



# ON RESTORATIVE JUSTICE, PUBLIC THEOLOGY AND BEING COUNTER-CULTURAL<sup>1</sup>

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## INTRODUCTION

Luke MacKenzie was twenty-three years old when he was killed in a drunk driving accident a little over two years ago. A resident of South Auckland, MacKenzie was on his way home from his night shift at Auckland International Airport when Xingyu Shang, then twenty-five, collided head-on with his car. At Shang's recent sentencing, it was revealed that he had pleaded guilty to driving under the influence of alcohol, and failing to stop after the crash; Shang left the scene after the collision, without reporting the incident, or checking that MacKenzie was uninjured, and caught a ride home. MacKenzie died at the scene.<sup>2</sup>

With Shang's sentencing, this story has come to the forefront of New Zealand media, primarily because MacKenzie's parents asked the judge that Shang *not* be sent to jail for his crimes. This decision came after Shang, who had initially pleaded "not guilty," confessed to his wrong actions, and the MacKenzie parents went through "an emotional restorative justice conference with Shang and his family..."<sup>3</sup> In a statement in court, MacKenzie's father was clear that he and his wife were not excusing Shang's behaviour, calling the defendant's actions, "unbelievable, unthinkable and incomprehensible," showing a level of "callousness and injustice."<sup>4</sup> Despite this, the MacKenzie parents were also clear that they did not want to be consumed by a grudge, and, though they felt their own lives had been ruined by the loss of their son, stated "we don't necessarily want his [Shang's] life to be ruined," and that they had "accepted what his situation is."<sup>5</sup> Thus, with their approval, the judge gave a significantly lighter sentence than might have been: Shang received nine months of home detention.

The outcome of the MacKenzie case – rare and surprising enough to make front page news – is just a glimpse into the scene of restorative justice in New Zealand. Restorative justice does not have any

### **RESTORATIVE JUSTICE DOES NOT HAVE ANY ONE AUTHORITATIVE DEFINITION IN NEW ZEALAND, BUT IS THOUGHT OF AS A PROCESS IN WHICH VICTIMS ARE GIVEN A VOICE IN THE CRIMINAL JUSTICE SYSTEM.**

one authoritative definition in New Zealand, but is thought of as a process in which victims are given a voice in the criminal justice system.<sup>6</sup> This voluntary process gives opportunity for victims to be honest with the offender about the harm they have suffered, ask questions of the offender, and receive apologies and reparation. The process "requires offenders to face their victims, redress the harm caused to victims and the community, and address the causes of their offending. ...[the offender must] take responsibility and demonstrate accountability."<sup>7</sup> Usually this entire process takes place in a restorative justice conference managed by trained facilitators, who ensure that every person has a chance to have their voice heard. The meetings seek to discuss (1) the facts of the offence, (2) the stories of the offence, including how both parties have been affected since, and (3) the consequences, with a focus on how things can be put right.<sup>8</sup> There is usually an emphasis on both parties seeing things from the perspective of the other, thus the Mackenzie parents' recognition of Shang's situation as the offender.

For a broader context, it must be noted that the New Zealand justice system is an adversarial one. While this is far superior to the inquisitorial approach – in which the defendant must seek to prove him/herself innocent, rather than guilty – it cannot guarantee that the truth will be exposed. In fact, the defendant merely needs to push for proof from the prosecutor, and, if it is not produced beyond reasonable doubt, may walk free – regardless of their guilt or innocence. Accordingly, retired New Zealand Judge Stan Thorburn sees the adversarial system as promoting an essentially *competitive* approach – the entire goal of the system is to win the case, "rather than an approach that encourages an offender to be made accountable for actions and honestly take responsibility for the truth about those actions."<sup>9</sup> Consequently, in New Zealand it is only if an offender chooses to plead guilty at the district court that they can have the opportunity to

<sup>2</sup> Rob Kidd, "This Couple's Son Was Left for Dead by a Drink- Driver, But They Don't Want the Man Jailed," *The New Zealand Herald*, 19/02/2016. [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11591967](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11591967)

<sup>3</sup> *Ibid.* As part of the restorative justice process, Shang also visited Luke's graveside with the MacKenzie parents, and gave some remuneration to Luke's family.

<sup>4</sup> Martin MacKenzie, in his victim impact statement, cit. Rob Kidd, "No Jail Time for Drunk Driver After Careless Driving Death," *The New Zealand Herald*, 19/02/2016. [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11592249](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11592249)

<sup>5</sup> *Ibid.*

<sup>6</sup> New Zealand Ministry of Justice, "Restorative Justice in New Zealand: December 2010," Section 1. <http://www.justice.govt.nz/policy/criminal-justice/restorative-justice/documents/restorative-justice-overview.pdf>

<sup>7</sup> New Zealand Ministry of Justice, "Restorative Justice in New Zealand," Section 1–2.

<sup>8</sup> *Ibid.* Section 12.

<sup>9</sup> Stan Thorburn, sent via personal correspondence on 19/03/16

be referred to a restorative justice process *before* their sentencing.<sup>10</sup>

Some of the significant differences between the restorative justice approach, and the conventional criminal justice system include contrasts between the individual processes, contrasts in outcomes, and contrasts in victim and offender experiences. The process of restorative justice is usually less formal and less public, opting for a comparatively informal “coming together” of all those affected by the offence (victim, offender, and their “communities of care”) in order that, with the aid of a facilitator, they may work collaboratively on dealing with the offence. There is little rigidity in how things progress in these meetings, with room for stories and emotions to be expressed. In short, the restorative justice process is not a state-centred approach, but a relational, and more flexible approach.<sup>11</sup>

Naturally, this difference in process often yields outcomes which would be considered unusual in the adversarial system, as the MacKenzie case highlights. Rather than punitive outcomes being the default, the desired outcome of restorative justice is “to hold offenders accountable for their offending in meaningful ways and to try to make amends to victims at least in a symbolic sense and, where possible, in a real sense too.”<sup>12</sup> There is more weight given to apologies, remorse and reparation in the restorative system. The Sentencing Act of 2002 states that the court, in sentencing an offender, “must take into account any outcomes of restorative justice processes that have occurred...”<sup>13</sup>

More than anything else, the difference between the conventional justice system and restorative justice, is that restorative justice recognises that justice as a concept is always relational. Consequently, its processes do not merely demand the presence of the offender, but also request their inclusion in the restorative process. Similarly, it allows victims to express their hurts to the offender face to face,

<sup>10</sup> New Zealand Ministry of Justice, “Restorative Justice in New Zealand,” Section 12.

<sup>11</sup> Cf. Gabrielle Maxwell, “The Defining Features of a Restorative Justice Approach to Conflict,” in Gabrielle Maxwell and James H. Liu, eds., *Restorative Justice and Practices in New Zealand: Towards a Restorative Society*, (Wellington: Institute of Policy Studies, 2007), 8–9.

<sup>12</sup> *Ibid.* 9.

<sup>13</sup> New Zealand Corrections Department, “Sentencing Act 2002,” Section 8. <http://www.legislation.govt.nz/act/public/2002/0009/latest/DLM135547.html>

express their concerns, and be a part of the decision making process. This interaction, participation and even collaboration are far removed from the courtroom process. As a result, “both victims and offenders see the outcomes from restorative processes as fair, and more often report being able to put matters behind them than in the conventional justice system.”<sup>14</sup>

The practices of restorative justice in New Zealand, although prompting news stories with words such as “shocking” and “rare” in their headlines, are actually written into the New Zealand Corrections Act of 2004, under the section outlining “Principles Guiding Corrections System.” Following directly after (a) public safety, (b) victims’ interests, and (c) the fact that the cultural background, ethnic identity, and language of offender must be taken into consideration, the Act reads “(d) offenders must, where appropriate and so far as is reasonable and practicable in the circumstances, be provided

with access to any process designed to promote restorative justice between offenders and victims.”<sup>15</sup> Thus, one of the primary principles and core values of the New Zealand justice system, at least according to the legislation, is restorative

justice. New Zealand politician Matthew Robson has publically celebrated this fact: “...restorative justice is written into the heart of our court system. This is a world first. It is the first time that, in a key piece of legislation governing sentencing, judges are authorised to utilise restorative justice”<sup>16</sup> However, despite New Zealand being a world leader in restorative justice in this legislative sense, the last twenty years have seen a *decline* in the number of restorative cases happening in our country.<sup>17</sup>

There are several reasons that the numbers have been dropping, including funding, and issues around centralisation – as the processes of restorative justice have been centralised (partly through state authorised restorative justice

<sup>14</sup> Maxwell, “The Defining Features,” 11.

<sup>15</sup> New Zealand Legislation, “Corrections Act, 2004,” Part 1, Section 6. <http://www.legislation.govt.nz/act/public/2004/0050/latest/DLM295299.html>

<sup>16</sup> Matthew Robson, “World First for Restorative Justice,” *Tē Ara Whakatika*, Special Issue, (June 2002), 4.

<sup>17</sup> Douglas B. Mansill, “Community Empowerment or Institutional Capture and Control? The Development of Restorative Justice in New Zealand’s Adult Systems of Social Regulation, Control and Punishment.” Unpublished PhD Thesis, (AUT, Auckland, 2013), 266–277. Retrieved from <http://aut.researchgateway.ac.nz/bitstream/handle/10292/7373/MansillD.pdf?sequence=1&isAlloWed=yuthority>

initiatives) there has been a simultaneous drop in community involvement.<sup>18</sup> Another very significant factor which has hindered restorative justice in New Zealand, is simply that it is arguably not the cultural norm. Kim Workman, in a speech entitled “Doing Restorative Justice in a Retributive Society,” noted that in recent years (and decades) “sentencing and law gave greater priority to retributive, incapacitative and deterrent aims. Prisons became more punitive, and more security minded.”<sup>19</sup> This is despite the fact that a 2011 Ministry of Justice report showed a 20% reduction in reoffending rates in those cases where restorative justice conferences had been taken place!<sup>20</sup>

How does theology speak to restorative justice in New Zealand? This is a complex and multi-faceted issue, but as this brief snapshot of some key themes in restorative justice are laid alongside an overview of the countercultural model of contextual theology, we will begin to see points of connection and resonance. These connection points can in turn be drawn out and utilised in a public theological response by way of the local church.

**IT IS BECAUSE THIS GOSPEL STORY PROVIDES A LENS THROUGH WHICH WE SEEK TO VIEW HISTORY, THAT WE BELIEVE WE HAVE A RESPONSIBILITY TO ENGAGE THE HUMAN CONTEXT WITH THE TRUTH.**

**A COUNTERCULTURAL MODEL**

In forming a theological response to restorative justice, I have chosen to use Bevans’ “Countercultural” model. In its desire for appropriate Christian action, this model has similarities with the Praxis model, as Bevans points out several times,<sup>21</sup> but approaches the contextualisation of theology with a unique set of presuppositions which I found particularly relevant to the fairly secular and pluralised Western context of New Zealand. Bevans himself says, “I believe strongly that in a situation such as that of contemporary Europe, Australia, New

Zealand, and North America, only a theology that engages the secular context critically can be one that faithfully presents and lives out the gospel.”<sup>22</sup> The countercultural model is one which engages in such a critical manner.

There are several important presuppositions in the countercultural model which must be addressed, as they form much of its basis for engagement with restorative justice. The first of these presuppositions relates to the perceived ambiguity and insufficiency of the human context. This is not a denial that the gospel is always culturally embedded, rather it is founded on the belief that, as Leslie Newbigin writes in *The Gospel in a Pluralist Society*, “true contextualization accords the gospel its rightful primacy, its power to penetrate every culture and to speak within each culture, in its own speech and symbol, the word which is both No and Yes, both judgement and grace.”<sup>23</sup> What this argues is that, although the presentation of the gospel needs to be as relevant as it is faithful, it also has judgement (or “putting right”) at its heart, and as such, it comes as something that is often at odds with the fallen human nature (perhaps especially the Western worldview of individualism and materialism), and calling for repentance.<sup>24</sup>

A second presupposition is that God’s revelation is embodied in the person and story of Christ. “The gospel, rather than being a list of doctrines or moral principles, is conceived as a story to be told and witnessed to rather than something to be argued for abstractly.”<sup>25</sup> This is helpfully illustrated by David Lowes Watson, who argues that, as witnesses to the gospel, we are not salespeople, trying to convince people to believe our own version of reality. Rather, as scandalous as it may sound in a pluralistic and individualistic society, we are to think of ourselves as journalists, who proclaim the good news *about* and *of* Jesus Christ, which has definitively happened, and which changes the shape of reality.<sup>26</sup> Consequently, the story of Jesus provides “the clue

18 Mansill, “Community Empowerment or Institutional Capture and Control?” 249, 266, 300. Stan Thorburn believes that a lack of community involvement is one of the most major factors in the declining numbers of restorative justice cases.

19 Kim Workman, “Doing Restorative Justice in a Retributive Society,” a speech to the National Restorative Justice Practitioners Conference, “The Widening Picture of Restorative Practices in Aotearoa,” (Pullman Hotel, Auckland, 17/05/2013), 1. Retrieved from [http://www.rethinking.org.nz/assets/Speeches/Doing\\_Restorative\\_Justice\\_in\\_a\\_Retributive\\_Society.pdf](http://www.rethinking.org.nz/assets/Speeches/Doing_Restorative_Justice_in_a_Retributive_Society.pdf)

20 New Zealand Ministry of Justice, “Reoffending Analysis for Restorative Justice Cases 2008–2011,” <http://www.justice.govt.nz/publications/global-publications/r/reoffending-analysis-for-rj-cases-2008-11/index#appendix>

21 See for example Stephen Bevans, *Models of Contextual Theology* (Maryknoll, NY: Orbis Books, 2002), 119, 123–124.

22 Ibid. 140.

23 Leslie Newbigin, *The Gospel in a Pluralist Society* (Grand Rapids, MI: Eerdmans, 1989), 152.

24 Cf. Bevans, *Models*, 120.

25 Ibid. 121.

26 See David Lowes-Watson, “Christ All in All: The Recovery of the Gospel for Evangelism in the United States,” in George Hunsberger and Craig van Gelder, eds. *The Church between Gospel and Culture: The Emerging Mission in North America* (Grand Rapids, MI: Eerdmans, 1996), 197.



to the entire story of humankind<sup>27</sup> in that it knows where the story of history is going – it points to an eschatological future of final reconciliation. It is because this gospel story provides a lens through which we seek to view history, that we believe we have a responsibility to engage the human context with the Truth. Bevens notes, “...with the dawn of postmodernity, individualism has been carried to the extreme. On the contrary, say the practitioners of the countercultural model, Christianity is public truth.”<sup>28</sup>

Lastly, central to the countercultural model, and of particular relevance to an integration with public theology, is the belief that “The gospel encounters or engages human context ... by its *concretisation or incarnation in the Christian community, the church.*”<sup>29</sup> There are two ways this happens: first, as put forward by John Stott, the church serves as an alternative community. “The church is meant by God to be his new and redeemed community, which embodies the ideals of his Kingdom,”<sup>30</sup> Second, as a community of priests the church people live their lives in the world, “testifying by their lifestyle and choices that their life is lived according to the gospel and not according to the surrounding cultural atmosphere.”<sup>31</sup>

Again, it must be stressed that the church is not trying to, and nor can it, remove itself from culture – its theological reflection and praxis is inevitably shaped by context for better and worse (this also means that the church must continually be missionary to itself as well as to the wider culture in which it is located). It is simply that the church, even in its life in the world, seeks to make the gospel a greater priority in the orientation of people’s lives than the cultural norms. Newbigin sums it up as follows,

The priesthood of believers has to be exercised in the world. It is in the ordinary secular business of the world that the sacrifices of love and obedience are to be offered to God. It is in the context of secular affairs that the mighty power released into the world through the work of Christ is to be manifested. ... It is only in this way that the public life of the world, its accepted habits and assumptions,

can be challenged by the gospel and brought under the searching light of the truth, as it has been revealed in Jesus.<sup>32</sup>

This is not to say that the church (leadership) must not sometimes make it public that the church as an institution stands behind particular causes (e.g. restorative justice) or in opposition to them (e.g. violent/retributive justice). However, Newbigin points out that these pronouncements from the church “carry weight only if they are validated by the way in which Christians are actually behaving and using their influence in public life.”<sup>33</sup> This is theology which takes praxis seriously, and which cares deeply about engagement with context.

The actual *use* of the countercultural model does not, in Bevens’ treatment at least, have the same natural process feel to it that some of his other models have – notably the praxis model. This is one of the chief *practical* weaknesses of the model, as it can make it slightly clumsy to work with in real terms. Unlike the praxis model, beginning with experience, the process of the countercultural model begins with recognising the truth of Christian story,

as witnessed to by scripture and tradition, and this story’s validity as “the clue to the meaning of human and cosmic history.”<sup>34</sup> From this standpoint, we must look at the world anew, through the lens of the Jesus story, to interpret, engage, unmask, and challenge the experience of the present. In Bevens, despite his recognising that the process must happen many times over,<sup>35</sup> this can seem like a fairly one directional, monological process. This does not necessarily need to be the case, however, as, apart from theology being reliant on culture and context for its very language of meaning, our understandings of the gospel are open to being challenged by the culture and context themselves, and it is quite possible that this can lead to new and bigger understandings of the gospel. Alongside the countercultural model’s conviction that the gospel challenges culture, there must be the humility to allow culture to speak constructively back into our theological conversation. If this conversation is not allowed to have multiple voices, then this model can seem very static without any real dynamism

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27 Bevens, *Models*, 121.

28 Ibid. 122.

29 Ibid. Emphasis added.

30 John Stott, *Issues Facing Christians Today: A Major Appraisal of Contemporary Social and Moral Questions* (London: Marshall, 1984), 73.

31 Bevens, *Models*, 123.

32 Leslie Newbigin, *The Gospel in a Pluralist Society*, 230.

33 Ibid.

34 Bevens, *Models*, 123.

35 “...something that is ongoing, a *habitus*, and is both individual and communal.” Ibid. 124.

in the engagement between culture, scripture and tradition.<sup>36</sup>

A final point of caution is that the danger of sectarianism must be consciously resisted with the countercultural model. On the one hand, we are called to be “in the world, but not of the world.” If we are not careful, however, this model can potentially lead to being *of* the world, but not faithfully *in* it.<sup>37</sup> We must demonstrate by our lives of engagement that we are not trying to escape the world, nor are we setting ourselves up as a club which defines itself by what it is *not* (i.e. the world), or by the pedigree of its members (i.e. the people in our own church). Andrew Walls reminds us that, despite radically differing expressions of Christianity, we must remember the basic continuity: “There is, in all the wild profusion of the varying statements ... one theme which is as unvarying as the language which expresses it is various; that that person of Jesus called the Christ has ultimate significance.”<sup>38</sup> It is this unifying, and liberating, focus on Christ which the countercultural model holds most ardently.

In the case of restorative justice, the way forward with this model is not found in a strong suspicion that, whatever is happening in culture, it must be wrong. Rather, it is found in recognition that the Spirit is working in culture, and in the lives of people like Shang and the MacKenzies, before we enter the fray. Adherents of the countercultural model must recognise that, for all their challenging, unmasking, speaking prophetically, etc., they are never the first to work within the culture. God is always ahead of us, drawing all people to himself, and so we should not be surprised when there are movements of grace even within a culture that is not sympathetic to the Christian story; these movements are to be celebrated. Thus, the countercultural model takes seriously the fact that Jesus Christ has established God’s reign on earth, and that we are called to extend that reign – an indeed to communally extend

36 Stanley Grenz is particularly helpful in suggesting how these three can dynamically converse together. Cf. Stanley J. Grenz and John R. Franke, *Beyond Foundationalism: Shaping Theology in a Postmodern Context* (Louisville, KY: Westminster John Knox, 2001), 130–169.

37 For more on how the church today has often inverted this idiom, see Daniel Poterski, *Reinventing Evangelism: New Strategies for Presenting Christ in Today’s World* (Downers Grove, IL: Intervarsity Press, 1989), 28.

38 Andrew Walls, “The Gospel as Prisoner and Liberator of Culture” in *The Missionary Movement in Christian History: Studies in the Transmission of Faith* (Maryknoll: Orbis, 1996), 6.

Christ’s incarnation as the embodiment of his kingdom, bringing about God’s will on earth as it is in heaven (John 20:21–23; Matt 6:10; Luke 11:2).<sup>39</sup>

## CONCLUSION

Restorative justice in New Zealand is unique in that it is written into the legislation of the justice system. Despite this, and the overwhelmingly positive results that it has yielded, the field of restorative justice has met with hurdles of several kinds, and is on the decline. One of these hurdles is that it largely goes against the cultural norm of retributive justice. This is where the church must step in. Under the conviction that the gospel has restorative justice at its core, and that the gospel provides the clue for interpreting human experience, local churches must challenge the status quo, and join with those who are seeking to promote restorative justice in their neighbourhoods. We must celebrate the courageous example of people like

Luke Mackenzie’s parents, and offer support and encouragement to all those seeking something more restorative than punitive justice.

As well as wholeheartedly supporting and promoting policies which encourage restorative

justice, and being willing to engage in the discussion and discernment of restorative justice as a political issue, the church must concretise the engagement between the gospel and society, by offering their own lives as a social embodiment of the Lordship of Christ. Our lives of faith in our church communities and neighbourhoods must show that we are “an entity that lives God’s justice and reconciliation before the world and in the world.”<sup>40</sup> We must lead the way first and foremost in the way we demonstrate a relational justice in our own faith communities. As Stott states, “truth is powerful when it is argued; it is even more powerful when it is exhibited.”<sup>41</sup> Accordingly, we must enter into discussion of this public issue with authenticity and humility, offering ourselves as willing contributors and to the task of restorative justice in all our various publics.

39 Cf. Darrel L. Guder, “From Sending to Being Sent,” in *Missional Church: A Vision for the Sending of the Church in North America* (Grand Rapids, MI: Eerdmans, 1998), 1–18.

40 David E. Fitch and Geoff Holsclaw, *Prodigal Christianity: 10 Signposts into the Missional Frontier* (San Francisco, CA: Jossey-Bass, 2013), 139.

41 Stott, *Issues*, 73.

A countercultural model of contextual theology recognises that true public theology is mediated by the church; if the gospel is the clue to history, then a faithful public response must happen at a grass-roots, incarnational level, in keeping with the incarnational nature of the gospel. Thus, the public theological response I would offer concerning restorative justice is in fact a “pre-public” theological response. If theology is to be truly contextual, truly public, and truly incarnational, then I can offer no more here than a pre-public endorsement to restorative justice, for the *real* public theology response will happen as the people of the church bring *shalom* to their families in their homes, their work colleagues and cohorts in their places of employment, their interactions with neighbours and acquaintances, their involvement in community projects and schools, and in every other public in which they find themselves, both individually and as a community gathered under the Lordship of Christ. Here, in the everyday lives of Spirit-filled Christians seeking to interpret, challenge and renew their contexts in light of the gospel story, is the coalface of public theology.

#### **AN ADDRESS TO THE LOCAL CHURCH CONCERNING RESTORATIVE JUSTICE.**

We, as the body of Christ, have a collective responsibility to take what we know of God, and *do* something about it. Duncan Forrester has said that public theology is theology which seeks the welfare of the city, desires to help build a decent society, restrain evil, curb violence, and bring reconciliation. “It strives to offer something that is distinctive, and that is gospel, rather than simply adding the voice of theology to what everyone is saying already. Thus it seeks to deploy theology in public debate, rather than a vague and optimistic idealism.”<sup>42</sup> How are we to do this? How are we to offer the voice of theology on the topic of restorative justice without it ending up either political or vague? In the issue of restorative justice, how are we to be salt and light in our community?

In short, it will have to happen incarnationally. That is, it will happen through people – specifically, the people who have aligned themselves with the story of Christ as the story which defines reality. The conversations which lead towards a more restorative justice system need to happen in every public we indwell: our neighbourhoods, our workplaces, our schools and social groups, and, for some of us,

42 Duncan Forrester, “The Scope of Public Theology,” *Studies in Christian Ethics* 17, no. 2 (2004), 6.

even in parliaments, politics and media. We must speak and act intelligently and compassionately regarding this issue, never defaulting to a formulaic, “packaged” stance on justice – for if the gospel is to engage with culture in a meaningful way, it needs to be concretised and incarnated in our lives. That said, we must also speak and live courageously, in an environment which can be hostile to gospel values. Timothy C. Tennent warns against the western church “marketing” itself: “Far too often the gospel is handled as something to be packaged, popularised, and marketed to various identifiable niches...”<sup>43</sup> In our incarnational engagement with issues of restorative justice, we are not attempting salesmanship; we are journalists, reporting and bearing witness to the effects of good news.

This approach is in continuity with the way that the apostles, and other New Testament writers, understood their engagement with their contexts. For example, Luke does not only ground his Gospel in the culture of the day, his description of the early church’s communal living and caring for the poor (Acts 2:44–45; 4:32–37) also goes against the dominant culture of the time – a Roman culture in which giving was usually done with thought of some return. Luke’s Gospel is rooted in the context, but challenging it simultaneously.<sup>44</sup> This is the tradition we must continue. Our task is to remain rooted in our own space and time, taking care not to alienate ourselves from the wider culture, and be witnesses to the story of Christ’s justice which will inevitably challenge that same space. Darrel Guder expounds: “In a secular world of privatised religious faith ... the church must discover what it means to act faithfully on behalf of the reign of God within the public life of society.”<sup>45</sup>

We must do this for the sake of one simple and indisputable fact: the justice we find at the heart of the gospel is restorative justice, not retributive. The core aims of restorative justice are “to repair the damage created by criminal offending, and restore the balance of relationships within society.”<sup>46</sup> This is surely the same kind of justice we see at work in the scriptures, both Old and New Testaments. Douglas Mansill notes that, although God brings

43 Timothy C. Tennent, *Theology in the Context of World Christianity: How the Global Church Is Influencing the Way We Think about and Discuss Theology* (Grand Rapids, MI: Zondervan, 2007), 18.

44 Cf. Dean Flemming, *Contextualisation in the New Testament* (Nottingham: Apollos, 2005), 28–30.

45 Guder, *Missional Church*, 108–109.

46 Maxwell, “The Defining Features,” 6.

punishment in the biblical narrative, “God’s judgements were essentially restorative because they aimed to make things right by restoring *shalom* and addressing the damage caused by wrongdoing.”<sup>47</sup> This *shalom* was also at the heart of the kingdom that Jesus established on earth, as it is Jesus himself who is the restorative bridge to this human flourishing, the very doorway to the *shalom* that our society craves. Through Jesus Christ alone is “forgiveness, restoration and liberation – restorative justice par excellence.”<sup>48</sup>

We see in the Gospels that when Jesus was asked what the greatest commandment was, he responded by commanding love of God and love of neighbour. When pushed with the question of whom one should consider a neighbour, Jesus tells the story in which restoration took place through an unexpected party – a hated Samaritan who somehow saw a reality bigger than social divisions or past injustices, a human in need of restoration. Further, in telling the story of the prodigal son, Jesus speaks of a repentant offender receiving grace and being restored into community. Jesus’ vision of God’s kingdom coming on earth has *shalom* at the centre, justice and peace interwoven together and the flourishing of relations. We are called to be a foretaste of this coming kingdom. “We represent God’s reign by being an *instrument and agent*, by offering forgiveness, promoting justice, suffering, working for reconciliation.”<sup>49</sup> One way in which we can work towards this, is through involvement in restorative justice.

Despite the good work that has happened in restorative justice in the past, and the fact that it is written into our legislation, we must recognise that it is a difficult issue, with many varying perspectives contributing to the debate. At the very least, the church can help this remain an ongoing ‘work-in-progress’ in the New Zealand justice system. Professor Jonathan Boston notes that the quest for a restorative society will never be fully accomplished in this world “marred by sin and human folly.”<sup>50</sup> This

47 Douglas Mansill, “Prophesy and Social Justice: Christian Influences and the Development of Restorative Justice in New Zealand’s Adult Systems of Social Regulation, Control and Punishment,” *Stimulus: The New Zealand Journal of Christian Thought and Practice* vol. 22/2 (July 2015), 9.

48 Christopher Marshall, “Crime and Punishment,” *Stimulus: The New Zealand Journal of Christian Thought and Practice*, vol. 2/3 (1994), 47.

49 Bevans, *Models*, 130.

50 Jonathan Boston, “Towards a Restorative Society,” in Gabrielle Maxwell and James H Liu, eds., *Restorative Justice and Practices in New Zealand: Towards a Restorative Society*, (Wellington: Institute of Policy Studies, 2007), 324.

is the nature of the “already but not yet” kingdom which Jesus has inaugurated, and in which we participate. However, Boston notes that among those people who are working towards a restorative society there is a shared belief that things can be better in the justice system. Several themes are prevalent in most research around the promotion of restorative justice: first, change in the justice system is not only dependent on effective leadership, but also on “a significant buy-in at the grass roots level.”<sup>51</sup> Secondly, the resources and support need to come from local communities as much as from the state. Thirdly, in the majority of restorative justice cases, “successful outcomes have depended more on an ‘incrementalist’ or ‘bottom-up’ model than a ‘rational’ or ‘top-down model.’”<sup>52</sup>

These common themes offer significant opportunities to the church, even a local church with little or no political sway – there is as much, if not more, need for communal involvement as

there is for state support. Robert Bellah, the well-known specialist in civil religion has said “we should not underestimate the significance of the small group of people who

have a new vision of a just and gentle world.”<sup>53</sup> The church is to be this people of vision, driven by an eschatological hope of what society *could be*. Boston’s research indicates that restorative justice must be encouraged in small ways from the bottom up – beginning with the truth of the gospel story leads to a very similar conclusion. Tom Sine is one author who has been suggesting for many years that, in continuity with the incarnational nature of God’s self-revelation in Jesus Christ, “it is still God’s policy to work through the embarrassingly insignificant to change his world and create his future.”<sup>54</sup> The church must humbly step forward as a willing party, ready to help facilitate restorative justice in the wider community where needed, and in provision of a community for offenders or victims.

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51 Ibid.

52 Ibid.

53 Robert Bellah, “Civil Religion: The Sacred and the Political in American Life,” (A Conversation with Sam Keen) *Psychology Today*, vol. 9/8, (January, 1976) 60.

54 Tom Sine, *The Mustard Seed Conspiracy* (Nashville, TN: Word, 1982), 12.