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Restoring Justice  
Martin Grove United Church  
November 18, 2018  
by Rev. Dr. Paul Shepherd

Based on Philemon 1:8-22 and John 8:2-11

Well - here we go again. Recently we had Peace Sunday, last week we had Remembrance Day Sunday, and today, we are still hooked on justice issues. This whole week is “Restorative Justice Week”. I wonder how many of us have even heard of “restorative justice”. I saw a video on youtube from the University of Alberta. The video was a compilation of interviews with students at the university who were asked whether or not they had heard of restorative justice. And the entire video is made up of people saying, “uh ..... no”. So if you have not heard of restorative justice, you are not alone. And perhaps we already know a lot about restorative justice - we just don't call it that. Let's find out, shall we?

*[what is restorative justice?]*

Perhaps in order to understand restorative justice, we should start with a discussion of retributive justice. Retributive justice is probably what you think of when you think about how we as Canadian society normally respond to crime.

Retributive justice is a very old idea. Essentially, it's the idea that society's best response to crime is proportionate punishment. In simple terms, if someone commits a crime, then they are punished. And the more severe the crime, the more severe the punishment. It seems simple enough.

There are many examples of retributive crime in ancient societies. For example, in Deuteronomy we have this text, “then both parties to the dispute shall appear before the Lord, before the priests and the judges who are in office in those days, and the judges shall make a thorough inquiry. If the witness is a false witness, having testified falsely against another, then you shall do to the false witness just as the false witness had meant to do to the other. So you shall purge the evil from your midst. Others shall hear of this and be afraid, and a crime such as this shall never again be committed among you. Show

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no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”<sup>1</sup>

The text from Deuteronomy gives a fairly graphic picture - that the response to crime should be punishment, and that the punishment is intended to not only punish the criminal, but to create fear of punishment throughout all of society.

On the one hand, retributive justice makes some sense. On the other hand, as Mahatma Gandhi pointed out, “an eye for an eye ... ends in making the whole world blind.” Moreover punishing criminals usually does nothing at all to relieve the suffering of the victims. In my own case, when my home was broken into, I received no value from the fact that the thief was convicted. He “did his time” in prison (I think), but that did not provide me with any comfort or relief.

Retributive justice - punishment - only has an effect on the criminal, it has no positive effect on the victim, nor on society as a whole. Recent research and common sense have actually shown that in many cases, punishment has little or no effect on the criminal either.

And retributive justice is very expensive. Not only do we pay to incarcerate people, but we pay on the front end - the police, lawyers, and court workers, and on the back end - workers who help inmates reintegrate into society, locate employment, locate housing, after being forced to lose whatever sense of a “normal” life they had prior to incarceration. In the words of one inmate, “wouldn't it be cheaper to just let us keep your car stereos?”<sup>2</sup> When my house was broken into, as a victim I received no benefit and on top of that, through taxes I had to pay for the whole system of corrections. I would certainly have happily handed over my car stereo rather than going through all that!

OK - my response does seem a bit flippant, but at the same time, it does seem as if something important is missing from the whole idea of retributive justice. If you know very much about criminal justice in Canada, you might agree with many critics who know exactly what is missing from the criminal justice system. What is missing is in fact - justice.

Consider this true story. There was an older woman, who lived alone, who had a

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<sup>1</sup> Deuteronomy 19:17-21

<sup>2</sup> From the movie, “Let's Go to Prison”, 2006.

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dog. One day, a local teenager who was socially disturbed killed the dog just for kicks. In court, what came out was that the dog was the woman's companion, and that the death of the dog meant the loss of the woman's companion. The judge decided that the most suitable compensation was therefore that the teenager should become the woman's companion. And so the court decided that the punishment for the teenager was to spend time with the older woman every week for a certain number of weeks.

The initial weeks were extremely difficult. The teenager had no respect for the older woman, and the woman struggled to visit in a friendly way with the person who had killed her dog. And yet - over time - the two people came to relate to each other. They came to understand each other. They came to really know each other. The teenager became the friend that the woman needed (better than her dog, actually), and the woman became the grandmother that the teenager never had (and desperately wanted). And the woman and the teenager continued their relationship long after the final date determined by the courts. That's a different model for justice.

Retributive justice would have simply punished the teenager and left the victim to grieve her loss, alone. Perhaps insurance would have paid for a new puppy. But what actually happened in this case built a new relationship between the woman and the teenager. What actually happened in this case built a stronger community. What actually happened in this case was that the justice that was taken away with the killing of the dog was restored through a new relationship and a new opportunity. The justice that was taken away was restored. Justice was restored to both the criminal and the victim. That's restorative justice.

Restorative justice does promote justice, but it also understands that relationships are a big part of that. And that if relationships are not restored, then justice is incomplete.

In practical terms, that means that restorative justice involves deep conversations between the people who commit crimes, the victims of those crime, and society at large. The conversations are usually very painful, but for the same reason, they are very powerful and lead to real healing.

You might imagine that restorative justice is not effective in all cases. And you'd be right. Restorative justice methods have been found to work on "easy" cases - like the

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dog story, and also in extremely difficult cases, like the genocide in Rwanda. And restorative justice methods have been the prime tools for dealing with the residential schools issue in Canada. The Truth and Reconciliation Commission of Canada used restorative justice principles throughout its work.

According to the Truth and Reconciliation Commission, “Canada's relationship with Aboriginal people has suffered as a result of the 'Indian Residential School' system. Healing and repairing that relationship will require education, awareness, and increased understanding of the legacy and the impacts still being felt for everyone involved in that relationship.”<sup>3</sup> It was the relationship that suffered - and therefore, it was the relationship that needs to be restored. In these extremely difficult cases, restorative justice is not perfect, but retributive justice really has nothing to say at all in response to the situation. Relationships do matter. Restorative justice moves relationships forward using the “simple” tool of telling truth.

Which brings us right to our texts. Philemon was written by St. Paul while Paul was in prison. Paul is writing this letter to a particular person - Philemon - who was a man of importance in one of Paul's house churches. The letter concerns Onesimus, a slave that Philemon owned, who ran away from him and is now in prison with Paul. And Paul is now writing to Philemon, asking him to accept Onesimus back as a friend, as an equal, as a child of God. By law, Onesimus is a criminal, and the usual punishment for run-away slaves was death. But Paul is arguing that there is more justice to be served in building an equitable relationship between Philemon and Onesimus - between master and slave, and by restoring Onesimus to the Christian community, than would be served by simply killing Onesimus. Paul is arguing that in this case, building relationships is more important than blindly following the rules of punishment.

Because of the emphasis on justice through restored relationship, this epistle is perhaps the most direct example in the Bible of restorative justice at work.

And in the gospel today - “let the one without sin cast the first stone” is a reminder that we are all in this together. None of us are beyond blame or guilt. None of us are perfect. We might argue about the precise definition of “sin” but however we

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<sup>3</sup> [www.trc.ca](http://www.trc.ca)

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define “sin”, we all know that we all do it. The gospel reading today is actually captured well in the bumper sticker that says, “don't kill people just because they sin differently than you do”.

Justice cannot be achieved by “purging evil from our midst” as is says in Deuteronomy. Justice can only be achieved by forming meaningful relationships. By finding new ways to be community. By creating the sort of community that allows people to achieve their greatest potential. Not following the status quo, but creating new paths. Or, as we will sing in a moment, “By exploring paths that few could ever find”.

Are any of you starting to wonder why I chose to lift up “Restorative Justice Week” this year? I mean, none of us are incarcerated, right? Most of us have never been convicted criminals, right? Well, I hope that the picture we've painted of restorative justice makes it sounds like something that many criminals would want. But isn't it also something that all of us want? Restorative justice can be practiced outside of jail you know. It can be practiced anywhere there is a relationship.

Christmas is coming, and among other things, Christmas is that special time of year when we consider our own relationships more deeply. Perhaps before we actually get to Advent, each of us can find time to think about one of our own relationships which could use just a bit more justice. Perhaps we too can explore a new path to deepening that relationship. Who knows, it might lead to the best Christmas present you'll get this year.

Relationships can be restored. Justice can be restored. Thanks be to God.

*Amen.*