

“Theological Reflections from a Restorative Justice Practitioner”

By Ted Lewis May 2020 Bethel University RJ Course

*“(Restorative justice) has about it both the mark of the cross...
and the hope of a world in which all is known and all is put to rights.”*

-- N.T. Wright, *Evil and the Justice of God*

Good Friday. What an amazing juxtaposition between two approaches to justice! On one hand we have a display of conventional justice, carried out within the frameworks of first-century Jewish and Roman protocols. The crowd also played a part in the matter, demanding mob-justice. The disciples, of course, were completely discombobulated; they felt powerless in the face of harsh expressions of justice that unraveled their past three years. Altogether, we see in the passion story of Jesus the delivery of a procedural justice through trials, crowd-clamor and punishments fit for a Galilean rebel-rabbi who stirred up the status quo in Judea.

On the other hand we have the unique display of God’s justice which is embodied in the events of Good Friday and Post-Sabbath Easter. This is also the display of God’s righteousness, since the Greek word is the same for justice. There is both vulnerability and vindication at work here. This is a justice that paradoxically, through institutionally-sanctioned death, brings redemptive life. It brings about a new order of shalom, a new way of relating to others, indeed, a new future. In fact, as Rene Girard has helped us see, this new justice even deconstructs and disarms the death-delivering aspects of conventional justice.

The first view of justice seems to result in *separations* for the sake of maintaining the social order; it primarily protects institutions. The second view of justice results in *integrations* for the sake of building a new social order; it primarily restores relationships. In doing so, though, it does not serve the interests of the status quo.

For Christians who aspire to mold their lives according to this momentous inbreaking of God's justice through the life, death and resurrection of Jesus, the categories of the past, present and future are enlivened. Another way to say this is that through Jesus, God's future broke into human history, making it possible for humanity to reconstitute the way people live in the present. As the revelation of this inbreaking is in our past (no less than the Exodus event is in the past for all Jews), *remembrance* of God's past deeds is vital in sustaining communities of faith. In light of this, Christians are a...

1. Eucharistic People -- 'giving thanks' for a **past** event which continually informs the present through our participation.

Redemptive powers that are sourced in past history not only influence our priorities in the present; they also open up new windows to the future. In fact, through Jesus, God's future kingdom was embodied and set loose like a catalyst, and with the departure of Jesus, God's people, with the aid of the Spirit, have been given a charge to carry forth the mission of incarnating this future. "On earth as it is in heaven." Through anticipation, we live today *as if* living in God's new kingdom. (Again, Jews share a similar charge in the Abrahamic call to be a blessing to all nations.) In light of this, Christians are also a...

2. Proleptic People -- 'leaning forward' toward a **future** era of shalom which continually informs the present through our participation.

And so, as followers of Jesus, we are sustained by both memory and anticipation. We draw faith-based motivation for how we live in the present from both the unseen past and future. When the hard things of the present trouble us and create disorientation, we simultaneously look back *and* look forward to reorient ourselves. The psalmists did no less, affirming a wider faith in the midst of trouble and violence.

Is it any wonder, then, that a justice response to the troubles of our world would ideally help us find resolution and new orientation according to things past and things future? In a profound way, the same dynamics of redemption that can be mapped out on a cosmic and theological level correspond well to redemptive dynamics that happen on a micro level between people separated from each other by conflict or harm. God's redemptive processes can be mirrored in human communication processes.

Restorative Dialogue and Time

As a restorative justice practitioner for the last 25 years, I have consistently noted how the natural flow of dialogue between harming and harmed parties progresses *from past to present to future*. A standard outline for a facilitated conference between an offender and a victim survivor (who both would have support people and family members present) would cover...

1. Storytelling Discussion -- What Happened? Past
2. Impact Discussion -- Who Was Affected? Present
3. Resolution Discussion -- What Repairs Are Needed? Future

When training facilitators, I emphasize how parties need to experience some sort of SHIFT point before they will be able to talk about future matters. To use a bumper sticker phrase, **Shift Happens** when both sides have received something positive

from the other in the verbal exchange, allowing them to put mistrust or hard feelings behind them. This is primarily a ‘heart-zone’ dynamic that happens when deeper empathy and understanding help each side to connect more with the humanity of the other. The best verbal gift assisting a shift is an apology which itself is a condensed, micro-version of things past, present and future.

Returning to the outline above, shift typically happens between discussion areas 2 and 3. Once there is a fullness of sharing and listening in the first two areas, there is an energetic relaxing that happens which allows everyone to move forward and talk about future resolution. The bottom line is that it is very hard for anyone to talk about the future when they are still stuck in the past. Restorative dialogue is designed to help people revisit the past in order to set the past to rest. Obviously when the grip of the past is deep due to trauma and mistrust, the process takes longer, often with more preparation. Without the intentional depth-work of touching the past, it is difficult for an impacted person to take steps forward. Through trust-building, empowerment, validation and ‘being heard’, victimized people can begin to release the weight of the past which captivates their inner life and imagine a future of new possibilities.

Meanwhile, offending persons have a dignified space in restorative dialogue to express ownership for their actions and hear how others have been affected by their actions. This deeper learning feeds into a new sense of responsibility to make things right. Note how this sense is born within them rather than being leveraged externally from a legal framework. The motivation to make amends and to not reoffend is now based on the strengthened respect they have for the person or persons they previously harmed. Again, the only way to enliven this new sense of responsibility is for an offender to have the “response ability” to hear new content about how their actions happened in a wider setting of impacts. Restorative facilitators, in short, hold space in which “the New” can be heard and then responded to. This inbreaking of the New,

awakening both conscience and heart, is what seeds new behavioral changes for the future.

Vulnerability, Trust and Intersubjectivity

But why would people who have been harmed or who have caused harm want to come together for conversation in the first place? If they are already feeling disempowered and vulnerable as a result of being impacted or arrested, why would they possibly want to proceed in a process that requires even greater steps of vulnerability to have open dialogue with each other? What is it that lets people take such a ‘leap of faith’?

The bottom line is that in a restorative process, everything hinges on TRUST. Due to the *debit of trust* resulting from past harms or conflicts, people can only take steps toward healing dialogue when a *credit of trust* is built up. This is why facilitators, mediators, circle keepers, etc., are so vital to the process. They journey with people and hold space for people in ways that allow initial walls of mistrust to come down and bridges of trust to be built. At some point, victimized and offending people take the calculated risk to ‘ready’ themselves for joint dialogue, knowing deep down that it is the best thing for themselves. Only later in the process will they discover that it is equally the best thing for the other.

This dyadic dynamic is seen biblically in the concept of forgiveness. Modern clinical perspectives on forgiveness emphasize how forgiveness is essentially something the forgiving person experiences within themselves when they release the heavy emotional burdens of negative thoughts about another person. But in the biblical context, forgiveness always relational. Forgiveness has an experiential aspect *between* people to the extent that they each give a gift to and receive a gift from the other person. This does not mean that the language of forgiveness has to be used for forgiveness to happen. Forgiveness is much more experiential when people weighted

down by negative sentiments discover the release of those thoughts and feelings. Biblical forgiveness understands how one's own inner peace is bound up with another persons' journey toward inner peace.

A new word that sheds more light on this topic of dyadic encounter is *intersubjectivity*. This simply means that each side has an experiential connection or sharedness with the other that is meaningful to both. In short, intersubjectivity means that each person (or subject) has an influence on the other. Even before harms and conflicts are resolved, you could say that victimized and offending parties are intersubjectively engaged with each other through fear, anger, mistrust, grudges, revenge, and so forth. A restorative process basically helps people who are interlocked with each other through clashing narratives to reach a shared narrative that disarms the power of negativity between them. Empathy rather than antipathy now connects them in renewing ways. They connect with the humanity of the other person, which, of course, is held in common. I have often heard victims say to me after a deep, healing process, "I can now sleep better" or "I can breathe more easily now." Offenders will say to me, "I feel so much better now" and "I'm so glad I came today."

Back to the Bible and Theology

The Bible is full of intersubjectivity, even on a theological level. I like to think that God has a dual-solidarity with victims and offenders of harm. This is seen in the biblical themes of...

1. God's siding with those who suffer from injustices
2. God's dignifying of those who commit sins against others

In most societies, concern for victims is not highly prized, nor is the dignity of perpetrators held in high regard. Both victims and offenders are marginalized from

being productive participants in the social order, and in some cases their statuses are frozen in place without the chance of reintegration. This reinforcement of victim and offender identities serves well to protect certain institutions from being changed or replaced.

But in the Bible, concern for victims is revolutionary, no less than the dignifying of human beings as sinners. It maintains a distinction between one's personhood and one's behavior. The old adage "Love the sinner and not the sin" speaks volumes in this context as it sustains a new social order where apology, forgiveness, and reconciliation can be normative, without being 'soft' on sin. Note, however, that societies that marginalize victims and offenders, keeping them disempowered or divided, hold little to no place for the furniture of restorative dialogue, including apology, forgiveness and reconciliation.

Have you ever considered how the act of a spoken apology is like a miniature death? One has to swallow their pride a bit to even get the words out. A genuine apology *should* be hard to say, precisely because the ego is going through a bit of crucifixion. But the amazing thing is that through this 'willing death,' new life comes forth. The heart-felt honesty that admits ownership (past), expresses empathy (present), and assures reparation (future), leverages away the hard feelings stored in the person hurt, and, miraculously, leverages away the guilt and shame stored in the person causing the hurt. Is this not a picture of atonement? Literally, *at-one-ment*, as the Old English term suggests. The death and resurrection process exemplified through an apology bears testimony to a God who created social reality to work just this way. In this way we recognize the cruciform nature of an apology within a restorative context. As N. T. Wright put it in the quote above, restorative justice has both the mark of the cross about it and the resurrection hope that all is put to rights. Every time we have a heart-to-heart conversation with a friend or family member, we experience this.

We return, then, to the theme of God's justice being new and liberative in a world where harms and conflicts happen all the time. If God's people are asked to reflect the relational qualities of the God they serve, then it follows that restorative justice, in the sense of making things right relationally, will be a prime witness to God's realness. Practical questions still remain to be explored. How might God's people embody this sort of justice in a missional setting? How might they embody it in a communal setting? How might this form of justice have expression in the context of polarizing issues? How would it look in sustaining democracies that rely on civic participation? And finally, on a personal level, how does such a justice play out for an individual's own journey of healing and formation?

What we do know is that restorative justice will always have the mark of the cross about it, taking things seriously and requiring both healing and accountability. At the same time it will have the mark of Easter upon it too, inspiring the best in people to rise up with hope so they can reach forward to a new future rich with possibility.