

Restorative Reintegration, Sixth International Conference on Restorative Justice, “Best Practices in Restorative Justice”, June 1, 2003

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Introduction

For over 25 years, the terminology of “Restorative Justice” has had increasingly wider acceptance and resonance within criminal justice jurisdictions around the world. As has come widely to be acknowledged, Restorative Justice is more than an alternative approach to criminal justice, it is ideally a “paradigm shift”, a genuine “third way” of seeing and responding to the crime phenomenon.

This arises in particular at the most basic level of understanding about response to the human “other”. If our worldview permits a division of life into permanent “them/us” categories, then the way is opened for routine scapegoating of the “them”, with consequent discarding of some humans like waste disposal. This is the reality in human warfare, and generally has been the case in “war on crime”, as first declared by President Nixon, but for a thousand years has been the dominant Western paradigm.

The anthropological bottom line of all such “wars” is legitimated human sacrifice. This places us in league with the “civilizations” of the Aztecs and Incas of South America and other “primitive” societies of all history and place, including Western. With reference to executions in America, but generally applicable to Western human cultures, Gil Bailie writes: “... execution... ‘is a brutal act,’ but it is one carried out ‘in the name of civilization.’ 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 [*The Bible*], I Corinthians] 7:31. This is the central anthropological issue of our age (Bailie, 1995, p. 79).”

Vern Redekop writes generally of Western criminal law: “Is it possible that what we call a criminal justice system is really a scapegoat mechanism?” He continues later: “In a secular democratic society, nothing is as sacred as the law code and the justice system which enforces it. The buildings in which laws are made are the most elaborate and the courts in which decisions are made about points of law are the most stately. Formality, uniforms, and respect surround the agents of law.” He finally states baldly: “It is possible to think of the criminal justice system as one gigantic scapegoat mechanism for society.... [A] tiny percentage of offenders who are severely punished can be thought of as a collective scapegoat for society (Redekop, 1993, pp. 1, 16, 33 & 34).”

Restorative Reintegration and the Criminal Justice System

In a paper published in 1994, describing characteristics of family group conferences in New Zealand and Australia, criminologists John Braithwaite and Stephen Mugford juxtaposed “ceremonies of degradation” with “rituals of reintegration” in the criminal justice system. By degradation was meant “communicative work that names an actor as an ‘outsider’, that transforms an individual’s total identity ... ‘...moving him out of his normal position in society and transferring him into a distinctive deviant role’ (p. 141).” In other words: the youth is forever labelled, stigmatized, “criminal”, “deviant”.

On the other hand, ceremonies of reintegration were designed to reconnect the offender to the wider society.

“Ceremonies of degradation” are another way of denoting an active “scapegoat mechanism”, a phenomenon described by René Girard that has operated throughout virtually all human societies and history. Many consider René Girard, historian, literary scholar and anthropologist, who spent most of his academic career teaching in American universities, the greatest exponent of the origins of violence in the 20th century¹. Now retired, Girard still is actively writing and publishing, and his ideas have been subject of intense research across a great academic interdisciplinary spectrum². According to Girard, there were three great *aha!* moments in his career. One (his second) was discovering the “scapegoat mechanism” operative, he claims, in all human cultures. But for Girard, the absolutely unexpected origin of the most profound anthropology of violence with a way out³, is the biblical text of the Gospel story.

He claims that when the text of Scripture is approached *anthropologically*, which the prophets and the Jesus story taught its adherents to do, the myths that justify violence in all cultures begin to evaporate under the strong rays of Gospel glare. Girard writes: “I certainly do not believe that the Bible gives us a political recipe for escaping violence and turning the world into a utopia. Rather, the Bible discloses certain truths about violence, which the readers are free to use as they see fit. So it is possible that the Bible can make many people more violent...”⁴

“In the Hebrew Bible, there is clearly a dynamic that moves in the direction of the rehabilitation of the victims, but it is not a cut-and-dried thing. Rather, it is a process under way, a text in travail... a struggle that advances and retreats. I see the Gospels as the climactic achievement of that trend, and therefore as the essential text in the cultural upheaval of the modern world (Hamerton-Kelly, 1987, p. 141).”

¹ See for example *The Genealogy of Violence* (2001).

² See Williams (1996) for an extensive introduction to, and bibliography on, Girard. See Bailie (1995) for a contemporary cultural application of scapegoating theory. See Williams (1991 and 1995) and Alison (1993, 1996, 1997) for sustained theological presentations of scapegoating theory. Finally, see Girard (2001) for a complementary *anthropological* presentation of scapegoating theory with reference to the New Testament, a document he considers a touchstone text.

³ This was Girard’s (chronological) third great discovery. His first was “mimetic desire”. Williams (1996) offers a succinct explication of the first two in his glossary, and interviews Girard extensively about all three discoveries.

⁴ It has certainly done that! A classic history documenting this in the Christian era is *The Death Penalty* (Megivern, 1997).

Girard's most recent book, *I See Satan Fall Like Lightning* (2001), in part basis of a recent five-part Canadian Broadcasting Corporation *Ideas* series by David Cayley⁵, is the most explicit about the unique and powerful anthropology⁶ to be discovered in the New Testament texts.

Ironically however, since the eleventh century, the same biblical texts were interpreted often to endorse violence. Girard anathematizes such an interpretation, which one historian dubs a "mysticism of pain which promises redemption to those who pay in blood (Gorringe, 1996, p. 102)." It is in fact this understanding that originates the dominant form of Western criminal justice, "((punitive) retributive justice".⁷)

For Girard, scapegoating is "The age-old way of gaining release from the violence or potential violence that mimesis produces ... through nonconscious [that such a mechanism is operating] convergence upon a victim (Williams, 1996, p. 293)." The Holocaust directed toward the Jews by the Nazis in the Second World War is the classic gargantuan instance.

Girard understands the birth of all cultures, including the violence of Western Christendom, to arise from the unanimity achieved by scapegoating a victim or victims. Ritual, prohibition, and myth dominant in all cultures religious and secular arise in the repeated exercise of a sacrificial mechanism designed to (re)establish peace and social cohesion. Girard draws on cultic rites the world over in "archaic religions" and scapegoating applications of Christianity to demonstrate the phenomenon.

With reference to the criminal justice system therefore, the above-quoted historian writes: "For the Church Fathers, it is the devil who – illegitimately – insists on the payment of the debt incurred by humankind. Anselm [in the 11th century] inverts this. Now it is God who, legitimately, exacts the payment of debt... In both Old and New Testaments an indebted person could be 'redeemed' by the payment of his or her debt. Jesus, following Deuteronomy, insists on the cancelling of debt as a fundamental aspect of Christian practice. Anselm, however, makes God the one who *insists* on debt. The debt humanity has incurred must be paid with human blood. The God who rejected sacrifice now demands it... From the start sacrifice and satisfaction run together... The God who liberates from law is now, in Anselm, understood as hypostasised, personified law... What remains... is a mysticism of pain which promises redemption to those who pay in blood. In this move a most fundamental inversion of the gospel is achieved, which prepares the way for the validation of criminal law as the instrument of God's justice instead of what it is in the gospel, an alienating construction which is at best a tragic necessity.

⁵ See Cayley (2001). Cayley also wrote the superb book, *The Expanding Prison*, based on a 10-part CBC *Ideas* series, "Prison and Its Alternatives" (Cayley, 1996).

There is also an annual conference, "Colloquium on Violence and Religion", an award-winning journal, *Contagion*, and a quarterly *Bulletin*, all interacting with Girard's thought.

⁶ Girard says the New Testament was the origin of Western anthropology, *the* quintessential Western science.

⁷ See Berman (1983); Gorringe (1996).

“The penal consequences of this doctrine were grim indeed. As it entered the cultural bloodstream, was imaged in crucifixions, painted over church chancels, recited at each celebration of the Eucharist, or hymned, so it created its own structure of affect one in which earthly punishment was demanded because God himself had demanded the death of his Son (Gorringer, 1996, pp. 102 & 103).”

By the birth of the modern prison⁸ in the late eighteenth century, and persisting to the present, what emerged was a penal system dedicated to a “mysticism of pain” - *with no redemption*. (That is why by contrast the Stephen King novel, *Rita Hayworth and the Shawshank Redemption* (1982), and movie, *The Shawshank Redemption* (1994), are so gripping!)

There was also therefore no place for reintegration of the offender into the community. No redemption, no reintegration.

Dan Van Ness’ and Karen Strong’s publication, *Restoring Justice* (1997), well traces the “structure of affect” of the degradation, scapegoating interpretation and application of Christianity in the West. Western Justice consequently inexorably eschewed community, healing, redemption, restoration, and reintegration.

M2/W2 Association and Restorative Reintegration⁹

The mission of our agency is: “*To help restore and transform those affected by crime by fostering Christian principles of justice, love, support and accountability.*”

M2/W2 Association – Restorative Christian Ministries, was the first of its kind in Canada, and arguably one of the earliest “restorative justice”¹⁰ programs in Canada. In operation since 1966, it believes no human being, regardless of creed, ethnic origin, sexual orientation, criminal acts, etc. is discardable. On the contrary, all people possess inalienable dignity since created in God’s image.

The core program of M2/W2 Association has been to offer friendship and reintegration resources to prisoners and ex-prisoners through the recruitment, training, and deployment of volunteers from the (ecumenical) Christian community. About 400 volunteers participate annually.

Here are some stories.

⁸ See Foucault (1995).

⁹ Our website is: www.m2w2.com

¹⁰ Not programmatically, but philosophically and theologically. “Restorative Justice” in programmatic expression involves facilitated *encounter* of some kind amongst the actors (victim, offender, community) in the crime drama.

Roger¹¹

Roger felt a little disappointed after his first M2 visit. He thought about the evening events as he silently walked back to his cell. He had been waiting for weeks for this visit, and as he waited he fantasized about what his M2 would be like. He had heard through the grapevine that Vern, his M2 was a conservative Christian. Roger thought this would be an entertaining evening, and was waiting for Vern when Vern walked into the visiting room. Roger's first plan of action was to determine the size of his M2's big black Bible, only to find out that he was not carrying one. Roger, not to be deterred, walked around him looking for bulging pockets. He found none. They settled down to visit, and all too soon the evening was over. Not a word was spoken about the agenda that Roger thought would dominate their time together. So began a friendship that would span decades, only to be severed by natural deaths.

Roger was eventually released on parole. In becoming part of a faith community he had a wonderful support network that grew to 12 to 15 people. When Roger remarried, the community was there to help with all the arrangements and to celebrate with him. Some years later when Roger was dying of cancer, the same faith community was there for support, visitation and comfort.

Paul

Concerned family members who were living at the time in Ontario and New York brought Paul to the attention of M2/W2 in 1979. By that time Paul had already served 12 years of a life sentence. Paul was reluctant to meet new people, to socialize and to do relationship building. It would take many visits over a long period of time for Paul to feel comfortable with M2 staff. In those early years, he never felt at ease, and he lost interest, but would on occasion attend the M2/W2 social coffee events. He sat by himself and made observations of the activities of the evening. It was in 1991 that Paul approached M2 staff and asked if John could be his M2 when he would be available after release of his current match. John agreed, and so began a friendship that has changed the lives of not only Paul, but also of John and his family.

Throughout the years there were many hearings to attend. Paul appreciated the support and many years later walked into a halfway house. The integration process was slow, deliberate, cooperative and encouraging. While Paul is still in a halfway house, he looks forward to his visits with John, the eight hour passes together, meeting new people, and exploring new horizons.

Gus and Sybil

Gus and Sybil, a couple who are now in their 80's began volunteering in 1991. It all began through a request of an acquaintance to see someone in prison. Gus and Sybil approached M2/W2 and background work was done to facilitate that first meeting. Gus and Sybil have very much enjoyed their visitation experience. Throughout the years they

¹¹ All stories supplied by Bernie Martens, M2/W2 Volunteer Coordinator.

have been assigned to nine different prisoners. They have done reintegration work, have helped with funerals, have supported family and have made lasting friendships. Often while at M2/W2 coffee nights they would be surrounded by numerous prisoners who just wanted to talk to a couple who were non-judgmental, cheerful, good-natured and interested in the lives of those in prison. When someone faltered with the prison, or for those who returned to the prison, Gus and Sybil were there to walk alongside to give support and encouragement.

Failing health in this past year, has limited their volunteer role. The prisoners ask about them and send letters of encouragement and best wishes. Both Gus and Sybil and all those they have met in the context of the prison are left with memories of unconditional love, respect and best wishes for the future.

William¹²

As we live in a global community, there are opportunities for us to take responsibility for those who engage in crime and are affected by crime that come to us from another country. A deportee began his 25-year sentence in 1980. He was lonely, and longed to be reunited with his family. M2/W2 with its connections was able to introduce William to EN who spoke William's language, and was familiar with his culture and its history. Upon his deportation William penned the following:

"In writing this letter, I would like to express my sincere thanks and appreciation to you, and of course, EN and his family for their strong support that they provided me through the past 5 five years by visiting me, sharing and encouraging me etc.

"I would like to express that it helped me to cope with daily solitudes and unhappiness, which I have experienced in this environment.

"The spiritual support that they provide me made my life less miserable and assisted me in dealing with depression at all stages.

"I'm very grateful and thankful that EN provided and displayed full support towards my children as well as my family who live in _____, and I'm also grateful that EN and his family supported my sister, her husband and her daughter when they arrived in Canada for a visit..."

EN was able to help William in preparing for his eventual release and return to his homeland. William was finally deported. EN has travelled to _____ in order to visit with William and his family. The reintegration process has gone well. William has made positive adjustments and is once again supporting his family.

¹² Not his real name

Conclusion

If indeed for a thousand years there has been a dominant scapegoating paradigm in criminal justice, whereby the offender is subjected to “commensurate pain”¹³ through imagined “just measures”, then it is time for a process of generic vision of restorative reintegration to be operative at every level of the system.

And of course, such a philosophy begs the question of the legitimacy of prison itself, the institution outside capital punishment, certainly since 1790, that is the most violent measure in the criminal justice arsenal. But this issue takes one beyond the scope of this discussion today. Though another question is begged at the outset in discussing prison: How can one “reintegrate” into society someone who, in the first place, (often) never was part of that society, and whose institutional experience, prior to release to the community has been largely negative, and often far worse, *vis à vis* society?¹⁴ Expressed as analogy: Can one do pilot training from a submarine?

I will end on that note.

¹³ “Violence is the ethos of our times”, begins one writer’s robust assessment of contemporary Western culture (Wink, 1992, p. 13). By “violence” is meant *the deliberate infliction of harm upon another as an end in itself*. This is of course also what “penal” (from the Latin *poena* – pain) means: *the purposeful infliction of pain upon another as an end in itself*: ‘pain delivery like milk delivery’, as Nils Christie aptly catches its quintessence and banality (1982). Violence in Western culture is bar none the dominant spirituality of our age. It is and has been the driving spirituality of Western penal law as well.

¹⁴ A good introduction to this issue is Ruth Morris’ *Penal Abolition The Practical Choice* (1995). An international movement, “ICOPA” (International Conference on Penal Abolition) holds conferences on this very issue every two years. See the website: <http://www.interlog.com/~ritten/icopa.html>

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