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“A Vital Christian Presence in Social Work”

RESTORATIVE JUSTICE

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I. Introduction

On New Year's Eve 1997, in Victoria, British Columbia, Bob McIntosh and two of his friends decided to check in on a loud party going on at the home of some friends who were out of town. When the door was opened, one youth punched Bob in the face so hard that Bob fell and lost consciousness. The young men proceeded to kick Bob while he was down, literally beating him to death.

Five years later, Bob's wife Katy produced a video in which she described her life and the lives of their twin children since that day. Police showed the video to one of the suspects, Ryan Aldridge, who broke down and confessed to his role in the killing. Ryan then wrote a letter to Katy and the twins in which he took responsibility for his part in Bob's death.

The next morning, police brought Katy to meet Ryan. Katy finally had the opportunity to ask Ryan what happened that night. As Katy left the building, she noticed that Ryan was sobbing and said, "I wanted to make it OK for him." In the Spring 2003, Katy began attending meetings of the Victim Offender Mediation program of Community Justice Initiatives. Today, Katy Hutchinson makes presentations at schools addressing the dangers of unsupervised parties. One day, Katy showed her presentation to Ryan where he is being held in prison. He responded to Katy with a lengthy letter in which he addressed the impact that his offense has had on his family and friends and the importance of interpersonal relationships, and he urged other kids to consider the consequences of their choices and actions. Katy now shares Ryan's letter during her presentations.

Some of you may have read this story and other stories on the theme of restorative justice in a recent edition of PRISM, the bi-monthly journal of Evangelicals for Social Action.

When this issue came out, some of us began to discuss these stories on NACSW's general listserv. We mostly marveled at how victims and their families can react like this in the wake of such a terrible tragedy. We asked questions about whether victims and their families experience a sense of "closure" with the disposition of cases in our criminal justice system, especially in cases of capital murder. For the second time in the past few years, we had some remarks and questions about restorative justice: What is the theory underlying restorative justice? It is faith-based, or not? Who or what is it that is being restored? Restored to what? With the encouragement of Matthew Schobert and others, I set out to find answers to these questions. This workshop, then, is a presentation of some underlying theory of restorative justice and how it intersects with our criminal justice system, the profession of social work, and Christianity. This material is on the basic level, as indicated in the workshop schedule.

This is a work in progress. I know more about restorative justice today than I did six months ago, and I have no doubt that I will know even more about restorative justice tomorrow as a result of discussions generated by this workshop. It is likely that that you will not agree with everything you hear in this presentation. That's OK. I will be satisfied to begin a conversation on the subject.

On November 4, 1977, Elmo Patrick Sonnier and his brother, Eddie, abducted David LeBlanc and Loretta Bourque, a teenage couple enjoying one another's company at a lover's lane. They raped Loretta, forced both Loretta and David to lie face down on the ground, and shot them in the head. Their bodies were discovered between six and eight hours after their deaths, and arrests were made one month later. Seven years later, in 1984, Patrick Sonnier was executed in Louisiana's electric chair.

In January 1982, Sister Helen Prejean was invited by a member of the Louisiana Prison Coalition to become a pen pal to a death-row inmate, and she reluctantly agreed. As she addressed her first correspondence to Patrick Sonnier, she wondered "what it's like to have done something really bad, really evil, something irreparable . . . Maybe he doesn't care about the pain he inflicts on others. Maybe he doesn't even realize that his victims' families, cursed with memory of their slain loved ones, will forever occupy a 'death row' of their own because of him . . . I wonder what his two young victims were like, and I think of their parents . . . Those poor parents. I wonder what I might do to comfort them. But the murders happened five years ago, and I assume that by now the Bourques and LeBlancs have tried to put the pain behind them . . ." (Prejean, 1993, 11). Thus began Sister Helen's first experience as a spiritual advisor to inmates on death row, and the first of two accounts which make up her 1993 best-selling book Dead Man Walking.

Sister Helen's Dead Man Walking so beautifully illustrates many of the principles of restorative justice, most basically in her concern not only for the offender but also for the victims, their families, and their communities as well.

II. Restorative Justice Defined

The works of Howard Zehr are the most definitive on the subject of restorative justice. His Changing Lenses (1990) is among the earliest in the restorative justice literature and is easily the work which is cited most often. Zehr cautions those of us who are curious about restorative justice. Restorative justice is not primarily about forgiveness or reconciliation. It is not mediation. It is not primarily designed to reduce recidivism or repeating offenses. It is not a particular program or a blueprint. It is not primarily intended for comparatively minor offenses or for first-time offenders. It is not a new or North American development. It is neither a panacea nor necessarily a replacement for the legal system. It is not necessarily an alternative to prison. It is not necessarily the opposite of retribution. “True Restorative Justice is not the same thing as therapeutic rehabilitation. It is not the ‘treatment’ or ‘cure’ of a ‘sick’ offender or a ‘sick’ society.” (Brunk, 2001, 43).

The central principle of restorative justice is that crime is a violation of people and of interpersonal relationships. The focus is on the harms of crime rather than on the rules or laws that have been broken. The needs and restoration of victims are of primary importance. It is also important to acknowledge the needs of the offenders as well while working toward the offender’s acceptance of responsibility for his actions. Restorative justice encourages the collaboration and reintegration of both victim and offender, rather than the use of coercion and isolation, to make right the wrongs. Violations create obligations for all stakeholders in the criminal justice system, including communities. The most important of these obligations is the need to put right the wrongs.

According to Zehr, restorative justice is concerned with the needs that crimes create and the roles of the stakeholders. He points out that the needs of victims are not being met by the justice system—the need for information, the need for truth-telling, the need for empowerment, and the need for restitution or vindication. Offenders have needs as well—the need for accountability, the need for encouragement to experience personal transformation, the need for encouragement and support for integration into the community, and the need for temporary restraint, for some. Finally, there are the needs of the communities involved—the need for attention to their concerns as victims, the need for opportunities to build a sense of community and mutual accountability, the need for encouragement to take on their obligations for the welfare of their members, including victims and offenders, and the need to foster the conditions that promote healthy communities.

The guiding questions for restorative justice become: 1) Who has been hurt? 2) What are their needs? 3) Whose obligations are these? 4) Who has a stake in this situation? and 5) What is the appropriate process to involve stakeholders in an effort to put things right? The goals of restorative justice are: 1) to put key decisions into the hands of those most affected by crime, 2) to make justice more healing and, ideally, more transformative, and 3) to reduce the likelihood of future offenses

With all of this in mind, then, we come to Zehr's working definition of restorative justice: "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible" (2002, 37). In similar fashion, Daniel Van Ness writes: "Restorative justice is a systematic response to wrongdoing that emphasizes healing the wounds of victims, offenders, and communities caused or revealed by crime. Practices and programs reflecting restorative purposes will respond to crime by: 1) identifying and taking steps to repair harm; 2) involving all stakeholders; and 3) transforming the traditional relationship between communities and their governments in responding to crime" (Van Ness, 2004, 96).

The restorative justice movement is a growing movement. It is an "emerging" practice," (Judah and Bryant, 2004, 4) that is coming into focus. It is a grassroots movement, promoted by individuals with a commitment to the movement and a passion for non-retributive alternatives to criminal justice. In the United States, there is no active promotion of restorative justice by the federal government. For states, their use of restorative justice practices is discretionary.

If we were to examine the sacred writings of the world's major religions, we would find that restorative principles are ancient. One look at a good bibliography in dealing with restorative justice, however, would lead one to believe that restorative justice is a fairly new phenomenon. Most items in the bibliography will be dated between 1997 and today. The earliest entry would most likely be John Braithwaite's Crime, Shame, and Reintegration (1989), in which he documents the use of reintegrative shaming and community conferences in New Zealand and Australia, and we begin to see programs developing on the basis of some restorative principles. Next would be Howard Zehr's Changing Lenses, in which he lays out the principles, guiding questions, and his working definition of restorative justice, along with a lengthy discussion of the origins of victim-offender reconciliation programs in Kitchener, Ontario and Elkhart, Indiana. Braithwaite (1999) himself said that, "Indeed, for all of us, practice was ahead of theory, and it was well into the 90's before the North American label restorative justice subsumed what had been developing elsewhere for a long time" (Morrison, 2001, 198).

On May 28, 1974 in Elmira, Ontario, two young men pled guilty to vandalizing two properties. With cooperation between the Voluntary Service workers for the Mennonite Central Committee in Kitchener, Ontario and probation officers, a meeting was arranged for the victims to meet face-to-face with the offenders. Thus the Victim Offender Reconciliation Program (VORP) was born, to be followed by similar efforts of Howard Zehr in 1977-78 in Elkhart, Indiana.

A VORP works independently of the criminal justice system. It facilitates face-to-face encounters between victims and their offenders. Of course, the offender's guilt is no longer in question. Most importantly, the victim has the opportunity to ask questions and get the facts. S/he has the chance to tell what the offense meant to her or him personally. A trained mediator chairs the meeting. Both parties are encouraged to tell their stories and to talk about the impact the incident has had on them. The focus on the meeting is

not so much on the facts of the case as it is on the feelings of each person and the agreements that result from the encounter. As the offender is confronted with the faces of those who have been harmed, he learns the consequences of his actions and is held directly accountable to take action in order to make things right. The offender also has the chance to express remorse or to seek forgiveness. These restorative principles are also at work in other manifestations of restorative justice, such as victim offender mediation sessions, restorative group conferences, Peacemaking Circles (formerly known as Sentencing Circles), Community Boards, reparations, restitution, community service, and giving an apology. Sometimes there are meetings held between victims and offenders of different incidents, such as when adolescent victims of sexual abuse confront offenders in prisons.

Although the majority of cases referred to a VORP are related to property offenses, VORPs are utilized to handle more serious, even violent, offenses. Approximately half of the court referrals to VORPs result in meetings, and nearly all meetings end in agreements. Most agreements are fulfilled. There is substantial victim satisfaction with VORPs, which highlights the importance of restitution. The most important benefit cited by victims is the ability to meet the offender and to actually do something to modify the offender's behavior. Victims who participate in VORP are twice as likely to feel treated fairly by the justice system. Offenders report an increased awareness of victims as people. Interestingly, offenders report that meeting the victim is the best, and also the worst, part of the experience.

III. Restorative Justice and Criminal Justice

Conrad Brunk (2001) outlines four theories of criminal punishment:

A) Retribution—The wrong is made right by punishing the offender. This is the oldest theory of punishment and has deep religious and theological roots. A legal offense becomes an offense against deity. Punishment is seen as divine retribution. The offender deserves the punishment handed down to him. Failure to punish deprives society, the offender, and the victim of justice.

Brunk says that the preoccupation with retribution “simply blinds itself to the fact that the real injustice of an offense is the loss and harm suffered by the victims. The injustice is not addressed by the suffering of the offender—the loss is not restored, the suffering is not compensated, the broken relationships with victims and society are not mended. The injustice remains” (38).

B) Deterrence—Society is protected from future wrongs by punishing offenders. With specific deterrence, society is assured of protection from the single, known offender for the duration of his sentence. With general deterrence, society is protected by using the punishment of known offenders as lessons to be taught to potential, unknown offenders.

The incarceration of a known offender may be a short-term guarantee of protection, but according to Brunk, it is “notoriously bad as a long-term strategy” (41). The focus on potential victims takes the focus off of actual victims, and there is no mechanism for righting the wrong. Zehr said, “We administer pain in the name of deterrence in spite of questions about the morality of administering pain to one person for the purposes of possibly deterring another. We administer pain even though it may have little relevance to what the victim needs or to the problems involved in the offense” (199), 76).

C) Rehabilitation—The focus is on curing, or reforming the offender. Brunk wants us to notice how we call our prisons “correctional facilities.” The offender is viewed as a patient, or as a victim (or both). The offense is seen as a product of the dysfunction of the social environment. The offender is seen as one who is not necessarily a free moral agent responsible for the consequences of his actions. While it is clear that many offenders are in need of treatment for mental health disorders or addictive diseases, they cannot be encouraged to make amends if they are not at fault.

D) Restitution—The previous theories of retribution, deterrence, and rehabilitation all focus on what should be done to criminal offenders. None of them addresses what should be done for crime victims. Restitution comes close to restoration in that wrongs are made right by compensating the victim. Offenses are compared to torts in civil cases, with negotiations undertaken as in a free market. The theory of restitution rejects the punitive aspects of criminal justice and defines offenses in terms of the harms done to individual victims (not to society or to the state.) Restitution stops short of restoration, however, in that restitution does not restore the relationships between offenders, victims, and their communities. With restitution, the advantage is to the affluent—restitution is seen as the cost of doing business.

E) Restorative justice provides a fifth theory of dealing with criminal offenses. With restorative justice, the focus shifts from punishment or deterrence to resolution of conflict. It seeks to involve the offender in actively taking responsibility to repair the harm caused by the offense. An effort is made to restore what has been lost, not just in financial terms, but in psychological and spiritual terms as well. Having the actual offender take responsibility for his actions is the deterrent, not the use of the occasion to teach a lesson to other unknown, potential offenders. Restorative justice treats offenders as free moral agents in need of radical personal change and repentance.

Restorative justice, then, according to Zehr, represents a “paradigm shift” in the way we view criminal offenses (1990, 184-185). In other words, he calls us to see the criminal justice system through a changed lens, which is best illustrated as follows:

<u>Retributive Lens</u>	<u>Restorative Lens</u>
Crime defined by violation of rules	Crime defined by harm to people and relationships
Harms defined abstractly Victim is the state	Harms defined concretely Victims are people and relationships
Crime seen as categorically different from other harms	Crime recognized as related to other harms and conflicts
State as victim	People and relationships as victims
State and offender seen as primary parties	Victim and offender seen as primary parties
Victims' needs and rights ignored	Victims' needs and rights central
Interpersonal dimensions irrelevant	Interpersonal dimensions central
Conflictual nature of crime obscured	Conflictual nature of crime recognized
Wounds of offender peripheral	Wounds of offender important
Offense defined in technical, legal terms	Offense defined in systemic terms—moral, social, economic, political

(*Zehr, H.A. 1990. *Changing Lenses*, pp. 184-5)

Perhaps we should consider how strongly we feel about retribution. As the date of his execution neared, Patrick Sonnier asked Sister Helen in exasperation, ““What words could I ever say to the families of those kids? I’m sorry?” I miss the moment. I should say to him, ‘Yes, yes apologize. As weak and ineffective and futile as your words of remorse and sorrow may seem, say them.’ Only later will I learn from Lloyd LeBlanc, David LeBlanc’s father, what such an apology means. He will later tell a reporter that his main reason for attending Patrick Sonnier’s execution was to hear an apology” (Prejean, 1993, 42).

An apology? Patrick Sonnier said, in his last words before his execution: “Mr. LeBlanc, I don’t want to leave this world with any hatred in my heart. I want to ask your forgiveness for what me and Eddie done, but Eddie done it.” Mr. LeBlanc nodded his head. Mr. Bourque turned to Mr. LeBlanc and asked, ‘What about me?’” (Prejean, 1993, 93). It appears that Mr. Bourque needed to hear an apology, too, but Patrick had explained earlier to Sister Helen that none was forthcoming because Mr. Bourque had been so vocal about the need to see Patrick “fry.”

IV. Restorative Justice and Social Work

Eleanor Hannon Judah and Michael Bryant (2004) introduce their work Criminal Justice: Retribution vs. Restoration by making the case that restorative justice is “entirely compatible with the (social work) profession’s philosophy, ethics and values” (5). Specifically, it is consistent with social work’s emphases on strengths-based, holistic, and systems perspectives of practice. Perhaps the most compelling argument for the close relationship between restorative justice and social work is an ethical one which, I believe, matches up very nicely with the profession’s core values (NASW Code of Ethics, 1999). For the purposes of this presentation, I am listing the core values in a different order: .

1. *Importance of Human Relationships: Social workers recognize the central importance of human relationships.* According to Zehr, the central principle of restorative justice is that crime is a violation of people and of interpersonal relationships. The consistency between the central principle of restorative justice and one of our core values is plain enough.
2. *Service: Social workers' primary goal is to help people in need and to address social problems.* Restorative justice addresses the needs of victims, offenders, and communities, needs that have been caused by crimes of various levels of severity.
3. *Dignity and Worth of the Person: Social workers respect the inherent dignity and worth of the person.* The literature makes constant reference to the fact that the very act of engaging victims and offenders in restorative practices shows deep respect for the dignity and worth of each person, victim and offender, and her/his needs.
4. *Integrity: Social workers behave in a trustworthy manner.* Asking victims, offenders, and their communities to build trust in each other as they resolve their differences makes it essential that only those who are trustworthy are given the task of leading restorative practices.
5. *Competence: Social workers practice within their areas of competence and develop and enhance their professional expertise. Social workers continually strive to increase their professional knowledge and skills and to apply them in practice. Social workers should aspire to contribute to the knowledge base of the profession.* Hence, the purpose of this workshop.
6. *Social Justice: Social workers challenge social injustice.* Dr. Frederic Reamer is perhaps the foremost authority on ethical practice in our profession. He is a Professor at the School of Social Work of Rhode Island College in Providence, and he has been a member of the Rhode Island Parole Board since 1982. He reminds social workers of their history of close involvement with the field of criminal justice dating back to the late 19th century. Reamer said that it was no accident that the first juvenile court, begun in 1899 in Cook County, Illinois, arose at the same time and in the same place as did major developments in the profession of social work. Social workers were advocating then that misbehaving children were to be “saved,” or rehabilitated, and not incarcerated along with adults. The literature of the time “supported the evolving view that offenders’ behavior was, to a great extent, a function of structural and environmental forces that needed to be addressed—a point of view quite consistent with social work’s.” (Reamer, 216).

Reamer notes that there are many social workers employed in the criminal justice system, such as in police departments, the judicial system (including the offices of public defenders), correctional facilities, halfway houses, and re-entry programs, and he argues that social workers have the skills and training needed to be effective with restorative practices such as mediation, alternative dispute resolution, restitution, and conciliation programs.

Reamer argues, “A close reading of the code (of ethics) yields the strongest possible arguments for social work’s serious reengagement with the criminal justice field” (219) . . . If one reads (the Preamble to the Code of Ethics) with criminal justice in mind, one can hardly find a better focus for the social work profession. There is no question that offenders, both adults and juveniles, are disproportionately poor, vulnerable, and victims of oppression . . . any seasoned professional in the criminal justice field understands that poverty, mental illness, and addiction, racism, and other vulnerabilities account for a remarkably large portion of criminal behavior. No other human services profession has formally adopted a mission statement that resembles social work’s genuine and enduring commitment to addressing the social problems and circumstances that give rise to these etiological factors” (219-220). He concludes by saying, “Social work and social workers should be central to the restorative justice movement” (224).

Reamer suggests, among other things, that social workers should offer workshops on the topic of restorative justice at national and statewide conferences.

Many writers base their advocacy for restorative justice on themes related to social justice and point out stark realizations. In the United States, there are approximately 2,000,000 individuals incarcerated. Prisons are overcrowded. Incarceration is unequally borne by minorities and the poor. A high percentage of inmates have been convicted of drug-related offenses. Families, especially those living in the inner cities, are destroyed. Felony offenders are banned from receiving Pell grants, banned from public housing, banned from receiving welfare benefits, and in many places are stripped of their right to vote. Female inmates are disproportionately African-American, with high rates of homelessness, high rates of unemployment, high rates of being victims of sexual abuse, high rates of alcoholism and drug addiction, and high rates of mental illness. They are often mothers and primary caregivers of young children. They are often incarcerated on nonviolent drug-related offenses, kept in overcrowded units, provided with substandard health care, mental health, and substance abuse treatment. They are easy prey for the sex trade, especially upon release (Galbraith, 198). For good measure, Eric Sterling, President of the Criminal Justice Policy Foundation, writes, “. . . Since the seventeenth century, to be black was to be deviant in the American ‘collective conscience’ and that status has been punished through slavery, through segregation, and now through the criminal justice system, especially by means of the ‘war on drugs’” (Sterling, 52).

Sister Helen Prejean grew up in Baton Rouge, Louisiana in the 1940’s and 50’s, with her mother, father, brother and sister. She attended Catholic schools, graduated from St. Joseph Academy, and traveled extensively. She went on to teach religion and English at St. Francis Cabrini Junior High School in New Orleans, where she observed that almost half of the people, mostly African-American, live in poverty. In the late 1970’s, she and some colleagues among the Sisters of St. Joseph of Medaille began to discuss why so few of them had become involved in issues of social justice. Her answer was, “Because we’re nuns, not social workers.” (2005, 179). In June 1980, Sister Helen heard a talk emphasizing that “Jesus preached good news to the poor, and integral to the good news he preached was that they would be poor no longer” (2005, 180). She moved from her

lakefront suburb into the St. Thomas Housing Project in New Orleans, where “every family . . . seemed to have a relative in prison” (2005, 181), and she worked as a teacher at the Hope House Adult Learning Center. While at St. Thomas, Sister Helen said that she began to read the Gospel through a different lens, a lens which saw Jesus teaching that the law must be “tempered by compassion” (2005, 182), a lens which saw anew how Jesus reached out to “the downtrodden and demoralized, whom he affectionately called ‘the least of these’” (2005, 182). “Only when I lived among poor people,” Sister Helen said, “did I become involved with death row prisoners” (2005, 179).

VI. Restorative Justice and World Religion

As noted earlier, it might appear to some that restorative justice is a movement of recent origin. The truth is that restorative practices are ancient and appear in many of the rituals and teachings of the major world religions. It is important that we acknowledge some of these teachings. Michael Hadley’s The Spiritual Roots of Restorative Justice (2001) is most helpful.

The First Nations people of Canada affirm that “the creator put us here. The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind. The laws of the Creator defined our rights and responsibilities” (www.afn.ca). Rituals such as the Sweat Lodge, the Vision Quest, the Pipe Ceremony, the Sentencing Circle (AKA Peacemaking Circle) all serve to cleanse the offender and restore him to nature and mankind.

For Buddhists, the only reason to punish an offender is to reform his character. The emphasis is on correction, not punishment. There is no reason to punish someone who has already reformed himself. Reform is a private matter, with no attempt to take account of the impact of an offense on society. Immoral behavior is ultimately due to wrong understanding. Therefore, what is needed is a calming of the mind, brought about by a spiritual awakening.

In Confucianism, crime is seen as the corruption of morality. Punishment is not for retribution, but for ridding the offender of moral evil. Although there are various schools of thought, restorative justice is most strongly reflected in the Analects of Confucius, including the teaching to “repay hatred with uprightness and repay virtue with virtue” (Hui and Geng, 101). The first victim is the offender himself, because the act has defiled his originally perfect nature (Ren) and the ideal relations between people, and the ideal relations between the individual and society (Li). The offender is no longer fully human. He must be restored to his original good nature through moral education, the cultivation of virtues, and by modifying the social environment. Punishment is contrary to human nature. Criminals are not seen as violators of the state or the law, but as symbols of evil in the social order. Conflicts are violations of interpersonal relations. The goal is to resolve conflict and restore peace and harmony (li) and to restore one to the social order (ren) through mediation (except in cases of murder). Confucius said, “Guide them by edicts, keep them in line with punishment, and the common people will stay out of trouble, but will have no sense of shame. Guide them by virtue, keep them in line with

the rites, and they will, besides having a sense of shame, reform themselves” (Hui and Geng, 110).

In Taoism, crime results from disobeying the natural Tao when people indulge their desires and act outside the bounds of their natural relationships. New relationships must be built between the individual and substantive human nature.

In Moism, crime occurs because the offender loves himself more than the other. The offender must mend relations and be restored to the will of Heaven. Retribution only leads to more hatred.

Sikhism teaches that Divine grace has primacy over the law of Karma. Early Sikhs were required not to retaliate against evil with evil, but to return it with good. The stress is on the virtues of mercy, forgiveness, compassion, and benevolence which facilitate healing and reconciliation.

In Hinduism, Dharma represents order in the natural, religious, social, and moral spheres. One’s position in that order is determined by one’s Karma in previous lives. The Rod of Punishment and the incarnation of justice pull out the thorns of society. With Manu, crime is seen as a threat to the stability of society and as an act which threatens the divine order and therefore requires atonement. Restoration is needed in the sense of a guaranteed entry into heaven. Penance burns up bad karma and removes the pollution that threatens one’s place in the community. Penance restores one to his place in the divinely ordained order. Ghandi taught that one’s dharma is to seek and practice truth contained in all religions—nonviolence and selfless service to humankind—because we are all children of god (small “g”).

In Islam, crime is an abrogation of one’s responsibility toward God and the harmony and solidarity of the community. Crimes are classified from most serious to less serious. With a crime of the higher order, the individual victim is silenced, and the welfare of the offender and community are primary. With a crime of the lower order, the practice of shaming is used to uphold the norms of the superiority of the community through forgiving. Chastisement is for the public good, for deterrence. The aim is to rehabilitate the offender. Forgiveness and minimal measures of punishment are central. Use of mediation, victim-offender conferences, and victim compensation programs encouraged.

With a crime of the middle order, victim’s compensation or reconciliation is encouraged. The victim or the victim’s family usually initiates these actions. “The participation of the victim, the offender, and the community is very clear in this process. The victim plays a full role in either granting forgiveness or not. The offender also participates by accepting the ruling on compensation, or rejecting it. Finally, the community plays the role of the arbitrator in choosing the judge/arbitrator through the ruler, as well as by providing compensation to the victim or his/her family in cases where either the offender or his/her family is indigent” (Ammar, 2001, 172).

There are teachings of non-retaliation in Islam. “If you stretch your hand against me, to slay me, it is not for me to stretch my hand against thee, for I do fear Allah, God of the universe . . . but if any forgiveness is made by the brother of the slain, then grant any reasonable demand and compensate him with handsome gratitude” (Ammar, 2001, 170).

Every writer on restorative justice who makes reference to the Hebrew Scriptures, our Old Testament, argues that restorative practices are rooted in the concept of shalom. For example, Hadley writes, “Justice is peace, Shalom, Salaam; it is a peace that heals wounds, removes fear, and is beyond all human manufacture and convention” (Hadley, 2001, 6). Marshall said, “The central concern of biblical law was the creation of shalom, a state of soundness or ‘all-rightness’ within the community. The law provided a pattern for living in covenant, for living in shalom” (48). Finally, Zehr said, “. . . as in the Old Testament, the basis for this covenant is God’s act of salvation and liberation. This act by God provides us a way of living together in shalom that involves mutual responsibilities between God and people and among people. The covenant of the Old Testament was based on a central act of salvation and liberation. This covenant created the basis for a new society, one which would be different than others, with operating principles of its own, and which would work toward shalom. The covenant of the New Testament too is based on a foundational act of salvation and liberation. It likewise creates the basis for a new community, with its own operating principles, and which will provide the basis for God’s work of shalom in this world” (1990, 134-135).

In Judaism, the process of forgiveness and atonement begins with reconciliation between the sinner and the victim, and culminates in a cleansing by the Almighty. There are, however, various forms of punishment prescribed in scripture. An offender is to make restitution in cases of robbery and theft. This restitution has three components (Lev. 5:20-26). 1) Restoration of items to the rightful owners; 2) an additional payment, consisting of one-fifth of the value of the things taken, probably as a deterrent; 3) an act of atonement, or guilt offering. Forgiveness is conditioned upon the offender taking responsibility for repairing the damage. Rabbis encourage victims to forgo claims to restitution when doing so would facilitate the rehabilitation of the offender.

An offender could become a Hebrew bondman. “By ordering the thief to become the victim’s servant, the Torah satisfies the demand for restoration of the misappropriated property, while at the same time removing the root cause of the crime by providing honest employment for the criminal” (Segal, 186)

Exodus 21:22-24 calls for proportionate retaliation, an “eye for an eye.” This is actually a sophisticated system of compensation, including payments for medical expenses, suffering, lost work time, humiliation, and permanent depreciation. There is exile for those committing unintentional manslaughter, who can escape to a city of refuge. There is corporal punishment, which is never to exceed 39 strokes (Deut 25:1-3). As for capital punishment, the Mishnah records, “A Sanhedrin that passes the death penalty once in seven years is called murderous court.” (Segal, 2001, 188).

VII. Restorative Justice and Christianity

Jesus said, “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ But I say to you, do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also; and if anyone wants to sue you and take your coat, give your cloak as well; and if anyone forces you to go one mile, go also the second mile. Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you.

“You have heard that it was said, ‘You shall love your neighbor and hate your enemy.’ But I say to you, love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers and sisters, what more are you doing than others? Do not even the Gentiles do the same? Be perfect, therefore, as your heavenly Father is perfect” (Matthew 5:38-48, NRSV).

Bruce Shelley begins his book, Church History in Plain Language with this opening line: “Christianity is the only major religion to have as its central event the humiliation of its God” (1982, 15). Of course, he was talking about the crucifixion of Jesus. Allard and Northey (2001) state emphatically that “the death of Christ among criminals, on a cross, was to link Christianity to criminal justice forever” (121). This is right, but I think we need to begin by considering the incarnation. The God of Abraham, Isaac, and Jacob, and the God of Moses the lawgiver, became flesh and dwelt among us, but he was not what the people were expecting in a Messiah. The God who was to be the consolation and the redemption of His people Israel was born of a virgin and as a baby was wrapped in swaddling clothes and lying in a feeding trough. He ate and drank and slept as we do. He learned a trade. He sat at the feet of religious leaders so that he could ask questions and learn about his religion. He was anointed as the Son whom God loved, and God told the people to listen to him. He claimed to be the One in whom prophecy was being fulfilled: “He unrolled the scroll and found the place where it was written: ‘The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord’s favor . . . Then he began to say to them, ‘Today this scripture has been fulfilled in your hearing’” (Mt. 4:17b-19, 21). He taught the people new things, and he turned their religion inside out. Now he taught the people that he desired mercy, not sacrifice. Religion was no longer a matter of simply obeying the law. Now the people were expected to circumcise their hearts.

Beginning with the church-state alliance under the reign of the emperor Constantine, Christianity moved from being illegal to legal, from being the underdog to being the top dog. Allard and Northey note that “the persecuted church quickly became the persecutor” of outsiders, pagans, and criminals (126). “From a biblical, Christian concept of justice, however, where the victim’s voice is the primary voice, we move progressively to a concept of justice where the emerging State is central; this constitutes a shift from a dynamic concept of attempting to place centre stage genuine reconciliation, restoration,

and shalom between offender-victim, to a situation where the victim's voice becomes increasingly silenced" (127). The state claimed divine authority for its actions. The church moved from a theology of grace to a theology of law and punishment, a movement which continued through the influences of Aquinas, Anselm, Luther.

Thankfully, we know that the practices of restorative justice are embraced in many corners of the Christian world today. Perhaps the Mennonite Central Committee is best known for promoting restorative practices. At the time Howard Zehr wrote his influential work Changing Lenses, he was the Director of the Mennonite Central Committee U.S. Office of Criminal Justice in Elkhart, Indiana, and he now heads the Conflict Transformation Program at Eastern Mennonite University in Harrisonburg, Virginia. Canada's Church Council for Justice and Corrections seeks to rediscover the theological and biblical foundations of a transformative justice. Their extensive use of practices such as circle sentencing, family conferencing, restorative parole, community chaplaincies, and circles of support are evidence of that. Every year in November they promote Restorative Justice Week in Canada (November 13-20, 2005).

Other churches promote the use of restorative justice in their ministries, including the Presbyterian Church USA, the Christian Reformed Church, and the Roman Catholic Church. The United States Conference of Catholic Bishops concluded their statement dated November 15, 2000, entitled "Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice" with these words: "We Catholic bishops hope that these modest reflections will stimulate a renewed dialogue among Catholics and other people of good will on issues and actions regarding crime and criminal justice. We encourage and support those called by our community to minister to prisoners and victims and all other people who work directly in the criminal justice system. We suggest that they use these reflections to assess how the system can become less retributive and more restorative" (U.S. Conference of Catholic Bishops, 2000).

VIII. Conclusion

After the execution of Robert Lee Willie, the second execution detailed in her book Dead Man Walking, Sister Helen met with the family of the victim. The relationship was cool, at best, and sometimes hostile. The victim's mother and step-father had become involved in meetings with Parents of Murdered Children. Sister Helen said that at those meetings, "They talk about helping victims' families—going with them to court, telling them what to expect, educating them on their rights . . . they experienced two victimizations—one with (their daughter's) murder, and the other at the hands of the criminal justice system" (1993, 224). She noted how they are often abandoned by other family members and friends, and how divorce is common among approximately 70% of couples who experienced the tragic loss of their children. Four years after their daughter's execution, the family invited Sister Helen to join them at their meetings. Within the next several months, the Diocese of Lafayette inaugurated a special Mass to be celebrated every year for victims of violent crime. The diocese also helped to organize a support group for victims of violent crimes (1993, 109). With the assistance of grant money made available from the 1984 Victims of Crime Act, Sister Helen began a program called Survive, and

she now works to build bridges between that group for survivors and another group called Pilgrimage, which advocates for the abolition of the death penalty.

In 1991, seven years after the execution of Patrick Sonnier, Lloyd LeBlanc initiated contact with Sister Helen. Following Patrick's execution, Mr. LeBlanc sought out his priest and made confession. Even though he had been the spokesperson for both victims' families at Patrick's hearing before the state Pardon Board and requested the death penalty, he was not satisfied with that outcome. Sister Helen reports, "Lloyd LeBlanc has told me that he would have been content with imprisonment for Patrick Sonnier. He went to the execution, he says, not for revenge, but hoping for an apology. Patrick Sonnier had not disappointed him" (1993, 244). In his communications with Sister Helen, Mr. LeBlanc would often include cash contributions, indicating that they are "for your prison ministry." Mr. LeBlanc takes his turn in a prayer vigil every Friday from 4:00 a.m. to 5:00 a.m. in a small chapel in St. Martinville, Louisiana. He prays for his son David, for his wife, for the Bourque family, and for their daughter Loretta. Now he prays for Patrick Sonnier, his brother Eddie, and their mother, Gladys Sonnier. One day Sister Helen asked if she could join him at his prayer vigil, and after driving to meet each other in the pre-dawn hours they kneel together in prayer. As Sister Helen concludes her book Dead Man Walking, she makes it a point to say that in January 1991, Lloyd LeBlanc went to see Gladys Sonnier and comforted her over the loss of her own son seven years earlier.

The aim of restorative justice practices is to restore broken relationships. They aim to restore the victims of crime and their families to wholeness. They aim to restore the offender to a law-abiding status in society. They aim to restore the offender to the fellowship of his/her moral community, and/or faith community. They aim to restore the social order and to restore the offender to his place in that order. They aim to restore the integrity of the community's life and its relationship with God. They aim to restore shalom.

Did you know that we even sing about restorative justice?

"To God be the glory, great things he has done;
So loved He the world that He gave us His Son,
Who yielded His life an atonement for sin,
And opened the life-gate that all may go in

"O perfect redemption, the purchase of blood,
To ev'ry believer the promise of God;
The vilest offender who truly believes,
Will surely from Jesus a pardon receive.

"Praise the LORD! Let the earth hear his voice."

--Fanny J. Crosby, 1875

Table 1—Changing Lenses: Retribution vs. Restoration

<u>Retributive Lens</u>	<u>Restorative Lens</u>
Crime defined by violation of rules	Crime defined by harm to people and relationships
Harms defined abstractly Victim is the state	Harms defined concretely Victims are people and relationships
Crime seen as categorically different from other harms	Crime recognized as related to other harms and conflicts
State as victim	People and relationships as victims
State and offender seen as primary parties	Victim and offender seen as primary parties
Victims' needs and rights ignored	Victims' needs and rights central
Interpersonal dimensions irrelevant	Interpersonal dimensions central
Conflictual nature of crime obscured	Conflictual nature of crime recognized
Wounds of offender peripheral	Wounds of offender important
Offense defined in technical, legal terms	Offense defined in systemic terms—moral, social, economic, political

(*Zehr, H.A. 1990. *Changing Lenses*, pp. 184-5)

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Helpful Websites

Assembly of First Nations
www.afn.ca

Baptist Peace Fellowship of North America
<http://www.bpfna.org/restorativejustice.html>

Christian Reformed Church

<http://www.crcna.org/justice/issues/restorativejustice/index.asp?IssuesMenu>

Community Justice Initiatives Association

<http://www.cjibc.org/>

Correctional Service of Canada

http://www.csc-scc.gc.ca/text/prgrm/rjust_e.shtml

Eastern Mennonite University, Center for Justice and Peacebuilding

<http://www.emu.edu/ctp/ctp.htm>

Fresno Pacific University—Center for Peacemaking and Conflict Studies

<http://peace.fresno.edu/rjp/>

Heartfelt Counseling Ministries

www.heartfeltcounselingministries.org

International Institute for Restorative Practices

<http://www.restorativepractices.org/>

Katy Hutchinson Presents

<http://www.katyhutchisonpresents.com/>

National Association of Sentencing Advocates

<http://www.sentencingproject.org/nasa/index.html>

No More Victims

Office for Victims of Crime (U.S. Department of Justice)

<http://www.ojp.usdoj.gov/ovc/publications/infores/restjust.htm>

Office of Juvenile Justice and Delinquency Prevention (U.S. Department of Justice)

<http://ojjdp.ncjrs.org/index.html>

Peacemaker Ministries

<http://www.peacemakerministries.org/>

Presbyterian Church USA—Criminal Justice Office

<http://www.pcusa.org/criminaljustice/mission.htm>

Prison Fellowship International—Centre for Justice and Reconciliation

<http://www.pfi.org/icjr>

Restorative Justice Ministry Network of North America

<http://www.rjmn.net/organization.html>

Restorative Justice Online

<http://www.restorativejustice.org/>

Simon Fraser University—The Centre for Restorative Justice

<http://www.sfu.ca/crj/>

Suffolk University—Center for Restorative Justice

http://www.suffolk.edu/cas/crj/r_justice.html

The Sentencing Project (NASA)

<http://www.sentencingproject.org/>

Transformative Justice Australia (TJA)

<http://www.tja.com.au/>

Turning Point Partners

<http://www.turningpointpartners.com/>

University of Minnesota, Center for Restorative Justice and Peacemaking

<http://2ssw.che.umn.edu/rjp/>

United States Conference of Catholic Bishops

<http://www.usccb.org/sdwp/criminal.htm#conclusion>

Victim Offender Mediation Association (VOMA)

<http://www.voma.org/>

Victim Offender Reconciliation Program

<http://www.vorp.com/>