

*The Sex Offender as Scapegoat:
Vigilante Violence and a Faith Community Response*
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The Problem

In May of 1996, an offender was released from prison to a halfway house in Toronto. The response of the community to his presence in their midst was anger and hostility, and the insistence that corrections officials remove him. This situation, while not unique in the North American context, was particularly noteworthy as it became the subject of a documentary film which chronicled the actual events that took place.

The film, *Hunting Bobby Oatway*¹, focussed on the controversy around the release of a convicted pedophile and incest perpetrator after serving ten years in prison. The story of his victims and the harm that was done to them and his own story of an abusive childhood are mingled with the hostility of the community and fellow offenders in the halfway house toward him. The calls of local community activists and politicians to move him out of their community are particularly pointed. “Bobby Oatway, you are not wanted here, you are not wanted anywhere”, shouted a local politician, through a bullhorn, to cheering protestors gathered on the street and the frightened offender hiding inside the halfway house. In an ironic twist, the perpetrator had become the victim.

This attempted expulsion, which led ultimately to Bobby Oatway requesting to be returned to the prison he was released from, to serve the remainder of his sentence, is reminiscent of other expulsions and other victims. The broken taboos that sexual offending, particularly those offences against children, represent, create a kind of “holy fear”. But this alone does not explain the visceral and violent response which demonizes individuals like Bobby Oatway, rendering them less than human and the most heinous of offenders. There are other impulses that prompt such responses, that legitimize the violence that is an all too common response to them. Viewed through the lens of mimetic theory these realities beg the question, ‘Is it possible that sex offenders have become scapegoats among us?’

In the case of Bobby Oatway’s offenses, there is no question that harm was done and that the pain and suffering of his victims, presented in the film, and that of other victims of sexual offenses, is real and lamentable. Let us be clear, these things ought not to happen. And further, more than merely recognizing the harm, and dealing with the perpetrator, we must work to find concrete ways to address the needs of victims of sexual offenses for healing and restoration. At the same time, how we view and treat the perpetrators of these crimes in our communities, says something about us and the human condition.

Scapegoating Violence

Scapegoating violence is “that enigmatic quality that pervades the judicial system when that system replaces sacrifice. This obscurity coincides with the transcendental effectiveness of a violence that is holy, legal, and legitimate successfully opposed to a violence that is unjust, illegal, and illegitimate (Girard, 1977, p.23).” Girard’s theory of

the scapegoat encompasses “legitimate” kinds of scapegoating through our judicial system² and illegitimate forms such as vigilantism. Bobby Oatway and many others have been victims of both.

Recently , one of us received this plaintive letter from a pedophile who has served several years in prison:

While meditating in the sun today, it suddenly occurred to me that I should contact you with the following questions.

Is there anyone in ____ who will dare to help me:

- to apologize?
- to have the truth told?
- to challenge the mythology and bring some healing?

Is there a community leader, politician, writer, ‘prophet’ who will help with that?

Or, is there some divine value in:

- not apologizing;
- letting the mythology exist;
- not permitting truth to be told?

I’d appreciate your comments on these questions.

Take care.....

Bobby Oatway, this individual, and every sex offender, knows the experience of being scapegoated by wider society. Criminologist John Braithwaite refers to this experience as “stigmatizing shaming” (1989), based upon a “degradation ceremony” (also a Braithwaite term, Braithwaite and Mugford, 1994) which both the formal justice system and wider society too readily perform. The result is an expulsion, a scapegoating that is profoundly victimizing.

Four delineations about scapegoating constitute the phenomenon.

First, scapegoating emerges when the social unit, society, is in a time of crisis.

Second, certain crimes threaten hierarchical standards within a culture. They uniquely deserve scapegoating. Girard says: “First, there are violent crimes which choose as object those people whom it is most criminal to attack, either in the absolute sense or in reference to the individual committing the act: a king, a father, the symbol of supreme authority, and in biblical modern societies the weakest and most defenceless, especially young children. Then there are sexual crimes: rape, incest, bestiality. The ones most frequently invoked transgress the taboos that are not questioned. Finally there are religious crimes, such as profanation of the host. Here, too, it is the strictest taboos that are transgressed (Girard, 1977, p. 15).” In a culture so taken with “sex” as is ours, it is

not surprising that the sex offender should emerge as the ultimate societal pariah. If survival was the dominant motif, doubtless murder would be the supreme transgression. The actions which justify scapegoating are those which blatantly offend societal standards.

Third, the author of scapegoated crimes possesses marks that suggest a victim. “The types of groups which tend to meet this criterion, according to Girard, are Jews, ethnic and religious minorities, poorly integrated groups, those with a physical or moral ‘abnormality’, and the marginal insider (person of privilege), women, children and old people (Redekop, 1998, p. 154).” Bobby Oatway’s person and crimes match that description. Notably, in the film, his speech is dubbed to make plain words spoken with a speech impediment, the result, we are told of a childhood illness. His childhood and adolescence were marked by the stigma of this handicap.

Finally, violence itself is perpetrated against the scapegoat victim. In Oatway’s case, as depicted in the video, *Hunting Bobby Oatway*, for over twenty years his victims have tracked him, then have undertaken through every legal means to make his existence intolerable. The sentiments expressed on the placards by the demonstrators at several of his domiciles have expressed murderous intent.

In summary, scapegoats are different, vulnerable, illegitimate, and powerful.

The violence of the scapegoat is reciprocated in a cycle of violence such that the “contagion” emanating from the scapegoating response appears worse than the original “disease”. “All forms of violence lead back to violence (Girard, 1977, p. 171).” No violent act is original, but is always an imitation and reciprocation. The prison, of modern western societies, as the ultimate weapon in the “war against crime”, is a classic instance of reciprocal violence. In a vein similar to Girard, Ivan Illich, as summarized by David Cayley, explains:

Prisons, Illich supposes, face society in [the way of an ancient Greek *colossos*]. They double social existence, facing us with a form of life that is somehow the same and yet utterly different from the one we live. Imprisonment concentrates the modern experience of placeless-ness or displacement. But at the same time, it somehow relieves people of this experience, making them feel that it is only the prisoners, the criminals, who suffer this disorientation. This double action is characteristic of religious rituals; and Illich thinks imprisonment, finally, is a huge ritual which creates a scapegoat, which we can drive out into the desert, believing that by loading onto that scapegoat all that we experience, we’ll get rid of it... Prisons are the place in which we can face horror too terrible for us to recognize that we are ourselves immersed in it . . . The existence of prisons makes it possible to transform the entire society into a disembodied, disembodied, meaningless, managed, frontier-less, threshold-less place of people with reasonably limited needs, which will be in some way satisfied for them. . . I’m very sure that, within the next five years, some good anthropologist will present prison as the great religious ceremonial by which

our society — I’m not saying becomes livable, but doesn’t collapse (Cayley, 1998, pp. 82 & 83).”

Gil Bailie writes about the 1989 execution of serial killer Theodore Bundy, when hundreds of men, women and children camped outside the Florida prison in a festive spirit one reporter likened to a *Mardi Gras*. The same reporter described the event as “a brutal act.. [done] in the name of civilization (1995, p. 79).” Bailie reflects on that commentary thus:

It would be difficult to think of a more succinct summation of the underlying anthropological dynamic at work: *a brutal act done in the name of civilization*, an expulsion or execution that results in social harmony. Clearly, after the shaky justifications based on deterrence or retribution have fallen away, this is the stubborn fact that remains: a brutal act is done in the name of civilization. If we humans become too morally troubled by the brutality to revel in the glories of the civilization made possible by it, we will simply have to reinvent culture. This is what Nietzsche saw through a glass darkly. This is what Paul sensed when he declared the old order to be a dying one (I Cor. 7:31). This is the central anthropological issue of our age (1995, p. 79).

The hiddenness of this dynamic is part of its potency. That the violence towards the scapegoat mirrors the original violence is not recognized. Hence Jesus’ words from the cross: “Father, forgive them, *for they do not know what they are doing* (Luke 23:34a)”. The just deserts of the action appear patently obvious to the scapegoaters at the time. The “bad” violence of the scapegoat is by mysterious alchemy transformed into the “good” violence of scapegoating often through legitimate structures. The most obvious of these with reference to crime is the criminal justice system itself! Vigilante action is also a part of that. The unanimity of the mob, the spontaneous action of everyone, and a resultant catharsis of violence produce community peace.

The hiddenness of scapegoating is precisely why Sister Helen Prejean helped produce the movie version of her book, *Dead Man Walking*. She wrote: “I am convinced that if executions were made public, the torture and violence would be unmasked, and we would be shamed into abolishing executions (1993, p.197).” Prejean therefore supports live TV broadcasts of executions. We know however, from her movie, and from others such as Clint Eastwood’s *Unforgiven*, that such unmasking potentially becomes a new modeling of violence. Further, confronted with our own violence, we can become more violent.

As Girard has demonstrated, the story of Christianity is a grand unmasking of the legitimacy of violence. Yet majority Christianity since the fourth century has promulgated and supported the same state violence that killed its Founder!³ One commentator on Girard writes:

The central goal of Girard’s writings is to reveal and condemn the moral and psychological falsity of this form of “salvation” [the crowd’s scapegoating violence]. He accomplishes this revelation by applying a hermeneutic of suspicion to social phenomena. If a society puts people to death because of their alleged guilt, or subhuman nature, Girard sees the operation of a

mechanism which grinds up individuals for the sake of a supposed greater social good. The scapegoat mechanism is one side of the great either/or of human existence: either a society will sacrifice victims to meet the psychological needs arising out of its 'ontological sickness', or human beings will follow the way of the Kingdom of God, which is the way of love of the neighbor (Bellinger, forthcoming, pp.117 & 118).

The Sex Offender as Scapegoat

There are two features of contemporary society which contribute to viewing the sex offender as a scapegoat. Both reflect in a sense, the 'ontological sickness', the crises of being, that we face at the end of the second millennium. The first is the obsession of North American culture with sex and sexuality. The second is the impact of an emerging globalized economy and the inherent uncertainties that accompany such a shift. From television shows like *Jerry Springer* to the sexual proclivities of the President, popular culture is saturated with sexual icons. This obsession extends to sexual crimes as well. The article "Torch Song: At the peripheries of violence and desire", (*Harper's Magazine*, August 1998) explores both sides of this reality. It is a striking memoir of a crime reporter and his personal journey into the darkness of sexual obsession even as he explored professionally the terrain of sexual offending. Charles Bowen reflects,

There are five things I know to be true. These rules come out of my explorations.

1. No one can handle the children.
2. Get out after two years.
3. Always walk a woman to her car, regardless of the hour of the day or the night.
4. Don't talk about it; no one wants to hear these things.
5. No one can handle the children.

The fourth lesson is the iron law. We lie about sex crimes because we lie about sex. We lie about sex because we fear what we feel within ourselves and recoil when others act out our feelings. American society has always been more candid about murder ("I felt like killing him," we can say out loud) than about the designs we have on each other's bodies (*Harper's*, 1998, pp.46-47)."

Bowen's concluding comments in the article underscore this fine line between a sex offender and the average person in this culture, unmasking the potential in all of us to act out of impulses which harm ourselves and others,

"So what am I?"

A man who has visited a country where impulses we all feel become horrible things. A man who can bury such knowledge but not disown it, and a man who can no longer so glibly talk of perverts or rapists or cretins or scum. A man who knows there is a line within each of us that we cannot accurately define, that shifts with the hour and the mood but is still real. And if we cross that line we betray ourselves and everyone else and become outcasts from our own souls. A man who can be an animal but can no longer be a voyeur. A man weeping silently in the back yard with a bottle of whiskey who knows

he must leave and go to another country and yet never forget what he has seen and felt. Just keep under control. And try not to lie too much.” (*Harper’s*, 1998, p. 54)

As noted above it is no surprise that the sex offender becomes the ultimate pariah in such a society. Without the boundaries of a healthy sexuality they act out the fantasies which permeate the mythology of sexual freedom. In so doing they threaten the established order of things, the understanding that although we flirt with the boundaries we don’t cross them! And if we do, as Bowen suggests, we ‘keep under control and try not to lie too much.’

A second factor in contemporary life fuelling a crisis giving rise to the need for scapegoats is the impact of a globalized economy. David Cayley laments the death of meaningful public discourse around issues of criminal justice in the Western world in the last two decades and the parallel trend of its increasing politicization (1998, pp. 30-42). Zygmunt Bauman suggests that there are significant forces at work which underlie the increasing concern with public safety and the ‘fear of crime’ which is the popular fallout from this shift. These have less to do with the actual realities of criminality and crime and more to do with the needs of the emerging global economy. In *Globalization: The Human Consequences* (1998), Bauman makes the case that,

There is more than a happy coincidence between the tendency to conflate the troubles of the endemic insecurity and uncertainty of late-modern/postmodern being in a single, overwhelming concern about personal safety – and the new realities of nation-state politics, and particularly of the cut-down version of state sovereignty characteristic of the ‘globalization’ era (1998, p.120).

With this backdrop of a rapidly emerging new global economic order, the insecurity of work and the growth of huge surplus populations of the unemployed, create tremendous economic and social upheaval. And it is in the realm of those whom we define as “criminal” that Bauman suggests the ideal scapegoat for these resultant crises is to be found,

The ambient insecurity focuses on the fear for personal safety; that in turn sharpens further, on the ambivalent, unpredictable figure of the stranger. Stranger in the street, prowler around the home... Burglar alarms, the watched and patrolled neighbourhood, the guarded condominium gates– they all serve the same purpose: keeping the strangers away. Prison is but the most radical among many measures – different from the rest in the assumed degree of effectiveness, not in kind. People brought up in the culture of burglar alarms and anti-theft devices tend to be the natural enthusiasts of prison sentences, and ever longer prison sentences. It all ties together very nicely – logic is restored to the chaos of existence (1998, p. 122).

A brief story from our experience working with sex offenders illustrates this confluence of events: In November, 1994 the first intimations that a well-known Canadian developer with massive international investments was in financial trouble were beginning to appear in the press. Yet for several weeks major papers in Toronto and the national paper were preoccupied with one thing, the recent release from prison of a low-functioning

pedophile, named “Fred”⁴. Large articles detailed the life of the chronic alcoholic and habitual offender, alone in the world. Dating from his early teens, Fred’s history of petty theft, playing sexual games with and inappropriately touching children in public parks became the focal point of public concern and media attention in the most populous province in Canada. At the same time the land developer declared bankruptcy, eventually costing Canadian banks and indirectly Canadian taxpayers billions of dollars in defaulted loans. In the same papers consumed with concern about “Fred” this impending financial disaster elicited merely short back-page items about the crumbling development empire.

In the face of these complicated realities the Fred’s and Bobby’s in our communities become the very personification of all that is wrong with the local community, the economy, our families and our society. They become in essence, *the perfect scapegoat*, tailor made for the crises induced by a culture fixated on sex on the one hand, and the economic and social insecurity that are the result of the new economic order, on the other.

A Faith Community Response: Restorative Justice⁵

In 1974 two youths who had been drinking and had been “talked to” by the police already, took out their frustrations on the small community of Elmira, Ontario, by doing damage to twenty-two different vehicles and homes. Several months later the youths pleaded guilty to the charges, and Judge Gordon McConnell in Kitchener ordered a Pre-Sentence Report. Mark Yantzi, the Mennonite Probation Officer writing up the report, discussed the case with the local Mennonite Central Committee court volunteer, Dave Worth. Both had been reading recent publications by the Law Reform Commission of Canada in which it had been stated that reconciliation played an important role in criminal justice. They also knew that reconciliation was the central concept of their Christian faith.

Yantzi proposed in his Pre-Sentence Report that the youths would benefit from meeting face-to-face with their victims and making amends. Judge McConnell was intrigued by the idea, and discussed it with the probation officer. The Judge indicated that the notion had lots of merit, but it was simply not done in Western jurisprudence. He made a fateful choice nonetheless when he decided “Why not?,” and put the sentencing over until Yantzi and Worth could take the youths to meet each of the victims. They did and out of that experience arose the first ever “victim offender reconciliation project”.

The above story, known in the Restorative Justice movement as “The Elmira Case”⁶ became a kind of proverbial shot that echoed around the world. Over 200 mediation programs in North America alone trace their origins to the program that came into existence as a joint venture between Ontario Correctional Services and the Mennonite Central Committee. Several hundred similar programs now exist in Europe and elsewhere.

*A Little Bit of History and Anthropology*⁷

To set a context for the programmatic emergence of Restorative Justice late in the twentieth century some historical and anthropological comments would be helpful.

Almost a millennium ago, in the late 11th century, European history underwent a significant upheaval some call “The Papal Revolution”. During this time, the Church moved to consolidate its power over all souls and kings of Europe, the great universities began to emerge, and the Western legal tradition started to take shape, as new law codes were formulated for study and promulgation throughout the Western world.

In a fateful interplay between Church and Society far too complex to describe in a short article, secular states began to follow the lead of how the Church dealt with its religious heretics. These “social heretics” began to emerge under new state law codes as “criminals” whose victims were no longer the actual victims, but “Rex” or “Regina”, or later “we the people” under the United States Constitution.

So the evolution of the criminal justice system in the West was away from *community and victim centred justice* towards *state and offender centred justice*. The former had been a dominant approach in the ancient Hebrew culture, in Roman society when applied to its own citizens, and in many pre-colonial African and North American and worldwide indigenous cultures. In the Reconstruction of Japan following the Second World War, the Japanese became the first industrialized country nationally to embrace this more restoratively oriented way of justice.⁸

A shift away from this approach for common law Western jurisdictions began with the Norman Conquest of Britain in 1066. The state began, as a criminologist said provocatively this century, to *steal the criminal conflict from the community*⁹. It is still a shock for some victims to discover that they are not even named on the court docket, having a millennium ago been displaced by *Rex, Regina* or “we the people”. One victim of rape describes a fantasy of phoning the Queen in Buckingham Palace on each anniversary of the assault to ask her how she is doing!

The purpose of the law shifted dramatically as well. Earlier, the emphasis had been upon making the victim whole again, what in the ancient Hebrew culture was called “restoring *shalom*”. With the rise of the king’s power, the purpose became to uphold the authority of the state.

There was dominant Western religious undergirding of this approach which led to a marriage of law and religion that placed, on the one hand, primary emphasis upon the offender’s violation of the law while dropping any concern for rehabilitation of the victim. On the other hand, it drew on Roman slave law as a model for meting out the worst of punishments imaginable upon the offender.¹⁰ This form of response to crime is known as “retributive justice”, and has dominated Western jurisprudence for a millennium.

Where did such violent notions of punishment originate?

That is an *anthropological* question. Anthropology is the science or study of cultures which presupposes taking at least one step back from culture to look at it somewhat as an outsider. When we ask that question generically of all cultures, René Girard argues that the founding moment of culture is in fact violence, which then scapegoats in order to bring social cohesion.

A “scapegoat mechanism” as described earlier arises to siphon the violence away from the community, thereby creating peace for a time within the society. In religious cultures, this kind of violence invariably took the form of myths, rituals, and prohibitions legitimizing the violence against the victim or victims. In the secular West, the ultimate non-religious instance of the same dynamic is the Holocaust.

It was precisely over against the excesses of various forms of scapegoating violence that some well-meaning Christian philanthropists tried in 1790, in Philadelphia, Pennsylvania, to move away from physical punishments towards an emphasis upon reformation of the criminal. If only they could lock each individual into a jail cell with a Bible and a rule of silence, surely the violence would cease, and the criminal would become “penitent”! The new name for this form of response to crime was the *penitentiary*. The new motive was rehabilitation, not retribution. The idea caught on like wildfire, and continues to spread like no other around the globe to this day. But, it soon became evident that, whereas former means of scapegoating administered physical wounds that eventually healed, the penitentiary began to inflict psychic harms that rarely ever healed. Though not the intent, a new scapegoat mechanism arose in the form of the penitentiary that destroyed the very *psyche* of the convicted criminal. Then where did that lost soul fit into society?¹¹

In this context of scapegoating, Restorative Justice poses perhaps the most troubling question: “*Why harm people who harm people to teach people that harming people is wrong?*” The Restorative Justice vision moves away from a “stigmatizing shaming” scapegoat mechanism to a “reintegrative shaming” way of nonviolence in a bid to break definitively with the endless cycles of violence in our culture.¹²

Circles of Support and Accountability

It is against the backdrop of this vision of Restorative Justice and the hard reality of the scapegoating of offenders that the faith community in Ontario responded to the dilemma of sex offenders returning to the community from prison. Faced with the challenge of situations like Bobby Oatway’s and the resulting virulent public response a small group of people from a Mennonite Church created a community around a similar offender in Hamilton in 1994. They assisted him in finding a place to live, helped him get settled in the community and dealt with police, media and community activists desiring his expulsion. On a daily basis members of this group visited with the released offender, both supporting him and holding him accountable for his attitudes and actions in the community. Their creative response to this convicted pedophile in their community

became the template for another faith community to respond, a few months later, to the release of another sex offender in Toronto.

The result of these initiatives to respond to the fear of the community on the one hand and the needs of the released offender on the other was the creation of a model that has come to be known as ‘Circles of Support and Accountability’. Motivated by a desire to take the concerns of the community for safety seriously, the Circles also refused to scapegoat the offender. Our primary concern became that there would be no more victims, including scapegoated offenders. Hence, the guiding principles articulated in the Circles model underscore the humanity of both the offender and the victims of their offenses, as well as the responsibility of the community to work with both to promote healing and responsible living.¹³

As we began to do this work in an intentional manner, responding to other sex offenders, in other communities, the Mennonite Central Committee with its history of pioneering restorative justice initiatives, agreed to sponsor a Circles project focussed on the re-integration of warrant expiry sex offenders¹⁴. Our research revealed a dramatic increase in the numbers of sex offenders in Canadian prisons over a twenty-year period. This appeared to be the result of decreased tolerance in the community for sexual and physical abuse and the increased reporting that resulted from this shift in public opinion¹⁵. The problem is that even after many sex offenders have ‘done their time’, taken treatment programs, and sought conditional release on parole, the community has remained intolerant of them.

The model that emerged from our experiences was a community-based approach, volunteer driven and professionally supported, that gathered 4 to 7 volunteers in a circle around an offender as he returned to the community.

Police and other professionals as well as family members and friends can and do sit in on the Circles on either a consistent or an ‘as needed’ basis. The work of the Circle happens in daily contacts between individual Circle volunteers and the core member, in coffee shops and the wider community, and in weekly meetings where issues are addressed. Everything from the practical concerns of finding appropriate housing to observations that the core member may be moving into his ‘offense cycle’¹⁶ is discussed in the Circle. The goal of the Circle is not to be therapeutic but to provide ‘support and accountability’.

The majority of our volunteers have come from churches that have been involved in work with offenders, refugees, the developmentally delayed and other groups which have been traditionally marginalized in society. They are trained in a number of areas including group dynamics, patterns of sexual offending, related legal issues, and restorative justice principles. These volunteers commit to working with the offender, or ‘core member’ of the Circle, and the ‘core member’ commits to working with them. These commitments are spelled out in a ‘covenant’, a shared understanding of expectations.

The ‘core members’ in Circles are individuals who, by virtue of their warrant expiry release, are considered high risk to re-offend. In addition, they have high needs, little or

no community support, and are potentially high profile. The other criterion that qualifies them for involvement in Circles is that they participate voluntarily.

The Circle interacts with professionals involved with the core member, including police representatives, counselors and physicians in ways that both enhance the ability of the volunteers to support the core member and hold him accountable, and strengthen professional understandings of the core member. Where necessary the Circle also *advocates* on behalf of the core member with these professionals and others (like landlords). It confronts him about attitudes and behaviours that could lead to his re-offending. It *mediates* in situations of conflict with the community and others, including family members and even past victims. The Circle *walks with* the core member through problems and crisis situations and *celebrates* with him the various anniversaries and milestones in his journey back into society. In short, the Circle is an attempt to ‘re-create community’ in practical and realistic ways, around one, who by his own actions, has ‘fallen out’ of community.

Re-creating Community

Over the last five years the initial project based in Toronto has created thirty-two Circles in Toronto and Hamilton. Of the ‘core members’ involved in these only two have re-offended to date, one for a property offense and one has been charged with another sexual offense. As a result of the success of this approach, in the past year another six local Circles initiatives have been established across Canada and the total number of Circles created is now forty-five. While most of the Circles continue for eighteen to twenty-four months, the longest have been in place for five years. For core members who are low functioning and have high needs, this kind of intentional community is necessary for their healthy functioning in the community for the long term. For others, the assistance a Circle offers in getting re-established in the community is a more short-term need. Yet the supportive relationships with the friends they have met there, who know their history and can call them on their behaviours, continues long after the formal Circle has ended.

The symbol, or the image, of a Circle has carried a far greater vision than we ever expected when we began to address the needs of the first two core members five years ago. It has captured the imagination of others who have similarly responded to the need to re-create community around offenders returning to the community, and especially, though not exclusively, sex offenders. As circles including these individuals overlap with circles of community people and, potentially, even victims in Circles of healing, therein lies the possibility of truly re-creating or restoring the fabric of community so damaged by sexual violence and abuse. This hope is perhaps best expressed in the image of the mandorla¹⁷, the ancient Celtic symbol of healing, the almond shape created by the overlapping of two or more Circles – the place of healing!

The Norwegian criminologist, Nils Christie, has observed that, “much deviance is expressive, a clumsy attempt to say something. Let the crime then become a starting point for a real dialogue; and not for an equally clumsy answer in the form of a spoonful of pain”. (1981, p.11). The essential nature of Circles of Support and Accountability is to

attempt to create the space for real dialogue to happen. At this point, of necessity, this dialogue happens after the spoonful, often the pound of pain, has been exacted by the prison system, as the offender returns to the community. Where prison visitation programs exist like the M2/W2 Program, Chaplaincy groups, Prison Fellowship, Alternatives to Violence and other non-religious programs, this dialogue can and does begin effectively while offenders are incarcerated¹⁸.

Many have witnessed the hostility of the community to people like Bobby Oatway and other sex offenders. How does the dialogue happen that moves beyond such scapegoating violence to address the real needs in the situation, the concerns of the community for safety and the need for the offender to move on with his life in a responsible and accountable way? Our experience in Circles has been that when we engage the offender and the community in this kind of dialogue that we can get to a different place. It is possible that in embracing rather than excluding sex offenders, or the strangers that we see them as, we embrace a part of ourselves.¹⁹ In a paradoxical way perhaps the sex offender has something to teach us about ourselves, our own sexuality, our understanding of community.

End Notes

1 John Kastner, produced this hour long documentary for the Canadian Broadcasting Corporation (CBC) program *Witness*. It was first aired in January 1997.

2 Vern Redekop's *Scapegoats, the Bible, and Criminal Justice* (1993) is a sustained application of Girard's scapegoating theories to criminal justice systems.

3 Timothy Gorringer's *God's Just Vengeance* (1996) treats this theme well. Also see Allard and Northey (forthcoming) and Northey (1998).

4 The person's name has been changed.

5 A massive body of literature has grown up in the past few years. The best study to date specifically on the topic is *Restoring Justice* (Strong and Van Ness, 1997). The best overview of the wider context is *The Expanding Prison* (Cayley, 1998). The first major study was *Changing Lenses* (Zehr, 1990) - considered a classic. An excellent annotated bibliography has also recently been produced (McCold, 1997).

6 See a fuller account in Dean Peachey's "The Kitchener Experiment" (1989).

7 We are drawing on the work of Berman (1983/1997), Strong and Van Ness (1997), and of course René Girard, whose works we will not list here.

8 John Haley is the expert on this. Of his many publications, see for instance Haley (1989).

9 Nils Christie writes: “The victim in a criminal case is a sort of double loser in our society... He is excluded from any participation in his own conflict. His conflict is stolen by the state, a theft which in particular is carried out by professionals (1981, p. 93).” He draws upon an earlier classic essay he wrote entitled “Conflicts as property” (1977). Christie’s book and article are rewarding reading!

10 Herman Bianchi explicates this in *Justice as Sanctuary* (1994).

11 Michel Foucault’s *Discipline and Punish: The Birth of the Modern Prison* (1978) demonstrates this well.

12 The classic book on this idea is Braithwaite (1989).

13 The guiding principles of Circles are set out in Heise et al (1995). They include:

We believe in a loving and reconciling God who calls us to be agents of God’s healing work in the world.

We recognize the humanity of both the victim and offender.

We acknowledge the ongoing pain and the need for healing for victims of sexual abuse.

We welcome the offender into community and accountability.

We seek to prevent further victimization both through reducing recidivism by offenders and increasing public awareness in the wider community.

We accept God’s call to radical hospitality, sharing our lives with one another in community and risking in the service of love. (pp. 11-12)

14 This category of release from Canadian prisons emerged in legislation a decade ago in response to increasing public pressure to not release offenders considered high risk on any form of conditional release or parole. The result was the ‘detention’ of such offenders until the last day that they could be legally held in custody, or their warrant expiry date.

15 See Yantzi, 1998, p. 47 for a discussion of this.

16 An established pattern of offending that is unique to each offender, can be identified by certain triggers that lead into a cycle that can end in re-offense.

17 “The almond shaped segment that is made when two circles overlap...the mandorla begins the healing of the split..(it is) a prototype of conflict resolution, it is the art of healing”, Robert A. Johnson (1991), *Owning Your Own Shadow*.

18 John McKendy (1998) develops the concept of dialogue in light of his personal experience with the Alternatives to Violence Program in prisons. He speaks of the significance of the recovery of personal narrative in the healing dialogue with prisoners.

19 Parker Palmer (1996) speaks of the significance of the stranger in these terms:

The viewpoint of the stranger not only affords a fuller look at the outer world; it also gives us a deeper look at ourselves. For the stranger represents

possibilities in our own lives which we want to avoid facing...We do not want to confront the prisoner because we know our own crimes. We avoid the stranger because he or she reminds us of our precarious place on earth, reminds us that we are strangers to others. . . And we are strangers to ourselves as well (p.66).

References

Allard, Pierre and Wayne Northey (forthcoming). "The Spiritual Roots of Restorative Justice: Christianity" to be published in a volume on the same theme, tentatively titled *Trial by Grace*, New York: SUNY Press. [published in 2001 as *The Spiritual Roots of Restorative Justice*]

Bailie, Gil (1995). *Violence Unveiled: Humanity at the Crossroads*, New York: Crossroad.

Bellinger, Charles (forthcoming). *The Genealogy of Violence*, Oxford: Oxford University Press. [published in 2001]

Bauman, Zygmunt (1998). *Globalization: The Human Consequences*, New York: Columbia University Press.

Berman, Harold J. (1983/1997). *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge: Harvard University Press.

Bianchi, Herman (1994). *Justice as Sanctuary: Toward a New System of Crime Control*. Bloomington: Indiana University Press.

Bowen, Charles (1998). "Torch Song: At the peripheries of violence and desire", *Harper's Magazine*, VOL. 297, No. 1779, August 1998, pp.43-54.

Braithwaite, John (1989). *Crime, Shame and Reintegration*, New York: Cambridge University Press.

Braithwaite, John and Stephen Mugford 1994. "Conditions of successful Reintegration Ceremonies: Dealing with Juvenile Offenders", *The British Journal of Criminology*, Volume 34, No. 2, Spring 1994, pp. 139 - 171.

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

Christie, Nils (1977). "Conflicts as Property", *The British Journal of Criminology*, 17, 1 - 19.

------(1981). *Limits to Pain*, Oxford: Martin Robertson.

- Foucault, Michel (1977). *Discipline and Punish: The Birth of the Modern Prison*, Hammondsworth: Penguin.
- Girard, René 1977. *Violence and the Sacred*, trans. Patrick Gregory, Baltimore: The Johns Hopkins University Press.
- Haley, John (1989). "Confession, Repentance, and Absolution," Martin Wright and Burt Galaway, eds., *Mediation and Criminal Justice: Victims, Community, and Offenders*, Newbury Park, CA: Sage Publications.
- Heise, Evan et al (1996). *Community Reintegration Project*, Toronto, Ont.:Mennonite Central Committee Ontario/Correctional Service of Canada.
- McCold, Paul (1997). *Restorative Justice: An Annotated Bibliography*, Monsey: Criminal Justice Press.
- McKendy, John (1998). "Dialogue and the Risk of Responsibility: Lessons from The Alternatives to Violence Project", (unpublished article), Fredericton, New Brunswick: St. Thomas University.
- Northey, Wayne (1994). *Restorative Justice: Rebirth of an Ancient Practice*. (MCC Occasional Paper No. 14.) Akron, Pennsylvania: MCC Canada Victim Offender Ministries Program and the MCC U.S. Office of Criminal Justice.
- Northey, Wayne (1998). "Rediscovering Spiritual Roots: The Judeo-Christian Tradition and Criminal Justice", *The Justice Professional*, Amsterdam: Overseas Publishers Association, 1998, Vol. 11, pp. 47 - 70.
- Palmer, Parker (1996). *The Company of Strangers: Christians and the Renewal of America's Public Life*, Crossroad: New York.
- Peachey, Dean (1989). "The Kitchener Experiment", Martin Wright and Burt Galaway, eds., *Mediation and Criminal Justice: Victims, Community, and Offenders*, Newbury Park, CA: Sage Publications.
- Prejean, Sister Helen (1993). *Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States*. New York: Vintage Books.
- Redekop, Vern (1993). *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard*. Akron: MCC U.S. Office of Criminal Justice/MCC Canada Victim Offender Ministries.
- Redekop, Vern (1998). *A Hermeneutic of Deep-Rooted Conflict: An Exploration of René Girard's Theory of Mimetic Desire and Scapegoating and Its Applicability to the Oka/Kanehsatà: Crisis of 1990*, A thesis submitted in fulfillment of the requirements of

the degree of Doctor of Philosophy in Theology, Ottawa: Faculty of Theology, Saint Paul University.

Strong, Karen Heetderks and Dan Van Ness (1997). *Restoring Justice*, Cincinnati: Anderson Publishing Company.

Yantzi, Mark (1998). *Sexual Offending and Restoration*, Waterloo, Ont.: Herald Press.

Zehr, Howard (1990). *Changing Lenses: A New Focus for Crime and Justice*, Scottsdale: Herald Press.

<http://www.religion.emory.edu/affiliate/COVR/wayne.html>