

## November 16 – 22, 2014 - Restorative Justice Week

May only the truth be spoken here this morning and may only the truth be heard, in Jesus' name we pray. Amen.

Good morning! Thank you all for coming out on this, the first of many snowy mornings. I am certain there will be many more before the winter is finished. But as Ian says, it does brighten things up! I am very pleased to be here this morning to speak to you about Restorative Justice. Today marks the beginning of Restorative Justice Week in Canada. The theme this year is "Inspiring Innovation". Many of you know my diaconal ministry involves corrections, restorative justice and victims' pastoral care, so several weeks ago I asked Canon Bob if I could be the preacher this week and he agreed, hence I am here! Now, I can't promise how long this sermon will take - it's entirely possible you may be able to leave early – only time will tell!

Restorative justice practices, in one form or another, have been ongoing for thousands of years, worldwide – including in the ancient societies of the Sumerians, Babylonians, and the Roman Empire. By the end of the 11th Century, though, following the Norman invasion of Britain in 1066, a retributive justice system began to replace the restorative justice system and crime was no longer seen primarily as injurious to people, but rather, it was seen as an offence against the state. This is why court documents commence with Regina vs the defendant.

We find numerous references to God's restorative justice throughout the Old & New Testament sections of the Bible. "Justice" in the Bible is restorative, particularly because God seeks to bring about healing in relationships, to transform alienation into community, to restore offenders into God's family, and to bless all the families of the earth.

The model most often followed in Canada today is patterned after the healing circles of the North American indigenous people & as well as the Maori of New Zealand. Their system served to protect individuals, ensure social stability and the integrity of the community. Much credit is given to the Mennonite Central Committee & to Howard Zehr in particular, for popularizing the theory & practices of restorative justice & pushing it forward. The Mennonites, as well as the Amish & Quakers are well-known for advocating & supporting restorative justice. They believe that a restorative approach is much more humane than the current punitive criminal justice systems. Howard Zehr's book *"Changing Lenses – A New Focus for Crime and Justice"* is credited with presenting this "ground-breaking" theory of looking at & thinking about, a new way of viewing the criminal justice system. Well, it's a new way to non-indigenous people at least.

According to Howard Zehr, restorative justice asks six questions – 1. Who has been hurt? 2. What are their needs? 3. Whose obligations are these? 4. What are the causes? 5. Who has a stake in the situation? 6. What is the appropriate process to involve stakeholders in an effort to address causes and to put things right?

This contrasts with the traditional criminal justice system which asks - 1. What laws have been broken? 2. Who did it? 3. What do the offender(s) deserve?

So, just how does this "restorative justice" system work? Basically, as long as both parties are willing, a meeting is arranged during which the person causing the offense and the victim of the offense have an opportunity to talk about what has happened. The meeting is facilitated by a

mediator who asks each party relevant questions concerning the offence. The victim has an opportunity to explain how he or she has been impacted and to ask why the offence happened. The person causing the offence hears the impact on the victim and can give an explanation as to why it happened. This system allows for the offender to take responsibility for his or her actions. It allows for both parties to understand what happened and why. Often the victim will determine what type of restitution is to be made. In many cases, the person committing the offence never re-offends

because they realize how their action has harmed someone else. Issues can be resolved without going through the very costly and time-consuming criminal justice system.

Restorative justice approaches can be implemented in a variety of conflict situations, which are not criminal in nature. It can be used to work through family conflicts, bullying in schools, workplace mediation and heaven forbid this should ever occur – conflicts within our church communities. Wherever there is someone who has caused some form of harm to someone, restorative justice principles can be utilized.

Restorative Justice principles have been used in the Truth and Reconciliation initiatives in South Africa during the post-apartheid years. Victims were given an opportunity to speak about how their lives had been impacted by apartheid and to suggest what form restitution could take. In Rwanda restorative approaches were instituted as an experiment to resolve the tensions between the Hutus and Tutsis after the period of genocide, with astounding positive results. It is still a work in process but good progress is being made. In many cases, rather than sentencing the perpetrators to jail sentences, they are building homes for the survivors! In Canada as we continue to work through the Truth and Reconciliation process involving victims in the Indian Residential Schools, restorative approaches are being used to bring about reconciliation.

But what if it is not possible for the two parties to meet? Will restorative justice still work? Yes it can. Normally the intention of restorative justice programs is to bring together the affected parties, but sometimes it is not possible to do this. A victim may not want to become involved in the process or the geographical distance between parties may be great. In some cases, an offender will present a written letter to be given to the victim. The victim may or may not reply but the person caused the offense has the opportunity to express remorse for what has happened. Other methods can be employed to bring about restoration. In some prisons a program called the Empathy Project is being initiated. Inmates participate in a six week program that encourages them to look within themselves to see where they may have been victimized. The next step is to better understand the harm they have caused to another person. There has been much support for this program from chaplains, inmates and the outside community.

I mentioned previously that there are numerous references in the Bible concerning restorative justice. One number I heard was 3000! In the New Testament we have heard the story of Jesus' startling conversation with the Samaritan woman at the well; we have learned how by just the touch of Jesus' robe a woman who suffered a crippling impairment for twelve years was healed and was able to walk upright; we rejoiced with the father as he welcomed the return of the son he thought was lost; we have read about the healing justice in the lives of ten lepers who were restored to good health and able to rejoin the community.

The story of the Samaritan woman at the well is an invitation to love, to care for, and to know one another deeply, to take us far beyond our differences. This leads us to think about who are the lepers in our lives? Who are the people who make us feel uncomfortable, who we want to ignore or avoid, the people we may be critical of – and to whom we need to be reconciled. Are

they the homeless? People with some form of impairment? People of another faith group or culture? Perhaps they have a sexual orientation that is different from our own? God's justice is restorative through healing and distributive processes. He wants us to be reconciled to one another. Micah 6:8 says *"He has told you, O mortal, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?"* God wants us to be reconciled one to another – to become one family and one kingdom – serving Him and each other.

If you would like to learn more about the restorative justice process, there are lots of documents and reports available online as well as books in the libraries that you can research. The Church Council on Justice and Corrections has been involved for many years in developing and facilitating restorative justice programs. This process of reconciliation has been effective in resolving disputes in close to 90% of the cases it has been used in. It is well worth taking a more indepth look at.

I am nearing the conclusion of this sermon ("Oh, thank goodness" you must be thinking) but before ending, I would like to take a moment to reference the recent Diocesan Synod. The 140<sup>th</sup> Session of Synod for the Diocese of Ontario took place October 16 – 18. St. James' was well-represented by Stephen Hiscock, Sheila McLeod, Lynda and Bill Moore, Steve Tripp, Cathie Perkins, Sue Publicover and me. A written report has been prepared and circulated electronically and there are several paper copies available at the back of the church. If you have access to a computer you can go to the diocesan website for complete information about Synod, including reports and photos. A copy of the convening circular is available in the parish office for viewing, on request. The Bishop's Charge concludes with a video montage of the parishes in the Diocese he has visited. The first photo is of St. James' showing parishioners from our 9:00 service receiving communion! Later in the video there are several photos from our Sunday School picnic in June.

A specially-appointed Synod committee presented a Ministry Task Force Report compiled from a diocesan survey done in 2013 and outlining many recommendations to develop new and sustainable models of ministry. Many of the suggestions have already been implemented at St. James' over the past few years but there is always room for more ministries and outreach! Parish Council will review the report and a presentation will be made at the next Vestry meeting in the New Year. Early next year Synod Council will implement a program in which all parishes will be required to participate.

In closing, as I did at the end of my sermon in August, I would like to conclude with the following from a book entitled "Common Prayer: a Liturgy for Ordinary Radicals". Every daily morning prayer meditation ends with this blessing -

*May the peace of the Lord Christ go with you: wherever he may send you;*

*may he guide you through the wilderness : protect you through the storm;*

*may he bring you home rejoicing: at the wonders he has shown you;*

*may he bring you home rejoicing: once again into our doors.*

May the Peace of Christ be with you. Amen.

## **Suggested Readings and Websites**

*“Changing Lenses – A New Focus for Crime and Justice”*, Howard Zehr, 0-8361-3512-1

*“The Little Book of Restorative Justice: A bestselling book by one of the founders of the movement”*, Howard Zehr, 978-1561483761

*“A Little Manual of Restorative Justice”*, Public Safety Canada, 978-0-662-05889-2

*“Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment”*, Christopher D. Marshall, 978-0802847973

[cfcj-fcjc.org/sites/default/files/docs/hosted/17445-restorative\\_justice.pdf](http://cfcj-fcjc.org/sites/default/files/docs/hosted/17445-restorative_justice.pdf)

[ccjc.ca/](http://ccjc.ca/)

[speakingmytruth.ca/?page\\_id=701](http://speakingmytruth.ca/?page_id=701) - *Bridging the Gap between Truth and Reconciliation: Restorative Justice and the Indian Residential Schools Truth and Reconciliation Commission* – Jennifer Llewellyn