

True justice is merciful

by Ron Claassen

What Is Justice?

Are love and mercy opposites of justice? Is it appropriate to say that we should "temper justice with mercy." Or, is it more appropriate to say "that true mercy is just" and "true justice is merciful."

As you may know by now, the term Restorative Justice is becoming rather popular. On the one hand, that is good news. However, to me it seems unfortunate that we need to attach the word Restorative to the word Justice.

As I understand justice, restoration is its fundamental purpose. Justice means addressing immediate and long term safety needs and restoring individuals and relationships damaged by the offense.

The Hebrew scriptures record law as the way of reminding people of what it takes to live in right relationships and justice as the way of moving back in that direction when violations between people occur.

Tsedeka is a Hebrew word that is often translated from the Hebrew scriptures into the English word "justice." However, this Hebrew word would not be used if the words being translated from English were intended to convey the concept of retributive justice. To do justice within the Hebrew context of scripture is to restore "right order" so that peace can return because of right relationships. It was never the case of just overlooking serious wrongdoing. It was also not the case of "eliminating the opponent."

Rather, it was a process of managing the conflict in a way that provided maximum encouragement and support so it can be transformed.

The story of Joseph and his brothers as recorded in Genesis is a good example. The violation was serious and the road to reconciliation was a long one. As my colleague Dalton Reimer has pointed out in his extensive work on Genesis, it starts with examples of violence, retribution, and "eliminating the opponent" and ends with an detailed example of true love, forgiveness, and reconciliation. As Dalton points out, Genesis, through its wonderful stories of how families responded to conflict, provides us with all of the options. It also clearly indicates God's preference for restoration rather than retribution.

So, rather than love and mercy being the act of a judge or victim who offers or advocates for leniency in the face of a harsh punishment, love (an unconditional commitment to be constructive)

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VORP Community Justice Conference leads to mutual understanding, restitution, community service

by Ron Claassen

Our story this month is written by Ron Claassen. Ron, as VORP Director, is helping to design the process and train VORP's most experienced volunteers to lead VORP's Community Justice Conference (CJC) cases. Jay Griffith, VORP case manager, and Ron have been working together to coordinate and facilitate the first experimental cases. Names and some details have been changed.

The case involved two offenders and two victims. The one offender was an adult (19 years old). After this offense he was involved in another offense and has been sentenced to 15 years in prison.

The offender referred to VORP, Tom (17 years old) admitted that he was driving a stolen car when stopped by police and he admitted that he was with the other offender when he broke a window in a pickup and attempted to steal items from the pickup.

When Jay met with Tom and his parents, they discussed what had happened and how a CJC process would work. They were asked to identify some extended family members or friends or other advocates from school or church to be present. They decided that in addition to his parents he would invite his grandmother and a mentor/friend from a church he had recently begun attend-

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ing. Tom said he was willing to accept responsibility and work constructively with the group.

In addition to Tom's invitations, as called for in our CJC process agreement, Jay invited a probation officer, police officer (who had to cancel at the last minute), some other community representatives, (in this case two) and then the victims and their support persons. (We do it in this order so that the victims know who is coming to the meeting and they are then encouraged to invite support people as they feel appropriate.)

Jay met with each of the victims. Pete, the owner of the stolen car, was upset because it had caused him a lot of grief and he wasn't sure he wanted to put this kind of energy into what he

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VORP Community Justice Conference lives up to its name

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feared might lead nowhere. Alex and Mary, the pickup owners, were anxious to participate. They had gone to court on several occasions to participate in the justice process with the offender but the hearings had always been postponed and when the actual sentencing took place, they had not been informed. The idea of participating actively in a constructive process sounded good to them.

The victims, after hearing who was invited to the meeting already decided not to invite additional people.

Just before the meeting Jay and Tom talked on the telephone. Tom said he had the flu and was feeling really bad. He said he thought the meeting should be postponed. They talked about who was coming and after some discussion decided to go ahead with the meeting.

Scripture links justice, mercy

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provides the context in which the hard work of justice is done.

Our Community Justice Conferences (CJC) provide a structure for this to happen. The Community Justice Conference is an agreement between the Court, District Attorney, and Defense, to invite the most directly involved parties in a crime, together with representatives of the community to decide on how to do justice (how to make things as right as possible)

In order to be referred to the CJC, the Defense and Prosecution must agree that the case will proceed in the court process as a felony. Whether or not to send the cases to the CJC process is not part of a plea bargain. VORP's role is to convene the group and facilitate the process. The story this month is an example of how it works....

Everyone arrived on time. It felt tense as everyone decided where to sit. After introductions, we discussed and agreed to the purpose and groundrules. Our process would be to recognize the violations (what happened and its impact), and then to search for ways to make things as right as possible with victims, community, and offender and family.

We started by reminding everyone of the value of very accurate communication. We invited someone to summarize Tom, then invited Tom to start by describing what he had done. In each case, the victim he was addressing did the summarizing. Then each victim was invited to describe how they experienced the offense and its ongoing impact.

Pete described his experience first. We reminded Tom that he would be asked to summarize for each of the victims. When Tom was unable to summarize Pete, his father briefly demonstrated for him how to do it.

Then Pete repeated the most important parts. Tom listened carefully and really caught the seriousness of the impact of the offense on Pete and his family. It was especially difficult for Tom to summarize when Pete said that because of the offense, he had replaced the car two years earlier than he had planned. Now the new payment was placing a significant burden on his entire family. So every month, when writing the check for the car payment, the pain of the offense is felt again.

The main concern expressed by Mary and Alex was that they were somewhat fearful, even now, that their truck had been singled out because of something they had done to someone, and that maybe more would be coming. Tom clarified first that they hadn't been singled out and then summarized both the fact and their feelings.

A very significant moment came when Alex said that he didn't want to ask for any restitution because he

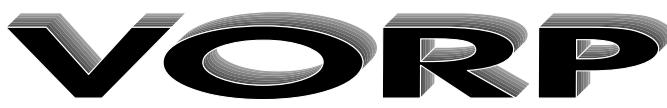
thought Tom seemed like a pretty good guy and he didn't want to burden him. At that point, Tom, without hesitation, said that he felt the need to pay at least his fair share. Grandmother, who owns a business, offered enough employment for Tom to earn the funds for restitution.

The probation officer was asked how he thought the restitution should be handled. He said what was important was to decide what would seem appropriate and fair to them. They soon came to agreement.

After deciding that Tom should pay half the out-of-pocket costs for each victim, the discussion turned to community service, for the purpose of making things right with the community. The community representatives suggested that the hours of service should be divided one-third to each victim and one-third to the community at large. A consensus emerged that service to the victims was a recognition of their intangible losses. In addition, the desire of the entire group was that the ongoing contact would encourage development of a positive relationship. The adult mentor/friend and one of the community representatives agreed to be the primary support/accountability persons in working with Tom on the community/victim service.

The quiet tension at the beginning of the meeting changed into very friendly conversation. We all signed the agreement. We decided to meet again in six months to assess and hopefully celebrate the progress. The group decided that an appropriate way to end the meeting would be with a prayer. The community person who had arranged for the meeting at his church, closed the formal meeting in prayer. Everyone expressed appreciation to VORP, the court, and all others who made it possible for them to have the opportunity to work it out this way. When I left, victims, parents, community representatives, and offender were still talking. Tom said he was feeling a lot better.

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