

Restorative Justice: In Anti-Trafficking, in Scripture, and Beyond

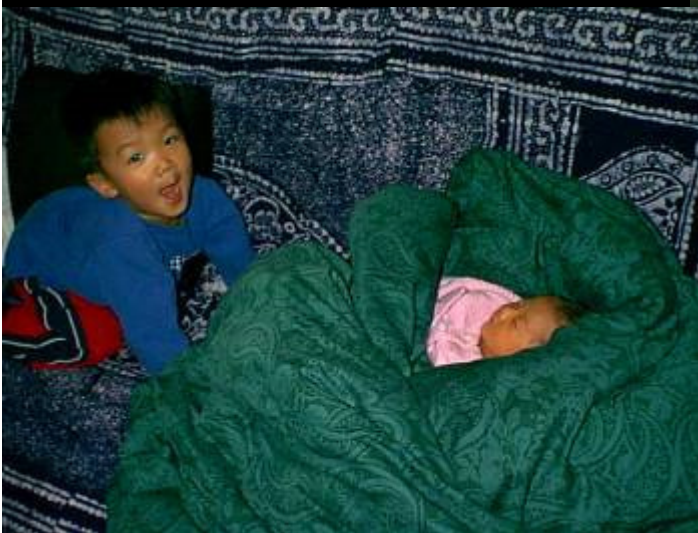
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**The Anástasis Center for Christian Education and Ministry
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A Vision for Relationship



A Vision for Relationship



A Vision for Relationships of All Types

- Friendships (brother's keeper, sister's keeper)
- Marriage
- Family
- Economic
- Political
- Involving historic injustice

Application: Criminal Justice

RESTORING HUMAN TRAFFICKING VICTIMS THROUGH VICTIM-OFFENDER DIALOGUE

*Carina Patritti**

INTRODUCTION

The criminal justice system focuses on punishing criminals for their wrongs, which often results in the victims of those crimes believing their needs have been unattended to or ignored.¹ Because this traditional view of the justice system is offender-focused, it has resulted in more harm to victims, to their families, and to communities.² A progressive theory that attends to the needs of victims instead of focusing solely on the offender that is gaining popularity in North America and Europe is called “restorative justice.”³ Restorative justice focuses on responding to and understanding the victims well as those affected by the crime, rather than focusing solely on the offender.⁴ One form of restorative justice is Victim-

Caveat: Willingness, Preparedness

- “A victim who is too intimidated to speak to the offender is probably not a good candidate” for VOD. Neither is the victim who wants to lash out or bash the offender appropriate for VOD. It is important, however, to note that forty to sixty percent of those victims studied who were offered the opportunity to participate in VOD refused.”
(p.237)
- “Many human trafficking victims, most of whom are children and women, cannot imagine confronting the offender without becoming emotionally overwhelmed. This could potentially cause additional harm to the victim.”
(p.240)

Potentially Beneficial Results

- Confront a major fear: their former trafficker
 - Confront recurrent nightmares, flashbacks
 - Disconnect from trafficker
 - Tell the impact
 - Hear the trafficker's story
- Demonstrate improved psychological and physical health
- Gain a sense of control of the situation
 - Not trafficked, nor in court
- Yields a greater sense of relief

Potentially Beneficial Results

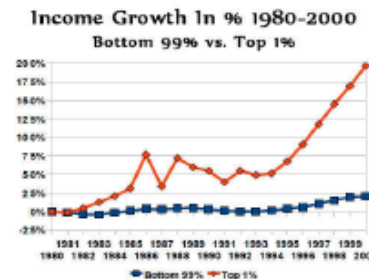
- “Generally, victims of serious crimes who undergo VOD have a positive experience. The New York State Office of ADR program has been assisting victims of violent crimes in VOD since 1990 and reports that “every case since 1990 has been extremely positive for the victim and offender alike without exception.” Victims who choose to participate feel a greater sense of relief or closure and “feelings of gratitude for not being forgotten and unheard.”” (p.237)

Which Most Irks You?

Unequal pay for equal work



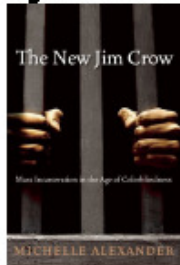
Growing economic inequality



Excessive taxation



Racial bias in the criminal justice system



CEO's being rewarded for failure



Power of lobbyists



No restitution for past rights violations



Infringement on freedom of religion



Under-resourced schools



What Kind of Justice?

Four Types

- Meritocratic: Reward, punish
- Distributive: Baseline wealth
- Libertarian: Maximize freedom
- Restorative: Vision of relationship

What is the Most Just Way to Treat People? According to...

Select one

Our merits

Meritocratic Justice

Our needs

Distributive Justice

*Our inherent
freedom & liberty*

Libertarian Justice

*A vision for healthy
relationships*

Restorative Justice

What is the Most Just Way to Treat People? According to...

To Republicans

Select one

#2

Our merits

Meritocratic Justice

Our needs

Distributive Justice

#1 Economic

*Our inherent
freedom & liberty*

Libertarian Justice

*A vision for healthy
relationships*

Restorative Justice

What is the Most Just Way to Treat People? According to...

To Democrats

Select one

#3

Our merits

Meritocratic Justice

#2

Our needs

Distributive Justice

#1 Social

*Our inherent
freedom & liberty*

Libertarian Justice

*A vision for healthy
relationships*

Restorative Justice

Why Should Your Definition of Justice Prevail?

Select one

Majority opinion

Minority opinion

Tradition

WE MAKE THE RULES

Theological foundation

Philosophical foundation

There is no "justice,"
only power

I don't care

I don't know

Other

Whose Justice? Which Order?

- Meritocratic: Reward, punish
- Distributive: Baseline wealth
- Libertarian: Maximize freedom
- Restorative: Vision of relationship
- How do you order and organize these?

Whose Justice? Which Order?

- Meritocratic: Reward, punish
 - Distributive: Baseline wealth
 - Libertarian: Maximize freedom
 - Restorative: Vision of relationship
-
- Is your order philosophically grounded, or fundamentally arbitrary?

Why Should Your Definition of Justice Prevail?

Select one

Majority opinion

Minority opinion

Tradition

WE MAKE THE RULES

Theological foundation

Philosophical foundation

There is no "justice,"
only power

For secularists

I don't care

I don't know

Other

The Christian Order of Social Justice

- Restorative: God's relational order
- Distributive: Wealth for all
- Meritocratic: Reward, punish
- Libertarian: Legitimate concerns, but incompatible premises
- Grounded in the historicity of Jesus and his resurrection, with Scripture as a witness

Restorative Before All Others

- Jesus restores God's original creation order for how we:
 - Forgive and reconcile (Mt.5:21 – 26; 6:12 – 15; 18:1 – 35)
 - Express sexuality and marriage (Mt.19:3 – 12)
 - Share wealth (Mt.19:13 – 30)
 - Share power and honor (Mt.20:1 – 28)



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 - Share wealth (Mt.19:13 – 30)
 - Share power and honor (Mt.20:1 – 28)
- God designed relationships for us to fit into
 - 'Have you not read that He who created them **from the beginning**...Because of your hardness of heart Moses permitted you... but **from the beginning**...' (Mt.19:4, 8)
 - '**In the regeneration**...' (Mt.19:28)
 - Thus, we have specific responsibilities, not just rights

Distributive Before Meritocratic

Mosaic Israel: Land

- Leviticus 25
- Deuteronomy 13
- Isaiah 58
- Proverbs 10:4, etc.



Distributive Before Meritocratic



Church: Table

- Matthew 6:19 – 34; 19:13 – 30
 - Luke 6, 12, 14; Acts 2, 4, 6
 - 2 Corinthians 8 – 9
-
- 2 Thessalonians 3:10 – 12

Libertarian Justice

- Some legitimate concerns
 - The individual is important
 - Freedom of religious conscience
 - Many concerns can be adequately addressed by restorative justice
- Poor logic with other concerns
 - Sell my votes? My citizenship?
 - Leads to divorce, broken friendships, secession
- Incompatible starting points
 - Individualism → relationships merely social constructs
 - A vision of good relations → restorative justice

Restorative Before All Others

- Jesus restores human nature to us by his Spirit
 - Our problems are not fixable by a 'hero' outside us (Jesus comes inside us!)
 - Each person must choose 'love,' (i.e. Jesus, love incarnate) in appropriate relationship and appropriate posture



What is the Most Just Way to Treat People? According to...

Select one

To Christians

Our merits

Meritocratic Justice

#3

#2

Our needs

Distributive Justice

#4

*Our inherent
freedom & liberty*

Libertarian Justice

#1

*A vision for healthy
relationships*

Restorative Justice



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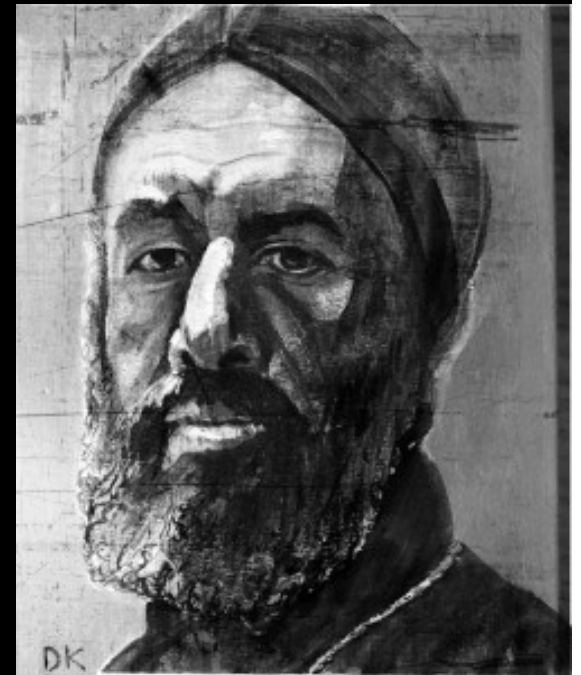
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Other

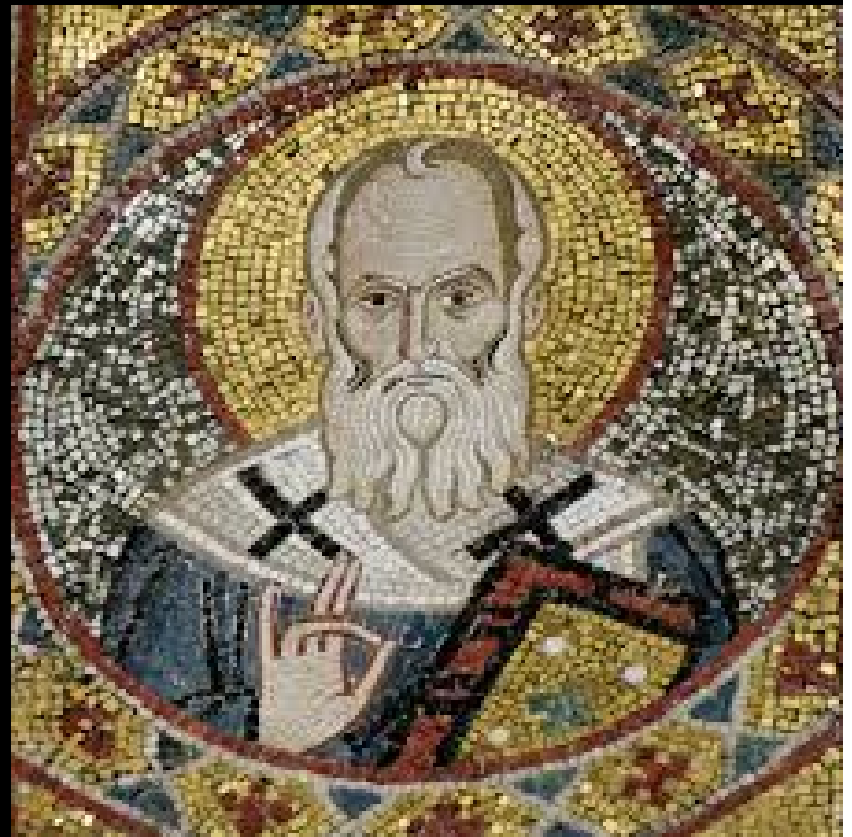
Restorative Justice in Scripture: God Works to Heal Self-Harm and Restore Relationship

- ‘He drove him out of Paradise, and removed him far from the tree of life... because He pitied him, [and did not desire] that he should continue a sinner for ever, nor that the sin which surrounded him should be immortal, and evil interminable and irremediable. But He set a bound to his [state of] sin, by interposing death, and thus causing sin to cease, putting an end to it by the dissolution of the flesh, which should take place in the earth, so that man, ceasing at length to live to sin, and dying to it, might begin to live to God.’
 - Irenaeus of Lyons, *Against Heresies* 3.23.6 (2nd century)



Restorative Justice in Scripture: God Works to Heal Self-Harm and Restore Relationship

- ‘Yet here too he makes a gain, namely death and the cutting off of sin, **in order that evil may not be immortal**. Thus, his punishment is changed into a mercy, for it is in mercy, I am persuaded, that God inflicts punishment.’
 - Gregory of Nazianzus, *Oration 45* (4th century)



Restorative Justice in Scripture:

Law = Restoring Injured Relationships

- Victim-Centered; the Offender Pays the Cost of Healing
 - ¹⁸ If men have a quarrel and one strikes the other with a stone or with his fist, and he does not die but remains in bed, ¹⁹ if he gets up and walks around outside on his staff, then he who struck him shall go unpunished; he shall only pay for his loss of time, **and shall take care of him until he is completely healed.** (Exodus 21:18 – 19)
 - ²⁹ If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death. ³⁰ **If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him.** (Exodus 21:29 – 30)
 - **‘An eye for an eye’** (Exodus 21:23) is an outer limit of proportionality for cases of bodily harm, meant to represent personal support, financial compensation (Talmud *Bava Kamma* 83b – 84a), or, in some cases, lashes (*Makot* 1:1) Jewish rabbis even made a joke of it: If a blind man injures the eye of another...

Christian Restorative Justice in Practice

- Christian and Christian-Influenced Restorative Criminal Justice: A Partial History
 - Christianized Roman Empire
 - ...
 - Norway, Finland, Sweden
 - U.S. Mennonite Christians
 - New Zealand (youth violence)
 - U.S. (urban youth violence)
 - South Africa (Truth and Reconciliation Commission)
 - Rwanda
 - Uganda

Restorative Justice in Scripture:

Reintegration of Offenders

- The American system takes away:
 - Voting rights (depending on State)
 - Food stamps
 - Public housing assistance
- Adds:
 - Payment of fees and fines
 - Back payments for child support
 - Difficulties getting a job with a criminal record
- Jubilee Year in Leviticus 25: A Garden of Eden Image
 - Debts cancelled
 - “Slaves” (indentured, including to repay debt for theft) go free
 - People return to their family land inheritance
 - Family land returns to family

‘Slavery’ (*ebed*) in Scripture

- No forced entry
 - ¹⁶ He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death. (Exodus 21:16; Deuteronomy 24:7)
 - ⁴² They are my servants whom I brought out from the land of Egypt; they are not to be sold in a slave sale (Leviticus 25:42)
- No forced retention
 - ¹⁵ You shall not hand over to his master a slave who has escaped from his master to you. ¹⁶ He shall live with you in your midst, in the place which he shall choose in one of your towns where it pleases him; you shall not mistreat him. (Deuteronomy 23:15 – 16)

‘Slavery’ (*ebed*) in Scripture

- ‘A slave could also be freed by running away...This provision is strikingly different from the laws of slavery in the surrounding nations and is explained as due to Israel’s own history of slavery. It would have the effect of turning slavery into a voluntary institution.’
- Interest-laden loans were the chief cause of people falling into slavery in the Ancient Near East
 - ‘Do not charge interest...’ (Ex.22:26 – 27; Lev.25:35 – 38; Dt.23:19)
 - Forgive debts after seven years (Dt.15) or every fifty (Lev.25)