

SERMON preached by Michael Rich at Park Avenue Congregational Church
UCC, Arlington, MA on 4/19/09

Restorative Justice: Back to the Future!

Micah 6:6-8
(Romans 12:9-21)
Luke 19:1-10

OK, don't hate me because I'm a lawyer. As our second scripture that I just read points out – Jesus hung out with tax collectors and sinners. Besides, I may be a lawyer but I don't play one on TV – when my Aqua Teen Terrorist case was all over the news two years ago and Jay Leno joked about it in his opening monologue on the Tonight Show that Friday night, it wasn't I who was the lawyer that he showed as representing the defendants in court – but I was played on TV by ... by ... by ... a cartoon character ... by SpongeBob LawyerPants!

As Jeanne's introduction said, I mainly practice children's and family law. Several years ago I was at a social event and was introduced to a lawyer from China who was here studying income taxation at Harvard Law School. When I told him I practiced Children's and Family Law, he said, "I don't think we have that in China." And asked what that is about. After I explained a little bit about the type of cases that I handled, he said, "Oh, so let me ask you a question. Is it true that in America you are not allowed to beat your children?" When I told him that it was mostly true that beatings are forbidden here, he replied, "Well, if I can't beat my 9 y.o. daughter, how do I get her to study?"

My point is that I try to be a different kind of lawyer than the ones we love to hate and my sermon today is about a different kind of law, a kind of justice that is different than the one we usually think of. Our American system of "retributive justice" often flies in the face of our best understanding of **full, complete & effective** justice.

Both of our scripture lessons this morning and our thought for reflection speak about a mode of justice that focuses NOT on **punishment** or **retribution**, but on **reparation, restoration** and **reconciliation!**

Luke

Our gospel lesson, from Luke, familiar to most, tells us of that wonderful encounter between Jesus and Zacchaeus. We applaud short Zacchaeus for his determination and ingenuity in striving to see Jesus when Jesus entered Jericho. But let's not forget that Zachaeus was “*a chief tax collector and he was rich.*” (Lk 19:2) Ooohh, those rich people – don’t hate me because I’m rich either –well for me it’s in name only anyway -- but Zachaeus was actually rich according to the story.

This means that, in today's society, Zacchaeus was similar to a Wall Street CEO! (a Wall Street CEO **before** the recession)! And just like Wall Street CEOs or AIG executives Zacchaeus’s means of acquiring his great wealth was very suspect!

But here's what's important! When Zacchaeus encountered Jesus, his life changed ... remarkably!! And Zacchaeus wanted to make amends for any & all injustices he had committed. So totally transformed was Zacchaeus that he said: “*Look, half of my possessions I will give to the poor; AND, if I have defrauded anyone of anything, I will pay back four-times as much.*” (Lk 19:8) And what did Jesus say? “*Today salvation has come to this house.*”^(v.9)

You see, we're talking about restoration here! We're talking about healing and reconciliation! We're talking about restitution...plus!!! We're NOT talking revenge. We're NOT talking retribution! We're NOT even talking punishment! These things are secondary and far less important to restoring, rebuilding, reconciling and healing the injuries and harms that have happened!

Micah

When Jeanne read from the Old Testament Book of the Prophet Micah: “*And what does the Lord require of you, but to do justice, to love kindness, and to walk humbly with your God?*” (Micah 6:8) that wasn't just about merely “talking” about justice. The reading from Micah and the hymn we sang a few minutes ago (with the line about justice as “an ever flowing stream of faith translated into deed”) (Let Justice Flow Like Streams v.2) – they were talking about doing justice!!

Restorative Justice

So, let's take a closer look at this challenging biblical vision of **restorative justice**.

There are basically three principles that form the foundation of Restorative Justice: **First** is the principle that authentic justice requires that it focus on the **harm** that has been done to people, to communities and to relationships.

Secondly, restorative justice emphasizes offender accountability and responsibility. **Thirdly**, those most directly involved and affected by the harm, by the injurious event, by the crime, maybe, should have the *opportunity* to participate fully in determining the response, the opportunity to participate in the restorative process, if they so desire.

This is one very significant place where retributive justice, the state's justice, the Empire's justice, the justice system that we know *throughout our nation*, differs from the restorative justice that we find promoted *throughout our scriptures*. In the State's justice system victims are often ignored. Well, yes, their stories are told; prosecutors talk about the harms that have befallen the victims but victims are often revictimized by the system, if they don't want to testify they can be threatened with arrest. Their questions aren't answered – why me? why this? why did you do it? Their losses are not recouped. Their needs are secondary.

With *restorative justice*...victims' suffering is acknowledged and lamented!

In a *retributive justice* system ... blame fixing is central (guilty or not guilty? – that's what it's about). With *restorative justice*...problem-solving is central (how do we fix this?).

In a *retributive justice* system ... the focus is on the past (what happened?, who did what to whom?). With *restorative justice*...the focus is on the future (how do we help the injured recover their lives?, how do we make sure this doesn't happen again?).

In a *retributive justice* system ... differences are emphasized (the system

dehumanizes the offender, the offender therefore can continue to dehumanize the victim, the offender is “the other” an outsider, not like us). With *restorative justice*... commonalities are searched out! (when the parties all treat each other with dignity and respect, they can be encouraged to rejoin each other in a common human relationship of community)

You see, restorative justice is basically a vision, or a theory, of justice that emphasizes repairing the harm caused (or revealed), by abhorrent (or criminal) behavior. And it is best accomplished through cooperative processes that include all “stakeholders.”

Restorative justice...focuses on the harm that has been done to people and communities; and it emphasizes offender accountability and responsibility.

Professor Howard Zehr, the grandfather of American Restorative Justice, writes that “*restorative justice REQUIRES, at minimum, that we address victims' harms and needs, that we hold offenders accountable to put right those harms, and that we involve victims, offenders, and communities in the process.*

This is why **Peacemaking Circles** are such a vital component of the process and practice of restorative justice! The Peacemaking Circle, very simply, emphasizes **the same values** that are found when a family gathers around the table for the sharing of a meal. Peacemaking Circles affirm the equal humanity of every participant. They foster open dialogue and deep listening. Peacemaking Circles embrace the value & importance of relationships!

In my mind the vision and practice of restorative justice is a truly valuable gift that our faith tradition has to offer the world.

At an event I went to a few weeks ago at Concord Trinitarian Congregational UCC, Prof. Zehr told the story of the birth, some 30 years ago, of the modern American version of Restorative Justice in Minnesota. A couple of recently graduated high school football players thought it would be fun to set off a homemade IED (improvised explosive device) on the front lawn of their former, beloved coach. When the bomb went off, it turned out to be a lot

stronger than they had anticipated: it blew a small tree in the yard onto the roof of the coach's house, sent shards of glass flying into the coach's young daughter's nursery, threw a piece of the coach's car up through the corner of a neighbor's roof and knocked things off the shelves and rattled many of the other houses in the neighborhood. The whole neighborhood was terrified about who did this and what it was about? Why there? Why them? Would the bombers come back to complete their plan?

When the coach found out who the bombers were, he wrote a letter encouraging the judge not to send them to jail. The probation officer charged with writing a presentencing report was scared that the judge would be angry with him if he recommended anything less than lengthy jail sentences so instead of making the recommendation himself he just attached the coach's letter to his report. To everyone's surprise the judge adopted the recommendations of that letter – the offenders helped the coach to replant the tree, rebuilt the coach's car, fixed the coach's and neighbor's roofs and, most importantly, went around to all the houses of the terrified neighbors to tell them that they were the bombers, to tell them what happened and why, and, most importantly, to tell them that they would not be coming back to do any more bombing in the neighborhood.

The coach developed a mentor relationship with the reformed offenders, which is still strong today. Minnesota now has a statewide office of RJ services and uses restorative processes and circle-developed resolutions to many of its crimes. That is what restorative justice is about – holding offenders accountable, restoring victims and making whole communities separated by the results of criminal behavior.

Back to the Future

Back in 1985, Steven Spielberg produced a movie starring Michael J. Fox as a teenager entitled "*Back To the Future.*" The film was tremendously successful. It's storyline, as many of you may remember, was built on the premise of time travel being used to bridge the generation gap.

The notion of going backward, as a strategy for moving forward,

paradoxically makes a good bit of sense!! When it comes to promoting peace, fostering understanding, nurturing healing, mending brokenness, and really “doing justice”, it's clear that our faith, our unifying, healing traditions, and our Judeo-Christian scriptures have a lot to teach us!

If Jesus had been a revolutionary in the sense of Shakespeare’s antagonist who said if we want a revolution first kill all the lawyers – would he have dined with Zaccheaus and other sinners? or would he have had them jailed or executed?

Did you know that today, April. 19th, 2009, (wow, the 234 anniversary of the beginning of the battle for American freedom, a significant part of which took place right here in Menotomy Village) but today in the US --1 in 9 African American men between the ages of 20 and 34 is locked up?? Did you know that in 1970, our prisons held fewer than 200,000 people?? But today, that number exceeds 1.5 million! And when we add in local jails, the total comes to 2.3 million prisoners!! That's almost 1 out of every 100 American adults.

(“Mother Jones”, July/August, 2008, p.45)

That’s a system that is NOT presently doing “justice”!

We need to go back to the faith traditions that can lead us into a future that resembles the way that our God wishes for us to live with one another! We need to move beyond our infatuation with retribution and punishment with getting tough on crime. We need to go back to the future of the ancient and challenging vision of restorative justice!

So, let's stop attempting to beat better behavior into our children and our neighbors' children, let's stop trying to incarcerate the bad out of people and start working to embrace and foster the way of restoration, let us encourage frauds, tax collectors, sinners and other offenders to make restitution and join with "the Son of Man to seek out and to save the lost." (Lk 19:10)

And let us once again consider the challenging words of the Apostle Paul to the church in Rome from our thought for reflection: "*If it is possible, so far as it depends on you, live peaceably with all. ... Do not be overcome by evil, but overcome evil with good.*" —(Romans 12:18, 21)

LET US PRAY:

Lord, as individuals, as a church, as a people, make us active **instruments** of your peace and **doers** of your justice.

Amen.