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Restorative Justice: A Spiritual Component to Criminal Justice Curriculum

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Introduction

In assessing and evaluating the effective learning environment in a Christian institution of higher education, its ability to deliver instruction in a manner that promotes student spiritual development must be measured. In other words, core courses that are taught and learned in a classroom setting are not restricted to a specific syllabus, but rather are impacted by a student’s past experiences and future goals that provide established procedural rules through which course objectives are accomplished. This conception raises an important concern in academic disciplines whose mission is to prepare students not only for graduate study but also for future careers that will necessitate sensitivity toward those who will likely encounter the most stressful experiences of their lives. Criminal justice is one such discipline.

Criminal justice in American higher education represents one of the most rapidly growing disciplines as exemplified by more than 1,000 programs taught at colleges and universities across the nation (Armstrong & Polk, 2002). Many of these programs are also offered in Christian colleges and universities, and, as such, professors are in a prime position to integrate their criminal justice curricula from a Christian world view. Rooted in biblical principles, restorative justice provides one perspective that accommodates the call to prepare students to become agents of change in society as well as aid in their spirituality (Heath-Thornton, 2002). This paper explores the relationship between spirituality and restorative justice and contemplates using this perspective as the vehicle for delivering criminal justice curriculum in keeping with the social justice tradition that promotes spiritual wholeness and reconciliation and spirituality.
The Social Justice Tradition

In Christian liberal arts colleges, one of the primary pedagogical goals is to provide students with a vision of redeeming and transforming social institutions (Moore, 1998). The social justice tradition underscores the call for Christians to change the world by advocating peace and promoting justice. According to Holmes (1996), proponents of this view are often perceived as visionaries who challenge those in power to aid the poor, oppressed, marginalized, and disenfranchised individuals and groups. As Christian scholars and teachers, our work consists of ethical implications that determine whether the disenfranchised—either in the immediate or in the long term—are benefited that may, in turn, leave many questioning how faith and spirituality can connect with their curricular activities in ways that provide students the space to grasp the academic subject matter while simultaneously seeking to identify and understand their own vocational call (Jacobsen & Jacobsen, 2004).

The Christian foundation for the social justice tradition is a belief that those who claim love for God also visibly love and serve those in need, as the Bible instructs us “...to do justly, and to love mercy, and to walk humbly with thy God” (Micah 6:8). The social justice tradition intertwines spirituality and religious life with the moral obligation to help those in need, to work in transforming the world so that less pain and suffering exists (Jacobsen & Jacobsen, 2004), and to restore those who are already violated and broken. For Christians, the worth of a college education can be measured through its ability to promote students’ capabilities in following their vocational call, particularly in values learned at higher education institutions.
Christian college and university programs foster the belief that one's Christian faith should permeate a life of learning, and its education is intended to parallel the redemptive functions of God in the world. While the course of Christian education is one of gaining knowledge, skills and virtues in the pursuit of their careers (Plantinga, 2002), students must seize alternative approaches. Consequently, those who acquire a mature Christian approach may often experience the anguish of doubt and uncertainty; therefore, to become successful agents of change they must obtain these necessary attributes in an effort to follow their respective vocational call.

Students enrolled in Christian colleges and universities should attain knowledge about the love for God that identifies and addresses human needs through a deep understanding of His triumph as well as Christianity's tenets and practices that endorse a Christian worldview. Additionally, students should be taught to take educated positions on the issues and questions we face in our contemporary global society and be equipped with skills that enable them to prevail in the multitude of occupational settings they will experience. Coupled with knowledge and skills are virtues that enable an individual to open his or her heart to the suffering of others. Since criminal justice programs educate and train students whose role will demand public trust that entails power over others, the ability to combine the knowledge, skills and virtues gained through Christian education is of primary importance to both them and the public they will later serve.

Spirituality

Over the past half century, although spirituality has been well documented as an important part of the human experience, and researchers have established that more than 90% of Americans admit to a belief in God (Simpson, Newman & Fuqua, 2007), the idea
of “spirituality” has proven difficult as evidenced by social scientists and others who have attempted to conceptualize and define the term. Although a universally agreed-upon definition has not been achieved, there is common consensus among various disciplines that spirituality is a complex construct comprised of beliefs and attitudes; behaviors and rituals; personal experiences; and varying levels of consciousness and awareness, each of which encompass both public and private characteristics. Usually, researchers concur that spirituality is a principal human occurrence that helps create meaning in the world. Accordingly, the term is generally used in reference to having a significant and purpose in one’s life, a search for wholeness and a relationship with a transcendent being. One’s spirituality may be expressed through religion or religious involvement that typically includes participation in an organized system of beliefs, rituals and cumulative traditions (Fukuyama & Sevig, 1999; King & Boyatzis, 2004).

Armstrong & Crowther (2002) further argued that spirituality is a relationship with a (the) transcendent power that brings meaning and purpose to life and affects the way we function in the world.

According to King and Boyatzis (2004), spirituality develops as a process of acquiring the intrinsic human capacity to embed the self in a power greater than itself, including the sacred. In doing so, they concurred with Benson, Roehlkepartain and Rude’s (2003) concept that spirituality entails an awareness of self in relation to other humans and the divine. In other words, spirituality includes a reverence for life in which we feel connected with ourselves and to one another and can then more completely embrace the demands of life (Bender & Armour, 2007).
Spirituality is often presented as consisting of both vertical and horizontal components. While the vertical component represents one’s sense of well-being in relation to God, the horizontal component captures one’s sense of the purpose of life including a desire for transcendence, connection, purpose, peace, and hope (Sumner, 1998) that results from the right relationship between fellow human beings. Consequently, academics that foster opportunities for students to struggle with these or similar issues can serve to develop their own spirituality. One goal of Christian education should include a framework that will direct students in this way by teaching them to contemplate and fully operationalize the social justice tradition and to explore the meaning and purpose in their own lives. Such a curriculum may foster increased self-awareness in relation to God and other human beings, particularly those we are called upon to aid and to love. Program activities, then, should provide students with experiences that exercise these ideals. Embedded in both the social justice tradition and deep-rooted biblical principles, this perspective can provide a framework that accommodates student spirituality since spirituality and restorative justice share important vertical and horizontal spiritual domains.

A review of the literature revealed that only the relationship between spirituality and restorative justice has received ample attention. Specifically, Bender and Armour (2007) conducted a study focusing on the ways that components of spirituality have been discussed in previous research in an attempt to determine and identify relationships that may possibly exist between the two.
Restorative Justice

The term “restorative justice” was launched by Eglash (1977) who identified three types of criminal justice: retributive justice, rehabilitative justice and restorative justice. In retributive justice, crime is considered as an act that violates the criminal laws established by governments. In this view, the state is the victim and therefore determines guilt, demands accountability through punishment and administers sanctions through which the punishment is achieved. Besides being based on punishment, basic shortcomings of the restorative justice system include that by only concentrating on an offender’s actions, victim and community participation in the justice process are denied.

Rehabilitative justice, on the other hand, is based on therapeutic treatment of offenders. Much like retributive justice, because the state is the victim, this type of criminal justice shares many of the same shortcomings of retributive justice in that it also concentrates on the actions of the offender and denies victim and community participation in the justice process.

In the third category, “restorative justice,” Eglash (1977) highlighted this system as an alternative to both retributive and rehabilitative justice. Rooted in biblical principles, restorative justice differs from the retributive and rehabilitative justice paradigms in that, biblically, crime is viewed as a violation of people and relationships and concentrates on the harmful outcomes of an offender’s actions. Further, the victims, communities and offenders are actively engaged in the process of justice whose main objectives are to restore, repair and promote healing (Heath-Thornton, 2002). In effect, restorative justice promotes a philosophical response to crime that focuses on restoring victims and community members by repairing harm caused by criminal acts while not losing sight of
an offender’s needs. Restoration begins when victims and communities are balanced by holding offenders accountable and thus restoring their losses whenever possible. While many programs embody restorative justice principles, there is no one clear “restorative justice program” that can be implemented in the criminal justice system or in communities. Restorative justice is not a specific program or roadmap, but rather operates much like a device that points us in the direction of addressing the needs of victims, offenders and communities in the justice process (Zehr, 2002).

Further, restorative justice neither provides a “magic answer to crime” nor replaces the legal system, but instead, crime has public, private and societal aspects. The current legal system concentrates on the public aspects by placing its attention on societal interests represented by the government. Here, the danger lies when private matters of the crime may often be overlooked as portrayed by victims. Restorative justice seeks to provide a balance by pointing out the needs of both the victims and communities, thus ensuring that justice can be experienced by all as well as expanding the sphere of stakeholders from only the offender and the government (Zehr, 2002).

In practice, restorative justice provides one concrete way to conceptualize justice within the theory of conflict resolution and peace building. Because most conflicts involve some feeling of injustice, the principles of restorative justice can provide a framework for addressing issues within a criminal conflict by seeking to balance the interests of all stakeholders in the process—not only offenders, but also the victims and communities (Zehr, 2002).

Practitioners who espouse restorative ideals must be able to establish the various injustices inherent in contemporary global society that will further require the skills
needed to perform their professional duties and be open to discussion regarding the suffering of others. Acquiring these necessary skills should be considered as key outcomes for Christian college and university criminal justice programs.

Van Ness and Heetderks Strong (2006) introduced four corner posts of restorative justice: encounter, amends, reintegration, and inclusion. Each of these processes can be viewed as consisting of vertical and horizontal components that mirror certain aspects of spirituality.

“Encounter,” the first marker of restorative justice, consists of a long-standing component of not only the American system of criminal justice but also the well-established international system of human rights. In the criminal justice system, encounter is an event that occurs when offenders are confronted by their accusers, generally in a court of law. In recent years, some courts have permitted victims to meet with their offenders face-to-face in a controlled forum, such as, for example, allowing their presence at court proceedings to hear testimony even though they may later be called upon to testify or allowing them the right to express themselves in court prior to sentencing. Important elements that contribute to the restorative encounter process include meetings (the offender and offended engage in dialogue), narratives (each recounts the particulars of the event as perceived from their own vantage point), emotions (as expressed by the parties), understanding (speaking and active listening in an attempt to establish empathy for the other party), and agreement (in terms of a reasonable outcome) (Van Ness & Heetderks Strong, 2006). The encounter process impacts the horizontal component of spirituality by promoting a healing process and addressing the desire for connection, purpose, peace, and hope. Spirituality’s vertical component is
strengthened when the healing process begins and a victim or offender’s sense of well-being is restored in relation to God.

Another significant feature of restorative justice is “inclusion” that occurs when victims and community members who are overwhelmed by criminal or other egregious acts are afforded the opportunity to participate in restorative processes intended to foster their healing and return to a normal life. This includes involvement consisting of a number of levels that can often constitute a paradigm shift for practitioners who are accustomed to centering their attention solely on the accused (Van Ness & Heefferds Strong, 2006). Accordingly, both the horizontal and vertical components of spirituality are employed.

In their recent study, Bender and Armour (2007) identified spiritual components of restorative justice as “connectedness/belonging” and a “common bond” that parallel Van Ness & Heefferds Strong’s (2006) “encounter” and “inclusion” processes since each involves the victim and an offender’s mutual involvement in exercising listening in addition to being heard, requirements for either or both parties to move beyond the criminal experience with some semblance of understanding so the healing process can begin. “Common bond” suggests that the human bond, in and of itself, constitutes a spiritual experience that promotes the realization that people are connected by a force that transcends themselves (Bender & Armour, 2007).

“Amends” represent another hallmark of restorative justice. Importantly, they do not change what has occurred, but rather, attempt to repair the harm and grief caused. Making amends involves an apology (an admission of the wrongdoing and the offender taking responsibility for the wrong), changed behavior (a transformation in values and
behavior), restitution (compensation for the party who was harmed), and generosity (exceeding the requirements established for justice and equity) (Van Ness & Heetderks Strong, 2006). Generally, we consider that amends are made by offenders and extended toward victims and communities, thus making its greatest contribution by establishing the right relationship between individuals, thereby impacting the horizontal component of spirituality.

According to Bender and Armour (1977), “making right the wrong,” “repentance” and forgiveness are components of spirituality akin to amends in that generally forgiveness will often follow repentance. Repentance has been known as an essential component of restorative justice because it represents the authenticity of an offender’s remorse for actions that caused harm to another’s loved one. Forgiveness involves a sentiment of relinquishing ownership and control of an incident’s outcome and is, therefore, not only a principle aspect in the healing process of those touched by crime, but often reflects the recognition that the parties are turning the episode over to an entity that transcends themselves—be they victims, community members or offenders. “Making right the wrong” represents a mechanism by which offenders can prioritize the victim’s needs ahead of their own. It is through the combination of these components that amends are fully realized.

Yet another pillar of restorative justice, “reintegration,” represents re-entry into community life with wholeness - as a contributing, productive person (Van Ness & Heetderks Strong, 2006). Reintegration occurs when parties are re-accepted as community members that require action on the part of victims, offenders and communities. Elements often include practical and material help, respect for dignity and
worth, and moral and spiritual guidance and care (Van Ness & Heetderks Strong, 2006). Much like amends, reintegration contributes to right relationships between people thereby impacting spirituality’s horizontal component.

“Balance/harmony,” a component identified by Bender and Armour (1977), is analogous to Van Ness & Heetderks Strong’s (2006) “inclusion” as both hinge on a level of inner-connectedness necessary for developing right relationships. These ideas are reflected in many core restorative justice practices.

Like the social justice roots from which it comes, restorative justice attaches active spirituality and a committed religious life to moral obligations in an effort to help the needy, namely victims of crime, offenders who harmed them, and communities from which they come. This prepares students to engage in work that can serve to change the world and lessen the pain and suffering as more people are restored, repaired and healed. As such, preparation is congruent with the goal of providing students the vision of redeeming and transforming social institutions while they carry out their vocation, a response made to one’s total self that addresses God’s call to partnership with Him through reaching life’s purpose. Christian college faculty are placed on the front line of shepherd students toward the knowledge of God’s call in their lives as we simultaneously address and revisit His call on ours. This process is particularly important in academic disciplines whereby students study and train to perform in fields where the decisions they make can result in grave consequences for the lives of the people they serve. In no profession is this more paramount than in the field of criminal justice.
Criminal Justice Education

Criminal justice programs educate and train students whose role will entail a public trust that involves power over others. This holds true for every component of the criminal justice system, not simply the “big 3” often considered—police, courts and corrections. These subsystems do, however provide a remarkable starting point. For example, police officers have the authority to deprive people of their liberties through arrest, determine who should be placed under investigation or undercover operations and, in many other ways, serve to operationalize the power of the state over those who are governed. Through discretion, police can also decide whether or not an arrest will even be made. The difference between police and other practitioners in the criminal justice field is that law enforcement operations are generally directed more toward the public (Pollock, 2004). This point is also illustrated by examining prosecutors.

Of all criminal justice professionals, prosecutors and judges are known to face the least public scrutiny, a rather ironic fact since prosecutors exercise tremendous power in determining who and how to prosecute. They also make the final decisions in which cases to pursue and which ones to drop, determine which ones should be presented before grand juries, and finally, they control the ultimate decision of whether or not to pursue the death penalty. However, this does not all occur in a vacuum; rather, decisions that are made often affect those of police officers. While prosecutors have an ethical duty to seek justice as opposed to conviction, the argument may be made that their decisions are often more political than just. Judges also hold enormous influence typically employed in decision-making such as determining which plea bargains will be accepted or judgments concerning evidence and sentencing determinations (Pollock, 2004).
Finally, probation and correctional practitioners wield a vast amount of power over the lives of a select citizenry. For example, probation officers offer recommendations in presentencing reports that can determine whether or not a person should be incarcerated. Once imprisoned, an offender's "good time" can be given or taken away by the authority of correctional personnel, or they can further determine who to send into segregation, further limiting already restricted personal liberties. Correctional personnel also make decisions that can affect the very life and health of those over whom they exercise control (Pollock, 2004).

Due to the significant amount of discretion afforded, criminal justice practitioners exercise considerable power over other individuals, often with little oversight or accountability. For this reason, beyond knowledge and skills, virtue plays a major role in the manner in which this power is employed. Hence, despite the frustrations that students will face in their day-to-day experiences, it is critical that they enter the field of criminal justice with goals that reflect restoration and wholeness.

Although Christian colleges and universities do not and cannot provide all of the components that spiritual development requires, they can, however, offer meaningful surroundings that are conducive to the process through dedicated companions—advisors, faculty and mentors—who can shepherd students along the paths upon which their spirituality is fostered (Moore, 1998). A comprehensive criminal justice curriculum that broadens the restorative justice perspective encompasses a good beginning.
References


