

Restorative Justice: An Answer to the Call of the Gospel of St. Mark for Service and Reconciliation

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Abstract

Simply stated, the goal of Restorative Justice is a reconciliation of people. The reconciliation can occur on the interpersonal level, within the community, among nation-states, and ultimately, on the universal level. The broad umbrella of Restorative Justice affords the community, spiritual and secular, to engage in works which further the need for Social Justice. From Victim/Offender mediation, to teaching Conflict Transformation in schools, to peace making circles for community collaboration, the opportunities to engage in the restorative process are potentially endless. Considered innovative and new in the United States, Restorative Justice has deep and ancient roots in many cultures, past and present. And as it adapts to the changing world, it certainly has applications for setting the stage for future conflict transformation. To what extent is Restorative Justice an answer to the call of service and reconciliation based upon the teachings of Jesus Christ in the Gospel of St. Mark? Long considered more than a recounting of the story of Christ, the Gospel of St. Mark is considered a call to action for Christians in this world as a preparation for the next. This paper is an overview of Restorative Justice coupled with an analysis of how much Restorative Justice can advance the expectations of Christians as delineated in the Gospel of St. Mark.

INTRODUCTION

At a recent conference at Fresno Pacific University, I was struck by Dr. Howard Zehr's remark, "Peace is popular again." This comment was exceptionally poignant and relevant at a conference focused on the aspects of Restorative Justice. In fact, peace is that ever important by-product of justice. To paraphrase the prophet Isaiah, there can be no Peace without Justice.¹ The question then, or rather the task, for those who claim Jesus Christ as their teacher and savior, is how to recognize the need for justice and subsequently the application of His teachings to promote justice.

For far too long, Christians in the United States have allowed, to a point of complacency, the Justice Industry to mete out justice based upon an overburdened system made of this world. This justice industry focuses on retribution and punishment in an uneven disbursement of sentences; it appears unconcerned and ignores its own "injustice" toward race, social class, economic level, gender and disabilities. The altruistic and spiritual concepts of forgiveness, reconciliation, shame, empowerment after harm are simply concepts which have no place in an industrial juggernaut which ends up feeding upon itself and generating a downward spiral for those, victim and offender alike, caught in its vortex. Since the 1970's, a small but growing group of individuals in the United States have been exploring and, more importantly, acting in tandem with the Justice Industry, promoting a concept which is more in line with the teachings of Jesus Christ.

For convenience, the name given is Restorative Justice. The focus of this paper will be threefold. The first step is to look at the teachings of Jesus Christ regarding the need for justice; in particular, those set forth in the Gospel of St. Mark. The second step is the establishment of a working definition of Restorative Justice; what it is, and what it is not. Restorative Justice is multi-leveled and multi-faceted, and as such, it is important to understand its application in a contemporary world. The final step is to provide the Christian with distilled guidance and validation of the Restorative Justice process; the why of Restorative Justice in this world in attempting to achieve the mandates of the next.

THE MESSAGE OF ST. MARK

Who was Mark?

Consensus among modern Scripture scholars designates St. Mark as the earliest of the Gospel writers.

¹ Isaiah 59: 8-9 (all Biblical references are to The New American Bible)

It is generally thought that Mark wrote somewhere between 65-70 A.D., shortly after scores of Christians, including many first-generation eyewitnesses, perished in Rome under Emperor Nero's persecution, most notably, St. Peter and St. Paul. Largely ignored until 19th century as a poor cousin to the Gospel of St. Matthew², H. J. Holtzmann argued Mark is the most primitive of all the gospels, and it takes it back to a reliable framework for the life of Jesus Christ³ In response to the demise of so many leaders, it is thought St. Mark deemed it necessary to record a written history of Jesus Christ. As St. Augustine opined, "his follower and believer;"⁴ the man believed to have followed both St. Paul and St. Peter.

What message does Mark bring?

Mark brings us an earthy Jesus. Jesus, who works hard, is at ease among those around him, but also susceptible to a range of emotions. Whether healing the sick, teaching those who come to listen, or chastising those who ignore the will of God in their false piety, Mark describes Jesus as a "man" who never sat down.⁵ But in this hurried, hurried and human portrayal of Jesus, we find the clear and unequivocal message of justice. And yet, there is no direct talk of justice, only examples of what it is to provide and bring justice. Wasting no time,⁶ Jesus begins his ministry by calling his first disciples and within a few short verses has performed his first healing...on a Sabbath.⁷ A miracle performed and "law" broken. Yet, Jesus performs this action boldly in the midst of all in the synagogue to make a point: worship is pointless if it is not mission oriented. True worship leads to acts of justice, and acts of justice lead to true worship.⁸ By the end of the first chapter, Jesus' teachings and miracles had become so well reported, "it was impossible for [Him] to enter a town openly. He remained outside in deserted places, and people kept coming to him from everywhere."⁹

Certainly there is derision surrounding Jesus' ministry, an upset in the balance of what is. But when questioned about his actions, Jesus replies, "No one sews a piece of unshrunk cloth on an old cloak. If he does, its fullness pulls away, the new from the old, and the tear gets worse. Likewise, no one pours new wine into old wineskins. Otherwise, the wine will burst the skins, and both the wine and the skins are ruined. Rather, new wine is poured into fresh wineskins."¹⁰ An allusion the new way is not compatible with the old way of thinking. In particular laws which serve no other purpose than to control and oppress. The idea of what is justice needs to be rethought. Specifically, withholding from those who are in need, in deference to a system of laws which at best ignore the wretched, and at worse deny them redemption.¹¹

The task of prophetic ministry is to nurture, nourish, and evoke a consciousness and perception alternative to the consciousness and perception of the dominant culture around us.¹² To this end, Jesus does not simply tell his followers, ignore convention, ignore the law for a greater good, and be contrary for contrariness sake. Not in the least. Walter J. Burghardt focuses on the suggestion of scripture scholar Sarah Ann Sharkey in writing, "to appreciate justice in Jesus, we should read Mark's gospel in its entirety carefully watching Jesus, his disciples, and other characters, particularly the "little people." While not speaking "specifically" of justice, Mark is constantly expounding the idea, "the reality of making all relationships right," emphasizing the cross, "the cost of engaging in the ministry of justice." There is Peter's fevered mother-in-law and the woman hemorrhaging for twelve years, the man with a withered hand and the paralyzed man let down through the roof. There is the ostracized leper and Levi the tax collector.

² Francis J. Moloney, S.D.B., *The Gospel of Mark, a Commentary*, (Massachusetts: Hendrickson Publishers, 2002, p. 1

³ H.J. Holtzmann, *Die Synoptischen Evangelien: Ihr Ursprung und Geschichtliche Charakter* (Leipzig: Wilhelm Engelmann, 1863)

⁴ Augustine, *De consensus evangelistarum*, 1.2 (PL 34:1044)

⁵ Virginia Smith, *The Four Faces of Jesus* (Catholic Update, CU 0390, 1990)

⁶ There is no mention of the birth or early life of Jesus in the Gospel of St. Mark. The Gospel opens with John the Baptist, Jesus' baptism and his subsequent sojourn in to the desert, all within the first thirteen verses.

⁷ Mark 1:21-27

⁸ Jude, *Devine Love, Human Rights* (<http://humanrightskcsj.blogspot.com/2009/03/gospel-and-social-justice.html>, retrieved 01/18/10)

⁹ Mark 1:45

¹⁰ Mark 2:21-22

¹¹ "Is it lawful to do good on the Sabbath rather than to do evil, to save life rather than to destroy it?" Mark 3:4

¹² Walter Brueggemann, *The Prophetic Imagination* (Philadelphia: Fortress Press, 1978), p. 13.)

There is the convulsed boy foaming at the mouth and the man emerging from the tombs with an unclean spirit. There is the living child Jesus took in his arms and the dead twelve year old daughter of a synagogue leader he said was only sleeping. There is the blind beggar Bartimaeus and the thousands who sat close to Jesus for three days with nothing to eat. There is the man who yearned for eternal life but was terribly attached to his own possessions, and the poor widow who put her last penny in the treasury. There are those closest of friends, his special disciples, who could be unbelievably dense when he taught them, who slept while he was in the garden, who deserted him when his hour had come. There are those grouped together as simply "sinners." All these Jesus moved in different ways to right relationships.¹³

Among the many lessons from the Gospel of St. Mark, with regard to Restorative Justice there are three which are the focus of Mark; the lesson of Love & Compassion, the lesson of Forgiveness & Reconciliation, and the lesson of Justice. All lead to Peace. These lessons are clearly drawn and taught in the parables of described by Mark. While important in and of themselves, the parables are constructed in such a way to act as foundational building blocks beginning with love and compassion and ultimately leading to final lesson of Peace. It is through the overlapping transition and growth in Jesus Christ's teaching true guidance is provided (see figure 1 below).



Figure 1: The Lessons of Love and Compassion

Jesus' first two miracles, recorded by Mark, occurred on the Sabbath; driving out of an unclean spirit¹⁴ and the healing of Simon's mother-in-law¹⁵. When the people heard of these miracles, they are followed by many others after the Sabbath had ended¹⁶

In his very first public acts, Jesus demonstrates a love and compassion for those suffering, regardless of social status (the mentally ill), gender (a woman) or number. He neither hesitates in his compassion and love for those suffering, nor does he allow convention to deter him in his tasks (the sacredness of the Sabbath). He puts aside the conventional taboos of interacting with those who are mentally ill, or touching a woman, in favor of a greater calling. One of a healing justice.

Reaching out to the disenfranchised, the isolated, the marginalized, Jesus Christ's first lesson in love and compassion becomes an underlying theme through the remainder of Mark's Gospel. These, however, are not stand alone lessons and are interwoven into the next series of lessons. In fact, despite their altruistic flavor, the miracles are not the point. "Let us go on to the nearby villages that I may preach there also. For this purpose have I come."¹⁷

The Lessons of Forgiveness and Reconciliation

Jesus Christ's first lesson of forgiveness is the result of another miracle which clearly intertwines compassion and love. During his return to Capernaum, while preaching in a crowded home, a paralytic man is lowered through the roof by four men. There is no reference to the four men's relationship to the paralytic man, but presumably they are friends or family members. Jesus is moved, however, by the faith of all four. Unsaid, but clear from the reading, is the love and compassion of the four men to go through extraordinary lengths to deliver the paralytic man to Jesus for healing. A lesson learned and preparation for the next.

¹³ Burghardt, Walter J. 1996. *Preaching the Just Word*. New Haven, CT/London, UK: Yale University Press.

¹⁴ Mark 1:21-27

¹⁵ Mark 1:30-31

¹⁶ Mark 1:32-34

¹⁷ Mark 1:38

Jesus then quite controversially tells the paralytic man, “Child, your sins are forgiven.”¹⁸ When questioned and suggested he has blasphemed, Jesus replies, “...Which is easier, to say to the paralytic, ‘Your sins are forgiven,’ or to say, ‘Rise, pick up your mat and walk?’ ...”¹⁹ Here is the proposition forgiveness must come first, before a healing (reconciliation) can take place.

The Lessons of Justice

The miracles of Jesus Christ, each containing one or more lessons in the Gospel of St. Mark, have one continued underlying message. As previously noted, it is His setting aside of convention, tradition and taboos, in favor of justice. Demonstrated with his healing of the mentally ill and poor, touching infirmed, women and children, healing on the Sabbath, Jesus continues to enforce the idea, Justice is the greater good, and its obstruction, regardless its source, has no place (“The Sabbath was made for man, not man for the Sabbath.”²⁰). The lessons of love and compassion, of forgiveness & reconciliation, and of justice appear as intertwined themes within the parables and teaching of Jesus Christ throughout St. Mark’s Gospel. So how do we, as Jesus Christ’s people, people of the way, engage ourselves in a contemporary setting of institutionalized justice, one which dehumanizes victim and offender alike, and does nothing to bring about reconciliation on any level. One such method is Restorative Justice.

RESTORATIVE JUSTICE

Restorative Justice Defined

Perhaps the best way to establish a definition of Restorative Justice is to begin with what Restorative Justice is not.

Restorative Justice is not *primarily* about forgiveness & reconciliation. Forgiveness and reconciliation are by products of an overall process of healing, and while an integral part of process, alone they are not the primary focus of Restorative Justice.

Neither is Restorative Justice simply a mediation process or aligned with any particular formatted process. Mediation, arbitration, peacemaking circles, are certainly effective ways to move the process of Restorative Justice along, but as cultural based process, what works in San Diego, may not necessarily work in Shanghai, Paris, or Tibet. In fact, more than likely, they will not.²¹

Restorative Justice was not and is not a process focused on reducing recidivism or repeat offenses. When successfully implemented, however, there appears to be a reduction in recidivism and repeat offenses. Once again, a byproduct of the process, and not a goal.^{22 23 24}

As much as Western civilization (read Anglo-American and Anglo Western European development) would like to lay claim to the development of Restorative Justice as a cultural tool, it cannot. Restorative Justice has its roots in much simpler, tribal cultures, and can be found in one form or another throughout the world.²⁵

It is important to note, Restorative Justice is not a panacea, a replacement to the justice industry. In a functional justice system, due process and equal protection are the very foundations.

¹⁸ Mark 2:5

¹⁹ Mark 2:9

²⁰ Mark 2:27

²¹ A student of mine from Mongolia explained the procedure of mediation from his home land. The process occurs over several days and is centered around the disputants having a series of meals together in preparation for discussions, the idea of sharing food as the great diffuser of animosity.

²² Rodriguez, N., *Restorative Justice at Work: Examining the Impact of Restorative Justice Resolutions on Juvenile Recidivism, Crime & Delinquency*; July 2007, Vol. 53 Issue: Number 3 p355-379

²³ De Beus, K; Rodriguez, N., *Restorative justice practice: An examination of program completion and recidivism* Journal of Criminal Justice, May 2007, Vol. 35 Issue: Number 3 p337-347

²⁴ Robinson, G; Shapland, J., *Reducing Recidivism: A Task for Restorative Justice?* The British Journal of Criminology, May 2008, Vol. 48 Issue: Number 3 p337-337

²⁵ It is not the focus of this paper to discuss the various cultural manifestations of Restorative Justice. But for those interested, a reading of *Three Cups of Tea* by Mortenson & Relin (Penguin Books, 2006) and *Ancient Futures* by Norberg-Hodge (Sierra Club Books, 1991,2009), provide excellent examples of the manner in which Restorative Justice is implemented in a tribal setting, and the cultural differences which are manifest by the mere separation of a, albeit large and perhaps symbolic, mountain.

And while Restorative Justice focuses on a more humanistic view and implementation of justice, it too would be flawed without the procedural protections afforded by a formal and functional justice system. Restorative Justice should therefore be viewed as a parallel or tandem process to the institutionalized justice industry.

Restorative Justice has been mistakenly viewed as an alternative prison, an opposite to retribution, and at worst, soft on crime. Practitioners of Restorative Justice quite clearly realize, punishment for criminal activity is a requirement, if only as deterrence and for safety of the public. Regardless of reconciliation of the victim and offender, those involved with Restorative Justice, do not believe it is an excuse from or a form of condoning offending behavior. Restitution to the victim (and here the victim is the individual and community, not the state) is tantamount to any form of reconciliation afforded by Restorative Justice. The restitution is therefore viewed as a part of the process of working to heal. But restitution can be an apology and request for forgiveness at one end of the restitution spectrum, and life imprisonment at the other.²⁶

As for the attitude of Restorative Justice as soft on crime, think for a moment about the difficulty of admitting the harm one has caused. The offender suffers from shame. As defined by Nussbaum, shame is “a painful emotion responding to a sense of failure to attain some ideal state”, pertaining to one’s ‘whole self, rather than to a specific act of the self.’^{27 28} The task of the offender confronting the harm done to another, by admission to the harm, followed by then a request of forgiveness creates an emotional vulnerability of the offender. To overcome the shame and “do what’s right,” is a monumental task requiring an emotional and spiritual strength. Aside from an institutional “I’m sorry,” at sentencing, this is rarely the case for the offender.

So what is a working definition of Restorative Justice? What follows is a suggested definition. Restorative Justice is a process which involves, 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 between the victim, offender and their community.²⁹

How it Works

When addressing the manner in which Restorative Justice works, it is important to remember it is not simply confronting a single harm between victim and offender. Nothing operates in a vacuum, including Restorative Justice. The community therefore is a stakeholder in the process.

The principles of Restorative Justice grant the guidance needed to understand how it works. Harm to an individual by way of a criminal act, is a violation of people and of interpersonal relationships. Restorative Justice focuses on the harms and needs created by the harm. The harm or violation, creates an obligation and Restorative Justice makes accountability a part of the obligation. Central to the obligation is putting right the wrong through the promotion of engagement and participation.³⁰

First and foremost, a specific harm must have occurred. Restorative Justice at the fundamental level is not meant to address a vague generalized harm (i.e. the institution of racism, or teen drug and alcohol abuse). There must be an actual event which triggers the harm (spraying Nazi graffiti on a synagogue, or a vehicular homicide the result of a teen driving under the influence). It is from the specific harm the involvement of the community becomes the important third player. Recognition by the community of a moral or spiritual breakdown which leads to the specific harm, a sort of “flashpoint.” In order to begin the healing process after a specific harm has occurred, the needs and roles of the stakeholders must be addressed. The Stakeholders are the Victim, the Offender, and the Community.

²⁶ Keeva, Steven, *Helping of Healing*, ABA Journal, 07470088, Nov.2005, Vol. 91, Issue 11

²⁷ Nussbaum, Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of the Emotions* (Cambridge: Cambridge University Press,2001), esp. pp. 196–200, 342–47.)

²⁸ Brooks, Thom, *Shame On You, Shame On Me? Nussbaum on Shame Punishment*, Journal of Applied Philosophy, November 2008, Vol. 25 Issue: Number 4 p322-334, 13p; (AN I7083282)

²⁹ At best this is a working definition. For a full overview of what Restorative Justice is and is not, see [Critical Issues in Restorative Justice](#), Howard Zehr and Barb Toews (eds). Monsey, NY: Criminal Justice Press, 2004.

³⁰ For a comprehensive overview of Restorative Justice, see Zehr, Howard (2004) *Critical Issues in Restorative Justice*, Criminal Justice Press

For the Victim, the needs and roles include information, truth telling, empowerment, restitution, and vindication. Typically in the justice industry, Victims become a collateral player to the resolution of the harm.³¹ The Victim has no rights, and plays only a part of the criminal proceedings. There is no entitlement to information regarding the process, resolution of the case generally done behind actual or proverbial closed doors, expedition of the process taking precedence. In the Restorative Justice process, the Victim faces the Offender and asks questions and receives answers. The Victim takes back what has been lost by expressing the feelings of the resultant harm, thereby experiencing an empowerment as valid stakeholder to the process. Restitution may be requested by the Victim. The Victim and Offender actually discuss and negotiate appropriate restitution, which may be as simple as an admission to the harm and apology, a promise to do better or monetary compensation. It is up to the Victim and the Offender to decide. Finally, the Victim experiences a vindication from the “it is my fault for having been (fill in the blank),” or the “if only I had/had not,” syndromes. By determining why the Victim was selected or targeted by the Offender, the Victim often finds the harm was random, and nothing could have changed the outcome. It is operating in the present, in a face to face encounter.

For the Offender, the needs and roles focus on accountability. The Offender is encouraged to fearlessly reflect and address the resulting harm to the Victim. This is accomplished by encouraging empathy and responsibility toward the victim. By facing the harm, the Offender typically experiences a transformation of shame into an opportunity to experience personal transformation. In doing so, the Offender is able to seek healing of contributing harms (i.e. child abuse), and opportunities for treatment (i.e. emotional illness, including addiction). The Offender learns to recognize and enhance personal abilities. Encouragement and support for re-integration can be in the form of schooling, treatment, and community involvement. The Offender should come to accept and understand restraint is called for, either temporary, short or long term, in the most egregious cases, permanent. Understanding restraint may be in the form of not consuming alcohol or drugs, finding a “new” set of friends, or imprisonment.

The needs and roles of the Victim and Offender are incomplete, or rather cannot be completed, without the involvement of the third stakeholder, the Community. While the specific harm needs to be addressed by the Victim and Offender, it is the Community which must recognize the underlying causes and must move in tandem, with the Victim and Offender.

Figure 2

VICTIM Focus on the Harm	OFFENDER Focus on Accountability	COMMUNITY Focus on Shared Obligations/Roles
Information-Beyond what has happened during the criminal proceedings (arrest, prosecution, sentencing). A focus on the why and how come.	Address the resulting Harm by encouraging empathy and a responsibility toward the Victim	Attention to the concerns of the Victim
Truth Telling – In tandem with information, the admission of the harm from the Offender	Transformation of Shame by interrupting the spiral of criminal activity	Recognizing the opportunity to build mutual accountability as a community
Empowerment – A taking back of self-esteem and self-confidence lost as a result of the harm	Encouragement to experience personal transformation by addressing contributing harms, address opportunities for treatment (mental illness- addiction), and enhancement of personal abilities	Encouragement to recognize and act on its obligations toward the Victim and Offender
Restitution – A repayment, either materially, emotionally or spiritually of the loss caused by the harm	Encouragement and Support for Reintegration into the Community	Foster conditions which promote a healing environment for a healthy Community
Vindication - Removal of the “it is my fault” or the “if only I had” stigma suffered by the victim	Acceptance of Restraint, either temporary, short or long term, or permanent	

³¹ In the State of California, the “victim” of a criminal act, regardless of the harm is “The People of the State of California.” The individual victim is procedurally referred to as the “complaining witness.”

The needs and roles of the Community may be categorized as addressing the concerns of the Victim. The marginalization and isolation of those harmed, depletes the community as a whole. The process of healing must be directed to the individual Victim and the Community as a Victim. The healing process creates opportunities to build a sense of community and mutual accountability. Events such as Take Back the Night which raises awareness of sexual and physical abuse of women, is an example of building a community of accountability.³² In so doing, the Community is encouraged to take on its obligations for the welfare of its members, which includes victims and offenders, and fosters the conditions promoting healthy communities.³³ See figure 2

Not a Panacea...Yet

Experts in the field of Restorative Justice have generally ruled out the process when the harm is the result of severe violence. Concerns regarding the balance of power between the Victim and Offender, or the ongoing nature of relationship between the Victim and Offender have been viewed as an obstacle to the process.^{34 35} While the view is a realistic concern, it is not insurmountable. Inroads have been made accepting Restorative Justice as a viable tool in response to severe violence predicated on a true shift of power between Victim and Offender, and is viewed as an appropriate form of social justice.³⁶

The concept of Restorative Justice is a new concept to the West, and in a society of one-size-fits-all, it requires work, experimentation, experience and an ability to adapt to the forms of institutional justice with which it must operate. Including varied cultural and political attitudes. As previously discussed, Restorative Justice is not a process which can be merely plugged into any culture. And this is important to recognize this in a culture of violence, and vengeance. Restorative Justice does provide a source of hope. Hope in the form of interpersonal and community-based opportunities to reconcile. It requires guidance to rediscover the love and compassion which lays dormant within an interpersonal and a societal framework, and learn the lessons forgiveness anew or perhaps for the first time.

THE CALL TO SERVICE OF ST. MARK

Meanwhile, back in Galilee.....a message has been delivered, a way told and then, the call to service. The question becomes then, how do we create a culture focused on restoring justice through reconciliation, not a culture which merely metes out retribution. Jesus recognized the message of his teachings was a defining a new moral social order which was addressed to a societal institution which fostered bondage, the destruction of individual sovereignty, and living death.³⁷ Having established itself in society, it is resistant to the teaching of a new moral order which the rule of God inaugurates [and] in which human beings will begin to recover the essential attributes of being divinely human.³⁸

The underlying message of a restoration of humanity is underscored by Jesus' healing of the leper.³⁹ Actualized, the leper is healed, his disease cured, and simultaneously reintegrated into society, no longer an outcast marginalized by society. Jesus not only proclaims and teaches the good news of God; he makes it present through concrete deeds by actualizing God's rule for the dispossessed, the sick, the diseased, and the ostracized. Structures, traditions, principles-any realities that thwart or prevent the realization of God's will for the fullness of life is abolished...the old order must be subverted.

³² <http://www.takebackthenight.org/> retrieved 05/01/10

³³ For a complete discussion of needs and obligations, see Zehr, Howard (2002) *The Little Book of Restorative Justice*, Good Books, Intercourse, Penn.

³⁴ Busch, R. (2002). *Domestic violence and restorative justice: Who pays if we get it wrong?* H. Strang & J. Braithwaite (Eds.), *Restorative justice and family violence* (pp. 223-248). New York: Cambridge University Press.

³⁵ Stubbs, J. (2007). *Beyond apology? Domestic violence and critical questions for restorative justice*, *Criminology and Criminal Justice*, 7(2), 169-187.

³⁶ van Wormer, Katherine, *Restorative Justice as Social Justice for Victims of Gendered Violence: A Standpoint Feminist Perspective.*, *Social Work*, , Apr 2009, Vol. 54, Issue 2

³⁷ Waetjen, Herman C. (1989). *A Reordering of Power: A Socio-Political Reading of Mark's Gospel*. (82). Minneapolis: Fortress Press, citing Fanon, Frantz, *The Wretched of the Earth*, from Hollenbach, Paul W. (1981) *Jesus, Demoniacs, and Public Authorities: A Socio-Historical Study*, *JAAR* 44/4, pp. 575-79.

³⁸ Ibid. p. 82

³⁹ Mark 1:40-42

The idea of bringing the disadvantaged and the dehumanized to a point where order, chaos, limitation and possibility meet and can begin to interact.⁴⁰ But this is Jesus, the Son of God, not merely a man or woman. How does an individual or small group begin the process of restoration, particularly in a deeply ingrained societal institution such as the justice industry which focuses on process, punishment, and vengeance, with little to no regard to the human beings it serves? Surely this is a task which, at first blush and short of revolution, appears impossible. Jesus recognizes this. In Chapter Four of Mark, Jesus tells four parables. Parables which are meant to encourage his disciples and “[w]hoever has ears to hear ought to hear.”⁴¹ These are the parables of the sower, the lamp, the growing seed, and the mustard seed, or the parables of the open mind, of deeds, of patient growth.

“Hear this!” begins the first parable, an opening command calling for an active response to what is heard, and a command to be obeyed.⁴² The parable of the sower is told by Jesus to his disciples and the crowd on the shore. It is the story of a man who sows seed, some falling on the path, rocky ground, among thorns and on rich soil. Those seeds falling on the path were quickly eaten by birds (4:3-8). Those which fell on rocky soil sprouted and then withered with the sun for lack of nourishment (4:5-6). The seeds among the thorns sprouted but were quickly strangled (4:7). Only those seeds which fell on the fertile soil grew and yielded “thirty, sixty, and a hundredfold (4:8-9).”

One interpretation of this parable is the restoration and societal reordering which Jesus calls for, must be done with an open and fertile mind, a willingness to accept others, to engage in love and compassion. First and foremost, there must be a seed to grow. The seed is Jesus’ message, the message of love and compassion. The message alone cannot simply be planted, or as in the parable tossed upon the ground. The mind must be open, a willing mind ready to act or produce as with fertile ground. Otherwise, “they may look and see but not perceive, and hear and listen but not understand, in order that they may not be converted and be forgiven”⁴³ The hearers are challenged to respond to the teaching of Jesus, and encouraged in a time of despair.⁴⁴

In the parable of the lamp, Jesus poses the question, “[i]s a lamp brought in to be placed under a bushel basket or under a bed, and not to be placed on a lampstand?” (4:21). Of course not, what use would it be? Not merely talk, but action. The parable of the lamp therefore becomes the call to action. It is not sufficient to teach love and compassion, one must act upon the lessons. Stand out with the message, let your acts shine as if a lamp in the darkness, not hidden away as a secret for only those who know where to look. In so doing, the next part of His message will be realized, forgiveness and reconciliation.

Once again looking at the broad umbrella of Restorative Justice, the action of the message has many manifestations. The work of Dr. Robert Enright with forgiveness among school children is an example of form of Restorative Justice. In his work, he has created models for teaching children as young as kindergarten aged to engage in forgiveness as a form of reconciliation on the playground and at home. His work was developed and implemented in the United States, but has found a home in sectarian violence-torn Northern Ireland.⁴⁵ As substantial and noteworthy as Enright’s work is, not all are capable of such accomplishments. There are other ways to act as well; mediating victim/offender reconciliations, working in the prison ministry to teach offenders how to accept responsibility for the harm they have caused, organizing a day of forgiveness in one’s community are ways to make the message shine.

The task looks insurmountable. How does one affect a complete social reordering and change, from retribution and punishment, to forgiveness and reconciliation? Is it even possible one might ask. Again Jesus tells us, it is possible. In the two parables of the growth of the seed (4:26-32), Jesus relates how once planted, and given the proper conditions the tiniest of seed grows of its own accord, and over time will bear the largest of plants. What is unsaid, but implied, is the growth does not take place over night. It takes time, it takes the right conditions, and it takes work, and most times, man does not know how it happens, it simply does.

⁴⁰ Ibid (88-89)

⁴¹ Mark 4:9

⁴² Moloney, Francis J. (2002) *The Gospel of Mark: A Commentary*, Hendrickson Publishers (p. 87) citing Minette de Tillesse, *Le secret messianique*, 201-12.

⁴³ Mark 4:12, Isaiah 6,9

⁴⁴ Moloney, F. J. at p. 88

⁴⁵ Gassin, E.A., Enright, R.D., Knutson, J.A. (2005) *Bringing Peace to the Central City: Forgiveness Education in Milwaukee Theory into Practice* 44(4) 319-328

While these two parables clearly discuss the Kingdom of Heaven and its growth on earth among man, a part of the Kingdom is man's work in carrying forth the message. St. Mark has related Jesus' message of a call to action, and now he relates a message of encouragement, of hope, a sort of Biblical "pep talk." The lessons of love, compassion, forgiveness, and reconciliation require action, but the fruition of the work of such action, will not occur overnight, without work, and certainly with man and woman understanding just exactly how it does. But bit by bit the tiny seed grows, until it is able to, "put forth branches, so that the birds of the sky can dwell in its shade." (4:32). So too can the work of Restorative Justice affect a social reordering and a cultural shift.

A Warning: The Cursed Fig Tree

Outside of Bethany, after his entry into Jerusalem, Jesus sees a fig tree. It is covered with leaves but bears no fruit. It was not time for figs (11:12-13). In all probability, a most confusing moment to the disciples, Jesus harshly curses the fig tree, "May no one ever eat of your fruit again!" (11:14). After all, it was not *time* for figs.

The next day, Jesus and his disciples pass the fig tree and find it is "withered to its roots." (11:20). When Peter remarks on the condition of the tree, Jesus replies,

Have faith in God. Amen I say to you, whoever says to this mountain, 'Be lifted up and thrown into the sea.' And does not doubt in his heart but believes that what he says will happen; it shall be done for him. Therefore I tell you, all that you ask for in prayer, believe that you will receive it and it shall be yours. When you stand to pray, forgive anyone against whom you have a grievance, so your heavenly Father may in turn forgive you your transgressions. (11:22-25)

Sandwiched in between these two passages is Jesus' entry into the temple at Jerusalem and his subsequent driving out of the money changers and other sellers (11:15-17). When taken in this context, the curse of the fig tree and its subsequent results make more sense, it is a condemnation of the temple of Israel.

"Time" is referenced in the Septuagint and the New Testament as speaking of an opportune moment. Traditional access to God through Israel's temple cult and worship had external splendor. Like the fig tree, full of leaves but no fruit, the temple is there to satisfy the needs of the people. The Temple is not fulfilling its purpose, forever waiting for an opportune moment. It is this institution which is the hub of Judaic culture, regulating religious, political, economic, and the social life.^{46 47} Withholding and subverting access to God for the opportune moment is unacceptable to Jesus, and just as He curses the fig tree, so too does he condemn the Temple institution.

Therefore the curse of the fig tree is not only merely an exclamation point to Jesus' previous teachings, calls for change and action. It is a warning to those who would subvert His message, or stagnate in an institution which serves only those who control and can afford it. An opportune time for social justice in the form of forgiveness and reconciliation, one which should not be overlooked or ignored, is now.

CONCLUSION

The lessons of Jesus Christ in the Gospel of St. Mark, are those which can be traced most closely to the source, recognized as the earliest synoptic gospels. It is from these lesson which Jesus disseminates his message of justice in a new social order. His message and lessons of justice are based on love, compassion, forgiveness and reconciliation, not upon obstructionist procedure and vengeance oriented retribution. The message is a call to action, to work and not just talk.

Once such form of action is Restorative Justice. It comes in many forms and is based upon culture, not a specific process. By seeking to reconcile the Victim and Offender of harm, Restorative Justice necessarily engages the community in which the harm arose. Addressing the needs, obligations and responsibilities of the Victim, Offender and Community, a re-ordering of the social order takes place. In so doing, justice becomes interpersonal and community based, rather than meted out institutionally in a system which views the individual and community more as a part of the process, than the actual focus. Recognizing the appearance of an insurmountable task, Jesus reminds us the quest for justice and peace, will take time and work. But like the tiny mustard seed which falls upon fertile ground and is tended by the sower of seeds, it has the potential of flowering into one the greatest of trees. The time for such of shift in attitude and character is now.

⁴⁶ Moloney, Francis J., *ibid* at 221-228

⁴⁷ Waetjen, Herman C., *ibid* at 179-182