

## **Restorative Justice Stories - MCCC 50<sup>th</sup> Anniversary, December 14, 2013**

### *Introduction*

It is an honour to share about the work of MCCC in Restorative Justice. For almost 10 years in the nineties, I invariably came to all major MCCC meetings here – in mid-January at 30 below of all things! And here I am again in Winnipeg at that outrageous temperature! (Say I, now a West Coast softie!)

### *The First (Big) Restorative Justice Story*

In 1974 two youths who had been drinking and had been sent home by the police already, took out their frustrations on the small community of Elmira, Ontario, by doing damage to twenty-two different vehicles, homes, and properties...

So begins a long since world famous story in Restorative Justice circles, with MCC front and centre. You may very well have read or heard it! It's also in Esther's book.

Several months later the youths pleaded guilty to the charges, and Judge Gordon McConnell in Kitchener ordered a Pre-Sentence Report. Mark Yantzi, the MCC Voluntary Service Probation Officer writing up the Report, discussed the case with a recent Mennonite Central Committee Ontario volunteer, Dave Worth.

Yantzi proposed in a letter to the Judge enclosed with his Pre-Sentence Report that the youths would benefit from meeting face-to-face with their victims and making direct amends. Judge McConnell was intrigued by the idea, though then non-existent in Western jurisprudence. He made a fateful choice when he decided "Why not?," and put the sentencing over one month until Yantzi and Worth could take the youths to meet each of the victims.

They did so with all but one. Nobody got bloody noses either, and out of that experience arose the first ever "Victim Offender Reconciliation Project – with the terrible sounding acronym – VORP". (It later became a "Program" once more established.) All agreed-to restitution payments were met. And neither youth went to jail.

"The Elmira Case" model proved to be a kind of proverbial shot that echoed around the world. Hundreds of mediation programs in North America alone trace their origins to the initiative that came into existence as a joint venture between Ontario Correctional Services and the Mennonite Central Committee Ontario. Several hundred similar programs now exist worldwide.

Presiding Judge McConnell was known to have been a "law and order" type who played strictly by the rules. He was also bluntly honest. He once arrived at an in-house session of judges, lawyers and probation officers that I attended, and declared: "I've just spent a useless day in court trying to dispense justice, but serving nobody!" Recollection of that expressed frustration always makes me think of a famous U.S. counterpart, Justice Oliver Wendell Holmes, Jr. Another Judge once said to Justice Holmes as the Justice left for the Supreme Court: 'Well, sir,

goodbye. Do justice!’ Justice Holmes gave a sharp retort: ‘That is not my job. My job is to play the game according to the rules.’<sup>1</sup>

*There is a tragic truism here:* the better a lawyer knows the rules, the more skilled a lawyer is at the “game” called “Justice”, the better such a heavy hitter will serve the client – *Regina* (the Queen) or the accused. But Justice should never be just a contest, it should rather ever be tilted towards discovery of truth!

### *Stories of Early Ideas and Sources*

There were many further early Restorative Justice *ideas and sources* we in MCC circles were all reading, discussing and trying to put into practice in our various programs and initiatives. These early ideas were crucial grist for the emergence of Restorative Justice practice. They are just as critical today! Here is one such ideas story.

### *The Politics of Jesus*

It is discovery of the “*politics of Jesus*” in relation to criminal justice. A year after “The Elmira Case”, in January 1975, Clark Pinnock taught a three-week interterm course at Regent College, University of British Columbia, entitled “The Politics of Jesus”, based on Mennonite theologian John Howard Yoder’s book of 1972 by the same title. For many, for me, reading it *was a new beginning!*<sup>2</sup>

At the ethical and sexual abuse level however, Yoder displayed devastating failure; at the theological level, Yoder showed unparalleled brilliance in reading Jesus and the New Testament *politically and non-violently*.

A quick aside: This intersection of terrible ethical failure with theological genius gives us all sobering reflective pause...

For me, the shattering discovery that the entire sweep of Judeo-Christian revelation is to the core *social and political* (though no less personal and spiritual), and that the way for the State to do politics is the *non-violent way of the Cross*, was an agonizing process of double conversion!

The only text we had to read for that 1975 interterm course was Yoder’s *The Politics of Jesus*, and we had to turn in an essay on it. I initially *did not* read much of it – so offensive was it to my then Pietistic theological sensibilities; so resistant was I to such conversion! I handed in a fudged review but passed the course. Eventually I avidly read and reread Yoder and much more – ever since!

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<sup>1</sup> Kozy, John (2011). “The American Legal System: A Ball Game Played by Lawyers and Jurists: The Why of Not Doing the Right Thing” Global Research, November 15, 2011, <http://www.globalresearch.ca/the-american-legal-system-a-ball-game-played-by-lawyers-and-jurists/27684>, last accessed October 11, 2013.

<sup>2</sup> See on this: *The Christian Century* October 13, 1993, “When The Politics of Jesus Makes a Difference”, pp. 982-987, Stanley Hauerwas, copyright by the Christian Century Foundation, <http://www.religion-online.org/showarticle.asp?title=109>, accessed October 9, 2013.

But where was I to go with this startling double conversion?

*Christian nonviolence and just peacemaking for most in the Western Christian tradition have been simply unthinkable!* Instead, three distressing theories of justice have dominated *vis à vis* enemies in the Christian West, *all of which are diametrically opposite to Restorative Justice*:

- *just war* (against international state enemies);
- *just deserts* (against domestic state enemies, namely “criminals”);
- *just hell* of eternal conscious punishment against God’s and the Church’s enemies/unbelievers/heretics, etc. This last in the Christian West has for centuries arguably underwritten the first two.

By God’s quirk and grace, *where I went with this* initially was to the Student Job Search Office on the UBC campus! There I learned in the spring of 1976 for the first time about this amazing international agency that actually tried to flesh out the *politics of Jesus!* It was called MCC. I say with deep appreciation: ***Thank God that MCC was there to model, to shape, and to inspire a continual embrace of the politics of Jesus, just when I was (not knowing even) looking for it! Not perfectly of course, as Esther points out in her book. There are many valid critiques, and there are skeletons not a few... I guess I mean approximately, “stumblingly”, aspiringly. May it ever be so for MCC with this “pearl of great price”!***

By February of 1977, I was an MCC Ontario “VSer” in Kitchener, serving as second Director of VORP (Evan Miller was the first), and of a related “Volunteer Probation Program”. It was there that Master Restorative Justice Practitioners Dave Worth and Mark Yantzi began for the next two and a half years to mentor me in the apprenticeship of *Restorative Justice*. Back then, across Canada, it was a grand time for MCC Restorative Justice apprentices to learn Restorative Justice then spread our own wings, as in the movie ostensibly about fly fishing: *A River Runs Through It!*

I learned that as a *theological/philosophical* movement, *Restorative Justice* articulates an ever emergent peacemaking and reconciliation biblical trajectory *over against the Christian Western grain of “just violence” towards state and spiritual enemies*. In a 2012 Bible translation called *The Voice*<sup>3</sup>, we read in Romans 3:21: “*But now for the good news: God’s restorative justice has entered the world, independent of the law...*” Now, for the first time too, “Restorative Justice” has appeared in a brand new Bible translation! Wow! What an on-the-cusp role MCC has played in helping introduce the radical, biblical good news of “Restorative Justice” to a worldwide humanity!

### *Conclusion*

Written on the early notepads we distributed widely to judges, lawyers and others about the fledgling MCC “Victim Offender Reconciliation Project” was, “*Reconciliation is an important part of the criminal justice system.*” As indicated: the only problem *back then* was, hardly anyone in the system seemed to know it!

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<sup>3</sup> *The Voice Bible* (2012). Ecclesia Bible Society, Nashville: Thomas Nelson, Inc.

But time came, wonder of wonders, when they did!

*Back then* we thought of our unproven Restorative Justice initiatives to be like a bunch of little speed boats buzzing about the vast ocean of criminal justice with tattered Restorative Justice signs. We were trying amongst other things to attract the interest of two big provincial and federal government ocean liners called in each case, and sailing *in tandem*, “The Criminal Justice System”. Our hope was that they might happen to notice this amazing “speedboating” phenomenon called “Restorative Justice”. In the ten years I served MCCC in helping direct the speedboating, and both before and since, MCCC has singularly impacted Restorative Justice programming coast to coast! Prison ministry; residential programs for ex-prisoners, mediation programs, establishment in Correctional Services Canada of a Restorative Justice portfolio, etc., etc. all received powerful boosts from MCCC. This included the ecumenical Church Council on Justice and Corrections in Ottawa, federal and provincial chaplaincy, etc., etc.

Suddenly, one day, some of our little speed boats were overwhelmed by an ocean liner horn blast, and, almost swamped in the boat’s wake. We looked up and saw beautifully emblazoned on the massive ship’s side, in gargantuan letters (like we could only dream of with our meagre budgets): ***RESTORATIVE JUSTICE IS THE NEW JUSTICE PARADIGM!***

Yes, Restorative Justice had arrived in government policy – *with a vengeance!*

Soon however, that became the very problem: the word “*vengeance*” seemed almost impossible to eradicate from government criminal justice policies in most of the world, even when the ocean liners had been painted over with new signage. “A rose by any other name...” proved sad and seeming ineluctable experience here...

What of Canadian federal criminal justice policy today?: A great chorus of experts across Canada and the United States has seen in the plethora of recent Canadian government legislation a virulent re-emergence of the deadly social virus dubbed by René Girard “*scapegoating vengeance*”.

The defunct Law Reform Commission of Canada claimed in 1976: “*Reconciliation is an important part of criminal justice.*” The prophet Amos put it slightly differently to the faith community of his day. It is God’s declaration through Amos (with the adjective “restorative” added):

*Here’s what I want: Let [restorative] justice thunder down like a waterfall;  
let righteousness flow like a mighty river that never runs dry (Amos 5:24, The Voice).*

Mennonite Central Committee Canada to criminal justice has been that *thunderous waterfall* in the past 50 years. May indeed this *mighty river never run dry!*

Thank you.