

## **The Role of the Church in Criminal Justice Reform**

Presentation by Daniel W. Van Ness  
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I want to reflect for a few minutes this afternoon on the role of the church in criminal justice reform, and in particular on the role of the church as part of the growing national and international restorative justice movement. To those here who do not call yourselves Christians, I want to acknowledge that non-Christians clearly make up a majority of the worldwide restorative justice movement today. The subject of my talk – indeed of this conference – is not intended to suggest that only the Christian Church (or even only the broader faith community) can work for restorative justice, nor that a Christian framework is the only one from which to work for criminal justice reform.

One of the things that people who are outside of Christianity may not realize is the extent to which we find we need to talk with and among ourselves about what it means to follow Jesus in all aspects of our lives. The easy thing to do – and we all do it – is compartmentalize our lives so that certain parts are well integrated with our faith but other parts are neglected. An obvious example is of someone who is upright and charitable in church on Sunday, and then ruthless and dishonest at work the rest of the week. It is as if we were houses with many rooms, some of which have doors open to Jesus, and others that are hidden away or securely locked.

So we who follow Jesus keep discovering that there are rooms of belief and action in which we need to seriously reflect on what Jesus wants us to do. A term we use is the “lordship” of Jesus. That means that Jesus is in charge of everything. You may remember the words of Mozart’s Hallelujah Chorus: King of Kings and Lord of Lords. This is a phrase from the Bible, and it means that Jesus is the ultimate authority over everything, even the most powerful people we can think of. But more immediately, He is also the Lord, the person in authority, of those of us who follow Him. As Jesus’ followers, we should be obedient to his teaching, but we keep discovering the areas in our personal lives, communal lives and lives as citizens of our communities that are not consistent with what we know of Jesus’ kingdom.

This is not a new problem for Jesus’ followers. Every generation needs to struggle with this. In recent years, there has been a growth of interest in what some call a Christian worldview – the presuppositions that create the lens through which one can look at the world in a consistent and Christ-honoring way.

This is because we want to take the idea of God’s authority over us and over all creation seriously. What difference does our faith in God, our obedience to Jesus, and our awareness of the work of the Holy Spirit have in how we believe our communities should respond to those who commit crimes, for example? To those who are victims of crimes? Beliefs have consequences, and we have

come together to explore what those may be, and to consider how to turn those beliefs into practical action.

To those who are followers of Christ, let me suggest that we need to think carefully about the role of the Church in working for restorative reforms. Any successful reform effort in a democracy needs to be couched in terms that will play in the secular marketplace. It needs to include people from widely diverse faith and belief systems. So what kind of unique role can we play within the movement. And perhaps more fundamentally, why should we play a role at all?

Last week, two friends of mine, and perhaps of others here, died. Both were people who acted on beliefs that were grounded in their relationship with Jesus. One was David Orgon Coolidge, the first non-clerical staff person I hired when we started Justice Fellowship. David was a man of wisdom, love and passion. He was unafraid to follow Jesus even when that meant he faced resistance and opposition from others. Even when it meant making significant personal changes and embarking on controversial paths. He left JF around a decade ago, having made a mark on the criminal justice policy in states he worked with and having demonstrated the unusual kinds of coalitions that can be formed to support restorative justice initiatives.

He got a law degree, and then started the Marriage Law Institute at Catholic University, whose purpose was to reaffirm the legal definition of marriage as the union of a man and a woman. David died Sunday after a half-year battle with brain cancer. His funeral probably ended just a few minutes ago.

My second friend was Dr. David Larson, a psychiatrist who was so indignant at the hostility toward religion in the medical and psychiatric communities when he studied in the 1970s that he dedicated his life to documenting through top-quality research that people participating in spiritual or religious activities actually enjoyed a higher quality of life. He and his associates built a body of research that showed the significant beneficial impact of participating in religious practices in the areas of health, criminal justice and other arenas of life. They showed, for example, that prisoners participating in only 10 PF Bible studies a year showed improvement in recidivism (repeat offending) when compared with similar prisoners who didn't participate.

We have all heard of faith-based initiatives. David Larson's work laid a research foundation that demonstrates that such programs do in fact work and are worthy of public support. When David died suddenly last week, 60% of the medical schools in the country had added courses on spirituality and health. Nearly a third of the nation's psychiatrists had just taken a certification examination based an article that David and his wife had written reviewing the literature on the impact of prayer and health.

We will never be able to fully appreciate the impact of these two men. They were able to do much because they were willing to act on belief and to work for reform. I will miss them because of their love, friendship and because of the strength of Jesus that they exhibited. May they inspire us to act on our beliefs.

It is important to begin our time together with the honest recognition that the role of the church in criminal justice reform has often been that it has resisted reform. The 18<sup>th</sup> Century English reformer William Wilberforce was tauntingly called one of “the saints” by fellow Parliamentarians – also Christians – because of the unpopularity of his objectives at the time, objectives such as the abolition of the slave trade. When Wilberforce introduced legislation to prevent women who attempted to kill their husbands from being charged with petty treason and burned at the stake, he was opposed by the Lord Chancellor (at one time a Ruling Elder in the Church of Scotland). The grounds for opposition were that burning at the stake made a much stronger impression than did mere hanging, and that treason was the right charge to make against one who had tried to kill her superior. It was only after several years’ persistence that the punishment was abolished, and it took 40 years to remove the crime.

In fact, it seems that on every major public policy issue, Christians have been divided. Denominations in the US split over the issue of slavery and the civil war that followed. Christians opposed adoption of child labor laws; we currently disagree on abortion policy, capital punishment, and sentencing policies generally.

Justice Michael Adams is a Supreme Court Justice from the Australian State of New South Wales. In a conference sponsored last year by the Legal Christian Fellowship, he reflected on Christianity and law reform, approaching the topic from an historical perspective but also from his experience chairing the NSW Law Reform Commission. His pessimistic answer to the question of what role the Church should play in law reform is this:

I think that it can do little else than not stand in the way. In a limited sense, some pockets may provide refuge and encouragement for the activities of some individual or groups of Christians but, as a whole, it will be either indistinguishable from the world or will actively oppose change.<sup>1</sup>

He suggests that Christians interested in particular reforms will certainly work for those based on principles whose true foundation they know is in Christ. But they should not assume that because of that they will find much support among Christians.

Indeed, history shows that we are far more likely to meet with opposition or, at best, indifference from the other members of the body of Christ.

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<sup>1</sup> Christianity and Law Reform, Justice Michael Adams, paper presented at Australasian Christian Legal Convention, 2001, p. 16 ([http://www.lcf.pnc.com.au/convention\\_papers42.htm](http://www.lcf.pnc.com.au/convention_papers42.htm)).

Rather, our natural allies are those, whether Christian or not, who accept these principles also. As Bonhoeffer points out, referring to the personal experience of the confessing church which opposed Nazism, here we see the outworking of those apparently contradictory statements of Jesus, “He that is not against us is with us” (Mark 9:40) and “He that is not with me is against me” (Matt 12:30). We may be joined, indeed by other brothers and sisters in Christ, but for us the Church will be as much, if not more, of a mission field than the outside world. Since it is the social order and the institutions of the State which are, in this respect, our concern, there is not much point in addressing the Church as such.<sup>2</sup>

That sounds pretty bleak. Christians have not simply opposed reform, they also have been complicit in unbelievable oppression. Bonhoeffer’s struggle in the confessing church was with the State churches that support Nazism. The three rogue South African denominations of the Dutch Reformed Church provided spiritual and moral backing for apartheid in that nation. Church leaders were apparently involved as masterminds in the genocide in Rwanda. One of my colleagues, Timothy Khoo, visited Ntarama Church in 1998, four years after the genocide began. It was the local parish church of that village, and the place to which Tutsis fled when they heard that Hutus were coming to kill them. The pastor of the church directed the Hutus in the slaughter. Five thousand people died there (hundreds of thousands died in church compounds around the country), killed not just by soldiers but also by neighbors as young as nine and ten years old.

It is true that in each of these examples (and we all know of others), there were other Christians who resisted, and that ultimately that opposition was recognized as prophetic. We celebrate the courage of Wilberforce, Bonhoeffer, Tutu, de Klerk and others who stood for what they believed in at critical moments. But we need to remember that these people started out the exceptions, not the rule.

Why is it that Christians often oppose reform movements such as restorative justice? Let me suggest three reasons. First, the church has a tendency to become an institution. Over time, institutions serve as a conservative force in society. This is actually a good thing, because it restrains capricious or impulsive change. But it also means that the institutions identify themselves with the status quo, which they often have helped create, and in which they have a stake. The church becomes conformed to a world that it helped create.

This was a problem in Jesus’ time, too. In fact, Jesus reserved his most scathing attacks for the religious leaders of his day who had become part of the status quo. The horrible irony is that when the One came for whom these leaders had waited so long, they crucified him because he did not fit their theological assumptions about what the Messiah should be like. The sobering lesson for us should be how much like them much of the Christian church is today.

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<sup>2</sup> Ibid.

A second reason Christians oppose reform is that, like most citizens, we are out of touch with the realities of criminal justice. Most of us are not judges, police, probation officers, or correctional officials. Most of us do not have regular contact with criminals or prisoners; most of us avoid contact with their victims. Our understanding of what happens in criminal justice comes not from direct observation or experience, but from assumptions, secondhand reports and mythology handed down as truth. I am thinking here of myths such as: tough laws bring down crime, victims want revenge, criminals are different from the rest of us, and justice equals hard treatment.

A third reason we either oppose or are reluctant to support reforms such as restorative justice is that we are not any better than our culture in dealing with conflict. We fight to win. We split big denominations into smaller and smaller ones. Churches split amoeba-like not because they are growing but because its members cannot resolve issues that look petty to outsiders, nor can they agree to leave the issue unresolved while loving one another.

I attend a church in Northern Virginia that is part of the Episcopal Church USA. Many in the congregation are concerned about the future of the Church, and some ask from time to time whether we should stay or leave that denomination. I checked on the Internet, and here is a partial list of related denominations that we might choose from if we left the Episcopal Church USA:

- The Reformed Episcopal Church
- The Protestant Reformed Episcopal Church
- The Continuing Episcopal Church
- The Charismatic Episcopal Church
- The Southern Episcopal Church
- The Southern Episcopal Church of the USA
- The Traditional Episcopal Church
- The Traditional Protestant Episcopal Church

We could join:

- The Communion of Evangelical Episcopal Churches
- The Episcopal Missionary Church
- CME (Christian Methodist Episcopal)
- AME (African Methodist Episcopal)
- AME Zion
- The Free Episcopal Church
- or (just so everyone is clear)
- The Christian Episcopal Church

Perhaps we would want to affirm our Anglican heritage by joining

- The Independent Anglican Church
- The Anglican Independent Communion

The Anglican Catholic Church  
The Anglican Catholic Communion USA  
The Anglican Rite Old Catholic Church

We could identify with Orthodoxy by joining:  
The Anglican Orthodox Church  
The Orthodox Anglican Communion  
The Episcopal Orthodox Church

If we were concerned that we might lose our national identity, we could become part of:

The Anglican Church in America  
Anglican Evangelical Church of the United States  
The Evangelical Anglican Church of America

And if we want to underscore that although we left a denomination, we still believe we enjoy apostolic succession, we could join:

The Apostolic Episcopal Church  
The Apostolic Episcopal Church Anglican Rite  
or the hopefully named  
Apostolic Episcopal Church-Order of Corporate Reunion

This is the staid Episcopal Church!

Three reasons Christians might oppose reforms like restorative justice: 1) we belong to churches that have become institutions with a stake in the status quo; 2) we are out of touch with the people most affected by the justice system, and 3) restorative justice is a foreign concept as we deal with our own conflicts.

So why do I think there is a role for churches in criminal justice reform? It is not because of what the church is, but because of what it is called to be by its leader, Jesus Christ.

First, we are called to be a people, not an institution. I love the terms used in Scripture to refer to the church. We are a *body*, working together in unified, coordinated fashion. We are *living stones*, not dead stones used to build cathedrals (and prisons). The image of living stones is nice because it connotes a structure with stability but also one with flexibility. We are called to be a *people*. Out of a mass of disconnected individuals we gain an identity and a relationship because of the work of Jesus.

Second, we are called to minister among those who are in need. "Who is my neighbor?" the lawyer asks Jesus. It turns out that loving our neighbor means carrying for the crime victims we encounter on the road to Jericho. "Where were you Jesus?" the nations ask when they stand before him. It turns out that Jesus

was in prison, he was hungry, he was naked, he was sick. When they ministered there, they ministered to him.

Think about this for a moment. We have no excuse for not understanding what really takes place in our justice system. For not seeing that everything those systems do is an approximation of justice at its best, and an injustice at its worst. We forget, because we usually see it gilded and polished, that the cross was a messy means of torture and execution. The cross of Jesus is a symbol of injustice – an innocent man put to death at the instigation of religious leaders. Injustice continues today.

I do not mean to question the motives of people involved in the justice system, although all of us are human, have limitations and are sinful. Practitioners of justice are not the enemy (with rare exceptions). My point is different; we have no excuse when injustice is done in our names. We cannot say, "I had no idea" because we have been called to be among those who could have told us.

Third, we are called to be ministers of reconciliation. Reconciliation between God and humanity; reconciliation between those in conflict. We are called to live in relationship, not to be right. The relationship is to be characterized by justice, mercy and compassion. 'Administer true justice; show mercy and compassion to one another (Zechariah 7:9). Notice that these are action words, not passive descriptions or platitudes. Do justice. Show mercy. Extend compassion. Do so to one another.

But this is not easy to do. It is certainly not easy when we respond to crime. I thought of that a few days ago as I read a trip report of another colleague of mine, Graeme Taylor, who just visited Rwanda. You see, we are working with Prison Fellowship Rwanda on something we call the Umuvumu Tree Project, an effort to promote reconciliation in the aftermath of the genocide. The Umuvumu tree is like the sycamore-fig tree of Palestine, and is the tree Zacchaeus probably would have climbed had he met Jesus in Rwanda.

Rwanda's genocide prisoners – 110,000 of them – have been waiting for years for trial. They live in miserable conditions. At the rate that cases have been heard by the Rwandan courts and the UN tribunal, it has been estimated that it could take another 200-600 years to get through all the cases. So Rwanda is resurrecting indigenous processes known as gacaca that will hear the lower level cases (that is, the cases involving people who are accused of participating in the genocide but who were not the ringleaders or masterminds).

What will happen when these people face their accusers? Will those who participated admit their involvement, or will they deny what they did? What about their victims? Will they accept confession and apology, together with commitments to do community service as a sign of restitution? Will there be reconciliation, or will there be tension, hatred and renewed violence?

The goal of the project is to raise the possibility of alternative ways of responding to one another, ways that can lead to reconciliation and peace.

Graeme Taylor has just visited Rwanda to do some initial training. I will be returning to Rwanda in a few weeks to work with the people who will lead the large meetings in prison. So I was interested in what Graeme had to say.

He described a visit to the main prison in Kigali, the capital of Rwanda:

We were ushered into the side door of the chapel area where close to 500 or 600 inmates were gathered. The sound of their singing had been heard ever since we arrived on the site. The thing that struck me was the joy in their faces as they sang at full volume and moved to the African beat of the songs. Shakers made from old boxes and drink cans provided some of the backup while the drum kit made from oil drums sounded the main beat and accompanied the electric guitars. I just wish I could “bottle” that atmosphere and take it back to my church and my home group and my family. It is so hard to accurately describe and convey the things that you see and hear in the course of working with PFI. God is at work in these people’s lives in a way that many churches would only dream of.

The next day he visited one of the genocide sites, this one on the outskirts of Kigali commemorating the 250,000 people killed in the Kigali area.

All these bodies have been methodically counted and laid to rest in coffins or simply stacked as piles of bones for future cleaning before display in the museum. Even now there are people saying that the genocide didn’t happen. Shades of the Nazi Holocaust. Estimates of the total number killed in the 1994 genocide range from 700,000 to as many as 3 million. No one will ever really know.

It was sobering to be confronted with stacked coffins in one vault and row upon row of bones and skulls in temporary shelters. Some skulls showed obvious machete cuts across the back of the skull. I experienced a feeling of deep sadness when faced with the reality of so many deaths caused by the perpetrators of the genocide. What overtook the killers to allow them to behave in such a way? What spiritual forces were unleashed on Rwanda in those frightening and terrible days?

And the centuries’ old question returns. Why did God allow the killers to carry out their horrible crimes? Where was He when this happened? Many theological essays and books have been written on this subject, but explanations sound very weak when one is confronted with such unfettered evil.

Other questions floated through my mind. How do human beings deal with this much suffering? How can there be justice for the victims? How does a nation deal with the perpetrators and planners of the genocide and those directly responsible for the killings?

A more disconcerting question was how I would feel if these bones were of my family members? How would I cope with the depth of suffering that almost every citizen of Rwanda has known? Where would my faith in God be after experiencing that sort of pain?

The contrast between this great sadness and my visit to the joy-filled prison 24 hours earlier was astounding. Then suddenly, something that should have been patently obvious slowly dawned on me. Many of the joy filled prisoners I had met 24 hrs earlier had been directly involved in the mass killings, the rape and torture of women and children.

And many of the joy-filled Christians who love and serve Jesus in the towns and cities of Rwanda are victims who have been badly affected by the genocide. Masasu, a board member of PF Rwanda and a smiling, loving and enthusiastic pastor of local churches, lost both his parents and all of his village members in 1997 when the spirit of the genocide was still very real in some parts of the country. It didn't all cease after 3 months.

I experienced profound sadness as I witnessed the evidence of human destruction and death. And yet I also saw and felt amazing joy and peace and happiness and fulfilment in Christian people, whether victims or offenders. Both could both express joy to a loving and caring Heavenly Father. Where was God during the genocide? I cannot easily answer that.

Where is God now? This I see and know. He is at work in the lives of people on both sides of the tragedy. I can see signs of the restoration that He, and only He, can bring after such devastation to a nation.

The church in Rwanda must be a people, a body. It cannot be an institution because the church as an institution was part of the problem. The church must work among those who are victims and offenders, offering the love of Jesus in tangible ways. The church in Rwanda must minister reconciliation.

So must the church in America, and in other parts of the world. Our leader, Jesus, calls us to that.

That is why the church must have a role in the restorative justice reform movement. It is what we are called to do.

What is that role to be? Let me briefly suggest several things that the church can do:

1. We can provide support and encouragement for those who are involved in the movement, locally, nationally and internationally. Churches in Canada have offered their buildings as places where mediations, circles, conferences and other restorative processes involving victims, offenders and their families can take place. The community group or agency running the program does all the work, including the facilitation. The churches provide space, a host or hostess to welcome the people, and light refreshments for the conclusion of the meeting.
2. We can strengthen and expand the conceptual understanding of restorative justice by exploring its theological and pastoral dimensions. We have much to offer here, although we need to offer it carefully.
3. We can look for signs of Jesus' presence in the restorative justice movement. Part of what we do as followers of Jesus is try to discern where he is working. I believe that he is actively involved in a wide movement toward reconciliation. Others – non-Christians – in the movement have noticed that there seems to be a spiritual dimension to restorative justice work. As they grow increasingly convinced of this, they begin to look for explanations. Most look to eastern religions, New Age thinking and so on. Most would never think to look at Christianity because they have never experienced anything so powerful and positive out of Christianity.

This is tragic, because I believe that Jesus is actively working now to bring about justice that restores. I believe that it is God's spirit that people encounter during these meetings. I have a friend, a Christian who is also Maori (the indigenous people of New Zealand). Listen to what he says about the New Zealand efforts to deal with violations of the Treaty of Waitangi, a treaty entered into between the Queen of England and the Maori indigenous population that occupied New Zealand before the arrival of the Europeans.

To Māori, the Treaty of Waitangi is seen as central to the establishment of trust and confidence between all New Zealanders. It heralds hope that we are indeed entering an age of reconciliation.

The recent efforts of the government to resolve historical Treaty grievances through a claims settlement process has to it a spiritual dimension that goes largely unrecognized in government circles. The prevailing government view emphasizes economic and materialistic dimensions of life at the expense of the spiritual. In Māori society, the spiritual dimension of life forms an integral part of the whole, and is incomprehensible when fragmented from it. Our spiritual psyches make us more open to attributing collective coincidence to divine influence.

The emerging view is that we have entered an age of reconciliation and that God is calling us to repent for past sins, and

to make restitution. Repentance necessarily involves restitution – otherwise it is like faith without works....

[This] is an age, therefore, when the ideas of partnership and reconciliation sit behind God's plans for us. But above all, it is the realization that God values us as we are and intends that we should worship in unity. ).<sup>3</sup>

What this man suggests is that material and economic lenses are not adequate to understand what is happening. To fully understand, we need spiritual discernment as well. One of the roles of the church in restorative justice, I believe, is to exercise spiritual discernment.

How can we develop a theologically profound and insightful understanding of restorative justice? What are the kinds of things we could do to join the movement? How do we develop and reflect on what we discern with restorative justice? These are some of the issues that we will be discussing in the next few days. They are exactly the kind of issues we must discuss if we are to help the church find its given role in the restorative justice reform movement.

So I congratulate you on coming, and I look forward to our time together.

Thank you.

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<sup>3</sup> Kim Workman, "M≡ori Pentecostal Christians and the New Millennium," p.7.