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Justice Restored  
Wesley Mimico United Church  
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by Paul Shepherd

Based on Philemon 1:8-22 and John 8:2-11

Well – here we go again. Recently we had Peace Sunday, last week we had Remembrance Day Sunday, and today, we are still hooked on justice issues. This whole week is “Restorative Justice Week”. I wonder how many of us have heard of “restorative justice”. This week I saw a video on youtube from the University of Alberta. The video was a compilation of interviews with students at the university who were asked whether or not they had heard of restorative justice. And the entire video is made up of people saying, “uh ..... no”. So if you have not heard of restorative justice, you are not alone. And yet, I imagine that we all know a lot about restorative justice – we just don't call it that.

But in order to understand restorative justice, we should probably start with a discussion of retributive justice. Retributive justice is probably what you think of when you think about how we as Canadian society normally responds to crime.

Retributive justice is a very old idea. Essentially, it's the idea that society's best response to crime is proportionate punishment. In simple terms, if someone commits a crime, then they are punished. And the more severe the crime, the more severe the punishment. It seems simple enough.

There are many examples of retributive crime in ancient societies. For example, in Deuteronomy we have this text, “then both parties to the dispute shall appear before the Lord, before the priests and the judges who are in office in those days, and the judges shall make a thorough inquiry. If the witness is a false witness, having testified falsely against another, then you shall do to the false witness just as the false witness had meant to do to the other. So you shall purge the evil from your midst. The rest shall hear and be afraid, and a crime such as this shall never again be committed among you. Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”<sup>1</sup>

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<sup>1</sup> Deuteronomy 19:17-21

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The text from Deuteronomy gives a fairly graphic picture – that the response to crime should be punishment, and that the punishment is intended to not only punish the criminal, but to create fear of punishment throughout society.

On the one hand, retributive justice makes some sense. On the other hand, as Mahatma Gandhi pointed out, “an eye for an eye for an eye for an eye ... ends in making everyone blind.” Moreover punishing criminals usually does nothing at all to relieve the suffering of the victim. In my own case, when my home was broken into, I received no value from the fact that the thief was convicted. He “did his time” in prison, but that did not provide me with any comfort or relief.

Retributive justice – punishment – only has an effect on the criminal, it has no positive effect on the victim, nor on society as a whole. Recent research and common sense have actually shown that in many cases, punishment has little or no effect on the criminal either.

And retributive justice is very expensive. Not only do we pay to incarcerate people, but we pay on the front end – the police, lawyers, and court workers, and on the back end – workers who help inmates reintegrate into society, locate employment, locate housing, after being forced to lose whatever sense of a “normal” life they had prior to incarceration.. In the words of one inmate, “wouldn't it be cheaper to just let us keep your car stereos?”<sup>2</sup>

It seems as if something important is missing from the whole idea of retributive justice. Critics are quick to tell us that what is missing from retributive justice - is justice.

*[descend and discuss from the floor]*

But consider this true story. There was an older woman, who lived alone, who had a dog. One day, a local teenager who was socially disturbed killed the dog just for kicks. In court, what came out was that the dog was the woman's companion, and that the death of the dog meant the loss of the woman's companion. The judge decided that the most suitable compensation was therefore that the teenager should become the woman's companion. And so the court decided that the punishment was for the teenager to spend time with the older woman every week for a certain number of weeks.

The initial weeks were extremely difficult. The teenager had no respect for the older woman, and the woman struggled to visit in a friendly way with the person who had killed her

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2 From the movie, “Let's Go to Prison”, 2006.

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dog. And yet – over time – the two people came to relate to each other. They came to understand each other. They came to really know each other. The teenager became the companion that the woman needed, and the woman became the grandmother that the teenager never had. And the woman and the teenager continued their relationship long after the final date determined by the courts. That's a different model for justice.

Retributive justice would have simply punished the teenager. But what actually happened in this case built a new relationship between the woman and the teenager. What actually happened in this case built a stronger community. What actually happened in this case was that the justice that was taken away with the killing of the dog was restored through new relationships and new opportunities. That's restorative justice.

Restorative justice does promote justice, but it also understands that relationships are a big part of that. And that if relationships are not restored, then justice is incomplete.

In practical terms, that means that restorative justice involves deep conversations between the people who commit a crime, the victims of the crime, and society at large. The conversations are usually very painful, but for the same reason, they are very healing.

*[come back up?]*

You might imagine that restorative justice is not effective in all cases. And you'd be right. Restorative justice methods have been found to work on “easy” cases – like the dog story, and also in extremely difficult cases, like the genocide in Rwanda. And restorative justice methods are the prime tools in dealing with the residential schools issue in Canada. The Truth and Reconciliation Commission of Canada uses restorative justice principles throughout its work.

According to the Truth and Reconciliation Commission, “Canada's relationship with Aboriginal people has suffered as a result of the 'Indian Residential School' system. Healing and repairing that relationship will require education, awareness, and increased understanding of the legacy and the impacts still being felt for everyone involved in that relationship.”<sup>3</sup> It was the relationship that suffered – and therefore, it was the relationship that needs to be restored.

And in these extremely difficult cases, restorative justice is not perfect, but retributive justice really has nothing to say at all in response to the situation. Relationships do matter.

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3 [www.trc.ca](http://www.trc.ca)

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Which brings us right to our texts. Philemon was written by Paul while Paul was in prison. Paul is writing this letter to a particular person – Philemon – who was a man of importance in one of Paul's house churches. The letter concerns Onesimus, a slave that Philemon owned, who ran away from him and is now in prison with Paul. And Paul is now writing to Philemon, asking him to accept Onesimus back as a friend, as an equal, as a child of God. By law, Onesimus is a criminal, and the usual punishment for run-away slaves was death. But Paul is arguing that there is more justice to be served in building an equitable relationship between Philemon and Onesimus – between master and slave, and by restoring Onesimus to the Christian community, than would be served by simply killing Onesimus. Paul is arguing that in this case, building relationships is more important than blindly following rules.

Because of the emphasis on justice through restored relationship, this epistle is perhaps the most direct example in the Bible of restorative justice at work.

And in the gospel today - “let the one without sin cast the first stone” is a reminder that we are all in this together. None of us are beyond blame. None of us are perfect. However we define “sin”, we all do it. The gospel reading today is actually captured well in the bumper sticker that says, “don't just people just because they sin differently than you do”.

Justice cannot be achieved by “purging evil from our midst” as is says in Deuteronomy. Justice can only be achieved by building community. By forming new and creative relationships. By finding new ways to be community. By creating the sort of community that allows people to engage well and to achieve their greatest potential. Not following the status quo, but creating new paths. Or, as we will sing in a moment, “By exploring paths that few could ever find”.

As a community of faith, each of us has a story to tell. As a community of faith we are invited to share those stories with each other even when it's difficult – even when we know we may not agree with each other. Socrates – and others – have said that “the unexamined life is not worth living”. I would suggest that the unshared life is not worth living.

This community of faith can be, and can become, a place where we share of ourselves in deep and meaningful ways. And by doing so, we will build community. And we will build justice too.

We are all invited to be part of the conversation.

*Amen.*