

Wayne Northey has been active in the criminal justice arena and a keen promoter of Restorative Justice since 1974. He was the Director of Man-to-Man/Woman-to-Woman – Restorative Christian Ministries (M2/W2) in British Columbia, Canada for many years until his retirement from there in 2014.

Since then, he has continued to write and beginning in September 2018 he has begun publishing a series titled *Justice That Transforms*. So far 3 volumes are complete of his collected writings on Restorative Justice with more to come.

I first met Wayne in the early 1990s when he was preparing a group of us as MCC observers to Haiti and Jamaica. I found his insights transformative to my own views of restorative justice.

Restorative Justice: Peacemaking Not Warmaking

Q. Wayne, you claim that the modern nation-state is closer in origin to what was dramatized by Marlon Brando's character in *The Godfather*:

That is, the modern Western nation-state originated and operates on similar principles to a *criminal protection racket*.

You cite Historian/theologian William Cavanaugh, who says: “The main difference between Uncle Sam and the Godfather is that the latter did not enjoy the peace of mind afforded by official government sanction.”¹

I understand you mean: the State *vis à vis* its external enemies—of whatever *in-the-moment flavour*—but also in its exercise of population control (that is, domestic enemies—*criminals*).

A. Yes. One could get at this in several ways, of which I'll give three examples:

1. It's an obvious truism that criminal lawmaking and enforcement are function not so much of innate universal moral principles—kinds of Kantian moral categorical imperatives—but as the late Norwegian criminologist **Nils Christie** argues, they are function of power *élites* who establish the laws then enforce them through the agency of a coercive state apparatus: *the criminal justice system*. In other words, despite otherwise vaunted Law School 101 claims of noble origins, British Common Law on which our Canadian legal system rests, similarly the American “We the People” criminal justice system, are generated by oligarchs on their own behalf: economically, legally, socially, etc., etc.

¹ Cavanaugh, “FIRE STRONG ENOUGH . . .”, 1995, p. 413.

Professor Vern Redekop, drawing on anthropologist **René Girard**, refers to such systems as societal *scapegoat mechanisms* by which the select few are prosecuted/persecuted on behalf of the many. I shall return to that.

2. Limiting the response to North America, in our pre-colonial histories and since, when America in 1796 became the first modern democracy, and Canada became one after Confederation in 1867, neither started out with embrace of anything even close to lawmaking along the lines of universal moral principles and human rights. The legacy of this vicious reality has confronted us—worldwide!—with renewed vigour in enormous groundswells of protest ever since the murder of George Floyd. Two of myriad examples are slavery laws from pre-Republic times in the United States enforced by brutal slave patrols—and incidentally they were in part the origin of American policing; the wrongful execution of *Métis* leader Louis Riel in Canada. A politician touting “Law and Order” begs the question: *Whose Law? What Order(s)?* And a “criminal justice system” begs the questions: *Whose justice? What kind of “justice”?*

A great book by Canadian/American activist, author and filmmaker **Astra Taylor** has an arresting title that puts the point home: *Democracy May Not Exist, but We'll Miss It When It's Gone*.

3. Noted 20th-century American sociologist **Charles Tilly** in “War Making and State Making as Organized Crime”² posits an irrefutable maxim:

If protection rackets represent organised crime at its smoothest, then war risking and state making—quintessential protection rackets with the advantage of legitimacy—qualify as our largest examples of organised crime.

Drawing mostly on Western European history, he continues:

This essay, then, concerns the place of organised means of violence [“protection rackets”] in the growth and change of those peculiar forms of government we call national states: relatively centralized, differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territory (p. 170).

Not unrelated, famed psychiatrist Karl Menninger in 1966 wrote *The Crime of Punishment*³—a book that has stood the test of time—claiming punishment in the United States is hugely disproportionately meted out by white *élites* to lower classes and minorities; and is greater annually in commission of crimes *against* prisoners than the sum total of crimes committed by all criminals in prison. Hence “the crime of punishment”. Or in **Jeffrey Reiman**’s telling book title: *The Rich Get Richer and*

² Tilly, 1985, pp. 169, 170.

³ Menninger, *Crime*, 1966/1977.

*the Poor Get Prison: Ideology, Class, and Criminal Justice*⁴.

Q. In reviewing your bio, I note that your university education was in French and German literature, on your way to becoming a high school languages teacher. But you rerouted and had life-changing experience in West Berlin, Germany, I'm assuming similar to what we read in your novel, *Chrysalis Crucible*. You completed of an undergraduate degree, then returned to Canada and graduated with your Masters in Theological Studies at Regent College, Vancouver.

Nothing in those studies pointed to a subsequent 40-year career in the Canadian criminal justice system, or your continued involvement since retirement six years ago.

A “funny thing must have happened on the way to the forum” as it were. What altered your life course?

A. After completion of seminary studies, I was heading towards mission work with an agency in Bogotá Colombia. But a piece of correspondence, a plane turned back to Vancouver from Seattle due to fog, and a friend on that plane (a story to tell sometime), saw me begin working instead in 1977 with a brand new (1975) mediation program in Kitchener under Mennonite Central Committee Ontario. I became its second Director. No one knew then that the “Victim Offender Reconciliation *Project*”—so-called at first since this was a tentative novel venture in Canadian criminal justice—would eventually become the most replicated mediation program in the world! And it became central to the launching of a new eventually worldwide phenomenon: **Restorative Justice**.

At Regent College I had learned the importance of thinking through one's vocation *Christianly*. In pursuing that in practice, thought and writing with reference to *criminal justice*, I quickly discovered that as “all roads lead to Rome”, so all justice theology—*theo*, God; *logical*, thought/word about God—leads to the very centre of God's heart!

Q. Let's retrace our steps to the beginning of this discussion—that Western nation-building was function of profound violence, you often use two key phrases:

- “The domination system” and “scapegoating violence.” I recognize the voices of Walter Wink and Rene Girard there.

Just to unpack those for those listening, first—**Walter Wink** claimed that all Western nation-states participate in a *domination system*—he called this the very “*ethos of Western civilization*.”

- Second, anthropologist **René Girard**, the father of mimetic theory, taught that the founding moment of ALL cultures is *scapegoating violence*.

With that in mind, can you share what presented early on in your growing understanding of criminal and restorative justice?

⁴ Reiman, *The Rich Get Richer*, 2016.

A. When I first was merging into what became the new Restorative Justice field, after having become almost a half century ago—in 1974—while at Regent College, a volunteer visitor of prisoners in the provincial criminal justice system of British Columbia, Canada, there was soon enough *emerging* awareness of many problems in contemporary Canadian criminal justice practices—and by extension in Western criminal justice jurisdictions.

I'll sketch out a few of them in a moment. And, not a great deal has changed since!

A quick word though about terminology: there has been in Canada a conscious rejection of the word “victim” in favour of “*those harmed by crime*” or the like, thereby putting the emphasis rightly on the perpetrator and removing any sense of culpability of the other. My wife works in an End Abuse Program that refers to women *not* as **victims of abuse**, *rather* as **women in abusive relationships**. The difference though subtle leaps out! **Charles Thornton** incidentally in Washington DC likewise has taught us to no longer use the terms “ex-prisoner”, “ex-con”, rather “*returning citizen*”. *Nomenclature is important!*

Those Harmed By Crime: The Orphans of Justice

In answer to your question now: first, there was initially the problem that those harmed by crime felt they were—in advocate **Jerry Armenic**'s words—the “orphans of justice.”⁵

Several needs had begun to be identified, and of course continue so to the present, that can be summed up in *the profound need for an experience of fundamental justice*. *There was a need somehow to set things right; to regain a sense of power over one's life; to move on.*

But the Western system of law was for centuries *never* designed to deliver such—and though much improved across Canada through Police Victim Services and other initiatives, criminal justice systems at best still significantly underserve the needs of those harmed by crime.

The entire orientation of the system was and far too often is towards a kind of games-playing, where rules, precedents, and ‘process’ were *all-important; human relationship values at best secondary*. American **Justice Oliver Wendell Holmes** a century ago once responded to a friend's admonition to go and do justice, with the words:

I don't *do justice*, I simply play the game according to the rules.

But one always has to ask: *Whose justice? Whose rules? Whose laws? Whose order(s)?*

And all the essentially *human dimensions* of Western jurisprudence were squeezed out in favour of rules and gamesmanship. Generally, the professional players—judges, lawyers, police, etc.—are bereft, one might say, of any “bedside manners” because the entire justice system edifice from Law School to police to prison and

⁵ See Armenic 1984, who first coined the phrase.

back again is, by this standard, still largely, simply put, *inhuman*.

Those Doing Harm: Focus on Their Punishment

Second, the system was also not working for *those doing harm*.

In my personal interactions since 1974 with hundreds of those who harm others, that is from nearly fifty years of professional and volunteer work in the prisons, prisoners consistently expressed largely a sense of injustice at the hands of the ‘system’. Most in my experience admitted their own guilt, but it was a case of invoking the old adage:

Two wrongs do not make a right.

To repeat: psychiatrist Karl Menninger’s 1966 book and title [*The Crime of Punishment*](#)⁶ was a broadly apt statement of their case.

The State’s duty had been for centuries to inflict pain at a profoundly impersonal and punitive level. Criminologist **Nils Christie** wrote that Western state law was essentially ‘pain-law’, concerned primarily with ‘pain delivery’ just like ‘milk delivery’, to which his response was:

*Dreadful!*⁷

But the issue went deeper still. Those doing harm were often mystified by the entire process. Clear perceptions were that unfortunately he/she had been caught, and the *eye-for-an-eye* model (as mistakenly understood from the biblical precept⁸), had made justice predominantly ‘*tit for tat*’, that is: *retributive* and *punitive: societal vengeance strictly exacted like Shakespeare’s “pound of flesh”*. To begin with, the perpetrator *rather* needed at minimum to demonstrate *accountability for harm done* for which there was no mechanism. Then so much more was needed such as confessions of guilt to those harmed, and a genuine prospect of reintegration into society for the victim and offender . . .

Community and Conflict/Doing Justice Stolen

Third, the impacted community needed to take back its own conflict—and justice-doing. *Not vigilante justice* and worse like the “Proud Boys” we’ve been hearing of, rather one designed to help society heal.

Communities were traditionally often left with little sense of safety or reassurance in the wake of crime. As well, as Nils Christie puts it: *conflict or doing justice in Western Law long since had been stolen from the community.*

⁶ Menninger, 1966/1977.

⁷ Christie, *Limits*, pp. 15, 16 and 18.

⁸ I spent an entire career writing and presenting about this. Please see the series being published (three books in 2018) of my writings titled: [*Justice That Transforms*](#).

Crime was defined in terms of ‘lawbreaking’—*a breach of rules and regulations* set by the state—not in terms of a *break in relationships between persons*, healing of which the community was often best equipped to take at least some significant initiative.

The Penitentiary: Failed Experiment

Finally, the system was not working *vis à vis* its many attempted *prison reforms*. Soon after the **Philadelphia Walnut Street Jail** was repurposed as the first ever *penitentiary* in 1790, the deep psychic harm done to its cloistered occupants became everywhere evident. Despite this, *the penitentiary model quickly also became the widest used tool of crime control in the world*. In the United States, as detailed by Nils Christie, crime control became a *pervasive industry*⁹, whose human ‘products’ were consequently deeply psychologically scarred. The classic book on this was by postmodernist **Michel Foucault**, first published in French in 1975; in English that same year as: *[Discipline and Punish: The Birth of the Prison](#)*.

Q. OK. But to play Devil’s advocate: we all live in nation-states, and lots of crime gets committed. What do you think the state should do instead of deploying retribution in response to crime through its criminal justice system—or perhaps more accurately, its penal system?

A. Certainly one duty of the state is protection of its citizens from harm. And, as far as it goes, that’s a good “protection racket” for the state to be in. Obviously the Godfather’s response is the opposite of the ideal!

But let me respond with a little bit of history; then back to **René Girard** with a little bit of anthropology.

State versus Community/Biblical Justice

There has been a longstanding dialectic between state and community justice stretching back to the near east in ancient times. The Babylonian Code of Hammurabi of about 1754 BC, for instance, codified much community justice; though it came out smelling of state law.

Biblical justice though tended to transform even state law into community justice, with a unique emphasis upon covenant. It was what Martin Luther King Jr. understood when he would say, “*The arc of the moral universe is long, but it bends toward justice.*”

At its high point, biblical justice and peace *kiss* each other according to Psalm 85:10. Listen to the passage to verse twelve according to *The Voice*, with the transliterated Hebrew added:

Unfailing love and truth have met *on their way*;
righteousness (*tsedeq*) and peace have kissed one another.

¹¹ Truth will spring from the earth *like a plant*,
and justice (*tsedeq*) will look down from the sky.

¹² Yes, the Eternal will plant goodness *in the earth*,

⁹ See Christie, 1995.

and our land will yield great abundance.

A similar note is struck in Isaiah 32:15 to 18:

*So it will be until God pours out the Spirit from up above,
and the land comes alive again—desert to fertile field, fertile field to forest.*

¹⁶ Then justice (*tsedeq*) and truth will settle in the desert places,
and righteousness (*tsedeq*) will infuse the fertile land.

¹⁷ Then righteousness (*tsedeq*) will yield peace, and the quiet and confidence
that attend righteousness (*tsedeq*) will be present forever.

¹⁸ My people's homes and hometowns will be filled with peace;
they'll relax, safe and secure.

Without doing a Hebrew word study, this kind of justice that Dutch criminologist **Herman Bianchi** dubbed "*tsedeka* justice", with a greater antiquity than the Aristotelian "Give everyone his due."—that was also rife with inequities, constitutes a central biblical Hebrew concept. (The term "*tsedeka*" occurs 157 times throughout the Hebrew Bible, as does the related "*tsedeq*", found 119 times. The adjective "*tsaddiq*" appears 206 times.) For Bianchi the power of this idea is not based upon a religious notion of revelation from God, rather upon its ability to sensitize us and point to another way of doing humanitarian justice.

A provisional definition early in the chapter on "*tsedeka*" proves to be his final:

...not an intention, but the incessant diligence to make people experience the genuine substantiation of confirmed truth, rights, and duties and the eventual release from guilt, within a system of eunomic [healing, reintegrative] law.¹⁰

Whatever else, this kind of justice is non-punitive, non-retributive. Bianchi directly contrasts the "*tsedeka*" model with the conventional justice model. "Give everyone his due" in the latter leaves the *status quo* unchallenged, rank inequality the norm; whereas in "*tsedeka*" there is a constant dynamic of change and equal treatment.

Intention is paramount in the retributive system; *results*—a genuine experience of healing justice—vital in the other. "A tree is recognized by its fruit . . . (Matthew 12:33)" is the Judaeo-Christian wisdom about the primacy of the *outcome* of justice. Bianchi stated elsewhere¹¹ that, though the intention of prison reformers in initiating the "American penitentiary experiment" in 1790, was to better the lot of criminals, in fact, the results as said were ever afterwards disastrous, a fact so thoroughly documented as not to need repetition.

Moving on: in the eleventh to thirteenth centuries in Europe as one historian explains:

... the state began to replace the individual as the guiding force behind prosecutions... With the [eventual] appearance of the state as the sole source of prosecutorial energy, the criminal act could no longer be viewed as an attack by

¹⁰Bianchi, 1994, p. 48.

¹¹ Keynote presentation at ICOPA II, 1985, Amsterdam.

one person on another; *it was now an offence committed against society at large*.¹²

Regina versus the individual in British common law which Canada and the British Commonwealth inherited (*we the people* of whatever state *versus the individual* in the U.S.), gradually became the new state-centred justice system. I know for instance of a rape victim who fantasizes about calling the Queen (*Regina*) on the anniversary of the rape to ask *how the Queen is doing . . .*

The elements of this enduring move to state law in Western jurisprudence—this “stealing justice-making from the community” were:

1. the separation of criminal and civil wrongs;
2. the assumption of the centrality of the state, thus moving all criminality to the public realm;
3. the assumption of harsh punishment as normative – i.e., ‘pain delivery’, as a distinguishing mark of criminal law;
4. a move to formal rationalism and codification of law, displacing informal, relationship-oriented custom law.

In short: the developing criminal justice system in the West over the past millennium lost an earlier *peacemaking* orientation to crime; in its place became dominant what the Nixon administration in the 20th century declared to be a “*War on Crime*.” And prison populations have exploded in the United States ever since! Today, with over 2.3 million incarcerated, it is the highest *per capita* prison population in the world. *Land of the Free, indeed!*

Already alluded to, Nils Christie authored [*Crime Control as Industry: Towards Gulags Western Style?*](#), which looked at the American system. When first published in 1994, there was a question mark after the last word: *Style*. In subsequent editions, the question mark was removed . . . *The industrialization of punishment had arrived—indeed exploded!* And Christie, like Karl Menninger in *The Crime of Punishment*, insisted that the true and present danger in Western society were *not* the criminals in their confines, *rather*, the crime control industry itself, that in a so many ways holds entire societies hostage behind prison walls of fear and neglect, imitators indeed of the very darkest urges of our human condition.

The United States has roughly 5 percent of the world’s population, and 25 percent of the world’s prisoners. In 1975, the combined state and federal prison population of the United States was 300,000 men and women. By 2006, in three decades it had exploded to 2.3 million, and has remained more or less there. In other words, as social critic **Ivan Illich** warned, the Western state, supremely modelled in the United States, had become in turn a state modelled after the notorious Russian gulag. The third edition of Christie’s book was published before September 11, 2001. His forewarnings have been so much more profoundly the case ever since.

Q. You’re alluding to Girardian mimetic theory and we do need to go there. But first, would

¹² See Weisser 1979, p. 100 (emphasis added). Cf. also Berman, 1983.

please situate *Restorative Justice* intellectually and historically.

A. Emergence of Restorative Justice

Restorative Justice emerged then in *direct challenge to such developments in Western law*; in particular as *an alternative to a decidedly violent and punitive reality*.

First Criminal Justice Jurisdiction Case of Restorative Justice

In 1974, two youths who one night had been drinking and while driving around had been pulled over by the police and sent home. Getting drunk later on, they set out to take out their frustrations on the small community of Elmira, Ontario, Canada by doing damage to twenty-two different vehicles, homes and buildings. Several months later the youths pleaded guilty to the charges, and the Judge ordered a Pre-Sentence Report. Two Mennonites, one a Probation Officer who wrote the Report, decided to suggest a novel sentencing idea to the Judge: **ordering offenders first to “make it right” with their victims.**

The Judge indicated that the notion had lots of merit, but it was simply to his awareness unprecedented in Western jurisprudence. He made a fateful choice nonetheless when he decided *Why not?* and put the sentencing over until the youths had met each of the victims who were open to the encounter.

Out of that resultant positive experience arose in 1975 the first ever ‘Victim Offender Reconciliation Project (VORP)’, later to become known widely as Victim Offender Mediation, or simply Mediation Services. It was also generally acknowledged to be *the first ever expression of Restorative Justice in a criminal justice jurisdiction in the Western world*. Though other alternatives to Western punitive justice were also stirring. The ensuing model became eventually the most replicated in mediation programs worldwide.

There were however indigenous *community justice* procedures stretching back millennia everywhere in the colonized world. Such approaches informed hugely developments in Canadian criminal justice such as Circle Sentencing; in New Zealand, Family Group Conferencing; etc., etc.

The so-called “Elmira Case”¹³ or “Kitchener Experiment” was then a kind of proverbial shot that echoed around the world.

Two years later in 1977, I became second Director of that first ever Restorative Justice program, under Mennonite Central Committee Ontario, that launched me on a wonderful Restorative Justice journey ever since.

Q. So, where did such violent notions of punishment originate and become the norm in criminal justice in the West?

A. Ubiquitous Cultural Scapegoating Violence and Criminal Justice

¹³ See a fuller account in Dean Peachey’s “The Kitchener Experiment”, 1989.

I've discussed already how the formation of Western criminal justice systems were *prima facie* protection rackets akin to the Mob—only with societal legitimation.

When one goes back further and poses the above question generically, even of all cultures past and present, anthropologist [René Girard](#) argues that the *founding moment* of every society known to history is in fact *violence*—as stated earlier. All human societies then employ a *scapegoat mechanism* in order to contain the violence, in order to restore social cohesion.

In Western Christian cultures, this form of scapegoating violence eventually was supportive of and spread by a highly retributive interpretation (many say wrongly) of Saint Anselm's 11th-century *satisfaction theory* of the *atonement*¹⁴.

Early in the development of Restorative Justice in Canada, my friend Professor Vern Redekop¹⁵ of St. Paul University, Ottawa Canada, authored a widely received piece: [Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard](#).

In it Redekop posed the question:

Is it possible that what *we* call a criminal justice system is really a scapegoat mechanism? (p. 1, emphasis in original).

He then analysed Girard's thesis about cultural scapegoat mechanisms found in all historical periods and cultures. He answered the question he posed affirmatively, writing:

It [*is*] possible to think of the criminal justice system as *one gigantic scapegoat mechanism for society* (p. 33, emphasis in original).

He explained:

When one considers how much crime is unreported, how few crimes are brought to trial and among those how few result in conviction and prison sentences it turns out that we in Canada imprison on the order of 3% of criminals... This tiny percentage of offenders who are severely punished can be thought of as *a collective*

¹⁴ See Gorringer, 1996.

¹⁵ Professor Redekop has been working creatively in conflict studies for decades. You may see more of his work, also in relation to René Girard, [here](#) (last accessed March 20, 2017).

scapegoat for society. Those individual criminals who warrant sensational news coverage, can function as scapegoats themselves.^{16/17}

The case of **Bobby Oatway** was a classic Canadian example. You may read the paper **Chaplain Hugh Kirkegaard** and I did, on my website and in Volume One of my publication series, [*Justice That Transforms*](#), entitled: [Scapegoating the Sex Offender](#).

In this context of criminal scapegoating, Restorative Justice poses perhaps the most troubling yet simple rhetorical question:

Why harm people who harm people to teach people that harming people is wrong?

The Restorative Justice vision moves away from a *warmaking*, scapegoat mechanism to a *peacemaking* way of nonviolence in a bid to break definitively with the endless cycles of recurrent scapegoating violence in Western criminal justice.

Another good friend, **Ruth Morris**, who died in 2001 not long after having received the Order of Canada—our highest government honour—was always displeased with the term ‘Restorative Justice’, *because it was not radical, or did not cut to the justice roots, or did not go far enough!* Her preferred term was “*Transformative Justice*”.

The series of my writings being published now, just mentioned, is called [*Justice That Transforms*](#) in Ruth’s honour. Following Ruth’s trajectory, *Justice that Transforms* includes a vigorous fulsome challenge to what Catholic Worker founder Dorothy Day repeatedly dubbed “the dirty rotten system,” of which Western criminal justice is a key component. Canadian singer Bruce Cockburn’s “Lovers in a Dangerous Time” contains the stunning image: *gotta kick at the darkness 'til it bleeds daylight*.

Such a trajectory also encompassed [prison abolitionism](#). “[The International Conference on Penal Abolition](#) (ICOPA—which originally used the word “*Prison*” in place of later “*Penal*”) had its first Conference in 1983 in Toronto, which I attended. It was first organized by Ruth Morris. Several more followed. I attended many.

It was from the amazing book [*Criminology As Peacemaking*](#) published in 1991 by criminologists

¹⁶ Gil Bailie, 1995, supplies a particularly sinister example, the 1989 execution of serial killer Theodore Bundy, when hundreds of men, women and children camped outside the Florida prison in a festive spirit one reporter likened to a *Mardi Gras*. The same reporter described the event as:
... a brutal act... [done] in the name of civilization (p. 79).

Bailie reflects on that commentary thus:

It would be difficult to think of a more succinct summation of the underlying anthropological dynamic at work: *a brutal act done in the name of civilization*, an expulsion or execution that results in social harmony. Clearly, after the shaky justifications based on deterrence or retribution have fallen away, this is the stubborn fact that remains: a brutal act is done in the name of civilization. If we humans become too morally troubled by the brutality to revel in the glories of the civilization made possible by it, we will simply have to reinvent culture. This is what Nietzsche saw through a glass darkly. This is what Paul sensed when he declared the old order to be a dying one (I Cor. 7:31). This is the central anthropological issue of our age, p. 79, emphasis in original.

¹⁷ Redekop, *Scapegoats*, pp. 33 and 34, emphasis added.

[Harold Pepinsky](#) and [Richard Quinney](#) that I learned ever after to describe Restorative Justice at its simplest to be a *peacemaking*, not a *warmaking* response to crime—one quite expandable to all brokenness in human *and* international relationships. A chapter for instance in my book series is entitled “[Is There A Place For Dreaming?: Restorative Justice and International State Conflict](#)”. It was directly in line with Ruth’s “release-all-prisoners” Transformative Justice trajectory.

Q. Thanks for this reminder that penal or retributive or violent justice that claims to pay a debt to abstract society has served neither perpetrators nor those harmed by them. Thanks Wayne for this Q & A presenting a restorative vision. Could I have you do a wrap-up as bring this all to a close.

A. Conclusion

I have used at times the term ‘*Inclusive Justice*’ to capture the deep theology and practice of a *peacemaking* theory of the atonement.

For a millennium the Judaeo-Christian tradition has given the West a legacy of violence in response to crime. It need not have according to its original trajectory and its central protagonist, **Jesus**. We need to revisit the powerful dynamic of subversion of all violence in that tradition, in order for society to internalize deeply *the very human story* of ***Inclusive Justice***, which is our cosmic destiny. Then we need to connect ourselves to it existentially with all the will, energy, and imagination we can muster. And one day, according to the biblical image of the ***Peaceable Kingdom***,

The wolf will live with the lamb, the leopard will lie down with the goat, the calf and the lion and the yearling together; and a little child will lead them... They will neither harm nor destroy on all my holy mountain, for the earth will be full of the knowledge of the LORD as the waters cover the sea (Isaiah 11:6-9).

Transformative, Inclusive Justice that *never* excludes, and the promise of the ***Peaceable Kingdom*** are the *endgame* of Restorative Justice, to which *I say resoundingly*:

Amen!

References

Armenic, Jerry (1984). *Victims, The Orphans of Justice*, Toronto: McClelland and Stewart-Bantam.

Berman, Harold J. (1983/1997). *Law and Revolution: The Formation of the Western Legal Tradition*, Cambridge: Harvard University Press.

Bianchi, Herman (September, 1973). “Tsedeka-Justice”, *Review for Philosophy and Theology*.

_____, (1994). *Justice as Sanctuary: Toward a New System of Crime Control*, Bloomington: Indiana University Press.

Cavanaugh, William (1995). “A FIRE STRONG ENOUGH TO CONSUME THE HOUSE:” THE WARS OF RELIGION AND THE RISE OF THE STATE, in *Modern Theology* 11:4 October, ISSN 0266-717.

Christie, Nils (1982). *Limits to Pain*, Martin Robertson, Oxford.

_____(1995). *Crime Control as Industry: Towards GULAGS, Western Style*, London: Routledge.

Foucault, Michel (1975/1995). *Discipline and Punish: The Birth of the Modern Prison*, New York: Vintage.

Gatrell, V.A.C., Bruce Lenman, and Geoffrey Parker (1980). “The State, the Community and the Criminal Law in Early Modern Europe”, in *Crime and the Law, The Social History of Crime in Western Europe since 1500*, London: Europa Publications.

Menninger, Karl (1966/1977). *The Crime of Punishment*, New York: Penguin Paperbacks.

Morris, Mark (1976). *Instead of Prisons: a Handbook for Abolitionists*, Syracuse, New York: P.R.E.A.P. [PRISON RESEARCH EDUCATION ACTION PROJECT]

Northey, Wayne (1986). “Towards a New Paradigm of Justice”, in Bianchi, Herman, and René van Swaaningen, Editors (1986). *Abolitionism: Towards A Non-Repressive Approach to Crime*, Amsterdam: Free University Press.

Peachey, Dean (1989). “The Kitchener Experiment”, in Martin Wright and Burt Galaway, eds., *Mediation and Criminal Justice: Victims, Community, and Offenders*, Newbury Park, CA: Sage Publications.

Redekop, Vern (1993). *Scapegoats, the Bible, and Criminal Justice: Interacting with René Girard*, Akron: Mennonite Central Committee.

_____(2008). “[A Post-Genocidal Justice of Blessing as an Alternative to a Justice of Violence: The Case of Rwanda](#)”, Barry Hart, Editor, [Peacebuilding in Traumatized Societies](#), Lanham: University Press of America.

_____(2009). *From Violence to Blessing: How an Understanding of Deep-Rooted Conflict Can Open Paths to Reconciliation*, Ottawa: Novalis.

Reiman, Jeffrey (2016). *The Rich Get Richer and the Poor Get Prison*, New York: Routledge.

Taylor, Astra (2020). *Democracy May Not Exist, but We'll Miss It When It's Gone*, New York: Metropolitan Books.

Tilly, Charles (1985). "War Making and State Making as Organized Crime", *Bringing the State Back In* edited by Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, Cambridge: Cambridge University Press.

Weisser, Michael R. (1979). *Crime and Punishment in Early Modern Europe*, Atlantic Highlands, N.J.: Humanities Press.

Wikipedia, "Transformative Justice", last accessed December 29, 2018.

Wilson R.J., F. Cortoni, & A.J. McWhinnie (2009). "Circles of Support & Accountability: A Canadian national replication of outcome findings", *Sexual Abuse: A Journal of Research & Treatment*, 21, 412-430.