they realize that change is necessary and forgiveness is needed:

“ As I walk through the valley of the shadow of death¹ I take a look at my life and realize there`s nothing left... on my knees in the night, sayin`prayers in the street light, been spending most their lives living in a gangsta`s paradies (...) Why are we so blind to see, that the ones we hurt are you and me.”²

The question which we can ask ourselves is: can we allow those guys to change their location, to leave their false paradise, to move on, even to pray ? Or are we those who institutionally tell them to stay where they are: in Ulysses underworld, in their gangster`s paradise, in their ghetto, in the dirt, in prison? Once a criminal ever a criminal?

On the side of the victims: can we allow them to leave their underworld, their island of pain, their dungeon of grief, their tree of desperation? Or do we glue them to the underground on which they where abused ?

1 Psalm 23

2 Coolio

1. "Adam, Where art thou ?" The double room of silence



Adam is hiding himself after he took the forbidden fruit. In his shame he tries to become invisible. But there is also an invisibility which is not chosen:

Criminals are lost in a hidden room, which is not a "secret escape" but a dungeon of dragons, an island of cyclops they cannot leave even if they are someday released from prison. This room is created by others, by those who form it with an inner attitude. Those who make a prison a "heterotopos" as Foucauld would call it. Through our attitude we are unable to see the criminal, the terrorist, the murderer, the drugdealer, the thief, the rapist, as a person, as a human being. We don't perceive him as an individual anymore, we connect him with a group, put them in a box, we lock them in a room, and we constantly prevent their "coming out".

It is not St. Michael with a sword of flames, or a cosmic order who is guarding this bloody island, it is us. With the words of the German sociologist and writer Carolin Emcke I wish to ask:

“What does it mean for such a person, who isn’t visible anymore, who is no longer seen as a human person, if he is being overlooked or perceived as something else than he really is. As a foreigner, as a criminal, as barbaric, as sick, in any case as a member of a group, not as an individual with different abilities and inclinations, not as a vulnerable being with a name and a face.”³

But, to make this clear: We can ask the same about the victim. Is he or she, seen as an individual, as a person or did she become “the woman that was raped”, is being reduced to “the man who has been robbed” ?



To restore justice we have to understand, that we have the keys of those invisible prison cells in our hands. The magnificent antiphon of December 20th. says:

“O Key of David, sceptre of the house of Israel, you open and no one will close, you close and no one will open, come and guide the prisoners out of prison, those who are sitting in the shadow of death.”⁴

3 Emcke Carolin, Gegen den Hass, 26

Jesus gave his disciples that powerful key, not “to rule them all, to find them, to bring them all and in the darkness bind them.”⁵ But to release from darkness, bring them back into light and make them visible again. That is what God does with the question “Adam – brother, where art thou?”

Name

Many people in our society lose their names, even if they are called by their name. People in old people’s homes cease to be Peter, Paul or Mary, they become Mr. Bean, Mrs. Doubtfire, Mr. and Mrs. Nobody. Prison guards, social workers or psychologist are not allowed to call a prisoner by his first name. It would be considered unprofessional. As a prison chaplain, very often I am unprofessional. I have the chance to be more than just part of a system, more than just a robot like Agent Smith in a business suit. I can call Mr. Anderson “Neo”, because that’s the name he was known with, he himself loved and felt comfortable with. **We restore justice when we restore Identity.** We restore justice because we accept and respect the person in his or her self-perception and self-esteem, wherever it is helpful, necessary, or just good. I am always very touched, when a prisoner allows me to call him by his first name, because it shows, that he already feels respected in my presence, and that is an important first step to leave the island of death, a first step on the stairway to heaven. Let me close this thought with a remark taken from catholic liturgy: Before receiving holy communion we pray the “tantum dic verbo “: “but only say the word and I shall be healed”. In German we say “but only say one word”. Have you ever thought about what word that one word could be? I believe it is our name. When God calls us by our name it is the beginning of healing, the beginning of redemption, the beginning of restoration. **We can restore justice,** if we follow Gods example and ask not only “brother,

4 “*O clavis David* et sceptrum domus Israel; qui aperis, et nemo claudit; claudis, et nemo aperit; veni et educ vincitum de domo carceris, sedentem in tenebris et umbra mortis”.

5 Tolkien, Lord of the rings

where art thou”, “Number 40958 where are you”, “Agent Smith where are you” but instead “Adam, where are you”, “Eve, where are you? “Pete, where are you ?” or “where’d you go Bernadette”?



Silence

Crime is an experience surprisingly close related to religious experience. Such experiences leave us behind speechless. we have no words which seem right, which seem suitable to express what you just experienced in a suitable way. So, your only choice is to keep silent. But, this room of silence is a double room in which we can find the offender as well as the victim. So, even as the major task of pastoral prison care is listening, there is a lot of work to do to provide a setting – a “biotoppos”- in which someone becomes able to talk.

The earlier mentioned Carolin Emcke lost her Godfather whom she dearly loved through a terrorist assassination by the RAF. Years after that traumatic experience she wrote: “It creates a special room around itself, the silence, in which it encloses us: victims and offenders likewise. The silence solidifies like

ice. Frozen inside, time goes on without us” (...) and she asks the important question :“How can they be who they are, if they are not able to speak about their own history? How can they become someone else if they are not able to speak about their former history? Talking provides us with the knowledge about ourselves. As Martin Buber said 1923 : man need the you to become I. But what about victims and offenders? Emcke says about both groups:

“They can’t mediate their live to others and therefore also not for themselves. Their live has a gap, a break or a crack, which they can not insert into their story. They would have to explain how they got there – apart from any templates of state or system – but in saying “I”.

But for the side of the offenders: No one wants to allow them to say “I”. Why? Because society wishes to deprave them from all subjectivity and humanity. Emcke as a victim finishes this thought with a wish:

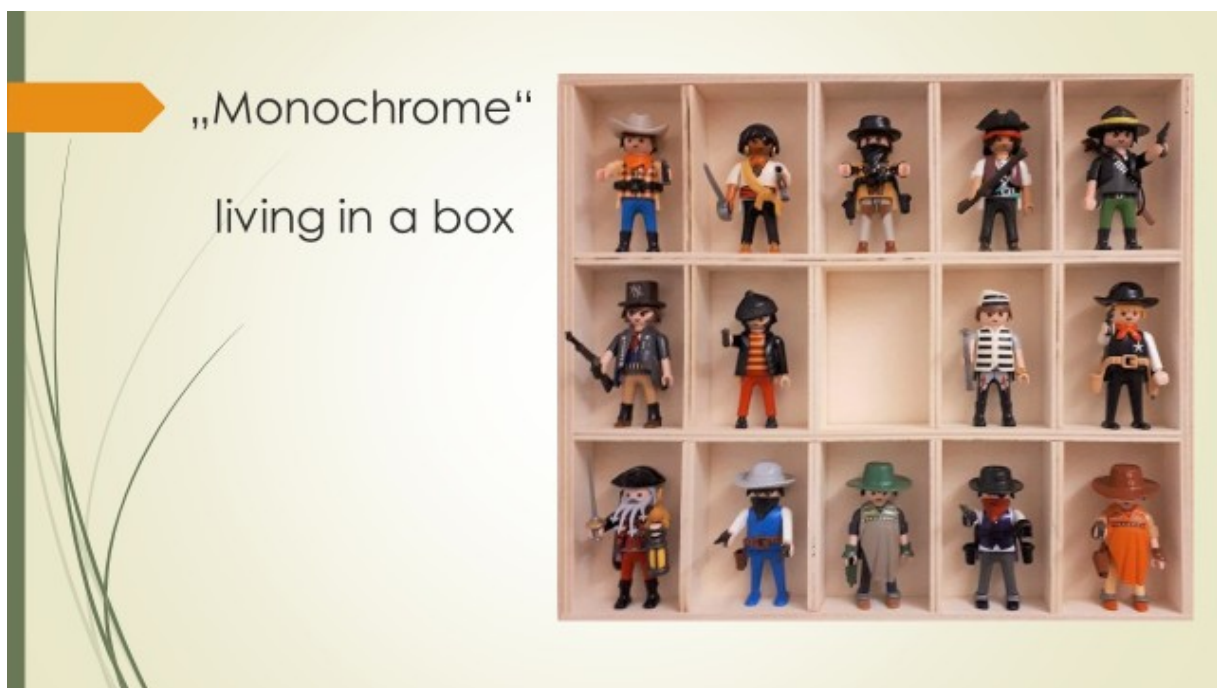
“I don’t want repentance! I want that they tell me their story. With all what would be painful for me. I would have to endure that. But only then the murder of my friend would be visible. Only then fantasy would stop torturing me. I need their story. Because it is also my story.”

We can restore justice if we enable people to tell their stories

We can restore justice if we listen to them.

2. Kain, where is your brother?

We know that Kain is not answering the Question. He is questioning himself. And his answer: “am I my brothers keeper” shows clearly that he perceives his brother as someone or something inferior, someone less valuable, less worthy. Very often I hear people excuse their offence with a very selective view on the victim.: “the bitch” didn’t deserve something else, “Woman have to be treated like that”, etc..., Caroline Emcke calls that view “monochrome”. “Black and white” would be at least bipolar, but “monochrome” has no space for differences.



Monochrome

I don’t know if you have those expressions in English, but in German we like to say: “I see black” whenever we lost hope to be able to help someone. In prison, that happens very often. Prisoners fail and fail and fail, and everyone knows for sure, that this guy will stay in prison for the rest of his life. “We see black”, means, we see no light, no

hope, no choice, no way out. Likewise, we like to say: “I see red”, whenever we feel angry, the blood pressure is rising and we are very close to transform from Dr. Werner to Mr. Hyde. Whenever this happens, the other is just a “red cloth” as we would say. This anger, this hate is imprecise. Caroline Emcke writes in her book “against hate”:

“the act of hate is imprecise. There is no way to hate precisely. Together with precision would come tenderness, the ability to have a closer look or to hear more accurate. Together with precision would come the differentiation which would recognise the single person with all her multiple, contradicting characteristics and inclinations. Whenever the contours are abraded, the individuals as individuals are made unrecognisable, what stays are just blurred collectives as addressees of hate. Then at will there will be defamed and devalued, shouted and raged: The Jews, the women, the unbelievers, The blacks, the lesbians, the refugees, the Muslims, the USA, The politicians, The west, The police, The media, The intellectuals.”⁶

Drug dealers speak of Drug addicts as “The Junkies”, Thieves coming from eastern European countries speak of The rich - The capitalists- the upper class or as the Austrians say: The stuffed. Rapists speak of The bitches, fascists speak of gay people as The fags, aggressive young immigrants speak of the native youth as The victims. The word victim in their circles is used as an insult. They would answer the question Adam, where is your brother, by stating: I don’t care. Because he is either under me or above me, but he is not where I am. So I don’t care. **If we want to restore justice, we will have to provide places and spaces, in which all can meet on the same level.** Religions tried to provide such a space. But if we are honest we have to confess it never worked. Not in Christianity were all are one in Christ and we call ourselves brothers and sisters but we still divide the world into ordained and lay people, into rich and poor, into saints and sinners,

6 Emcke, Gegen den Haß, 12

into church goers or couch potatoes And it is also not working in the Muslim “ummah”, were many people coming from non arab countries feel like second class Muslims.

We restore justice whenever we focus on the one common point which unites us all – the fact that we are and stay human beings, equal to dignity, from the moment of our birth until the moment of our death. We all know that, we all feel it, but reality is different. In the year 2020 in the so called progressive countries of the western world there’s still a lot of work to do to provide dignity for everyone.

Again I quote Carolin Emcke with a sentence meaning a lot to me and therefore written above my desk in the office in the prison of Garsten, where I work:

“All of those who are deprived of subjectivity, who are not respected as humans or equals, whose skin, whose body, whose shame is not being respected, those who are categorised and dehumanised as antisocial, as unproductive, as invaluable, as perverts, as criminals , as sick, as ethically or religiously impure, they all have to be reintegrated into a universal “We”.⁷

So, where is my brother ?

Expelled!

What can I do?

Reintegrate!

7 Emcke Caroline, Gegen den Hass, Frankfurt a. Main 2016, 210

**3. Hagar, where do you come from, where are you heading too?
The importance of changing the room.**

I like this question a lot because it shows that for the victim of crime the position, the location where he can be found does not have to be a fixation. There are still ways which can be used, roads which can be taken, goals which can be reached. There is a yesterday which might have been very traumatic, painful and crippling. But there also is a tomorrow. It is a decision to stay, as it is a decision to move forward. So there can be an invitation to let go the pain, to follow the hope, to move into a future. But we have to be careful and we shouldn't force people to let go, force people to forgive, force people to seek reconciliation. In some Christian community's there seems to be a certain always smiling pressure for all that.



In Europe we have the so called “Vesperbild” the picture for the evening prayer. This picture is very famous all over Europe. It shows the Pieta. Mary with her dead son in her arms. It shows pain and grief and blood, sweat and tears. In this moment which the picture shows

there is not a single thought on resurrection. “This is the end, beautiful friend This is the end, my only friend, the end.”⁸

And this moment lasts until easter-sunday. Long and dark hours of grief and pain, of anger and hate. But this time is very precious. In this darkness new life starts to grow. But the decision, when time for a change has come is not on us, it is not on the offender, it is solely on the victim.

Power

Surprisingly the victim has a certain kind of power: the power and ability of forgiveness. But, the victim decides if and when he wants to forgive. Forgiveness shouldnt be seen as a Christian duty. If we force people to forgive, we easily re traumatising them. It is more like a distant goal that is worth to be reached. The power of revenge is in the hand of the state. So the only activity in the hands of victims, the only power they as victims really have is the power of forgiveness, which they may use or not. But the offender is in need of this gift. He won't be easily able to forgive himself. For us as prison chaplains it is very hard to speak about forgiveness. It is hard to believe in Gods mercy if on the human level no one is merciful, and the one who has the power to grant the forgiveness can't be reached. We have to care that the speech of a forgiving God becomes an experience ! **We restore justice if we provide such an experience!**

A project

In Switzerland a project started last year, where prisoners meet victims. They perceive Restorative Justice not as an alternative but as a complement to penal justice. They invite victims of crime to a dialogue with prisoners who don't know each other, but who were

8 Jim Morrison

involved in the same kind of crime. This project is based on seven steps on 8 evenings.

1. find values which give security in the setting
2. talk about labels
- 3 talk about consequences
- 4 victims tell their story
- 5 the difference between shame and repentance
- 6 Forgiveness and reconciliation
- 7 the needs of victims
- 8 reflections on the process

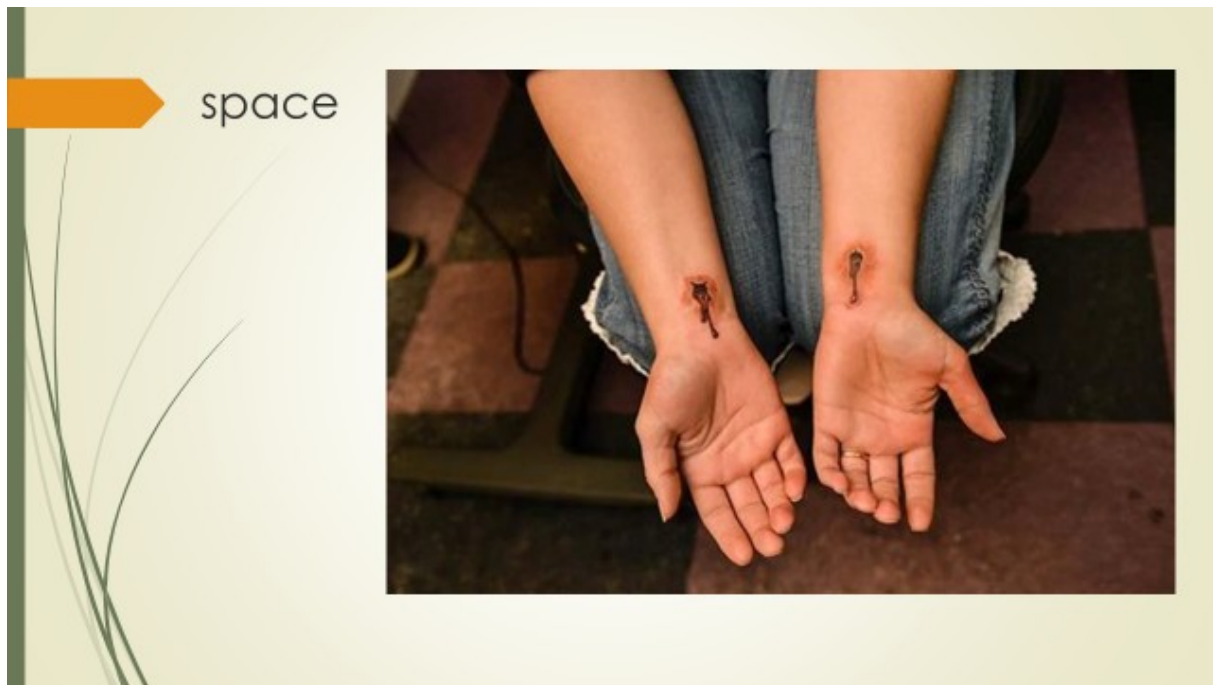
What is interesting is that in this concept only the victims are asked to tell their story. But the offender ? Is there no story to be told ? This example brings me to the final point:

4. The restaurant at the end of the universe



In the German town of Aachen one of the churches several years ago was transformed into an indoor-cemetery. There we find a painting of a long table reaching into infinity. At this table many people are sitting: Pope John XXIII, Bonhoeffer, Martin Luther King, Oscar Romero, Mother Theresa and many more unknown people. These unknown people refer to all those who are buried in this church.

But what is the link to restorative justice? The word “restore” comes from the Latin word “restaurare”, from which the word restaurant comes. Restaurare - Restore means to refresh and renew, to equip someone with new energy and power. But, restoration is not renovation. We cannot make something new because we don't have any object which could be renewed. If justice has been injured, in most cases the point of no return has been reached. So the only possible direction is the direction to future. Look at the stigmata of Christ. After his resurrection they did not disappear and they never will. They mark a gap which won't be closed.



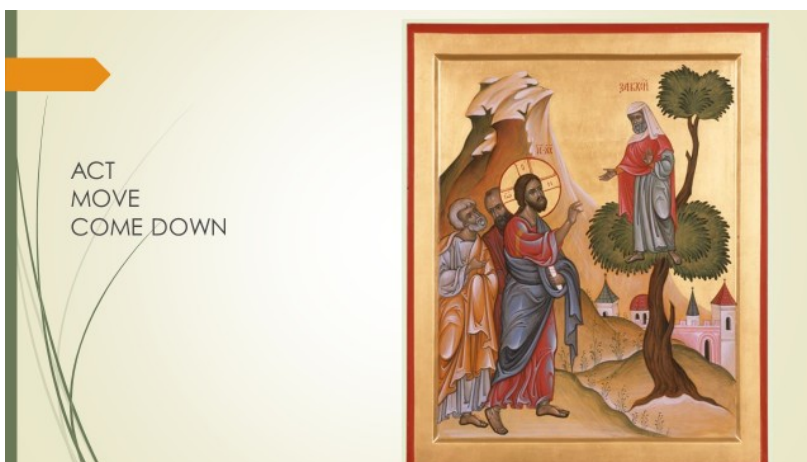
In meeting the “Pantokrator”- our judge, we meet a judge who is able to withstand the gap of justice because his justice is different. And it differs in exactly this perception of not needing to restore justice.

In pre-Christian, cosmological religions the gap of justice had to be closed by all means – that’s why sacrifice became important. But Christ makes it visible on his body that it is impossible to close this wounds, to restore his body, to restore justice in a pre-Christian cosmological sense. This is why all sacrifice has ended with Jesus Christ. So, what can we do? **We can restore justice when we are brave enough to put our fingers into the holes of Jesus hands.** There, we feel nothing, we bear the loss, we realise that there is nothing to be fixed, nothing to be changed, but we can do one thing: let go. It is in this open space where everything becomes possible, were miracles can happen. So, we are not any more trying hard and harder to restore justice as an idea or concept, but we can and we must restore human beings, human relations on the side of victims and offenders. Again I don’t ask how, but “where”. Where can this be done? My answer is in a “restaurant at the end of the universe”.



This restaurant at the end of the universe is the place, where the parallel worlds of victim and offender finally can meet. There we as chaplains or ministers can be waiters and waitresses, serving our guests at different tables, or to say it in Greek: we are “diaconoi”. If ordained or not, as prison ministers we serve as deacons.

When time has come our guests may move closer and closer together “looking at all their trials and tribulations sinking in a simple cup of wine”¹⁰. Restorative justice could and should be a “symposion”, which literally means a “drinking session”.

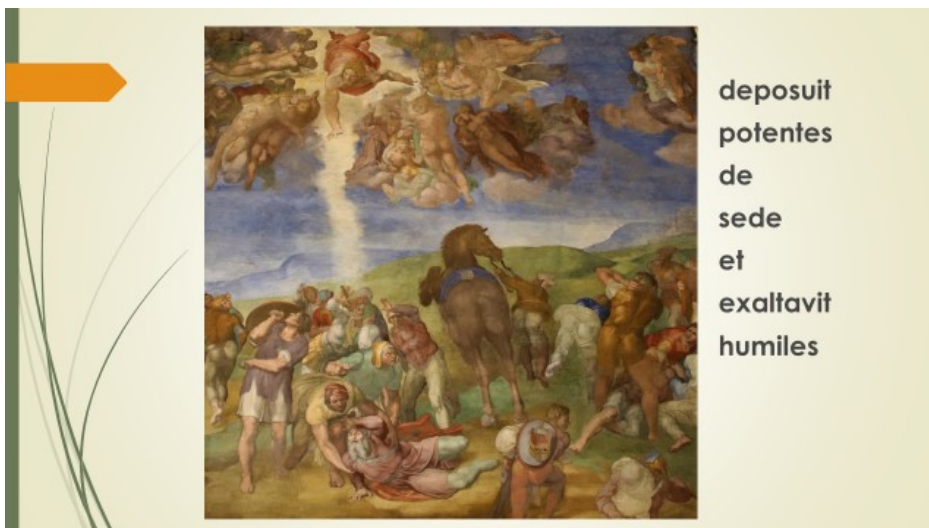


That is why I the story of Jesus and Zachhäus comes to my mind. Jesus is inviting himself for such a symposium, what some of us

10 Jesus Christ Superstar

would consider as very impolite. But in fact it is more like a gentle pressure. He shows his interest in the person. He wants to come and see who this man is, he wants to get in contact, he wants to stay and listen, he wants to understand, he wants to show empathy – all that makes the change, all that is restorative justice, but all that takes a lot of time and patience. In prison that “symposium” might be the dirty cup of tasteless coffee the prisoners share with us in their cell. I never refuse such an offer. In some cases it takes years to reach the person, to come to the point, to be able to start to restore the person, to restore justice. And very often I take the part of the other, the part of the victim, become the partner in the necessary but impossible dialogue between victim and offender.

But for all who are involved in such a process it is necessary “to come down”. Remember: Before having a party Jesus tells Zacchaeus to “come down”. If everyone stays in his upright position, no one wants to move, no one is willing to “come down” we won’t manage to meet and talk, to eat and reconcile. This way down is called humility. Humility brings us to the ground, to the earth, to humus. The Latin word humus is equivalent to the Hebrew word “Ha Adamah”. Adam is the name, humus is the game. On eye-level we meet, when we meet on the level of being human.



Let me finish my thoughts with a sentence from the Magnificat. Every evening we pray:

“he has brought down the mighty from their thrones and exalted those of humble estate “

When I meditate this words I always think of the conversion of St. Paul. If God brought down to the ground it is for one reason, to be restored by his power and mercy. Criminals, prisoners have been brought down to the ground – are being humiliated- because of what they have done, but not to be kept there in the dirt, but to be exalted and restored again. Saul has to fall so that Paul can rise.



We restore justice, if we restore Paul. We can be like the guy in the yellow cloth on the picture and convert all those so called hetero-topoi, thoses dungeons, those dirty roads, those prisons into bio-topoi – biotopes: spaces where living becomes possible. Where the invisible become visible, where the mute are being heard, where the unknown get a name, where black and white becomes coloured, where parallels meet, where wolf and lamb party together – whenever and wherever this becomes real we have left Hades behind and have reached “the restaurant at the end of the universe” which is called “kingdom of heaven”.

Thank you!