Restoring Justice: A Response To Rethinking Incarceration

A few days ago I shared a meal with a formally incarcerated man from the United Kingdom. I listened intently as he shared his journey plagued by increased racial stereotyping. We discussed the continuing rise of incarceration rates, prison overcrowding, and possible solutions for rehabilitation. We also compared his experiences to those of prisoners in the United States which I had been learning about in Rethinking Incarceration by Dominque Gilliard. After my reading, I have now come to the conclusion that retributive justice is not entirely effective in changing behavior and fails to foster relational and communal harmony. The biblical principles highlighted in Rethinking Incarceration reflect God's true design and desire for reconciliation; therefore, the church must advocate for justice that brings true peace by restoring broken relationships and buttressing whole communities.

1. Biblical Justice

From the Genesis narrative, we can see God's justice as inherently restorative. In chapter one (New International Version), God created humanity equally in his image to rule over all creation in such a way that it flourishes for the Glory of God. Humanity was to live out God's values of right and wrong, fostering "shalom" in four relational contexts – with God, with ourselves, with others, and with creation.

Rethinking Incarceration affirmed the importance of these connections, "Biblical justice is established and worked out within the confines of a relationship. The relational working out of justice is righteousness. This is why Scripture calls us to pursue right(eous) relationships with God, neighbor, and creation, and through our realigned relationship with God…" (Gilliard, 2018, p.140).

Subsequently, in Genesis three we see the complete rupture of these relationships. As Adam and Eve eat from the tree of knowledge, they break away from the shalom that God had created in order to give an advantage to themselves. As the narrative plays out, Eve became Adam's scapegoat, "The woman you put here with me, she told me to eat." This is the first act of injustice and the crux of the narrative of injustice in our Scriptures – like Adam and Eve, we constantly redefine what is right and wrong in order to give ourselves an advantage at the expense of the other. Where God had created a world to be ruled by 'just' humanity, it now had become unjust, throwing all of God's good creation into disarray.

Despite humanities' rejection of God, God signals his intention to restore shalom, heal the brokenness, and bring justice to the world again. This reveals God's restorative nature. Abraham is asked by God than to begin a new nation that is to be founded on God's view of two central terms that come to dominate the rest of the biblical narrative: righteousness (tzedakah) and justice (mishpat). Abraham, Moses, and the Old Testament prophets know that while they can find some freedom and justice in the short term, the kind of world-changing shalom and true justice that God desires for his creation can only come from God himself.

Therefore, God alone acts to uproot the systemic issue of sin that sits at the heart of all actions of injustice through Jesus Christ. The incarnation of Christ revealed God's passion for justice

as Jesus pursued, advocated, and had compassion on those who were broken, enslaved, poorly treated, and oppressed. Gilliard (2018) reiterates, “Throughout Scripture, justice is consistently referenced in relation to the vulnerable” (p. 142). Jesus then took action on their behalf, liberating humanity, bringing justice once and for all through his death and resurrection. This selfless act fully restored the shalom of God – righting relationships at all levels – with God, ourselves, others and creation. Although we must acknowledge justice is partial and limited until the return of Jesus (p. 138), this biblical model serves as an ideal framework as we pursue shalom and engage with the criminal justice system today.

2. Restorative Justice vs. Punitive Justice

Gillard’s thoughts on God’s heart, punishment, and atonement theory really shifted my thinking regarding incarceration and punitive justice. Though one can not doubt retributive themes in the Scriptures, in light of the theology of justice presented above, I believe that restoration, not punitive punishment, is at the center of God’s heart. Rethinking Incarceration revealed that through Jesus we see in the flesh how God responds - mercy triumphing over judgment (James 2:13). Gilliard used the biblical example of Zacchaeus (p. 181), who’s crimes affected many. Even still, after coming in contact with Jesus, Zacchaeus made reparations for his wrongdoings, restoring himself to God and to others. This is one of many Biblical examples revealing God’s restorative response to criminal activity by renewing relationships with victims, offenders and the community.

Furthermore, Rethinking Incarceration revealed to me that punishment should not be the only means for justice. Chris Marshall reiterates this fact, “Justice is satisfied by the restoration of peace to relationships, not by the pain of punishment per se.” (Marshall, 2012, p. 16, cited Gilliard, 2018, p. 142) Currently, within the prison system, I recognize no real second chances, no hope for redemption. Retributive justice only looks backward and focuses on how we are going to punish the offender. Restorative justice looks forward and asks, “What needs to be done to repair the harm (Earle, 2009).” Gilliard (2018) points out that while some may be positively affected by punishment alone, true transformation requires much more (p. 163). Research also proves that the public majority does not support a punitive attitude, but rather offender rehabilitation as a legitimate function (McLaren, 2012). I believe strongly that anything less is falling short of God’s desires for humanity.

Therefore, if God’s justice aligns with restoration and public support is for rehabilitation, how then can we sanction our government’s punitive response to crime? Rethinking Incarceration traces the thought to the meritocratic atonement theology derived by our country’s early Christian history. Before now, I never considered how this penalty-centric viewpoint influenced our government and subsequently, the criminal justice system. Even more, the penal substitution view of atonement is still wildly supported by the majority of evangelicals across the country, even among my own family members.

Not long ago, my uncle was arrested and charged with a non-violent, drug-related offense. He is being held on bail, which my family refuses to pay. To make matters worse, the state now has custody of his three small children. My family’s view is one of punishment - he’s done the crime, now he must pay the time. While they leave the matter to the state, my family ignores the commission to restore their brother, rather choosing to isolate him and label him as a criminal. Gilliard (2018) makes a strong point - our atonement theology ultimately expresses what we

view about God (p. 159). We proclaim he has the power to restore all people, but penal substitution leaves little hope.

These three main points have transformed the way I view restorative practices as divinely just in comparison to retributive sentencing. Now that we have an understanding of God's justice and have identified ways in which His justice is ultimately restorative, how then should the church respond?

3. Equipping the Church

Rethinking Incarceration equips believers to pursue penal advocacy by educating, challenging, and calling. Throughout my primary, secondary, and tertiary education, injustices pertaining to incarceration were never mentioned within the classroom setting. Matters of racial bias or criminal justice were never discussed. It was only in the last few years that I was introduced to the grave injustices involving penal institutionalization. One of the first steps to advocate for penal reform is to educate the church. Members must have an accurate justice theology and know the true, undeniable facts exposing the injustice. Rethinking Incarceration reveals an adequate framework for biblical justice, presents a necessary historical background, and provides fresh ideas to engage the matter from a knowledgeable perspective.

In addition to educating, Gilliard (2018) asks a fundamental question to the church, "How are we remembering the prisoner?" (p.185). This proposition is one that we must consider in light of Matthew 25. More often than not, we completely ignore the command to engage with the prisoner, focusing on causes deemed more "worthy" of our time and resources. I, too, am guilty of having given more thought to short-term mission work in other countries rather than my fellow brother or sister behind bars across town. This simple question caused me to honestly assess how we are responding to the needs of prisoners. Chris Marshall (2012) states, "There can be no justification for saying one thing about God's justice in Church and advocating the opposite in the world" (p. 19, cited Gilliard, 2018, p.171). The church is asked to remember the prisoner. We must not forget any longer.

Not only does Rethinking Incarceration educate and challenge us to remember, but the text also equips the church to respond to the call, "the church must lead the way in advocating for a system that gives opportunities for authentic rehabilitation, lasting transformation, and healthy reintegration" (Gilliard, 2018, p.184). Of course, this would look different in every context. I appreciate the various examples given by the author. Some congregations may respond to the needs of family members of incarcerated individuals. Others will visit prisoners and spend time communing with those behind bars. Some may focus on rehabilitating ex-offenders and help to provide safe, welcoming communities to welcome them home. These further equip those like myself who may be asking what they can actually do in response to the call. Regardless of how we respond, we are all called to be ministers of reconciliation (2 Cor 5). The book also challenges the church to use their voice and speak for those whose dignity has been arrested by society (Gilliard, 2018, p.167). "The Church fails in its vocation if it fails to proclaim, to embody, and to advocate the principles of restorative justice in every sphere of life," proclaims Chris Marshall (2012, p. 19, cited Gilliard, 2018, p.171). Advocacy is a call for all those within the body of Christ. We now turn to more specific ways in which I personally intend to live out this call.

4. Personal Response

The text inspired me to answer the question asked in the previous section – how am I responding to the prisoner? While I have had some exposure to the prison system and have heard firsthand the plight of those who are incarcerated, I am doing very little to date. I also asked the same of our church – how are we as a congregation playing a part in restoring justice? The response is simply, nothing. The Church and I are not currently doing anything to live out Matthew 25 and the call to care for the prisoner. This reality is humbling and terribly convicting.

Already I have been engaging in more dialogue about restorative justice and the prison system. For example, my conversation with my formally incarcerated friend mentioned in the introduction. In the same way, I have also been sharing God’s heart for restoration with those in my own church, and I have found is that there is a lack of connection between God’s heart for restoration and the prisoner. Therefore, I am compelled to respond by asking our church to consider a social justice role within the church staff.

Our church is rather large, close to 3,000 attending. We preach a strong justice theology, and from that, we birthed our own non-government organization which focuses on refugees and asylum seekers and anti-human trafficking. We are known as the 'social justice church', but when I see our lack of response in regards to other biblical mandates, such as caring for the prisoner, I am encouraged to do more.

This particular social justice role would include researching current restorative initiatives and needs within the criminal justice system, assessing our church’s strengths and potential opportunities for collaboration, engaging with the government and institutions to consider a partnership, while educating and mobilizing the congregation to bring about true transformation in the lives of prisoners and our community. While this might not produce immediate action, I feel role will allow our church (myself included) to engage in a sustainable, long-term effort that will foster healing and communal change.

In conclusion, God’s desire to see all things and people restored extends to those places and people whom many might believe are beyond hope. God sees their stories as redeemable, and as the church, we should actively engage in opportunities for personal and communal reconciliation. This includes advocating for restorative solutions for those behind bars. Dominque Gilliard’s Rethinking Incarceration unpacked the historical narrative of mass incarceration and challenged me to join in community with those affected as we seek to restore justice and the shalom of God.