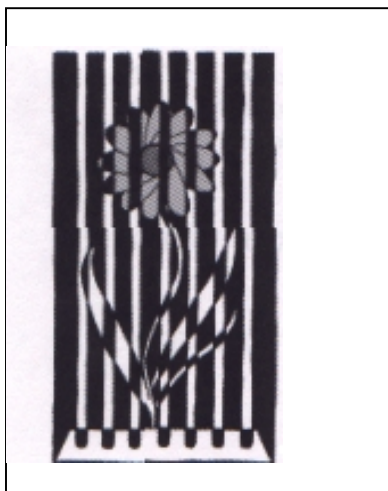

JUSTICE OR "JUST DESERTS"?

An Adult Study of the Restorative Justice Approach

Rev. Virginia Mackey and Dr. Carolyn C. Shadle



Restorative Justice moves to the heart of religious experience.... One could speak of the responsibility of the faith community and one can speak of the opportunity. Engagement in restorative justice allows people of faith to move from preaching reconciliation to participating.... Restorative Justice is a gift to people of faith. It transforms us as it invites others to experience the gift of restoration.

Jean Greenwood, Minnesota Council of Churches, Full Circle, newsletter of the Restorative Justice Institute. April 1998

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CONTENTS

PREFACE: A TRIBUTE TO VIRGINIA MACKEY	1
COURSE INTRODUCTION	3
SESSION 1 - WE'RE PERPLEXED	6
U.S. Crime and Violence Quiz	11
U.S. Crime and Violence Quiz - Responses	12
The Scope of Our Problem	13
Lament Psalm One	15
SESSION 2 - DEFINING JUSTICE	16
Two Types of Justice.....	20
Contrast Between Punishment and Discipline	21
Justice System Encounters May Be "Close" But . . .	22
Positive Aspects of the Present Criminal Justice System	24
Restorative Justice: Up Close, Personal, and Participatory	26
Scenario: A "Smashing" Good Time?	27
SESSION 3 - RESTORATIVE JUSTICE FOSTERS HEALING IN VICTIMS, OFFENDERS, AND COMMUNITIES	29
The Blue Hill Congregation: A Case Study	36
SESSION 4 - IT TAKES OUR COMMUNITIES	37
Restorative Justice Asks These Questions	41
Restorative Justice Questions To Be Asked By Faith Communities	42
RESOURCES ON RESTORATIVE JUSTICE	43
COURSE EVALUATION	

PREFACE

A Tribute to Virginia Mackey

Rev. Virginia Mackey and Dr. Carolyn C. Shadle prepared *Justice or "Just Deserts"? An Adult Study of the Restorative Justice Approach* with editing assistance from Dee Buchman and Carolyn Thompson, all members of the Restorative Justice Team of Washington Park United Church of Christ, Denver, Colorado. This adult curriculum was first offered in Denver in the fall of 1999 as a pilot course to enable adults in faith communities to understand and explore the restorative justice approach and to evaluate the effectiveness of a four-session design. Based on evaluations of the pilot, the curriculum was revised and made available in the fall of 2000.

Washington Park Church is a remarkable faith community that has committed itself to being a Restorative Justice Congregation. Their vision is contagious in some circles: in the fall of 2001 the Rocky Mountain Conference of the United Church of Christ created a Restorative Justice Task Force, and perhaps other church bodies will be inspired to do likewise.

The dedicated "WashPark" group made the curriculum as widely available as practical, working from their church building and, of necessity, charging a modest amount for copying and shipping. Convinced that this four-session study approach would be of use and importance to more people of faith than "WashPark" had reached, the criminal justice office of the Presbyterian Church (U.S.A.) is privileged to have been granted permission by the authors to publish and distribute it. In their publication the authors offered special thanks to the Curriculum Publishing Program Area of the Presbyterian Church (U.S.A.) for permission to use material from *Close Encounters of the Justice System Kin & A Theme Action Course for Older Youth*, by Sharon K. Youngs, writer, and Beth Basham, editor, © 1997. We join in celebrating this cooperative endeavor.

Beyond the worth of *Justice or "Just Deserts"? itself*, this publication carries with it a tribute to one of the co-authors, Virginia Mackey, written by the other co-author, Carolyn Shadle. In the Introduction to *Restorative Justice: Toward Nonviolence*, which Virginia Mackey wrote for the Presbyterian Church (U.S.A.) and the wider religious community, I described her as "consultant, writer, and guardian angel." That she was, and so much more. Ginny Mackey died in June 2001.

Virginia Mackey: Our Sister for Restorative Justice

How should we remember Ginny?
What should be her epitaph? Her words to us, the many,
Cannot be shrugged off with a laugh.

Her quiet voice of understanding screams out:
"Ban the bullets and the guns - and more,"
She says, as active protestor, "Rethink the meaning of fairness;
Work for social justice to restore.
Scour the jails of unfair and cruel practice,
And find the Solomon court of restorative justice."

Not "eye-for-an-eye" retribution
For every slight, mistake, or crime.
Her solution and contribution:
Restorative Justice - a new paradigm.

A new understanding of the trinity:
Interface of victim, offender, and community.

Focus on forgiveness, compassion, and what is meant,
Instead of false charges, harshness, and contempt.

Ginny's commitment to change has brought us a long way.
It will move us to future action each and every day.

John L. Meyer and Carolyn C. Shadle

Virginia Mackey's vision continues, the vision that she helped to create and dedicated many hours and miles to share with the world that needs it so much. Thanks be to God.

Rev. Kathy Lancaster
Associate for Criminal Justice
National Ministries Division
Presbyterian Church (U.S.A.)

November 2001

JUSTICE OR "JUST DESERTS"?

COURSE INTRODUCTION

What exactly is justice? It seems to be defined in different ways by different people. And just who are the offenders? How are they treated? How should they be treated? What about victims? Shouldn't the needs of victims be the place we start if we are committed to bringing about justice? What are their needs? How are communities to respond, especially communities of faith? Aren't victims neglected, even in our own congregations? Do we, as people of faith, support today's punitive approaches to justice? If not, can we help to define and implement a reiterative approach? These are but a few of the questions posed by those who study criminal justice.

Many politicians winning in recent elections are those who present themselves as "tough on crime." A common answer to the problem of crime is to build more prisons - put offenders away for as long as possible. Some of us interpret "an eye for an eye," a phrase found in Hebrew Scripture, as a literal justification for punishment rather than as the limit on restitution it was meant to be. We must ask if being "tough on crime" is the best solution? Is that the way God desires us to live in community - by isolating, ostracizing, and demoralizing people when they have caused harm? As people of faith, how should we be involved?

Some of the themes of this course are to:

- ❖ Remind us of the prevalence of violence and fear in the United States today.
- ❖ Familiarize us with the criminal justice system through a number of perspectives, including those of victims and offenders.
- ❖ Cite injustices in neglect of victims; in prosecution of disproportionate numbers of people of color, poor people, and persons with addictions and mental disabilities, while lacking attention to those who commit crimes of greed; and failure to use communities' strengths in preventing and responding to the harms we call crimes.
- ❖ Contrast two types of justice - contemporary justice (retributive) and biblical justice (restorative).
- ❖ Explore what Scriptures say about justice and relationships.
- ❖ Provide us with suggestions for creating new ways of approaching old problems.

It is impossible to know what will be happening in your area as you make plans for this study. If the possibility exists for strong emotional responses because of local events or episodes in the lives of participants, you should be prepared by alerting pastoral leadership that you are doing this study. Pastoral assistance may be helpful.

PREPARATION

COURSE ORGANIZER

As the organizer for this course, here are some of your responsibilities:

- ❖ Decide the format. The curriculum can be used in single sessions on weeknights or Sunday mornings. Or it can be covered in an all-day workshop or retreat. Material is planned for four one-and-one-half hour sessions. Suggestions are given for the use of more time, if it is available.
- ❖ Decide if you will be the facilitator for the course. If not, select a facilitator, or turn to Different facilitators for each session.
- ❖ Distribute, in advance, copies of the curriculum to registered participants. They will be expected to do reading before each session.
- ❖ Read through this study and make sure you have gathered the resources that will be needed. You are encouraged to secure a copy of *Restorative Justice: Toward Nonviolence*, a discussion paper written by Rev. Virginia Mackey for the Criminal Justice Program of the Presbyterian Church (U.S.A.). For ordering information, see the list of resources at the end of the curriculum. You may want to consider beginning this study on the Sunday designated by the Presbyterian Church (U.S.A.) as "Criminal Justice Sunday," which for many years has been on that denomination's calendar as the second Sunday in February.
- ❖ Plan for refreshments, if appropriate.

FACILITATOR

Read through this study and make sure you have gathered the materials you will need. For example, in Session I you were asked to have articles about criminal activities from your local newspaper.

Crime and justice are big topics and there is a lot of material to cover. You will need to be realistic about what you think you can cover in each session.

This is designed to be an adult learning program. That means that you can expect participants to be prepared by reading each session in advance (with the exception of the "U.S. Crime and Violence Quiz - Responses" found at the end of Session 1). It means, also, that participants can assist you with time limits, help clarify questions, and keep discussions focused.

IF MORE TIME IS AVAILABLE

- 4) Each activity can well be given more time for discussion and feedback.
- 5) You may wish to view the Restoring Justice video available from Presbyterian Distribution Services for \$5 plus shipping and handling. The video has five parts:
 - 1) Restoring Justice: Introduction (5 ½minutes)
 - 2) Restoring Victims (15 minutes)
 - 3) Restoring Offenders (12 ½ minutes)
 - 4) Restoring Communities (6 minutes)
 - 5) Toward Restorative Justice (11 minutes).

The entire video is 50 minutes. A part could be shown during each of the sessions. The script for the video is also available at no charge. For ordering information, see the resources on page 43.

SESSION 1

WE'RE PERPLEXED

We're perplexed. Individuals, religious bodies, private and public agencies are perplexed about crimes and a failing criminal justice system. People of faith ... have prayed and pondered, worked and despaired. But our aware-ness of violence increases and the crisis of justice deepens. Is there no relief? Is God unaware? Where shall we turn?

Virginia Mackey, *Restorative Justice: Toward Nonviolence*, p. 6.

SESSION OBJECTIVES

- Learn more about each other and share our hopes for lessening violence in our communities.
- Examine the types of crime being committed in the United States and become aware of recent trends.
- Lay the groundwork for an understanding of restorative justice as a viable alternative to retributive or punitive justice.
- Explore justice from a faith perspective,

SESSION OVERVIEW (1 ½hours)

- Introduction to the Course (10 minutes)
- Introductions of Participants (20 minutes)
- Examples of the Harms We Call Crime (10 minutes)
- Focusing on the Scope of Our Problem (20 minutes)
- Building a Foundation for Restorative Justice (20 minutes)
- Closing (10 minutes)

In this session participants will look at the state of crime and violence in the United States and in our community. We will come to appreciate the scope of our problem and identify biblical laments that participants can associate with their feelings.

This session will lay the groundwork for the sessions that follow. In those, we will explore how our criminal justice system affects victims, offenders, and the community. We will explore alternatives that may be more effective and more consistent with our understanding of biblical restorative justice.

PREPARATION

The facilitator for this session will:

- locate newspaper clippings that illustrate types of crime in our society. The selection of clippings should reflect a variety of age and ethnic groups and a range of severity of the crimes, both local (participants' community) and national.
- duplicate a copy for each participant of the U.S. Crime and Violence Quiz from the curriculum, page 11.
- ask participants to bring their own Bibles.
- have on hand paper and pencils, newsprint, and markers.

Participants will:

- bring their Bibles,
- read the session in advance,
- read "The Scope of Our Problem" on page 13 and "Lament Psalm One" on page 15.

Introduction to the Course (10 minutes)

The facilitator will ask participants to look at the Contents and then turn to "Course Introduction." Explain why you wanted to use this curriculum and some of your goals for this group's understanding and courses of action.

Introduction of Participants (20 minutes)

Ask each person to find another in the group whom they do not know well. Explain that they will have six minutes to learn about each other. Ask the pair to exchange names, their faith community, an expectation they have about the course, and whether their vocation relates directly to criminal justice. After the six minutes, ask each person to introduce his or her partner to the group.

Examples of the Harms We Call Crime (10 minutes)

The harms we call crime are with us every day - in our experience, on the news, in the papers. Give each person a newspaper clipping. Ask each to read it silently. In group discussion, ask what clippings say about *type of crime* and about *offender profile* (gender, age, and race of offenders). Record this information on parallel columns on newsprint. Ask for and record brief observations about this data.

Focusing on the Scope of Our Problem (20 minutes)

To help us decide how realistic common notions and media portrayals of crime are and to uncover some of the myths we hold about crime, respond now to the "U.S. Crime and Violence quiz" on page 11. When you have completed the quiz, turn to "U.S. Crime and Violence Quiz -

Responses," page 12. When all are ready, the facilitator will ask for discussion of participants' insights and questions. Were there surprises? What was there that confirmed previous impressions? Ask for impressions from the participants who have read "The Scope of Our Problem" (pages 13- and suggest that they reread it before Session 2.

Building a Foundation for Restorative Justice (20 minutes)

The facilitator will lead the group in review of the following thoughts:

Our people are fearful. Our present approach to harm is punitive, not problem-solving. Actually, it is unrealistic. It damages our psyches and our national character by being so retributive and bureaucratic. It has taken responsibilities away from communities.

Restorative justice, on the other hand, is a vision of a compassionate, problem-solving, non-punitive way to respond to specific incidents of harm. It strives for safe and just communities. It is a vision that people of faith tried to spell out in their earliest writings.

In this first session, we will look at two ancient sources that inform our present-day concept of restorative justice. One is Greek and is expressed through the Greek goddess Astraea, the blindfolded goddess known as "Lady Justice," who holds the scales of justice.



Goddess Astraea is blind to a person's status, race, or gender. She bears a scale, by which she seeks a balance between the needs of the victim and the needs of the offender. She represents two aspects of justice that are described in a second ancient source: the Hebrew Scriptures.

Equality (5 minutes)

One aspect of justice is the notion of equality - the notion that each person has equal worth as a human being and that those who administer justice are not to be partial with regard to status, race, or gender. The Greek goddess is blind, remember. We find this aspect of justice again in the Hebrew tradition. Check Deuteronomy 10: 17, which states that our God is "the great God, mighty and awesome, who is not partial and takes no bribe." Take a moment to compare this notion of being blind (enabling equality) to what you have learned about how justice is administered in our current system.

Equity (10 minutes)

A second aspect of justice is the notion of equity - the notion that we must seek a balance between the needs of the victim and those of the offender. When an incident of harm has occurred, we must think of the differing needs of the victim and the offender and not try to seek equal treatment for victim and offender in order to balance the scales of justice. Check Deuteronomy 10: 18, which states that God "executes justice for the orphan and the widow, loves the strangers, providing them food and clothing." If our goal is to build safe and just communities, should we not provide shalom (well-being) to the greatest extent possible for victim, offender, and community? We are to consider the needs of each person involved.

"An eye-for-an-eye" is an oft-quoted phrase (Exodus 21:24) that has been used to justify equal harm to both victim and offender. A closer look in the context of the times in which it was written reveals that the phrase was meant as a limit on the amount of restitution demanded. For example, no tribe should take part in blood-revenge when they felt that they had been harmed, nor should a shepherd demand the return of three sheep if only one had been stolen. Hebrew interpreters of the Exodus passage made the point about imbalance of scales by suggesting that no two eyes are exactly the same or used in the same way by two different persons in their work.

Let's apply this notion of equity to a modern-day crime. Try visualizing the scales of justice with the victim's scale on the left and the offender's on the right. Regarding the scale of the victim on the left, we must ask ourselves what should be "placed" on the scale, what is needed to repair the harm and start the healing. In the scale on the right, we must try to determine what must be "placed" there that will facilitate the offender's understanding of the harm she or he has caused and what the person needs in order to address his or her own life situation. What will nurture, enhance, and support life? Looking critically at the punitive model, what is it that we have been doing that negates or stunts life? Take a moment to compare the notion of supporting life (this concept of equity) to the effects of our current system of justice

[A note for clarification: Within courts the concept of equity may connote a complex legal doctrine. Our use of the term here is to express the scriptural intent: "doing the fair thing," striving for shalom - not "just deserts" or "tit for tat."]

Responding faithfully (5 minutes)

Close this section with a look at Deuteronomy 30:19. It is a motto for us to follow as we think about filling the scales: ". . . I have set before you life and death, blessings and curses. Choose life. . . ." God is with us as we try to respond faithfully.

Anne Lamont, in her modern language, gives us hope:

I have a relationship with a God who is so tender and so willing to keep letting me start over. It's like that old . . . saying: "God loves us exactly the way we are and [God] loves us too much to let us stay that way."

Traveling Mercies: Some Thoughts on Faith (Pantheon, 1999, p. 135)

God is with us. We can do better!

Closing (10 minutes)

Looking ahead

Ask for a volunteer to help facilitate Session 2. In that session we will begin discussing alternative ways to bring into reality this vision of a just and safe society through a restorative approach. Ask all members of the group to read Session 2 in advance.

In closing, suggest that members of the group offer prayers or laments. It is important that we express our feelings. Ask participants to turn to page 15, Ann Weems' "Lament Psalm One." Ask someone to read the psalm aloud. Note that this modern-day psalm is dedicated to "those who weep and those who weep with those who weep," as an expression of the grief and anguish she felt over the death of her son.

U.S. CRIME AND VIOLENCE QUIZ

(Activity for Session 1)

1. T F The risk of suicide is twice as high in households with guns.
2. T F Every day in the U.S. 13 young people, aged 19 and under, are killed with guns.
3. T F Violence by an intimate accounts for about 10 percent of violent crime experienced by women. The rate of violence by an intimate for men is 2 percent.
4. T F American Indian per capita rates of violence are half those of other U.S. populations.
5. T F Injuries occur in 12 percent of all reported crimes.
6. T F Corporate crime costs more than street crime.
7. T F The population age group most victimized is 50 to 65.
8. T F The U.S. Chamber of Commerce reports that 22 percent of all business failures result from embezzlement, pilfering, and swindles from trusted employees.
9. T F In 1989 the firearm murder rate for black males ages 15 to 19 was 105.4 per 100,000 computed to 9.7 per 100,000 for whites in the same age group.
10. T F In about 60 percent of sex offenses, the perpetrator is known to the victim.
11. T F Since executions were resumed in the U.S. in 1977 (after a ten year moratorium) 734 persons have been executed. Approximately 3,700 are now on death row.
12. T F The U.S. has executed more juvenile offenders than any other country.
13. T F About 10 percent of serious crimes committed result in a sentence of imprisonment.
14. T F The Much 1999 number of prisoners in U.S. federal, state, and local facilities was 1.8 million.
15. T F Black males have a 29 percent chance of serving time in prison at some point in their lives.
16. T F California has spent \$5.2 billion on prison construction in the past 15 years.
17. T F Between 1987 and 1993 state spending increases for corrections outpaced higher education by 41 percent nationwide.
18. T F The percent of U.S. prisoners who are functionally illiterate is about 70 percent.
19. T F Juvenile drug arrests increased more than 190 percent from 1993 to 1997.
20. T F The public increasingly favors "lock-em-up" solutions to crime.

U.S. CRIME AND VIOLENCE QUIZ - RESPONSES (Activity for Session 1)

1. False: The risk is five times higher. *New England Journal of Medicine*, 1992.
2. True. Centers for Disease Control and Prevention, 1998.
3. False: The percentage of intimate violence for women is about 21 percent, while for men is 2 percent. *Bureau of Justice Statistics Factbook*, 1998.
4. False: American Indian per capita rates of violence are more than twice that of other U.S. populations. *American Indian and Crime*, Bureau of Justice Statistics, 1999.
5. False: Injuries occur in 3 percent of all reported crime. *The Real War on Crime*, Steven Donziger, ed., 1996.
6. True: According to the Justice Department, all personal and household crimes cost c. \$19 billion in 1991; comparable cost of white-collar crime was between \$130 and \$400 billion. *Real War on Crime*.
7. False: The age group 14-24 is most victimized. *Crimewarps: The Future of Crime in America*, Georgette Bennett, 1987.
8. False: The Chamber's estimate of crime by trusted employees is 30 percent. *Crimewarps*.
9. True. *Seeking Justice*, Edna McConnell Clark Foundation, 1997.
10. False: Most sex offender programs say the perpetrator is known to more than 80 percent of victims.
11. True. Death Penalty Information Center, July 2001.
12. True: Since 1990 only six countries (Pakistan, Saudi Arabia, Yemen, Iran, Nigeria, and the U.S.) have executed people for crimes committed before the age of 18. The U.S. has executed the most. In that decade, two-thirds of those have been African Americans. National Coalition to Abolish the Death Penalty.
13. False: About 3 percent result in sentence of imprisonment. *Church & Society Magazine*, Presbyterian Church (U.S.A.), March/April 1997.
14. True. The Sentencing Project, March 1999.
15. True: Black males have a 29 percent chance of serving prison time; the figure for white males is 4 percent. The Sentencing Project, March 1999.
16. True. "The Prison-Industrial Complex," *Atlantic Monthly*, December 1998.
17. True. *Seeking Justice*, Clark Foundation.
18. True. "Prison-industrial Complex."
19. False: Increase in juvenile drug arrests was more than 70 percent; for girls the figure was 117 percent. *OJJDP Juvenile Justice Bulletin*, December 1998.
20. False: Studies have shown that when the public is aware, it supports alternatives to incarceration for offenders considered nonviolent and low-risk. *Seeking Justice*, Clark Foundation.

THE SCOPE OF OUR PROBLEM **(Reading for Session 1)**

It's mind-boggling! Perhaps the best evidence of the reality of close encounters in our justice system is the U.S. rate of imprisonment. The U.S. Justice Department reported in Much 1999 that our jails and prisons held a record 1.8 million men and women.

That incredible reality involves one out of every 150 U.S. residents. A further breakdown tells us that one in three black males (ages 20-29) is under some type of correctional control (incarceration, probation, or parole), as is one in fifteen white males and one in eight Hispanic males. (The Sentencing Project, Much 1999)

We have a serious problem. This level of imprisonment and correctional control is unacceptable. The number of direct and indirect victims represented in these justice encounters is unacceptable. Our level of fear and insecurity is unacceptable.

Rowland Bracken, consultant to the Criminal Justice Program of the Presbyterian Church (U.S.A.), issued a challenge for our study sessions, for our responsibilities as citizens and as persons of faith. His piece is entitled, "Crime in Search of an Appropriate Response":

Even a superficial glance at today's criminal justice system reveals a stunning, haunting conclusion: We cannot afford to dispense "justice" in the same manner as we presently do.... Many of those imprisoned are nonviolent offenders, the mentally ill, women with children, and members of racial and ethnic minority groups. Judges, often handcuffed by legislators who expertly use fear to generate votes, pronounce long-term mandatory minimum sentences to first-time drug and property offenders....

Yet our uni-dimensional focus on inflicting punishment paradoxically guarantees that the criminal justice system will promote recidivism by offenders, anger and frustration by victims, and unsafe communities. In addition, our retribution-based practices have bred several unintended, even bizarre consequences.

- As crime rates go down nationwide - for reasons that have little to do with criminal justice policy --incarceration rates rise.
- As drug offenders and alcohol abusers form a new wave of prisoners, treatment programs in prisons are slashed or eliminated.
- As state governments frantically search for funds to build more jails, their leaders most slash education budgets.

In such a time as this, people of faith must renounce such backward and counterproductive policies and pronounce alternatives. (*Church & Society*, May/June 1999)

The pessimistic picture we have presented is not meant to increase our fear. It is a plea that we become better informed and more realistic. We must explore a number of questions. How do we define crime? Which crimes do we prosecute? Which crimes do we seldom prosecute? Who is most victimized? How well do we provide support and help those victims identify their needs? Who is most often accused? How well do we help those persons accept responsibility and address their life situations? How can we intervene more effectively when harm has occurred? What can we do to help prevent harm from happening?

What will it mean to be committed to moving toward change - from what is to what we believe God intends for it to be?

LAMENT PSALM ONE (Reading for Session 1)

This poem is found in *Psalms of Lament*, by Ann Weems, dedicated "to those who weep and to those who weep with those who weep."

In the foreword, Walter Brueggemann comments, "When Weems brings her faith and her speech to the task of utterance, she finds now that the task is saturated with pain and ache. The pivotal point of her pain ... is quite concrete, an unfinished, unanswered, unresolved grief for her beloved [young-adult son] Todd."

O God, have you forgotten my name?

How long will you leave me
in this pit?

I sang hosannas
all the days of my life
and waved palm branches
greened in the new spring world.

Rich only in promises
from you,

I followed
believing,
and then they killed him
whom I loved
more than my own life
(even that you taught me).

They killed him
whom you gave to me.
They killed him
without a thought
for justice or mercy,
and I sit now in darkness
hosannas stuck in my throat ...

Why should I wave palm branches
or look for Easter mornings?

O God, why did you name me
Rachel? A cry goes up out of Ramah,
And it is *my* cry!
Rachel will not be comforted!

Don't you hear me,
you whose name is Emmanuel?

Won't you come to me?
How long must I wait
on this bed of pain
without a candle
to ward off the night?

Come, Holy One,
feed to me a taste of your shalom.

Come, lift to my lips
a cup of cold water
that I might find my voice
to praise you
here in the pit.

Pull forth the hosannas
from my parched lips.
and I will sing to all
of your everlasting goodness,
for then the world will know that
my God is a God of promise
who comes to me
in my darkness.

From *Psalms of Lament*. © 1995 Ann Weems. Used by permission of Westminster John Knox Press. For order information please call (800) 227-2872.

SESSION 2

DEFINING JUSTICE

God's sense of justice is so sensible, so compelling. Why is it so difficult to make a commitment to it?

Virginia Mackey, *Restorative Justice: Toward Nonviolence*, p. 32.

SESSION OBJECTIVES

- ❖ Reflect on characteristics of the God of Justice.
- ❖ Examine the basis of our present criminal justice system and how it works.
- ❖ Define the difference between retributive or punitive and restorative justice.
- ❖ Apply concepts of restorative justice to a case situation.

SESSION OVERVIEW (1½ hours)

- ❖ Exploring the Meaning of Justice (15 minutes)
- ❖ Applying Concepts of Restorative Justice to a Case Scenario (45 minutes)
- ❖ Closing (30 minutes)

PREPARATION

The facilitator for this session will:

- ❖ have paper, pencils, newsprint, and markers.
- ❖ obtain and have previewed the video you plan to use. See Resources, page *II* for ordering information.

Participants will:

- ❖ bring their Bibles.
- ❖ read in advance the readings for Session 2: "Two Types of Justice," "Contrast Between Punishment and Discipline," "Justice System Encounters May Be Close But . . .," "Positive Aspects of the Present Criminal Justice System," "Restorative Justice: Up Close, Personal, and Participatory," and "Scenario: A 'Smashing' Good Time?"
- ❖ read through this session and be ready to participate in the activities planned.

Exploring the Meaning of Justice (15 minutes)

This session's focus is on forming a vision of justice that could help us move through and beyond the violence we see around us. Among the questions and comments to discuss:

- ❖ As communities of faith, how do we respond to the violence we examined in Session 1?
- ❖ As people of faith, we are called to "do justice, love kindness, and walk humbly with our God" (Micah 6:8). How do we interpret notions of justice presented in Scripture?
- ❖ How do we understand justice within the context of the criminal justice system?

Most of the scriptural words we translate as justice are found in the Torah or in the words of Hebrew prophets. Most equate justice with righteousness or "making right." In the New Testament we have Jesus' parables and his examples of expecting those who had caused harm to make the situation "right." We have, as well, reflections on justice by Paul and other writers.

In Session 1, Deuteronomy 10: 17-18 told us that God cares for those in need:

For the Lord your God, . . . mighty and awesome, who is not partial and takes no bribe, who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing.

Deuteronomy 30:19 told us that those who seek to be faithful to God's will are to seek that which nurtures life:

I call heaven and earth to witness against you today that I have set before you life and death, blessings and curses. Choose life so that you and your descendants may live.

2 Corinthians 1:3-4 has more insight pertinent to our vision of restorative justice:

Blessed be the God and Father of our Lord Jesus Christ, the Father of mercies and the God of all consolation, who consoles us in all our affliction, so that we may be able to console those who are in any affliction with the consolation with which we ourselves are consoled by God.

Remember, also, what we said in Session I about the dimensions of equality and equity. Current criminal law seems to be based on the notion that the scales of justice would balance if the person who caused the harm (the offender) could be made to feel pain in an amount equal to that suffered by the person harmed (the victim). Thus, criminal law and policy tend to be dedicated to retribution or punishment. "Just deserts" is a phrase often associated with the justification for punitive sanctions.

Retributive justice puts punishment in the offender's scale to inflict deliberate pain, and it expects the victim to experience satisfaction. Quite in contrast, restorative justice adds to the scales of victim and offender what is deemed necessary to achieve the greatest amount of well-being (shalom or agape) for each. Restorative justice sees the community, also, as having been victimized when harm has occurred and relationships have been damaged.

In sum, what society calls "justice" and what Scripture defines as justice are, at times, at opposite ends of the spectrum. The scriptural notion of justice is based on discipline (intended to teach). Contemporary justice asks, "Who did it? What is their punishment?" Restorative justice asks, "Who was hurt? What is needed to restore the victim, the offender, the community?" The first is a concept that is deeply ingrained in the fabric of our society. The second is an ancient - and, we believe, scriptural - concept only gradually being reclaimed.

Keep these perspectives in mind as we take part in the role-play of a "conferencing model."

Applying Concepts of Restorative Justice to a Case Scenario (45 minutes)

This role play is meant to illustrate that conferencing is one of the helpful ways to involve victim, offender, and members of the community in finding a resolution to a particular incident of harm (called a crime) and, hopefully, preventing future harm. You will not be able to complete the process, because a typical conference can last at least two hours. But try to move it to suggested resolutions and a signed agreement.

Tom to the Scenario, "A 'Smashing' Good Time" (pages 27-28) for instructions. The session facilitator will take 10 minutes to explain the process and to divide you into "conferences" with 13 members. (That number in each could be reduced by having only two "offenders," one of Eric's parents, and only two "victims." Work quickly because only 20 minutes is allotted for the conference.

Discussion: The facilitator will call time and ask you to comment on the feelings you experienced. Did you identify with the character of your role?

Then assess the effectiveness of the conferencing process. Reflect on the contrasts in "Two Types of Justice" and "The Contrast Between Punishment and Discipline." What stands out as the most important difference in values? Suggest some changes you think are necessary in the way we think about and set justice policy if the U.S. is to embrace a restorative model of justice

Closing (30 minutes)

The facilitator will review these thoughts with the group:

- As we have noted before, discussions about justice can evoke strong feelings and differing responses. As people of faith, we me expected to find alternative ways of responding to criminal incidents. We me also expected to seek a safe and just society, as reflected in Deuteronomy 10:17-18. Sessions 3 and 4 will address possible actions. Please mad Session 3 before we meet again. Who will volunteer to help facilitate that session?
- Write on newsprint the phrase, "Justice is . . ." Ask for suggestions. Be sure that the phrase "right relationships" is on the list. As we try to form a vision that could help us move beyond violence, our prayer is that we will seek God's help.

TWO TYPES OF JUSTICE

(For Use with Session 2)

Excerpted and paraphrased from Howard Zehr's *Changing Lenses: A New Focus for Crime and Justice*, pp. 151-152.

PUNITIVE

Administration of justice as an inquiry into guilt.

Justice tested by rules, procedures.

Wrong as violation of rules.

Focus on infliction of pain on offender.

Justice working to maintain status quo.

Differentiation between "offenders" and others.

Law as prohibition.

Justice serving to divide.

RESTORATIVE

Administration of justice as a search for solutions.

Justice defined by substance. Biblically, a tree is valued by its fruit.

Wrong as violation of people. Victims have been harmed.

Focus on making right TF or victim, offender, and community.

Justice that is active, progressive, seeking to transform status quo.

Recognition that we are all offenders.

Law as "wise indicator." Spirit of law is most important.

Justice aiming to bring together.

CONTRAST BETWEEN PUNISHMENT AND DISCIPLINE

(For Use with Session 2)

Adapted from articles by Virginia Mackey in *Correctional Psychologist*, April and July 1998

PUNISHMENT

Retroactive; pessimistic about change.

A response to frustration about violence.

Based on flawed psychology: invades personhood; induces guilt; posits that humans respond best to coercion; uses violence to discourage violence and hurt.

Escalatory in nature.

Lacking the scriptural justification it claims.

DISCIPLINE

Proactive, optimistic about the potential for change.

Hearing hurt and pain. Attempting to meet needs.

Affirming: stopping denial, admitting responsibility, expecting behavioral change.

Contextual, addressing causes.

Justice is making right. It's a tree that bears good fruit.

JUSTICE SYSTEM ENCOUNTERS MAY BE "CLOSE" BUT THEY TEND TO BE IMPERSONAL, ADVERSARIAL, AND NON-PARTICIPATORY

(Reading for Session 2)

Title adapted from *Close Encounters of the Justice System Kind*, a Presbyterian curriculum for older youth.

In order to understand the concept of Restorative Justice, it is useful to understand more about the basis and processes of our present criminal justice system.

HISTORICAL BACKGROUND

The present retributive or punitive criminal justice system has its roots in early English history. The king's power was absolute. All crime was treated as an act against the king and he was not interested in or in need of restitution. He was interested in hush punishment that would serve as a deterrent to that which he felt threatened his domain. With precedent, codification, and less hush punishments, this became the common law system that English settlers installed in the colonies. When the crown was thrown off, the state was substituted for the crown. In its fundamental premises, this is the system we live with today. Essentially, all crime is an offense against the state. As such, the relevant players are the state, the offender(s), and their agents. The primary objective is assured punishment for the convicted offender. (Paul Barru, member of Washington Park United Church of Christ)

TODAY'S CRIMINAL JUSTICE PROCESS FOR ADULTS

Today, too many crimes are not solved or resolved satisfactorily. Many crimes are not reported. When prosecuted, the typical path to "resolution" in our present system includes these personnel and processes:

Law Enforcement

- Arrest
- Investigation
- Testimony at hearings and trials

Victim Assistance

- In some jurisdictions, victims are informed of the process of their case and may be offered support services.
- In some instances, victims are involved in the court and sentencing process.

Prosecuting Attorney

- Files charges or decides whether to submit to a grand jury.
- Dismisses charges or plea bargains, or prosecutes the case in a trial.

Defense Attorney

• Accused persons have the right to be represented in court. Those who are indigent can be represented by public defenders or assigned counsel.

Court

- Decision about detention or release
- Pretrial hearing(s)
- Charges dismissed, bargained, or trial date set
- Conducts trial
- Sentences convicted person

Probation (often part of the court)

- Presentence investigation
- Supervision of those sentenced to probation

Corrections Department

- Possible pretrial detention
- Sentenced detention
- Parole hearings
- Supervision of parolees (In some jurisdictions, parole is a separate department.)

TODAY'S CRIMINAL JUSTICE PROCESS FOR JUVENILES

The defined age of juveniles and juvenile processes vary from state to state. Some states handle juvenile cases in family court where procedures are less formal. Essentially, most processes and personnel are similar to those in adult court.

A recent development at the federal level and in several states is that juveniles who are accused of serious acts of violence can be charged as adults. This should be a matter of great concern because:

- if convicted, sentences will be more severe,
- juveniles can be raped, brutalized in other ways, and/or manipulated by older prisoners.
- possible rehabilitation becomes less likely.

POSITIVE ASPECTS OF THE PRESENT CRIMINAL JUSTICE SYSTEM

(Reading for Session 2)

We do not want to abolish all aspects of our current legal system. The personnel and processes we have just listed are expected to:

- help us define acceptable/unacceptable behavior. Laws we necessary for justice personnel to intervene;
- promote our safety;
- help offenders decide how they could make amends to victims; and
- help offenders decide how they could make amends to victims.

The adversarial method that was established as English Common Law was meant to prevent a person from being unjustly accused of a crime. While we prefer the restorative justice approach, the formal path is necessary in at least these instances:

- when an accused person protests his or her innocence;
- when either the accused or the victim does not want mediation; and/or
- when safety might be compromised by bringing victim and offender together.

The adversarial method can be helpful, also, in investigating alleged corporate, government, or agency misconduct.

A recent development in a positive vein is that more justice system personnel (police, prosecutors, judges, probation counselors, and corrections staff) are increasingly willing to divert cases to community processes using restorative justice approaches.

PROBLEMS TO BE SOLVED

A radical shift in mindset is necessary if we are to think restoratively rather than punitively.

Restorative justice is making a difference for a small number of people but still has not had a major impact on our contemporary system. Legislators and political candidates should be encouraged to think about problem-solving rather than about "being tough on crime." Legislators and judges have been encouraged to reduce vast discrepancies in sentencing. The result, unfortunately, is that legislators reduced discretionary powers of judges and enacted mandatory sentences that have increased prison populations. Racism in sentencing has not been addressed. Financial resources need to be devoted to meeting needs and preventing violence.

Faith communities need to take seriously the type of critique offered by Harmon Wray, who was Director of Restorative Justice Ministries of the United Methodist Church:

The focus (of our current system) is on the offender and his/her past behavior. The real victim of the crime , if there is one, is treated as marginal, as is the community. The offender is treated as passive. The process is geared toward fixing blame, not solving problems. The relationship between the victim and the offender is ignored. Both repentance and forgiveness are discouraged. Accountability is defined strictly as the offender taking his/her punishment, which - to call it by its real name - is the intentional infliction of pain upon a human being by other human beings.

The whole process encourages competitive and individualistic values, assumes a win-lose outcome, and ignores the social, economic, and moral consequences of the crime and of the appropriate response to it. It is based on a commitment to retribution by the state against the offender, not on the principle of restitution of the victim by the offender,

"Restorative Justice: A Better Way," *Response*, June 1999

This is why we search for "a better way" to create and maintain safe and just communities.

RESTORATIVE JUSTICE: UP CLOSE, PERSONAL, AND PARTICIPATORY

(Reading for Session 2)

Title adapted from *Close Encounters of the Justice System Kind*, a Presbyterian curriculum for older youth.

We are studying two contrasting approaches to justice:

- the traditional, formal, professionally-based approach leading to punishment, or
- the informal, participatory, community-centered approach of restorative justice.

Although the restorative justice approach can be implemented at any point along the formal path, it typically occurs by using an informal path, outlined in this chart:

formal → Law enforcement → DA → Court → Sentence → Corrections

INCIDENT

informal → Law enforcement ^{District} Attorney Court Agreement Dismissal

Diversion to mediation, or community conference, or circle. If an agreement between victim, offender, and community is signed and terms completed, the charges should be dismissed.

When the informal path is possible, it yields many benefits, such as:

- Addressing all concerned as human beings rather than as objects.
- Satisfaction on the part of the victim because pain has been heard and acknowledged, questions have been answered, support from community members has been offered, and the offender has agreed to make amends.
- The offender realizes the pain or damage he or she has caused and feels the concern and support of community members; he or she has been given opportunities and some assistance in making amends and has received referrals and suggestions about improving competency skills.
- The incident can be addressed quickly, whereas court processes have lengthy delays.
- Members of the community have become involved and have taken some responsibility to work in partnership with criminal justice and other agencies. Hopefully, this will lead to concerns for prevention of harm as well as early and effective intervention when harm has occurred.

When it is not possible to bring victim and offender together, restorative measures can be used. These are approaches that promote understanding and healing, such as attention to physical and emotional needs; addiction or mental health therapy; anger management; victim empathy classes.

SCENARIO: A "SMASHING" GOOD TIME?

(Activity for Session 2)

Reprinted with permission from *Close Encounters of the Justice System Kind*

Eric, Anthony, and Kevin are bored on this Saturday evening. Football season is over, and they have played their fill of basketball games in the neighborhood park over the past four hours.

The three of them pile into Eric's car, crank up the stereo, and start down the street, not headed in any particular direction. "Hey, man," says Anthony to Eric, "let me see how close you can get to that mailbox up there without hitting it."

Eric speeds up the car, heads toward the mailbox, and passes within six inches of it. "Yeah! Do it again, man!" Eric heads toward the next mailbox. This time, Anthony reaches for the baseball bat in the back seat. When Eric is within striking distance, Anthony leans out, swings the bat, and knocks the mailbox off of its wooden post.

"This is the most fun I've had in a l-o-n-g time!" shouts Anthony over the music as he knocks off what must be about the twelfth mailbox at this point. Suddenly, a flashing blue light in the rear view mirror catches Eric's eye. Eric pulls over to the side of the street and stops as the police car pulls up behind him.

Facilitator (10 minutes)

42. Ask for volunteers or assign roles. Players can portray male or female roles. The process will be expedited if victims, parents, school counselor, police officer, and neighbor witness use their own names. If the number of participants is limited, you could have two victims, two offenders, and one of Eric's parents. If all roles are filled, each "conference" will need twelve persons plus a facilitator.

Participants (roles)

Victim 1, Victim 2, Victim 3

Eric - teenage offender, Anthony – teenage offender, Kevin - teenage offender

Eric's mother and father

Anthony's father

School counselor

Police officer who made the arrest

A neighbor who witnessed the vandalism

43. Read the scenario.
44. Explain: Three of the twelve victims want to confront the youths. Eric, Anthony, and Kevin have admitted responsibility, The Police Department has agreed that this case can be diverted to a family group conference.

- Thank participants for their willingness to be in conference. Ask them to be creative but real. Suggest that they will no doubt identify with their role.
5. Explain that the purpose of the conference is:
 - for victims to express how the vandalism has impacted them and their neighbors -emotionally, in damage, and in expense.
 - for Eric, Anthony, and Kevin to explain how the incidents happened and to express their understanding of the harm caused.
 - for everyone to help form an agreement about how the boys can make amends by repair, financial restitution, or service to the persons affected and/or the community. The agreement should be feasible and community members could offer continued support of victims and offenders.
 6. State that when Eric, Anthony, and Kevin have fulfilled the agreement, police will be notified and the case will likely be dismissed.
 7. Review expectations of participants to be respectful of each other, e.g., active listening, affirming feelings, and statements that indicate understanding, other responses.

SUGGESTED PROCESS

- Ask victims to explain how they feel and how the vandalism has impacted the.. (5 minutes)
- Ask Eric, Anthony, and Kevin to explain what happened and indicate an understanding of the harm they caused. (5 minutes)
- Others may speak. Then help to form an agreement about how the boys can make amends. Agreement should be feasible and community members could offer continued support of victims and offenders. (10 minutes)

Facilitator: call time and debrief.

SESSION 3

RESTORATIVE JUSTICE FOSTERS HEALING IN VICTIMS, OFFENDERS, AND COMMUNITIES

*I am weary with my moaning;
every night I flood my bed with tears;
I drench my couch with my weeping.
My eyes waste away because of grief*
Psalm 6:6-7a

SESSION OBJECTIVES

- Identify the needs of victims of crimes.
- Understand the needs of offenders.
- Reflect on the story of the Good Samaritan.
- Apply a restorative approach to a case scenario.

SESSION OVERVIEW (1½ hour session)

- Identifying Needs of Victims, Offenders, and Communities (35 minutes)
- Focusing on How a Congregation Could Respond to a Crime Involving Its Members (40 minutes)
- Making a Commitment to Work for Change (15 minutes)

PREPARATION

The facilitator and participants will:

- bring their Bibles.
- read through this session, including The Blue Hills Congregation: A Case Study."

Identify Needs of Victims, Offenders, and Communities (35 minutes)

When a crime is committed, hurt abounds. Often, those who are most directly hurt - the victim(s) - are overlooked or discounted within our current criminal justice system. For example, in trials, the state serves as the "victim," e.g., "the State vs. Offender."

As with victims, when dealing with offenders we often fail to take time to see individuals with needs - often glaring needs. If we can find the offender guilty, our major response is to mete out the punishment prescribed by law.

Restorative justice contends that when harm occurs and relationships are broken, communities suffer. We need to help identify the needs of communities and make greater efforts to address those needs.

The Needs of Victims

Most victims have a personal story to tell. Unfortunately, sometimes victims are looked upon with suspicion as if they were somehow responsible for the crimes. As a rape victim, a woman may be ridiculed or blamed for deserving the attack by the way she dresses or for other "reasons." Crimes of intimacy require better understanding on our part; it is especially difficult to achieve healing in these situations of abuse. The hardest situation of all is when the violation has been committed by a family member, who is supposed to be a person of trust.

A man whose wallet has been stolen may feel that he could have done something different to prevent the theft. In addition, the court system process may be just as intimidating for the victim as for the offender. All crime victims feel, to some extent, a tendency to blame themselves and/or feel less empowered as a person. Not being believed or being overly questioned may bring about depression or isolation. This may inhibit victims' sharing their stories with others, which is necessary for healing.

Discussion: More than likely, there are members of this group who have been victims. Perhaps something of yours has been stolen; perhaps you have experienced actual physical assault. If one or more members of the group are willing to share, post the following questions on newsprint and ask for their comments:

- How hard is it to share your personal story: at the time of the incident? now?
- What feelings does it bring up for you (shame, self-blame, loss, grief, anger, other)?
- What kind of response did you expect from others? What was the response?
- Did you have an opportunity to talk with the person(s) who did the wrong? Did you come away feeling better if they admitted their wrongdoing; or worse, if they didn't?
- Did you blame God, somehow, for allowing you to suffer like this?

Are There Special Resources for Persons of Faith?

According to Marie Fortune, in *Sexual Violence, the Unmentionable Sin: An Ethical and Pastoral Perspective* (Pilgrim Press, 1983, pp. 210- 211), forgiveness on the part of a victim is facilitated by:

- a conscious choice on the part of the victim to let go of that experience of pain and anger;
- empowerment through God's grace; and
- an experience of justice.

A victim finally lets go of the pain and anger in his or her own time-frame. For persons of faith, the experiencing of God's grace may be aided by prayer and a sense of the Holy Spirit. Prayer can take the form of a lament, as it does in so many Psalms. Old Testament scholar Walter Brueggemann (*Praying the Psalms*, Pace Books, Chapter 5 in particular) says that Psalm 109 vividly expresses the anger a victim feels. The significance of this lament is that the anger is first expressed to God, and the venting is cathartic. Then this victim prays that God will offer guidance in gaining perspective on this dilemma and in working through it.

Refer to the reading in Session 1, page 15, for a modern lament written by Ann Weems, whose young adult son had been killed. This type of suffering can be shared with our God in our lamentations.

According to Marie Fortune, "in order to forgive, the victim needs some experience of justice." Having an offender admit that he or she is responsible for what happened is of great benefit to a victim. If this is not possible, then turning to others in the community may bring about a sense of restoration, through being heard and believed. This may happen when others stand up for the victim and provide a sense of justice.

In summary, some of the expressed needs of victims include:

- Answers to questions such as How did this happen? Why? Why me?
- Safety - protection from further harm, including being victimized again by the criminal justice system via hush questioning in court.
- A chance to tell one's story and to be truly heard.
- An opportunity to participate in the process that seeks to bring justice to the situation and to have needs -emotional, physical, financial - identified and addressed.
- Paths to healing.

Discussion: Read over this list. Is there anything you would add?

The Needs of Offenders

Our negative feelings toward offenders can be difficult to overcome. This is especially true for the victim and the family of the victim - those who feel the trauma first-hand. But as theologian Fortune explains, for the offender to admit guilt or remorse helps bring healing for the victim. The offender who admits his or her guilt, genuinely, is also on the road to healing, for committing such an offense causes brokenness not only to others, but to himself or herself.

To be transformed, the offender needs to hear expressions of pain; understand the impact of the crime; develop compassion; be confronted about why his or her action is unacceptable; be

heard in a loving way in which he or she can talk about remorse and regrets without feeling judged; and have opportunities to make amends. As we noted before, perpetrators are often persons with profound needs. We need to act with compassion toward their needs even though we tend to be angry about their actions.

Discussion: Discuss briefly what needs offenders have. Is it possible that their violent acts are a cry for help - the only way they know to deal with the stresses of their lives? Author James Gilligan contends that a high majority of victimizers have themselves been victims of humiliation, neglect, abuse, or oppression (*Violence: Reflections on a National Epidemic*, Vintage Books, 1996). Discuss how we can model a different way. Can we be compassionate with offenders? Can we find a new way of relating to others, other than through violence?

Have someone read these passages which reflect *agape* love:

Matthew 5:43-48 - Love for Enemies

Matthew 22:36-40 - Love Your Neighbor as Yourself

These passages should not be understood as "letting the offender off the hook" for her or his negative behavior. But if society responds to offenders with love and compassion as the Matthew passages suggest, is it possible for offenders to be transformed? How can offenders be accountable to others in a new way - through restorative justice approaches?

The Needs of Communities

The quality of life in a community is diminished when my act of harm occurs - when relationships are broken. The climate of mistrust and fear increases. Lifestyles are changed because of fear. Because of our level of frustration, we tend to support simplistic answers about how to respond to crime. As we said before, a community that relies on punishment reveals its lack of imagination. We devote little energy or financial resources to the prevention of violence.

On a more personal level and on behalf of religious congregations, we need to become more competent to work with victims and victimizers. We are gradually becoming more open about naming unacceptable behavior and trying to prevent it - even in our own families and congregations.

The Transforming Story of the Good Samaritan

Have someone read the story of the Good Samaritan (Luke 10:25-37) as others follow along in their Bibles. Mary Winters summarizes common expectations of how people of faith should respond to this story:

Jesus foreshadowed this ministry in his story of the Good Samaritan, who cared for one victimized by the violence of his society. Among us today the victims of violence and abuse lie by the side of the road: beaten, humiliated, bruised, and exploited. Too often the Church, like the Priest and the Levite, of the Gospel story, has passed by on the other side. We are called to be the Samaritan - to support, shelter, love, and heal those who are victims of violence in this world. (*Law Against Sexual and Domestic Violence: A Concise Guide for Clergy and Laity*, p. 56)

We cite the story here to introduce an interesting narration on the potential for a more systemic aspect of what it could mean to be a Good Samaritan. After tending to the wounds of the victim,

The Samaritan went immediately to Jerusalem to City Hall to petition for better lighting and more security on the road to Jericho to reduce such crimes of violence. (Fred B. Craddock, *The Disciple*, October 1996)

In Session 4, we'll spend more time reflecting on what this suggests about our responsibilities to be transformers in our communities.

Focusing on How a Congregation Could Respond to a Crime Involving Its Members (40 minutes)

In this activity participants will have an opportunity to focus on how biblical restorative justice could be applied to the needs identified in the Blue Hills Congregation (Case Study, p. 36). Divide into three groups:

- one to work with the situation of the victims
- a second to focus on needs of the offender and his family
- the third to focus on needs and responsibilities of the congregation as community.

Focusing on the victims, consider these questions:

- Who will meet with Rick and Sylvia? How can we be helpful?
- How can we listen compassionately to the Scotts as they define their feelings, the impact of the theft, and their thoughts about potential repair?
- How can we acknowledge their feelings and assure them that they are not in any way responsible for what happened? Can we be convincing in assuring them that this is their church home and that we want to be supportive?
- How will our congregation be kept informed and involved?
- What might we propose to police, the district attorney, the judge, about how the case could best be handled?

Focusing on the offender, consider these questions:

- Who will meet with Tom and Gretchen? How can we be helpful?
- How can we listen to Tom's account of what happened, yet increase his awareness of his actions on the Scotts?
- How can we help Tom and Gretchen think about repairing the harm? How will our congregation be kept informed and involved?
- What might we propose to police, the district attorney, the judge, about how the case could best be handled?

Focusing on the congregation and the community, consider these questions:

- How can we send messages of disapproval of Tom's actions while not disowning him?
- How can we help Tom repair the harm?
- If Tom's case goes to court or to a mediation process, how can we try to assure that his basic and long-term competency needs are addressed?
- How can we increase connections among Tom, Gretchen, their family, and the congregation and the community?

Discussion: Hear reports from each group. Ask for questions or comments. Refer back to the reading in Session 2, "Restorative Justice: Up Close, Personal, and Participatory." How could this case be more appropriately handled by an informal, restorative justice approach?

Making a Commitment to Work for Change (15 minutes)

As you approach the conclusion of this session, and as a check-in, invite those in the group who are willing to do so to express in one or two words what they are feeling. Allow a moment or two of silence, if needed, and then close with this responsive prayer or one of your own. Invite participants to respond with "Hear our prayer" after they have heard you say, "O God, in your mercy.

Merciful and kind God, we acknowledge to you that our way of treating victims and offenders in our society has become an offense in and of itself. Help us to work to make changes in the system so that what we do is supportive of victims and helpful, not hurtful, to offenders. O God, in your mercy,

Hear our prayer.

O God, whose watch over your children never ceases, be with the Scotts and Toms of our communities - those who have been victimized and those who have already committed crimes or are making plans to do so. Give to all, wisdom and perspective. Heal the wounds within the victims. And heal the wounds within offenders that cause them to lash out in inappropriate ways, Help them to be aware of your presence with them. O God, in your mercy,

Hear our prayer.

Changeless and ever-changing God, you call us to work for justice here on earth and to never cease our work until all of you people know a life of joy, peace, and freedom from oppression and pain. Move us to action so that victims and offenders alike may be restored to wholeness. Show us where to go and what to do. O God, in your mercy,

Hear our prayer.

Closing

Name the person who agreed to assist in facilitation of Session 4. Remind participants to read that session so that we can explore in more depth another dimension of restorative justice the roles and responsibilities of communities, especially communities of faith.

THE BLUE HILLS CONGREGATION

A CASE STUDY

(Activity for Session 3)

The Blue Hills congregation is located on the edge of a city of some 40,000 people. At the urging of the Social Concerns Committee, members of the congregation have been learning about restorative justice. This led to a question of what it would mean for them to be more supportive should members and/or their families be a victim of crime or be accused of committing a crime.

The question became reality when Rick and Sylvia Scott's hardware store was broken into; \$750 was taken from the cash register and a number of tools disappeared.

Rick and Sylvia are not only active members of Blue Hills, but they provide leadership in the city. They are ardent supporters of school and youth center activities.

When the identity of the accused burglar became known, the responsibility of the Blue Hills congregation more than doubled. The accused is 17-year-old Tom. He is the youngest of seven children, raised by their mother, Gretchen. Tom's father had an alcohol problem, was abusive, and abandoned the family when Tom was 3.

Gretchen is associated with Blue Hills. She sometimes attends with one or more of the children, is the recipient of food baskets and used clothing, and is sometimes given odd jobs by the congregation or its members.

As a matter of fact, Tom did occasional jobs at the Scott's hardware store. The Scotts knew that Tom had dropped out of school and had previous arrests for vandalism and an instance of shoplifting. But Rick and Sylvia thought Tom needed an opportunity to learn responsibility, and they hired him.

The news is out. Townspeople are dismayed. Members of Blue Hills congregation are saddened and confused.

You are members of a restorative justice response team charged with deciding how you can be helpful to both the victims and the offender in this type of situation.

SESSION 4

IT TAKES OUR COMMUNITIES

If you want to solve a problem, you cannot solve it if you continue to think the same way you were thinking when you created it. (Attributed to Albert Einstein. Source unknown)

SESSION OBJECTIVES

- Explore what is required if we are to become a restorative justice congregation spiritually, individually, systemically, and as a community.
- Consider what action each of us might take to implement the vision of restorative justice.

SESSION OVERVIEW (1½ hours)

- Restorative Justice in the Broadest Sense (10 minutes)
- Group Work and Strategies on Transformative Action Steps (60 minutes)
- Conclusion: Evaluation of Course; Sharing Time (20 minutes)

PREPARATION

The facilitator will:

- If possible, prepare a display of information about implementation of restorative approaches in your own or other communities.
- Have newsprint and markers available for small-group work.
- Prepare copies of the course evaluation form.
- Plan refreshments for final sharing.

The participants will:

- Read Session 4.
- Review "Restorative Justice Asks These Questions" (page 41).

Restorative Justice in the Broadest Sense (10 minutes)

The facilitator will invite the group to take stock together. Discuss the fact that three sessions have come and gone; only this one is left. We can never cover all the dimensions of criminal justice yet to be discussed. In fact, hasn't each of our sessions thus far tried to cover more than we could? And we have so many questions remaining. We want to know where restorative

justice approaches are being applied, who is working toward the furtherance of this vision, where we can learn more, and how we can connect with people in our own community who are committed to this task. Our display table will, we hope, give you further ideas.

We have learned that the implementation of a restorative justice approach takes a community to respond compassionately to those who have been victimized, to those who have caused harm, and to members of the community who have been directly affected. This is the mandate for faith groups.

The Need to Work for a More Just Society

As for the strategies that might prevent crime and build a healthy and just society, we have barely touched on the systemic, underlying issues in our experience of crime and violence. There are many questions we need to ask. Why are we not better prepared to work with victims of crime? Why are people of color those most victimized? How can we better prevent the harms we inflict on each other? Why are there injustices within our criminal justice system? Why are there disproportionate numbers of people in prison who are people of color, poor people, and persons with addictions and mental disabilities?

We need to explore our responsibilities as partners in transforming the systemic dimensions of our communities. In Session 3, we looked at a new way to reflect on the story of the Good Samaritan: "What if the good Samaritan took it one step further and went to Jerusalem to petition for better lighting and security on the road to Jericho?" Think again about what that means for us.

In this session we will briefly explore both dimensions of restorative justice. We will examine the ways in which a community is affected by crime and how we, as members of the community, can be involved in the restorative process. Intervening in specific incidents of harm could be called the micro-dimension.

We will also focus on the ways in which our entire society is impacted by crime and seek ways that we can help to prevent it and build a healthy and just social environment. This could be called the macro-dimension of activity for faith groups.

Group Work and Strategies on Transformative Action (60 minutes)

In April 1999, soon after the tragic deaths and injuries at Columbine High School in Littleton, Colorado, Denver District Attorney Bill Ritter Jr. spoke to a gathering of religious leaders. Here are some of his challenges:

Violence is a learned behavior. As a community, we react to violent behavior but do too little to prevent such behavior. We must look into our professions to ask what we can do. The faith community is a most important partner. It was "there" in the Columbine tragedy. Congregations were first havens.

What can faith communities do?

- Help us learn not to make outcasts or scapegoats.
- Help victims move from trauma to healing.
- Teach about violence and victimology in sermons, workshops, and seminary curricula.

We must understand that the one we call perpetrator is too often a victim who has had no intervention. Churches, synagogues, mosques must be community anchors. What we need to work on together is "how can we be a ripple effect for good?"

Activity: Divide into small groups of three or four each to work, for 30 minutes, to identify action steps. Some of the groups will focus on next steps related to the implementation of ways to intervene in specific incidents of harm (the micro-dimension). Other groups will identify what action congregations can take to build just, safe, and peaceful communities (the macro-dimension).

Record your suggestions on the newsprint provided. When reporting, we will, for 30 minutes, share and identify priorities to recommend to our faith groups.

To help decide which focus our groups want to take, these questions will give you some ideas for possible issues to explore.

When focusing on intervention (the micro-dimension)

- *Our present system:* What do we need to know about our present system? What needs to be done to bring awareness of the restorative approach to those who work and make decisions within our justice system?
- *Coalitions:* What other groups in the community, city, or state are working toward greater acceptance of restorative justice? Are there people in the group or in your congregation who have firsthand knowledge of resources available? Can we, as individuals or congregations, join with existing efforts?
- *Community accountability:* What exists now regarding victim assistance or community accountability processes for offenders? Can individuals or the congregation augment or establish such services?
- *Congregational structures:* What structures should be established within the congregation? A restorative justice study group? a restorative justice response team? a congregational policy or proclamation? training for participation in community accountability processes?

When focusing on the preventive or systemic issues related to building a safe and just society (the macro-dimension)

- *Racism, classism, sexism:* What do they have to do with crime and its prosecution? What do we need to do to address these "isms" if we mean to prevent harm and injustices?

- *Jail and prison construction*: What do we need to do to shift resources to human services and education?
- *The death penalty*: What is OUT religious body's position? What should we do to foster a discussion of the death penalty? How can we more vigorously support calls for a moratorium on executions while we ponder the legal, moral, and religious implications of its use?
- *Media's role*: What is it? How can we win support of coverage of restorative values and policies?

As the groups report, discuss what the next steps might be. Refer to the reading, "Restorative Justice Questions to be Asked by Faith Communities" (page 42). Refer also to the display on resources in our community. Discuss the possibility of the group's reconvening in six months to examine what action has been taken and to share experiences.

Conclusion (20 minutes)

Announce that, after our closing prayer, you would like participants to fill the course evaluation form - while you are preparing refreshments.

Read together this quote from author Jean Greenwood of the Minneapolis Council of Churches:

Restorative justice moves to the hem of religious experience.... One could speak of the responsibility of the faith community and one can speak of the opportunity. Engagement in restorative justice allows people of faith to move from preaching reconciliation to participating. Restorative justice is a gift to people of faith. It transforms us as it invites others to experience the gift of restoration. (*Full Circle*, newsletter of the Restorative Justice Institute, April 1998)

Form a closing circle: Standing in a circle, please express thoughts and intentions about where you would like to go from here. Close with prayer, reading together:

God of the past, present, and future, we thank you for the gift of life and the joy of being in community with one mother. We pray for victims and offenders and for the communities that bear the scars of crimes. Show us how to help build communities of justice and peace. Take away our fear and fill us instead with the confidence of your Spirit's presence. **Amen.**

Ask participants to complete and turn in the course evaluation form.

Share refreshments together, while celebrating the reality of the ways that we have become a community committed to restorative justice.

RESTORATIVE JUSTICE ASKS THESE QUESTIONS

(Reading for Session 4)

- How can we increase opportunity for victim involvement in defining harm and potential repair?
- How can we increase offender awareness of injury to the victim?
- How can we encourage offender acknowledgment of wrongness of behavior?
- How can we involve the offender in repairing the harm?
- How can we acknowledge victim harm and confirm that the victim is not responsible for what happened?
- How can the community send messages of disapproval while not banishing offenders?
- How can the community provide opportunities for the offender to repair the harm?
- How can the community be involved in the process of holding offenders accountable?
- How can we ensure that the offender, when leaving the system, is more competent to function effectively in the community?
- How can we increase connections between the offender and conventional community members?

Minnesota Department of Corrections, October 1997

RESTORATIVE JUSTICE QUESTIONS TO BE ASKED BY FAITH COMMUNITIES

(Reading for Session 4)

- ❖ Do we have a restorative vision, a redemptive theology? How do we convince ourselves and the public that we do not worship a vengeful, retributive God?
- ❖ Do we have the skills we need to offer supportive responses to those in our congregations who are involved in the hurts we call crimes? Morton [MacCallum-] Paterson reports from his research on victim needs that "faith communities typically freeze out crime victims as effectively as they do offenders." (Toward a Justice That Heals, United Church Publishing, Canada, 1988)
- ❖ What are the needs of victims (and their families)? to have their pain heard and affirmed? Crisis intervention and long-term healing? competent referrals to victim services? help with legal processes or community alternatives? assurance that this is their church home?
- ❖ What are the needs of those who are designated offenders (and their families)? compassion rather than judgment? appropriate referrals for legal counsel or mediation processes? assistance in finding ways to make amends? support in becoming responsible members of their communities? assurance that this is their church home?
- ❖ Are we supporting those in our congregation who work in criminal justice, community services, chaplaincies, as they seek preventive or restorative measures?
- ❖ If our faith community is victimized, will we make a restorative response, modeling what we advocate?
- ❖ Are we facing up to the economic and social justice dimensions and our own complicity in the causes of crime? Do we expect legislators and policy makers to devote resources to prevention of hurt and to social transformations?
- ❖ Does our restorative justice begin at home --learning skills needed for living in harmony: parenting skills, conflict resolution, building peace and justice?
- ❖ Where do we see barriers to restorative justice? Has it occurred to us that there are high expectations for faith communities and that we should be at the forefront of the restorative justice movement? What would it mean if we declared ourselves to be restorative justice congregations?

Virginia Mackey, May 1998

RESOURCES ON RESTORATIVE JUSTICE FOR FAITH COMMUNITIES

ORGANIZATIONS

[Ask the organizations for their updated *resource lists*.]

Presbyterian Criminal justice Program

100 Witherspoon Street, Louisville, KY 40202-1396

(888) 728-7228, ext. 5803; fax (502) 569-8116

<<http://horeb.pcusa.org/crjm-justice>>

Resources with PDS numbers are available from Presbyterian Distribution Service, (800) 524-2612. Resources without PDS numbers are available from the Criminal Justice office. All are free, with no shipping/handling charge, except for the Restoring Justice video.

Restorative Justice: Toward Nonviolence - PDS #72-630-96-705

Justice Jottings, newsletter of the Criminal Justice Program published twice a year. Available from PDS, with numbers changing with each issue. Request the Criminal Justice office to place you on the mailing list for automatic delivery.

Program Guide for Criminal Justice Sunday, annual publication with a different theme each year; for the suggested February observance; in the *Justice Jottings* format. Some recent themes:

"Restorative Justice," 1995 - PDS #72-630-94-701

"Forgiveness and the Criminal Justice System":

Part 1, 1998 - PDS #72-630-97-7 11

Part 2, 1999 - PDS #72-630-98-711

A series of three related to restorative justice:

"Victims and the Criminal Justice System," 2000 - PDS #72-630-99-711

"Offenders and the CJS," 2001 - PDS #72-630-00-711

"Church, Community, and the CJS," 2002 - PDS #72-630-01-711

Restoring Justice documentary, 50-minute video, \$5 plus shipping/handling PDS #72-630-96-720; script, free - PDS #72-630-96-720

Standing in the Need of Prayer: Devotions for Christians in Prison - PDS #258-92-720

"Justice, and Only Justice ... The Church and the Criminal Justice System," *Church & Society* Magazine, January/February 1995 - single copy free from Criminal Justice office

As Though You Were in Prison With Them: A Resource for Prison Ministry PDS #72-630-99-705

American Friends Service Committee - Criminal Justice Program and Religious Organizing Against the Death Penalty

1501 Cherry Street, Philadelphia, PA 19102
(215) 241-7130

Center for Prevention of Sexual and Domestic Violence

936 North 34th Street - Suite 200, Seattle, WA 98103
(206) 634-1903; E-mail: cpsdv@cpsdv.org

Newsletter, publications, videos, and training.

Journal of Religion and Abuse, Marie Fortune, editor. The Haworth Press, 10 Alice Street, Binghamton, NY 13904-1580

Church Council on Justice and Corrections, United Church of Canada

507 Bank Street, Ottawa, Ontario K2P 1Z5, Canada
(613) 563-1689; fax (613) 237-6129; E-mail ccjc@ccjc.ca

Newsletters and many other resources.

Evangelical Lutheran Church in America

8765 West Higgins Road, Chicago, IL 60631

Beyond Violence: Empowering Youth to Make a Difference - (800) 328-4648. 38-minute video. \$4.75 for shipping. Order code 6-0000-7340-2.

Women Healing and Empowering - with 1 facilitator's guide and 5 participant's guides. (800) 328-4648. \$30. Order code 6-0000-6542-6.

Mennonite Office on Crime and Justice

PO Box 500, 21 South 12th Street, Akron, PA 17501-0500
(717) 859-3889; fax (717) 859-3875

Pamphlets and audio-visuals on victimization, domestic violence, victim-offender mediation, justice, and restoration.

United Methodist Church

Restorative Justice Ministries, General Board of Global Ministries
475 Riverside Drive - Room 1348, New York, NY 10 115
(212) 870-3685

BOOKS

Carroll Watkins Ali, *Survival & Liberation: Pastoral Theology in African American Context*.
Chalice Press, 1999. PO Box 179, St. Louis, MO 63166-0179

James Gilligan, *Violence: Reflections on a National Epidemic*. Vintage Press Paperback, 1996.

Daniel VanNess and Karen Strong, *Restoring Justice*. Anderson Publishing, 1997.
(512) 421-4142

Ann Weems, *Psalms of Lament*. Westminster John Knox Press, 1995.

Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice*. Herald Press, 1990.

EVALUATION OF RESTORATIVE JUSTICE CURRICULUM JUSTICE OR "JUST DESERTS"?

Rate: 5= excellent, 4= very good, 3= OK, 2= weak, 1= poor

1. How do you rate the usefulness of the material covered? _____

What were the most useful topics?

What were the least useful topics?

What topics should be added to the curriculum?

2. How do you rate the time allotted to various topics? _____

To which topics should more time have been given?

To which topics should less time have been given?

3. How well did the curriculum enable members of the group to participate? _____

What aspects of the session most TF acilitated participation?

What aspects of the session most discouraged participation?

4. How do you rate the learning activities of the session? _____

Which activities were the most meaningful?

Which activities were the least meaningful?

Suggest my activities that might be added or substituted to accomplish the goals of the course.