

**Our Covenant with God:  
A Bible Study for Lent and Other Seasons**

**The Rev. Jackie Means**

*“Resolved, . . . That the 73rd General Convention of the Episcopal Church endorses the exploration and study of restorative justice for our nation’s criminal justice system.” (B003, Restorative Justice)*

**I was one of the endorsers to “B003, Restorative Justice.” . . . The term, “Restorative Justice” conveys the necessity to heal the tear in society when crime occurs. What will care for the victim be like, or for the families involved, yes, even for the perpetrator? And what, ultimately, will be the relation between the perpetrator and the victim? Our justice system is haunted by crimes where revenge and retribution have been meted out yet remain perpetually inconclusive. There has been no redemption and no restoration. This act by our Convention leads us to a new place of wholeness.**

*(The Rt. Rev. George E. Packard, Bishop Suffragan for Armed Services, Healthcare, and Prison Ministries, Bishop’s Diary, July 21, 2000)*

#### **PREFACE: The Rev. Jackie Means**

I am pleased to offer to you this Bible Study addressing the issue of Restorative Justice. It is our hope and prayer that it is of use to you not only for a Lenten study but for small group discussion. The General Convention in 2000 made it quite clear that the Episcopal Church needed more information and some clear explanation as to what Restorative Justice is and how as Christians who happen to be of the Episcopal faith can weave this concept into their every day life. — Jackie

## INTRODUCTION: Harmon L. Wray

This Lenten Bible study is one way the Episcopal Church has chosen to fulfill the mandate of the 73rd General Convention for “the exploration and study of restorative justice for our nation’s criminal justice system.” Since restorative justice is rooted in primary biblical themes of Jubilee economics, Shalom justice, Sermon on the Mount ethics, and the vision and ultimate reality of God’s reconciliation and restoration of all things, persons, and peoples to God, self and to one another, the Church’s Office of Prison Ministry offers this series of readings, prayers, and reflections as a Bible study. We believe that it is useful at any time in the Christian year, but we feel that it is particularly appropriate for Lent.

We have chosen to organize this study according to the format of our Baptismal Covenant, for two reasons. First, we are convinced that the issues of crime and justice are at the heart of our Christian faith, and that the promise of restorative justice lies at the heart of God and, thus, to the central calling of God’s church and of every Christian. Second, the questions in the Baptismal Covenant lend themselves especially well to this subject matter as they confront us all with challenges to live out the practical consequences of what we say we believe, even in the unpleasant, controversial, and politicized arena of crime and punishment. We hope that this study is challenging, penetrating, and -- ultimately -- rewarding for your Lenten journey as you seek to walk with Jesus in his own engagement with the criminal justice system of his time and place.

\* \* \*

Our society’s criminal justice system -- like crime itself -- reflects and embodies a spirit of disrespect, dishonesty, force, domination, and control. The alternative, biblical way of responding to crime -- restorative justice -- is all about relationships. Healthy relationships are those based on respect, truth-telling, compassion (literally, “suffering with”), and solidarity. When a crime has taken place, a crime victim, his or her violator, and the local community are all in a place of great suffering, and whatever their relationships have been, they are now broken. All three parties, and all their relationships, need hope and healing. But this is prevented by an adversarial legal system, a political culture, and a mass media which portray victims and offenders, and those who care about one group or the other, as totally separate groups of people who are one another’s enemies.

Jesus Christ -- who embodies the status of both lawbreaker and victim -- breaks down this mythology and binds up the brokenhearted and the broken relationships, if we

will let him. He treats all with respect and compassion, and he always tells the truth. Thus he offers to all of us -- when we are victims and when we are violators -- the hope and healing we all need. The community of faith, made up of his followers, is called to do likewise. A major focus of Christian worship, education, preaching, and discipleship must be about helping those who would be his followers experience the beginning of what it means to be in compassion, solidarity, and respectful relationship with the victims, the violators, and the community.

Restorative Justice is a concept and a national and global movement which offers an alternative to vengeance and retribution in responding to crimes and other harmful acts. It is often practiced in mediation, conferencing, and other processes which empower victims, offenders, and communities -- the primary stakeholders -- in deciding how the offender should be accountable to “make it right,” insofar as possible, to the victim and the community. It seeks restitution and healing rather than revenge, while being careful and assertive in seeking to protect victims and society from future harms and crimes. A Restorative Justice perspective has implications for larger, systemic issues -- such as hate crimes, reparations for slavery, drug policy, and the unjust distribution of wealth and political power -- as well as for criminal and juvenile justice. A Restorative Justice approach includes, among others, the following features:

- crime understood as violation of one or more persons by another person rather than primarily a violation of the laws of the state, so that an offender owes not so much a “debt to society” as a debt to his or her real victims;
- an emphasis on the community’s, the victim’s, and the offender’s roles in determining appropriate responses to crimes, as distinguished from plea-bargaining deals struck between lawyers and sentences imposed by judges;
- offender accountability understood more as actively making restitution to the victim, doing community service, participating in treatment, and the like, than as passively submitting to a punitive, “pound of flesh” penalty imposed by the court; and
- a model of face-to-face dialogue, negotiation, and conciliation which involves victim, victimizer, and local community, as an alternative to the overly adversarial system prevalent in society’s criminal courts.

Restorative justice is not just a nice theory. Research in the United States and elsewhere has shown that it works to accomplish important goals of any criminal or juvenile justice system:

Of all the models employing an approach of restorative justice, the victim offender mediation programs (VOMPs) have received the greatest degree of formal evaluation.

A large four-site study of juvenile VOMPs done in the early 1990s found extremely positive results:

- \* 95% of mediation sessions produced a negotiated restitution contract.
- \* 79% of victims were satisfied with the process, compared to 57% of victims in nonmediated cases.
- \* Post-mediation, victims were considerably less fearful of subsequent victimization.
- \* 81% of offenders completed their restitution obligations established in mediation, compared with 58% of offenders when the restitution was imposed by the court.
- \* Offenders who had gone through mediation had an 18% recidivism rate, compared to 27% of those whose cases were not mediated.
- \* The seriousness of crimes committed after the present one was higher for those offenders who had not participated in mediation.

Studies done of other restorative justice models report findings consistent with the above. (Harmon L. Wray, *Restorative Justice: Moving Beyond Punishment*, p. 24)

**What are the biblical roots of restorative justice? And what does it have to do with us?**

**UNIT I**

**“Will you continue in the apostles’ teaching and fellowship, in the breaking of bread, and in the prayers?”**

**READ Acts 2:38-39, 41-45:**

Peter said to them, “repent, and be baptized every one of you in the name of Jesus Christ so that your sins may be forgiven; and you will receive the gift of the Holy Spirit. For the promise is for you, for your children, and for all who are far away, everyone whom the Lord our God calls to him. . . .” So those who welcomed his message were baptized, and that day about three thousand persons were added. They devoted themselves to the apostles’ teaching and fellowship, to the breaking of bread and the prayers. (Our emphasis)

Awe came upon everyone, because many wonders and signs were being done by the apostles. All who believed were together and had all things in common; they would sell their possessions and goods and distribute the proceeds to all, as any had need. (New Revised Standard Version)

**DISCUSSION:**

As this immediately post-Pentecost passage from Acts shows, the Christian community’s worship experience, their ethics or way of life, and even their economics were all closely related, not separate from each other. This should come as no surprise to us, since for many centuries the same had been true for the Hebrew people as well. For the ancient Jews and the early Christians, life was not fragmented and compartmentalized, but holistic. Given the very different nature of our world, what does this say about our way of life as we struggle to be faithful to the Christian values and principles to which we are committed by virtue of our baptismal vows?

If economics is related to one’s faith and worship, what does an economics formed by a Hebrew and Christian worldview look like? First, economics and justice are

inextricably intertwined. It is in the Jubilee tradition, as spelled out most thoroughly in Leviticus 25, that the concepts of both economic justice and restorative justice have much of their Judeo-Christian scriptural basis:

You shall hallow the fiftieth year and you shall proclaim liberty throughout the land to all its inhabitants. It shall be a jubilee for you: you shall return, every one of you, to your property and every one of you to your family. The fiftieth year shall be a jubilee for you: you shall not sow, or reap the aftergrowth, or harvest the unpruned vines. For it is a jubilee; it shall be holy to you: you shall eat only what the field itself produces. (Leviticus 25:10-12; NRSV)

Everyone gets their land back. Slaves are freed. Debts are canceled. Basil the Great captures the spirit of Jubilee economics and of the early church in this way:

When someone steals another's clothes, we call them a thief. Should we not give the same name to one who could clothe the naked and does not? The bread in your cupboard belongs to the hungry; the coat hanging unused in your closet belongs to the one who needs it; the shoes rotting in your closet belong to the one who has no shoes; the money which you hoard up belongs to the poor. (From Peacemaking: Day by Day, vol. 1, Pax Christ USA, p. 9)

Biblical scholar and theologian Walter Brueggemann argues that "In biblical faith, the doing of justice is the primary expectation of God," and his rendering of biblical justice, based on the Jubilee model, is this: "Justice is to sort out what belongs to whom, and to return it to them. . . . So the work of liberation, redemption, salvation, is the work of giving things back." (Walter Brueggemann, et al, To Act Justly, Love Tenderly, Walk Humbly: An Agenda for Ministers)

Giving things back. Restoration. Restitution. This sounds good, doesn't it? The burglar or armed robber owes me and has to give me back the value of what he or she took from me. And Enron, WorldCom, Arthur Anderson, and those other companies - they owe a pretty big restitution bill to their investors and workers, too, don't they?

In his book, *Going Home: An Invitation to Jubilee*, Frank T. Griswold, the Presiding Bishop of the Episcopal Church, reminds us that "The Jubilee year has its roots in the notion of sabbath, which is understood not simply as a day of rest but as a time of recreation, reordering, and release." (page 6)

Professor Brueggemann's reference to liberation, and Bishop Griswold's reference to release, as being part of the meaning of the Jubilee are reflected in this passage from the prophet Isaiah, which points us toward yet another dimension of biblical and restorative justice:

The spirit of the Lord God is upon me, because the Lord has anointed me; he has sent me to bring good news to the oppressed, to bind up the brokenhearted, to proclaim liberty to the captives, and release to the prisoners; to proclaim the year of the Lord's favor . . . (Isaiah 61:1-2a; NRSV)

"Wait a minute!" you may be saying. "We were going right along, talking about how criminals -- blue-collar and white-collar ones -- have to pay back their victims. Now all of a sudden it sounds like we're talking about letting criminals out of prison. What's going on here?"

What's going on here is that biblical, Jubilee economics, and restorative justice, cut both ways, like Jesus' metaphorical "sword" (Matthew 10:34). At one and the same time, restorative justice is "pro-victim" and "pro-criminal". This covers all of us, doesn't it? And it covers each of us all the time. It covers me when I'm a victim. And it covers me when I violate others, as I am wont to do, in many ways. This is because restorative justice understands crime as harming others, not simply as breaking a law. We all do our share of hurting others and departing from the ways of Jesus; the difference is between those of us who know it and confess it and repent of it, and those of us who live in denial of our sin.

### **Listen to the confession of one prisoner, doing a life sentence in Oklahoma:**

I'm in prison because I killed a very precious young man named Bart. I am guilty of taking a life I cannot replace. No matter how long I stay in, no matter if I were to die for my transgression against Bart, his family and God, no matter what, I cannot undo what I did. All I can do is to try to live, And hope. . . . I'm guilty. It's important we all remember that. (Forward Day By Day, May/June/July 2002, Sunday, May 12)

Not only have I tread upon the most profane act of taking a life which I cannot replace, I continue to "not obey the gospel of [my] Lord Jesus" (II Thessalonians 1:8) Day in and day out, I fail, miserably, at following Jesus. (Thursday, May 2)

Jubilee economics and restorative justice mean that criminal violators of persons and their property owe a debt to their victims and are accountable to them to make it right. But by the same token, the principles of the Jubilee and of restorative justice also

confront the larger, systemic, structural patterns of violation and oppression of some groups of people by the affluent, the comfortable, and the powerful classes. They challenge the rich and powerful -- those of us who have more than we need -- with our debt to the poor and with our duty to narrow the gap of wealth, status, privilege, and political power which keeps us dominant over those who do not have enough.

Jubilee economics and restorative justice are revolutionary concepts, because -- unlike the U.S. criminal justice system -- they address seriously both street crime and suite crime, both blue-collar and corporate crime.\*\* The scope of restorative justice encompasses both direct and indirect violations of some human beings by others. Restorative justice, rooted in biblical Jubilee economics, addresses both personal crime and systemic oppression, never one without the other. Most of us are not comforted by this. Presiding Bishop Griswold reminds us:

As a cosmic abstraction or a diffuse hope, we welcome jubilee. But as its conditions impose themselves upon the actual structures of our lives, we recoil and equivocate and find all manner of reasons to make compromises and modifications. (Going Home, p. 64)

Jubilee is not just another perspective, superadded to our present and often self-protective points of view, but a radical shift in how and what we see. Jubilee sets in motion a series of unsettling critiques that oblige us to ask: What is going on here -- in my life, in my perceptions, in my being in the world? Jubilee forces us to acknowledge I was blind but now I see. (pp. 67-68)

Presiding Bishop Griswold lifts up Zacchaeus as one whose new and overwhelming sense of being loved -- by Jesus -- forces him to begin to see everything differently. He goes on to exercise jubilee economics and restitutive justice, pledging to redistribute half of his assets to the poor and paying fourfold restitution to the those he has defrauded. Thus, he pays his debt to both the indirect victims of his participation in systemic injustice and oppression and the direct victims of his crimes.

### **A PRAYER FOR THE OPPRESSED:**

Look with pity, O heavenly Father, upon the people in this land who live with injustice, terror, disease, and death as their constant companions. Have mercy upon us. Help us to eliminate our cruelty to these our neighbors. Strengthen those who spend their lives establishing equal protection of the law and equal opportunities for all. And grant that every one of us may enjoy a fair portion of the riches of this land; through Jesus Christ our Lord. Amen. (BOCP, p. 826)

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\* Recent surveys indicate that 90% of adults in the U.S. admit anonymously to having committed one or more crimes for which they could have been incarcerated; 64% of men admit anonymously to having committed one or more felonies.

\*\* In a speech at Vanderbilt University, in Nashville, Tennessee, on February 1, 2001, Ralph Nader gave the following annual figures on preventable deaths in the United States:

criminal homicides (dealt with by the criminal justice system) -- 15,500

deaths due to trauma or toxic poisons in the workplace -- 58,000

deaths due to medical carelessness/incompetence in hospitals -- 80,000

deaths induced by air pollution (non-workplace) -- 65,000

deaths related to tobacco usage by self or others -- 400,000

deaths related to incorrect prescription medications -- 100,000

**UNIT II:**  
**“Will you persevere in resisting evil, and, whenever you fall into sin,  
repent and turn to the Lord?”**

If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has his foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. (Archbishop Desmond Tutu, South Africa, Peacemaking Day by Day, Pax Christi, p. 4)

**THE SERMON ON THE MOUNT**

In the next session, we will be continuing to develop a biblical foundation for restorative justice, looking for traditions which explicitly support a less retributive way of understanding and doing justice. In this session, we will be looking at some of the most radical “hard sayings” of Jesus for clues as to God’s will in how we live our lives as a whole, since restorative justice is a way of life as much as a way of justice. Here the Sermon on the Mount, as articulated in Matthew 5 - 7, becomes critical. To get us started, let us listen to a rendering of the Beatitudes “unfolded from the Gospel according to Luke” (6:20-26) by Rev. Jim Cotter of the Church of England and the Cairns Network:

You are blessed if you are destitute and homeless:  
you are not to be blamed;  
you are already in God’s Domain.

You are blessed if you are starving and have to beg for food:  
you are not at fault;  
you will be satisfied.

You are blessed if you are downtrodden and gaunt with grief:  
you are not guilty;  
you will laugh for joy.

You are blessed if you are despised, persecuted, mocked, and stigmatized:  
you are not to be ashamed;  
you are well loved and will be honored.

Alas for the wealthy  
with their contempt for the poor.

Alas for the overfed  
with their hardness of heart.

Alas for the sleek  
with their mocking scorn.

Alas for the successful  
with their arrogant disdain.

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Isolated, proud, frozen,  
we cannot give true love;  
we have not known it;  
we do not know how to receive it.  
We can be rescued only by you --  
the ones we have rejected.  
You hold us steadily with your eyes,  
with the gaze of justice and compassion.  
Will we draw from you the courage  
to fall into your arms,  
stretched forward in mercy  
to embrace us?  
(By Heart for the Millennium, pp. 2-3)

Now, let us move on to excerpts from the version of the Sermon on the Mount in the Gospel of Matthew.

**READ excerpts from the Sermon on the Mount, Matthew 5-7:**

1. You have heard that it was said to those of ancient times, “You shall not murder”; and “whoever murders shall be liable to judgment.” But I say to you that if you are angry with a brother or sister, you will be liable to judgment; and if you insult a brother or sister, you will be liable to the council; and if you say, “You fool”, you will be liable to the hell of fire. So when you are offering your gift at the altar, if you remember that your brother or sister has something against you, leave your gift there before the altar and go; first, be reconciled to your brother or sister, and then come and offer your gift. (5:21-26)

2. You have heard that it was said, “An eye for an eye and a tooth for a tooth.” But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also. (5:38-39)

3. You have heard that it was said, “You shall love your neighbor and hate your enemy. But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. . . . Be perfect, therefore, as your heavenly Father is perfect. (5:43-45, 48)

4. For if you forgive others their trespasses, your heavenly Father will also forgive you; but if you do not forgive others, neither will your Father forgive your trespasses. (6:14)

5. No man can serve two masters; for a slave will either hate the one and love the other, or be devoted to the one and despise the other. You cannot serve God and wealth. (6:24)

6. Do not judge, so that you may not be judged. For with the judgment you make you will be judged, and the measure you give will be the measure you get. (7:1-2)

## **DISCUSSION:**

1. What is it about anger? Whether it’s a matter of too much testosterone, or something that needs “management,” or a good reason for better restricting access to handguns, anger is certainly a timely subject these days. We all have it, and we seem to differ primarily in how well we control it, and in whether we tend to turn it onto its real source, or onto an innocent bystander, or onto ourselves. It can be very raw and primitive (e.g., witness the outcry for executions and for retaliation against terrorists, gays, blacks, whites, communists, or whoever is one’s worst nightmare). But is it a primary or a secondary emotion? Listen to the following two takes on the idea of anger as a secondary feeling.

First, from our insightful and faithful Oklahoma prison lifer, anger as secondary to the more primary feeling of fear:

Fifteen years ago, next month, I did something in a moment of anger that ended one person’s life and forever changed mine and others’. Although it had become a habit of mine, acting in anger, this particular tragedy only took a moment.

And, thing is, I just thought I was angry. Truth is, what I know as anger is really nothing more than fear. It was then, and it still is today. When I am scared, I react in anger. If I were to practice honesty in all my affairs I wouldn't get angry anymore. Instead, I'd say, "Hey, this is scaring me. I'm afraid of (fill-in-the-blank)."

It's so difficult for me to admit I'm scared. I don't know if it's because I'm a man and somewhere along the way I picked up the erroneous idea that men aren't scared or if it's because I'm in prison and it's certainly an unwritten rule in here: don't show fear. Maybe it's simply because I'm still immature and insecure and don't want anyone to think I'm as imperfect as God and I both know I am.

Whatever the reason, it is time I learned to live without fear. Without fear, I don't need anger. Without anger, God is love. (Forward Day by Day, May/June/July 2002, Saturday, June 15)

Now, from our equally insightful and faithful Presiding Bishop, anger as growing out of self-hatred:

I think our greatest sin against the Holy Spirit is to deny God's love. . . . Karl Menninger . . . once observed that from his perspective the primary cause of mental illness lies in people's "inability to forgive themselves for being imperfect." . . .

. . . I think here of the interior voice of accusation that resides within so many of us, always finding fault instead of driving us into the arms of God's mercy. This accusing voice turns us more and more into ourselves in a spirit of hostility and self-accusation, which then gets projected outward onto others. I think much of the anger in society and in the church comes from this projected self-castigation. . . . Genuine remorse, genuine repentance, opens us to God, whereas self-hatred imprisons us more and more within ourselves. . . . Our identity, our true identity, is that we are deeply, profligately, and irresponsibly loved by God. Jubilee is a time to go home to that love. (Going Home, pp. 16-18)

However different their analyses of the root primary emotion from which springs our anger, what both these have in common is a conviction that the solution is in God's love.

2. The old King James translation of the Bible renders Matthew 5:39a as "Resist not evil." The NRSV makes it clearer by personifying it as "an evildoer", so that the baptismal charge to "resist evil" is not contradicted here. This is a great improvement, since it is more accurate and avoids the contradiction. However, many baptized

Christians -- despite the vows they have taken -- will testify that it is no easier to “resist evil”, whether in oneself or in the world around us, than it is to “resist not an evildoer.” Both are very difficult. Perhaps that is why the second part of the charge is here: “whenever you fall into sin, repent and turn to the Lord.” It’s easy to fall into sin when you take the Sermon on the Mount seriously. In fact, it seems inevitable that we will, over and over again. Perhaps that was part of his point in preaching this sermon.

How do you resist evil, in yourself and in your environment? How well do you do in refraining from resisting those who do evil, in the “eye of an eye” sense, as that is the contrast here?

3., 4., 5., 6. Love your enemies. Be perfect. Forgive to be forgiven. Love God, not money. Don’t judge. . . . How difficult all these are to do, ever, much less consistently. It’s enough to drive us to our knees and into the mercy of God in despair that we could every live up to such a high standard on our own power. Maybe that was at least part of the point.

### **A PRAYER FOR OUR ENEMIES**

O God, the Father of all, whose Son commanded us to love our enemies: Lead them and us from prejudice to truth; deliver them and us from hatred, cruelty, and revenge; and in your good time enable us all to stand reconciled before you; through Jesus Christ our Lord. Amen. (BOCP, p. 816)

### **A PRAYER IN TIMES OF CONFLICT**

O God, you have bound us together in a common life. Help us, in the midst of our struggles for justice and truth, to confront one another without hatred or bitterness, and to work together in mutual forbearance and respect; through Jesus Christ our Lord. Amen. (BOCP, p. 824)

### UNIT III:

**“Will you proclaim by word and example the Good News of God in Christ?”**

#### **DISCUSSION: SHALOM AND TSEDEQAH**

If the Jubilee tradition and Jesus’ teachings as exemplified in the Sermon on the Mount provide crucial elements of the biblical basis for restorative justice, another central concept, closely associated with Jubilee, is that of shalom. This ancient Hebrew word, often translated as "peace," actually means something more like "whole and right relationships," or "peace with justice," including the elements of fairness and equity between persons and between groups as well as the good feeling of harmony. One close translation, in the words of a popular bumper sticker, might be: “If you want peace, work for justice.” The notion of shalom captures both the justice/righteousness/fairness component of the restorative justice vision, and the hope of love/mercy/reconciliation which represents the other component of that vision.

In an early, groundbreaking essay, the late Rev. Virginia Mackey (UCC), an early North American pioneer in restorative justice, wrote of the Jewish tradition:

The Judaic connotation of justice (tsedeqah) is one of that which “makes things right.” Divine justice (tsedeq) is synonymous with holiness or righteousness. Human justice (tsedeqah) is “rightness.”

In their Scripture and tradition, Jews have urged caution in judgment, have shown reluctance to punish, and have exhibited the desire to make atonement, restitution, or reconciliation when conflicts have occurred. This is their interpretation of “making right,” “making peace,” or achieving shalom. The predominant theology is one of restoration. (Punishment in the Scripture and Tradition of Judaism, Christianity and Islam, p. 12)

In his response to Mackey’s essay, Professor Rolf Knierim spells out in terms of the Hebrew Bible the offender’s part of the responsibility for restoring shalom:

The Old Testament clearly speaks about restitution. If a thief steals his neighbor’s ox (and provided he is caught), he has to return the ox or to replace it and to pay a fine. He has to make “restitution.” The Hebrew term used in this connection, shillem, which is related to shalom, means literally to make the (original) situation full, to restore it. Thus, reconciliation involves an act of restoration which requires restitution by the evildoer and sometimes even a fine. It involves the evildoer’s share in the

process of reconciliation, and not only the forgiving acceptance of him by the damaged party or community, so that the original situation of wholeness = peace can be restored. (p. 74)

If we turn to the New Testament, there are certain key passages for those who would explore a distinctively Christian angle of vision on issues of crime and punishment. Some of these passages, especially the parables of Jesus, are likely to occur to the reader very quickly. One text that should immediately come to mind is the parable of the Good Samaritan (Luke 10:25-37), from which a clear mandate for practical, compassionate Christian ministry with crime victims can be drawn. Similarly, the Parable of the Last Judgment (Matt. 25:31-48), which lifts up the ministry of presence with those in prison as a distinctive mark of faithful discipleship (but in a way which makes it problematic as an intentional, self-conscious way of “getting close to Jesus”, since the striking thing about the “sheep” in the parable is that they had not a clue that they were responding to Jesus in their works of compassion for the suffering). There is the Parable of the Workers in the Vineyard (Matt. 20:1-16), in which it is made clear that in the eyes of God, there is more to justice than what we naturally think it means.

The epistles of Paul also yield passages expressing a restorative, reconciling spirit toward those who have wronged us. A few examples are Romans 12:17-21, dealing critically with the human desire for vengeance; II Corinthians 5:16-21, Paul’s great discourse on how the cosmic reconciliation which God has wrought in Jesus Christ changes everything and makes all human beings brothers and sisters, reconciled to one another, whether we like it or not; and Galatians 6:1, which spells out how we should “restore” one who transgresses “in a spirit of gentleness,” taking care that we ourselves “are not tempted.”

There are other passages spread through the New Testament which speak to these concerns. There is Hebrews 13:3, in which solidarity with strangers and with prisoners and torture victims is lifted up as a virtue. We have looked at the story of Zacchaeus, in Luke 19:1-10. Finally, there is Matthew 18: 15-22, in which a kind of version of the mediation process or the circle sentencing process is offered for dealing with offense and conflict within the Christian community of faith.

\* \* \*

Perhaps no text in the New Testament is more suggestive, more troubling, and more radical than that in which Jesus’ inaugural sermon, in his hometown synagogue, is recorded. As recounted in the Gospel of Luke, Jesus picks up on Isaiah 61:1-2, which

we have seen before, associates the long-awaited Day of the Lord with himself, and declares that it is now here. In its aftermath, according to Luke's story, the faithful and their religious leaders for the first time tried to kill him. Clearly, Isaiah's and Jesus' "good news to the poor" was heard as bad news by everyone else. This was a foretaste of the bitter cup to come. The Oklahoma lifer, once again in a confessional mode, says it starkly and accurately:

I'm not persecuted for my beliefs. In fact, no one cares who or what I believe in. It's relatively easy, going about my quiet way, worshiping God privately and keeping to myself. Being a follower of Jesus doesn't get me in trouble. That's because I'm a lousy follower of Jesus.

As much as anything else, Jesus stood against having "in" and "out" crowds. Jesus hung out with the "have-nots" and told the "haves" there wasn't even such a distinction. That made the "haves" mad and so they killed him. . . .

Anytime I don't stand against these exclusive class systems, I fail, miserably, at following Jesus.

I'm not persecuted for my beliefs when they're watered down to nothing. (Forward Day by Day, May/June/July 2002, Thursday, July 25)

**Now, let us read Luke 4: 16-21:**

When he came to Nazareth, where he had been brought up, he went to the synagogue on the sabbath day, as was his custom. He stood up to read, and the scroll of the prophet Isaiah was given to him. He unrolled the scroll and found the place where it was written: "The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favor." And he rolled up the scroll gave it back to the attendant, and sat down. The eyes of all in the synagogue were fixed on him. Then he began to say to them, "Today this scripture has been fulfilled in your hearing."(NRSV)

Presiding Bishop Griswold cites this text and its affirmation and fulfillment of the jubilee tradition as absolutely decisive for Jesus' life, ministry, and death:

And with that, jubilee becomes the absolute center of his ministry and every single thing that happens beyond that point, including his free leaping onto the cross, is in the service of jubilee

-- in the service of release, freedom, reconciliation, re-creation. And so there is no

way whatsoever we as Christians can avoid jubilee. . . Do we dare enter into and claim that freedom? (Griswold, *Going Home*, p. 30)

How radical are Jesus' words? From another quarter, down South, over 30 years ago, came these incendiary words, in the pages of a magazine called *Katallagete*, which is Greek for "Be reconciled!" (II Corinthians 5: 20):

In Jesus God proclaims freedom for those in prison. The prisoners are to be turned loose. Literally. This is the good news from God. In Jesus God is not reform. Not rehabilitation. Not parole. In Jesus God is freedom. Liberation. Freedom to the criminals . . . . What Jesus is talking about is unlocking the doors, dismissing the Warden and all his staff, recycling the steel bars into plowshares, and turning the prisoners loose.

(Will D. Campbell and James Y. Holloway, "The Good News in Jesus is Freedom to the Prisoners," *Katallagete*, Winter-Spring, 1972)

Shortly after these words were written, one of their authors, Will D. Campbell, who describes himself as a "bootleg Baptist preacher," started something called Southern Prison Ministry in Nashville, which is Will's home. I used to work there, for six years as a volunteer and three years on staff. This was our "creed." Part of me still believes it and preaches it. Part of me is afraid of it and thinks that I should be more "reasonable."

In his book *The Fall of the Prison: Biblical Perspectives on Prison Abolition*, Church of the Brethren writer Lee Griffith reminds us that Isaiah's, Jesus', and Luke's references to releasing prisoners is part of a larger pattern of biblical discernment:

The Bible does not present the prison as simply one of many social institutions that may be more or less effective in pursuing the various goals assigned to them. The Bible identifies the prison with the spirit and power of death. As such, the problem with prisons has nothing to do with utilitarian criteria of deterrence. As such, the problem is not that prisons have failed to forestall violent criminality and murderous rampages; the problem is that prisons are identical in spirit to the violence and murder that they pretend to combat. The biblical discernment of the spirit of the prison demythologizes our pretenses. Whenever we cage people, we are in reality fueling and participating in the same spirit we claim to renounce. In the biblical understanding, the spirit of the prison is the spirit of death. (p. 106)

## **A PRAYER FOR SOCIAL JUSTICE**

Grant, O God, that your holy and life-giving Spirit may so move every human heart [and especially the hearts of the people of this land], that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in justice and peace; through Jesus Christ our Lord. Amen.  
(BCP, 823)

**UNIT IV:**  
**“Will you seek and serve Christ in all persons, loving your neighbor as yourself?”**

**A testimony from an Oklahoma prison lifer:**

I suppose it's easy taking pot shots at people in prison. I am as guilty as the next person when it comes to making jokes when I am uncomfortable or scared. If our prison problem doesn't scare you or make you uncomfortable, then you're not paying attention.

However, I know firsthand how much the people in our prisons are children of the very same God as everyone else. I know God wants them to receive compassion, forgiveness and life, even though they may not deserve it. How do I know? Because that's the way you've treated me.

(Forward Day by Day, May/June/July 2002, Wednesday, June 19)

“You shall love your neighbor as yourself.” (Mark 12:31a)

In the Sermon on the Mount (see Unit II), Jesus told us to love our enemies. Now he tells us to love our neighbor. While most of us feel that we have a pretty good idea who our enemies are (though sometimes we are mistaken, both about who is and about who is not), we're often not sure who qualifies as our neighbor. But for Jesus, it's everybody.

We have many devices in our society to separate us from our neighbors, usually because we want them to be our enemies. Prisons are one example; their walls and razor wire fences exist as much to keep us out as to keep them in. But our Lord calls us in Matthew 25 to be there, and in Luke 4 to join him in his work to liberate them from behind those walls and fences.

But what about the victims? We have spoken much about prisoners, but little about the victims of their crimes. Yet it is misleading to pretend that the world is neatly divided into two groups of people -- the victims and the victimizers. Most of us are, or have been, or will be, both victim and offender. Surely the experience of being the victim of a serious crime (and almost all crimes feel serious to the victims) is a horrendous experience which no one deserves to have to go through. It often does tremendous damage to people physically, economically, and emotionally. It is often damaging to their relationships -- with each other and with others. And the experience

of going through the criminal justice system often further victimizes crime victims, in a variety of ways.

The fact that victimization is so traumatic, so damaging, and so misunderstood, is precisely one reason that we have so much crime in this society. Because most, if not all, of those we call street criminals have also been victims -- often of horrific crimes and other actions which should be considered crimes. (The white collar, corporate criminals have often experienced other forms of victimization, like the assumption of privilege, addiction to power, etc.) Not that they are all, or even mostly “innocent.” But they have been damaged severely, and this is a large part of their criminal patterns.

In this session, we will hear some testimonies about -- and from -- those we call criminals. Be listening for how to tell the difference between the criminals and the victims, if you can.

The real roots of crime are associated with a constellation of suffering so hideous that, as a society, we cannot bear to look it in the face. Yet we can never hope to understand street crime unless we summon the courage to look at the ugly realities behind it. . . . Street criminals typically come from the bottom of the economic ladder -- from among the ignorant, the ill-educated, the unemployed, and the unemployable. . . . Our prison population is disproportionately black and young. The offenders that give city dwellers nightmares come from an underclass of brutal social and economic deprivation. . . . It is no great mystery why some of these people turn to crime. They are born into families struggling to survive, if they have families at all. They are raised in deteriorating, overcrowded housing. They lack adequate nutrition and health care. They are subjected to prejudice and educated in unresponsive schools. They are denied the sense of order, purpose, and self-esteem that makes law-abiding citizens. With nothing to preserve and nothing to lose, they turn to crime for economic survival, a sense of excitement and accomplishment, and an outlet for frustration, desperation, and rage.

(Judge David L. Bazelon, “Crime: Toward a Constructive Debate,” *American Bar Association Journal*, vol. 67 [April, 1981], P. 440)

Now, a sampling of facts and figures which highlight one of the most insidious features of our retributive criminal justice system, its racism:

On any given day, one-third of African American males in their twenties are under criminal justice supervision -- in prison or jail, on probation, or on parole.

Today's U.S. prison population is 51% African American. The U.S. population is 13% black.

While black people make up only 15% of the regular illegal drug users in the U.S., (close to their 13% of the population), they make up 35% of those arrested for illegal drug possession, 55% of drug convictions, and 74% of those incarcerated for drug possession. At every stage in the criminal justice process, there is pronounced racial disparity. The cumulative effect is devastating.

Due to denial of voting rights to convicted felons in most states, presently 13% of the adult black men in the U.S. cannot vote. In Alabama and Florida, nearly a third of black men are permanently disenfranchised.

In 1993, at the height of the apartheid regime in South Africa, the incarceration rate for black men was 851 per 100,000. In 2000, the U.S. incarceration rate for black men was 7,119 per 100,000.

While two-thirds of the women offenders on probation in the U.S. are white, two-thirds of the women locked up in jail or prison are people of color, mostly African American.

Over 10 million children have experienced the incarceration of a parent. Black children are nine times as likely to have a parent in prison as white children. Such children are 5 times as likely as others to wind up in prison.

Although children of color are only one-third of our youth population nationwide, they constitute two-thirds of those locked up in state and local facilities. Black youthful offenders without previous records are six times as likely to be locked up as are white youthful offenders with no previous records. African American youth are responsible for less than half of all juvenile felony cases, but they account for two-thirds of the cases which are transferred from the juvenile to the adult court system. Thus, they are far more likely to do their time in adult prison, and for longer sentences, than are white children.

Federal sentencing guidelines require a 5-year minimum mandatory prison sentence for a person caught with a small amount of crack cocaine, a form of the drug favored by poor, inner-city young men and women of color. A powder cocaine user, more likely to be a white, affluent suburbanite, must possess 100 times that amount of powder cocaine to be subject to the 5-year prison sentence. In addition, police regularly target inner-city areas for drug enforcement, and seldom target more affluent sections of town.

In study after study, in many states, defendants charged with murdering white persons were between 4 and 6 times as likely to get the death sentence as were persons charged with killing black persons, all other things being equal.

Statistically, the most likely victim of crime in our society is a young, urban, poor, black male.

The disproportionate number of African Americans and other people of color in prison is due to a variety of factors -- e.g., unfair laws, selective law enforcement, selective prosecution (90% of U.S. prosecutors are white), mostly white juries, etc. -- but much of the disparity must be attributed to the combination of the following facts: 1) People commit the kinds of crimes for which they have the tools and to which they have access. 2) Poor people typically lack the tools and the access for committing white collar, corporate, and political crimes. 3) People of color are disproportionately poor in our society, especially blacks. 4) Street crimes and blue collar crimes -- those typically committed by poor and working-class persons, are punished far more severely, with prison time or death sentences -- than are white collar and corporate crimes. And this is true despite the fact that such "crimes in the suites" are responsible for far more deaths, injuries, diseases, property loss, and property damage each year than are street crimes.

Here are a couple of first-hand testimonies from those who are in prison, or who have been:

When I was sent to prison, I was just barely 18 years of age, about 90 pounds. I did nine years from March 1983 to November 1991. In that 9 years I was raped several times. I never told on anyone for it, but did ask the officer for protective custody. But I was just sent to another part of the prison. Then raped again. Sent to another part of the prison. Etc. This went on for 9 years. I didn't want to tell on the inmates who raped me because I didn't want to be killed. . . . I came back to prison in 1993. In 1994 I was raped again. I attempted suicide. . . .The doctors here in the prison say "quote" major depression multiple neurotic symptoms, marked by excessive fear, unrelenting worry and debilitating anxiety. Antisocial suicidal ideation, self-degradation, paranoia and hopelessness are characteristic, "unquote." -- R. H., Utah, 9/10/96

The guards just turn their backs. Their mentality is the tougher, colder, and more cruel and inhuman a place is, the less chance a person will return. This is not true. The more negative experiences a person goes through, the more he turns into a violent, cruel, mean, heartless individual, I know this to be a fact. -- R. L., New York, 10/21/96

From the collection, *Meditations*, testimony of Dorothy Day, co-founder of The Catholic Worker movement:

All through those weary first days in jail when I was in solitary confinement, the only thoughts that brought comfort to my soul were those lines in the Psalms that expressed the terror and misery of [hu]mankind suddenly stricken and abandoned. Solitude and hunger and weariness of spirit -- these sharpened my perceptions so that I suffered not only my own sorrow but the sorrows of those about me. I was no longer myself. I was [hu]mankind. I was no longer a young girl, part of a radical movement seeking justice for those oppressed. I was the oppressed. I was that drug addict, screaming and tossing in her cell, beating her head against the wall. I was that shoplifter who for rebellion was sentenced to solitary. I was that woman who had killed her.

The blackness of hell was all about me. The sorrows of the world encompassed me. I was like one gone down into the pit. Hope had forsaken me. I was that mother whose child had been raped and slain. I was the mother who had borne the monster who had done it. I was even that monster, feeling in my own heart every abomination.  
- from Union Square and Rome

Day is presently being considered for canonization despite her oft-quoted statement that “I do not want to be dismissed that easily.” One of her compatriots in the struggle for economic, social, and criminal justice, U.S. Socialist leader Eugene Victor Debs, will likely never be nominated for sainthood, at least not from any ecclesiastical institution. But like Day, having spent considerable time in jails and prisons for exercising his constitutional civil rights, he developed an uncanny sense of empathy and solidarity with all those who are locked in cages.

Testimony from Eugene V. Debs, Walls and Bars -- “My Prison Creed”:

While there is a lower class, I am in it;  
While there is a criminal element, I am of it;  
While there is a soul in prison, I am not free.  
A CHALLENGE TO PEOPLE OF FAITH

We have come to working to reduce imprisonment because of our concerns about the application of imprisonment; imprisonment is reserved almost exclusively to those who are deemed “expendable people”; it is applied to the poor, minorities, the least powerful.

We object to imprisonment for what it symbolizes: imprisonment as a symbol, a living, cancerous symbol, based on punishment as a good: that it is not only

necessary, but there is a positive value in making people suffer, that it is right to have a system designed to deliver pain for us.

The penal system is a system designed and supported to deliver pain. And it is our system.

So we need you. We need you to help change the terms of the debate, from the repressive and pessimistic context in which we are now forced to operate. We need your help so that the moral turf is not left to the protagonists for law and order and severe penal sanctions. The way we are treating people is wrong, and must be stopped. Please help in recapturing the moral turf to assert the values and means you believe should underlie and permeate our responses to conflict, to what we call crime, and to crimes we don't call crimes. Please find ways to be heard and to help change the context of the debate. (Remarks by Professor M. Kay Harris at the National Conference on Breaking the Cycle of Violence and Vengeance, Indianapolis, November 1983)

### **A PRAYER FOR PRISONS AND CORRECTIONAL INSTITUTIONS:**

Lord Jesus, for our sake you were condemned as a criminal: Visit our jails and prisons with your pity and judgment. Remember all prisoners, and bring the guilty to repentance and amendment of life according to your will, and give them hope for the future. When any are held unjustly, bring them release; forgive us, and teach us to improve our justice. Remember those who work in these institutions; keep them humane and compassionate; and save them from becoming brutal and callous. And since what we do for those in prison, O Lord, we do for you, constrain us to improve their lot. All this we ask for your mercy's sake. Amen. (BCP, p. 826)

### **A PRAYER FOR THE VICTIMS OF ADDICTION**

O blessed Lord, you ministered to all who came to you: Look with compassion toward all who through addiction have lost their health and freedom. Restore to them your assurance of your unfailing mercy; remove from them the fears that beset them; strengthen them in the work of their recovery; and to those who care for them, give patient understanding and persevering love. Amen. (BCP, p.831)

### **TESTIMONY**

This time, since it's a kind of prayer, too, we'll let the recovering drug addict who is spending his life in an Oklahoma prison have the last word, speaking from the heart:

Our prisons are full of men and women who have been told they were bad for as long as they can remember. . . . All their life, someone, maybe everyone, told them they'd never amount to anything, they were worthless, miserable, stupid, ugly, dirty.

What do they call it? Original sin? Why not just Born Bad? What good can come out of a belief in an inherent dirtiness? Don't get me wrong. I'm all for admitting our powerlessness and limitations, even our darkness. Believe me, I know that, without God, I am nothing. I understand the thinking behind this doctrine and I agree with the part of it that says we need God. We do. Badly.

However, there is another doctrine, not so widely circulated. It's Latin name is Imago Dei. It focuses on our being made in the image of God. What about that? . . .

Most of us already know how bad we are. We're in dire need of the knowledge of our goodness.

(Forward Day by Day, May/June/July 2002, Sunday June 21)

**UNIT V:**  
**“Will you strive for justice and peace among all people, and respect  
the dignity of every human being?”**

How is God inviting us -- inviting me -- into God’s jubilee shalom? What in me -- in the church

-- needs to be repaired and transformed in order for me -- for us -- to enter wholeheartedly into God’s work of repairing the world? (Griswold, *Going Home*, p. 9)

**A WORD FROM WILLIAM STRINGFELLOW**

The counsel of Palm Sunday is that Christians are free to enter into the depths of the world’s existence with nothing to offer the world but their own lives. And this is to be taken literally. What the Christian has to give to the world is his very life. (William Stringfellow, *Free in Obedience*, p. 38)

**A WORD FROM MAHATMA GANDHI**

The only people on earth who do not see Christ and his teachings as nonviolent are Christians.

(*Peacemaking Day by Day*, p. 113)

**JESUS AND THE LAW -- A DISCUSSION**

One metaphor that may shed light on Jesus’ relationship with his Jewish heritage, community, and Scriptures is the image of a “lover’s quarrel,” which may also explain the passionate intensity of Jesus’ encounters with the scribes and Pharisees who represented that tradition. The idea of a lover’s quarrel between Jesus and his heritage suggests that Jesus, much like some of the earlier Hebrew prophets (such as Isaiah, Jeremiah, and Amos), was wrestling with his tradition to help it recover its true spirit and be faithful to its best self.

One who is in a lover’s quarrel with one’s community loves it too much to give up on it and reject it altogether, but at the same time refuses to accept it as it is because it is so far from what it can be and is called to be. This is also a good description of how one must relate to a person in one’s life who has done wrong and offended one deeply. “Hate the sin and love the sinner.”

Just as we can see Jesus' lover's quarrel with his tradition operative in the Sermon on the Mount, we can also see this complex way of working with his tradition in John 8:1-11, the story of Jesus' response to those who were about to execute the woman taken in adultery, a capital offense. Here, again -- as in that earlier extended passage -- Jesus fulfills the law by deepening it, distilling its spirit, radicalizing it, and transforming it. By demanding perfection of his followers and of the would-be executioners of the adulterous woman, he turns the tables on his hearers -- and on us -- leaving us all to rely solely upon his forgiveness and grace rather than our self-righteousness. In turn, the response of a faithful disciple is to extend that spirit of compassion to others.

By insisting, in the Matthew passage, on non-resistance to evildoers (but not to evil itself) and love even of our enemies, Jesus makes the Old Testament law more radical. In radicalizing the Mosaic Code, Jesus transforms it; but in so doing he fulfills its spirit. At the same time, in the John passage, in exercising his authority to pronounce forgiveness for the condemned woman, he offers a restorative response and gives us a clear message that God's grace and affirmation of life can extend even to overturning civil law.

The spirit articulated in Jesus' declarations in the Sermon on the Mount and in John 8:2-11 find their most intense expression in Jesus' life at the point of his most extreme adversity, in his Passion. The various gospels' versions of Jesus' path to the Cross constitute an extraordinary story of restorative justice in the context of a heartbreaking narrative of retributive justice and state execution at its most cynical and evil. In his forgiveness of his own executioners and of the thief beside him on the cross, Jesus embodies what he had taught in the Sermon on the Mount and in his earlier confrontation with the death penalty in the context of the idolatry of the law in the Gospel of John. Finally, in his yielding himself up to the God by whom he feels forsaken at his moment of greatest agony -- and greatest faithfulness -- Jesus demonstrates the depth of the intimate relationship with God that enables him to speak and to act in such a thoroughly gracious and courageous way. Perhaps this can serve as a sign to those who would be his followers that a radical faith relationship with God is the only thing that makes possible a sustained commitment to forgiveness over retribution.

Our church at nearly successive General Conventions since 1991 has urged dioceses "to work within their respective states" for the abolition of capital punishment. This urgent subject . . . is always present as long as we mistake vengeance for God's justice. We know through Christ of the restorative power of love. His life and mission were based on the liberating freedom found when one enters the profound

reconciliation with pain and loss. (Packard, "Bishop's Notebook, April 20, 2001 [Friday in Easter Week])

## **RESTORATIVE JUSTICE AND THE DEATH PENALTY -- A SCENARIO AND EXERCISE**

Let us think about the following situation:

You are at a trial of a white woman charged with killing her African American husband, who, since his return from serving three years in prison for selling marijuana, had been chronically abusive to her (verbally, sexually, and by beating her), but never directly to their children. He had also been raped in prison, twice, at times causing him to question his masculinity and his sexual identity. His parents are working-class and very religious in a traditional way, and somewhat homophobic. The defendant's mother is middle-class, divorced, and a nominal church member who has taken a second job in order to hire an inexperienced, lawyer in solo practice to defend her daughter. The defendant's father is not in the picture. The couple has a fourteen-year-old daughter and a twelve-year-old son; she is sexually active, and he has recently been suspended from school for smoking marijuana. Both children have been staying with their maternal grandmother, who works for a corporation in a middle-management position, since their father's death and their mother's 16-month incarceration while awaiting trial, but their father's parents, who are raising two other grandchildren already, have always been close to them and would like sole or shared custody. The white prosecutor, who usually seeks the death penalty only in "black-on-white" or "white-on-white" cases, sees an opportunity to demonstrate his "color-blindness" and decides to seek death in this case, despite the fact that the victim's parents are conflicted and ambivalent about capital punishment.

One by one, consider each character in this scenario, and try to put yourself in her or his place. As you do so, share your insights.

1. First, the man who was killed -- black man with a white wife, pot-seller, ex-convict, rape victim, father, abusive husband: what would it have felt like to be him, with his life experience?
2. Next, the defendant -- white woman with a black husband, former prisoner's wife, mother, spousal rape and battering victim, killer, defendant on trial for her life: what would it feel like to be in her situation?
3. Consider the children -- mixed-race, father formerly in prison and now dead, now

with mother in jail and on trial for her life for killing their father, living with their mostly absent white grandmother, with their struggling, pious black grandparents also wanting them, already rebellious and seriously at-risk even as young teens. What must they be feeling now, about their parents, about their grandparents, about themselves?

4. Consider the grandparents: black/white, working-class/middle-class, overworked and under great stress, all having experienced great loss and fearing more great loss, each the parent of a child who was both a victim of, and violent to, their spouse. Meanwhile, they are on opposite sides of the racial and cultural divide, and, now, of the victim-offender divide. And on opposite sides of the custody divide. But they are also family with each other. What is this like for each of them?

5. What about the prosecutor, politically ambitious, facing a risky and complex case, which could make or break his political career? Lots of land mines in a case like this one. How does he feel about his legal obligation, as an officer of the court, to seek justice, as well as his job, as a prosecutor, of seeking a conviction and the most serious penalty?

6. And how about the defense lawyer, with few resources and definitely in over his head? With a case which could also make or break his practice, given the financial stakes involved in mounting a strong defense in a one-lawyer office. How hard should he fight? What is this case like for him?

7. How about the local battered women's advocate, accustomed to allying with the prosecutor and the police when seeking accountability for male batterers and rapists, but now having to switch sides in order to be supportive and helpful to the battered rape victim who is now the defendant? What is this like for her?

8. And then there are the pastors of the respective grandparents. What is going on for them in this situation? How do they sort out and address the many real life issues at play here in a way that is helpful to their parishioners -- interracial marriage, drugs, prison life, domestic violence, rape, homosexuality, child custody, homicide, self-defense, grief, premarital sex, the death penalty, etc.?

9. What about the judge? She is facing a tough reelection campaign. This is a complex and controversial case. She needs the black vote, but she also needs the women's vote. She needs the pro-death penalty vote, but she has been noticing an increase in doubts about capital punishment, too. The D.A. is in a position to help or to hurt her reelection prospects, so how does that play into her decision-making? She is also concerned to be fair, and to be true to her conscience and to the law. How does she

sort all this out as she goes through this trial?

10. Don't forget the jurors. What is all this like for them? What is their legal responsibility, their civic responsibility, their moral responsibility? What if some of these seem to be in conflict? How do they feel about such a serious and possibly long trial, in which they might be sequestered for days, or even weeks, on end? How do their families and their employers feel about that?

A big question to keep in mind for each of these characters is what difference it makes if you are a Christian in any of these roles. Does it make any difference?

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**If there is time, discuss these questions and share your feelings and insights into how it might feel to be in each of these person's shoes.**

Then look at the following questions in light of this scenario:

- a. Who is the victim?
- b. Who is the offender?
- c. Who is guilty, and of what?
- d. What would justice be? What are we trying to do here, anyway?
- e. What does accountability mean here? Who is accountable to whom, and for what?
- f. Who has the power to decide these questions? Who should?
- g. What does God have to do with any of this? Where is God in this story? In this trial?
- h. How might Jesus intervene here if he were around?
- i. What does it mean to be Jesus' follower in this situation, as you imagine yourselves inside the skin of each of the characters in the drama?
- j. How is restorative justice different from our dominant criminal justice system?

## **A STORY ABOUT THE DEATH PENALTY**

Bud Welch is a filling station owner and manager in Oklahoma City whose 23-year-old daughter Julie was killed in the 1995 bombing of the federal building there. After several months of rage, bitterness, and trying to drink and smoke away his pain, he realized that he was letting his hatred for Timothy McVeigh kill him, too. He remembered his daughter telling him she was against the death penalty, and he remembered that his church, the Catholic Church, was against the death penalty, too.

He began to speak out about his view that execution could bring no “closure” for him. Then he went to see Timothy McVeigh’s father and sister, having noticed in Bill McVeigh’s face on television the same feelings he felt.

As the three of them sat around the McVeigh kitchen table, under the gaze of Tim’s high school graduation photo on the wall (“What a good-looking kid!,” Bud said), they became friends who will forever share a tragic experience of losing by violence one whom they dearly loved. “Timothy McVeigh’s revenge against the federal government is what killed Julie and those other 167 people in Oklahoma City,” Bud says. “And now our revenge has killed him.” As a leader in the nationwide organization Murder Victims’ Families for Reconciliation, Bud spends much of his time traveling the country, telling the story of the worst thing that ever happened to him, offering a testimony of reconciliation and of the necessity of stopping the revenge.

### **A FINAL WORD FROM PRESIDING BISHOP GRISWOLD**

In many of our parishes it has become a regular practice to renew our baptismal vows. In so doing we reaffirm our availability to God’s project of reordering all relationships in the purifying fire of God’s deathless love made known in Christ, who became for us wisdom from God, our righteousness and sanctification and redemption. . . .

Christ, through the Spirit, gives us gifts, charisms, as manifestations of Christ’s loving desire that we join him in the ongoing task of binding up, setting free, and making all things new. May each one of us receive these gifts with open and available hearts. . . . (Griswold, *Going Home*, pp. 77-79)

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### **A CLOSING LITANY -- PRAYERS OF INTERCESSION**

That We May Be Healed (Adapted by Rev. Jim Cotter from a litany by Therese Vanier)

That oppressed people and those who oppress them may free each other...

That those who are handicapped and those who think they are not may help each other...

That those who need someone to listen may touch the hearts of those who are too busy...

That the homeless may bring joy to those who open their doors reluctantly...

That the lonely may heal those who think they are self-sufficient...

That the poor may melt the hearts of the rich...

That seekers for truth may give to those who are satisfied that they have found it...

That the dying who do not want to die may be comforted by those who find it hard to live...

That the unloved may be allowed to unlock the hearts of those who cannot love...

That prisoners may find true freedom and liberate others from fear...

That those who sleep on the streets may share their gentleness with those who cannot understand them...

That the hungry may tear the veil from the eyes of those who do not hunger after justice...

That those who live without hope may cleanse the hearts of those who are afraid to live...

That the weak may confound the strong and save them...

That those who inflict hurt may be bound by law and transformed by true and firm compassion...

That the cries of the violated may be absorbed by the prayers of the pain-bearers...

That those who are violent may be overwhelmed by those who are totally vulnerable...

That we may be healed...

## APPENDIX

### A RESOURCE DIRECTORY ON RESTORATIVE JUSTICE

#### I. Books

Burton-Rose, Daniel, ed. with Dan Pens and Paul Wright. *The Ceiling of America: An Inside Look at the U. S. Prison Industry*. Monroe, Maine: Common Courage Press, 1998.

Christie, Nils. *Crime Control as Industry: Towards Gulags Western Style?*. New York: Routledge, 1993.

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## **II. Videotapes**

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*Corrections*. 58 minutes. Ashley Hunt and Jonas Hudson, Producers. Ashley Hunt, Director. Info\_corrections@yahoo.com, 718-791-5500. 2000.

*Dead Man Walking*. 122 minutes. Tim Robbins, Director. 1996.

*The Farm: Life Inside Angola Prison*. 100 minutes. Jonathan Stack & Liz Garbus, Producers & Directors. Michael Cascio, Executive Producer. Gabriel Films for A&E Network. 1998.

*Restoring Justice*. 51 minutes. Produced for the National Council of Churches of Christ by the Presbyterian Church (USA), 100 Witherspoon St., Louisville, KY. 40202-1396. 1996.

*The Shawshank Redemption*. 142 minutes. Liz Glotzer & David Lester, Executive Producers. Frank Darabont, Director. Castle Rock Entertainment. 1994.

*Yes, In My Background*. 57 minutes. Tracy Huling, Producer, in association with WSKG Public Broadcasting. Galloping Girls Productions, Inc., RR 1, Box 168, Freehold, NY 12431.