

Grounding Justice in Reality: Theological Reflections on Overcoming Violence in the Criminal Justice System*

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One of the formative influences on my Christian life has been my exposure to the Anabaptist-Mennonite tradition. This tradition stems back to the earliest years of the Protestant Reformation, although it is still little known in New Zealand. My encounter with Anabaptism began with reading key books by Mennonite authors during my student days in the early 1970s, particularly John Howard Yoder's *The Politics of Jesus*. It developed during my four years of doctoral research in Britain during the early 1980s, when my wife and I were members of the London Mennonite Fellowship. It was deepened further by a period of sabbatical leave at a Mennonite seminary in the USA in the early 1990s. And throughout the past 25 years it has been continually enriched by fellowship with Mennonite friends and scholars around the world.¹

From my contact with the Anabaptist tradition, I have come to believe that a commitment to non-violence is an essential aspect of Christian discipleship, and that it is important to learn to read the Bible and to "do" theology in light of this basic commitment. At first, I saw a peace commitment largely in connection with questions of war and militarism. It is a commitment to forswear lethal violence as incompatible with the worship of a crucified God. But I have since learned that violence is systemic and institutionalised, not just episodic and personal. Violence is perhaps the primary social manifestation of sin (cf. Gen. 4); it is all pervasive in human experience. And peace is more than the absence of armed conflict; it is a condition of "all rightness," of harmony and well-being in all the departments of life.

Next to the military-industrial complex, perhaps the most violent and unpeaceful of all our social institutions is the criminal justice system. Much individual crime entails the use of overt violence to hurt and injure victims, sometimes with unspeakable callousness and brutality. Much legal punishment, though no longer using the rack and gallows, also remains fundamentally violent. We lock offenders up in cages, where violence is endemic. We deprive them of dignity and autonomy and self-respect. We wrench their families and communities apart, inflicting suffering on the innocent relatives and children of inmates and exacerbating the conditions that spawn crime in the first place.

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For all our attempts to have a “civilised” justice system that renounces revenge, we still have a system that relies heavily on the “controlled violence” of imprisonment as the means of combatting the “uncontrolled violence” of serious crime.

That being the case, Christians who take seriously Jesus’ call to non-violence and who believe in the power of the gospel to overcome violence and create genuine shalom must learn to apply these convictions to criminal justice policy and practice as much as to international militarism and human rights abuses. For if we are in any measure to overcome violence, we must employ the principles of peacemaking justice in all areas of social life, including the criminal justice system. With respect to our handling of crime, this means challenging the violent logic of retributive justice, which undergirds much of our present system, and embracing the principles and priorities of “restorative justice”.

A Fresh Approach to Conflict

Restorative justice is arguably the most promising of several fresh approaches to conflict resolution that have emerged in recent years. Indeed some commentators are now saying that restorative justice is poised to become one of the major fields of social science research over the coming decades.² From its early experimental origins some 30 years ago, restorative justice has grown into an international social movement whose implications for the shape and direction of Western political culture may be much greater than we realise. In seeking to return the resolution of conflict and crime from the centralised state to the local community, and to do so in a way that directly involves those most affected by the harm, the flourishing of restorative justice may well signal a sea-change in Western legal thought and practice — a change that involves a reconceptualising of the role of law and the meaning of justice, accompanied by a limited transfer of judicial power from the state to the community.³

Certainly some of the signs of this are apparent in New Zealand. In 1989, New Zealand reorganised its youth justice system along restorative lines, becoming the first country in the world to incorporate restorative justice conferencing into national legislation, with very encouraging results.⁴ The adult justice system, however, has continued to operate in the conventional manner, with New Zealand, to its shame, now boasting the second highest imprisonment rate in the Western world. However in 2001, after a change of government, a four year long restorative justice pilot scheme for serious adult offenders was launched in four district courts around the country. Should this pilot prove successful, restorative justice conferencing might yet become a regular feature of our criminal justice system. A major revision of the Sentencing and Parole Bill is currently before Parliament, a revision which, while coming down harder on dangerous offenders, also makes some remarkably explicit provisions for the employment of restorative justice mechanisms.

So, in some ways, these are hopeful days for those of us who believe that restorative justice has something special to contribute to an overburdened criminal justice system, and to an increasingly fearful and violent world. But the signs of hope are still very tentative, and the movement itself comparatively fledgling. The general temper of domestic society seems to be more and more punitive. Harsher sentencing regimes have been implemented in many Western jurisdictions, bolstered by a resurgence of retributivism in penal philosophy and practice. On the international scene as well, retribution seems to have the upper hand. The use of massive military power to secure what was, for a brief but revealing time, called “operation infinite justice”, calls into question the adequacy of restorative justice to deal with large scale crimes against humanity.⁵

But if, as I will propose shortly, restorative justice “works” because it reflects reality, then it should work in a wide variety of situations — international as well as local, political as well as personal. In face of the unspeakable horror of “9/11”, the ensuing horror of Western retribution against Afghanistan, and the impending nightmare of a war on Iraq, it is incumbent on restorative justice proponents to explore how restorative principles might be pertinent to dealing with such dreadful realities as international terrorism — both the terror unleashed by radical extremists and the terror deployed in the so-called “war against terrorism”.⁶

But what do we mean by “restorative justice”? What distinguishes restorative justice from other theories of justice, and especially from the notion of retributive justice that undergirds much of the conventional criminal justice system?⁷ And what warrants us placing confidence in restorative justice as a viable alternative to current retributive practices?

The Character of Restorative Justice

Restorative justice is known by a variety of names, and takes many different forms. Some call it “transformative justice”; others “relational justice”; still others prefer “community justice” or “collaborative justice,” or simply “real justice”. Whatever it is called however, advocates of restorative justice insist that it is not simply a minor variation on the current justice system, a way of helping it become more effective or more humane. It is an alternative model, a “third way” between the retributive and rehabilitative models that have dominated penal philosophy, a distinctive way of thinking about crime and punishment, a different “paradigm”, to use Howard Zehr’s term, to conceptualise criminal justice.⁸

For some, the distinctiveness of the restorative paradigm lies in its *process or practice*. Restorative justice is a particular process in which all those affected by an incident of wrongdoing come together to share their feelings and resolve together how to deal with its aftermath. For others, the distinctiveness of restorative justice lies in its *values or commitments*. Restorative justice is

different because it prioritises the values of healing and respect, participation, truth-telling, mutual care, reconciliation and peacemaking.

Of course, there is no need to set these “process-” and “values-” conceptions against each other. Both must be held together — for it is the values that determine the process, and the process that makes visible the values.⁹ If restorative justice privileges the values of respect and truth, for example, it is crucially important that the practices followed in a restorative justice meeting exhibit equal respect for all parties and give ample opportunity for everyone present to speak their truth freely. On the other hand, as long as these values are honoured, there is room for a diversity of processes and a flexibility of practice.

So restorative justice is *both* a distinctive process *and* a distinctive set of values, with each requiring the other. Having said that, what is most important, I believe, to the success and the future of restorative justice — especially as it becomes more professionalised and more embedded in the state justice system — what is most crucial is that *restorative values* are nurtured and promoted in the community. Restorative justice does have much to offer our ailing justice system, and to do so it needs to be embraced by the various components of that system (the police, the courts, the prisons, the legal fraternity, and so on). But there is a real danger that, in the course of becoming respectable, restorative justice will be co-opted by the state, and, bit by bit, forced to conform to an alien set of values — such as the need to process cases as quickly and cost-efficiently as possible, to employ only paid professionals to handle them, and to bury the “magic” of restorative justice beneath a mountain of official paper work.

But if restorative justice is to make a difference to the prevailing system, its practitioners must be “in the world but not of the world” (John 17:15). They must become trusted participants in the public justice system, yet self-consciously drink from a different stream, and cherish a different set of values. Of course values don’t exist in a vacuum; they are held by flesh and blood people who belong to particular historical communities. If it is to flourish, then, restorative justice must be anchored in alternative “communities of value” — that is, in communities of people who accord the highest importance to the values of mutual care and accountability, honesty and compassion, confession and forgiveness and peacemaking.

One such community in which this ought to be the case is the Christian church. After all Christians boast a religion that centres on grace and forgiveness and reconciliation, convictions that lie at the heart of restorative justice. One would therefore expect Christians to be vigorous supporters of judicial and penal reform in a restorative direction. Sadly this has not been the case historically (with some notable exceptions), and is not often the case today (again with notable exceptions). Perhaps

part of the mission of the restorative justice movement is to remind the Christian church of what it supposedly believes and ought to practice more consistently.

So I am suggesting that restorative justice is a set of practices that give expression to a set of values, and that the constant articulation and affirmation of these values in communities of support is of supreme importance if restorative justice is to deliver what it promises — namely, a way of handling wrong-doing that brings satisfaction to victims, to offenders, and to the needs of wider society.

But perhaps there is even more to it than this. As many participants will attest, the practice of restorative justice, especially within indigenous communities, is a profoundly spiritual affair. (Indeed recognition of the inherent spirituality of doing justice is one of the major contributions indigenous peoples have made to the restorative justice movement, certainly in New Zealand.)¹⁰ Furthermore many of the key values of restorative justice are deeply rooted in the Judeo-Christian tradition, and can be best appreciated when they are seen in the context of this wider religious world view.

From a Christian perspective, then, I would argue that restorative justice is much more than an effective democratic process and a laudable system of values. It is a manifestation of something far deeper than that, something that helps explain both the power of restorative justice and its cross-cultural applicability. Restorative justice is grounded in something beyond human devising. It has an objective, metaphysical basis. It is a practice that reveals the inherent nature of the universe. It is an phenomenon that makes visible the way reality really is, the way God has made human beings, and the wider moral order, to function. This, I know, is an audacious thing to say in a post-modern context. But for those of us who are Christians, for those who believe that the Christian story is true, such a conclusion is inescapable. Let me explain why.

Two Truth Claims

The Christian story rests on two fundamental claims, which it holds to be objectively or publicly true, not just a matter of personal preference or private taste. First, it claims that the Creator God is made most fully known in the person of Jesus Christ. “If you want to know what God is *really* like”, the New Testament authors submit, “then look at Jesus”. He is the supreme benchmark for our understanding of Deity. “He is the image of the invisible God”, the apostle Paul writes, the one in whom “all the fullness of God was pleased to dwell” (Col 1:15, 19, cf. 2 Cor 4:4). “He is the reflection of God’s glory and the exact imprint of God’s very being”, Hebrews declares (Heb 1:3). He is also the one “through whom God created the worlds” (Heb 1:2). “All things came into being through him”, John’s Gospel begins, “and without him not one thing came into being. What has come into being in him was life, and the life was the light of all people” (John 1:3-4). “For in him all things in heaven and

on earth were created, things visible and invisible, whether thrones or dominions or rulers or powers — all things have been created through him and for him.” (Col 1:16). Jesus, then, is both the human embodiment of God’s very being, and the one through whom and or whom God created the universe.

The second truth claim Christianity makes is that this God has acted uniquely in the life, death and resurrection of Jesus to restore the world to its originally intended state. In Jesus, God has entered fully into the human condition, shackled as it is to the power of sin and subject to the scourge of suffering and death, and has acted through him to defeat the power of evil and reconcile its victims to himself. “He has rescued us from the power of darkness”, Paul rejoices, “and transferred us into the kingdom of his beloved Son, in whom we have redemption, the forgiveness of sins...For through him God was pleased to reconcile to himself all things, whether on earth or in heaven, by making peace through the blood of his cross” (Col 1:15, 20).

Not only is “the blood of his cross”, by which Paul means his violent death on a Roman gallows, the decisive event that defeats evil, it is also the definitive revelation of what God is really like. Christian faith asserts that God is never more truly God than he is in the dying of Jesus. In the cross, as the gospel writers put it, the veil of the temple is torn in two and God stands revealed. God’s *justice* also stands revealed (Rom 1:16-17; 3:20). The cross shows that God’s justice is a peace-making justice (Rom 5:1), a reconciling, restoring and forgiving justice. The God who is made climactically known in the cross of Christ is a God who secures justice for both the victims and perpetrators of evil by pouring out his own life in suffering love to free them from their predicament and restore them to relationship with himself and with each other.

These, then, are the two mind-boggling assertions the New Testament authors make. They dare to propose that Jesus of Nazareth is the human face of God, and that the true character of this God, and the justice of this God, are nowhere more evident than in his death and resurrection. But this is not all. From these two claims, they arrive at a critically important deduction — and it is this: *that what we learn of God in the story of Jesus is the key to understanding the meaning, interconnectedness and destiny of all created reality*. As Paul writes, “All things have been created through him and for him. He himself is before all things, and in him all things hold together” (Col 1:16-17) In him, God has made known his “plan for the fullness of time, to gather up all things in him, things in heaven and things on earth” (Eph 1:10).

What an astonishing assertion this is! All things have been created for, they are sustained by, and they find their ultimate meaning in, the crucified and risen Christ. From this it follows that the central principle of creation is not naked power or control or order, but vulnerable, passionate, forgiving, reconciling, self-giving, triumphant *love* — a love which subverts evil, not by an

overwhelming display of coercive force, but by acting in amazing grace to redeem offenders and to heal sin's victims, and at great cost to itself. In short, *restoring love is the ground of the universe*.¹¹

Now all this seems counter-intuitive, even outrageous, in a world of violence and vengeance. But, if we believe it, it has enormous implications for appreciating restorative justice. If the cross reveals God's redemptive *modus operandi*, and discloses the basis on which creation itself is sustained, this explains why restorative justice "works". And it *does* work. Two researchers have recently noted:

If we have been waiting for the research to prove restorative practices work, we need wait no longer. Collaborative, problem-solving approaches have a history of success in families, communities, organisations and international relations. The social science research is overwhelming, consistent and clear. In the vast majority of situations, restorative practices work better than punishment or treatment approaches.¹²

But *why* do they work? Restorative practices work because they accord with the way God has made us; they work because they are consistent with "the plan" of the universe. In seeking healing for victims and redemption for offenders, restorative justice reflects the very heart of God — and it is charged with the power of God. No wonder then that restorative justice meetings can be so potent! No wonder that grace and truth, mercy and compassion, are so often evident. God is anonymously present whenever people honestly confront the consequences of evil and seek to deal with it in redemptive ways.

Now this attempt to identify a metaphysical grounding for restorative justice may seem far-fetched to some. But we need to remember that traditional notions of retributive justice have also appealed to metaphysical claims (indeed our current, post-modern scepticism towards justice having a metaphysical basis is unique in the history of human thought).¹³ According to classical retributivism, the moral universe operates on the principle of "just deserts". Justice is about giving people their due, balancing deed and desert, in accordance with the law of nature. When people do wrong, they *deserve* punishment, and it is punishment that vindicates and restores equilibrium to the moral order.

What is bold about my claim is not that restorative justice reflects a transcendent order, but the *kind of order* it reflects — an order that turns, not on the perfect balance of deed and desert (as in retributivism), but on redeeming, restoring inter-personal love. Retributive justice seeks to check and punish evil, believing that the pain of punishment compensates for the pain of wrongdoing, and that somehow by achieving an equity of suffering the moral order is upheld. Restorative justice focuses on the relational consequences of evil, believing that the moral order turns on *relationship*, so that when relationships are violated by crime, ultimately it is only healing and reconciliation that can affirm what

the world is really all about. Punishment may be necessary in the process (for a variety of good reasons), but it is not the pain of punishment itself but the restoration of peace to human experience that truly vindicates justice.

Three Key Components

I began by defining restorative justice as a democratic process that gives expression to particular restorative values, and I have just proposed that these values derive their potency from the fact that they reflect moral truth and the character of the God who made us. I want to finish by using a New Testament text to highlight three key principles that undergird and empower restorative justice practice. In Ephesians 4:15, the author writes: “speaking the truth in love, we must grow up in every way...into Christ”. This fascinating turn of phrase captures, for me, three key ingredients in restorative justice practice.

(i) First, for restorative justice to achieve its goal of healing and renewal, participants in the process must, above all else, “*speak the truth*”. Truthful speech is essential if justice is to be done. Conventional justice works on this basis as well, with the court system existing to establish the “truth, the whole truth, and nothing but the truth”. But, in practice, the truth in question is often limited to clarifying facts and establishing guilt. A narrow notion of legal truth supplants the fuller moral, spiritual and experiential truth surrounding crime — and even the legal truth is often obscured by technical language, plea bargaining, sharp lawyering, and legislative loopholes. This is why research shows, all over the world, that crime victims often end up feeling as much hostility toward the judicial system as they do towards their own offenders.¹⁴

Restorative justice, by contrast, seeks to make space for full truth-telling. Time is given for offenders and victims, and for their friends and supporters, to name the evil done, to describe how it has affected them, and to speak about the material and emotional needs it has created.¹⁵ Truth-telling requires offenders to accept genuine responsibility for the harm they have caused and the obligation it brings to put things right. It also allows victims to be discharged of the self-blame and shame they so often suffer from.

A commitment to truth in restorative justice also means recognising that there is a collective responsibility for the reality of crime. Victimizerers have usually first been victims themselves; they *do* harm to others because harm has first been done *to* them. They have been created, at least in part, by the community to which they belong. To acknowledge this is not to minimise their culpability, nor to redefine their criminal behaviour as a sickness. It is simply to face the larger truth surrounding crime, and to eschew the self-righteous and dishonest scape-goating that pervades so much of our penal system.

(ii) This is partly what it means, secondly, to “speak the truth *in love*”. It doesn’t mean encouraging victims to *feel* love for those who have abused them, or expecting offenders to feel warmly for their victims (although this can happen). Rather it means creating an environment in which the confrontation between the parties enables them to see the full humanity of each other.

For an offender to agree to meet his or her victim(s) face to face (which may be the hardest thing he has ever done), and to witness first hand the devastation he has visited upon them, is to do something consistent with the demands of love. For a victim to be prepared to meet her abuser, to tell him of her pain, and hear from him about his life and his hurts, is to act in a way that is consistent with love. When both parties accord to each other the respect of listening, they are showing care for each other, and care is the groundwork of love. And, experience shows, it is this expression of mutual care, more powerfully than anything our penal system can do *to* them or *for* them, that promotes change in the offender and healing in the victim.

(iii) Finally, according to the New Testament text, speaking the truth in love promotes hope, the hope of “*growing up every way into Christ.*” Hope is a central component of any life worth living. Individuals need hope to stay healthy, and a healthy society needs a shared sense of social hope to remain confident and purposeful. Hope is also crucially important in the struggle against oppression and injustice. Without hope, without a controlling vision for how things ought to be, and one day *will* be, there is little chance of achieving significant change for the better.

But hope has been deemed the rarest of all modern virtues.¹⁶ A vague sense of hopelessness pervades Western culture. In some circles, this “hopelessness” is the outcome of affluence and ease. Western capitalism and liberal democracy have created a culture of complacency and contentment among the well-off, suppressing any need or desire for radical social change. Among the poor and dispossessed, a different kind of hopelessness prevails. It is the hopelessness of resignation and despair that their predicament will ever be relieved.

Our prison system, which is over-populated with the poor and disadvantaged, is perhaps the most hopeless of all modern institutions. We speak euphemistically of a “correction system”, but we know it does not correct. It does not make things better; if statistics are to be believed, it makes things worse. Prison is both a dumping ground for the destitute and a crash course in crime for delinquents — and yet we go on investing in more and more prisons, and consigning more and more people to them.

Not only that, but in our growing sense of helplessness about how to combat crime, we seize on the deprivation of hope itself as the answer. The public clamour for longer and longer sentences, for so-called “truth in sentencing” and the abolition of parole, for reduction in rehabilitation

programmes and services for prisoners, even for the reintroduction of the death penalty, have one thing in common — an attempt to create a safer society by eliminating any vestiges of hope for offenders.

Recently in America a young teenager was sentenced to life imprisonment with no possibility of parole for an offence he committed when he was twelve years old. His crime was horrific — he battered a much younger child to death. But the boy's punishment was equally horrific. To punish a child by incarcerating him until he dies of old age is utterly inhumane. It is also profoundly unChristian. Why? Because so-called “real life sentences” systematically remove grace from the equation. No room is left for mercy, no space for repentance and forgiveness, for renewal and restoration. All grounds for hope are removed. Both the offender (and his family) and the grieving relatives of his victim, are abandoned to the wastelands of despair, and all in the name of doing “justice”!

By contrast, restorative justice conferences, for all their emotional intensity, can be the most hopeful of places, so much so that some sociologists are suggesting that the true social significance of restorative justice lies in its capacity to restore hope to a hopeless society.¹⁷ Because it seeks not simply to penalise past criminal actions but to address present needs and to equip for future life, restorative justice offers *hope* — the hope of healing for victims, the hope of change for offenders, and the hope of greater civility for society at large.

Now to represent restorative justice as an exercise in truth, love and hope may sound romantic or naive, and cynics may sneer. But in Christian tradition, truth, love and hope are not just fuzzy sentiments or romantic ideals. They are “tough” virtues, costly commitments fashioned in the furnace of suffering and constantly assailed by the ambiguities and contradictions of human life and by the sheer tenacity of evil.

But they are also the virtues that give human life its meaning and colour, that put us in touch with the divine, and that inspire us to seek a better world — a world in which we do justice with a restoring face. And without such justice, without a capacity to trust in the renewing power of love and truth, there is no hope for our world, and there is, finally, no way of overcoming violence. For violence cannot be defeated by better violence; hatred cannot be undone by retribution. The cycle of harm and counter-harm must be broken. “Do not be overcome by evil”, Paul counsels his hearers, “but overcome evil with good”. Only then is evil frustrated; only then can we hope to “live peaceably with all” (Rom 12:14-21).

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- ¹ See further my essay, "Following Christ Down Under: A New Zealand Perspective on Anabaptism", in J. D. Roth (ed.), *Engaging Anabaptism: Conversations With a Radical Tradition* (Scottsdale PA./ Waterloo On.: Herald Press, 2001), 41-52.
- ² So H. Strang & J. Braithwaite, "Introduction: Restorative Justice and Civil Society", in idem, *Restorative Justice and Civil Society* (Cambridge: Cambridge University Press, 2001), 5.
- ³ On the "sea-change" occurring in recent legal thinking, see W. Brookbanks, "Therapeutic Jurisprudence: Conceiving an Ethical Framework," *Journal of Law & Medicine* 8/328 (2001), pp.??
- ⁴ While the results of "family group conferencing" have been encouraging in terms of court appearances and custodial sentences for young people, it is by no means a perfect system. Seasoned practitioners in the area speak of it as a brilliant idea, with enormous potential, but flawed by poor practice and unrealistic workloads for conference facilitators. On the FGC model, see F.W.M. McElrea, "The New Zealand Model of Family Group Conferences", *European Journal of Criminal Policy and Research* 6 (1998), 527-43.
- ⁵ The use of restorative justice principles in the Truth and Reconciliation Commission in South Africa is a powerful example of how crimes against humanity can be addressed in a restorative setting. It was not without its detractors however, and some devastating criticisms have been levelled at it. See especially R. A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: CUP, 2001).
- ⁶ On the connection between human rights and restorative justice, see C. Cunneen, "Reparations and Restorative Justice: Responding to the Gross Violation of Human Rights", in H. Strang & J. Braithwaite, *Restorative Justice and Civil Society* (Cambridge: Cambridge University Press, 2001), 83-98. See also my *Crowned with Glory and Honor: Human Rights in the Biblical Tradition* (Telford PA: Pandora Press/Herald Press, 2001).
- ⁷ On this, see my larger study, *Beyond Retribution: A New Testament Vision for Justice, Crime and Punishment* (Grand Rapids: Eerdmans, 2001), esp. 97-144.
- ⁸ H. Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale PA.: Herald Press, 1990).
- ⁹ Strang & Braithwaite rightly insist that a combination of values and process conceptions should be seen as a "normative ideal" for restorative justice, "Restorative Justice and Civil Society", 13.
- ¹⁰ On the indigenous contribution to restorative justice, see J. Consedine, *Restorative Justice: Healing the Effects of Crime* (Lyttelton: Ploughshares Publications, 1995), e.g., 81-89. See also Church Council on Justice and Corrections, *Satisfying Justice: A Compendium on Initiatives, Programs and Legislative Measures* (Ottawa: CCJC, 1996).
- ¹¹ One theologian who takes this seriously is C. H. Pinnock, *Most Moved Mover: A Theology of God's Openness* (Carlisle: Paternoster, 2001).
- ¹² T. Wachtel and P. McCold, "Restorative Justice in Everyday Life", in Strang & Braithwaite, *Restorative Justice and Civil Society*, 123
- ¹³ See D.B. Forrester, *Christian Justice and Public Policy* (Cambridge: CUP, 1997), 45, cf. 187-88.
- ¹⁴ "Throughout the Anglo-American adversarial system and the inquisitorial system of continental Europe as well, victims are consistently reported to be angry and bewildered, expecting to be able to turn to the police, to prosecutors and the courts for assistance and advice, and invariably finding that they are regarded by each of these agencies as outside of their area of responsibility", H. Strang, "The Crime Victim Movement as a Force in Civil Society", in Strang & Braithwaite, *Restorative Justice and Civil Society*, 72. See also Howard Zehr, "Restoring Justice," in L. Barnes Lampman & M. D. Shattuck (eds), *God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness* (Grand Rapids: Wm B. Eerdmans, 1999), 131-59.
- ¹⁵ Research indicates that the average time taken in court hearings is 10 minutes; the average length of a restorative justice conference is 45 minutes.
- ¹⁶ See Forrester, *Christian Justice and Public Policy*, 246-59.
- ¹⁷ Strang & Braithwaite, "Restorative Justice & Civil Society", 7.