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The Contribution of Religion to Restorative Justice Behind Bars

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Abstract
The present article discusses restorative justice as a distinct way of looking at criminal justice, in particular at imprisonment. It aims to explain how and why some of the fundamental goals of restorative justice, such as reconciliation, reintegration, encounter, and forgiveness are more compatible with the Christian doctrine than with most present approaches to crime. Exploring the conceptual relationship and the contribution of Christianity to the promotion of restorative justice, and *vice-versa*, a second practical compatibility emerges between Christianity and imprisonment, with reference specifically to the restorative justice programs developed by faith-based organizations behind prison bars in New Zealand and South Africa.

Although the article is written from a Christian perspective matching the clear (Christian-oriented) nature of the programs where the qualitative data derive from, it is not intended to be exclusionary. Restorative justice has application beyond the Judeo-Christian dogma and its principles are deeply embedded in all major religions. But Christianity is undoubtedly dominant both in restorative justice and in prison settings, as it has been constantly involved in the spread and delivery of numerous in-prison restorative justice programs worldwide.

Keywords
imprisonment; Christianity; contribution; restorative justice; common ground

1. Introduction

"*Blessed are the peacemakers, for they will be called children of God*"[1]

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[1] Matthew 5: 9.

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The present article examines the role of the Christian Church in criminal justice reform, especially the role of the Church as part of the slowly expanding restorative justice movement within prisons. The emphasis on Christianity is not a random choice but it is based on conceptual and practical criteria. Christians and non-Christians often share similar values, and both have noticed that restorative work has a spiritual dimension.[2] Although non-Christians make up a substantial portion of the restorative justice movement worldwide today, the majority of in-prison restorative justice initiatives have been by people of faith in chaplaincies, national and international (Christian) faith-based organizations, and religious groups active in social welfare.

At a practical level, this choice also matches the spiritual background of the restorative justice programs from which we derived our qualitative data. This is not to suggest that it is only the Christian Church or some broader faith community that can work for restorative justice, nor that a Judeo-Christian context is the only one that can work for criminal justice reform. The majority of prisoners who participated in the restorative justice programs in which I have been involved, although admitting to the "faith" element, did not necessarily classify themselves as adherents to a particular dogma. Henceforth, when I mention religion or religiosity I refer to Christianity of all denominations. I adopt this approach because in the last decades the Christian Church has been a vigorous supporter of judicial and penal reform,[3] probably because the Christian dogma is anchored in restorative principles, or *vice-versa*, restorative justice shares some of its fundamental values with Christianity.

1.1. The Significance of the Study

Throughout the history of penal practice, religion has been a major force in shaping the ways in which the legal system deals with offenders.[4]

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[2] Daniel W. Van Ness, *The Role of Church in Criminal Justice Reform*, paper presented in the "Justice that Restores" Forum (2002), 10.

[3] Such a claim could be backed-up by the faith-based programs mentioned below, as well as from numerous other programs developed in and outside prisons by faith (usually Christian) organizations, for example the Prison Fellowship International, the Community Chaplaincies, and the Church Council on Justice and Corrections in Canada (which also played a significant role in the abolition of capital punishment in Canada). *See* Church Council for Justice and Corrections, *Satisfying Justice: Safe Community Options that Attempt to Repair Harm from Crime and Reduce the Use and Length of Imprisonment* (1996).

[4] David Garland, *Punishment and Modern Society: A Study in Social Theory* (1990), 203-204.

The history of incarceration in particular has been intimately intertwined with religious movements. In the early 1970s, the restorative justice movement began to gain momentum in Canada under the auspices of the Mennonite Central Committee (Church) by introducing victim-offender mediations.[5] For contemporary theorists like Zehr,[6] Mackey,[7] Bianchi,[8] and Newell[9] who argued for restoration from a biblical perspective, religion has been a major contributor to the promotion of restorative justice, and it has played a central role in the modern prison system.[10] Indeed, religious programs in correctional settings have been the most common form of institutional programming for inmates.[11]

Except for specialized Christian studies, there has been little formal research on the relationship between religion and restorative justice and the crucial relationship between spirituality and criminal justice has been largely overlooked.[12] Workman[13] argues that there is a lack of social science research in the area of corrections concerning the influence of religion on criminal justice policy making. But there are compelling reasons to scrutinize the relationships between religion, restorative justice and punishment (imprisonment). This is especially so if we consider that most in-prison restorative justice programs rely on and prison-based ministries and are delivered by them. These programs aim to promote the character transformation of the offenders through the development of religious ethics and moral values.[14] Thus, the present article responds to the absence of qualitative research in the area of faith-based restorative justice practices in prisons. It also expresses my personal desire to present the views of the imprisoned men and women whose attitudes have been changed by participating in such programs, and who have been able to find hope, healing and restoration.

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[5] Dean E. Peachey, "The Kitchener Experiment", in M. Wright & B. Galaway (ed.) *Mediation and Criminal Justice: Victims, Offenders and Community* (1989).

[6] Howard Zehr, *Changing Lenses: A New Focus for Crime & Justice* (1990).

[7] Virginia Mackey, *Restorative Justice: Toward Nonviolence* (1990).

[8] Herman Bianchi, *Justice as Sanctuary: Toward a New System of Crime Control* (1994).

[9] Tim Newell, *Forgiving Justice: A Quaker Vision of Criminal Justice* (2000).

[10] Todd R. Clear, Brian D. Stout, Harry R. Dammer, Liz Kelly, Patricia L. Hardyman & Carol Shapiro, *Does Involvement in Religion Help Prisoners Adjust to Prison?* (1992), 1.

[11] Todd R. Clear & George F. Cole, *American Corrections* (4th ed., 1997).

[12] Michael L. Hadley, "Introduction: Multifaith Reflection on Criminal Justice", in M.L. Hadley (ed.) *The Spiritual Roots of Restorative Justice* (2001).

[13] Kim Workman, *The Influence of Religion on Inmate's Adjustment and Recidivism: A Summary of Recent Research*, report prepared for Prison Fellowship New Zealand (2001), 2.

[14] Marilyn P. Armour, Liliane Cambraia-Windsor, Jemel Aguilar & Crystal Taub, "A Pilot Study of a Faith-Based Restorative Justice Intervention for Christian and Non-Christian Offenders", 27 *Journal of Psychology and Christianity* (2008), 159-167.

Furthermore, it is intellectually irresponsible to ignore the "faith factor" in addressing social problems, especially when empirical evidence suggests that religious belief can make a positive difference.[15] Religion has been largely perceived to be a powerful tool in bringing about behavioural and social change. Faith-based restorative justice programs have shown promise in influencing offenders' criminal behaviours and internal motivations.[16] It has been argued that faith prevents relapse into criminal activity without diminishing its immediate impact on the inmate during the period of incarceration serving to prevent devaluation, and foster survival and inner change.[17,18] Religion tends to create a shift in how inmates reconcile their past and current selves by providing a new lens for viewing their lives and allowing them to reinterpret their current situation into something more positive and controllable.[19,20] Research findings generally suggest that there is a negative relation between religion and crime, reflected in reduced recidivism and improved reintegration.[21] Research carried out in New Zealand indicates that religiousness has a significant effect on motivating offenders to desist from crime and distance themselves from criminogenic factors.[22] Results from similar research also show that religion has physical and mental benefits in withstanding other anti-social influences, such as alcohol and drug abuse,[23,24,25] and that it may enable

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[15] *Supra* note 13: 3.

[16] *Supra* note 14.

[17] David T. Evans, Francis T. Cullen, Gregory R. Dunaway & Velmer S. Burton, "Religion and Crime Re-examined: The Impact of Religion, Secular Controls, and Social Ecology on Adult Criminality", 21 *Criminology* (1995), 29-40.

[18] Todd R. Clear, Patricia L. Hardyman, Brian Stout, Karol Lucken & Harry R. Dammer, "The Value of Religion in Prison: An Inmate Perspective", 16 *Journal of Contemporary Criminal Justice* (2000), 53-74.

[19] Shadd Maruna, Leah Wilson & Karthyn Curran, "Why God is Often Found behind Bars: Prison Conversions and the Crisis of Self-Narrative", 3 *Research in Human Development* (2006), 161-184.

[20] Kent R. Kerley & Heith Copes, "Keepin' my Mind Right: Identity maintenance and Religious Social Support in the Prison Context", 53 *International Journal of Offenders Therapy and Comparative Criminology* (2009), 228-244.

[21] *Supra* note 10.

[22] Julie Leibrich, *Straight to the Point: Angles on Giving Up on Crime* (1993).

[23] Steward J. Levin & Harold Y. Vanderpool, "Is Frequent Religious Attendance Really Conducive to Better Health? Toward an Epidemiology of Religion", 24 *Social Science and Medicine* (1987), 589-600.

[24] Allen Eric Bergin, "Values and Religious Issues in Psychotherapy and Mental Health", 46 *American Psychologist* (1991), 394-403.

[25] John Gartner, David B. Larson & George D. Allen, "Religious Commitment and Mental Health: A Review of the Empirical Literature", 2 *Journal of Psychology and Theology* (1991), 15-23.

prisoners to cope adaptively with incarceration, hampering interpersonal aggression caused by the "pains of imprisonment".[26,27,28]

1.2. The Aims of the Study

The present article considers the aspects of crime and punishment, especially imprisonment, from a Christian[29] perspective, for the purpose of developing a theologically profound and insightful understanding of restorative justice. The *first* objective of the paper is to identify the elements of Christianity relevant to restorative justice that have a significant bearing on crime and punishment. An additional objective is to discover the role and involvement of the Christian Church and faith community in the promotion of restorative justice and in the caring for prisoners, as well as in the reintegration of ex-offenders into society. This is a preparatory step to exploring the compatibility and the "common ground" on which Christianity meets and contributes to the vision of restorative justice.

The *second* aim of the article is to discover how the faith community contributes to the development of restorative justice programs by initiating a process of healing to the offenders. The article reveals the meaning of religion for inmates and calls attention to the mutual relationship between religion, more specifically Christianity, and restorative justice in order to underline the significance of religion in the development and delivery of restorative programs in prisons. Rather than measure religion's effectiveness by the expected odds for repeated arrest and recidivism, this study focuses on the non-quantifiable value of religion seen through a restorative prism and from the perspective of the inmates. In other words, the purpose of this article is to tell the stories of those inmates who found hope, healing and restoration by participating in faith-based, Christian restorative justice programs. The article does not intend to evaluate these restorative programs, however, especially not against re-offending rates, because even if restorative justice did not affect recidivism, it may have had

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[26] Todd R. Clear & Melvina T. Sumter, Prisoners, "Prison and Religion: Religion and Adjustment to Prison", 35 *Journal of Offender Rehabilitation* (2002), 127-159.

[27] Kent R. Kerley, Todd L. Matthews & Troy C. Blanchard, "Religiosity, Religious Participation, and Negative Prison Behaviors", 44 *Journal for the Scientific Study of Religion* (2005), 443-457.

[28] Shanhe Jiang & Thomas L. Winfree, "Social Support, Gender and Inmate Adjustment to Prison Life: Insights from a National Sample", 86 *Prison Journal* (2006), 32-55.

[29] Although there are various denominations within the Christian dogma and irrespective of important differences of interpretation and opinion of the Bible on which Christianity is based, all Christians share a set of beliefs that they hold to be essential to their faith.

other significant gains, such as victim healing, development of social skills, moral growth of participants and strengthening of communities.[30,31] Therefore, the aim of the article is to "give voice to the voiceless"[32] by allowing those male and female prisoners whose lives and attitudes have been changed by participating in faith-based restorative justice programs to tell their stories.

1.3. The Research Methodology

This study uses a qualitative research methodology. Qualitative methods attempt to answer a question rather than test a hypothesis.[33] They have often been used to study particular communities rather than to test single hypotheses.[34] Prisons are communities, and as such, places where qualitative research can provide detailed information in the areas of interest. Qualitative research methods also include a healing and human restoration component for both participants and the researcher.[35]

A good deal of restorative justice literature uses quantitative research methods,[36] but these studies cannot isolate what it is about restorative justice that contributes to their results[37] and what motivates participants to get involved. Without beginning the investigation with a list of predetermined concepts, a guiding theoretical framework, or a well thought-out design,[38] the present analysis is based on the grounded theory method, which can generate theories using an inductive approach[39] and conceptualize certain observed phenomena by means of the data. The methodological function of the qualitative data is to investigate the connection between the Christian ethos and the notion of restorative justice in custodial

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[30] Nils Christie, "Conflicts as Property", 17 *British Journal of Criminology* (1977), 1-15.

[31] Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2002), 144-150.

[32] Lisa Isherwood & Dorothea McEwan, *Introducing Feminist Theology* (1993), 87.

[33] Gordon B. Willis, *Cognitive Interviewing: A Tool for Improving Questionnaire Design* (2005).

[34] Susanna Bibler-Curtin, "*Qualitative Research in Law and Social Sciences*" (n.d.a.). Retrieved 8th October 2009, 3, http://www.wjh.harvard.edu/nsfqual/courtinpaper.pdf.

[35] John H. Stanfield, "The Possible Restorative Justice Functions of Qualitative Research", 19 *International Journal of Qualitative Studies in Education* (2006), 723-727.

[36] Examining mainly recidivism rates and victim satisfaction indicators, but *not* restorative justice practices in prisons.

[37] James S. Bonta, Suzanne Wallace-Capretta, Jennifer Roonery & Kevin McAnoy, "Outcome Evaluation of a Restorative Justice Alternative to Incarceration", 5 *Contemporary Justice Review* (2002), 319-338.

[38] Anselm L. Strauss & Juliet Corbin, *Grounded Theory in Practice* (1997).

[39] Melanie Birks & Jane Mills, *Ground Theory: A Practical Guide* (2011).

settings, striving to minimize the danger that the author, a social agent with a particular point of view, strongly influences the data analysis process by his interests, experience and social situation.[40]

1.3.1. Data Collection

The qualitative data presented here have been collected by the author through participatory observation or active facilitation of two restorative justice courses delivered by Hope Ministry. One course involved male and female prisoners in the *Batho Pele* (People First) training centre of Pollsmoor prison, South Africa in 2011; the other was part of the Sycamore Tree restorative justice program[41] provided by Prison Fellowship to male inmates held in the *He Korowai Whakapono* (The Cloak of Faith) unit of Rimutaka prison, New Zealand in 2010.[42] The first restorative justice program in which I became involved was named "Women of Hope" and it took place in the female section. The second one was called "Bird Project", and was delivered in the Medium B section (males). Each program consisted of 11 sessions[43] over 2 weeks, and targeted convicted offenders (as opposed to those on remand), irrespective of the type of their crime. Both restorative justice programs were Christian-based and covered issues such as victim awareness, taking responsibility, making amends, apology and forgiveness. Participants came from various backgrounds. In the male section the majority of inmates were gang members, in and outside of prison. The number of participants fluctuated according to the program. For example, the Sycamore Tree program involved approximately 12 participants,

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[40] Avoiding the effect of the researcher's culture and point of view when interpreting social phenomena is difficult to accomplish in the context of social science. *See* Barney G. Glaser & Anselm L. Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (1967).

[41] The Sycamore Tree project is an in-prison program bringing unrelated victims and offenders together for discussions about crime. The program allows both parts to reflect together on the consequences of crime and the steps needed to address the harm that has resulted. This program has gained worldwide recognition and achieved positive results in the areas of re-offending and victim satisfaction. Measurements include the offenders' anticipation of re-offending, victim hurt denial, evaluation of crime as worthwhile, and perception of current life problems. *See* David Miers, Chris Hale, Mike Maguire, Ann Netten, Tim Newburn & Steve Uglow, *An Explanatory Evaluation of Restorative Justice Schemes*, Crime Reduction Research Series Papers 9 (2001). Also, *see* Simon Feasey & Patrick Williams, *An Evaluation of the Sycamore Tree Project Based on an Analysis of Crime Pics II Data*, Hallam Centre for Community Justice (2009).

[42] Both Rimutaka and Pollsmoor prisons are among the largest and most overcrowded establishments in New Zealand and South Africa, respectively.

[43] I participated in all of them.

whereas the two other courses given in Pollsmoor prison accommodated approximately 20-30 prisoners at a time.[44] In Rimutaka prison, all the offenders belonged to the faith-based unit where they resided, whereas in South Africa, they were inmates held in the section where the program was conducted. Participants had the right to withdraw at any stage without consequences, and were informed in advance that they would receive no special treatment and no benefits other than those derived from the program itself.

All the above initiatives are voluntary, take place during offenders' incarceration, rely on the availability of victim volunteers and community facilitators, involve a specific number of group meetings, and do not affect the length of imprisonment to which offenders have been sentenced.[45] Although the format and duration of the programs varies, they both combine religious ethics with restorative justice philosophies. I chose to become involved with the particular unit at Rimutaka prison because of its uniqueness; at the moment, it is the only faith-based unit created within a prison environment. My participatory action research enabled me to study a social phenomenon not from a distance but in its natural setting, the prison, while trying to construct a participatory experience.[46] The data collected through perception research are important, relevant, valid, reliable, meaningful and generalizable.[47]

The empirical part of this study included informal interviews, direct observation, participation in the life of the prisoners,[48] collective discussions and life histories. A portion of the information presented here was collected in the course of four recorded, in-depth interviews personally conducted by the four (and only) PFNZ[49] officials being involved in the creation, operation and development of the faith-based unit at Rimutaka prison. The rest of the qualitative data were collected in hand-written

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[44] The size of the sample was decided by the coordinators (the Prison Fellowship in New Zealand and the Hope Ministry in South Africa) in order to meet the aims and requirements of each program, taking into consideration other variables and practicalities such as the number of facilitators available, relevant permissions by the prison authorities, space restrictions, and so on.

[45] Merilyn P. Armour, John Sage, Allen Rubin & Liliane Windsor, "Bridges to Life: Evaluation of an In-Prison Restorative Justice Intervention", 24 *Medicine & Law* (2005) 831-851.

[46] Norman K. Denzin & Yvonna S. Lincoln, "Introduction: The Discipline and Practice of Qualitative Research", in N.K. Denzin & Y.S. Lincoln (ed.) *Handbook of Qualitative Research* (2000), 3.

[47] Keith Ballard, *Disability, Family, Whanau and Society*, (ed.) (1994), 22.

[48] Spending my breaks at the prison courtyard and corridors.

[49] Prison Fellowship New Zealand.

form in the course of informal conversations, narratives of personal stories, and group discussions. From a methodological point of view, a series of in-depth interviews and my participatory observation were the most appropriate qualitative methods for exploring the meaning of religion in restorative justice within a custodial context. Participant observation appears to be appropriate for collecting data on naturally occurring behaviors in their usual contexts;[50] in-depth interviews are optimal for collecting data on individuals' personal histories, perspectives, and experiences, particularly when a sensitive topic, such as religion, is explored.[51] The careful selection of the above qualitative methods[52] allowed me to seek answers to questions, to gather relevant evidence, and produce findings without foreseeing to draw conclusions that can be generalized.[53,54] Most important, it gave me the opportunity to approach closely the objects of study, become the instrument of data collection, and experience the subjective dimensions of the phenomena in question.[55] In this way, I managed to understand the research topic from the perspectives of the local population involved, and examine how people experience this issue (restorative justice) succeeding to obtain culturally specific information about the values, opinions, behaviours, and social contexts of the population of prisoners.[56,57] Hence, I did not attempt to follow the rules of quantitative classification or categorization. Focusing on similarities of experience in order to build a typology that lead to a loss in the richness and individuality of the data.[58] Adapting to the very nature of the subject,[59] the qualitative methodology appeared to be the most viable tool for discovering what

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[50] Jennifer Mason, *Qualitative Research* (1996).

[51] Darin Weinberg "Qualitative Research Methods: An Overview", in D. Weinberg (ed.), *Qualitative Research Methods* (2002).

[52] Among a variety of other methods available. For example, Tesch distinguishes more than 40 types of qualitative research. *See* Renata Tesch, *Qualitative Research: Analysis Types and Software Tools* (1990).

[53] Robert Burns, *Introduction to Research Methods*, London (2000).

[54] Stephen D. Lapan, MaryLynn T. Quartaroli & Frances J. Riemer "Introduction to Qualitative Research", in S.D. Lapan, M.T. Quartaroli & F.J. Riemer (ed.) *Qualitative Research: An Introduction to Methods and Design* (2012), 8.

[55] Burke J. Johnson & Larry Christensen, *Educational Research: Quantitative, Qualitative, and Mixed Approaches* (4th ed., 2012).

[56] Natasha Mack, Cynthia Woodsong, Kathleen M. MacQueen, Greg Guest & Emily Namey, *Qualitative Research Methods: A Data Collector's Field Guide* (2005).

[57] David Silverman, *Doing Qualitative Research* (3rd ed., 2010).

[58] Sharan B. Merriam, *Qualitative Research: A Guide to Design and Implementation* (2009).

[59] As Bryman suggested, research methods are probably much more autonomous and adaptable than some epistemologists would like to believe. *See* Alan Bryman, *Quantity and Quality in Social Research* (1988), 124.

religion means in prison and what role it might play for restorative justice at an individual level.[60]

1.3.2. Analysis

I organized and meaningfully reduced or reconfigured the mass of data.[61] I tried to be rigorous and at the same time creative, to use existing ideas without prejudicing the data, to be comprehensive but also selective; therefore I used no *a priori* codes. Initial categorizations were not shaped by pre-determined questions and objectives. A rigorous and systematic reading and coding of the raw data, in an inductive process, helped the major categories emerge and represent the key themes.[62] The analysis was based on the notions of integration (relating various parts of data to other parts or to the data as a whole) and assimilation (relating the data to previous knowledge). The participants' stories and perceptions are heavily influenced by their cultural background and personal experience. The narratives of most of the prisoners reflect a story of criminal activity, violence, addictions, guilt, brokenness and hopelessness. My involvement either as a participant or as a restorative justice facilitator made me an insider-witness[63] and a fellow traveller in their restorative journey, allowing a community of support to develop within an environment of trust. The research findings presented here produced from multiple interpretations of the raw data by the researcher who collected and coded the data.

After the data acquisition was complete, the analysis of the collected data started with the transcription of the interviews and the arrangement of the hand-written memos,[64] which contained the personal narratives of the inmates recorded verbatim as well as the notes of the researcher. The aim of this process was to assemble and reconstruct the data in a meaningful way.[65] The first step was to review the purpose of the evaluation. Following the initial identification of key-questions that the analysis aimed to answer, I tested how all individuals or groups responded to each question and topic in order to identify consistencies and differences in their responses.[66] The next step was to organize the raw data into coherent

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[60] It would be conceptually imprecise and scientifically incorrect to quantify the sensitive, personal and highly subjective notion of religion.

[61] Matthew B. Miles & Michael A. Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* (2nd ed., 1994).

[62] Ian Dey, *Qualitative Data Analysis: A User-Friendly Guide for Social Scientists* (1993).

[63] Michael White, *Re-Authoring Lives: Interviews and Essays* (1995).

[64] Given that no electronic devices were allowed inside the prison establishments.

[65] Jorgensen, D.L. *Participant Observation: A Methodology for Human Studies* (1989), 107.

[66] *Supra* note 61.

categories that summarize to the text and ascribe meaning to it.[67] The analysis did not start with a precise list of themes or categories that would later form a common ground between religion and restorative justice; it employed a loose group of categories based on analysis of the literature. This common strategy has been called the "general inductive approach"[68,69] in which the concepts are not rigidly preconceived or restrained by structured methodologies but are defined as a result of working with the data. Therefore I adopted a *tabula rasa* approach to data analysis. The preliminary, generic list of categories was gradually modified through the analysis of the observation data and of the data collected through the individual interviews. The list was later adjusted and new categories were added when needed in order to accommodate the observation data recorded in field notes as a result of watching and listening. The new themes were developed by studying the transcripts and notes and considering their possible meanings and how these fit with developing categories. Themes and subcategories continued to emerge throughout the analysis process. In the end, the text that was not assigned to any category or was regarded by the analysts to be of low value or irrelevant to the research objectives was ignored.

2. The Problem of Contemporary Imprisonment

In the western justice system, imprisonment can be seen as the most serious regular form of punishment, with the exception of death penalty. All prisons are places of pain and suffering through forced deprivation and loss of autonomy, self-esteem and dignity. Imprisonment is therefore considered to be a form of punishment that contradicts human nature and assails every positive dimension of it: social, spiritual, psychological, and emotional. Nevertheless, historically prisons have been built with the intention to not only confine but also rehabilitate prisoners through discipline, work and personal change.[70]

Must prisons exist in their present model? Current prisons are coarse instruments against societal problems. They have often been characterized as the most hopeless of all modern institutions,[71] without fully deserving their title of "correctional institutions": prisons fail to correct offenders or make things better for them. Incarceration creates an enormous, alienated,

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[67] Patton, M.Q. *Qualitative Evaluation and Research Methods* (2nd ed., 1990).

[68] *Supra* note 62.

[69] Alan Bryman & Robert G. Burgess, *Analyzing Qualitative Data* (eds.) (1994).

[70] Michael Foucault, *Discipline and Punishment: The Birth of the Prison* (1979).

[71] Christopher D. Marshall, *Prison, Prisoners and the Bible*, paper presented to the "Breaking Down the Walls Conference" (2002).

and antisocial class hostile to the values of society and bound together in crime.[72,73] The "contagious nature of criminality"[74] attests to the fact that violent environments foster violence. Prisons are therefore self-destructive because instead of creating "prisoners of hope"[75] they perpetuate the behaviour that they are intended to control. They do by stripping away self-esteem and personal identity from already spiritually bankrupt prisoners,[76] without making sure that they are restored.[77]

> During the restorative justice class there was an exercise that I had to name 3 good things about myself [...] and then I realized that I couldn't name not even one (Jonathan, 2011).
>
> I don't remember having a happiest moment in my life [...] I was suicidal because I thought that everyone rejected me; that no one loves me (Lautu, 2010).
>
> Since I was very young (8 years old) I used to take drugs to hide my feelings (Jesse, 2010).

Imprisonment is rarely able to redeem this situation. Indeed, it does more to keep prisoners frozen in their current behaviours than developing programs that embrace growth and healing and that could reduce reoffending.[78] Contemporary prisons seem incapable of providing a sense of security to the general public, they do not encourage opportunities for repentance, and the insufficient restorative and inefficient rehabilitative initiatives[79] can accommodate only a small percentage of inmates. As a result, non-rehabilitated ex-prisoners return to the same criminal environment, even more marginalized and dysfunctional than before, as a result causing more damage to other victims.[80,81,82,83] In addition, long prison

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72 Vivienne Stern, *A Sin Against the Future: Imprisonment in the World* (1998), 8.

73 Larry J. Siegel, *Criminology* (11th ed., 2011).

74 Robert G. Culbertson, "Perspectives on Punishment and Sentencing", in P.C. Cotham (ed.) *Christian Social Ethics: Perspectives and Problems* (1979), 221.

75 Zechariah 9: 12.

76 Jim Consedine, *Restorative Justice: Healing the Effects of Crime* (1995).

77 Shadd Maruna, *Making Good: How Ex-Convicts Reform and Build their Lives* (2001).

78 Julian Roberts, *The Virtual Prison: Community Custody and the Evolution of Imprisonment* (2004), 151.

79 Albert R. Roberts & David W. Springer, *Social Work in Juvenile and Criminal Justice Settings* (2007), 45.

80 John Braithwaite, "Restorative Justice and a Better Future", in E. McLaughlin, R. Fergusson, G. Hughes & L. Westmarland (ed.) *Restorative Justice: Critical Issues* (2003), 56.

81 Jens Soering, *An Expensive Way to Make Bad People Worse: An Essay on Prison Reform from an Insider's Perspective* (2004).

82 Michael J. Lynch, *Big Prisons, Big Dreams: Crime and the Failure of America's Penal System* (2007).

83 Devah Pager, *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration* (2007).

terms at times break up the offender's family, so that in due course the children are in high risk to follow their parents' offending patterns.[84,85,86]

> My son ran away from school. He was looking for his father[87] (Quentin, 2011).
>
> Crime takes me away from my children. Now my children are without their mother (Tracey, 2010).

It is a common reality that the majority of prisoners worldwide are not dangerous psychopaths, but members of the most disadvantaged and marginalized sections of the population[88,89,90,91] a phenomenon that has turned prisons into warehouses or "carceral centrifuges"[92] for the poorest, discriminated and most vulnerable members of society[93,94] Offenders have usually been victims themselves at first,[95] and do harm to others because often similar harm has been done to them first:[96] "those who have wronged others, either often, or in the same way as they are now being wronged… the same wrong as they have often themselves done to others".[97]

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[84] Joseph Murray, "The Effects of Imprisonment on Families and Children of Prisoners", in A. Liebling & S. Maruna (ed.) *The Effects of Imprisonment* (2005), 449.

[85] Murray, J. & Farrington, D.P. "Parental Imprisonment: Effects on Boy's Antisocial Behaviour and Delinquency Through the Life-Course", 46 *Journal of Child Psychology and Psychiatry* (2005), 6-7.

[86] Sytske Besemer, Victor van der Geest, Joseph Murray, Catrien C.J.H. Bijleveld & David P. Farrington, "The Relationship Between Parental Imprisonment and Offspring Offending in England and the Netherlands", 51 *British Journal of Criminology* (2011), 413-437.

[87] The son does not know that his father is imprisoned.

[88] Paul O' Mahony, "Punishing Poverty and Personal Adversity", in P. O' Mahony (ed.) *Criminal Justice Ireland* (2002), 633.

[89] Christian Kuhn, *Human Rights of Prisoners*, Pontifical Council for Justice and Peace & International Commission of Catholic Prison Pastoral Care (2005).

[90] Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (2007).

[91] Chad Trulson, James W. Marquart & Ben M. Crouch, *First Available Cell: Desegregation of the Texas Prison System* (2009), ix.

[92] Morgan, R. "*Carcentricity: Fatal Attractions*", Edinburg: Annual McLintock Lecture. 2003. Retrieved 8th October 2009, http://www.sacro.org.uk/lecture2003.pdf.

[93] Phillip Thompson at a Reuters Forum at Columbia University, April 16, (1997) cited in Judith M. Green, *Deep Democracy: Community, Diversity and Transformation* (1999), 171.

[94] John Irwin, *The Warehouse Prison: Disposal of the New Dangerous Class* (2004).

[95] Jim Consedine, *Christian Morality, Restorative Justice and the Law*, paper presented at the World Catholic Prison Chaplains' Conference (1999), 70.

[96] Steven E. Brakan & George J. Bryjak, *Fundamentals of Criminal Justice: A Sociological View* (2nd ed., 2011), 167.

[97] Aristotle *Rhetoric* – Book I, translated by W. Rhys Roberts, (350BC/2004), 43.

> The starting point is that you've got 60 prisoners the majority of whom had a horrific background. At least 90% have had no privilege in their past [...] A lot of them come from gang families [...] They are "behind the eight ball" before they actually start (Barry PFNZ, 2010).
>
> During my childhood my father was beating up my mother [...] He had tried many times to commit suicide and I stopped him (Johnny, 2010).[98]
>
> I grew up in an environment where my father abandoned me a long time ago and my step-dad was abusing me. I didn't choose this life [...] Now I am in prison for violent crimes (Erefoon, 2011).
>
> I have been physically, mentally, emotionally and sexually abused and this is where my anger comes from: rejection, shame and hurt [...] I am not bad but that's the way I grew up. I grew up with a lot of anger. This was not the life that I wanted (Lautu, 2010).

To acknowledge this reality does not minimize the prisoners' culpability, neutralize them or excuse their accountability for the decision they have made, nor does it reduce the harm caused by criminal offending. It merely underlines the fact that criminal justice cannot be neatly separated from social justice[99] and helps understand the larger picture of crime. This picture includes the environmental circumstances and social conditions, such as poverty, unemployment, racism, alcohol and drug abuse, dysfunctional families that may turn people to crime, looking at both sides of the same 'coin' and accepting that the community has a moral responsibility that goes beyond stigmatizing people. The disproportionately high numbers of Māori prisoners in New Zealand[100] is matched in South Africa by similar proportions of coloured and black prisoners.[101] The violent communities of South Africa are considered to be the result of significant socio-economic gaps between races and the legacy of apartheid;[102] in New Zealand, the prison statistics reflect the long-lived social and economical inequalities.

This "systemic injustice"[103] toward the socially vulnerable classes has a direct effect on the way "reformed" offenders find their way "home", given that for most there is no fattened calf waiting upon their arrival, and at times, neither is there a home. Society appears to hope that offender comes

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98 Imprisoned for abusing his girlfriend.

99 *Supra* note 71: 8-9.

100 Michael Cavadino & James Dignan "Australia and New Zealand: Neo-liberal Punitiveness Down Under", in M. Cavadino & J. Dignan (ed.) *Penal Systems: A Comparative Approach*, (2006), 89.

101 Paola Zalkind & Rita J. Simon *Global Perspectives on Social Issues: Juvenile Justice Systems*, (2004), 123.

102 Edgar Pieterse, *Delivering Social Services to the Poor*, Dark Roast Papers, (2001).

103 David J. Bosch, *Transforming Mission: Paradigm Shifts in Theology of Mission*, (1991), 433.

out of prison ready to become a productive member, ignoring the obvious barriers of limited employment choices, drug and alcohol addictions, gang membership, and poverty. Most prisoners nowadays are "lost" and unfortunately "not found". The prison experience itself does not assist prisoners in making a significant change in their lives. Indeed, it perpetuates violence and stigmatization, and it reinforces their pre-imprisonment way of living, especially their gang affiliations and drug habits.[104]

> Although I don't belong in a gang, the whole situation in prison makes you to become one. They tease you everyday. For example, when you ask for food, they give you only soup or half cup of coffee, while to numbers[105] they give more. Like this, they force you to join them in order to survive [...] (Ferdinand, 2011).
>
> It's very difficult to make a change without being abused or ridiculed [...] That's the nature of prison. It's where the most violent and the most vile is the most respected (Jackie PFNZ, 2010).
>
> Prison was not rehabilitation for me. I was still gambling; I was still using drugs. Prisons had become my second – or better – my first home, as I didn't have any before coming to prison (Joybell, 2011).
>
> It's much easier to make friends with bad people (Michael, 2011).

Who, then, benefits from incarceration? Victims do not because their actual needs, which arise from the effect of crime, are not met.[106] Communities, certainly do not, given the already alarming recidivism rates and the cost to the taxpayer of maintaining prisons and prisoners.[107] [108] Thus, the only benefits incarceration may have for offenders are those directly derived from segregation and its depraving nature:

> Being in prison, I stopped smoking and taking drugs. Now, I am clean [...] (Michael, 2011).
>
> Thank you God for bringing also my brother to prison. He was a drug addict and he really needed some time to stay and think about his life" (Marvin, 2011).
>
> If I were out, I would have probably been dead by now[109] (Danzil, 2011).

Another arguable gain is the denunciation for unlawful behaviour. Incapacitating and controlling people who threaten social stability and

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104 *Supra* note 76.

105 The "numbers" correspond to the three gangs (26s, 27s and 28s) that have been formed in Pollsmoor prison, South Africa.

106 Lucia Zedner, *Criminal Justice* (2004).

107 Burt Galaway & Joe Hudson, "Historical Perspective", in J. Hudson & B. Galaway (ed.) *Considering the Victims – Reading in Restitution and Victim Compensation* (1975), 3-4.

108 Roy D. King, "Prisons and Jails", in S.G. Shoham, O. Beck & M. Kett (ed.) *International Handbook of Penology and Criminal Justice* (2008).

109 Because of his strong gang affiliation.

cohesion are legitimate aims of any society. But the social cost of a system that fails to restore victims, rehabilitate offenders or establish peace is immeasurable. Victims remain trapped in unhealed pain;[110] offenders end up caught in a vicious circle of violence, both inside and outside of prison walls; former prisoners and their families are unable to overcome the social stigma that lies behind the generally ever-rising recidivism rates; communities are developing retributive beliefs according to which harsher punishments bring safety; and financial resources are becoming even more scarce to the public because they are invested in responding to crime by building prisons rather than prevention.

Constant harm-doing has a ripple effect on the way prisoners are perceived by the general public and treated by the criminal justice system. Civilizations can be judged by their prisons,[111] which reflect the values and priorities of society and the ways it chooses to treat its incarcerated citizens. Inequalities such as discrimination, poverty and violence in society are also mirrored in prisons. No criminal justice system exists in isolation of the society in which it operates. We need to find a better way of doing justice for the sake of victims, offenders, and the community.

3. Restorative Justice as a Gospel Alternative

In examining the biblical material for guidance on a Christian perspective on imprisonment, it should be noted that prisons serve a different function in modern societies than the one they served in biblical time. Moreover, Christian texts cannot provide precise advice about what kinds of penalty are appropriate for particular offences.[112] But there are still some meaningful lessons we can learn from Christianity that are relevant to imprisonment, restoration, and justice.

3.1. Restorative Justice through a Christian Lens

Restorative justice suggests that contemporary views of criminal justice are too rigid and that often the dominant retributive responses to crime add

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[110] James J.R. Guest, "Aboriginal Legal Theory and Restorative Justice", in W.D. McCaslin (ed.) *Justice as Healing: Indigenous Ways* (2005), 342.

[111] Fyodor Dostoyevsky, *The House of the Dead or Prison Life in Siberia* (1911).

[112] Arthur J. Hoyles, *Punishment in the Bible* (1986), 47.

further harm to injury.[113,114,115] A central tenet of restorative justice is that offenders take responsibility for their unlawful behaviour[116] and show willingness to make amends toward the victim and the community.[117,118] But if we consider the harm done to the victim and the community (or the offense against God), the response to this behaviour is different than it would be if we simply view crime as an offense against the state.[119,120,121, 122,123] The key element in this approach is the desire to heal the victims' and the offenders' wounds in the process of justice. Without using the term restorative justice, Sande encapsulates the religious aspect of this concept by saying: "to some, conflict is a hazard that leaves them bruised and hurting.[124] To others, it is an obstacle that they should conquer quickly and firmly. But a few people have learned that conflict is an opportunity to solve common problems in a way that honours God and offers benefits to those involved".

What exactly are the religious aspects of restorative justice, and what makes restorative justice compatible with Christian doctrine?[125] Restorative

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113 Martin Wright, *Justice for Victims and Offenders: A Restorative Response to Crime* (2nd ed., 1996), 182.

114 Paul McCold, "Restorative Justice: Variations on a Theme", in L. Walgrave (ed.) *Restorative Justice for Juveniles: Potentialities, Risks and Problems* (1998), 36.

115 Van Ness, D.W. & Heetderks-Strong K. *Restoring Justice* (2nd ed., 2002).

116 Margarita Zernova, *Restorative Justice: Ideals and Realities* (2007), 40.

117 Sue Warner, Reparation, "Mediation and Scottish Criminal Justice", in H. Messmer & H-U. Otto (ed.) Restorative Justice on Trial: Pitfalls and *Potentials and Victim-Offender Mediation – International Research Perspectives* (1992), 200.

118 Michael Cavadino & James Dignan, *The Penal System: An Introduction* (4th ed., 2007), 322.

119 *Supra* note 6.

120 Howard Zehr, *The Little Book of Restorative Justice* (2002).

121 Allison Morris & Gabrielle Maxwell, *Restorative Justice for Juveniles: Conferencing, Mediation and Circles* (2001), 162.

122 Adam Crawford & Tim Newburn, *Youth Offending and Restorative Justice: Implementing Reform in Youth Justice* (2003).

123 Adam Crawford & Tom Burden, *Integrating Victims in Restorative Youth Justice* (2005), 12.

124 Ken Sande, *The Peacemaker: A Biblical Guide to Resolving Personal Conflict* (2nd ed., 1997), 17.

125 Here Christianity is perceived as taught by Jesus and not as a religion that has been malpracticed and misinterpreted in the past by certain preachers and dogmas within Christianity, e.g. the Inquisition within the Roman Catholic Church (1542-1860), the Crusades and religious-driven military campaigns (1095-1272), and atrocities often committed in Luther's name as a means to combat what was seen as heresy. These events produced contradictions between Christianity and (restorative) justice. *See* Philip Schaff, *History of the Christian Church* (1997).

justice best corresponds to the legal vision of God, who views crime[126] as damaging to relationships, not merely as abstract law breaking. The Bible speaks often about crime, punishment and justice, but Christianity, although it is involved in the practice of imprisonment, does not encourage segregating punishments. Nowhere in the Bible we encounter a divine support for segregation.[127] Torah law, as depicted in the Bible, was more concerned with the restoration of *shalom* (peace) and compensation for the damage caused to the victim than with the punishment of the offender.[128] This argument poses a theological dilemma involving contradictions in God's attitude. On one hand, God banished Adam and Eve from Eden and flooded the earth in Noah's time, paradigms that may be seen as retributive. On the other hand, God advocates restoration and peace, and His heart is filled with mercy and forgiveness. Based on these facts, Marshall concludes that God punishes for restorative purposes.[129] Although punishment is at times justified in the Bible for the purpose of deterrence and retribution, its principal role is to promote repentance and restoration, both of the covenant community, and where possible, of the individual offender.

Similarly, restorative justice could be portrayed as a peace-making, multidimensional, people-centered view of justice that tries to avoid ostracization, stigmatization and the compounding of old violence with new.[130] Restorative justice fights against the dehumanizing experience of imprisonment and aims to bring victims, offenders and community together in providing a wide network of support and in recognizing that there is a collective responsibility for the reality of crime. The rationale behind this approach to crime and punishment and the view that all affected parties should be involved in the criminal justice process goes to the heart of both the restorative justice philosophy and the Christian vision of justice.

> The very principles of restorative justice are biblical and it's all about restoration, reconciliation and transformation. It's all about nursing and forgiveness and compassion. And perhaps those words were never in my vocabulary before I became a Christian. So, I get the power and the importance

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126 Mainly against life, but also against other violations like injury (Exodus 21: 18-23) and theft (Exodus 22: 1-4).

127 Mark Olson, God Who Dared, 26 *The Other Side* (1990), 14.

128 Perry B. Yoder, *The Bible's Word for Salvation, Justice and Peace* (1987).

129 Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime and Punishment* (2001), 196-197.

130 David Cayley, *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives* (1998), 11.

> and the meaning of those words in terms of their connection with restorative justice now (Jackie PFNZ, 2010).

From a Christian perspective, it can be argued that restorative justice is more than an all-inclusive process based on a comprehensive system of values. It reflects God's perception of justice, which reveals the inherent nature of humans. God's principles are those of the universe, which helps us explain both the potential of restorative justice and its cross-cultural applicability.

> People that get involved in restorative processes might not have any Christian beliefs but they still see restorative justice as healthy [...] they see it as a way forward (Patrick PFNZ, 2010).

This may sound like an overstatement in a post-modern society, but for those who consider themselves Christians and promote shared values through restorative justice programs, such a conclusion is unavoidable.

3.2. Identifying the Common Ground between Restorative Justice and the Christian Doctrine

It is important to note a critical parallel between restorative justice and Christianity. Christians believe that instead of relegating humankind to rigidly applied retribution, imprisonment should be considered as an opportunity for redemption through reintegration, forgiveness, and eventually reconciliation.[131] The goal and outcome of such a process of justice is the restoration of peace[132] between God and humans[133] as well as within the community.[134] Similarly, proponents of restorative justice urge society to seek for more comprehensive responses to crime, which may lead to the reintegration of offenders and the satisfaction of victims.[135,136,137]

Forgiveness, and reconciliation, inter-related elements that are often dismissed as soft or unrealistic, and have been neglected by the adversary

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131 *Supra* note 129: 53-84.

132 Romans 5: 1.

133 Romans 14-15; Ephesians 2: 11-22.

134 Galatians 3: 28-29.

135 Dennis Sullivan & Larry Tifft, *Restorative Justice: Healing the Foundations of our Everyday Lives* (2001).

136 *Supra* note 31.

137 Sharon Brous & Daniel Sokatch, "The Possibility of Change: An Argument for Restorative Justice", in N. Rose, J.E. Green-Kaiser & M. Klein (ed.) *Righteous Indignation: A Jewish Call for Justice* (2011), 176.

model of justice, are consistent with restorative justice.[138,139] Both elements have the potential to oppose punitive attitude of society toward people in prison by helping victims heal and offenders reintegrate and become a productive part of the community. But many victims cannot find healing without the opportunity to confront the offender, to have the truth of their suffering acknowledged, and to have the offender repent and make amends for their actions.[140] In the same vein, many offenders do not grasp the pain they have caused form their experiences with formal legal procedures.[141] This explains why restorative encounters are important, the significance of which is also apparent in Christian dogma.

3.2.1. Encounter

Many of the characters mentioned in the Bible, both the Old and New Testaments, experienced imprisonment: Peter, James, Jeremiah, Paul, Joseph, Daniel, John, and Jesus. The significance of encounters between prisoners and the outside world in the Christian dogma is captured in the parable of the Last Judgment, where Jesus, fully identifying himself as a prisoner, says to Matthew "I was a prisoner *and you visited me*" (25). Today, we live in a society that relies exclusively on the enforcement of law to achieve justice, and there are no mechanisms that support encounters that can connect law with apology, forgiveness and reconciliation. Victims and families are shut out of the criminal justice process from the beginning, while the offenders await their just desserts in fear and isolation.[142] The adversarial legal system portrays victims and offenders as entirely separate groups of people.[143] The consequence of this situation is a lack of healing for both victims and offenders, resulting in deeper bitterness and anger.

Responding to this situation, the Christian Church supports restorative encounters because in the Christian dogma victims and offenders are bonded in the same way, as Jesus embodied both lawbreaker and victim. Restorative justice processes place a high value on the victim and offender meeting one another, either directly or indirectly,[144] focusing on establishing

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138 Tony Marshall, *Restorative Justice: An Overview* (1999).

139 James Treadwell, *Criminology* (2006) 23.

140 Caritas Aotearoa New Zealand *A Justice that Reconciles*, Social Justice Series 14 (2009).

141 Daniel Van Ness & Karen Strong, *Restoring Justice* (3rd ed., 2006).

142 *Supra* note 140.

143 *Supra* note 76.

144 Mark Umbreit & Marilyn Paterson-Armour, *Restorative Justice Dialogue: An Essential Guide for Research and Practice* (2011).

what is needed to restore the wellbeing of the victim and of the community, rather than exclusively on punishing the offender. During these encounters, the establishment of truth is an important condition for achieving a restorative outcome because it comes from the offender instead of a judge.[145,146] The establishment of truth requires offenders to accept responsibility, understand their obligation, and make amends to the victim and to the community,[147,148] as a pathway to their reintegration.[149]

Nevertheless, for offenders to agree to meet face-to-face with their victims and to witness the damage they have caused to others may be the hardest task they have ever faced; as hard as it is for the victim.

> Nothing would scare me more than meeting a victim (Mike, 2010).
>
> First time in my life I saw a victim that would like to meet and forgive the perpetrator (Fadia, 2010).
>
> Often it's the pain they've got to face and some guys just can't face it. It's too hard and it's too painful [...] They'd rather carry the pain for the rest of their lives than face the pain (Patrick PFNZ, 2010).
>
> For the first time in 2002 I had the chance to meet somebody so close to my victim, and it was hard [...] I had my chin down and she came to me, she lifted my chin up and she embraced me. I couldn't comprehend it [...] I always remember that lady. She is the one who is giving me strength (Ant, 2010).

Moreover, for a victim to be prepared to meet the offender and hear about the perpetrator's life and pain is to act in a way that is consistent with care and understanding. The expression of mutual care may be more powerful than anything our penal system can do to heal the victims' wounds and impress upon offenders the need to change.

3.2.2. Reintegration

Reintegration has been a high priority for all restorative justice practices.[150] The proponents of restorative justice urge that society should seek for more comprehensive responses to crime, which would encourage the

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[145] Jennifer Llewellyn & Robert Howse, *Restorative Justice: A Conceptual Framework* (1998) 127.

[146] Christopher D. Marshall, "Satisfying Justice: Victims, Justice and the Grain of the Universe", in C. Parker & G. Preece (ed.) *Theology and Law: Partners or Protagonists?* (2005) 49.

[147] Davis, G. *Making Amends: Mediation and Reparation in Criminal Justice* (1992) 27.

[148] *Supra* note 118: 322.

[149] Shadd Maruna & Russ Immarigeon, *After Crime and Punishment: Pathways to Offender Reintegration* (eds.) (2004).

[150] The goals of restorative justice may be summarized in terms of the "three R's" of reintegration, restoration, and responsibility. *See* James Dignan, Victims, Reparation and the Pilot YOTs, 164 *Justice of the Peace* (2000) 296.

reintegration of offenders.[151] But concepts such as inclusion and reintegration seem difficult, if not impossible, to reach in the absence of a meaningful understanding of all parties and of their core interests. Christianity offers such a space for understanding because for Christians justice is distinctive for its social, all-inclusive character. Christianity combines justice with a great commandment of acceptance, out of conviction that our relationships with each other should be modeled according to God's relationship with humankind.[152] Christianity speaks of inclusion without caring about its followers' stations of life. Extortionist tax collectors and prostitutes are welcomed to the Christian dogma eliminating second-class citizenship. Specifically, the Book of Luke tells us the story of the prodigal son,[153] and the Book of Matthew refers to a lost sheep.[154] Both these parables, interpreted morally, teach us that even though one may act in a way that displease God, He still awaits everyone with open arms. Viewing the prodigal son or the lost sheep as the offender and God as the community, restorative justice can easily fit into the Christian view of reintegration and inclusion. A core theme of Christianity and of the restorative justice ethos is that anyone should[155] be welcomed into the community.

Believing in the values of inclusion and reintegration, Christians never lose faith in their ability to transform either the offenders or the prison system. But we are still a long way from the time when our conscience can be certain of having done everything to offer to those who commit crimes a way of redeeming themselves and making a positive return to society.[156]

> When I left the gang I was wondering why I did that because there I was wanted, I was needed, I was welcome. When I went back home I felt that there was nobody for me. They couldn't understand why I was doing what I was doing, why I was violent, why I was taking drugs [...] (Jesse, 2010).
>
> Although I was not feeling like a gang member, these guys were giving me what I needed – acceptance; and I was giving them what they wanted – violence (Lautu, 2010).

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[151] Burt Galaway & Joe Hudson, *Restorative Justice: International Perspectives* (1996).

[152] Angela C. Carmella, "A Catholic View of Law and Justice", in McConnell, M.W., Cochran, R.F. & Carmella, A.C. (ed.) *Christian Perspectives on Legal Thought* (2001) 272.

[153] Luke, 15: 11-31.

[154] Matthew, 12: 11.

[155] In reality, reintegration of ex-offenders has not been successful, nor has inclusion always been a top-priority among Christian believers. In the past, religiously intolerant Christians embraced scriptural misinterpretations that permitted discrimination, ethic cleansing, and the dismissal of indigenous spiritualties. *See* Rick Sarre & Janette Young, Christian Approaches to the Restorative Justice Movement: Observations on Scripture and Praxis, 14 *Contemporary Justice Review* (2011) 353.

[156] Pope John Paul II *Message for the Jubilee in Prisons* (2000).

> People are just going in and out, in and out, nothing is changing, nothing's happening. And I was of the view that once I'd done my time that everything should've been okay, but it's not. Society holds you accountable forever and they never let you leave down the fact that you are an ex-prisoner. I kind of felt like I didn't belong in the community. And the only connections I had was with other criminals; that's where I felt like I belonged, because that's all I knew and that's where I felt my most comfortable. Outside of that arena, I knew I didn't belong; I felt like I was a lesser human being than others (Jackie PFNZ, 2010).

3.2.3. Forgiveness

The word "forgiveness" is omnipresent in the Christian dogma: "there is no worship apart from forgiveness".[157] The "criminology of Christianity" regards Jesus as the great "Restorer" who upheld the moral ethic of forgiveness.[158] The ultimate Christian expression of forgiveness is found in the words "Father forgive them, for they know not what they do".[159] Christianity uses forgiveness as a mechanism for resolving conflicts and restoring relationships. The proportional[160] concept of "eye for eye and tooth for tooth"[161] was to be displaced by turning the other cheek, giving your second cloak, loving your neighbour as yourself, welcoming home the prodigal and more importantly, treating kindly those who treat you spitefully.[162] Nevertheless, in the Christian doctrine, unlike in restorative justice, forgiveness is not an optional response to wrongdoing; it is an obligation of all pious believers.[163] In the Lord's Prayer, God is asked to treat people in the same manner they treat others. "Forgive us our sins, as we forgive those who sin against us". But God does not forgive your sins if you do not forgive the ones who sin against you.[164] In other words, the one who forgives will be forgiven.[165]

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157 Matthew 5: 23-24.

158 Matthew 5: 38-48 cited in Pierre Allard & Northey Wayne, "Christianity: the Rediscovery of Restorative Justice", in Johnstone, G. (ed.) *A Restorative Justice Reader: Texts, Sources, Context* (2003), 158.

159 Luke 23: 34.

160 And *not* retributive, as usually misinterpreted; *see* Norman Krauss, *Jesus Christ Our Lord: Christology from a Disciple's Perspective* (1987), 225.

161 Exodus 21: 23-24.

162 Virginia Mackey, *Punishment in the Scripture and Tradition of Judaism, Christianity and Islam* (1981), 15.

163 *Supra* note 129: 95.

164 Matthew 6:14.

165 Luke 6: 37.

Thus, the word "retribution" has no place in the Christian vocabulary.[166,167] Refusal to forgiveness is not only contrary to the Christian ethos, but there is no future without forgiveness.[168] Jesus forgave even his own executioners.[169] God's forgiveness is the model for our forgiveness of others,[170] a viewpoint that contradicts arguments of classical deterrence theorist, such as Cesare Beccaria and Jeremy Bentham, who regarded forgiveness as a vice because it undermines the certainty of punishment and therefore encourages crime.[171] From a victimological and restorative justice viewpoint, however, victims of crimes are asked for a generous response, otherwise they will end up doubly victimized: the first time will be in the course of the crime, and the second time through the wounds and feelings of bitterness and vengeance that can poison one's spirit if they are allowed to germinate.[172] By contrast, forgiveness entails liberation from the past,[173] enabling offenders to put the past behind them and confront the future positively.[174] It is a means for breaking the chains of hostility and violence that lock people into repetitive patterns of mutual destructiveness.[175,176]

Therefore, in Christian teachings forgiveness should be consistently granted to wrongdoer, as often as "seventy times seven",[177] because violence and hatred cannot be defeated by crueler violence or more hatred. "Do not be overcome by evil", Paul urges his followers, but "overcome evil with good".[178] Forgiveness, though a possible outcome of a restorative justice process, cannot be coerced (as if it were, it would be meaningless) or expected from victims. Forgiveness cannot be rushed or uttered insincerely

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166 Charlie F.D. Moule, *Punishment and Retribution: An Attempt to Delimit their Scope in New Testament Thought* (1990).

167 *Supra* note 158: 161.

168 Desmond Tutu, *No Future Without Forgiveness* (2000) ch. 11.

169 Luke 23: 34.

170 Ephesians 4: 32; Colossians 3: 13.

171 *Supra* note 31: 133-134.

172 *Supra* note 95: 20.

173 Dan Allender, "Forgive and Forget and Other Myths of Forgiveness", in Lampman, L.B. & Shattuck, M.D. (ed.) *God and the Victim* (2000) 213.

174 *Supra* note 6.

175 Michael Henderson, *The Forgiveness Factor: Stories of Hope in a World of Conflict* (1996).

176 Michael Henderson, *Forgiveness: Breaking the Chains of Hate* (2003).

177 Matthew 18: 22. According to the teachings of the rabbis, people were expected to forgive others for repeated offenses up to three times. *See* Francis Wright Beare, *The Gospel According to Matthew* (1981), 381. This phrase was chosen to reverse the preference expressed by Lamech for unlimited revenge (Genesis 4: 24), suggesting that Lamech expended his energy in the wrong direction, and that the same amount should be invested into working for forgiveness.

178 Romans 12: 14-21.

in order to appease others; it is a healing process that takes time to develop[179] and it depends on the victims' willingness to grant it if they feel that it is appropriate to do so at the time – and sometimes they do.[180]

> I forgave the person who raped me. Through God everything is possible (Natasha, 2011).
>
> I learned how to forgive the rapist of my daughter. Being an offender I learned how to repent; and being a victim I learned how to forgive (Steven, 2010).
>
> I want to apologize to all the people that I have harmed by selling drugs. Because these people were getting drugs and they were going on committing crimes. Some of them are in this prison. I am really sorry. I hope they forgive me one day (Ayande, 2011).
>
> While here (in prison), I met somebody who offended against me in the worst way possible [...] But because of what that lady had said to me,[181] I told him: I forgive you. That was the first time in my life I said such a thing (Ant, 2010).

Although a restorative approach may not always lead to forgiveness, it provides opportunities for offenders to express their genuine repentance to victims and to the community, which can serve as a basis for forgiveness.[182] Forgiveness is an important aspect of restoration, and restoration is a condition, if not part of the definition of justice.[183] Only the power of forgiveness can break the vicious circle of violence and revenge,[184] something that should be sought in every system of justice.

3.2.4. Reconciliation

One of the important theological underpinnings for restorative justice is the concept of reconciliation. In a religious framework, reconciliation is neither simply a policy nor an easy alternative that can be reduced to a single meeting; it is a lengthy process that depends on one's spirituality and is influenced by it.[185,186] For this reason, it is important to remember

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179 *Supra* note 129: 266.

180 Although some victims find it difficult to let go of the status of victim, which often carries a sense of entitlement to claim a moral advantage over their offender. *See* Karl Tomm, "Enabling Forgiveness and Reconciliation in Family Therapy", 1 *The International Journal of Narrative Therapy and Community Work* (2002), 85-90.

181 *See* Ant, 2010 at p. 17.

182 Luke 17: 3-4.

183 *Supra* note 12: 48.

184 Fred W.M. McElrea, *A Christian Approach to Conflict Resolution*, a contribution to the seminar "What does the Lord Require of Christians in Conflict?" (2001), 3.

185 Robert Schreiter, *The Ministry of Reconciliation, Spirituality and Strategies* (1998).

186 William A. Nordenbrock, *Beyond Accompaniment: Guiding a Fractured Community to Wholeness* (2011), 131-133.

the spiritual dimensions of restorative justice. Restorative justice could be considered to be a Christian approach (or a close cousin thereof) to dispute or conflict resolution expressing Christian values or facilitating their expression. One of these values is that of reconciliation, which urges people to shape their lives in positive relation to one another. Restorative justice practices, especially mediations and conferences, encourage this expression of remorse and the willingness to change, to become better,[187] and provide an opportunity for reconciliation between offenders, victims and community.[188,189] These practices also reject high legal formalism[190] in favour of the personal encounter between the parties directly involved.[191,192]

Along the same line, Christianity is all about relationships, focusing on reconciliation.[193] The Scriptures portray a Father whose heart never ceases to yearn for the return of His children, a God of an innate forgiving and reconciling nature. Zehr finds some support for restorative justice in the Old Testament concept of "shalom",[194] which could be broadly translated as a multileveled "peace" between God and humanity in all aspects of life, as well as between people in conflict.[195] Similarly, the New Testament upholds the benefits of reconciliation that can be gained via

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[187] United Nations Office on Drugs and Crime *Handbook on Restorative Justice Programs* (2006).

[188] Carol A.L. Prager & Trudy Govier, *Dilemmas of Reconciliation: Cases and Concepts* (2003) 112.

[189] David J. Cornwell, *Doing Justice Better: The Politics of Restorative Justice* (2007), 65.

[190] Although victim-offender mediation and other restorative justice programs should be recognized and supervised by official bodies. *See* Ivo Aertsen, *Rebuilding Community Connections: Mediation and Restorative Justice in Europe* (2004), 46.

[191] *Supra* note 184.

[192] Lode Walgrave, "Restoration in Youth Justice", in M. Tonry & A. Doob (ed.) *Youth Crime and Youth Justice: Comparative and Cross-National Perspectives* (2004), 543-597.

[193] Apparently, the value of reconciliation is not exclusive to Christianity, and elements of restorative justice can be found in other religions. In Islam, for instance, the concept of unity (*tawhid*) places the individual in direct obligation toward God and in an integrated relationship of solidarity with the community. *See* Nawal Ammar, "Restorative Justice in Islam: Theory and Practice", in Hadley, M.L. (ed.) *The Spiritual Roots of Restorative Justice* (2001), 166. Another example comes from the Sikh tradition, where the key term for justice is "righteousness" (*niau*), or justice in the sense of the moral order that provides harmony and social stability. *See* Pashaura Singh, "Sikhism and Restorative Justice: Theory and Practice", in Hadley, M.L. (ed.) *The Spiritual Roots of Restorative Justice* (2001), 200.

[194] Howard Zehr, "Restoring Justice", in Lampman, L.B. & Shattuck, M.D. (ed.) *God and the Victim: Theological Reflections on Evil, Victimization, Justice and Forgiveness* (1998) 131-159.

[195] Michael Schluter, *How to Create a Relational Society: Foundations for a New Social Order* (2007).

direct contact[196] with God and not by legal authorities or by merely following orders. God's justice is a peace making, restoring and reconciling justice.[197] He desired to save the sinners, not to punish them. He asked us to be reconciled with those who are against us (5:24); to settle matters quickly with our adversary;[198] not to resist an evil person;[199] and to love our enemies and pray for those who persecute us.[200]

Building cultures of reconciliation, however, entails a process. Social conflict and evil are interrelated[201] and omnipresent in human relations, therefore in order to learn how to deal with practices and attitudes that contribute to conflict rather than concord, we must recognize the origins of conflict. The Scriptures refer to pious humans as a "body" or "living stones", connoting a structure of stability but also one that has flexibility to gain an identity and a relationship with God.[202] Therefore, Christian churches built with the same living stones, provide support, encouragement, and space for those involved in restorative processes, encouraging opportunities for reconciliation and peacemaking, so that offenders and victims find healing in a community of *hope*.

3.3. From Theory to Practice: The Contribution of Christian Ethics in Contemporary Imprisonment

Christianity has provided a significant impetus to altering the retributive nature of prisons in a more humanistic direction.[203] Prison ministry has been paying attention to the rights and dignity of prisoners, as pleaded in the Letter to the Hebrews:[204] "Keep in mind those who are in prison, as though you were in prison with them." Biblical justice and Christian

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[196] Reminding us of the Latin root for reconciliation, *concilium*, or a deliberative process in which conflicting parties meet "in council". *See* Geiko Müller-Fahrenholz, *The Act of Forgiveness: Theological Reflections of Healing and Reconciliation* (1997).

[197] Romans 5: 1.

[198] Romans 5: 25.

[199] Romans 5: 38.

[200] Romans 5: 43.

[201] The problem of social conflicts created by "evil" is more than academic when victims of crimes and their families raise the question "Why God could allow that?" But the focus of this article is not on the theological and philosophical theories that try to explain evil and crime.

[202] *Supra* note 2: 6.

[203] In one sense, the modern prison system could be called a Christian invention, given that "penitentiaries" were devised by the American Quakers to encourage "penance" by offenders. The use of single cells and solitary confinement in these establishments drew on disciplinary practices used in medieval monasteries. *See supra* note 71: 4.

[204] Hebrews 13: 1, 3.

approaches offer alternative ways of responding to crime, suffering, marginalization, and retributive attitudes that undermine the efficacy of the entire criminal justice system and threaten social cohesion. Christianity, made "flesh and bones" in the form of faith-based programs by restorative justice practitioners and community volunteers, aims to prevent criminal behaviour by focusing on those already in prison. The most important contribution of Christianity is not in the area of disciplinary actions and methods of confinement but in its continuous involvement in initiatives that aim at altering the current nature of imprisonment.

> You can't make it without God. You can go to rehabilitation programs, you can try to change, you might manage to change, but you can't keep this change without God (Tania, 2011).
>
> Before coming to this program I didn't believe in miracle [...] My hope to God is that all things are possible and that one day I will become a better person (Ant, 2010).
>
> I always believed in God [...] Coming here was the best thing ever happened to me [...] I learned that life is more than being violent (Lautu, 2011).
>
> When I come to restorative justice, I come to God's workshop (Timbisa, 2011).

Today, Christian churches are engaged in numerous restorative justice initiatives and are re-examining their attitudes towards the criminal justice system. Having embraced the biblical aim of justice to achieve transformation, these programs draw on various psychological and spiritual techniques for healing.[205] Although worship forms an integral part of these restorative programs, prisoners are free to decide whether or not to pray, given their different religious and cultural backgrounds. The programs include exercises that call for personal sharing (of feelings, stories) and aimed at building a sense of community and the feeling of trust in the group. The participation and the narratives of the inmates and volunteers allow for interaction, creating a space for inmates to interpret Christian parables and discover the way in which biblical teachings are applicable to their lives. These activities aim to promote social, spiritual, and moral development, and provide opportunities for empowerment in an environment in which prisoners can safely listen and respond with respect. Such an environment could help offenders reduce their shame, build self-esteem[206] and subsequently make choices that are consistent with both restorative justice and religious teachings.

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[205] Carol Anderson Peters, *Transforming and Restorative Justice and the Churches*, vol. 1: Creating Healing Environments in Prisons (2004).

[206] Nathan Harris & Shadd Maruna, "Shame, Shaming and Restorative Justice", in Sullivan, D. & Tifft, L. (ed.) *Handbook of Restorative Justice: A Global Perspective* (2006).

Faith-based programs also aim to deflate myths surrounding crime and punishment, for example that tough laws and harsh punishment reduce crime (including recidivism) and change people for the better, that offenders are different from the rest of us, and that victims yearn for revenge. The programs try to teach offenders how to reconcile with God, their families, their victims and their communities. They aim to transform prisoners and empower them to break the circle of crime. Prisoners are regarded as children of God who have made mistakes but still have a potential for goodness, and the focus is placed on the inherent value of all people and on the hope that such a value can create.[207]

In other words, the face of Christ is recognized in every prisoner,[208] even in those who have committed heinous crimes, because humans are created in the "image and likeness of God".[209] The meaning of this phrase has been interpreted in various ways over the years. In this article it is understood to mean that all people, being created in the image of God, are capable of doing good, and therefore deserve a second opportunity to fulfill that potential.[210]

> I firmly believe in men being able to be restored back to community [...] These guys are not animals, they're human beings and they deserve a chance. If he was your son, wouldn't you want them to have a second chance? (Patrick PFNZ, 2010).
>
> Their [the prisoners'] lives can be changed – they are not the scum of the earth [...] God knows everybody individually and has given gifts and abilities, and has a purpose for every person [...] That they are disadvantaged in many cases well beyond we can imagine, it doesn't mean that they can't change [...] (Barry PFNZ, 2010).

This does not mean that prisoners are approached with naivety. Prison chaplains and facilitators involved in restorative justice programs are aware of the prison environment and that there are dangerous individuals from whom society must be protected.

> We're not doormats where people tramp all over us (Patrick PFNZ, 2010).
>
> I'm an ex-prisoner myself and an ex-offender [...] I know what is like to be a prisoner, I know what it's like to make excuses, I know what it's like to be self-centered and inward looking. And I could see that I might have that ability to remove the scales from others' eyes, take the blinkers off. And perhaps impart

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207 Matthew 10: 29, 31.

208 Some might think that prison chaplains and restorative justice facilitators represent the face of Christ to the prisoners, but in reality it is the other way around.

209 Genesis 1: 26-30.

210 William L. Countryman, *Forgiven and Forgiving* (1998), 36.

> some of my knowledge in a way that's not judgmental and not too challenging (Jackie PFNZ, 2010).

To achieve restoration, the two traditionally assumed categories, righteous and guilty,[211] are expanded by a different set of categories: sinners who admit, and sinners who deny.[212] Moreover, those who disapprove the offenders' criminal behaviour are the people important to them, not only impersonal outsiders.[213] This is the reason why the prisoners' family members are invited to attend the "graduation" that takes place at the end of each restorative program, where they are given the opportunity to express their feelings and witness the change brought by these programs.

> When you are in prison, I am also a prisoner [...] and I am tired of being a prisoner (Anonymous mother, 2011).
>
> When I saw this number on you[214] I felt devastated. I started crying because I realized that they are now your family, not me (Anonymous mother, 2011).
>
> I was always wondering how people who get harmed feel. Yesterday I realized that and my heart started beating faster. I also understood how my mother feels and I really hope she stops crying so I can turn her tears into smiles (John, 2011).
>
> Last night when I went to my bed I said to myself: "Michael, you are 28 years old and you have been involved in crime for 18 years. Now it's the right time to change". This program can help me. I am thinking about my family and what they are going through because of me (Michael, 2011).

Shame plays a significant role during the graduation because it can reinforce the moral bond between the offender and the community.[215] But the stigmatic shame that breaks the tie between the offender and society remains a common thread in the behaviours of incarcerated people.

> When I was in my cell, I went through the question "how many crimes have you committed in the past?" and I couldn't remember all of them. I felt so embarrassed and shameful (Jonathan, 2011).
>
> I am embarrassed. I don't feel proud of what I've done in the past. I have done nothing to be proud of in my life (Lautu, 2010).

Although inmates are often ashamed of their crimes, certain offenders may feel no shame for the acts that led them to prison because committing

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211 *Supra* note 158: 159.

212 Philip Yancey, *What's So Amazing with Grace?* (1997) 182.

213 John Braithwaite, *Crime, Shame and Reintegration* (7th ed., 1999).

214 Referring to the tattooed number her son had got on his hand while in prison, indicating his gang affiliation.

215 *Supra* note 213.

certain crimes has brought them prestige,[216] because they are not aware of the impact of their crime on others, or because they have undergone a process of neutralization.

> The moment you bring in restorative justice, you have to bring in the victim side. Until they [the prisoners] do the Sycamore Tree program they have no understanding of that principle. They have not created victims (Barry PFNZ, 2010).
>
> If you'd asked, I can honestly tell you I've never thought of victims (Mike, 2010).
>
> This course is very informative. It's the first time I hear victims' perspective (John, 2011).
>
> Every time I went to prison, nobody ever challenged me about my behaviour. Nobody ever spoke to me about victims. And I couldn't believe that I went through 25 years of offending without thinking about people that were being hurt (Jackie PFNZ, 2010).

The imprint of stigmatic shame stands out among the causes of violence, antisocial behaviour, and addictions.[217] Many prisoners have suffered severe abuse and neglect, which have encouraged them to develop such ways of living that vulnerability and pain are virtually concealed. They have been shamed for expressing their emotions. Many have grown up in an environment where they were unable to develop trust.[218]

> I can sit down and have a conversation with a prisoner and know that he is listening to every word I say. I could watch a prison officer sit down and have the same conversation and the prisoner's lights would just be off. I get that, I understand that because it's an "us" and it's a "them". Prison is a very different world [...] And that's the mentality. It's very hard to get out of that (Jackie PFNZ, 2010).

Labeled as "convicts" or "ex-prisoners", prisoners expose their shameful past in the course of restorative justice to everyone: their families, their communities, and most important, the victims. This is why the biblical solution is not to transform the prison system but the prisoners, and to set them "free" of the crime cycle.[219]

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[216] When the offender is a gang member.

[217] Eliza Ahmed, "Shame Management: Regulating Bullying - Part III", in E. Ahmed, N. Harris, J. Braithwaite & V. Braithwaite (ed.) *Shame Management Through Reintegration* (2001), 231.

[218] Often, a large percentage of inmates have grown up in prisons or juvenile facilities, spending a considerable amount of time in such institutions; a fact that is reflected in the generally high rates of recidivism.

[219] God's perception of freedom does not necessarily mean the actual release of prisoners; it also has an internal dimension within which inmates can experience spiritual liberation even while being imprisoned.

Based on this premise, the faith-based restorative justice programs aim to restore hope to a hopeless society and snatch goodness out of a harmful experience,[220] seeking not only to condemn unlawful past actions, but also to address present needs and to offer hope for the future: the hope of healing victims' wounds, of changing offenders' behaviour, and of creating stronger social bonds within communities at large.

> In fact, these programs give men a future [...] you see how God can give hope to men with no hope [...] they start to see that they are loved, that they are worthwhile human beings and there is a plan for their life [...]. It's very rewarding when I see them waling down the street with their families, new men; it's worth every bit of effort and sweat you put into them. Even if it's just one, it's worth the effort (Patrick PFNZ, 2010).

Based on belief in growth and change, restorative justice programs seek to prove that suffering is not in vain. They do so by providing offenders the opportunity to take responsibility for their unlawful past, and by cultivating the ability to make choices that serve them better. Through these programs, the Church works with those who are victims and offenders, ministering restoration rather than calling for the expansion of the prison system. This is why the Church should have a role in the restorative justice reform movement. Forgiveness, hope, reconciliation, restoration, and faith (as a means of understanding and controlling human vulnerabilities to crime) are a few of the spiritual healing tools available to prison ministry in order to achieve its mission, which is transformation.

> Last night I felt God is busy working with me. When I thought about these people who were telling their stories and pains, I couldn't hold my tears (Carlo, 2011).
>
> When I go back to my cell I realize that change is possible. Even in my case. But my friends think that I am crazy [...] Last night, when I went back to my cell, my friends were asking me "what happened to you? Why are you so quite?" I told them "I am OK. I am just thinking what I did in the past". They said that I shouldn't attend this course. They don't like me like this [...] They don't believe that I can change. But, I will show them... This Sunday I'll go to the church (Danzil, 2011).
>
> I think I can make it with[221] the tools that I getting from this course. I have become emotional. When I heard my sister crying over the phone, I couldn't handle it [...] I wanna' go out and work with young people who are following my way (John, 2011).

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[220] Heather Strang & John Braithwaite, "Introduction: Restorative Justice and Civil Society" (ed.), in *Restorative Justice and Civil Society* (2001), 7.

[221] Through longer sentences and stricter criteria for eligibility for parole.

> I am in prison, but I am not what you see. I **can** change while in prison. I am ready to take off the mask that I am wearing (Michael, 2011).

4. Limitations

No empirical study is free from limitations. The present qualitative research has several limitations stemming from its nature, the quality of the data collected and the analysis process. Initially, the nature of the restorative justice programs on which this article is focused places a limitation to the qualitative research methodology. As noted above, numerous in-prison restorative justice programs have strong religious (Christian) elements. At the same time, it should be acknowledged that social science is not an appropriate tool for investigating matters of religion.[222] Science deals with phenomena that can be observed and measured, whereas religion often involves feelings and spiritual experiences that are difficult to assess by observation, using accurate standards of reliability and validity. Religiosity is non-static (confessions from prisoners having an epiphany or losing their faith during incarceration are not uncommon) and is experienced on a highly personal level. This uneasy relationship between the sacred world of religion and the profane concerns of science reflects the lack of scientific attention paid to the role of religion in criminal justice. It also explains why researchers who have not found religious (or spiritual) variables to affect restorative justice and its outcomes may be tempted to dismiss the entire domain of religion as an important research area. In my analysis I sought to understand the meaning that respondents attach to their experiences, and therefore I treated these with respect, as something important for the inmates, even if the truth behind experiences was not measurable. It is impossible for social science to test these statements. When inmates state that they are religious and they wish to participate in faith-based restorative justice programs, no listener can really challenge these statements and emotions.[223]

Another limitation concerns the quality of the provided data. Studies of religion in a prison context have triggered debates about the authenticity of the inmates' statements, religiosity, and inner motivations. It remains

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[222] *Supra* note 18: 54.

[223] Past studies have shown that religion serves ultimate, non-spiritual goals poorly. No one seems to think that the religious route is an automatic door to the outside. Non-religious inmates have been skeptical that it leads to special favours in prison or on parole. *See supra* note 18: 63.

unclear whether the genuineness of inner motivations, personal opinions and feelings of offenders expressed in this study could be accurately measured or subjected to scientific measurement. Some suggest that inmates may feign spirituality and interest in restorative justice as an attempt to obtain special privileges, like leaving their cell for a period of time, or getting credit for early release. In reality, there is little incentive for inmates to pretend that they are religious.[224] At the same time, it is not uncommon for inmates to have an epiphany and express genuine willingness to become involved in restorative justice, and eventually to change their minds and revert to their prior selves (the "old me").[225] Therefore, we should also bear in mind the non-static nature of religiosity. Each inmate experiences religion in a highly personal way. In a prison that contains 1,000 inmates we can find 1,000 different meanings for religion. Although the inmates I came in contact with claimed that their faith was real to them, individuals' religious experiences may undergo change, at times radically, in the course of a single incarceration and from one prison term to another. For practical reasons, however, religion was perceived as if it were static, knowing that in any prison and for any prisoner, the portrayed aspect may shift or be in the process of shifting. Consequently, the quotations brought here correspond to the inmates' perceptions at the given time when the empirical data were collected. This does not imply that this limitation is reason to reject all the above results in light of the absence of testing tools. Rather, it prompts us to critically evaluate the study and remain skeptical when interpreting its results.

The final limitation, consistent with the interpretation of results, has to do with the analysis of the data. This is a limitation applicable to all qualitative studies. Qualitative research, especially when observation is involved, is often aimed at elucidating the ways in which researchers experience and perceive situations and events. Inevitably, the findings presented here were shaped by the assumptions and experiences of the researcher. In qualitative analysis, the analyst decides which data are to be singled out for description according to principles of selectivity.[226] Qualitative analysis, as all of qualitative research, is in some ways craftsmanship.[227] This means that different researchers are likely to produce findings that are not identical and without overlapping components from the same data. This has

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[224] *Supra* note 20.

[225] *Supra* note 77.

[226] Harry F. Wolcott, *Transforming Qualitative Data: Description, Analysis and Interpretation* (1994).

[227] Steinar Kvale, "The Social Construction of Validity", 1 *Qualitative Inquiry* (1995), 19-40.

nothing to do with fabricating evidence because the supposedly "neutral" and "objective" observer is a myth.[228] A researcher's explanations of events may involve assumptions that can serve a variety of purposes, including self-justification and exculpation, which have little to do with providing an accurate or truthful account. Thus, categories have not been imposed upon the data arbitrarily and the adopted categories (encounter – reintegration – forgiveness – reconciliation) meant to be meaningful and reflected on the data being analyzed. This reflection involves a new view of the data, that of the researcher. Therefore, the conclusions drawn are related to the overall direction and purpose of the research. It also seemed pointless to seek replication because in qualitative analysis this is difficult if not impossible to achieve. As Dey asserts, "if we have made all our observations ourselves, and made them repeatedly; and had the same observations confirmed by other, disinterested and unbiased and trustworthy observers, in neutral circumstances – we are probably not doing qualitative research".[229] This assumption brings us to the conclusion that the current interpretation has its own merits. To produce a valid interpretation, we need to be objective and accept the canons that govern rational inquiry as a basis for reaching reasonable conclusions. It means taking account of evidence without forcing it to conform to our own wishes and prejudices, and accepting the possibility of error.

5. Personal Reflections at the End of the Restorative Journey

Although I do not classify myself as a victim or an offender, what happens in these programs is worth noticing. Christianity applied in the form of restorative justice revealed to me a way to fight evil without being transformed into the evil being fought.[230] Nietzsche said "whoever fights monsters should see to it that in the process he does not become a monster [...] when you look into an abyss, the abyss also looks into you".[231] I witnessed inmates' testimonies shift from apathy and disappointment to empathy and hope. As I accompanied these inmates, I also followed my personal faith-restorative journey. I saw men standing up, publicly apologizing for

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[228] *Supra* note 62: 228.

[229] *Idem*, 232.

[230] Walter Wink, *Engaging the Powers, Discernment and Resistance in a World of Domination* (1992), 189.

[231] Friedrich Nietzsche, *Beyond Good and Evil*, translated by J. Norman (ed.), (1886/2002), section 146.

their behaviour and asking to be restored to the community. I saw them apologizing to prison officers for acting inappropriately. I saw prisoners showing willingness to meet their victims. I saw people asking for mediation with their families to explain to them what they have been through, to play with their children, to have a meal together, and to maintain some form of connection with their families. I realized that when we come face-to-face with those who have been declared "unrighteous, unclean and unacceptable", we are nearest to God. As Griffith reflected: "It is not that we find God there; it is that God finds us there. There where we expect to meet monsters, we meet God instead. The opportunity to serve God lies there among the prisoners who have been reckoned to be the least deserving of any service at all".[232]

As I got acquainted with those inmates, I gradually started to understand their suffering, deprivation, and marginalization within society. The narratives of most prisoners depict a life full of disappointment, failure, despair, embarrassment, guilt and moreover, hopelessness, and fear of the future.

> I fear that I will live the same life I had before (Ludwig, 2011).
> I fear I will end up again in prison (Mongazi, 2011).
> I fear that I won't be able to become a better person (Vaughan, 2011).
> I fear that society will not accept me (Erefoon, 2011).

Toward the end of the programs a strong community of faith, trust, support, and hope had developed, which formed the basis for new friendships between the inmates and the volunteers. Compassion and a sense of care for these men and women was born in me, especially after they had confessed with great honesty their guilt, including crimes they had committed in the past without being caught or charged, and they had expressed a genuine willingness to make amends to their victims. It was difficult for me to judge which inmates were sincere and which were not. Their subsequent actions, in prison and following their release, will determine their sincerity. After all, everyone's journey is different, and usually change does not happen overnight. Nevertheless, I found the honesty of these people truly remarkable, given that telling truth is often against the unwritten prison survival rule of "see nothing, hear nothing, speak nothing", especially for gang-members who know that sharing their unlawful past can be life-threatening, as it is against the gang protocol and the oath they have taken.

The stories that were reported in this article are also aimed at underlining the fact that hope is possible when you are alongside others. At the end

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[232] Lee Griffith, *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (1993), 126.

of my restorative journey, I have become more convinced that faith communities can make a contribution to restoration and healing. Restorative justice is of little consequence, unless it is followed by immersion in a like-minded group after release.[233] Merely being present with the inmates in an attitude of respect and understanding is already an important act of healing. But for this change to be sustained, it needs to be continually provided with practical care by an extended network of people in an environment of acceptance and understanding. Thus, these stories are an invitation to the Church and to the wider community to contribute in healing, hope and transformation: to contribute in restorative justice.

6. Final Thoughts

We have seen that truth, justice, hope and forgiveness characterize relationships made forged by faith-based restorative justice programs. The question addressed by the present article is how Christians are involved in restorative practices aimed at coping with symptoms of prisoners' relational breakdown, although perfect relationships are almost unattainable. The biblical writers and God expect us to pursue the goal of achieving relational righteousness,[234] even if one has committed crimes in the past. Consequently, should not Christians try to follow God's will in their lives and in the arena of public policy? Unfortunately, for many people, including Christians, prisons are nowadays out of sight, out of mind.

> I'm not sure that those who don't offend can understand that world view; that a lot of them, if not all, have experienced some form of abuse at some stage in their life [...] Sometimes it's like you have a prisoner and a non-prisoner; it's like aliens from another planet coming together [...] They don't get it, they don't understand each other. They come from a different world, a different place (Jackie PFNZ, 2010).

People overlook what goes on in prisons and do not ask whether prisons accomplish anything useful. They witness the flourishing prison sector, with more and more prisons being built in order to accommodate more and more people. This phenomenon is directly relevant to the general[235]

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[233] Rodney Stark & William Sims Brainbridge, *Religion, Deviance and Social Control* (1996).

[234] Matthew 5: 48 / 6: 33 / 19: 21; Proverbs 15: 9.

[235] As far as juvenile offenders are concerned, recent research found that the punitive attitude of the public is misestimated, which has become known as the "mythical punitive

public demand for longer sentences, stricter parole eligibility criteria,[236] and the reintroduction of the death penalty.[237] All these demands have one thing in common: they attempt to create a "safer" society, meanwhile eliminating any traces of hope for offenders. The phenomenon has to do with the way in which Christian values are often (mis)interpreted. Christians should have an alternative approach to crime and punishment, but unfortunately some of the most retributive views, including capital punishment,[238,239] come from sections of the Christian community.[240] Perhaps these Christians believe that it is their responsibility to promote retribution because this is what God "wants" and this is what "justice" demands.

> I find a lot of people in Christian walks, in the Church walk, can be punitive. Strangely enough, I don't find that all Christians grasp the concept of forgiveness and reconciliation as easy as others might. I've heard preachers get up and talk about their support of the death penalty and how they believe in retribution, while my reading of the Scripture is not that at all (Jackie PFNZ, 2010).

But it is nobody's responsibility to be the agent of God's anger. That role belongs to God: "Vengeance is mine. I will repay", says the Lord.[241] How we treat each other, especially the least of God's children, is how we will

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public". *See* Julian Roberts, "Public Opinion and Youth Justice", in M. Tonry & A.N. Doob (ed.) *Youth Crime and Youth Justice: Comparative and Cross-National Perspectives* (2004). Also, *see* Daniel S. Nagin, Alex R. Piquero, Elizabeth S. Scott & Laurence Steinberg, "Public Preferences for Rehabilitation versus Incarceration of Juvenile Offenders: Evidence from a Contingent Valuation Survey", 5 *Criminology and Public Policy*, (2006), 627-652; as well as Larry J. Siegel & Brandon Welsh, *Juvenile Delinquency: Theory, Practice, and Law* (10th ed., 2009), 409. The same research shows that citizens are highly supportive of juvenile delinquency prevention and are even willing to pay more in taxes to support those programs. *See* Francis T. Cullen, Branda A. Vose, Cheryl N. Lero & James D. Unnever, Public Support for Early Intervention: Is Child Saving a "Habit of the Heart?", 2*Victims and Offenders*, (2007), 108–124.

[236] Darnell F. Hawkins, Samuel L. Myers & Randolph N. Stone, *Crime Control and Social Justice: A Delicate Balance* (2003), 339.

[237] Charles Zastrow, *Introduction to Social Work and Social Welfare: Empowering People* (10th ed., 2010), 314.

[238] Oliver O' Donovan, "The Death Penalty in Evangelium Vitae", in R. Hutter & T. Dieter (ed.) Ecumenical Ventures in Ethics: Protestants Engage Pope John Paul II's Moral Encyclicals (1997).

[239] Avery Cardinal Dulles, "Catholicism and Capital Punishment", 112 *First Things*, (2001), 30-35.

[240] Stan Thorburn, "Punishment and Sentencing: Courts and Community – A Question of Attitude", Prison Fellowship International. 2005. Retrieved 8th October 2009, http://www.pfi.org/cjr/justice-and-the-church/punishment, 8.

[241] Romans 12: 18.

be judged.[242] Christianity teaches that there is no special merit in loving our friends; the challenge is in loving our enemies; those who might harm us. This does not come naturally, and victims, whether Christian or not, have the right to feel anger at the destructive effects of crime. Yet they should respond in ways that empower the practice of horizontal forgiveness and oppose retribution.[243] Restorative justice as a healing process involves repentance and forgiveness, as witnessed in the Truth and Reconciliation Committee in South Africa. Christians and restorative justice advocates need to look closely at our criminal justice system, not as a vehicle for proselytizing but to consolidate all restorative values. They should be agents of restoration, healing, reconciliation, and most importantly, of love, because in imitation of God, love should be our driving force toward justice. The ineffectiveness of the present criminal justice system is the result of the fact that "systems can't love, and only love brings true healing" (Solomon).[244]

> If we squeeze all 10 commandments into one word, that would be **love** (Jonathan HM, 2011).[245]

The way in which the ethical and moral teachings of Christianity can apply to prisons and to the wider pluralist community remains a persistent problem,[246] mainly because many people, including Christians, do not want to think about people in prisons, unless they are directly affected. But even those who belong to the Christian community and care about prisoners must think carefully about the role of the Church in working for restorative reforms. Any successful reform effort also needs to be viable and applicable into a post-modern, secular and fragmented society. It must be able to accommodate people from diverse faith and belief backgrounds, without undermining the importance of faith and religion. Public policies must take the role of religion in criminal justice seriously. And Christians need to enhance their strategies for relational wellbeing so that restorative justice may fit into this framework.

Christian restorative justice practitioners should build up a body of knowledge derived from the international experience of restorative justice

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242 Paul 2: 11.

243 Horizontal forgiveness comes from a person and is directed to another person, whereas vertical forgiveness refers to God's forgiveness granted to humans.

244 Cited in Erika Bai Siebels, "*Restorative Justice – Real Justice*", Restorative Justice Online. 2005. Retrieved 8th October 2009, http://restorativejustice.org/articlesdb/articles/5710, 9.

245 HM stands for "Hope Ministry" operating in the Pollsmoor prison, South Africa.

246 *Supra* note 129: 16.

interventions, and make it available to future generations of Christian and non-Christian practitioners. Although theological and criminological debates are useful, they cannot change people's lives. Practice is what takes people from simply preaching reconciliation to participating in it and facilitating it. Practical experience also teaches us that when you accept people where they are and tell them that somebody (God and community) still loves them, you generate more hope for healing than any criminal justice policy does.

> Here is my servant [...] I have given you as a light [...] to bring out the prisoners from the dungeon (Isaiah 41: 1, 6-7).
>
> Last night I had a dream. I saw that a black shadow, like a man, was holding me tight, so tight that I couldn't breath [...] and then a light came over me and cut his hands and feet, and this shadow-man fell on the floor (Ferdinand, 2011).

This is why the Church must keep working among those who are victims and offenders, ministering reconciliation and restoration of relationships inspiring both pious and secular criminal justice professionals. The fact that restorative justice has spiritual dimensions[247] and biblical origins places an obligation on all Christians to act restoratively, to ensure that mercy, reintegration, healing, sanction where appropriate, and forgiveness leading to reconciliation lie at the heart of a fair and just criminal justice system. The ultimate Christian position on prisons should be a commitment to the reintegration of the released prisoners into a community of care and forgiveness, into a community that loves its "enemies". And some day, perhaps the restorative vision of justice will become our vision of justice.

7. Conclusions

What is the link between Christianity and restorative justice? In what way is religion an influential factor in the development of restorative justice programs behind in prisons? The questions addressed in this article were how and why Christians are involved in restorative practices for prisoners. I argued that Christianity appears to verify that biblical elements, such as *encounter*, *reintegration*, *forgiveness*, and *reconciliation*, are fundamental in establishing restoration and matching the ingredients of widely applicable

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[247] Mike Batley, "What is the Appropriate Role of Spirituality in Restorative Justice?", in H. Zehr & B. Toews (ed.) *Critical Issues in Restorative Justice* (2004).

restorative justice practices to create a common ground between the two notions. I also noted that Christianity has provided an important stimulus to altering the nature of imprisonment in a less retributive direction through its constant involvement in restorative justice initiatives, always keeping in mind the counter-restorative mindset of certain Christian groups. Through personal involvement and facilitation of such initiatives in New Zealand (Rimutaka prison) and in South Africa (Pollsmoor prison), I understood that the particular faith-based restorative justice programs were religiously comprehensive and culturally sensitive, so that participants were free to decide whether or not to pray, as long as they were able to participate in exercises aimed at building a safe environment in which prisoners can share their personal stories, safely listen and respond with respect. At the end of each restorative justice program, a graduation was organized, allowing prisoners' family members to attend and witness the change brought by these programs to the victims' awareness, accountability, and hope for a crime-free future.

Another aspect of the present research was the realization of the significant role the shame can play in restorative justice and crime prevention. I observed the fact that the majority of prisoners suffered from stigmatic shame, the proven cause of a various types of anti-social behaviour and addictions,[248] which faith-based programs tried to dispel through religious teachings. Unfortunately, I also encountered certain offenders who had difficulty acknowledging the pain caused to their victims, understanding the impact of their crime, or feeling ashamed of what they have done in the past. The main reasons for such attitudes were gang affiliations, which are popular among prisoners, and the fact that committing certain heinous crimes (at times, against prison staff, during their incarceration) was granted them "status", survival privileges and recognition among their peers. In such an environment, seeking to instill the principles of restorative justice in the prisoners, restore hope to their hopeless lives, and achieve transformation driven by religion was indeed a challenge.

[248] *Supra* note 217.