

## **VORP: History, Analysis using Niebuhr's Categories, Where to from Here?**

Written by Ron Claassen for Culture and Mission Class, San Francisco Theological Seminary, 2002

### **Background**

We Mennonites/Anabaptists often refer to our theology as a theology of discipleship. It is an implicit rather than an explicit theology. We think that a carefully written and well-defined system would be a stumbling block to discipleship. A system would seem foreign and inadequate due to the subjectivity of a life of discipleship. In this Theology of Discipleship, the Bible is central, and Jesus' life and teachings provide the primary lens for interpreting and understanding the Bible.

One important part of discipleship is awareness of and response to the powers. The powers are that in-between and unseen power that acts on all of us. They include governments and all structures of church and society. To the extent they are respectful and reasonable and work toward restoration and reconciliation between people and with God and all of creation they are good. To the extent they are disrespectful, unreasonable, stigmatize people, ostracize people, and divide people, they are in need of being redeemed. We, as individuals and the Church, do not attack the powers but concentrate first upon not being seduced by them and then respond by demonstrating another way.

Discipleship also includes acting in ways that value all human life, especially those who are oppressed, not valued by the dominant structures of society, or seen as an enemy by the dominant structures. One of the earlier manifestations of this discipleship was taking a stand against use of violence and refusing to participate in war. This act of discipleship eventually leads to a national policy allowing people who object to serving in the military because of religious conviction, to serve an alternative service. One of the results of the WWII men who

served an alternative service to military service was heightened awareness of the horrific condition of the mental health facilities in which many served. This act of discipleship led to the development of a model mental health network, a demonstration for the larger culture of another way, one that demonstrated value for all human life and incarnated God's love for those who suffered from mental illness. In the mid-seventies our awareness was heightened regarding the uneven and unfair treatment of people in the criminal justice system. It was clearly a structure that was not working for reconciliation and restoration. It seemed necessary and natural to develop an alternative model.

### **Description of Ministry**

The Victim Offender Reconciliation Program (VORP) trains volunteer mediators who meet separately with the offender and victim and, if both are willing, bring them together in a joint meeting. At the joint meeting the mediator leads a process in which they recognize the injustice, consider how they could restore equity as much as possible and create agreements for a just and peaceful future. If they come to agreements, these agreements are written and signed by the parties and their support people. The agreement includes a follow-up meeting in which the agreement is read, and the parties discuss if it has been kept. If it has, they celebrate and if not, they discuss their options.

Most cases are referred to VORP by officials in the criminal justice system, usually from the probation department or the court. A few cases are self-referred or referred by some other interested party. In approximately 90% of the cases in the Fresno VORP, the offender is a juvenile and the cases are non-violent or property offenses. As trust and confidence in VORP has developed, the referrals include more adults and more serious offenses.

Restorative Justice theory was initially developed to help describe and communicate the values and rationale behind VORP. Its focus has been to help distinguish the difference between Retributive Justice and Restorative Justice. (See Principles, Appendix B)

Restorative Justice theory has been adapted to include how misbehavior and conflict can be responded to in all organizations and systems throughout the community, not just the legal or criminal arenas. Many Restorative Justice practices, beyond VORP, have been identified and developed. (See Restorative Justice Framework, Appendix C)

### **Brief History of Ministry**

The first case that led to the development of VORP happened in 1976 in Kitchener, Ontario, Canada. The first VORP in the USA started later in that same year in Elkhart, Indiana. It was developed in both places initially by Mennonite Central Committee. While attending Seminary at the Associated Mennonite Biblical Seminaries in Elkhart, Indiana, I attended church with Howard Zehr (who developed the first VORP in Elkhart), we became friends, and I became acquainted with VORP through our friendship.

Upon completion of an M.Div. with an emphasis in Pastoral Counseling and Conflict Resolution, our family returned to Fresno, CA. In 1982 I began to convene a group of people to talk about VORP and to encourage them to consider starting one in Fresno. After about six monthly meetings the group decided it would be a good idea to develop a VORP in Fresno. I felt my work was done but they asked me to help get it started. From 1982 to 1999 I worked part-time as the director of Fresno VORP.

Fresno VORP started with 5 experimental cases and received 85 cases in the first year and expanded to receive 750 case referrals. VORP started as part of Criminal Justice

Alternatives and in 1983 VORP of the Central Valley was created as a charitable, non-profit organization.

A decision was made to require all staff and Board of Directors to be active participants of local Christian churches. It was also decided that recruitment for volunteer mediators would be done primarily in Christian Churches but that any person who wanted to be a volunteer mediator would be welcome.

In an early attempt at seeking Criminal Justice funds, we learned that to be a successful applicant we would have to disguise the central purpose of the VORP meeting, reconciliation of victim and offender, as a means for collecting restitution and a form of punishment. After that experience, a Board decision was made to seek funding from individuals and churches as our primary source. The primary avenue was a newsletter, sent out monthly, and including a self-addressed envelope. Each newsletter contained an education piece, a story of a reconciliation, a request for funds, and an invitation to attend the next volunteer mediator training session.

In the early years of VORP (1982-85) in Fresno, Roxanne, my wife, and I were the only staff. By the third year we had additional staff from Mennonite Voluntary Service programs and later employed staff.

In the beginning we covered all staff functions which included: 1. Presentations with churches and service organizations to describe the ministry and its purpose and to invite participation. 2. Writing the monthly newsletters (which pushed me to continue to identify and articulate the guiding values, principles and practices). 3. Fundraising with individuals and churches. 4. Ongoing development of our Board of Directors. 5. Mediation Case work. 6. Training volunteer mediators and assisting them through their cases. 7. Case management,

following each case through to completion including follow-up meetings, and reporting back to the referral source. 8. Liaison work with system officials for negotiating, educating, and being educated. As time passed, other people took over many of the tasks and I took on new ones.

One of the tasks I took on was what we called VORP Expansion. I have a passion that every community should have a VORP. Our Board approved this effort, and I began to contact people in other counties (personally and by sending the newsletter) and to respond to inquiries. This effort has assisted in the development of VORP in 25 counties in California and more than 50 others throughout the US and Canada. In 1990 this function was moved from VORP to the Center for Peacemaking and Conflict Studies.

The Center for Peacemaking and Conflict Studies developed as a result of conversations between Dalton Reimer and me. Dalton had been at Fresno Pacific College (now University) for more than 25 years and in many capacities, including academic dean. In December of 1989 we presented a proposal to the University President and Provost and in the Summer of 1990 the Center was initiated and I became a member of the faculty and co-director of the center with Dalton. The first course we did together was an intensive course named, a “Basic Institute in Conflict Management and Peacemaking.” It was offered for credit in the Seminary (Mennonite Biblical Seminary) and advertised as a seminar to Church and business leaders. Soon an undergraduate focus series was developed that included a practicum based on VORP training and mediation. In 1995 the MA in Conflict Management and Peacemaking was introduced. I now teach 60% in that program and 40% of my effort is directed at training and intervention in the community with a special emphasis on Restorative Justice in the schools and the criminal justice system.

While Restorative Justice emerged to describe and give direction to VORP, it soon expanded to describe other restorative activities already existing both in and outside the criminal justice system. (see appendix B) I have been active in adapting Restorative Justice to all organizations, with an emphasis on churches and schools, utilizing the basic values, principles and practices to address all types of conflict and misbehavior. In Fresno County I convene a group made up of a probation officer, a sheriff's officer, and an attorney called the RJ Core Leadership Group. This group emerged as the result of several focus groups and a forum. The mandate was to develop a RJ Framework (appendix C) and then encourage and assist the systems of our community to adopt the Framework and begin to make movement in the direction of "systemic change based on RJ Principles."

### **Cultural Context and Shaping Forces (1982 and 2002)**

**1982** - The Fresno metropolitan area was very ethnically and racially diverse. For example, Roosevelt High School has over 100 original languages represented. The largest group was still of European origin but the next from Mexican or other Central or South American origin. The next largest group was from Southeast Asian origin. The largest subgroup is Hmong, a group that fought with the US in the Vietnam War and had to leave after the war. Most would have been from Vietnam and Laos.

**2002** - The ethnic and racial diversity has increased. In many of the small communities in Fresno County those of Mexican or other Central or South American origin comprise a majority. A newer group has been recent arrivals from Europe due the wars in the Balkan region.

**1982** - The Criminal Justice and Legal culture was firmly planted and not questioned. They were responsible for safety and peace in the community. In fact, the rules and laws made it very

difficult, if not a crime, for anyone outside their structure to attempt to intervene in a criminal situation. The criminal justice system was responsible to track down the wrongdoer, determine if he/she was guilty of violating a law, and punish the convicted wrongdoer. Their actions were guided by a very complex set of laws and rules which we call "due process." This set of rules determined how and in what situations system officials were authorized to act and make decisions utilizing authority and coercive structures. It was believed that following these laws and rules was the fairest way to reward the right and punish the wrong. One of the shaping forces motivating the development of VORP was the awareness that people with less power and finances were less able to use the structures of the system for their advantage and therefore became victims of a system intended to produce justice and fairness.

**2002** - Due to VORP's presence for twenty years, many of the officials in the criminal justice system have at least heard of and many have had some personal contact with VORP. The theory of Restorative Justice has developed and many of the Criminal Justice System officials have some awareness of and some even have a strong commitment to Restorative Justice. While the system has not yet changed its basic structure and mandate, the context is quite different from 1982.

**1982** - The faith community in the Fresno area was predominately Christian with a mix of main-line Protestant, conservative or fundamental Protestant, and Catholic. The Catholics had a social service called Catholic Charities. The mainline Protestants had recently combined efforts to work at social justice through Metro Ministries. The conservative and fundamentalist Protestants had just started Evangelicals for Social Action. While all of these were addressing a variety of social issues, none were actively addressing criminal justice. The one area where the churches in

the community were active and welcomed to work alongside the Criminal Justice System was prison ministries.

**2002** - The faith community composition of Christian churches has not changed very much but there are more Jewish, Buddhist, Muslim, Hindu, and other religious communities. While they do not nearly comprise a majority, these other faith communities are much more visible than they were in 1982. Most Christian churches have had at least one presentation about VORP, and many churches have members who have been volunteer mediators. Forty-four churches have signed commitment statements to be Sustaining Friends of VORP. While prison ministries have grown, in addition to VORP several other ministries that have emerged such as a victim services program, a home for those just released from prison, safe homes for domestic violence victims, and support groups for families of inmates.

### **Brief Analysis using Niebuhr's Categories**

Christ Against Culture: In the early years of VORP I viewed the criminal justice system as a system that was a fallen structure because it was oppressing those least able to defend themselves and not working for restoration and reconciliation. The history of attempts to reform the criminal justice system indicated that reform attempts were usually co-opted and did not transform the system. Therefore, it seemed necessary to develop a model that would stand on its own, be funded independently, and provide an alternative structure and vision which would incarnate the spirit of Christ. Finally, the transformation of the system is the work of God. So, while I did not withdraw from culture, I could resonate with Tolstoy and Tertullian in their criticism and pessimism about the potential good of a domination system like the criminal system. I felt some closeness to the radical positions they expressed and still do to some extent.



The Christ of Culture: Over the years I learned to know people in the system. Some expressed that the system is God ordained and has a responsibility to punish the wrongdoer. Since this is the system given authority by God and the community, it is simply accepted as necessary and good. In addition, from some I heard stories of how they valued people caught up in the system and worked to create constructive alternatives within the structure of the system. It did create some dissonance in me. It was not possible to see the system or the people in it as all working in wrong direction. While I was not ready to change my view to a synthesis position, I could see some value in this position.

Christ and Culture in Paradox: I also met Christians in the system who were dualists. They told me that if I understood the depravity of the offenders, I would understand why they need to be locked up and kept apart from the community. They were often the ones who were very much in favor of the prison ministries and presentation of the message of God's great gift of the miracle of grace, which forgives them without their doing anything on their part. The idea of bringing victim and offender together and asking the offender to take responsibility was of no use, due the depravity of the offender. But it was seen as important to them that the message of forgiveness be preached to those in prison. While I do see value in some of the prison ministries, I did not buy into this view.

Christ the Transformer of Culture: I also met people in the system who were convinced that the system, although necessary, was broken. They were convinced that the system could be transformed. They were excited by the values of VORP and Restorative Justice and encouraged us to continue nudging them in the direction of "systemic change based on restorative justice principles." It is those people who have encouraged me to be involved in our effort to develop a

Restorative Justice Framework for Fresno County. It is their encouragement that convinces me to make appointments with system leaders to encourage them to endorse the Framework. In addition, we are providing educational opportunities for system officials (we are currently offering an 8 hour training for all sheriff's deputies).

We keep asking what systemic changes are being made. While in 1982 I thought we needed a model apart from the Criminal Justice System, because of these experiences and because of hearing of some other experiences, especially in New Zealand, I am increasingly attracted to this position. I do believe that the powers can be redeemed. It will be necessary to be constantly evaluating if the structure is being redeemed or if we are being co-opted. I believe that the presence of VORP has unmasked the powers that are not working for restoration and reconciliation.

### **Developing A Local “Theology” and Mission – The Translation and Adaptation Models**

In 1982 in Fresno, California we decided that we wanted to develop a VORP. A VORP model had been developed in Elkhart, Indiana and we decided to duplicate that model. They said we could duplicate whatever we wanted but we should develop our own program and we would have no formal relationship with the Elkhart VORP. We received their program development materials and began implementing the program and soon realized we needed to make several adaptations for the Fresno context. For example, population was much larger in Fresno County (800,000) than in Elkhart County (100,000). That translated into a criminal justice system that was more than ten times larger. That meant that the number of system officials running the system was much larger and the number of cases was much larger. While they worked with both juvenile and adult cases, we decided to focus on juvenile cases.

Another change was that our probation department wanted us to collect the restitution. This meant we had an opportunity and the responsibility to follow the case until the contract was completed, not just until a contract was made. Another change was that the Elkhart VORP had decided to be a community-based program and we decided to be a church-based program. One significant effort to contextualize our program was in the joint meeting process. (see appendix A) Over the years adaptations continued to be made to adjust the program to fit the changing context.

### **Developing Local “Theology” and Mission – The Contextual Model -The Next Generation?**

I ended my tenure as director of VORP in November of 1999. The program in the intervening years has continued, though not without struggle. The director who took over has submitted his resignation effective September 30, 2002. The Board of Directors has asked if our Center for Peacemaking would be open to providing oversight and management. On August 20, 2002 at 7:00am a meeting is scheduled to discuss possibilities. There are short term and long-term considerations.

For the long term I am considering suggesting that we approach the next stage in VORP’s development adapting the Schreiter contextual model categories in *Constructing Local Theologies*.

What follows is a combination of proposed process and some preliminary and tentative information. You will also notice some modification of Schreiter’s language since VORP is not a church.

Identify previous local “theologies” - Our starting point would be to identify our previous local “theologies.” We could do this by convening current and past board members and long-

term volunteer mediators. We could identify our values and “theology” by listening to stories, creating a timeline, and collecting significant documents and newsletters. This process would be introduced as opportunity to remember, to help us identify obstacles, and to be open to revelation.

The opening of culture through analysis. – The communities we would need to listen to include the Christian church community, the larger faith community, the mediation community, past victims and offenders or representative groups, and criminal justice system officials at a variety of levels (ethnic diversity would be necessary in as many groups as possible). The representatives from these communities would be convened to discuss their values, the reasons why they support or don’t support VORP. We would listen to the communities mentioned above for the impact of the VORP on these communities, for parallel themes in the communities, and for emerging themes. It is only through trying to catch a sense of these communities holistically and with all of the complexity will we be in a position to develop a truly responsive next generation of VORP. To be responsive we need to be respectful of the cultures (including the VORP culture) as we also listen for the changes needed (adapted from Schreiter).

The impact of the VORP on Local Theology/Communities - We would listen for “if” and “how” VORP has impacted each of the communities. If VORP has impacted them we would want to ask the “what,” “how” and “why” questions regarding that impact. If not, we would want to know why not?

Parallel and Emerging Themes - When VORP started, it was the first program in the Fresno community to utilize mediation. Now there is a Community Dispute Settlement Center, the Law School has a mediation program for family disputes, the Department of Human Services

has a mediation program for CPS cases, the Court has a mediation program for Civil Cases, and the Court is developing a program for adult criminal cases (I am on the committee that developed and oversees both of these Court programs). As we listen to each of the communities, we need to identify additional parallel and emerging themes.

Schreiter suggests paying special attention to current and/or urgent need and larger patterns of how things are being done. We know there is urgent need on two fronts. VORP has an urgent need for management. We know that the Criminal Justice System is overloaded with criminal cases. We will listen for more clarity on these and additional urgent needs that might arise. We also know that there is a pattern change regarding the perspective toward Restorative Justice. With the Probation Department and Sheriff's Department endorsing the RJ Framework and with the Court, Police Department, Department of Human Services, and Schools giving the RJ Framework serious consideration, this is a very different context from 1982. At that point most thought VORP was a foolish idea and the theory of Restorative Justice had not even been articulated.

Opening of VORP Culture and Tradition – There are many VORP and VORP type programs that have developed in the US and throughout the world. There are many models and traditions that could be instructive for VORP.

The one I mentioned before in New Zealand has already had an impact on the Fresno VORP. Twice we have invited officials from New Zealand to tell us about their experience. Five years after their legislation mandating Family Group Conferences their number of cases going to the court was reduced by 75% and the number of youths incarcerated was reduced by 66%. They describe the process as strengthening families and communities. In addition, their

crime rate has dropped. Between the two visits we developed a pilot Community Justice Conference process to work with felony cases. We have already benefited from listening to them and allowing their program to influence us. This amazing model developed in large part due to their willingness to listen to and learn from the traditional experience of the Maori.

Just as the New Zealand Criminal Justice System learned from the traditional conflict resolution methods of the Maori, it could be very instructive for VORP listen to the patterns of dealing with conflict in other ancient and indigenous cultures. For example, we heard from Pascal Kulungu about the tradition in the Congo of the “Palaver Tree” where the elders gathered with the disputing parties to help them discuss and resolve their conflicts. John Karanja told about a similar process in Kenya. In Canada, “Circles” and a technique using a “Talking Stick,” traditions of First Nations People, have been adapted to create a current Criminal Justice System strategy called “Sentencing Circles.” While VORP has already drawn heavily on the Biblical material, another look at these stories and models could provide additional insights and direction.

These ancient traditions and current experiences that resolve conflicts through engaging supportive communities for the disputants, are important considerations as we develop the next generation of VORP.

The impact of new context and emerging themes on VORP - Having listened and analyzed what we heard, we need to determine the impact of the new context and the parallel and emerging themes from the communities. In the light of what has been heard, the questions that need to be answered in order to develop the next generation of VORP, or the alternative to VORP, need to be identified. They may include some of the following: How much should these new themes influence the shape of VORP? Are there conflicting themes and if so, which ones

are of greater importance? How responsive does VORP want to be to the identified communities? How much does VORP need to change to be responsive? How much can VORP change and remain true to the primary values that have motivated the development and operation of VORP? Is VORP being co-opted by the powers? Who should make the decisions?

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