

Dear Reader:

This report from the Committee to Study Restorative Justice is being sent to CRC congregations and classes for review. All responses to this report must be in the form of an Overture or Communication to Synod 2005. Such documents must be processed through a church council and classis before it is received by synod.

If you have any questions regarding proper procedures, please contact:

**Dr. David H. Engelhard
General Secretary of the CRCNA
2850 Kalamazoo Avenue SE
Grand Rapids, MI 49560**

Phone: 616-224-0744

E-mail: engelhad@crcna.org

Outline for report

I. Introduction

- A. *The old dump truck*
- B. *The committee mandate*

II. A criminal justice crisis and the restorative justice response

- A. *What's gone wrong—a criminal justice crisis*
- B. *The development of the present criminal justice system*
- C. *Restorative justice: What it is and where it came from*
- D. *The restorative justice philosophy*
 - 1. What are the key questions for each approach?
 - 2. Who is the victim?
 - 3. How are offenders asked to take responsibility?
 - 4. What are the roles and relationships of punishment and accountability in criminal justice?
 - 5. Are the causes of crime addressed?
 - 6. Is the present system fair?
 - 7. Does the system restore offenders back into their communities?
 - 8. Does the system encourage healing, reconciliation, and forgiveness?
 - 9. Why is the restorative justice model used so rarely in criminal cases?

III. Biblical principles of justice

- A. *The deep grammar of justice*
 - 1. Justice is about relationships
 - 2. Justice is broken
 - 3. Justice does not pass over wrongs
 - 4. Governments are called to uphold justice
 - 5. The community of Christ is called to a prophetic role
- B. *The story of restoration*
 - 1. Restoration brings a new and better justice
 - 2. Restoration is the story of God
 - 3. Restoration can be our story
 - 4. Governments are called to restoration
 - 5. The Christian community is called to restoration

IV. Principles and conclusions

- A. *Justice principles*
- B. *An affirmation of the restorative justice movement*
- C. *What churches can do*

V. Recommendations

Appendix: Resources re Restorative Justice Issues

I. Introduction

A. *The old dump truck*

They were two boys doing what boys love to do—exploring the neighborhood and testing their powers against each other—when one of them spotted an old dump truck in the weeds. Without thinking, first one, then the other, reached down, picked up a rock, and threw it against the truck. The windshield of the old truck broke with a satisfying crash. The boys ran home, guilty, but undiscovered. Or so they thought. It was not long before a sheriff’s car pulled up at a house. The boy, faced with the accusation, soon admitted his and his friend’s guilt. Now what? Arrest? Trial? A sentence and a record?

This is the point at which the story turns. With the boys facing the threat of criminal justice proceedings, a decision was reached among those involved to try to handle the situation among neighbors. The parents contacted the owner of the truck and made arrangements for the boys to do yard work in restitution for the broken windshield. No charges were filed. No criminal record was established. The situation was resolved—the boys learning something about the value of other people’s property and the neighbor receiving both an admission of guilt from the boys and restitution for what he had lost. Justice was done. The neighbor was restored to equanimity or, if we use the biblical word, *shalom*.

The details of this little story, told to us by a member of our committee, became for us a simple way to sum up the fundamental principles of restorative justice.

1. The story assumes that justice—we will say more about what this means—exists and that justice was violated when the boys broke the windshield of the old dump truck. In what is to follow, we take seriously both the existence of justice and the need to address violations of justice. Restorative justice is neither denying justice nor overlooking violations.
2. Further, the little story recognizes the proper role of governmental authorities in addressing justice violations. The threat of official sanctions against the boys was an important ingredient in the outcome of the incident. The outcome of the incident was monitored by the authorities. If the outcome had not been satisfactory to all concerned, the authorities had the right to step in.
3. The story also brings up the possibility of alternative processes. If the sheriff’s deputy had refused to allow the parents and the boys to attempt to reconcile with the neighbor, the incident would have been processed through the criminal justice system. In this case, restorative justice represents a broadening of criminal justice practice.
4. Another key element in the story is that the boys—the offenders—took responsibility for their actions. Without accountability there can be no true restoration.

5. The victim also has a role here. His claims were vindicated and his losses restored. In restorative justice, victims are heard and their losses are addressed.
6. Finally, the story involves not only the victim and the offenders but also the community in the process of healing. A restorative justice process is not complete until the offenders, as well as the victims, are restored to community. Although it is often unattainable, reconciliation is a goal of the restorative justice process.

A couple of boys throwing rocks at an abandoned truck is a far-too-easy example, of course. Such matters can and often are handled informally, but, can the principles discerned in this small example serve in more difficult cases where the stakes are far higher? Can it work in places where there is little community and where family structures have broken down? Is there a place within the criminal justice systems of our two nations for restorative justice? Is there a larger place than presently exists? Should the church support the practice of restorative justice not only in the criminal justice setting but also within other institutions, including churches and Christian schools? Is restorative justice more biblical than the usual forms of justice practiced in our communities and nations? It is these and related questions that we seek to answer in the following pages.

B. The committee mandate

Synod asked us to address these questions in response to an overture brought by Classis B.C. North-West (*Agenda of Synod 2003*, pp. 401-22). The overture included a study of restorative justice and a set of recommendations. Synod 2003 was favorably inclined toward this overture but believed that it required clarification and amplification at key points. Specifically, synod mandated our committee to:

1. Identify and articulate the biblical basis for the administration of justice, particularly the distinction and interaction between retributive and restorative justice.
2. Consider the present United States and Canadian criminal justice systems and assess both, clearly describing the urgency of the present situation and giving examples of successful interventions and outcomes of restorative justice. Other applications to consider include situations of restorative justice in the home, school, and church.
3. Recommend ways for the church and its members to learn and implement these biblical justice principles.
4. . . . Make every effort to submit to the churches, by the spring of 2004, a draft copy of the report, inviting response for the committee's consideration.
5. Report to Synod 2005.

(*Acts of Synod 2003*, p. 618)

These are large tasks. The amount of written and other material related to the various parts of our mandate is vast. What we will try to do in these pages is provide a lens through which to see and understand these materials. Our report will fall into five main sections. In the first section, we will look at a perceived crisis in our criminal justice systems and how the restorative justice movement seeks to address this crisis. The second

section will ask the question at the heart of our mandate: In the light of biblical and Christian principles, how persuasive is the approach taken by the restorative justice movement? Should Christians become involved in various restorative justice efforts to critique and reform our present criminal justice systems? The third major section of the report will draw together our conclusions and offer a set of justice principles. The report proper will conclude with a set of recommendations for synodical action. An appendix will offer resources for further study and action.

II. A criminal justice crisis and the restorative justice response

A. What's gone wrong—a criminal justice crisis

Simply citing statistics is one way to get at what is widely perceived to be a crisis in our criminal justice systems. Consider these statistics that offer a perspective on one part of the problem—the burgeoning correctional system in the United States:

1. In the United States, there are presently more than two million people in the nation's prison system—more than six times as many as were imprisoned just thirty years ago.
2. The United States imprisons people at the rate of about 700 for every 100,000 people. This compares with 40 per 100,000 in Japan, 95 per 100,000 in Germany, 110 per 100,000 in Canada, 400 per 100,000 in South Africa, and 645 per 100,000 in Russia.
3. Having only 5 percent of the world's population, the United States accounts for 25 percent of its prisoners.
4. If recent incarceration rates remain unchanged, an estimated 6.6 percent (1 in 15 persons) will serve time during their lifetimes.
5. Nearly two-thirds of the people entering prison have been there at least once before.
6. The rate of incarceration for white men is 681 per 100,000; for black men, 4,834 per 100,000; and for Hispanic men, 1,778 per 100,000.
7. Twenty-eight percent of black men will be sent to jail in their lifetimes.
8. Since 1980, the number of women in prison has increased at nearly double the rate of men.
9. This year alone, more than 600,000 persons will be released from the nation's prisons—more than the populations of cities such as Seattle and Boston.

Note: For these and other statistics on incarceration in the United States, see the U.S. Department of Justice, Bureau of Justice Statistics web site: www.ojp.usdoj.gov/bjs/.

For Canada, the statistics are less dramatic but show some of the same trends. From 1989 to 1995, the number of persons incarcerated in Canada

grew dramatically (although at rates consistently below those of the United States). Since that time, the number has leveled off and declined slightly (for these and other statistics see www.statcan.ca/ and <http://newark.rutgers.edu/~wcjlen/WCJ/stats/canada.html>). If one looks below the surface of these statistics, one finds the same kind of racial imbalances that are evident in the U.S. statistics. For the federal prison system, 15 percent of the population is Native, while the Native population represents just 2.8 percent of the population of the nation as a whole. If one groups together the Prairie Provinces, Northwest Territories, and Northwest Ontario, the figure for the Native prison population jumps to 44 percent. There are many other issues as well. While restorative justice approaches are mandated, the will and means to implement them are often lacking. Correctional investigators point to problems with overcrowding and health issues. There has been a steady increase of nonsentenced people held in often unhealthy, overcrowded remand centers.

Along with these numbers come enormous costs—in dollars, in lost productivity, and most importantly, in lost lives. However, the numbers by themselves do not tell the whole story. A recent book by David Garland (2001) chronicles a major shift in the attitudes toward, and practices of, criminal justice in the last thirty years. Among the indices that he lists as indications of this shift are the decline of rehabilitation as an underlying ideal for prisons in particular and the criminal justice system in general, the reemergence in public discourse of retribution as the principal aim of criminal justice, a change in the emotional tone of crime policy, an emphasis on the fear of crime, the emergent role of victims in sentencing, a stress on public safety as a goal of the criminal justice system, and the politicization of criminal justice policy.

The point here is not whether any or all of these shifts are, in themselves, good or bad, but that these changes in attitude have changed the way that criminal justice is practiced—especially in the United States but also in many other countries, including Canada. They—the attitudes—have led to some of the statistics that we cited above: more people incarcerated with longer sentences, more emphasis on punishment for punishment's sake, and deeper divisions within our societies over the fairness of the criminal justice system. As a result of these and other developments, questions increasingly are being raised about the directions our societies have taken toward criminal justice, about the human and financial costs of the current systems, about the effectiveness of the systems in achieving their goals, and about the justice of these systems in general.

At this level—the level of statistics and social analysis—we might be able to argue the pros and cons of the present systems. The arguments change, however, when we come to realize that every number is a story and every story is the story of a person, a child of God. These are often tragic stories, stories of abuse, of chemical dependencies, of bad choices, and of a hundred other human causes that catch up whole communities in webs of crime and poverty. These are lost lives, lives that are lived in a cycle of short-lived freedom and long incarceration. They are the forgotten, the underclass, the ragged remnants of rich societies. They and their victims

are locked together in these dysfunctional systems. No one need look far to see that the present systems do not work well, especially for the minorities of our nations. So, we might ask, how did we come to this point?

B. The development of the present criminal justice system

Recent developments in the criminal justice systems of Western societies—increased incarceration, less judicial discretion, the establishment of a criminal class, and so forth—are part of a longer history in our societies. The present systems developed largely out of the social reforms of the eighteenth century. This is not the place to detail those reforms and their effect on the way that criminal justice has been practiced, but for our purposes, three shifts that occurred during the Enlightenment period are relevant for our later discussion of restorative justice.

The first was a shift from the law of the king to the codified law systems that we now have. This shift had the merit of reducing the arbitrariness of punishment, but it did so at the cost of making criminal systems objective in character. The ownership of the criminal justice processes moved from community to state; the contest moved from offender versus the victim to offender versus the state or crown. An emphasis was put on keeping the personal—including the grief and anger of the victim—out of the system. This remains true today. Separate entities investigate the crime, judge it, and carry out the sentence. No one person is responsible for the overall process, which allows for and promotes a certain distance from the effects of the system on offenders and victims alike. Each person just does his or her job.

The second was a shift from a variety of public punishments that were often cruel and painful to imprisonment as the punishment of choice. Imprisonment had long been used by the authorities to detain people, often arbitrarily and for political reasons, but it had not been thought of as punishment. In the late eighteenth century, authorities began to use imprisonment as the punishment itself. It fit the new codified law perfectly: It could be graded for severity in terms both of the time spent in the prison and of what happened inside the walls—tough time or easy time. It seemed, initially, far more humane than the punishments then being used.

The third shift, concomitant with the shift to imprisonment as the punishment of choice, was a shift in the goals of punishment. Instead of punishment as retribution or punishment as public example, the eighteenth-century reformers held up the ideal of punishment as correction. Just how that correction was to happen was a matter of considerable discussion. One of the earliest experiments, in Philadelphia, adopted a monastic ideal: a discipline of penitence practiced in a solitary cell. The contrasting Auburn model tried to establish a prison society, strictly regulated, in which the prisoners would learn social values.

The problem has been that, in fact, neither model has worked or worked well. Michel Foucault (1979) points out that from the very beginning criticism has been mounted against prisons, and this criticism has been repeated ever since. The following points are always made:

1. A relationship between the crime rate and imprisonment is difficult to establish. Recently, for example, rates of imprisonment have continued to rise while the crime rate has been falling.
2. Prisons seem to foster recidivism. Statistics show that roughly two-thirds of those entering the prison system have been there before.
3. Prisons reinforce the sorts of behaviors that lead to delinquency outside of the prison.
4. Prisons allow the formation of criminal relationships. People meet future collaborators in crime inside the walls of the prison and learn of criminal possibilities there.
5. Reentering society after a stay in prison is very difficult. The stigma of imprisonment makes it more difficult for offenders who have served their sentences to find employment and establish a life within the rules of society.
6. Imprisonment often leads to the impoverishment and even the destruction of the criminal's family by removing from the family its principal source of income and by separating the members of the family for long periods of time. In this way imprisonment becomes a punishment not only for the offender but also for the whole family.

The point is not whether each or all of these elements of the critique of prisons can be debated or addressed with measures intended to mitigate their effects. The point is that these arguments have been made about prison culture for two hundred years. They keep arising because imprisonment tends to produce the same results. Foucault points out that the response to these criticisms is also predictable. It leans to one of two forms: prison reform, which attempts to address the problems by making the prison more rehabilitative, or a call for increased severity of punishment, which leads to tougher and longer time for those imprisoned.

We have clearly been in an era in which the latter emphasis has been paramount. We have heard the calls for tougher and more time for prisoners for thirty years. The result has been the huge run up of prison construction, longer sentences, fewer prison programs, and many more people held in prison. Whether these changes promote justice and enhance public safety has and will continue to be debated. Our task is not to settle the debate but to ask whether some of the goals of our societies may not be better met by changing our perspective on and, in some cases, our approaches to criminal justice. It is just such a challenge to our present systems that the restorative justice movement presents.

C. Restorative justice: What it is and where it came from

Restorative justice arises out of the critique of, and a need for, an alternative to the dominant criminal justice systems in our and other countries. The response of the restorative justice movement has two parts. One is a philosophical critique of current criminal justice practice, outlined in, for example, the books of Howard Zehr (1995, 2002), Christopher

Marshall (2001), and John W. De Gruchy (2003). The second is a variety of concrete criminal justice initiatives, such as Victim Offender Reconciliation Programs (VORP), sentencing circles, and family group conferencing (more on these later).

The modern restorative justice movement arose in the 1970s—about the same time that the current build-up of prison population began. It arose, in part, from Christian, especially Mennonite, roots. Howard Zehr (1995, 158), himself a Mennonite, describes the informal beginnings of the movement:

On May 28, 1974, two young men from Elmira, Ontario, pleaded guilty to vandalizing 22 properties. No one could have guessed that their cases would lead to a movement with international dimensions.

Several days earlier a group of Christians had met to talk about a Christian response to shoplifting. The Elmira case had been widely publicized and so came up in the discussion. Probation officer Mark Yantzi, whose responsibility it was to prepare the pre-sentence report in the case, was present. "Wouldn't it be neat," he dreamed, "for these offenders to meet the victims?"

After a discussion, the idea was proposed to the judge, who initially turned it down, but when the time for sentencing came, the judge, to the surprise of all, ordered precisely what this small group of Christians had proposed: face-to-face meetings between victim and offender. Out of this small beginning, the VORP movement was born. Zehr (1995, 161) describes the VORP concept in the following way:

[The] VORP process consists of a face-to-face encounter between victim and offender in cases which have entered the criminal justice process and the offender has admitted the offense. In these meetings, emphasis is upon three elements: facts, feelings, and agreements. The meeting is facilitated and chaired by a trained mediator, preferably a community volunteer.

Along with the VORP movement (now sometimes known as Victim-Offender Mediation or VOM), pioneered in Ontario and Indiana, came initiatives from traditional societies who wished to go back to earlier, remembered, forms of justice. Prominent among these were the Maori of New Zealand, who felt that modern approaches to justice were destroying their young people. Drawing from their Maori aboriginal traditions and Christian beliefs, the Maori developed family group conferencing as an alternative way to resolve community conflict and crime. Family group conferencing includes the offender, the victim, community members affected by the crime, and a facilitator in meetings designed to lead to outcomes that satisfy all the parties. The New Zealand model, in turn, was transported to Australia where the police developed the model further. This model was introduced to the United States by Ted Wachtel of Bethlehem, Pennsylvania, through conferences and his book, *Real Justice*.

Thus, the movement has spread in a variety of ways, both formally and informally. In Canada, restorative justice efforts have had the support of the Royal Canadian Mounted Police. In addition, renewed interest (1970s-1990s) among the aboriginal First Nations people in Northwest Canada

led to federal legislation (719.2[e] Part XXII, Criminal Code of Canada) that mandated restorative practices such as sentencing circles; community reintegration; and restitution and reconciliation programs, under which prison sentences are to be used only as a last resort. In 1996, restorative justice practices were recognized by federal and provincial ministers of justice. In early 2004, the Department of Justice Canada issued two important documents: "Values and Principles of Restorative Justice in Criminal Matters" and "Restorative Justice Program Guidelines." The former document was released "to further dialogue on the development for a national consensus on fundamental values and principles and a consistent framework for the use of Restorative Justice in Criminal Matters." The second document outlines best practices. Increasingly, schools in Western Canada are operated by restorative justice principles and practices.

In the United States, restorative justice practices have been recognized officially by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) under the Balanced and Restorative Justice Model (see the web site for OJJDP at <http://ojjdp.ncjrs.org/> and for the University of Minnesota Center for Restorative Justice and Peacemaking at <http://ssw.che.umn.edu>). In addition, many states and municipalities have begun to employ restorative justice approaches, especially in the area of juvenile justice. For an overview of these efforts, see the University of Minnesota Center for Restorative Justice web site, cited above, which includes an extensive bibliography and links to other restorative justice sites.

Recently, a large restorative justice initiative has been undertaken in the United Kingdom. Under the signature of Home Secretary David Blunkett, the government released, in July 2003, a comprehensive strategy for the implementation of restorative justice practices in a consultation document entitled *Restorative Justice: The Government's Strategy*. The secretary names three important elements of restorative justice practice:

The Government is committed to placing victims' needs at the centre of the Criminal Justice System (CJS). We also want a system that encourages responsibility, so that offenders face up to what they've done, and make amends. And we want the wider community to be involved in finding positive solutions to crime and anti-social behavior (p. 4).

He goes on to say that he believes that "restorative justice can help us deliver a CJS like this" (p. 4).

Along with these official responses to the restorative justice movement, a variety of advocacy groups have adopted restorative justice perspectives, including Prison Fellowship through its Justice Fellowship (www.pfm.org/justicetemplate.cfm), the Church Council on Justice and Corrections, a multidenominational group to which the CRC belongs (www.ccjc.ca/main.cfm), the Center for Public Justice (www.cpjustice.org), and our own denominational justice office (www.crcjustice.org). More on these groups is found in the resources appendix.

D. *The restorative justice philosophy*

So what holds these various and somewhat disparate practices and groups together? What is the underlying philosophy of restorative justice? Howard Zehr (1995, 2002) has often served as a spokesperson for the movement, and we will be drawing upon his work and those of others. Zehr (2002, 37) describes restorative justice as “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.”

In the past, those describing restorative justice have often set side by side two justice paradigms, naming one *retributive* and the other *restorative*. This is unfortunate for several reasons. First, it suggests that there is no place for retribution in a justice system. As we will develop shortly, biblical principles of justice do include the idea of retribution. Second, although the words *retributive* and *retribution* often have the connotation of vengeance in our culture, vengeance is not inherent in the concept of retribution. Third, such a distinction may be polarizing and misleading. Zehr (2002, 58) states:

In my earlier writings, I often drew a sharp contrast between the retributive framework of the legal or criminal justice system and a more restorative justice approach to justice. More recently, however, I have come to believe that this polarization may be somewhat misleading. Although charts [often featured in earlier books on restorative justice] that highlight contrasting characteristics illuminate some important elements differentiating the two approaches, they also mislead and hide important similarities and areas of collaboration.

Zehr (2002, 58-59) summarizes the similarities and differences well when he states:

Philosopher of law Conrad Brunk (2001, 31-56) has argued that on the theoretical or philosophical level, retribution and restoration are not the polar opposites that we often assume. In fact, they have much in common. A primary goal of both retributive theory and restorative theory is to vindicate by reciprocity, by evening the score. Where they differ is in what each suggests will effectively right the balance.

Both retributive and restorative theories of justice acknowledge a basic moral intuition that a balance has been thrown off by a wrongdoing. Consequently, the victim deserves something and the offender owes something. Both approaches argue that there must be a proportional relationship between the act and the response. They differ, however, on the currency that will fulfill the obligations and right the balance. Retributive theory believes that pain will vindicate, but in practice that is often counterproductive for both victim and offender. Restorative justice theory, on the other hand, argues that what truly vindicates is acknowledgment of victims' harms and needs, combined with an active effort to encourage offenders to take responsibility, make right the wrongs, and address the causes of their behavior. By addressing this need for vindication in a positive way, restorative justice has the potential to affirm both victim and offender and to help them transform their lives.

Rather than contrasting restorative justice with retributive justice, it may be more helpful to contrast the restorative justice approach with the current criminal justice systems—themselves a mixture of philosophies

and approaches. It is in answer to the following questions that the differences between restorative justice and our current systems emerge.

1. What are the key questions for each approach?

The current criminal justice system focuses on the questions, What laws have been broken? Who did it? What do they deserve? Too narrow a concentration on these questions can result in a narrowing of the legal process to technical issues, which miss the reasons for the law in the first place—the harms done to victims, to communities, and even to offenders. By focusing on the actual harms done—on such questions as: Who has been hurt? What are their needs? Whose obligations are these? How can the processes of justice include all those who have been affected by the crime, whatever their involvement?—the restorative approach keeps justice tied to people and relationships, to damage done to these people and relationships, and to the sorts of obligations thereby created.

2. Who is the victim?

This is a key question for the restorative approach to justice. The current criminal justice system often distances the victim and the immediate community from justice proceedings by defining cases in terms of the offender versus the state or crown. The result too often is that victims are all but ignored. Not only do victims frequently feel ignored or even abused by the criminal justice process, our adversarial systems lack mechanisms that would lead to apologies, restitution, compensation, and, most importantly, vindication for victims. Nor do communities receive the help they need. The criminal justice system misses the connection between the lives of individuals and their communities. That which harms the individual harms the whole community. The restorative justice model attempts to address these relationships and needs. It looks at the harm done to all and seeks effective ways to repair that harm. It actively involves victims, communities, and offenders in efforts to repair the damage.

3. How are offenders asked to take responsibility?

The current criminal justice system does not systematically encourage offenders to take responsibility for their actions. Accountability is focused on fulfilling the punishment imposed by the state, “on doing time,” rather than having offenders take responsibility for harm done. In adversarial proceedings, such as ours, it may be in the interest of the defendant to deny responsibility. While there is much to be said for our adversarial, innocent-until-proven-guilty systems, a systemic result is that offenders are not required to take personal responsibility for the harm done to their victims. Even our language betrays us here. We say of those who have served their sentences that he [or she] has “paid his debt to society.” What of the debt to the victim? Or to the local community? In a restorative justice model, accountability for one’s own actions—accountability to those who have been harmed—is a key concept. Punishment cannot be a substitute for accountability to

victims and communities. The restorative justice model insists that offenders understand the impact of their behaviors, take responsibility for their actions, and, if possible, make amends for them.

4. What are the roles and relationships of punishment and accountability in criminal justice?

For the current criminal justice system, incarceration is the most common punishment. While it is appropriate and necessary to incarcerate offenders who are a danger to society, incarceration as a punishment has many limitations. Along with the several criticisms of incarceration as one-size-fits-all punishment cited above on the basis of Michel Foucault's study, incarceration has little ability to create empathy in offenders for their victims or a sense of responsibility in offenders for their crimes. Indeed, harshly long and mandatory minimum prison sentences may make offenders feel like *they* are the victims.

Further, because prisons increasingly lack the resources to provide inmates with education, job training, drug treatment, or other counseling, prisoners are left to their own resources. Instead of rehabilitation, prisons too often develop survival skills for prisoners. These skills are more appropriate to life on the streets than to life in law-abiding society. In addition, women prisoners face special challenges. They endure a sense of guilt for what happens to their children and families in a way that many men do not. The families of prisoners are themselves caught in the stigma of incarceration, which results in the alienation of these families from the broader society. Such families are vulnerable to a variety of ills: the breakup of marriages, impoverishment, the loss of children to state custody, and a new cycle of crime and punishment.

Finally, incarceration is enormously costly. The annual cost for incarceration in the United States is more than \$20,000 per prisoner (in some states, much more). Many states spend more of their budgets on corrections than on higher education. The costs are much higher in Canada (more than \$65,000 per year for men in the federal system, \$110,000 for women). The resources that are spent on incarceration might better be spent on crime prevention, community services, and services for crime victims.

Restorative justice looks for inclusive, collaborative processes and consensual outcomes in sentencing. In many restorative justice plans, victims are given the opportunity to confront offenders. Often, in these sentencing processes, alternatives to prison are developed that include restitution and community service and that more directly address the harms done to victim and community. The shame for offenders involved in these processes is the healthy reintegrative shame involved in facing their victims, in confronting the harms they have done, in admitting guilt, and in working out a plan to make amends to society and to those they have harmed.

5. Are the causes of crime addressed?

The current criminal justice system seldom deals with the causes of crime. Restorative justice, while recognizing that past wrongs are never

excuses for present crimes and do not absolve those who commit them of their responsibility, recognizes (1) that change in criminal behavior is not likely until these causes are addressed and (2) that responsibility for crime does not rest with the offender alone. Restorative justice insists that individuals, families, the larger community, and society as a whole are obligated to take responsibility for their own contributions to the conditions that give rise to crime. Taking responsibility includes changing unjust laws; challenging the social structures that lead to crime; and attacking problems such as racism, poverty, poor education, unemployment, drug use, and violence.

6. Is the present system fair?

For many, the criminal justice system is very unfair. Justice operates differently for the poor, for minorities, and for the vulnerable (e.g., the mentally ill and the mentally challenged) than it does for those with the resources to challenge the system. The poor, the minorities, the less educated, and the vulnerable are disproportionately represented in our prisons. Among the reasons that this is the case are discrimination, a lack of education, and less access to competent legal help. These people are more likely to be arrested, to be convicted, to be victims of prosecutorial misconduct, to serve long sentences, and (in the United States) to be sentenced to death. Sometimes the sentencing laws themselves discriminate, as in the disparity in sentences for those who sell crack cocaine (a street drug) and those who sell powdered cocaine (an upper class drug). Street crime is treated more harshly than white collar crime.

The unfairness is often exacerbated by crack-down-on-crime movements, which have resulted in harsh and mandatory sentences. These long sentences have made prison populations skyrocket. They have fed the perception among inmates that the system is unfair, as in the case of three-strikes laws that sometimes result in lifetime imprisonment for minor offenses. Restorative justice seeks to address the manifest unfairness of the present system—to change unfair laws and justice procedures. Proponents of restorative justice believe that communities and governments have the obligation not only to make justice equally available but also to make punishments proportional to the crime.

7. Does the system restore offenders back into their communities?

One of the most profound failures of the present system is the lack of attention given to the reintegration of offenders back into the community. When offenders are sentenced, victims and many in society mentally lock them up and throw away the key. Few prisons seriously address the problems offenders had when they committed the crime, the problems that imprisonment adds, the problems present in the offenders' families, and other problems offenders have when they are released. Rarely is there any help given to ex-offenders who must make the transition from a life in which they make few decisions to a world in which they must make many decisions. For all this, however, the majority of those incarcerated will be released at some time, and, for

not having addressed their problems, our societies are likely to pay a heavy price. A majority of parolees will re-offend. This results in an us-against-them attitude in society—the notion that those who are or have been in prison are bad people and those who have not been in prison are good people (as if the world could be so neatly divided). Not only do ex-offenders face the stigma of having been imprisoned, but, since the 1990s, laws and policies have been enacted that restrict those with felony convictions from obtaining many social and economic benefits, including welfare benefits, student loans, access to public housing, employment opportunities, and the right to vote. These restrictions make it even more difficult for ex-offenders to find their way back into the society from which prison removed them.

In contrast, restorative justice focuses on the needs of victims, communities, and offenders. The offender's reintegration and restoration is at the heart of restorative justice. Restorative justice proponents work to address the causes of crime, to get offenders to take responsibility for their actions, and to reintegrate offenders back into their communities. This requires a respect for the humanity of everyone, including offenders. Such respect offers to them the hope that they will not always be isolated and shamed by the community. Additionally, as victims and offenders come to know each other by working out a restorative justice plan, offenders begin to develop empathy and concern for their victims, and victims come to understand the problems faced by offenders. Because these restorative processes recognize the humanity of both victim and offender, offenders are less likely to re-offend, and victims are less likely to demonize offenders. As offenders give back to the community in the form of community service and restitution to victims, communities are more willing to help reintegrate offenders, and the community as a whole becomes safer.

8. Does the system encourage healing, reconciliation, and forgiveness?

In the current criminal justice system, there is little opportunity for healing, reconciliation, and forgiveness. Attempts at reconciliation and forgiveness often run counter to our adversarial-style criminal justice systems. In contrast, restoration and healing are at the center of the restorative justice model. Because restorative justice encourages offenders to face the harm they have done and to develop empathy for their victims, offenders are more likely to regret their crimes and to seek forgiveness from their victims (and, possibly, from God). The process is also more likely to encourage victims to consider forgiveness and to attempt reconciliation. Any movement toward restoration, forgiveness, and reconciliation helps victims and offenders to heal in their relationships with each other and with God.

9. Why is the restorative justice model used so rarely in criminal cases?

Despite the many failures of the current criminal justice system and the apparent advantages of restorative justice, the restorative justice model is rarely used to decide criminal cases. That is because there are

significant barriers that hinder carrying out restorative justice programs and practices. Here are some of them:

- a. Our criminal justice systems, which favor imprisonment, have been the only justice paradigms with which we are familiar. Change to radically different restorative justice paradigms is difficult.
- b. There is too little awareness of how badly our current criminal justice systems are failing; too little knowledge of how much they cost us economically, socially, and spiritually; and too many misconceptions about the effectiveness of incarceration as a deterrent.
- c. Restorative justice is misunderstood as a way of excusing the crime. Persons who advocate restorative justice alternatives are accused of being soft on crime. Politicians and many in the position to make changes fear these accusations and attacks, which are likely to hurt their chances of staying in power.
- d. Crime nurtures emotional and vengeful responses. Victims may become so angry and vindictive that they favor retaliation and revenge rather than restoration and reconciliation.
- e. Some have developed an us-against-them mentality, which portrays offenders as evil and different from themselves. This attitude not only leads to the desire to keep prisoners out of sight and out of mind but also to a lack of concern about inhumane prison conditions, prisoners' rights, and unjust laws.
- f. Fear, prejudice, and systemic racism pervade our current criminal justice systems, which discriminate against minorities, the poor, and the most vulnerable.
- g. Restorative justice requires our focusing on the root causes of crime (e.g., poverty, racism, unemployment). These are difficult problems that require vast and systemic changes in our societies. It is easier to turn away.
- h. The current correctional systems have gained a great deal of economic and political momentum over the past three decades. Prisons are still being built at a rapid rate. More and more people are employed in building and staffing these prisons. Whole communities have become economically dependent on prisons. Several large companies are now in the businesses of building and running prisons. The sheer weight of the intertwined economic, political, and social systems involved in corrections make changing the current correctional systems of our two countries increasingly difficult. The scope of these intertwined systems has led some to call it the "prison-industrial complex." Against the power and momentum of this complex, the efforts of the proponents of restorative justice to change the system can seem small and inadequate.

- i. Restorative justice approaches cannot do everything. If offenders refuse to take responsibility, victims refuse to participate, or affected communities discourage participation, the restorative justice processes cannot go forward or, at least, cannot go forward as effectively as otherwise.

As earlier sections of this report have indicated, restorative justice proponents find much to criticize about our current criminal justice systems. However, these criticisms should be seen against the background of the need for balance in our systems between restorative processes and, where restoration cannot be effected, the processes currently used in our criminal justice systems. Indeed, advocates of restorative justice find much to applaud in our current systems: the emphases on the rule of law, due process, human rights, and good order. They also recognize that adversarial court processes are often necessary to sort out the truth. Zehr (2002, 59-60) proposes that justice can best be viewed as a continuum, with the current criminal justice systems on one end and restorative justice systems on the other. He recommends that we try to move as far as possible toward the restorative pole, although in some cases that may mean not moving far at all.

In making this contrast between restorative justice and the current criminal justice system, it may appear that restorative justice exists outside of governmental sanction and sponsorship. This is not the case. To be successful for the long term, restorative justice requires, and frequently receives, governmental support. Restorative justice cannot be fully implemented without the state. Not only can restorative justice be done within the criminal justice system, it can help to transform it. The committee shares the concerns of Zehr and other advocates of restorative justice about our present criminal justice systems, but we also believe, along with Zehr, that we need both poles of the justice continuum. Understood biblically, both restoration and retribution are part of justice. It is to that biblical understanding of justice that we now turn.

III. Biblical principles of justice

What we present here is merely a sketch of the features of the biblical presentation of justice. It must be so for two reasons. The first is that there is much too much in the Bible about justice for us to consider in a report of this nature. Pull on the string called “justice” in the pages of the Bible, and soon enough you will get the whole book. From cover to cover, the Bible is quite simply the book of God’s justice. From the early chapters of Genesis to the late chapters of Revelation, the topic of justice is addressed. The principal words for justice are among the most common in Scripture. In the Bible, to paraphrase Amos, justice rolls on like a river and righteousness like an ever-flowing stream.

The second difficulty is that for all the ways the Bible addresses justice within its pages, it less often directly addresses what we call criminal justice. There is much we do not know about the courts, methods of punishment, legal practice, and the like in biblical times. Where we do

find laws, they may come from various times, may have been implemented in different ways, and may not have been universally observed. The legal material in the Bible is often heavily theologized and there for other purposes than instructing us in the legal practices of ancient Israel.

A third and allied difficulty is that the legal materials in the Bible, including biblical reflections on justice, are deeply situated in the societies to which the biblical materials were first addressed. This deep connection with the culture for a long time has been recognized for the Old Testament and ancient Israel. The vocabulary, many of the practices, and the institutions of justice were shared with surrounding societies. This has not been as widely recognized for the New Testament, but one of the more interesting developments in the area of New Testament studies has been the discovery of how deeply rooted in the society of ancient Israel and the empire of ancient Rome the writings of the New Testament are. The New Testament is more political than has been generally acknowledged. Modern Canada and the United States of America are not ancient Israel or ancient Rome. We will need not only to identify the key concepts of the biblical witness on justice but also to carry them from their original situation into the context of our time.

That being said, it remains clear that Scripture calls the community of Christ to a prophetic as well as a priestly presence in the world. Walter Brueggemann (2001, xxiii) calls the return to the prophetic witness of Scripture “a sobering . . . return to the most basic issues of biblical faith.” Scripture clearly calls us to the practices of justice. With all our cautions, we cannot allow ourselves to be silent where God calls us to speak out. To quote again from Brueggemann (2001, 125), “The prophetic witness of the church is not to be identified in some *specific functions* of ministry and not others. Prophetic witness is a mind-set. It is a countercultural consciousness of how the community of faith sees all things.”

A. *The deep grammar of justice*

First we need to step back a bit. What are we talking about here? What do we mean when we use the word *justice*? For all the differences among people in judging the justice of specific situations and the differences in culture in their expressions of justice, there seems to be a strong, nearly universal, notion of what justice is. In an chapter entitled “The Concept of Justice,” Henry Stob (1978, 124) gives expression to this pervasive sense of justice:

Justice is concerned with the distribution of goods and evils to each in accordance with what is *due* to each. Justice has to do with due allocation: goods to whom goods are due; evils to whom evils are due. The formula is: To each what is coming to him [italics original].

Stob here suggests that the word *justice* names a deep human impulse, or, better, a deep human need—the need for fairness, reciprocity, and what we might call “due-ness.” This impulse is so deep that we find it in children who have just begun to acquire language. One of the first things that they learn to say is: “That’s not fair.” Sophisticated analyses of justice attempt to break this impulse down into its component parts to give it a

more precise statement and to justify it (that word again), but for most people the concept needs no justification. It is as real as the grass on which we walk and the air that we breathe. Justice, in this sense, just is.

So where does this impulse to justice come from? Answers to this question vary. Sociobiologists lately have suggested that the instinct to justice is adaptive, thus giving an evolutionary explanation. James Q. Wilson (1993, 55-78), who surveys the literature that shows how deeply situated the impulse to justice is in the human race, seems to suggest that human beings do a kind of moral calculus and emerge with the conclusion that it is better to be fair than not to be fair. There are many other explanations, but the biblical witness in this matter is unanimous: The root of our sense of justice comes from our creator. Our sense of justice reflects the character of our God.

Although this claim hardly needs to be defended for the readers of this report, Psalm 33 is instructive in this regard and introduces us to some of the biblical vocabulary for justice. Verses 4-5 are as follows:

For the word of the LORD is right and true;
he is faithful in all he does.
The LORD loves righteousness and justice;
the earth is full of his unfailing love.

Note: Most biblical citations, including this one, are from the NIV. A few times, in order to clarify a point, we have translated freely.

The vocabulary of this section includes several of the key Old Testament words for justice, including *yashar* ("right, straight"), *'emunah* ("faithful, true"), *tsedeqah* ("righteous, just"), *mishpat* ("just decisions, the practice of justice"), *chesed* ("covenant loyalty, love"). These words for justice describe "the word of the Lord." The psalm then goes on to say, "By the word of the LORD were the heavens made . . ." and describes the creating process as, "[The LORD] spoke, and it came to be; he commanded, and it stood firm" (vs. 9). The word of the LORD that establishes justice is the word that created the universe. Justice is built in.

Let us call this primary justice. When the Bible says that the Lord loves justice, it is to this primary sense of justice that it refers. The outcome of justice in this sense is *shalom*, not simply peace but right relationships, where each person, indeed, each part of creation, receives its due and lives in right relationship with every other part of creation. The restoration of this glorious justice is *the* great theme of the Bible from Genesis to Revelation.

We were created with a sense of this justice. It is for this reason that, for the title for this section of our report, we chose a metaphor derived from linguistics. Linguists sometimes speak of a deep or underlying grammar of which historical languages such as English are expressions—expressions much transformed by history and circumstance but reflective of this deep grammar nevertheless. If the word of God expressed at creation is, as Psalm 33 suggests, the deep grammar of justice, then our ideas about justice and our various expressions of justice are reflections, however inexact and flawed, of the underlying divine idea of justice.

1. Justice is about relationships

What can we say of this deep grammar of justice as it comes to expression in Scripture? The first and most important point is that the justice is always and thoroughly relational. There is very little of the modern, abstract notion of justice in antiquity and, in particular, in Scripture. The principal metaphors for the relative roles of God and human beings are the metaphors of father and king. These are not far apart in their ancient setting. Kings were fathers writ large. Involved in these relationships are honor and obedience. Psalms 96-99 are expressions of these themes. This excerpt from Psalm 96 is illustrative:

Sing to the LORD a new song;
sing to the LORD, all the earth.
Sing to the LORD, praise his name;
proclaim his salvation day after day.
Declare his glory among the nations,
his marvelous deeds among all peoples.

Say among the nations, "The LORD reigns."
The world is firmly established, it cannot be moved;
he will judge the peoples with equity.

They will sing before the LORD, for he comes;
he comes to judge the earth.
He will judge the world in righteousness
and the peoples in his truth. (vss. 1-3,10,13)

If justice is personal, involving the honor (glory in the passage above) of the king, then it involves relationships not only with the king but also with the household of the king. Thus, any violation of another person or even of nature is an offense against the Lord. It is inconsistent to suppose that one can honor the king and not the king's household, as the prophets frequently say.

Is not this the kind of fasting I have chosen:
to loose the chains of injustice
and untie the cords of the yoke,
to set the oppressed free
and break every yoke?
Is it not to share your food with the hungry
and to provide the poor wanderer with shelter—
when you see the naked, to clothe him,
and not to turn away from your own flesh and blood?
Then your light will break forth like the dawn,
and your healing will quickly appear;
then your righteousness will go before you,
and the glory of the LORD will be your rear guard.
Then you will call, and the LORD will answer;
you will cry for help, and he will say: Here am I. (Isa. 58:6-9)

Our examples to this point have been drawn from the Old Testament, but unless it be thought that this is only an Old Testament theme, it should be pointed out that these same themes echo throughout the New Testament. The Gospels are replete with quotations from Isaiah that declare the justice of the Lord and apply these themes to the

mission and lordship of Jesus Christ (see the chapter by Glen Stassen and David P. Gushee [2003, 345-65]). N.T. Wright (2002, 173-93) offers a similar prophetic and political reading of the apostle Paul.

This is one of the many points at which our committee believes that the restorative justice movement is correct. There are many reasons why, in our societies, justice has been formalized in terms of the state against the offender (the State of X vs. Y). Many of them are good reasons, but when the practice of criminal justice takes little account of relationships among victim, offender, society, and God, something precious has been lost. We believe that the Bible calls us to a more relational form of justice than is usually practiced in our societies.

2. Justice is broken

Justice is broken. Along with the concept of primary justice—right relationships leading to *shalom*—we need a concept of a justice that corrects and restores what is broken. Criminal justice, as it is practiced in our societies, intends to correct (and perhaps to restore) in just this way. Confusion sometimes occurs because the single word *justice* is used for both justice in the sense of *being right* and justice in the sense of *setting right*.

The Bible is concerned, for the most part, with setting right. It does not so much describe justice as prescribe it. It is concerned less with the concept of righteousness than with the righting of relationships that have gone wrong. This gives the vocabulary of justice in the Bible its particular dynamic quality. Justice words such as *tsedeqah* in Hebrew and *dikaiousune* in Greek refer not only to the concept of right but also to the setting right of what is broken. When he announces in the book of Romans the revealing of “a justice [a rightness, *dikaiousune*] from God,” Paul has in mind a setting right of what is wrong. This, of course, is God’s setting right, but there is also in Scripture a call for a human setting right. It is the setting right of what is wrong that is at the heart of our study, so we will have to take a little time to explore this theme in Scripture.

3. Justice does not pass over wrongs

As we have noted above, restorative justice advocates have in the past set retribution and restoration against each other as if these were two *kinds* or paradigms of justice. The Bible does not do this. Both retribution and restoration are found in Scripture. Consider the following paragraph from Romans:

But now a righteousness [*dikaiousune*, justice] from God, apart from law, has been made known, to which the Law and the Prophets testify. This righteousness [*dikaiousune*, justice] from God comes through faith in [or, better, “through the faithfulness of”] Jesus Christ to all who believe. There is no difference, for all have sinned and fall short of the glory of God, and are justified freely by his grace through the redemption that came by Christ Jesus. God presented him as a sacrifice of atonement, through faith in his blood. He did this to demonstrate his justice, because in his forbearance he had left the sins committed beforehand unpunished—he did it to demonstrate his justice at the present time, so as to be just and the one who justifies those who have faith in Jesus. (Rom. 3:21-26)

The overall theme here is restoration. God is determined to restore right relationships to all who will accept his restoration (“all who believe”). As part of God’s restorative initiative, however, he also honors justice in the retributive sense (“He did this to demonstrate his justice”). (It is important to note that, although the translation above [NIV] uses righteousness for the first statement and justice for the second, they are the same word in Greek, *dikaiosune*.)

In order to explore this theme a little more fully, we need to reach back into the Old Testament. One of the most powerful ideas of justice—a part, it would seem, of the deep grammar of justice—is the idea that wrongs cannot simply be passed over. For any significant wrong, it will not do to simply offer forgiveness to the offender and go on. To do so violates not only the victim but also the community and, as we have seen, the Lord of the community. This concept—the heart of the idea of retribution (from the Latin *tribuere*, “to divide out, allot, assign; to grant, give”; re-tribuere, “to give again, give as due”)—is expressed in the Old Testament concept of *naqam*, often translated, misleadingly, as “vengeance.”

The historical background for the concept of *naqam* is illustrated in the stories of Genesis 4. The first story is the murder of Abel by his brother Cain. The Lord, confronting Cain, says of the offense, “Your brother’s blood cries out to me from the ground.” This cry, the cry of the victim, expresses the need to redress wrongs, to set things right. That it is from the ground means that all creation is implicated in the injustice promulgated by the human race. That God hears the cry and addresses it means that the Lord will not let the cry of the victims of injustice go unheard. Cain is cursed by the Lord to be “a restless wanderer on the earth,” an earth that will no longer produce crops for him (4:11-12). This expresses again in the nature of the penalty the scope of the offense: the wrongdoing of Cain impinges not only on his family but on the earth itself. All creation has been violated.

For Cain, the penalty imposed by God is too great to be borne (vs. 13) because it excludes him from the protection of God and exposes him to the vigilante justice of others. He in turn cries out to God for protection, and he receives the mark that protects him from the private vengeance of others. In a fallen world, as this story so clearly illustrates, justice must guard against both overlooking the wrong and extending the wrong by returning evil for evil. The impulse for revenge is deep within us, and, throughout the centuries, revenge has often masqueraded as justice.

In this instance, under the direct rule of God (with no government intervening), justice does two things: it both assesses a penalty on the offender and protects the offender from the anger and revenge of others (vs. 15). What is at stake in this protection is illustrated in the second story in Genesis 4 in the brief anecdote about Cain’s great-great-grandson, Lamech, whose version of justice is found in a doleful little song:

“Adah and Zillah, listen to me;
wives of Lamech, hear my words.
I have killed a man for wounding me,
a young man for injuring me.
If Cain is avenged seven times,
then Lamech seventy-seven times.” (Gen. 4:23-24)

The problem of private justice must have weighed heavily in a society in which the central government in many instances was weak or nonexistent. In the legal codes, steps are taken to mitigate the problem. Cities and places of refuge are examples of these steps. Nevertheless, regardless of the difficulty of insuring justice in particular instances, the principle is established in the Cain narrative: justice belongs to God. This is summarily expressed in the formula cited in the Old Testament and quoted in the New: “‘Vengeance is mine, I will repay,’ says the Lord.” It is not vengeance at all that the Lord has in mind here, at least not in our sense of vengeance but rather final justice. We might paraphrase, “‘The last word is mine, I will repay,’ says the Lord” (Rom. 12:19, Heb. 10:30; see also Lev. 19:18 and Deut. 32:35; on the biblical concept of *naqam* as the *imperium* of God, see George Mendenhall [1973, 69-104]).

Thus, in a world in which crime often went, and still goes, unpunished, God is the guarantor of justice. The psalmist invokes this aspect of God in Psalm 94:1-2:

God of final justice [*naqam*], the LORD.
God of final justice, shine forth.
Rise up, O judge of the earth,
Bring retribution to the arrogant.

Retribution, in this biblical sense, involves two things, both expressed by derivatives of the same Latin word. The first is *vindication* (from the Latin *vindicare*, with the dual meanings of “to protect” and “to punish.” Behind the word is the function of the *vindex*, equivalent to the Hebrew *go’el haddam*, the avenger, redeemer of blood). Justice vindicates the claims of the victim. The other is punishment (originally *vengeance*, derived from the same Latin root as vindication). Justice requires both the upholding of the victim and the punishment of the wrongdoer.

4. Governments are called to uphold justice

One more step is required in this analysis of what we have called the deep grammar of justice as it comes to expression in the Bible: the extension of this function of justice from God as the guarantor of justice to governments as the mediators of justice. Much could and probably should be said about this, but we will be brief. After an experiment with the direct or, at least, the covenantal and tribal rule of God in the period of the judges (Brueggemann 2001, 21-27), Israel asked for and received a more formal government in the person of the king. This prompted a good deal of reflection on the nature of good government (and, of course, on bad government; most of the kings abused the

power granted them). Because the government of ancient Israel, along with the governments of its neighbors, was incarnated in the person of the king, these reflections are most commonly descriptions of what the ideal king should be like. Psalm 72:1-2 is a typical example. Its opening lines read:

Endow the king with your justice, O God,
the royal son with your righteousness.
He will judge your people in righteousness,
your afflicted ones with justice.

In these lines, we meet again the Old Testament vocabulary of justice. The first pair is *mishpat* and *tsedeqah*. The NIV translation uses English abstractions to convey the sense of the Hebrew, *justice* and *righteousness*. However, these words are plainer than that. The first of them here refers to the capacity to make good judgments, something close to what the classical tradition called *phronêsis*, “prudence.” We might translate the first line, “God, give to the king your sound judgment.” The second word, here translated righteousness, means “right” in the sense of “straight, not twisted by extraneous considerations.” What the writer has in mind is illustrated by the second set of lines, which use the same vocabulary but apply the words to the poor. We could paraphrase the whole, “Let the king be so endowed so that he will give sound and straight judgments on behalf of the poor.” Verse 4 extends this role of the righteous king in terms of vindication for the poor and vengeance on those who would exploit them:

He will defend the afflicted among the people
and save the children of the needy;
he will crush the oppressor.

“Defend” here translates the verb associated with *mishpat* as vindication. The last line expresses the other side of this coin: punishment. The righteous king is to “crush the oppressor.”

Crush may seem too strong for us, but this language, along with the manifold expressions of God’s wrath in Scripture, gives room for the legitimate anger of the oppressed and victims of injustice. It takes seriously the cry of Abel. The word *crush* (*daka’*) returns in a second, redemptive way in Isaiah 53:5:

But he was pierced for our transgressions,
he was crushed for our iniquities;
the punishment that brought us peace was upon him,
and by his wounds we are healed.

As this second instance illustrates (and as we will develop at length below), retribution is not all there is to say about justice in the Bible, but if we eliminate retribution from justice, we will have violated the victims a second time.

The New Testament upholds this concept of legitimate government in the controversial but important passage, Romans 13:1-5:

Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God. Consequently, he who rebels against the authority is rebelling against what God has instituted, and those who do so will bring judgment on themselves. For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and he will commend you. For he is God's servant to do you good. But if you do wrong, be afraid, for he does not bear the sword for nothing. He is God's servant, an agent of wrath to bring punishment on the wrongdoer. Therefore, it is necessary to submit to the authorities, not only because of possible punishment but also because of conscience.

While a full exposition of this often misused passage and the various interpretations that have been made of it are beyond the scope of this study, a couple of observations are necessary. The first is that Paul sees governments as "servants of God." Governments and governing authorities answer to God, including—Paul surely has this in mind—the sadistic emperors of Rome. If justice is from God, then proper justice is always divine justice. We will return to this below. Second, the expressed function of government in this passage is precisely what we have been describing: upholding right and opposing wrong—vindication and punishment. It is the legitimate function of government to address the imbalances of society, whether they are those caused by intentional violations of others or by unintentional ones, and once again to bring about proper relationships.

Having said this, we caution our readers that the whole concept of punishment is extremely vexed. It is difficult to say exactly what punishment is and what it is supposed to do. Most of the time, defenders of punishment resort to utilitarian arguments: punishment restrains crime and helps correct the behavior of offenders. These arguments seem to us to be inadequate, even dubious. We acknowledge punishment as the left hand of God's justice, but we are not entirely clear on what punishment does. Perhaps it is enough to say that punishment is the other side of vindication.

We also caution those who would advocate more severe punishment that punishment can easily pass over into human vengeance—not the expression of God's justice but of our anger. It is important to keep in mind that the Bible is the book of God's restoring justice and that restoration is clearly God's first intention.

5. The community of Christ is called to a prophetic role

What of the community of Christ—the church in the large sense? Does the church have a role to play in advocating and supporting certain criminal justice practices rather than others? The role of the Christian community with regard to this part of justice is probably best expressed in the Sermon on the Mount. This role involves a creative and prophetic appeal for justice. In the sermon, Jesus uses the metaphors of salt and light for the church's role in society. Both of these can be thought of as metaphors of enhancement. Salt, once it dissolves into the food, cannot be seen, but it can be tasted; light makes visible

what otherwise would be in the darkness. In working out this perspective on his followers' roles in the society of his time, Jesus comments on a wide variety of topics.

Most germane to our topic are the rulings on an eye for an eye and love for enemies. The first of these goes as follows:

You have heard that it was said, "Eye for eye, and tooth for tooth." But I tell you, Do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well. If someone forces you to go one mile, go with him two miles. Give to the one who asks you, and do not turn away from the one who wants to borrow from you. (Matt. 5:38-42)

This is a variety of "final justice [vengeance] is the Lord's" for powerless or, perhaps better, creatively righteous people. In the face of manifest injustices—the first two illustrations evoke the Roman occupation—the disciples of Jesus are called on to subvert these injustices by going farther than compelled, thus showing the absurdity of the demands. As in the case of the saying about adultery, which does not revoke the law but goes beyond it ("You have heard it was said, 'Do not commit adultery'"), the principle of equal for equal (an eye for an eye) is not revoked by Jesus. The principle of *lex talionis* has its place in justice, not as a requirement of justice but as a limit on punishment: Jesus requires of his disciples a righteousness that goes beyond this (Matt. 5:20) to bring attention to the systemic injustices of society. The church's role, in other words, is advocacy and prophecy, salt and light.

The ruling on loving enemies goes in a somewhat different direction and provides a transition to the second part of our study—restoration. Jesus says:

You have heard that it was said, "Love your neighbor and hate your enemy." But I tell you: Love your enemies and pray for those who persecute you, that you may be sons of your Father in heaven. He causes his sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous. If you love those who love you, what reward will you get? Are not even the tax collectors doing that? And if you greet only your brothers, what are you doing more than others? Do not even pagans do that? Be perfect, therefore, as your heavenly Father is perfect. (Matt. 5:43-48)

Here Jesus reminds us (and, through us, our societies) that, for God, retribution is not the last word or, perhaps, even the first. It is to that last and first word that we now turn.

B. The story of restoration

In treating justice under the heading of deep grammar, we have supposed that justice is always the same. Historical expressions may be different, but this is because we give only partial and inadequate expression to God's principles of justice. Within this concept there is a limited role for restoration. The Bible tells us that systems of justice tend to go wrong over time. We need periodic readjustments—Years of Jubilee—in which old debts are cancelled, prisoners are freed, and the poor allowed to

go back to their ancestral homes—in short, the whole program of Isaiah 61:1-3 and a program claimed by Jesus for his own ministry. In antiquity these periodic readjustments were known as *mesharim* edicts (on these and their role in the structure of Israelite justice, see Moshe Weinfeld [2000]).

This sort of restoration, however, while important, assumes a static structure of justice. The central story of Scripture describes a deeper and more powerful kind of restoration. What is different about this restoration is that it describes something that is truly new, not just a readjustment, not just a going back to the original. It involves both a history and a future—a movement toward a new and better justice. It involves, above all else, an overcoming—a transformation of individuals, of communities, and of relationships. It involves hope.

1. Restoration brings a new and better justice

Perhaps a simple illustration will suggest what we have in mind. Suppose a deep breach occurs in a family. Words are said. Injuries are suffered. The family splits apart in mutual rancor. Now suppose that through hard work and much pain and persistence, the family overcomes the rancor and finds a way back to love and unity. The wounds remain, although now they have healed over. They become in the consciousness of the family not wounds anymore but badges of the struggle. Having worked through the divisions and animosities, the family is now stronger than before. The old unity has been replaced by a new and sweeter love, a love with both a history and a future.

What is required to reach this point for this family? First of all, a sense of belonging that is stronger than the forces of division. This sense of belonging need not reside in every member of the family. One family member will do if that person is sufficiently strong and persistent. Second, the wrongs need to be addressed. Exactly how they are addressed depends on the situation, but they cannot be glossed over (in actual family conflict, a trained mediator may be necessary to ensure safety for the members of the family and to enable them to speak the truth in love). Covering over the wounds may produce an apparent reconciliation but not healing. Third—and there is no way around this—the ones who have been wounded will have to find a way through the wounds to new life.

2. Restoration is the story of God

It is not hard to recognize in this description the biblical story of the family of God. Paul's narrative in the book of Romans is perhaps the most authoritative telling of the story. In the first chapters of Romans, Paul describes the deep divisions that continue to rack God's once-good creation. One member of the family—the strongest and most persistent—will not let go of the family as family. It is his faithfulness that is described in the verses quoted earlier from Romans 3:

But now a righteousness [justice] from God, apart from law, has been made known, to which the Law and the Prophets testify. This righteousness [justice] from God comes through faith in [or, better, by the faithfulness of] Jesus Christ to all who believe. There is no difference, for all

have sinned and fall short of the glory of God, and are justified freely by his grace through the redemption that came by Christ Jesus. (vss. 21-24).

James D.G. Dunn (1998, 342) describes “the righteousness [or, better, justice] of God” in this way: “The righteousness of God . . . denotes God’s fulfillment of the obligations he took upon himself in creating humankind and particularly in the calling of Abraham and the choosing of Israel to be his people.” God’s justice here is his faithfulness to covenant obligations. He is determined to restore his people to the circle of his love.

This divine restoration, like the restoration of the family in our illustration, requires that wrongs be faced and addressed. This, in part, is the role of faith: the recognition of the need for forgiveness. This overcoming justice comes, as the apostle says, “to all who believe.” There remain consequences for our wrongs, and these are often tragic consequences. The deep grammar of justice described above is not revoked, at least not in its entirety. What is revoked for those who wish to come back is the last and greatest penalty, exclusion from the family of God. No one, says the apostle, need be excluded from the family of God.

There remain the wounds suffered by the victims of our wrongdoing. These wounds are borne symbolically and actually by Jesus Christ, the wounded Lamb of Revelation 5. As Paul puts it in Romans 3:25: “God presented him as a sacrifice of atonement, through faith, by his blood.” “By his wounds are we healed” (Isa. 53:5). The wounds survive even the resurrection (John 20:27), but, in God’s creative power, the wounds take on new meaning. They become badges of overcoming.

3. Restoration can be our story

We are familiar with this story. We believe it, but often we marginalize it to the spiritual realm. Is it a story only of God’s ways? A story without relevance to our daily lives, particularly our lives in the secularized and competitive societies of which we are a part? Or is it a story that describes what justice can and should be on the human plane as well as on the divine? Our argument, quite simply, is that this indeed is the case. The great story of restoration written in the heavens can and should be a pattern for restoration worked out on the ground, even the ground of our secular societies. We believe that this story is rich and resounds with powerful applications for all of life.

Let us walk again through the elements of the story. First, we have a family with deep divisions and lasting wounds. Two aspects of this description are important for our approach to social and criminal justice. The first is that it is, nevertheless, a family. Its members belong to one another whether they recognize this belonging or not. Our argument begins with belonging. Societies are not families exactly, but we do belong to them. Belonging in this regard is not something we choose; what we choose is how to respond to the fact of our belonging. This is the opposite of what many in our culture assume: that choosing is first and belonging is second. From a biblical perspective, belonging is first and choosing is second. The principal biblical metaphor for this

is the often-misunderstood concept of covenant. Covenant is not something we choose individually but rather, having been chosen, something we own. Of the second aspect of our description of the family, the deep divisions and lasting wounds, we will have much to say below.

4. Governments are called to restoration

The second step in the story is that someone arises who calls the divided family back to unity. In the story of salvation, this is God directly—his coming to us in Jesus Christ. However, on the social plane, just as in the case of present criminal justice systems, God works through other agencies. Here once again there is a role for the state. This may seem to be a remarkable claim, but it fits well within the perspectives of Scripture. If we peruse again the descriptions of the ideal king, we will find that one of the roles of the king is to bring people back together again. This is most emphatically true for the descriptions of the messianic king. Isaiah 9:6-7 is one such description, with its emphasis on the role of government (*misorah*) bringing peace (*shalom*):

For to us a child is born,
to us a son is given,
and the government will be on his shoulders.
And he will be called
Wonderful Counselor, Mighty God,
Everlasting Father, Prince of Peace.
Of the increase of his government and peace
there will be no end.
He will reign on David's throne
and over his kingdom,
establishing and upholding it
with justice and righteousness
from that time on and forever.
The zeal of the LORD Almighty
will accomplish this.

To say that governments are responsible for overcoming division and bringing people together, for reconciliation and the restoration of harmony, is not to say that governments will recognize this mandate as coming from Christ. It requires no Christianization of society. What it requires is a consciousness on the part of governments that their role is not only to maintain a just order but to call their citizens to overcome past divisions and find a new and richer unity. In doing so, governments must also recognize their own evil and repent of it.

Indeed governments have, occasionally, done just that. There have been moments of overcoming when old divisions were set aside and a new unity was forged. For U.S. society, one such moment was in the immediate aftermath of the Civil War when President Lincoln called a deeply wounded nation to a greater vision of union, a vision that not only had a past fraught with pain but that also had a future of great hope. From time to time, that vision has been held up again in front of the American people. In our time, one of the greatest examples of such overcoming has been the Truth and Reconciliation process in South

Africa following the collapse of apartheid and the beginning of majority rule. These examples show that we are not speaking simply of a spiritual ideal here but of a powerful possibility.

If, then, governments have responsibility for overcoming divisions, how do they go about doing this? It is enough to recall the other two elements of the great story of restoration. The first of these is the redressing of wrongs. Wrongs must be faced and addressed, whether these wrongs are individual or systemic. Governments must pay careful attention to what we have called the deep grammar of justice. There must be a sense of balance, a righting of wrongs, vindication of the victim, and punishment for the wrongdoer. This is consistent with the entire biblical witness.

What must also be addressed, however, is the broken community. The most common punishment in our societies is exclusion—imprisonment—often for long periods of time. Prison often leads to other kinds of exclusions later, especially difficulty reintegrating into society. This amounts to large parts of our societies' being healed by amputation. This will never work. If we are guided by the great story of restoration, then the focus must be on bringing the community back together and restoring the broken bonds of our societies. This is by no means easy, for the wounds persist. How can we in our societies find our way through the wounds to new life? We will address these questions below.

Although difficult to achieve, we believe that restoration in this deeply biblical sense is not only a worthy goal but one that is required by Scripture. Of course, complete restoration often lies beyond us and our governments. On this plane, the possibility of exclusion of those who would not be part of our societies must remain an option. Even in the great story of restoration, there remains open the possibility of final exclusion from God. Some may choose, by their actions or words, not to belong.

5. The Christian community is called to restoration

If governments have a central role to play in overcoming evil with good, what of the Christian community? What is our role in restoration? The Bible makes clear that we are called to be a community of witness. Consider I Peter 2:9-10, quoting from Exodus 19:

But you are a chosen people, a royal priesthood, a holy nation, a people belonging to God, that you may declare the praises of him who called you out of darkness into his wonderful light. Once you were not a people, but now you are the people of God; once you had not received mercy, but now you have received mercy.

The role of this priestly community is to hold open in every age the possibility of reconciliation, to remind the world that punishment and exclusion are not the last word.

All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation: that God was reconciling the world to himself in Christ, not counting men's sins against them. And he has committed to us the message of reconciliation. We are therefore

Christ's ambassadors, as though God were making his appeal through us. (2 Cor. 5:18-20)

One of the greatest statements of this role for the community of Christ is found in Isaiah 42:

"Here is my servant, whom I uphold,
my chosen one in whom I delight;
I will put my Spirit on him
and he will bring justice to the nations.
He will not shout or cry out,
or raise his voice in the streets.
A bruised reed he will not break,
and a smoldering wick he will not snuff out.
In faithfulness he will bring forth justice;
he will not falter or be discouraged
till he establishes justice on earth.
In his law the islands will put their hope."

This is what God the LORD says—
he who created the heavens and stretched them out,
who spread out the earth and all that comes out of it,
who gives breath to its people,
and life to those who walk on it:
"I, the LORD, have called you in righteousness;
I will take hold of your hand.
I will keep you and will make you
to be a covenant for the people
and a light for the Gentiles,
to open eyes that are blind,
to free captives from prison
and to release from the dungeon those who sit in darkness. (vss. 42:1-7)

The first application of this passage is to Jesus Christ, but the second is to the body of Christ. What the passage describes is both the goal and manner of our servant presence in the world. The goal is the restoration of the community of the nations, the establishment of justice across the globe. The manner is the quiet, encouraging, self-sacrificial way of the servant of God. It is to this goal and to this manner that Scripture calls us. To that, we add this hope, well-voiced by Lewis Smedes (1983, 28), "A prodigious benevolence and a powerful freedom invade ordinary justice so that the human race is not mired forever in divine retribution." In this new historical climate of freedom and empowerment in the Spirit, even through governments and societies that are still imperfect, come new possibilities for restorative alternatives groaning with expectant life. It is to these possibilities, offered in the face of what is all too often a cynical and heartless call to harsher punishments that we now turn.

IV. Principles and conclusions

A. Justice principles

Drawing from our study, we offer the following basic principles:

1. God is just and seeks justice for all creation (Ps. 11:7, 33:5; Isa. 61:8; Jer. 9:24). In this primary sense, justice is defined by right relationships among all things: God and humanity, each person to the other, each creature to the other, all things great and small, from highest heaven to the atoms of the universe, all things together in one community of creator and creation. For this community of creation, the Bible uses the word *shalom*—that peace of which it can be said, “Love and faithfulness meet together; righteousness and peace kiss each other” (Ps. 85:10).
2. God grants to the authorities and powers of this world in their various realms the responsibility and authority to maintain justice and promote peace (Isa. 42:4, 51:4-5; Jer. 9:24; Amos 5:24; Rom. 13:1-5).
3. In calling the authorities and powers of the world to justice, the Lord in his own Word reminds them and us over and over again that if true justice is to prevail, it must come to those who are the poorest and weakest among us. In Isaiah, the Lord calls us “to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke, . . . to share your food with the hungry and provide the poor wanderer with shelter” (Isa. 58:6-7). In Amos, he calls us to “let justice roll on like a river, righteousness like a never-failing stream” (Amos 5:24).
4. When justice is violated, we are called through the governments and other means that God has given us to right the wrong, to restore community, and to reestablish peace in as far as we can do these things. In this, God is our example. It is God’s own setting-right justice of which the New Testament speaks when it says that “now, apart from the law, the justice [*dikaiosune*] of God has been manifested . . . the justice of God that comes through the faithfulness of Jesus Christ to all who believe” (Rom. 3:21-22). God’s creative and corrective justice seeks to address the seriousness of the wrong (Rom. 3:25), to restore the sinner (Rom. 3:24), and to bring about reconciliation (2 Cor. 3:18-19). Human justice should in its own way seek these same things.
5. Justice, therefore, should seek *restoration and healing*. This requires, among other things, that justice properly pursued will:
 - a. Seek vindication and healing for victims, not pushing victims aside in the pursuit of blind justice but recognizing their pain and loss.
 - b. Take seriously the harm done by requiring of the offender a sentence proportional to the weight of the crime, which is what the Bible means by an eye for an eye and a tooth for a tooth. While such proportionality cannot easily be defined, this principle guards against the perils of both leniency and severity.
 - c. Call the offender to take responsibility for the crime and offer ways for the offender to do so.
 - d. Restore, where possible, the losses suffered by the victim.

- e. Seek reconciliation between offender and victim, provided the victim also desires reconciliation.
 - f. Attempt to restore the peace (*shalom*) of the community.
 - g. Involve the community in the processes of justice, recognizing that we all, victim and offender alike, belong to each other and have responsibility for each other.
6. Punishment, while a legitimate part of justice, must be exercised in such a way as to promote healing and restoration whenever possible. In the absence of concerns for restoration and community, punishment can become vengeful, violent, and vicious. Instead of promoting justice, punishment can foster injustice; instead of healing, division; instead of *shalom*, disharmony. All just societies must seek to guard against such things.

Therefore, synod is urged to support the restorative justice movement, which in various ways and places has sought to bring to the practice of justice some or all of the principles listed above. Synod is urged to encourage individual Christians, as well as churches and other Christian institutions, to become involved in restorative justice efforts. The principles outlined above apply not only to the practice of justice in our communities and nations but to churches and other specifically Christian organizations. Church discipline, as the Church Order already recognizes, should seek restoration and the wholeness of the community.

B. An affirmation of the restorative justice movement

In light of these principles and conclusions, we find these specific themes of the restorative justice movement worthy of praise and support:

1. We support the restorative justice movement's emphasis on the relational aspects of justice. Our present criminal justice systems are often unnecessarily adversarial. They set the state against the offender, victims against offenders, and society against offenders. From such a beginning, it is difficult to restore offenders to our communities, even though most offenders will one day return to society.
2. We support the restorative justice movement's concern for victims. Victims, as we have seen above, require vindication, but they also seek restoration. Our present systems often pay too little attention to the needs of victims.
3. We support the restorative justice movement's concern for the restoration of offenders. The path of return specified by restorative justice is a hard one. It involves taking responsibility for the wrong done, working to restore the harm where possible, and suffering whatever consequences result from the criminal offense. Restorative justice provides a clear path back to the community, which is often not the case in our criminal justice systems.

4. We support the restorative justice movement's attempts to include the community in the criminal justice process. Restorative justice assumes a more biblical, covenantal sense of community than is assumed or practiced in our often anonymous societies. In fact, one of the difficulties faced by restorative justice practices is that, while these practices assume community, too often true community is absent.
5. We support the attempt by the restorative justice movement to make restoration of *shalom* the first and last words of the criminal justice process—not an afterthought in systems largely dedicated to processing huge numbers of offenders in the most efficient way possible.
6. We support the restorative justice movement's call for less reliance on imprisonment as the one-size-fits-all form of punishment. While imprisonment does secure safety for society from some dangerous felons, one day most return to society, changed, if at all, for the worse by the experience.
7. Finally, we support the efforts of the restorative justice movement to bring consciously Christian values to the practice of criminal justice. To those working in this field, we offer our deep admiration and appreciation for their tireless efforts on behalf of justice, their creative responses to difficult issues, and their countless expressions of the love of Christ.

C. *What churches can do*

Therefore, what can churches do to promote these principles of justice in their own communities? The following are only a few basic directions. You will find more in our appendix and on the CRC justice web site (www.crcjustice.org) and, specifically, the restorative justice link (www.crcjustice.org/crjs.restore.htm). This link lists many detailed suggestions for action, as well as web sites, organizations, bibliographies, and other resources related to restorative justice.

1. Churches (and their members) can *advocate* for changes in the laws to promote a restorative perspective in the criminal justice systems of our two nations. Canada has gone farther than the United States in bringing a restorative justice perspective to the legal system, but both nations offer many restorative justice initiatives at various levels of government. These should be encouraged and supported.
2. Churches (and their members) can *get involved* in restorative justice efforts, such as victim-offender mediation, by learning about restorative justice, seeking out local restorative justice efforts, and working with groups already promoting restorative justice. The resources here are vast and growing.
3. Churches (and their members) can *help support victims*. There are many victim advocacy and support groups.
4. Churches (and their members) can *participate in prison ministries*.

5. Churches (and their members) can *help the families* of offenders and ex-offenders.
6. Churches (and their members) can *help reintegrate prisoners* back into their communities. This is especially hard but important work.
7. Churches and other Christian institutions can *examine their own practices* to see if these practices reflect the spirit and the practice of restorative justice. Is attention being paid to victims? To the harm done? To the community? Are those who have committed offenses asked to take responsibility and also given a path to restoration? Do the practices of the institution allow for and promote reconciliation? These and other such questions should be asked of all our justice proceedings at all levels (international, national, state or province, and local communities).
8. Churches (and their members) can *encourage the practice of restorative justice* in homes, schools, and churches.

Perhaps the most pressing need in this area is help in reintegrating ex-offenders back into the community. A couple of members of the committee have had experience in this area, some successful, some not. The following is one of the success stories. It illustrates both the difficulty and the promise of the work. The story is of a young man who, at the age of thirteen, was sentenced to prison for killing a man in the neighborhood.

He . . . , along with two other youths, stole from a man walking down the street. The man died over a few dollars. The youth was sentenced to prison. In order to survive, he had to be cold, hard, and without feelings. At the age of twenty-five, he was released from prison with many years of probation. The young boys in the neighborhood, who were not born at the time [of the murder], made comments about his being a murderer. He came to church and heard the gospel of Jesus Christ, [but] he did not believe that Jesus could love him [and] never ask for anything. The young man could not get a job; didn't have any money; and refused to sell drugs; especially because he was on probation. The [probation] officer was waiting for him to make one wrong move. He continued to come to church, gave his life to Christ, and was mentored by the pastor. . . . Members of the church encouraged him to get a driver's license. That summer he got a job through our summer day camp. The job of the probation officer was to tell us of the crime that he had done to deter us from hiring him. [The young man] did an excellent job of sharing his life and Jesus to our youth. This gave an opportunity for him to apply for another job and [be able to] give reference of employment and show that he had a license. He grew in his relationship with Christ and married a Christian woman from our church. They have a family of three boys. He is still on probation but has learned to deal with the system because he trusts God to provide the way. The church taught, supported,

loved, and continued to encourage him. Recently an adult in the neighborhood said that they never thought they would see this [kind of] change in him. Christ has made all the difference.

V. Recommendations

The Committee to Study Restorative Justice recommends the following to synod:

- A. That synod grant the privilege of the floor to Rev. John De Vries, Dr. Clayton Libolt, and Ms. Gail Rice.
- B. That synod affirm the justice principles listed in IV, A above.
- C. That synod call our churches to preach and teach restorative justice as a biblical perspective and to apply the principles of restorative justice to the problems of crime in our communities and countries.
- D. That synod encourage the active participation of churches and church members in restorative justice efforts in order to restore and reconcile victims and offenders where possible, and to effect, as far as possible, the establishment of justice for all members of our societies.
- E. That synod direct the denominational Office of Social Justice and Hunger Action to work with CRC Publications and our educational institutions, including Calvin Theological Seminary, to provide materials and create opportunities for our members to learn the practices and principles of restorative justice (including the maintenance of a suitable web site) so that they can better witness to and work within our societies to promote and practice restorative justice.
- F. That synod direct the denominational agencies to target low income areas for church plants and to provide these church plants with the financial support necessary to create vibrant spiritual communities that will become beacons of restorative justice for our cities and nations.

Grounds:

1. The Lord calls the church to this work (Matt. 25:31-46).
 2. Restorative justice teaches that the most effective way to deal with crime is to address its causes. Neighborhood churches in high-need areas are well positioned to address the causes of crime: economic, social, political, and spiritual.
- G. That synod ask each classis to establish a restorative justice contact person to provide the classis with information regarding restorative justice and to link members of the classis with restorative justice programs in that classis.
 - H. That synod direct the denominational Office of Social Justice and Hunger Action to designate a person to facilitate contact and communication among the classical contact persons.
 - I. That synod direct the classes to make regular reports to synod through

the Office of Social Justice and Hunger Action on the progress of restorative justice efforts in their areas in order to monitor denomination-wide involvement in restorative justice and to help maintain a denominational database of restorative justice projects.

J. That synod urge congregations, schools, denominational offices, other Christian institutions, and homes to employ restorative justice practices in their community lives.

K. That synod dismiss the committee with thanks.

Committee to Study Restorative Justice

John de Vries, Jr., chair

David Engelhard (ex officio)

Sheila Holmes

Clayton Libolt

Donald Pranger

Gail Rice

Harold Roscher

Danny Skelton

Henry Smidstra

Tom Van Engen

Nicholas Wolterstorff

Appendix

Resources re Restorative Justice Issues

Note: Additional resources will be listed (and regularly updated) on the Restorative Justice link (www.crcjustice.org/crjs_restore.htm) of the CRC justice website (www.crcjustice.org). The following are a few key resources:

Books

Bazemore, S. Gordon, Mara Schiff, and Gordon Bazemore, eds. 2001.

Restoring Community Justice: Repairing Harm and Transforming Communities. Cincinnati: Anderson Publishing.

Bianchi, Herman. 1994. *Justice as Sanctuary: Toward a New System of Crime Control.* Bloomington: Indiana University Press.

Blunkett, David. 2003. *Restorative Justice: The Government's Strategy.* London. This document is available at www.homeoffice.gov.uk/justice/victims/restorative.

Braithwaite, John. 1989. *Crime, Shame, and Reintegration.* New York: Cambridge University Press.

—. 2002. *Restorative Justice and Responsive Regulation.* New York: Oxford University Press.

Brueggemann, Walter. 2001. *The Prophetic Imagination.* 2d ed. Minneapolis: Fortress Press.

- Brunk, Conrad. 2001. "Restorative Justice and the Philosophical Theories of Criminal Punishment." In *The Spiritual Roots of Restorative Justice*. Edited by Michael L. Hadley, 31-56. Albany: State University of New York Press. Quoted in Zehr 2002, 58-59.
- Colson, Charles. 2001. *Justice That Restores*. Wheaton, Ill.: Tyndale. 2001.
- Consedine, Jim. 1995. *Restorative Justice: Healing the Effects of Crime*. 2d ed. Christchurch, New Zealand: Ploughshares Publications.
- Cragg, Wesley. 1992. *The Practice of Punishment: Towards a Theory of Restorative Justice*. New York and London: Routledge.
- De Gruchy, John W. 2003. *Reconciliation: Restoring Justice*. Minneapolis: Augsburg Fortress.
- Dunn, James D.G. 1998. *The Theology of Paul the Apostle*. Grand Rapids: Eerdmans.
- Evangelical Lutheran Church in America and The Lutheran Church-Missouri Synod. 2003. *Criminal Justice Ministry: A Congregational Handbook for Jail and Prison Ministry*. Minneapolis: Augsburg Fortress.
- Foucault, Michel. 1979. *Discipline and Punishment: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage Books.
- Garland, David. 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Gorringer, Timothy. 1996. *God's Just Vengeance: Crime, Violence, and the Rhetoric of Salvation*. New York: Cambridge University Press.
- Hadley, Michael L., ed. 2001. *The Spiritual Roots of Restorative Justice*. New York: State University of New York Press.
- Johnstone, Gerry. 2002. *Restorative Justice: Ideas, Practices, Debates*. Uffculme, Cullompton, Devon, UK: Willan Publishing.
- Johnstone, Gerry, ed. 2003. *A Restorative Justice Reader: Texts, Sources, Context*. Uffculme, Cullompton, Devon, UK: Willan Publishing.
- Mackay, Virginia. 1990. *Restorative Justice: Toward Nonviolence*. Louisville: Presbyterian Criminal Justice Program.
- Marshall, Christopher D. 2001. *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment*. Grand Rapids: Eerdmans.
- McHugh, Gerald Austin. 1978. *Christian Faith and Criminal Justice: Toward a Christian Response to Crime and Punishment*. New York: Paulist Press.
- Mendenhall, George. 1973. *The Tenth Generation*. Baltimore: Johns Hopkins University Press.
- Morris, Ruth. 1994. *How Do We Convince the Public: The Place of Community Education in Creating Healing Justice*. Toronto: Rittenhouse.
- . 2000. *Stories of Transformative Justice*. Toronto: Canadian Scholars' Press.
- Sharpe, Susan. 1998. *Restorative Justice: A Vision for Healing and Change*. Edmonton, Alta: Victim Offender Mediation Society.
- Smedes, Lewis. 1983. *Mere Morality*. Grand Rapids: Eerdmans
- Snyder, T. Richard. 2001. *The Protestant Ethic and the Spirit of Punishment*. Grand Rapids: Eerdmans.
- Stassen, Glen, and David P. Gushee. 2003. *Kingdom Ethics: Following Jesus in Contemporary Context*. Downers Grove, Ill.: InterVarsity Press.

- Stob, Henry. 1978. *Ethical Reflections: Essays on Moral Themes*. Grand Rapids: Eerdmans.
- Sullivan, Dennis, and Larry Tifft. 2001. *Restorative Justice: Healing the Foundations of Our Everyday Lives*. Monsey, N.Y.: Willow Tree Press.
- Travis, Stephen H. 1986. *Christ and the Judgment of God: Divine Retribution in the New Testament*. London: Marshall Pickering.
- Tutu, Desmond Mpilo. 1999. *No Future Without Forgiveness*. New York: Doubleday.
- Umbreit, Mark S. 1994. *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Monsey, N.Y.: Willow Tree Press.
- Van Ness, Daniel W. 1986. *Crime and Its Victims*. Downers Grove, Ill.: InterVarsity Press.
- Van Ness, Daniel, and Karen Heetderks Strong. 1997. *Restoring Justice*. Cincinnati: Anderson Publishing.
- Volf, Miroslav. 1996. *Exclusion and Embrace: A Theological Exploration of Identity, Otherness, and Reconciliation*. Nashville: Abingdon Press.
- Wachtel, Ted. 1998. *Real Justice*. Pipersville, Pa.: Piper's Press.
- Weinfeld, Moshe. 2000. *Social Justice in Ancient Israel and in the Ancient Near East*. 2d ed. Minneapolis: Fortress.
- Wilson, James Q. 1993. *The Moral Sense*. New York: The Free Press.
- Wolterstorff, Nicholas. 1983. *Until Justice and Peace Embrace*. Grand Rapids: Eerdmans.
- Wright, Martin. 1996. *Justice for Victims and Offenders*. 2d ed. Welwyn Garden City, Hertfordshire, UK: Waterside Press.
- Wright, N.T. "Paul and Caesar: A New Reading of Romans." In *A Royal Priesthood? The Use of the Bible Ethically and Politically: A Dialogue with Oliver O'Donovan*. Edited by Craig Bartholomew, et al. Grand Rapids: Zondervan.
- Yoder, Perry. 1998. *Shalom: The Bible's Word for Salvation, Justice, and Peace*. Nappanee, Ind.: Evangel Publishing House.
- Zehr, Howard J. 1995. *Changing Lenses: A New Focus for Crime and Justice*. Scottdale, Pa.: Herald Press.
- . 2002. *The Little Book of Restorative Justice*. Intercourse, Pa.: Good Books.

Organizations

Office of Social Justice and Hunger Action, Christian Reformed Church in North America, 2850 Kalamazoo Avenue SE; Grand Rapids, MI 49560; Peter Vander Meulen, Coordinator; 616-224-0807 [www.crcjustice.org] Restorative justice link: [www.crcjustice.org/crjs_restore.html]

The Office of Social Justice and Hunger Action is a ministry of the Christian Reformed Church that deals with several social justice issues: restorative justice, racism, HIV/AIDS, poverty in North America, world hunger, war and peace, religious persecution, refugees, and so forth. Its web site has information and resources on all these issues and a link to restorative justice. *The Advocate* is its monthly electronic newsletter.

Prison Fellowship, 1856 Old Reston Ave., Reston, VA 20190; (703) 478-0100 or 877-478-0100 or 800-497-0122 [www.pfm.org]

Prison Fellowship (PF) works *through the churches*, primarily using volunteers. It has many excellent books and training materials available as well as some skilled staff people who are willing to train congregations. PF has done extensive work in many areas that restorative justice efforts touch: advocating a restorative approach as an alternative to the current criminal justice system; evangelizing and ministering to prisoners; mentoring prisoners before they are released and providing aftercare and mentoring after they are released; meeting the needs of prisoners' families; and meeting the needs of victims of crime. It has staff people who are active in training groups and developing materials for meeting the needs of victims, mentoring prisoners, ministering to prisoners' families, and providing aftercare for ex-offenders. PF's well-known Angel Tree program has grown and has become more involved in meeting the needs of prisoners' families.

The division of Prison Fellowship of most interest to restorative justice advocates is Justice Fellowship. Pat Nolan, who heads Justice Fellowship, is active on several fronts, including dealing with important legislative issues. Justice Fellowship puts much of its information and resources on the Internet, and its monthly Justice eReport keeps people updated on the latest news in restorative and criminal justice from a Christian perspective (see <http://www.justicefellowship.org> or <http://www.pfm.org/JusticeTemplate.cfm>). In 2003, Justice Fellowship held an outstanding national conference on restorative justice and will hopefully sponsor future conferences.

Center for Public Justice, P.O. Box 48368; Washington, DC 20002-0368; 1-866-CPJUSTICE (1-866-275-8784) [www.cpjustice.org]

The Center for Public Justice (CPJ) is an independent civic education and policy research organization that bases its research, publications, training, and advocacy on a Christian political foundation. Its mission is to equip citizens, develop leaders, and shape policy in order to serve God, advance justice, and transform public life. CPJ's resources include many helpful publications, as well as *Capital Commentary*, its free, periodic electronic news bulletin.

Church Council on Justice and Corrections, 507 Bank Street; Ottawa, ON, K2P 1Z5; 613-563-1688 [www.ccjc.ca/main.cfm]

The Church Council on Justice and Corrections is a national coalition of faith-based individuals and churches that was created in Canada in 1974 to promote a restorative approach to justice, with an emphasis on addressing the needs of victims and offenders; mutual respect; healing; individual accountability; community

involvement; and crime prevention. Christian Reformed churches in Canada are members of this coalition. *The Well* is its monthly electronic newsletter.

National Center for Victims of Crime, 2111 Wilson Boulevard, Suite 300; Arlington, VA 22201; 703-276-2880 [www.ncvc.org]

This is a national resource and advocacy center for crime victims that collaborates with local, state, and federal partners, working through grassroots organizations, to provide direct services to victims, public education, public policy initiatives, and training and technical assistance.

National Organization for Victim Assistance (NOVA), 1757 Park Road NW; Washington, DC 20010-2101; 202-232-6682 [www.try-nova.org]

NOVA is committed to recognizing victims' rights. It provides support, education, and direct services to victims and victims' programs.