A JUSTICE THAT HEALS AND RESTORES
a resource on restorative justice

jointly produced by
the Church Council on Justice and Corrections
and
the Anglican Diocese of Toronto’s
Working Group on Restorative Justice
in collaboration with
The EcoJustice Committee of the
General Synod of the
Anglican Church of Canada

September 2005
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A Decade to Overcome Violence project.

September 2005
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INTRODUCTION

A Justice that Heals and Restores is a learning resource accompanied by liturgies and prayers suitable for use in Advent, Lent, or during Restorative Justice Week, which falls in November. It is designed to help Christians of the Anglican tradition explore crime, punishment, and justice from a faith perspective. It is a guide to understanding the principles of restorative justice, which pays close attention to victims, to those who cause harm, to their supporters, and to the community.

Restorative justice is founded on a vision of justice that heals and restores. It is based on an understanding that crime is a violation of people and relationships and that justice is served when those most directly involved in an offence are given opportunities to redress the harm caused. The values of restorative justice include caring and compassion, equality, healing, responsibility, truth and honesty, inclusion, trust, safety, respect, non-judgmentalism, self-awareness, integrity, flexibility, and empathy.

This vision and these values are in direct contrast with our system of “correctional justice,” a system that subscribes to the law of retribution and focuses on catching, convicting, and punishing individuals for crimes committed, usually through fines or imprisonment. Despite good people in the system, efforts to do good are overwhelmed by an organizational culture that is legalistic, adversarial, and punitive. Legal battles over admissibility of evidence take precedence over truth telling and speaking in human ways. Determining whether a crime can be proven takes precedence over determining whether a person committed it.

A system of retributive justice does not address the needs of victims. It does not address the root causes of crime, or provide for meaningful accountability, or prevent high levels of re-offending. And it is unable to provide communities with a genuine and lasting sense of safety.

Instead of a singular focus on the crime and the criminal, restorative justice pays equal attention to the victim and the community. At its best, it asks the questions: What is needed for the community and its members to heal and live together again after brokenness? How can victims be supported and helped to heal? How can the offender be helped to understand the impact of his or her behaviour and
encouraged to accept responsibility and make amends? What measures will prevent this from happening again?

The harm from crime ripples out well beyond the scene of the crime. But the waves of restorative justice wash over people and communities — healing, strengthening, and transforming lives.

A Justice that Heals and Restores offers four separate backgrounders to facilitate discussion of related themes. These sessions can take place over several weeks or be combined into a single day of reflection. The themes are:

- Working with those who are harmed
- Working with those who cause harm
- Working on healing justice
- Working with the community — at the heart of justice.

The Church Council on Justice and Corrections prepared this resource in collaboration with the Working Group on Justice and Corrections for the Anglican Diocese of Toronto and the EcoJustice Committee of the Anglican Church of Canada. The Anglican Church of Canada is a member of the CCJC. The mission statement of the Church Council on Justice and Corrections is “A Faith Vision of Healing Justice.”

For further information on restorative justice, visit CCJC’s website at http://www.ccjc.ca.
BACKGROUNDER ONE

WORKING WITH THOSE WHO ARE HARMED

It’s obvious to most of us that when crime strikes, it hurts victims and their families. “Crime involves real actions that hurt real people with real and lasting consequences. A justice system bent on catching and punishing criminals has little to offer victims of the crime.”

Crime destroys relationships. Attending to the hurts and needs of victims is a core principle of restorative justice, recognizing that victims must be helped for their own sake, and not as part of another agenda. When a criminal act occurs, restorative justice asks the questions:

- Who are the victims?
- What do they need?
- What will help heal the trauma, recoup the loss, restore a sense of safety?
- What does the family of the accused need?
- What does the community need?

Helping victims, those who have been harmed by crime, is consistent with the biblical imperative to care for the most vulnerable and needy. Yet this is not easy for people of faith. Why is this so?

Chris Marshall, a biblical scholar, suggests that the stories of victims make us feel anxious and unsure. They shatter the illusion that our world is safe, predictable, and under our control. We prefer to keep victims at a distance because they frighten us and remind us of our vulnerability. In their shattered state, victims don’t easily feel at home in polite Christian community. Marshall says, “victims constitute an even more threatening presence in the religious community than the wider community because their experience of victimization raises profoundly unsettling questions about our Christian faith.”

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It is easier for us to recognize the primary victim than to see the suffering of the families of offenders and others who relate to them. When the person responsible is caught and sent to prison, children are left to suffer, parents to grieve and wonder, “Where did I go wrong?” The community also suffers. As part of their jobs, law enforcement officers, judges, and other criminal justice professionals see and experience the worst that humanity has to offer. They and their families suffer too.

Empowering victims is another core principle of restorative justice. According to Marshall, being a victim can paralyze people, as they lose control over their lives and begin to feel disconnected from others, at least momentarily, if not longer. The courts can make this experience of powerlessness and disconnection worse, as victims become spectators to their own pain. Not surprisingly, they can feel as hostile toward the judicial system as they do toward their own offenders.

By contrast, good processes of restorative justice offer victims a central role, giving them the opportunity to become involved to the degree they choose and enabling them “to contribute in securing outcomes that meet their needs.”

Restitution also has a literal and symbolic value in restorative justice. Howard Zehr, a pioneer in restorative justice, explains that restitution “states implicitly that someone else — not the victim — is responsible. It is a way of denouncing the wrong, absolving the victim, and saying who is responsible. Accordingly, restitution is about responsibility and meaning as much as or more than actual repayment of losses.”

RESTORATIVE JUSTICE IS A BIBLICAL APPROACH TO CRIME

If we are to be faithful disciples and members of the Body of Christ, we need to understand the biblical teachings about justice in comparison to our current legal system in Canada.


In Amos 5:24, the prophet declares, “Let justice roll down like waters, and righteousness like an ever flowing stream.” In Micah 6:8, God calls us to “do justice, and to love kindness, and to walk humbly with your God.”

QUESTIONS FOR REFLECTION

1. “To love kindness” means to love tenderly and to show mercy. If we truly love kindness, how will we reach out to those who are hurt by crime? to victims, families on all sides, law enforcement and criminal justice professionals?

2. Consider other biblical passages that deal with empowering victims.

3. What does the Christian teaching about forgiveness mean in the context of crime and victimization? What does the Lord’s Prayer say about forgiveness of sins?

4. Do you know any victims of crime or conflict? How can you, as a peacemaker, empower them in a Godly way?
BACKGROUNDER TWO

WORKING WITH THOSE WHO CAUSE HARM

Several years ago, a teenager was charged with the stabbing of another youth at his neighbourhood community centre. He was sentenced to a period of custody at a detention centre followed by eighteen months of probation and psychiatric counselling. The assumption in our justice system is that the case has been dealt with.*

But this way of handling crime and criminals raises disturbing questions:

• How does the system address the brokenness in individuals or the community?
• How does it help to heal relationships affected by this act?
• How does it address the needs of his victim or any of the other people affected by violence — those who witnessed the attack, the boy’s parents, the victim’s family, the neighbours who heard about it?
• How does the community cope when the offender returns to live among them? How will they know if they are safe, whether he is sorry, whether they can trust him again?
• What is likely to happen to him and his family if he’s feared, ostracized, or scapegoated for the rest of his life?

JUSTICE AS REPAIRING BROKENNESS

Restorative justice challenges us to expand our vision beyond a model of justice that focuses almost exclusively on the offender to a model that pays attention to the needs of all those affected by the crime, and thereby contributes to restored individuals and a healthier community.

* This incident and reflection is drawn from the work of the Rev. Jamie Scott and the Church Council on Justice and Corrections. For Scott’s full presentation on this subject, go to the Corrections Canada website and look for Restorative Justice Week 2003
But doing justice differently means viewing crime differently. Crime is not just breaking the law. It is almost always a sign of brokenness within people and between people, a fracture or rending of community life, usually with real and painful impacts on the lives of those victimized, the offenders, their families, and other community members. It can also be a symptom of social brokenness, revealing structural or systemic inequality or dysfunction.

When such brokenness occurs, the question is, What should be done? How should the community respond? When the offender is not capable of taking, or willing to take, responsibility for his or her behaviour, are there still ways for a faith community to help? At a more fundamental level, the real question is, What is justice?

**OUR RESPONSE TO CONFLICT — A THEOLOGICAL AND BIBLICAL STATEMENT**

The Christian view of community is fundamentally hospitable, welcoming, inclusive. Read 1 Corinthians 12:12-27. Paul gives a radical image to the community as the Body of Christ. This is not just a metaphor but a statement about the absolute interdependence of members of the Body. If one member of the body suffers, the whole body suffers. No part of the body is dispensable or unimportant (verses 15-17). As Christians we are called away from focusing on an individual as a “bad egg” and toward a model of social responsibility that is inclusive.

**QUESTIONS FOR REFLECTION**

1. Consider other biblical passages that deal with empowering community.
2. In practical terms, how do you understand restorative justice?
3. In thinking about responding to conflict in the community, compare Paul’s comments on the Body of Christ in 1 Corinthians 12:12-27 with Matthew 18:15-17 (“If your brother/sister sins against you”) and 2 Corinthians 5:16-19 (the ministry of reconciliation).
Read the article in Appendix A, *Youth learn from mistakes and become solid members of society* [page 17]. It was written by Ron Hunt, an Anglican priest based in Ontario who is a facilitator and trainer in Restorative Justice Conferencing.

As people of faith, we are invited to do justice in a way that offers opportunities for healing and righting relationships. The Good Samaritan in the parable is a victim of serious crime. Jesus makes it clear that being a neighbour means helping the victim in concrete ways. The biblical scholar Chris Marshall points out that taking care and attending practically to the needs of victims “is a better measure of the law’s true purpose than is devotion to ceremonial holiness.”

**PHILEMON: A STUDY OF RECONCILIATION**

Read the story of Philemon, found in the letters of the New Testament. Philemon was a Roman citizen who owned several slaves, including a young man named Onesimus. By running away, Onesimus had committed a crime punishable by crucifixion under Roman law, the same sentence received by Jesus.

For us, the story of Philemon, the slave owner, and Onesimus, the runaway, offers a study in restorative justice, in which Paul strives to bring about their reconciliation. As a slave owner, Philemon may not be a typical victim in today’s world, nor is he likely to draw much empathy from us. Yet, with imagination, we can still ask questions that need to be asked of any victim. What was the effect of crime on his livelihood? Did he live in fear of being robbed again? What traumas were triggered whenever he was reminded of the crime? Did the person who committed the crime admit responsibility or did he blame the slave owner for his actions? Did the victim feel safe to question the process? Did the victim experience more losses after the crime?
QUESTIONS FOR REFLECTION

In light of the Bible stories of the Good Samaritan and of Philemon and Onesimus, and in light of the story of the youth in trouble with the law, consider these questions:

1. What crime do you think Onesimus, as a slave of Philemon, committed in running away? Do you think it was a crime?

2. How does the practice of slavery influence your answer? Are there crimes that, even though they are against the law, deserve some explanation or require an understanding of context for a better appreciation?

3. Consider the manner in which Paul, the facilitator of restorative justice in this story, acts to bring Philemon and Onesimus together. How might we, as individuals and communities of faith, do likewise?

4. In the parable of the Good Samaritan, what do you think Jesus’ command to “do likewise” means practically for a faith community seeking to minister to victims? Do you know of people working with victims who may sensitize you to this type of ministry?

5. Re-read the newspaper article in Appendix A. Reflect on the restorative justice conference and the outcome of this process for the youth accused of vandalism. What restorative justice initiatives are available in your area? Are you aware of similar interventions in schools, churches, or part of the justice system? Would you like to see such initiatives happening? What could we do to create a public appetite and attitude for this?

6. What are your thoughts on this letter to the editor that appeared recently in The Presbyterian Record? At the Church Council on Justice and Corrections, we believe the letter’s message poses a challenge to all denominations and faith communities:

You are to be congratulated on presenting the issue of Restorative Justice to our church, but I fear it will be a losing battle.

Historically, the Presbyterian Church has been much more interested in separating itself from sinners than in being reconciled to them. We split from the churches in Rome,
England and the United Church over their perceived imperfections. Religious art and matters of worship we didn’t like we either smashed or dismissed as irrelevant.

For many, it seems sufficient to point out that homosexuality is a sin, as if everyone else is somehow pure.

Reconciliation and healing requires being known as a friend of sinners. (*D. Campbell, Tamworth, ON.*)
We have said that restorative justice is all about right relationship, i.e. working to make things right. Community is the natural home for this work. For Christians, the invitation to become a genuine community means being in healthy relationship with God, self, and neighbour.

Crime wounds people. These wounds, and people’s dignity, matter to God and should matter to God’s people. A faith community needs to pay attention to who is excluded and to those things that prevent full participation in community. There are great challenges here to helping people on all sides of crime and conflict.

Here’s what the biblical scholar Chris Marshall has to say about the role of community in doing justice:

The third element of a Christian position on prisons must be a commitment to the reintegration of released prisoners into “communities of care.” Concern for those behind bars must be accompanied by generous hospitality towards them when they have finished their sentences and face the struggle of re-entering an often suspicious and hostile community.

People often defend prisons as a means by which offenders can “pay their debt to society.” But the metaphor fails. Not only does society foot the bill for imprisonment but ex-prisoners are never really discharged of their debt. They bear a seemingly ineradicable stigma of having been inside. In the eyes of society, a period of imprisonment serves to establish criminality as “an indelibly ontological attribute” (David Cayley, Expanding Prison, 41).1

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What former prisoners need most is a community of people who truly understand both the grace and the discipline of forgiveness, a community that loves its “enemies” and welcomes strangers, a community that breaks down the dividing walls of hostility and preaches “peace to those who were far off.” This is what Christ did, and this is what those who bear his name should also do.²

Restorative justice puts a face on the labels of “victim” and “offender,” creating safe spaces where they are able to tell their stories, with help from their friends and supporters. As John McKendy of St. Thomas University puts it, these stories about “what happened” need to be told if “healing, forgiveness and reconciliation are to begin, and an understanding of the structural roots of the problem is to be developed.”³

Restorative justice gives voice to raw passions and primitive hurts. This matters to God. God mourns for these victims before we become aware of them. We need to create safe and non-judging environments for victims, walking with them through their pain.

QUESTIONS FOR REFLECTION

1. What opportunities are there within your faith community to witness and minister in restorative justice? For example: grieving over the wounds of those who are harmed by crime; working on rituals and services of lamentation and healing; ministering to the families on all sides of crime and conflict; offering processes and opportunities for those responsible for making amends.

2. When crime happens in our own faith community, how might we insist on restorative measures?


APPENDIX A.

YOUTH LEARN FROM MISTAKES AND BECOME SOLID MEMBERS OF SOCIETY*

BY RON HUNT

Very early on the morning of July 23, about 2 a.m., three young men vandalized the potted flowers held in wooden barrels in one southeastern Ontario town.

They ripped up several newly planted trees along the rejuvenated, newly paved downtown main street — the pride of this small town. The residents and merchants along the street were infuriated and “up-in-arms” because of the apparently senseless, irresponsible damage totalling in the hundreds of dollars to repair and replace.

The three young men were apprehended, incarcerated overnight, released into their families’ care and brought before the court — a humiliating and embarrassing experience for the young men, their parents and guardians, and their friends and neighbours.

According to a protocol existing in the township, the crown recommended to the judge that this case go through an alternative process called “Restorative Justice Conferencing.” I, as a locally trained facilitator, was contacted.

According to the protocol, I interviewed all of the parties involved, the investigating officer, the victims, the offenders and their families and guardians, asking each of them for their participation in the alternative process. All agreed to take part.

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* This article is reprinted with permission from News/EMC, published by Record News Communications, Smiths Falls.
There were a total of 32 persons present for the conference that evening. Members of the local faith community, a church, were willing to host the Restorative Justice Conference and to provide refreshments for the healing and restorative time that followed the conference. This demonstrated community involvement.

In preparation for the conference, the centre of the meeting room held a circle of empty chairs. Then, the facilitator welcomed the offenders and their families and guardians into the circle and asked them to take a seat to his left. The offenders sat next to their family members. Next, the victims, merchants and town council members, were seated to the right of the facilitator across from the offenders and their family and supporters. Included in the circle were two police officers involved in the case, a member of the Crown’s office, two witnesses to the vandalism, as well as a lawyer, a high school principal who knew two of the lads and an English teacher who knew the other.

Because of the public nature of the event, several observers were permitted to sit in a larger circle outside of the main group and were not invited to participate in the discussion. There was uncertainty, tension and some curiosity floating in the air as the facilitator called for the meeting to begin.

As facilitator, I explained the process of the conference in a clear, relaxed voice and outlined each step of what would take place. Everyone indicated that they understood and were committed to the process. I then began by asking the first young offender to tell in his own words what happened that night that the vandalism took place, what has happened since that time, and how he felt about it presently. Each offender had a turn to speak for himself.

Following this, the victims were asked, one at a time, to express what they felt when they first heard or saw the vandalism and how they were feeling now. Feelings of anger, “We must make these youths pay! Make an example of them for others! Throw them in jail!” were expressed. Others wondered, “Do you have no pride in your town?” or frustration, “Why did you cause such irresponsible, senseless acts? Didn’t you think about the community, your parents and friends, how they might feel?”

The offenders heard how their actions affected the members of council, the merchants and citizens of the town. The offenders were given opportunity to respond to each of the feelings expressed.
The conference moved into the second phase, looking for how the harm might be addressed.

The youths had spent six hours incarcerated, and were required to report every Wednesday and Friday to the court, they were not permitted to communicate with each other and each had already paid $456 to cover the damages and repairs.

In the meeting, together the offenders, victims and other participants agreed that each youth would give 10 hours of community service to be completed by the end of the school year. The principal would direct that time. A letter of apology would be prepared by each youth individually and printed in the local newspaper.

This agreement was written up and signed by all participants. The refreshments and fellowship allowed for conversation, discussion and the healing of the community to begin.

None of these youths has reoffended. One has gone off to university, another to college to pursue a career in art illustration and the other has a job in a local machine shop.

*Ron Hunt is a local facilitator and trainer in restorative justice conferencing.*
I have a picture in my mind. It’s one perhaps many of you have seen. It is of a young teenager: long dark hair, curled for the occasion; pretty pink dress; smiling face and glowing eyes. She laughs as she twirls for the camera. This image is from my sister Kristen’s Grade 8 graduation. I had seen the photographs but hadn’t been present when the video was taken. My husband, children and I live in Northern Ontario and haven’t always been able to be with the rest of the family for those special occasions.

But a few years after Kristen’s graduation, we were able to share in a family trip. Our children, at 7 and 10, were old enough for us to join my parents, Doug and Donna, along with Kristen and her friend in Florida. It was a first for us: first trip to Florida for us as a family, first time our children had flown, first time they saw the ocean. It was a very exciting time. And our children were lucky to have their Aunt Kristie and Tara there to take them on all the rides their ‘fraidy cat’ parents weren’t able to. It was a magical time. One month later, Kristen was missing.

We began, that spring of 1992, to learn many things. We learned about fear: fear for Kristen and what she was going through; fear for ourselves and others as her abductors were at large and unknown; fear of what the outcome would be; fear of a now unfamiliar, unsafe world.

We learned about the police: how they can be very professional and do their jobs to the very best of their ability. But still human beings,

* Pam Randunsky, who wrote this reflection, is a member of the Church Council on Justice and Corrections. Pam shares her experience as the half-sister of Kristen French, one of the victims of Paul Bernardo and Karla Homolka.
affected too by the fear and pain of what they are dealing with yet willing to get personally involved.

We learned that protecting sources and information must sometimes take precedence over relating to others. As adult siblings of Kristen, we were excluded from information given to my parents, who were told not to tell us for fear of jeopardizing the investigation. This caused us, a family, to be isolated from one another just when we needed each other the most. So we learned to speak out and challenge the status quo.

On April 29th, we started to learn about horror: Kristen’s naked body was found in a ditch. Gradually, we learned about what had happened to her. Eventually, we learned who had done this to her. And we learned how public this would all become; what a media event murder is. I didn’t see that beautiful video of Kristen’s graduation until it was replayed repeatedly as part of the newscasts covering Kristen’s murder.

We moved on to learn about the criminal justice system: that the Crown Attorney represents the interests of the state and those interests may differ widely from the victims’. That many different factors will vie to be represented in court and the victims must be one of them. My parents hired a lawyer. We learned about plea bargains. And, as Forrest Gump would say, “That’s all I have to say about that.”

We sat in court, day after day. And we learned that wearing the green ribbons that had become so precious to us could be seen to influence the jury. So we were ordered to remove them. But, and don’t tell anyone, we didn’t quite comply. We all wore them safely hidden under our clothes. We learned that having all of us stand up, albeit quietly, and leave the courtroom during video and audio playing of the Bernardo tapes could also be seen as trying to influence the jury. But, thank God, we were not ordered to stop that.

We learned, too, that there are kind and caring people in the system as well. As the privileged victims of a horrendous crime and very public event, we were provided with a private room to wait in during the trial. Victim Service court workers, one in particular, were there for us night and day. Court and Crown Attorney staff went out of their way to be as sensitive as the system would allow to meet our needs.

Hotel accommodations, meals, legal assistance and support were given by organizations like CAVEAT and private donors. All along, in the eyes
and through the tears of those we met or heard from, we were upheld in a very real and human sense.

At the end of the Bernardo trial in 1995, we began to learn how to move back into what would now be our lives.

We learned how to deal with the aftermath of all the stress. How to pick up the pieces, focus on the good things in our lives and how very much we were loved. We learned how differently each of us deals with trauma and how to accept that in each other. Since Kristen’s murder, our very close family has become even closer.

We learned how to provide a safe, hopefully normal, environment for our young and growing children without shutting them up in the house and living in fear. Here again, we have so many people to thank for supporting us and allowing our children to just be children: teachers, friends and their parents, our church home and family.

There are many ways to learn. As a lifelong bookworm, I usually used books to escape. But now I needed to read about how other people survived similar events in their lives. Sadly, there are many books out there dealing with the horror people have suffered because of crime.

One that impacted me greatly and led me further on in my journey was Wilma Derksen’s book, *Have You Seen Candace?*. Wilma writes honestly and from a faith perspective about the disappearance of her daughter Candace. Like Kristen, Candace was a teenage girl, taken by someone on her way home from school. Her body was found many weeks later. Her killer has never been found.

After reading Wilma’s story, I knew I needed to hear more and wrote to her. That began a friendship that has brought me much joy and has added to my knowledge of and interest in victims’ issues. Wilma is the director of Victims’ Voice, a Mennonite Central Committee program that is having a big impact on victims’ issues. Wilma and her family combine their Christian faith with a strong desire to advocate on behalf of victims.

For many years, I have served within my church body, the ELCIC (Evangelical Lutheran Church in Canada), on various committees and focus groups, such as the Church Council on Justice and Corrections.
“Justice” has become a trigger word for me. I began to hear about something called restorative justice and started to investigate this philosophy. Ironically, or perhaps serendipitously, I was also looking for part-time work in 1999 when a group of community-minded citizens in Sudbury advertised for a part-time coordinator for a new restorative justice program.

Since then, I have been blessed to work with this very committed group of people to develop a community restorative justice program that brings victims of crime together with people who have harmed them to try to address the needs of everyone. The process is called Community Justice Conferencing. In Sudbury, the program has been developed in conjunction with the Crown Attorney’s office and police to address adult offenders accused of committing less serious crimes such as mischief, theft, fraud and simple assaults.

We begin by contacting the person accused for an interview and possibly application to the program. This person must be willing to admit responsibility, indicate some remorse for their actions and a desire to try to address the harm they have caused. If this step is positive, we then contact the victim to see if they would benefit from having contact with the offender. Victims are surprisingly willing to participate for a variety of reasons. They may wish to confront the perpetrator, describe the impacts on them, and have an opportunity to say how they wish to see the incident resolved, or may wish to give the person another chance. Whatever their motivation, if they are ready to meet with the perpetrator, a CJC is arranged.

Volunteers from our community, who have been trained in the internationally acclaimed scripted process of facilitation, will then take over the preparation of all participants for a CJC.

Careful preparation of participants, inclusion of support people for all parties and site selection help to ensure the process is as safe and positive as possible.

In our program, approximately half of the 30 cases referred each year conclude in a CJC. Of the 12 cases we have accepted so far this year, 8 have resulted in an agreement that is acceptable to the participants. The agreements are then monitored to completion. If, at any time during the process, there are problems, such as failure to reach an
agreement or failure to complete the agreement, the case will then revert back to the court. About three weeks after the conference, questionnaires are completed with all participants, including facilitators. The feedback from these questionnaires enables us to constantly evaluate and improve the program. Participant responses have been consistently high in rating satisfaction with the program. Comments such as “more than met my expectations”; “gets everything into the open and gives everyone a chance to speak”; “able to reach a resolution we couldn’t have gotten in court”; and “I feel better about the incident and the outcome” indicate how effective this process can be.

Because of the success of the program to date, we are now involved with the Collaborative Justice Project in Ottawa to begin working with more serious offenders.

Ours isn’t a perfect program. There continue to be struggles to find adequate funding, appropriate training, and recognition that restorative justice practices can enhance the administration of justice in our local police and court systems.

However, one of the many things I have seen while working for Sudbury District Restorative Justice is the human face of justice. The people we work with have all been traumatized to some degree by a criminal incident.

They, their families and friends, are struggling to come to grips not only with the crime, but also with a usually unfamiliar and often overwhelming traditional justice system. Like my family and me, most have never encountered the world of police procedures, court appearances, frequent delays and usually minimal information or guidance. They are looking for ways to interact with the system that make sense; that are user-friendly. Restorative justice isn’t magic, nor is it foolproof, or easy. It is, however, a human response. It uses processes which respect the rights and needs of all parties and tries to engage those who have the greatest stake in coming up with solutions that matter to them.

It challenges community members to take an active role in determining how justice will be served in their area. It can be cost effective, reduce recidivism, and enhance community safety.
From what I have learned so far, restorative justice practices have the potential to add a dimension to our criminal justice system that has somehow been overshadowed by bureaucracy. The principles we have tried to teach our children and that we try to live out in our lives: respect for others, accountability, inclusiveness, truth, safety, are human principles. These are all to be found in good restorative justice practices. To coin a popular phrase, “It’s not rocket science.”

Restorative justice is a basic human concept that has been around for centuries in every known culture. Except among the First Nations peoples of Canada and other countries, the community-based values of restorative justice have largely been lost or at least forgotten. I believe it is time for the rest of us to recover these values and allow the “doing of justice” to be a more human process again.

Thank you.
RESTORATIVE JUSTICE:
THREE SHORT BIBLE STUDIES

1. RECONCILING VICTIM AND OFFENDER: LESSONS FROM ESAU AND JACOB

OFFENDING
Read Genesis 25:27-34 and 27:5-36.

- In what ways did Jacob deceive or defraud his brother? Do you think Esau was responsible in any way for what happened to him? How did Jacob's obtaining the birthright and the blessing affect the relationship between the brothers? (See 27:41-42.)
- In what ways did Jacob and Esau's parents contribute to the tension between them?
- Who were harmed by Jacob's actions? How?

RECONCILING

- Years have gone by since Jacob first fled his brother's anger. What does he expect from his brother now? How does he prepare to meet him? Why?

Read Genesis 32:22-32.

- Jacob prepares to spend the night alone before meeting his brother. Instead he wrestles with someone all night long. With whom or what do you think Jacob struggled? If you were Jacob, with what would you be wrestling? Do you think Jacob was any different in the morning? If so, how?

Read Genesis 33:1-10.

- Why do you think Jacob now goes ahead of his wives and children when previously he stayed behind them?
· How does he approach Esau? Why? How does Esau receive him?
· Jacob says that seeing Esau is like seeing the face of God. Why do you think he felt that way? What does that say about God?
· Does it surprise you that Esau had forgiven Jacob when Jacob still anticipated his brother’s anger and vengeance? Who needed reconciliation in this story?

REMEMBERING
Think of a time when you sought the forgiveness of someone you had harmed or when someone who had harmed you asked you for forgiveness.

· What makes approaching someone you have offended difficult? What makes it possible? What makes it necessary?
· Do you think it matters how much time has passed since an offence took place? Why or why not?
· What is the struggle with which we wrestle in reconciling with people we have offended?
· What is the struggle with which we wrestle in reconciling with people who have offended us?
· What does Jacob and Esau’s story tell us about reconciliation? About God?
· What from this story can we apply to how justice is done or can be done in our society?
2. RESTORING COMMUNITY: LESSONS FROM MIRIAM AND HER PEOPLE

Read Numbers 12:1-16.

Aaron and Miriam, Moses' brother and sister, share in the prophetic leadership with him of the people of Israel as they travel in the wilderness. (See Exodus 7:1 and 15:20.) In this story they have a concern about him. What is it? How do they voice it? (The land of Cush is thought to be present-day Ethiopia. At various times in Israel’s history — such as after the Exile — marrying outsiders was considered contrary to God’s intention and forbidden. This passage reflects some of that discomfort with intermarriage, albeit set in an earlier time.)

• How would their complaints affect their relationship with Moses’ and his wife? What would this tension in the leadership do to the community?
• How does God respond to their challenge of Moses?
• Why do you think only Miriam was punished? Do you think that was fair?
• What do Aaron and Moses do in light of their sister’s punishment? How does God lessen her “sentence”?
• How does the community respond to Miriam’s incarceration?
• What significance do you see in the community resuming its journey in verse 16?
• What are some of the tensions that arise when more than one person commits an offence but only one of them is punished? How does it affect community?
• What does this passage say to you about the importance of community?
• What does this story say about restorative justice? What does it fail to say?
• What from this story can we apply to how justice is done or can be done in our society?
3. CARING FOR EVERYONE: LESSONS FROM PAUL AND SILAS

Read Acts 16:16-40. (Note that Paul and Silas are visiting Philippi. It is not their home.)

- For what reason are Paul and Silas thrown in prison? How are they treated by their accusers, the crowd, the magistrate, the magistrate’s officers/police and the jailer? (The healing of the slave girl deprived her owners of a valuable, money-earning property. This was, from their perspective, a crime against their property.)

- The earthquake has the effect of freeing the prisoners from their chains and their cells. Why do you think the jailer was prepared to kill himself when he thought the prisoners had escaped?

- The jailer’s life (and that of his household) changes significantly. How does his treatment of Paul and Silas change?

- In the morning Paul and Silas are freed by the police. Why do they refuse to leave?

- How do the magistrates respond after learning that Paul and Silas are Roman citizens? (Roman citizens were entitled to a different standard of justice than non-Romans. As Roman citizens Paul and Silas were entitled to “due process,” i.e. a public trial. By flogging, condemning, and incarcerating them without benefit of attorney or public trial, the magistrates had committed an indictable offence themselves.) How is the issue resolved?

- How do Paul and Silas show concern for the vulnerable (i.e. the slave-girl), their fellow prisoners, their jailer, and the system of justice itself?

- What from this story can we apply to how justice is done or can be done in our society?
WORSHIP RESOURCES

A EUCHARIST OF RESTORATIVE JUSTICE

At the beginning, the worship leader may greet the congregation with these words:

Welcome to this eucharist on the theme of restorative justice. It is a celebration that shines the light of faith on criminal justice and the harm we do to one another. It is an invitation to reflect on why we, as people of faith, should care about crime, punishment, and justice.

A COLLECT

Vulnerable God,
you challenge the powers that rule this world through the needy, the compassionate, and those who are filled with longing.
Make us hunger and thirst to see right prevail and single-minded in seeking peace; that we may see your face and be satisfied in you, through Jesus, the Christ. Amen.


FIRST READING — JOSEPH RECONCILES WITH HIS BROTHERS

The reader may introduce the reading with these words:

Remember Joseph? The dreamer, the man with the coat of many colours, favoured son of his father, envied by his brothers. The brothers hatched a murder plot and then decided instead to sell him into slavery in Egypt for twenty pieces of silver. This is where today’s reading picks up the story.
A reading from the Book of Genesis (45:1-15).

At the end:
Reader   The word of God.
All   Thanks be to God.

Psalm 88 (sung or said responsively)

SECOND READING — CONFLICT AND CRIME IN THE
CHRISTIAN COMMUNITY
The reader may begin with these words:

Paul's letter to Philemon is one book in the Bible that is devoted
completely to a person's attempt to bring about reconciliation between
victim and offender.

Reader   A reading from Paul's letter to Philemon (1:1-25).
At the end:
Reader   The word of God.
All   Thanks be to God.

GOSPEL — THE PARABLE OF THE GOOD SAMARITAN.
Deacon or
Reader   The Lord be with you.
All   And also with you.
Reader   The Holy Gospel of our Lord Jesus Christ according to
All   Glory to you, Lord Jesus Christ.
At the end:
Reader   The Gospel of Christ.
All   Praise to you, Lord Jesus Christ.

SERMON OR HOMILY
INTERCESSIONS OR LITANY (see suggestions, pages 31–34).
THE CELEBRATION OF THE EUCHARIST

Eucharistic Prayer
Communion
Blessing and Dismissal

HYMN SUGGESTIONS FROM COMMON PRAISE

576 For the healing of the nations
527 God, my hope on you is founded
508 I heard the voice of Jesus say
465 Here in this place
73 One bread, one body
418 Draw the circle wide
434 The love of Jesus calls us

PRAYERS AND LITANIES

A RESPONSIVE INTERCESSION FOR EXPLOITER AND EXPLOITED

Voice 1.
For exploiter and exploited;
for persecutor and persecuted;
for criminal and victim,
God of perfect love, we pray.
Kyrie eleison.

Voice 2.
As we pray, remove the fear
that makes us strident and vengeful
and take away the woolliness of thought
that makes us sentimental.
Christe eleison.
Voice 1.
Give us clear eyes to see the world as it is
and ourselves and all the people as we are;
but give us hope to go on believing
in what you intend us all to be.
Kyrie eleison.

Voice 2.
We pray for children growing up
with no sense of beauty,
no feeling for what is good or bad,
no knowledge of you and your love in Christ.
Christe eleison.

Voice 1.
We pray for men and women who have lost faith and given up hope;
for governments and systems that crush people’s spirits;
and for governments and systems slow to act
in the cause of justice, freedom, and healing.
Kyrie eleison.

Voice 2.
We pray for the whole church and the world,
giving thanks for your goodness,
for your love made known in Christ,
for your truth confirmed in his death and resurrection,
for your promises to us and to all people,
keeping hopes alive...
Christe eleison.

All.
Let us go to our work and into our relationships
stimulated by hope,
strengthened by faith,
directed by love,
to play our part in the liberation of all people,
in the name of Jesus, the Christ. Amen.

Algoa (Eastern Cape, South Africa) Regional Council of the United Congregational Church, 1985, following police killing of blacks in Uitenhage.
John de Gruchy, Cry Justice (Collins 1986).

• A JUSTICE THAT HEALS AND RESTORES
A LITANY FOR RESTORATIVE JUSTICE

Holy and incarnate one
who longs to set the prisoner free
and to heal the broken hearted:

We pray for our brothers and sisters
who are offenders,
who stand accused in our courts and who serve time in our prisons.

Let justice roll down like waters,
And righteousness like an ever flowing stream.

We pray for our brothers and sisters
who are victims of crime,
and who, like many victims, are re-victimized
by our criminal justice system.

Let justice roll down like waters,
And righteousness like an ever flowing stream.

We pray for our Church,
remembering that in our corporate history
we have been both offender and victim.

Let justice roll down like waters,
And righteousness like an ever flowing stream.

We pray for all those in our criminal system who try to do justice:
for police officers, judges, lawyers, chaplains, and for corrections,
parole, and probation officers.

Let justice roll down like waters,
And righteousness like an ever flowing stream.

We pray for our neighbourhoods, our communities, and our society,
where the impact of crime and the fear that it breeds
harm people, damage relationships, and tear at the human spirit.

Let justice roll down like waters,
And righteousness like an ever flowing stream.
Blessed are you, Lord our God,  
who sent your Son among us  
to bear the pain and grief of humankind.  
Receive the prayers we offer this day  
for all those in need in every place  
and grant us strength on our journey.  

Amen.

INTERCESSIONS FOR HEALING

O God, we cry to you in our anger that people hurt each other.  
Be with us and heal us, O God.

We feel the fear and pain of an innocent and trusting child.  
Be with us and heal us, O God.

We carry with us things that have been done to us which hurt and destroy.  
Be with us and heal us, O God.

They stand before us and weigh us down. They stop us living with joy and hope.  
Be with us and heal us, O God.

Lift us up on the wings of your Spirit.  
Be with us and heal us, O God.

For you are stronger than all the forces that stand against us.  
Set us free, heal our wounds, O God who never leaves us nor forsakes us.  
Amen.

AN INTERFAITH CANDLE LIGHTING RITUAL*

PREPARATION
Set out seven large candles, in different colours if available, to signify wholeness.

Select people to light them reflecting the differences of
- Age — young/old
- Gender — female/male
- Racial/ethnic background — Aboriginal, East Indian, Black, Caucasian, etc.
- Faith tradition — Jewish, Christian, Muslim, Hindu, Buddhist, Bahai, etc.
- Inside/outside prison
- Ability/disability

Choose instrumental music such as Solitudes for the beginning of service. Have CD/tape player ready.

THE RITUAL
The person leading the celebration begins with words such as the following.

Welcome to this “Celebration of Light.” We recognize that those of us present here are from different cultures, backgrounds, and faiths but we are united in our desire to learn more about restorative justice and to practice it in our lives.

To assist us in recognizing and honouring our diversity and unity, we invite the designated members of our community to come forward and light a candle. We invite you to pray in your own way in this moment of silence.

After the invitation to light candles, some appropriate music begins. The community members come forward and line up to light a candle. After all of the candles have been lit, the music continues to play for about half a minute. When the music stops, it marks the end of our prayer.

* The source of this simple ritual is the Ferndale Restorative Justice Committee. It was contributed by the Rev. David Price, a member of the faith community of the Correctional Service of Canada Pacific regional chaplaincy division.
AN ADVENT CANDLE LIGHTING CEREMONY

The following is offered as a variation of the familiar practice of lighting candles for each of the four weeks of Advent. It can be used in public worship or at the beginning of a study group.

Each week, begin the candle lighting service with a verse of “O Come, O Come, Emmanuel!”

WEEK ONE — HOPE

Voice  Our hope is in God, who comes with strength and gentleness to order things aright; in Jesus the Christ, who is appointed to judge all things; and in the Spirit, who shows us the way to health and wholeness.

Voice  We light this candle today as a sign of hope that justice will be restored among all peoples. We remember those who have been harmed by crime and random violence. And we pray to God for justice and healing.

Light the first candle.

Voice  Let us pray:

O God of Hope,
we live in a world that seems captive to and captivated by violence.
Like your ancient people Israel,
we long to be freed from the terror that strikes our world,
to be ransomed from the crime that stalks our streets.
We yearn for a time when justice liberates the fearful and the feared and restores us all to the shalom of your reign.
Help us to move beyond yearning to action that brings healing to those who have been hurt and hope to those who have harmed themselves or others.
This we pray in the name of Jesus the Christ. Amen.
WEEK TWO — PEACE

Voice Our peace is found in God who comes to us as the sun of justice, promising an end to the dark hours of terror; in Jesus Christ, the Prince of Peace; and in the Spirit, who calms the troubled heart.

Voice We light this candle today as a sign of peace and reconciliation among all peoples. We remember offenders, prisoners, and those who have caused serious harm. And we thank God for the promise of wholeness and the sign of light.

Light the first and second candle.

Voice Let us pray:

O God of Peace,
there is little peace for those imprisoned —
captive to the violence within,
fearful of the vengeance of those they have harmed,
and chained to their own remorse.
Break down the walls that separate offender from offended;
reconcile those who have brought harm with those they have hurt.
Heal them all.
And let us know the peace that passes understanding
and goes beyond what we can imagine.
This we ask in the name of the Prince of Peace. Amen.

WEEK THREE — JOY

Voice Our joy is in the Source of life, in the Christ of love, and in the Spirit of perfect truth, in God who heals us and fills us with the gift of joy when we remember all that God has done and promised to do.

Voice We light this candle today to remind us that Christ came, and is coming, so that all people might have a rich and abundant life. We remember offenders and victims of crime, and we pray...
with longing for justice, healing, and new life. We give thanks to God for the gift of hope, the blessing of peace, and the possibility of joy.

Light the first, second, and third candle.

Voice Let us pray:

O God of Joy,
you surprise us with new life
by offering us the possibility of a world restored to wholeness.
Where we have fractured one another, forgive us.
Where we have forgotten one another, remind us.
Where we have feared one another, free us.
Bring us to the abundance of life,
the fullness of justice,
and the richness of peace you promise
through Jesus Christ our Lord. Amen.

WEEK FOUR — LOVE

Voice Jesus the Christ shows us God’s perfect love. Those who believe in him live in love, a love that transforms and perfects all things and never ends.

Voice We light this candle today to remind us that God is love. We remember those communities who have been harmed or threatened by crime or fear and we pray for their restoration to wholeness. We thank God for the gift of hope, the blessing of peace and joy, and for the love that redeems us and shows us the way.

Light the first, second, third, and fourth candles.

Voice Let us pray:

O God of Love,
you do not delight in evil but rejoice in the truth.
Yet you keep no track of wrongs
and offer us forgiveness time and again.
Draw us to your love,
a love which transforms our brokenness
and restores us to one another.
Give us the courage to persevere, in faith and hope,
until your love perfects us all.
This we pray through Christ our Saviour. Amen.

AT CHRISTMAS

Begin with a verse from “Joy to the World!”

Voice As we light these candles today, we thank God for the gift of hope, the blessing of joy and peace, and for the love that redeems us and shows us the way.

Voice We thank God for the gift of Jesus, the Christ, for the light that has come into the world through him and made it possible for us to see, and in seeing, to rejoice. We remember those living in darkness, despair, isolation, or fear because of crime or the threat of violence.

Light the first, second, third, and fourth candles and the central Christ Candle.

Voice Let us pray:

Emmanuel, God among us,
you reveal yourself in the powerful intimacy of birth,
the vulnerable innocence of a baby,
and the hopeful expectation of a family on the move.
Keep us mindful of the vulnerable among us.
Make us open to those who long for new birth and a new life.
Help us welcome those whose fear, grief, or isolation keeps them apart.
For in one another we will see you —

Emmanuel, God among us
— and for that we give you thanks and praise through Jesus, Holy Child. Amen.
A WAY OF THE CROSS FOR RESTORATIVE JUSTICE

The Lenten custom of following the steps of Jesus leading to his passion is adapted here in a shorter version with a focus on victims, offenders, and communities affected by conflict and crime. Suitable contemporary photographs or symbols can be posted at each station.

1. JESUS IS CONDEMNED TO DEATH

Jesus is unjustly accused of a crime punishable by death. His accusers cry out, “Crucify him!” and condemn the man who performed miracles and preached love of enemies to a shameful death on the cross.

Judges and lawmakers
At this station we remember and pray for all those who work in and for the judiciary: judges, defence lawyers, crown prosecutors, legislators, and all the other men and women who work to ensure that our judicial system is fair and humane and at the same time upholds the rule of law.

Scripture — Psalm 69:1-3

Prayer
Spirit of truth and judgment, who alone can exorcise the powers that grip our world: at the point of crisis, give us your discernment that we may accurately name what is evil and know the way that leads to peace; through Jesus Christ. Amen.

2. **Jesus Carries His Cross**

Jesus accepts his death sentence in silence. He does not proclaim his innocence. He embraces the cross and carries it voluntarily, and with it he carries the weight of human sin.

**Victims of Crime and Violence**

At this station, we ask God to bring peace and comfort to those who have experienced crime and violence, and with that comfort, the knowledge that they will receive the support and direction they need to overcome such a difficulty.

*Scripture* — Psalm 42

*Prayer*

We praise you, Holy God,
that you bring new life out of grief and loss.
In your mercy, comfort all who have lost family or loved ones through crime or violence.
Give them strength, security, and neighbours they trust,
to be, with them,
a new sign of peace to the world. Amen.

*Adapted from Janet Morley/Christian Aid, Companions of God*  

3. **Jesus Falls**

Jesus, weak from hunger and maltreatment, falls under the weight of the cross. The people whose bodies and souls he nourished keep silence, or join in mocking him.

**Offenders**

At this station, we think of those who have caused serious harm through crime and violence — men and women on either side of the bars. And we remember the administrators who work to ensure that the public is kept safe while also developing programs for inmates whose lives are broken.

*Scripture* — Psalm — 3:9-15
Prayer
O God, your humanity conquers all injustice, your light wipes out racism and segregation; before you all prejudices crumble.
Change our hearts and minds, that we may transform our justice system to be more healing, just, and reconciling.
Break down the walls of mistrust, hatred, and dishonesty that encircle us.
And grant us a cherished future full of justice, equality, dignity, social order, and stability. Amen.

Adapted from a prayer by a child of Bethlehem, taken from The Silent Night or the Night of Silence, by Zoughbi Zoughbi, available on http://www.planet.edu/~alaslah

4. JESUS MEETS HIS MOTHER

As Jesus stumbles along the way to Calvary, he meets his mother, but they cannot touch or embrace. Mary stands sorrowful and silent, watching her son go to his death.

Families of victims, offenders, and correctional justice workers
At this station, we remember that crime harms not only those most directly injured, but all who are friends or family of people in the system — victims, offenders, and correctional justice workers.

Scripture — Mark 3: 32-35

Prayer
O God, you gave your son to be born of a woman, And to make of our divisions a family of brothers and sisters, Yet you went to the cross alone.
Mend our hearts and forge among us a spirit of love and trust that we may rise above our isolation and be drawn into the fullness of our shared humanity.
For you are three persons and one holy God, one true Love in whom we move and have our being. Amen.
5. SIMON CARRIES THE CROSS

The guards see a strong man coming to work in the fields, and they draft him to help Jesus carry the cross. Simon is reluctant to take on this distasteful task, yet he carries the cross.

**Prison chaplains**

As Simon shared the burden of the cross, so our prison chaplains work tirelessly to share the burden of our penal system, bridging the gap between the small prison cells and the homes where friends and families of inmates struggle with situations not of their choosing.

**Scripture** — Mark 8:34-35

**Prayer**

Gracious God, give us the will to lift heavy loads from those we meet and the heart to stand with those condemned to imprisonment or death.

When all we are and everything we do are called into question, grant us patience, dignity, and direction.

Through your son Jesus, the Christ, who does not abandon us.

Amen

*Adapted from the New Zealand Prayer Book.*

6. JESUS MEETS THE WOMEN OF JERUSALEM

Women of Jerusalem stood along the way to Calvary. They see Jesus crushed by the weight of the cross and weep for him. Jesus, knowing his own innocence, invites them to shed tears instead for themselves and their children.

**Communities and neighbours**

We pray for communities and neighbours affected by crime and violence, who seek to be healed from what they witness but cannot change. At this station, we remember too the police officers and security guards who watch over our communities while we sleep.

**Scripture** — Luke 23:27-28
Prayer
O God, we hear and hear but do not understand.
We see and see, but do not perceive.
Sharpen our memory,
unlock our grief,
teach us to name what is evil and refuse it:
even when it seems normal,
even when it seems necessary,
even when it is commanded by religion;
then, now, always.  Amen.

Janet Morley/Christian Aid, *Companions of God*,

7. **Jesus is stripped of his garments**

Jesus arrives at Golgotha where he is stripped of his garments and left naked, exposed to the eyes of onlookers and stripped of all dignity.

_Those who work in the prison system_
We remember the men and women who work in our prisons and jails and who put themselves at risk as they watch over those who, for a variety of reasons, have been confined to an institution.

_Scripture —* Matthew 27: 27-31_

_Prayer_
O God, source of our passion,
who took upon yourself our unprotected flesh,
kindle in us your anger and desire;
that in suffering we may not be consumed,
but hold fast to you
through Jesus Christ. Amen.

Janet Morley, *All Desires Known*,
(Morehose Publishing, 1992), 12.
8. JESUS IS NAILED TO THE CROSS

Jesus is made to lie upon the cross and open his arms wide. Even at this hour, he asks God’s forgiveness for his executioners and promises the repentant thief that they will eat together in paradise.

Prisoners
At this station we recall those serving sentences in jail or prisons, those on death row, and those being held for sentencing.

Scripture — Luke 23:33-34a
Prayer
Lord Christ, your death on the cross tore down the barrier between God and human beings, in whom there are no distinctions of nationality, gender, or status. Break down the walls of hatred, both physical and emotional, in the power of your Spirit and for the furthering of your reign. Amen.

Courtesy of Bridget Rees.

9. JESUS IS LAID IN THE SEPULCHRE

Joseph of Arimathea, knowing that Jesus had no burial ground, offered his own. Then he took Jesus’ body, anointed it, and wrapped it in a linen cloth before laying him in a new tomb.

Restoring Shalom
We live in a world where tragedy, crime, and violence happen, a world that is unsafe and where death accompanies life. At this station we pray for the gift of shalom — for true justice and peace, for restored relationships, for healing and the courage to hope.

Prayer
O God, you have searched the depths we cannot know
and touched what we cannot bear to name:
may we so wait, enclosed in your darkness,
that we are ready to encounter
the terror of the dawn,
with Jesus Christ. Amen.

Janet Morley, All Desires Known,
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SOME RESOURCES ON RESTORATIVE JUSTICE

PUBLICATIONS


ONLINE

The Centre for Restorative Justice, Simon Fraser University, http://www.sfu.ca/crj/about.html


Fraser Region Community Justice Initiatives Association, available at http://www.cjibc.org/
