

Faithworks

Making Justice Personal

Restorative justice shifts the focus from punishing criminals to repairing community

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By ANDY BLACK / Faithworks

As a conservative state legislator in California, Pat Nolan talked tough about crime. He helped strengthen laws and build prisons. But then he served time in prison himself. He emerged convinced the popular tough-on-crime approach is failing.

“I learned that all those things that I supported as a legislator, while they were justifiable, didn't get to the root cause of the problem and weren't really solutions.”

As a legislator, Nolan saw nine new prisons built in California and not one new university.

“For all the prisons we built, our communities weren't any safer. Victims weren't restored. Offenders' lives were not changed. So it really caused me to think: There has to be a better way.”

Now Pat Nolan is part of a growing movement to promote “restorative justice,” an effort to personalize justice by focusing on the human cost of crime and repairing the harm it causes.

Many early advocates of the restorative approach were Christians who believe it is the biblical model of justice. But its principles are not exclusively or explicitly religious.

Nolan, president of the Justice Fellowship in Washington, went to prison for two years on racketeering charges related to campaign contributions.

“During my time in prison, I saw people who had done bad things, but it made no sense to have them locked up. They were filling a bed that could have been used to house somebody who was truly dangerous to society.”

Most offenders leave prison even less capable of being peaceful and productive citizens, Nolan says. Communities are not significantly safer. And crime victims often go ignored and are left unhealed by the justice process, he says.

The lock-up mentality

An estimated 2 million Americans are in jail. The United States has only 5 percent of the world's population but a fourth of the world's inmates. The prison population has more than tripled in the last two decades, according to the Bureau of Justice statistics. Criminal justice is the fastest-growing segment of government spending.

To many observers, these numbers tell anything but a success story.

“We lock far too many people up for non-violent crimes and it costs more than we can afford,” says Evelyn Hanneman, Restorative Justice Program Director for the Baptist Peace Fellowship of North America.

The cost is only partially financial. Research shows that spending more than six months in prison increases the likelihood of someone becoming a repeat offender, Hanneman adds. Restorative justice shifts the focus from punishing criminals to repairing the community. It measures success by the opportunities a criminal justice system provides for healing lives.

Retributive justice, the basis for the current system, views crime as an offense against the state and justice as the administering of proper punishment. Retributive justice asks: What law was broken? Who broke it? How should they be punished?

By contrast, restorative justice views crime as injuries to people and communities. Justice is the process of repairing these injuries. Restorative justice asks: What harm was done? How can it be repaired? Who is responsible for repairing it?

The current criminal justice system pits the government against the accused. This adversarial legal system tends to discourage offenders from admitting guilt, taking responsibility, and seeking to make things right.

Victims may participate in the process by serving as witnesses for the prosecution, but the focus is not on repairing their injuries. Even if offenders want to repay their victims, they are often unable to work during and after imprisonment, Nolan says. The restorative movement says victims, offenders and communities -- not just the government -- should be involved in the criminal justice process early and meaningfully. Advocates of the retributive approach say tough-on-crime measures are also made on behalf of crime victims. However, studies show that victims are more satisfied when allowed to participate in a more restorative process, Nolan says. Victims are given a say in what happens and a chance to tell their story. Offenders are more likely to accept responsibility and less likely to harm someone else.

Changes called for by restorative justice proponents include:

- Placing victims advocates in district attorney’s offices
- Giving victims a chance to speak to judges before sentences are handed down and judges greater flexibility in sentencing
- Establishing victim-offender reconciliation programs
- Holding non-violent offenders accountable to victims while imprisoning only dangerous offenders.

A new look at justice

The restorative justice movement is only a few decades old. Howard Zehr, a Mennonite, wrote *Changing Lenses*, the movement's classic text. It outlines the fundamental changes involved in moving to a restorative approach to justice.

It's now an international movement, attracting legal professionals, human-rights advocates and religious groups. The United Nations recently established a committee to draft a statement of restorative justice principles. Last year, the American Baptist Churches adopted such a statement.

Mennonites provided most of the early research and philosophical work undergirding restorative justice, Nolan says. Justice Fellowship, the public-policy arm of Charles Colson's Prison Fellowship International, was founded in 1993.

Restorative justice holds people accountable, but it does not advocate punishment for punishment's sake. Restorative justice is not soft on crime, Nolan says, but it does seek to be "smart on crime."

In his speaking engagements, Nolan often cites Chuck Colson's assessment of the criminal justice system: "Only a nation that is both rich and foolish would continue to pour money into a system that ignores the needs of victims, releases prisoners who are more dangerous than when they entered prison, fails to make our communities safer, and consumes an ever-increasing portion of our tax dollars."

Justice Fellowship will sponsor a national forum on restorative justice March 14-16 in Orlando.

Getting past the hurt

Eight years ago, John Sage's sister was murdered. That event launched the Houston man on a long and painful spiritual journey through rage and depression, finally emerging into a deeper relationship with God and gradual healing.

In 1998, he volunteered for a Prison Fellowship pilot project to bring together victims and offenders. He saw enormous potential for lives to be transformed by this concept and decided to take it further. He founded Bridges to Life, an organization that seeks to reduce the number of repeat offenders. Sage's group brings crime victims into prisons for a twelve-week program of face-to-face listening and dialogue. Sage directs the Houston-based organization, which now sends groups to several Texas prisons. He recently received the 2001 Texas Governor's Award for Restorative Justice. Offenders volunteer to participate during their last 12 months in prison. They listen to the painful stories of victims whose lives and families were devastated by crime. The courage and vulnerability shown by the victims often causes the inmates to let down their guard, sometimes acknowledging things for the first time, Sage says.

“We want to confront them with their crime,” Sage says. “Prison life, and the system in general, teaches them to avoid what they’ve done.”

The victims also hear from the inmates, most of whom have painful stories of their own. “It’s a listening project,” Sage says. “That’s why we don’t do a lot of preaching or teaching.”

Nevertheless, lives are transformed, he claims. Early tracking of program graduates shows an extremely low recidivism rate -- just 7 percent become repeat offenders, compared to the usual 40-50 percent.

Sage says his program is very clear about being faith-based. But the focus is not on traditional evangelism. Volunteers model the gospel and seek to demonstrate God’s love and mercy through a different kind of behavior, he explains. Lay volunteers who are not crime victims facilitate the Bridges to Life programs. They say the experience strengthens their faith as well, Sage reports.

For Sage, restorative justice can be reduced to some simple concepts. It’s about enforcing the spirit of the law and the spirit of justice so that people are changed, he says.

Impartial but not impersonal

As crime victims, John Sage and his family experienced the justice system as a fairly cold process, although the Houston District Attorney’s office tried to be attentive to their needs. He has since learned that many victims are not so fortunate.

"The biggest problem with the criminal justice system is that it is impersonal," says Emmett Solomon, director of the Restorative Justice Ministries Network in Huntsville, Texas, which links various restorative ministries.

The abstract philosophy of restorative justice might seem vague and academic to some, but Solomon sees a crisis that requires radical rethinking.

“The criminal justice system is destroying the fabric of our society, particularly at the lower end,” claims Solomon, a Baptist minister. “It’s managed by people who don’t want to face the suffering involved. ... They don’t want it to be personal. It’s like a machine.”

"As a result," he says, "the system doesn’t heal, doesn’t teach, and is self-perpetuating.”

He urges Christians to work for change by not voting for political candidates who run on a traditional tough-on-crime platform, which he says has held sway for 30 years and only made things worse.

A widely accepted restorative justice principle states: “While the government is responsible for preserving order, the community is responsible for establishing peace.”

In other words, the machinery of government was never designed to heal people and ensure justice in its restorative sense. People -- and not just those directly impacted by crime -- must get involved. Apathy and ignorance -- even among Christians -- are major obstacles to transforming the criminal justice system, Solomon says. Many people prefer the system remain impersonal rather than acknowledging the pain it causes.

But Solomon is hopeful, since Christians have been at the forefront of the restorative justice movement and continue to stay involved. "Christians have always reached out to the suffering."

Andy Black is a former paralegal for the Justice Department and currently is a theology student at Truett Theological Seminary in Waco, Texas.

(andresnegro@earthlink.net)

View the original article about Bridges to Life on the Faithworks website [here](#).