Restorative Justice and M2/W2 Ministry, Regent College Presentation, July 17, 2003

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Introduction

A few years ago, at a VOMA (Victim Offender Mediation Association) conference in Des Moines, Iowa, I saw a plaintive note on a bulletin board: DOES ANYONE KNOW OF ANY RESTORATIVE JUSTICE VIDEO RESOURCES THAT ARE NOT RELIGIOUS?!

Restorative Justice in North America, birthplace of its contemporary worldwide expression from within criminal justice systems, grew out of a religious community, specifically in the mid-seventies in the Mennonite community of Kitchener, Canada, as an explicit religious response to a social problem[1]. No culture exists without religious foundation, claims anthropologist René Girard. If, as Girard continues to explain in an expansive theory of the geneaology of violence[2], a "scapegoat mechanism" is generated by religion to address the problem of violence, by which sacrificial victims are immolated to restore peace and social cohesion, then religion just may be the source of the corrective to universal scapegoating violence as well[3].

Beyond Retribution

I will look at a Christian Spirituality of Restorative Justice through the recent publication of a book that directly addresses this issue.

Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment (Marshall, 2001) is a stirring instance of rereading the Judeo-Christian founding texts to provide a basis, not for continued scapegoating violence in the Western secular state (which still has intact many trappings of a bygone religious era![4]), but for a profound redirection of traditional interpretation of those texts away from violence, "beyond retribution", towards, biblically, *shalom,* reconciliation and forgiveness.[5]

Marshall's book is highly significant to Christian and secular Western culture, steeped in

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[1] See the story in "Introduction", *Mediation and Criminal Justice: Victims, Offenders, and Community*, edited by Martin Wright and Burt Gallaway (1989).

[2] Charles Bellinger (2000) argues that René Girard and Søren Kierkegaard are the West's most profound theorists on the cultural origins of violence. For an introduction to Girard, see Williams (1996).

[3] This is in fact the "third great moment of discovery" for Girard, according to him. "The third great moment of discovery for me was when I began to see the uniqueness of the Bible, especially the Christian text, from the standpoint of the scapegoat theory. The mimetic representation of scapegoating in the Passion was the solution to the relationship of the Gospels and archaic cultures. In the Gospels we have the revelation of the mechanism that dominates culture unconsciously (Williams, 1996, p. 263)." Girard has since published a full discussion of his reading of the New Testament anthropologically with reference to violent origins in *I See Satan Fall Like Lightning* (2001).

[4] In *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard* (1993), Vern Redekop asks: "Is it possible that what we call a criminal justice system is really a scapegoat mechanism?" His response is: "In a secular democratic society, nothing is as sacred as the law code and the justice system which enforces it. The buildings in which laws are made are the most elaborate and the courts in which decisions are made about points of law are the most stately. Formality, uniforms, and respect surround the agents of law." He concludes: "It is possible to think of the criminal justice system as one gigantic scapegoat mechanism for society (pp. 1, 16, and 33).", and illustrates convincingly.

[5] A similar orientation is found in the publication *The Spiritual Roots of Restorative Justice* (Hadley, 2001), to which this writer co-contributed the chapter on Christianity. It is also reflected in *God's Just Vengeance* (Gorringe, 1996). It is germane to point out that the impetus for these publications was the already established tradition from the Christian faith community of rereading its sacred texts in a nonsacrificial way, in the direction of Restorative Justice.

Judeo-Christian legacies, in its quest to move towards Restorative Justice. "It is an irony of history", claims Religious Studies professor James Williams, "that the very source that first disclosed the viewpoint and plight of the victim is pilloried in the name of various forms of criticism... However, it is in the Western world that the affirmation of 'otherness,' especially as known through the victim, has emerged. And its roots sink deeply into the Bible as transmitted in the Jewish and Christian traditions... the standpoint of the victim is [the West's] unique and chief biblical inheritance. It can be appropriated creatively and ethically only if the *inner dynamic* of the biblical texts and traditions is understood and appreciated. The Bible is the first and main source for women's rights, racial justice, and any kind of moral transformation. The Bible is also the only creative basis for interrogating the tradition and the biblical texts (Williams, 2000, pp. 195 & 196)."

In response to the Judeo-Christian sacred texts, two broad approaches have been taken: rejecting the texts in a bid to find a higher humanism[6]; or reinterpreting them in the process of "appropriating their inner dynamic". The former I suggest is culturally akin to cutting off the nose to spite the face. Marshall demonstrates the latter with this publication. He has thereby set a new benchmark in biblical studies on justice, crime, and punishment. With it, one arguably sees the Bible as spiritually "the first and main source" for the emerging phenomenon of Restorative Justice[7].

In 1965, noted New Testament scholar C.F.D. Moule published an article in a little known Swedish academic journal. Entitled "Punishment and Retribution: An Attempt to Delimit Their Scope in New Testament Thought", he began with this observation: "It is likely, I know, that many readers – perhaps most – will find themselves in disagreement with the radical thesis I am about to present. But my hope is that time will not have been wasted – whatever the conclusions reached – because the thesis leads us in any case to ponder, once more, the very heart of the Gospel." He continued with a terse summary of his conclusions: "What I offer for your consideration is the thesis that the word 'punishment' and other words related to it (especially 'retribution') have, if used in their strictly correct sense, no legitimate place in the Christian vocabulary (Moule, 1965, p. 21)."

His was a clarion call for the Judeo-Christian tradition to move "beyond retribution" in its appropriation of the sacred texts[8]. Thirty-six years later, New Testament scholar Chris Marshall published a book-length study with similar conclusions. There was nothing like it in the interval.

The study is wide-ranging. Section one, "Introduction", considers various Christian sources of moral guidance; early Christian witness from the "underside" ("they write as, to, and on behalf of the victims of abusive state power (p. 16)"); and how Christian faith speaks to the public arena (neither "directly and legalistically to the machinery of the state" nor "irrelevant[ly] to wider social issues (p. 31)."). Marshall states here that his "main intention is to survey a broad range of New Testament texts pertinent to the subject of crime and punishment in order to ascertain the extent to which they reflect what might be called a vision

[6] Girard refers to this as "crucifying the text". See Williams (1996).
[7] See Bianchi (1994) for a similar commitment to biblical sources, but from a secular perspective.
[8] Moule, an internationally renowned New Testament scholar, eventually became a staunch supporter of Restorative Justice, after reading Howard Zehr's book, *Changing Lenses* (1990).

of restorative justice (p. 32)." As to the contour of that vision, "My premise is that the first Christians experienced in Christ and lived out in their faith communities an understanding of justice as a power that heals, restores, and reconciles rather than hurts, punishes, and kills, and that this reality ought to shape and direct a Christian contribution to the criminal justice debate today (p. 33)."

In the second part Marshall considers "The Arena of Saving Justice", with a look at Paul and Jesus, seeing in Paul *Justice As the Heart of the Gospel, Divine Justice as Restorative Justice, Justification by Faith as Restorative Justice,* and the work of Christ (atonement) as *Redemptive Solidarity, Not Penal Substitution*. With this last heading Marshall challenges directly the longstanding dominance of atonement as "satisfaction" and "penal substitution", both retributive constructs, which historian Timothy Gorringe in a study of the impact of such understanding upon the development of western criminal law declares to be a "mysticism of pain which promises redemption to those who pay in blood (Gorringe, 1996, p. 102)[9]". Marshall writes: "The logic of the cross actually confounds the principle of retributive justice, for salvation is achieved not by the offender compensating for his crimes by suffering, but by the victim, the one offended against, suffering vicariously on behalf of the offended – a radical inversion of the *lex talionis* [law of retaliation] (pp. 65 & 66)." Finally, he sees Jesus as embodiment of God's justice, and his way as non-retaliation.

In the third Section, "Punishment That Fits", Marshall looks at the *Purpose and Ethics of Punishment*, and after discussing all the main theories considers the notion of "Restorative Punishment", which he believes is *Punishment as the Pain of Taking Responsibility*. He retains the word "punishment", but first empties it of all its penalizing thrust, then reinvigorates it with an accountability/responsibility payload. The reader may decide if this semantic make-over is successful.

With the fourth Section, "Vengeance is Mine", Marshall looks at divine and human justice, including the issue of "Final Punishment", the doctrine of hell. His overall conclusion is, "Restoration, not retribution, is the hallmark of God's justice and is God's final word in history (p. 199)." The traditional Christian doctrine of hell as "eternal conscious punishment" shrivels under the glare of this biblical reassessment of the ultimate, literally most horror-filled, time-honoured image of a God who takes on the character of "a bloodthirsty monster who maintains an everlasting Auschwitz for victims whom He does not even allow to die (theologian Clark Pinnock's words, quoted in Dixon, 1992, p. 149)." One author, though vigorously committed to this traditional interpretation, candidly admits: "Obviously, no follower of Christ wants to be guilty of presenting God as one more heinous than Hitler (*ibid*, pp. 149 & 150)." Indeed, claims Marshall. And one need not, according to the biblical texts!

The fifth Section, "Justice That Kills", spends fifty pages on the issue of capital punishment. It should be no surprise that Marshall finds no biblical mandate for the death penalty. "Capital punishment is incompatible with a gospel of redemption and reconciliation (p. 253).", he succinctly sums up.

The final Section, "Conclusion", presents *Forgiveness as the Consummation of Justice.* Marshall discusses the South African Truth and Reconciliation Commission headed by

[9] Reviewed in *Contemporary Justice Review,* Northey (1998).

Archbishop Desmond Tutu as illustrative of the attempt at a state-wide process and application of forgiveness and accountability in post-apartheid South Africa. Marshall quotes Tutu saying, "[W]ithout forgiveness, there is no future (p. 283)."[10] This conclusion is similarly argued persuasively in Donald Shriver's *An Ethic for Enemies: Forgiveness in Politics* (1995). "Forgive and forget" gives way to "Remember, forgive, and be free."

Richard Hays in *The Moral Vision of the New Testament* (1996) states that *tradition, reason,* and *experience* throughout history have prevented biblical Christians from living out the radical nonviolence of the Gospel. Chris Marshall has pointed the way of such a biblical reading in response to crime and justice. Will biblical Christians and a secular culture profoundly impacted by biblical revelation rise to the challenge, or settle as so often for sub-biblical, even non-biblical views about retribution? This book stands as direct challenge to embrace a justice "beyond retribution" "that manifests God's redemptive work of making all things new (p. 284)."

Marshall's publication also demonstrates how important it is to read informed biblical reflection on social issues. All cultures, secular Western societies no less, are profoundly religious. A Christian reading of Marshall's book is immensely hopeful, both about theological contributions to the public square and the future of Restorative Justice. A secular reading of Marshall's book is highly educative in understanding both the religious roots of retributive justice, and the religious basis for critiquing those very origins. I suggest that Marshall's book, and *The Spiritual Roots of Restorative Justice* (Hadley, 2001), should be required reading on every academic reading list, secular or Christian, of courses on restorative justice.

The Rise of Restorative Justice

For over 25 years, the terminology of "Restorative Justice" has had increasingly wider acceptance and resonance within criminal justice jurisdictions around the world. As has come widely to be acknowledged, Restorative Justice is more than an alternative approach to criminal justice, it is ideally a "paradigm shift", a genuine "third way" of seeing and responding to the crime phenomenon.

This arises in particular at the most basic level of understanding about response to the human "other". If our worldview permits a division of life into permanent "them/us" categories as in a "War on Crime", a "War on Terrorism", then the way is opened for routine scapegoating of the "them", with consequent discarding of some humans like waste disposal. This is the reality in human warfare, and generally has been the case in "war on crime", as first declared by President Nixon, but for a thousand years has been the dominant Western paradigm.

The anthropological bottom line of all such "wars" is legitimated human sacrifice. This places us in league with the "civilizations" of the Aztecs and Incas of South America and other "primitive" societies of all history and place, including Western. With reference to executions in America, but generally applicable to Western human cultures, Gil Bailie writes: "... execution... 'is a brutal act,' but it is one carried out 'in the name of civilization.' It would

[10] Almost title of Tutu's magisterial reflection on Restorative Justice (2000), through the story of the Truth and Reconciliation Commission, which Tutu headed from its inception. It is reviewed in *Catholic New Times* (Northey, 2002).

be difficult to think of a more succinct summation of the underlying anthropological dynamic at work: *a brutal act done in the name of civilization*, an expulsion or execution that results in social harmony. Clearly, after the shaky justifications based on deterrence or retribution have fallen away, this is the stubborn fact that remains: a brutal act is done in the name of civilization. If we humans become too morally troubled by the brutality to revel in the glories of the civilization made possible by it, we will simply have to reinvent culture. This is what Nietzsche saw through a glass darkly. This is what Paul sensed when he declared the old order to be a dying one [*The Bible*], I Cor[inthians] 7:31. This is the central anthropological issue of our age (Bailie, 1995, p. 79)."

As already quoted, Vern Redekop asks generally of Western criminal law: "Is it possible that what we call a criminal justice system is really a scapegoat mechanism?" He continues later: "In a secular democratic society, nothing is as sacred as the law code and the justice system which enforces it. The buildings in which laws are made are the most elaborate and the courts in which decisions are made about points of law are the most stately. Formality, uniforms, and respect surround the agents of law." He finally states baldly: "It is possible to think of the criminal justice system as one gigantic scapegoat mechanism for society.... [A] tiny percentage of offenders who are severely punished can be thought of as a collective scapegoat for society (Redekop, 1993, pp. 1, 16, 33 & 34)."

Restorative Justice and the Criminal Justice System

In a paper published in 1994, describing characteristics of family group conferences in New Zealand and Australia, criminologists John Braithwaite and Stephen Mugford juxtaposed "ceremonies of degradation" with "rituals of reintegration" in the criminal justice system. By degradation was meant "communicative work that names an actor as an 'outsider', that transforms an individual's total identity … '…moving him out of his normal position in society and transferring him into a distinctive deviant role' (p. 141)." In other words: the youth is forever labelled, stigmatized, "criminal", "deviant".

On the other hand, ceremonies of reintegration were designed to reconnect the offender to wider society.

"Ceremonies of degradation" are another way of denoting an active "scapegoat mechanism", a phenomenon described by René Girard that has operated throughout virtually all human societies and history. Many consider René Girard, historian, literary scholar and anthropologist, who spent most of his academic career teaching in American universities, the greatest exponent of the origins of violence in the 20th century[11]. Now retired, Girard still is actively writing and publishing, and his ideas have been subject of intense research across a great academic interdisciplinary spectrum[12]. According to Girard, there were three great *aha*! moments in his career. One (his second) was discovering the "scapegoat mechanism" operative, he claims, in all human cultures. But for Girard, the absolutely unexpected origin

[11] See for example *The Geneaology of Violence* (2001).

[12] See Williams (1996) for an extensive introduction to, and bibliography on, Girard. See Bailie (1995) for a contemporary cultural application of scapegoating theory. See Williams (1991 and 1995) and Alison (1993, 1996, 1997) for sustained theological presentations of scapegoating theory. Finally, see Girard (2001) for a complementary *anthropological* presentation of scapegoating theory with reference to the New Testament, a document he considers a touchstone text.

of the most profound anthropology of violence with a way out[13], is the biblical text of the Gospel story.

He claims that when the text of Scripture is approached *anthropologically*, which the prophets and the Jesus story taught its adherents to do, the myths that justify violence in all cultures begin to evaporate under the strong rays of Gospel glare. Girard writes: "I certainly do not believe that the Bible gives us a political recipe for escaping violence and turning the world into a utopia. Rather, the Bible discloses certain truths about violence, which the readers are free to use as they see fit. So it is possible that the Bible can make many people more violent...[14]

"In the Hebrew Bible, there is clearly a dynamic that moves in the direction of the rehabilitation of the victims, but it is not a cut-and-dried thing. Rather, it is a process under way, a text in travail... a struggle that advances and retreats. I see the Gospels as the climactic achievement of that trend, and therefore as the essential text in the cultural upheaval of the modern world (Hamerton-Kelly, 1987, p. 141)."

Girard's most recent book, *I See Satan Fall Like Lightning* (2001), in part basis of a recent five-part Canadian Broadcasting Corporation *Ideas* series by David Cayley[15], is the most explicit about the unique and powerful anthropology[16] to be discovered in the New Testament texts.

Ironically however, since the eleventh century, the same biblical texts were interpreted often to endorse violence. Girard anathematizes such an interpretation, which as quoted above one historian dubs a "mysticism of pain which promises redemption to those who pay in blood (Gorringe, 1996, p. 102)." It is in fact this understanding that originates the dominant form of Western criminal justice, "((punitive) retributive justice".[17])

For Girard, scapegoating is "The age-old way of gaining release from the violence or potential violence that mimesis produces ... through nonconscious [that such a mechanism is operating] convergence upon a victim (Williams, 1996, p. 293)." The Holocaust directed toward the Jews by the Nazis in the Second World War is the classic gargantuan instance.

Girard understands the birth of all cultures, including the violence of Western Christendom, to arise from the unanimity achieved by scapegoating a victim or victims. Ritual, prohibition, and myth dominant in all cultures religious and secular arise in the repeated exercise of a sacrificial mechanism designed to (re)establish peace and social cohesion. Girard draws on cultic rites the world over in "archaic religions" and scapegoating applications of Christianity to demonstrate the phenomenon.

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[13] As mentioned above, this was Girard's (chronological) third great discovery. His first was "mimetic desire". Williams (1996) offers a succinct explication of the first two in his glossary, and interviews Girard extensively about all three discoveries.

[14] It has certainly done that! A classic history documenting this in the Christian era is *The Death Penalty* (Megivern, 1997).

[15] See Cayley (2001). Cayley also wrote the superb book, *The Expanding Prison*, based on a 10-part CBC *Ideas* series, "Prison and Its Alternatives" (Cayley, 1996).

There is also an annual conference, "Colloquium on Violence and Religion", an award-winning journal, *Contagion*, and a quarterly *Bulletin*, all interacting with Girard's thought.

[16] Girard says the New Testament was the origin of Western anthropology, *the* quintessential Western science.

[17] See Berman (1983); Gorringe (1996).

With reference to the criminal justice system therefore, the above-quoted historian writes: "For the Church Fathers, it is the devil who – illegitimately – insists on the payment of the debt incurred by humankind. Anselm [in the 11th century] inverts this. Now it is God who, legitimately, exacts the payment of debt... In both Old and New Testaments an indebted person could be 'redeemed' by the payment of his or her debt. Jesus, following Deuteronomy, insists on the cancelling of debt as a fundamental aspect of Christian practice. Anselm, however, makes God the one who *insists* on debt. The debt humanity has incurred must be paid with human blood. The God who rejected sacrifice now demands it... From the start sacrifice and satisfaction run together... The God who liberates from law is now, in Anselm, understood as hypostasised, personified law... What remains... is a mysticism of pain which promises redemption to those who pay in blood. In this move a most fundamental inversion of the gospel is achieved, which prepares the way for the validation of criminal law as the instrument of God's justice instead of what it is in the gospel, an alienating construction which is at best a tragic necessity.

"The penal consequences of this doctrine were grim indeed. As it entered the cultural bloodstream, was imaged in crucifixions, painted over church chancels, recited at each celebration of the Eucharist, or hymned, so it created its own structure of affect one in which earthly punishment was demanded because God himself had demanded the death of his Son (Gorringe, 1996, pp. 102 & 103)."

By the birth of the modern prison[18] in the late eighteenth century, and persisting to the present, what emerged was a penal system dedicated to a "mysticism of pain" - *with no redemption*. (That is why by contrast the Stephen King novel, *Rita Hayworth and the Shawshank Redemption* (1982), and movie, *The Shawshank Redemption* (1994), are so gripping!)

There was also therefore no place for reintegration of the offender into the community. No redemption, no reintegration.

Dan Van Ness' and Karen Strong's publication, *Restoring Justice* (1997), well traces the "structures of affect" of the degradation, scapegoating interpretation and application of Christianity in the West. Western Justice consequently inexorably eschewed community, healing, redemption, restoration, and reintegration.

Restorative Justice and M2/W2 Association [19]

The mission of our agency is: "*To help restore and transform those affected by crime by fostering Christian principles of justice, love, support and accountability*."

M2/W2 Association – Restorative Christian Ministries, was the first of its kind in Canada, and arguably one of the earliest "restorative justice"[20] programs in Canada. In operation since 1966, it believes no human being, regardless of creed, ethnic origin, sexual orientation,

[18] See Foucault (1995).
[19] Our website, currently under massive reconstruction, is: www.m2w2.com
[20] Not programmatically, but philosophically and theologically. "Restorative Justice" in programmatic expression involves facilitated *encounter* of some kind amongst the actors (victim, offender, community) in the crime drama.

criminal acts, etc. is disposable. On the contrary, all people possess inalienable dignity since created in God's image.

The core program of M2/W2 Association has been to offer friendship and reintegration resources to prisoners and ex-prisoners through the recruitment, training, and deployment of volunteers from the (ecumenical) Christian community. About 400 volunteers participate annually.

Here are some stories.

Roger[21]

Roger felt a little disappointed after his first M2 visit. He thought about the evening events as he silently walked back to his cell. He had been waiting for weeks for this visit, and as he waited he fantasized about what his M2 would be like. He had heard through the grapevine that Vern, his M2 was a conservative Christian. Roger thought this would be an entertaining evening, and was waiting for Vern when Vern walked into the visiting room. Roger's first plan of action was to determine the size of his M2's big black Bible, only to find out that he was not carrying one. Roger, not to be deterred, walked around him looking for bulging pockets. He found none. They settled down to visit, and all too soon the evening was over. Not a word was spoken about the agenda that Roger thought would dominate their time together. So began a friendship that would span decades, only to be severed by natural deaths.

Roger was eventually released on parole. In becoming part of a faith community he had a wonderful support network that grew to 12 to 15 people. When Roger remarried, the community was there to help with all the arrangements and to celebrate with him. Some years later when Roger was dying of cancer, the same faith community was there for support, visitation and comfort.

Paul

Concerned family members who were living at the time in Ontario and New York brought Paul to the attention of M2/W2 in 1979. By that time Paul had already served 12 years of a life sentence. Paul was reluctant to meet new people, to socialize and to do relationship building. It would take many visits over a long period of time for Paul to feel comfortable with M2 staff. In those early years, he never felt at ease, and he lost interest, but would on occasion attend the M2/W2 social coffee events. He sat by himself and made observations of the activities of the evening. It was in 1991 that Paul approached M2 staff and asked if John could be his M2 when he would be available after release of his current match. John agreed, and so began a friendship that has changed the lives of not only Paul, but also of John and his family.

Throughout the years there were many hearings to attend. Paul appreciated the support and many years later walked into a halfway house. The integration process was slow, deliberate, cooperative and encouraging. While Paul is still in a halfway house, he looks forward to his visits with John, the eight hour passes together, meeting new people, and exploring new horizons.

[21] All stories supplied by Bernie Martens, M2/W2 Volunteer Coordinator.

Gus and Sybil

Gus and Sybil, a couple who are now in their 80's began volunteering in 1991. It all began through a request of an acquaintance to see someone in prison. Gus and Sybil approached M2/W2 and background work was done to facilitate that first meeting. Gus and Sybil have very much enjoyed their visitation experience. Throughout the years they have been assigned to nine different prisoners. They have done reintegration work, have helped with funerals, have supported family and have made lasting friendships. Often while at M2/W2 coffee nights they would be surrounded by numerous prisoners who just wanted to talk to a couple who were non-judgmental, cheerful, good-natured and interested in the lives of those in prison. When someone faltered with the prison, or for those who returned to the prison, Gus and Sybil were there to walk alongside to give support and encouragement.

Failing health in this past year, has limited their volunteer role. The prisoners ask about them and send letters of encouragement and best wishes. Both Gus and Sybil and all those they have met in the context of the prison are left with memories of unconditional love, respect and best wishes for the future.

William[22]

As we live in a global community, there are opportunities for us to take responsibility for those who engage in crime and are affected by crime that come to us from another country. A deportee began his 25-year sentence in 1980. He was lonely, and longed to be reunited with his family. M2/W2 with its connections was able to introduce William to EN who spoke William's language, and was familiar with his culture and its history. Upon his deportation William penned the following:

"In writing this letter, I would like to express my sincere thanks and appreciation to you, and of course, EN and his family for their strong support that they provided me through the past 5 five years by visiting me, sharing and encouraging me etc.

"I would like to express that it helped me to cope with daily solitudes and unhappiness, which I have experienced in this environment.

"The spiritual support that they provide me made my life less miserable and assisted me in dealing with depression at all stages.

"I'm very grateful and thankful that EN provided and displayed full support towards my children as well as my family who live in _____, and I'm also grateful that EN and his family supported my sister, her husband and her daughter when they arrived in Canada for a visit…"

EN was able to help William in preparing for his eventual release and return to his homeland. William was finally deported. EN has travelled to ____ in order to visit with William and his family. The reintegration process has gone well. William has made positive adjustments and is once again supporting his family.

[22] Not his real name

Conclusion

If indeed for a thousand years there has been a dominant scapegoating paradigm in criminal justice, whereby the offender is subjected to "commensurate pain"[23] through imagined "just measures", then it is time for a process of generic vision of restorative reintegration to be operative at every level of the system.

And of course, such a philosophy begs the question of the legitimacy of prison itself, the institution outside capital punishment, certainly since 1790, that is the most violent measure in the criminal justice arsenal. But this issue takes one beyond the scope of this discussion today. Though another question is begged at the outset in discussing prison: How can one "reintegrate" into society someone who, in the first place, (often) never was part of that society, and whose institutional experience, prior to release to the community has been largely negative, and often far worse, *vis à vis* society?[24] Expressed as analogy: Can one do pilot training from a submarine?

In 1993 Lee Griffith published *The Fall of the Prison: Biblical Perspectives on Prison Abolition*. His is a *tour de force* on a spirituality of penal abolition[25]. The book's opening shot is: "The gospel is profoundly scandalous, and until we hear at least a whisper of its scandal, we risk not hearing any part of it (Griffith, 1993, p. 1)." He presents his thesis in beguilingly simple terms: "Ultimately, there are not two kingdoms but one – the kingdom of God... 'Freedom to the captives' is not proclaimed [by Jesus] in some other world but in our world. The matter finally comes down to a peculiar question: Are there prisons in the kingdom of God? And if there are no prisoners there and then, how can we support the imprisonment of people here and now? For in fact, the kingdom of God is among us here and now (*ibid*, p. 28)."

How indeed can a Christian spirituality, responsive to the liberating thrust of the New Testament founding texts, so utterly contradictory to state-sanctioned scapegoating violence (the very kind that crucified its founder!), support penal (pain delivery!) justice? That is the "peculiar question" this reflection leads to.

A contemporary theologian writes: "…the human walk… begins in slavery and ends in freedom, and [its] point of progress at every moment is faith (Johnson, 1990, p. 11)." That is the quintessence of spirituality arising from the Judeo-Christian narrative. It shouts from the housetops: "Freedom for the prisoners (Luke 4:18)!", and "It is for freedom that Christ has set us free (Galatians 5:1)!"

To cite again René Girard: "In the Hebrew Bible, there is clearly a dynamic that moves in the

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[23] "Violence is the ethos of our times", begins one writer's robust assessment of contemporary Western culture (Wink, 1992, p. 13). By "violence" is meant *the deliberate infliction of harm upon another as an end in itself.* This is of course also what "penal" (from the Latin *poena* – pain) means: *the purposeful infliction of pain upon another as an end in itself*: 'pain delivery like milk delivery', as Nils Christie aptly catches its quintessence and banality (1982). Violence in Western culture is bar none the dominant spirituality of our age. It is and has been the driving spirituality of Western penal law as well.

[24] A good introduction to this issue is Ruth Morris' *Penal Abolition The Practical Choice* (1995). An international movement, "ICOPA" (International Conference on Penal Abolition) holds conferences on this very issue every two years. See the website: http://www.interlog.com/~ritten/icopa.html

[25] He has recently written another *tour de force*: (2002).

direction of the rehabilitation of the victims, but it is not a cut-and-dried thing. Rather, it is a process under way, a text in travail; it is not a chronologically progressive process, but a struggle that advances and retreats. I see the Gospels as the climactic achievement of that trend, and therefore as the essential text in the cultural upheaval of the modern world (Hamerton-Kelly, 1987, p. 141)." If Girard is right, part of that "cultural upheaval" is penal abolition and restorative (transformative) justice.

One writer commented on Griffith's book thus: "Jesus said he had come to proclaim release to the prisoners. In *The Fall of the Prison* Lee Griffith makes what Jesus meant altogether clear. Now it is for us who have ears (quoted in Griffith, 1993, back cover)."

Indeed! What is needed is a spirituality of transformative justice with ears – then hands and feet!

From a Christian founding texts perspective on restorative justice spirituality, the quest will never end until "Kingdom come". That is both permission and incentive from within Christian spirituality, to vigorously, creatively, and joyously join hands with all similar questers, whatever their religious beliefs or unbeliefs. The best of Christian spirituality has been ever inclusive and collaborative, while holding onto the undisputed uniqueness of the Jesus story, which, as *Ultimate Story*, points the way home[26].

[26] "Stanley Hauerwas has suggested that the only thing that makes the Christian church different from any other group in society is that the church is the only community that gathers around the true story. It is not the piety, or the sincerity, or the morality of the church that distinguishes us (Christians have no monopoly on virtue). It is the story we treasure, the story from which we derive our identity, our vision, and our values. And for us to do that would be a horrible mistake, if it were not a true story, indeed *the* true story, which exposes the lies, deceptions, and half-truths upon which human beings and human societies so often stake their lot (Marshall, 2000, p. 13.)"

J.R.R. Tolkien of *Lord of the Rings* fame, as a philologist has written:
"In [a true fairy-story] when the sudden 'turn' [Tolkien calls this a 'eucatastrophe'] comes we get a piercing glimpse of joy, and heart's desire, that for a moment passes outside the frame, rends indeed the very web of story, and lets a gleam come through... The Gospels contain a fairy-story, or a story of a larger kind which embraces all the essence of fairy-stories. They contain many marvels... and among the marvels is the greatest and most complete conceivable eucatastrophe. But this story has entered history and the primary world; the desire and aspiration of sub-creation has been raised to the fulfillment of Creation. The Birth of Christ is the eucatastrophe of Man's history. The Resurrection is the eucatastrophe of the story of the Incarnation. This story begins and ends in joy. It has pre-eminently the 'inner consistency of reality'. There is no tale ever told that men would rather find was true, and none which so many sceptical men have accepted as true on its own merits. For the Art of it has the supremely convincing tone of Primary Art, that is, of Creation. To reject it leads either to sadness or to wrath (1966, Epilogue)".

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