

Introduction: Multifaith Reflection on Criminal Justice

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Exiled to a Siberian prison, the protagonist Raskolnikov in Dostoyevsky's *Crime and Punishment* (1866) reflected on the brutal murder he had committed and the legal process he had undergone. Impulsive, obsessed, and painfully introspective throughout his troubled life, the character is an unprecedented study in morbid self-analysis and social criticism. If Dostoyevsky pioneered the modern novel by revealing the human soul in extremis, he also anticipated new directions into which much modern thought on criminal justice reform would ultimately lead. For, having drawn his readers through Raskolnikov's psychological and spiritual torments, he concluded his intense novel by alluding to a possible sequel. It would be "the story of a man's gradual renewal and rebirth, of his gradual transition from one world to another, of his acquaintance with a new reality of which he had previously been completely ignorant." The promised sequel was never written. Yet the defense attorney's gripping and well-crafted summation in Dostoyevsky's last and greatest work, *The Brothers Karamazov* (1880), foreshadowed new ways of doing justice: ". . . Let other nations think of retribution and the letter of the law, we will cling to the spirit and the meaning—the salvation and the reformation of the lost."¹ Of course, in each novel Dostoyevsky was thinking of the redemption of the offender in the then prevailing criminal justice system. Today, by contrast, Restorative Justice focuses on healing the victim and the community as well. Literature and life provide eloquent testimony to the constant cry for justice. So compelling were

the twin themes of religion and crime, and so unexplored their multi-faith dimension, that research into the topic struck many of us as an obligatory challenge.

Thus was born an international, interdisciplinary research project exploring what major religions say in text, tradition, and current practice about criminal justice in general, and Restorative Justice in particular.² It culminated in a critical phase of the process, an eight-day summer scholars' retreat, during which scholars and justice professionals, former victims and offenders, engaged in multi-faith reflection on criminal law.³ One striking feature of our reflection on crime and criminal justice systems has been what Timothy Gorrige has termed the 'reappropriation' of traditions. That meant winning them back from generations of debilitating cultural accretions. Our task was to dig back to the restorative, spiritual beginnings of a transformative grassroots movement.

In drawing on wide-ranging dialogue and community experience, this volume sets forth the understandings and parameters which some major religious traditions offer. It recognizes both the distinctness of each tradition and the fundamental contribution of all to social discourse on justice issues. The project recognizes, in effect, a basic principle which theologian Wentzel van Huyssteen formulated in terms of the dialogue between religion and science: "while the rationality of theological reflection is shaped by its concrete imbeddedness in specific traditions, it is also definitively shaped by its location in the living context of interdisciplinary reflection."⁴ Underlying the project was the principle that religious traditions continue to shape human reality and experience and are therefore central to social dialogue and social cohesion.

Significantly, with the exception of specialized Christian studies, the relationship between spirituality and criminal justice has been largely overlooked in current scholarly and popular accounts in the Restorative Justice arena, and it was this that triggered our earliest enquiries. By addressing this major gap, the project attempted to clarify the relationship between religion and law, between crime and punishment, and to lay the basis for recommendations on how principles of reconciliation, restoration, and healing might be implemented in pluralistic, multicultural societies.

Why would one want to bother? There are both practical and spiritual reasons. In a research paper entitled "Multi-Cultural Implications of Restorative Justice," Mark Umbreit of the Centre for Restorative Justice and Mediation in St. Paul, Minnesota, put the practical case:

. . . the likelihood of repair and restoration of relationships is increased by the extent to which we take the time to know and understand the differing communication styles and world views of the participating individuals. It is hoped that not only will the restorative justice oriented programs be enhanced by such awareness and sensitivity to cultural differences, but that openness to diversity will enrich the lives of all who choose to participate.⁵

The spiritual reasons for engaging in dialogue about criminal justice are at once rather more complex, and in turn raise a number of questions. How do people grounded in a faith tradition respond to crime? How *should* they respond to it? Indeed, do faith traditions have any business at all involving themselves in questions of criminal law? As it turns out, there are profound reasons for their doing so. And these considerations go beyond popular secular assumptions that treat the relationship between religion and culture solely in terms of ethics or morals. Indeed, these reasons take direct issue with the increasing secularizing tendency to treat religion as a purely private matter which should not influence public life.

By relegating religion to the sidelines of public discourse and the formulation of public policy, the state enthrones secularism as the dominant faith. Here one must be cautious in the analysis of secularism per se. Hailed almost forty years ago by one of the most articulate voices as a process of liberation from dogmatism, it is now regarded as one of the great twentieth-century myths. In fact, Harvey Cox now argues, "the myth of secularization is dead."⁶ In any event, as David Loy has cogently argued, it is not so much secularism as consumerism—the religion of the marketplace—which creates the predominant values of modern society. Economics is its theology, and 'The Market' its god.⁷ As Loy sees it, "our secular obsessions have become symptomatic of a spiritual need that they cannot meet." Indeed, having denied the Transcendent, "we have come to pursue this-worldly goals with a religious zeal all the greater because they can never be fulfilled." And yet consumerism and 'The Market' continue to determine social values. The 'bottom line' is ultimately a matter of money. Nils Christie's *Crime Control as Industry* (1993) said as much regarding the social values of incarceration: "Prison means money. Big money. Big in building, big in providing equipment. And big in running."⁸ Pondering criminal justice in this context prompted one critic to ask whether the courthouse had not

become society's modern cathedral.⁹ Or, as Jerold S. Auerbach said of American society: "Law is our national religion; lawyers constitute our priesthood; the courtroom our cathedral, where contemporary passion plays are enacted."¹⁰ The analogies are all the more appropriate when one considers the essentially theological vocabulary—guilt, atonement, retribution, for example—so often involved in jurisprudence. This seeming intrusion of religious vocabulary into the secular world highlights often divisive tensions between religious conscience, the state, and the law.¹¹

"The problem," as Paul A. Marshall has argued, "is a type of multicultural one, but the solution advocated is not multicultural but *a*-cultural." By the same token, it allows secular society to pretend it is "genuinely pluralistic when secularism is in fact only one part of our plurality."¹² Religious traditions form a major part of that plurality, if only because of the foundational role they play in envisioning the good life and civil society. Again, from Loy's Buddhist perspective, we need reminding "of the crucial role that religions can serve: to raise fundamental questions about this diminished understanding of what the world is and what our life can be."

In his groundbreaking *Christian Justice and Public Policy* (1997), a book that explores the scope for theology's practical engagement in a pluralist, secular society, Duncan B. Forrester recognizes the marginalization of religion in public life. In doing so, however, he opens the discourse "to another line of argument that suggests that a public sphere from which religion is excluded is deprived of a great source of determination, hope and vision." Indeed, he adds, "the strict application of this principle [of exclusion] would have excluded Martin Luther King's dream from American public life."¹³ It would also have excluded the profound social revolution it triggered. Though speaking on behalf of Christianity, Paul Marshall expresses a spiritual position that can be endorsed by major religious traditions:

Our faith shapes the whole of our life and involves more than the ethical dimension of life. It shapes not only particular questions of right and wrong but also basic questions about the nature of reality—what human nature is, what sin is and how it is manifested, what the nature and direction of history is, what law is, what idolatry is, and what the root meaning of human life is. [These questions] involve matters of epistemology, historical causality, jurisprudence, social structure, psychological variation—in short all the basic questions of

social theory, philosophy, and human motivation. These are at the core of culture, and also at the core of faith.

There is, then, persuasive evidence that public policies must take seriously the role of religion in criminal law, as indeed in other areas of public life. There is persuasive evidence as well, that this recognition is beginning to emerge. For example, in June 1995 a special edition of *The IARCA Journal*, the organ of the International Community Corrections Association, devoted itself entirely to the theme of "Religion and Corrections" by inviting specialists to summarize their work on religion and crime. And in January 2000, the *Prison Service Journal*, the professional organ of the Prison Service of England and Wales, brought out a special addition on the theme "Spirituality and Prisons." As the *IARCA* editor explained, "a new dialogue is taking place among professionals, in the media, in government, and in academia about the appropriate role of religions in corrections."¹⁴ It is clear from reading a broad spectrum of sources that many religious traditions regard the exercise of justice as "an exercise in Grace." That, at least, is how Archbishop Desmond Tutu described the work of the Truth and Reconciliation Commission in South Africa. Formulations about law and order, about individual freedom and social cohesion all imply sets of values—some of which may conflict with one another. This is especially acute in the legislation and administration of criminal justice. For by legislating and practicing justice, societies articulate their key values; these values include the nature of the human person, the meaning and purpose of human life, and the limits of behaviour which societies will tolerate. Because laws emerge from specific cultural identities and traditions, they are in the first instance both national and regional in character.

Globalization of such enterprises as commerce, finance, and capitalist-consumerist culture raises questions about the nature and legitimacy of these regional and national interpretations of justice on the world stage. Unilateral protest against human rights abuse in countries that have differing views on 'rights' and 'criminality' is but one example of this. The potential for international conflict in such circumstances—particularly when trade and commerce seem at risk—is a familiar theme. Many systems and attitudes strike one as outmoded and a hindrance to effective implementation of humane values. "The international situation in the field of crime prevention and criminal justice is not different from that which prevails in most others of human activity. . . . In short, many of our existing

institutions have to be reinvented.”¹⁵ Given the impact of immigration on many countries, the concept of society itself is changing. Society—whether in Canada, the United States, or the United Kingdom, for example—is no longer necessarily monolithic, but a multicultural, pluralistic mosaic of cultures, faiths, and worldviews. Examples of cultural diversification are legion. The largest Hindu city outside India is said to be Leicester (England), and there are arguably more Muslims than Episcopalians in the United States. On a wider perspective, an increasing globalization now challenges the legitimacy of our notions of justice. And this is so whatever the special focus: criminal justice, social, or international.

Indeed, such major postwar innovations as the Nuremberg War Crimes Trials and its lesser-known International Military Tribunal for the Far East, together with more recent United Nations sanctions at the international level, suggest the growing practical importance of a ‘universal conscience.’ Such a conscience finds expression in international agreements on human rights, on war crimes, and on treatment of the disadvantaged. The currency of the expression ‘prisoners of conscience’—not to mention the reality to which the term refers—suggests the view that while such people may indeed be incarcerated quite legally according to the laws of particular jurisdictions, these jurisdictions themselves may be unjust by other standards. In other words, we are faced with both an assent and an appeal to a supranational—perhaps even supernatural, or at least metaphysical—value. This is the very stuff of religious faith and assertion, for faiths claim a higher order of principle than what social convention provides. Thus an Islamic commentator explains justice as follows:

Justice is Allah’s attribute, and to stand firm for justice is to be a witness to Allah, even if it is detrimental to our own interests (as we conceive them). . . . But Islamic justice is something higher than the formal justice of Roman Law or any other human law. It is even more penetrative than the subtler justice in the speculations of the Greek philosophers. It searches out the innermost motives, because we are to act as in the presence of Allah, to whom all things, acts, and motives are known.¹⁶

To this, the adherents of many faiths might say ‘Amen.’ Justice is peace, Shalom, Salaam; it is a peace that heals wounds, removes fear, and is beyond all human manufacture and convention. Of course, the opportunities for misunderstandings and conflict—even

among those wishing to advance the very cause of 'justice' itself—are boundless.

Whether in theocratic or secular societies, criminal law regards crime as conduct so harmful to society as a whole that it is prohibited by statute, prosecuted and punished by the government. Seen in this light, crime is a violation of the state and its laws, and criminal acts elicit the state's response in terms of retribution. Pursuit, arrest, trial, and punishment are distinct stages not only in the practice of criminal justice worldwide; they mark key stages in the drama of human conflict broadcast daily by media, and featured in TV scripts and 'whodunnits.' In fact, it has been argued, the court itself is a place of judicial theatre with its actors, props, audience, and stage action.¹⁷

Current justice systems, both in fact and in fiction, are based largely on the retributive model and upon an adversarial process driven by prosecution and defense. And that, we are given to understand by defenders of the status quo, is the only reliable method for getting at the truth; it's deemed the only reliable method for upholding the law and to "reaffirm those values that the bulk of society holds sacred."¹⁸ Such a process focuses largely on the offender. This system leaves both victim and accused as veritable onlookers in a scenario whose purpose is essentially twofold: to establish the offender's guilt or innocence, and to determine the appropriate pain and punishment the guilty should receive. And yet, those who uphold "the majesty of the law" above all else argue that this is precisely as it should be: "courts are about legal facts and principles—not about healing." Indeed, "considerations of culture cannot be allowed to compromise standards of behaviour ordained by criminal law."¹⁹ The theological claims of this legal argument—"ordained by law" and "values society holds sacred"—are revealing.

Significantly, the retributive approach to justice has never given a persuasive account of how punishment and suffering 'make things right.' Nor has it satisfactorily addressed the victim's needs and aspirations. As Peter Gabel, president of the New College of California School of Law put it: "Our problem is . . . finding a way to heal the cultural alienation that has disabled us from creating a loving and caring society. . . . we need to envision a new kind of legal culture that preserves individual liberty against group-sanctioned injustice but that also understands the legal arena as a moral environment within which to build greater empathy, trust and solidarity."²⁰

Despite the wisdom of religious traditions proclaiming principles of reconciliation and healing, this punitive/retributive approach has predominated; and it has been found seriously wanting. It has

led to what is currently termed the crisis in criminal law: crowded court dockets and prisons, recidivism, deficit-fighting governments faced with the burgeoning cost of justice and corrections, and trials that leave many of the needs of victims and offenders unmet.²¹

In a report released in August 1999, for example, the U.S. Bureau of Justice Statistics revealed that the number of adults in that country either behind bars or under police supervision had reached a record of 5.9 million.²² This represented an increase in the correctional population of 163,800 over the previous year. Current rates of incarceration suggest that an estimated one of every twenty persons in the United States will serve time in prison. The financial costs of the current retributive approach—not to mention the dire social consequences—place an increasingly heavy burden on society. In the United States, for example, the direct expenditure by each level of government has reached enormous levels: \$14.6 billion federally, \$33 billion at the state level, \$25.8 billion at county level, and \$29.5 billion municipally. The percentage increase between 1982–1994 ranges from 139 percent at the municipal level, to 202 percent at county level, 215 percent at the state level, and 243 percent federally. In Canada alone, where the average daily count of imprisoned adults stands at 33,785, the financial statistics are equally disturbing. The average annual cost of maintaining an inmate in a federal institution is \$61,000. The breakdown by category is even more telling: \$13,000 for statutory release or supervising on parole, \$32,000 for Community Correctional Centres, \$43,000 for medium security, and \$68,000 for maximum.

Significantly, most of these offenders will be back in the community once they have ‘paid their debt to society’ and ‘done their time’ in prison. How do we want them to be when they return to us? The question is important, for to take but two examples, over 54.2 million people in the USA have criminal records, and some 2.5 million people in Canada. Is there a better way of doing the justice business? Answers to these questions strike to the root of societal values. For as one of many recent studies argues, “We need to discover a philosophy that moves from punishment to reconciliation, from vengeance against offenders to healing for victims, from alienation and harshness to community and wholeness, from negativity and destructiveness to healing, forgiveness and mercy. That philosophical base is restorative justice.”²³

In fact, Restorative Justice is much more than a purely ‘philosophical’ position. As will be seen, it has spiritual roots in major world religions. The hallmark of Restorative Justice is ongoing trans-

formation: of perspectives, of structures, and of persons. As a growing canon of literature attests, the restorative model regards crime as a violation of people and relationships; it is concerned with healing the wounds of victim, community, and offenders alike.²⁴ In the words of Tony F. Marshall, "Restorative Justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future."²⁵ In the strict sense, Restorative Justice is neither a program nor a method. Nor, as some detractors regard it, is it some sort of mechanical do-it-yourself kit or psychotherapeutic mind game. These approaches promise a quick fix, but always let one down in the long run.

Restorative Justice, with its principles of repentance, forgiveness, and reconciliation, is instead a deeply spiritual process. It is never the easy way out; neither for the offender, the victim, nor the community. It requires all of us to come to grips with who we are, what we have done, and what we can become in the fullness of our humanity. It is about doing justice as if people really mattered; it addresses the need for a vision of the good life, and the Common Good. To borrow the title of a recent study, the restorative approach is concerned with restoring the moral bond of community.²⁶

Restorative Justice began as isolated criminal-justice initiatives based on reconciliation rather than retribution. Special justice initiatives throughout the world have drawn on traditions as diverse as that of Aboriginal spirituality, Maori, the Jewish, and the Christian.²⁷ They embrace a broad range of creative approaches: the Community Holistic Circle Healing (the Hollow Water Project), Okimaw Ohci Healing Lodge, Victim Offender Reconciliation Programs (VORP), Victim Offender Mediation Programs (VOMP), family conferencing and circle sentencing, to name but a few. VOMP is one of many salient examples of the widespread adoption of these approaches: it is employed not only by some 300 communities in the USA, but throughout Canada, and in 700 communities in Europe (including 293 in Germany alone).

High-profile organizations in the Restorative Justice field are exerting major influence on public policy: in Washington, D.C., for example, we find Prison Fellowship International (an association off eighty-three Prison Fellowship organizations world-wide), and Justice Fellowship; and in Canada the Mennonite Central Committee, the Church Council on Justice and Corrections, and the International Centre for Criminal Justice Reform and Criminal Justice Policy (University of British Columbia, Vancouver, B.C.); one thinks

as well of Prison Reform International (UK), and the Restorative Justice Network (Christchurch, New Zealand). And the list goes on. Government departments, too, are involved. For instance, the Attorney General and Minister of Justice for the province of Saskatchewan actively promote Restorative Justice in their jurisdiction, as does the Restorative Justice Initiative of the Minnesota Department of Corrections.

Such initiatives provide convincing evidence of the effectiveness of Restorative Justice values, and are even redefining the principles and practice of justice. These values include personal responsibility, healing, reconciliation, vindication, negotiation, forgiveness, and transformation of human situations. It is a tough-minded journey that challenges the human spirit. Or, as the Hollow Water Project in Manitoba concludes in part: "jail is a much easier alternative, because it does not require the victimizer to face the real truths about abuse."²⁸ The restorative approach holds even broader implications: it has the potential to provide social benefits beyond the confines of the criminal justice system. According to the Statement of the Interfaith Committee on Chaplaincy in the Correctional Service of Canada, September 1997, the approach forms the very foundation of civil society:

Restorative Justice can help reduce the level of pain so that healing may begin to take place, but it should never be forced on anyone. If it is embraced freely, it can have deep and lasting effects on individuals and communities. Our goal is to seek Shalom, harmony and security for all, with reconciliation and healing replacing revenge and pain. We believe that the search for true and satisfying justice is forever linked to the spiritual growth of all concerned. The path of over-incarceration, of a vengeful spirit and a punitive mentality, can only dry up the soul of our country.²⁹

One might very well ask what actually happens when Restorative Justice 'works.' As participants attest, it is something more easily experienced than defined. Some have spoken of the unexpected moment of peace, of calm and tranquility, of self-assurance, of release. Just precisely what 'it' actually is, when 'it' happens, is perhaps best summarized by Conrad Brunk's words in this volume: "offenders, victims, families, mediators, judges and lawyers who participate all speak of the 'magic,' or 'deeply spiritual' aspects of the events which take place when offenders come to terms with the

pain they have inflicted on victims or their families and express repentance, and when victims of crime or their families experience personal healing from offenders' acts of repentance and from their own ability to forgive." Like the redemption through suffering of which Dostoyevsky wrote, participants of Restorative Justice themselves pass through a time of ordeal and testing. The pain and sorrow, which victims and offenders alike undergo, crest in a healing 'breakthrough' at some specific moment during the often lengthy restorative journey when some measure of restoration is gained. Both the context and the focus are unabashedly theological, and remind us, in the words of Desmond Tutu, that "we live in a moral universe after all."³⁰

Reexamining some of the salient texts and traditions bearing witness to that moral universe has been a focus of the "Spiritual Roots" project. As a first stage in the enterprise, this necessarily selective volume represents the felicitous confluence of scholars, perspectives, personalities, and religious traditions which—taken together—seemed best suited to undertaking the initial exploration. It is hoped that this will be expanded in the future. In the first instance, scholars were invited to prepare position papers from the perspective of their religious tradition. They then shared these papers with dialogue partners many weeks prior to our convening a retreat at the Sorrento Retreat and Conference Centre in Sorrento, British Columbia.

During eight days of living and reflecting together, of interdisciplinary dialogue and social discourse, some thirty participants critiqued each other's work and positions both in plenary sessions and small groups. Our communal life provided opportunities for interfaith prayer and meditation, as well as for participation in Sweet Grass ("Smudge") Circles and the Sweat Lodge experience as the guests of the Little Shuswap Band. Such shared experiences helped form community and fostered deeper understanding of the issues.

The experiences reminded us that spirituality is more than an awareness of 'holy feelings,' or the search for transcendence and wholeness. It is "the disciplined nurturing of inner spiritual life."³¹ Many participants described the retreat as having been transformational. A writers' workshop concluded the scholars' retreat, leading to further reflection and preparation of the chapters in this book.

Conrad Brunk's "Restorative Justice and the Philosophical Theories of Criminal Punishment" sets the stage for the engaging series of discourses that emerged and provides the context.³² For centuries, he points out, legal theorists and philosophers of law have been

debating the issue of how to justify the practice of punishing criminals. Meticulously researched and cogently argued, Brunk's chapter elucidates the debate and explores the canon of justifications for punishing criminals: i) the retributive idea of just deserts that aims at paying back criminals 'what they deserve'; ii) general deterrence, or punishment of each case as a warning to others; iii) individual deterrence, or punishment of such severity that the criminal will not reoffend; iv) rehabilitation; and v) restraint of the criminal to ensure public safety. But in raising these issues, he addresses important philosophical questions about what we actually mean by 'punishment.' Does it differ from pure revenge, from therapeutic aid, or from moral reform? Who can legitimately be punished, and what is the appropriate form of punishment under the circumstances? How much punishment is appropriate to the offense or to the offender?

Brunk's analysis distinguishes two very different schools of thought in the Western tradition: the retributivist, which views punishment in terms of 'doing justice' to the offender in order 'to make the wrong right,' and the utilitarian, which regards punishment as a tool for protecting the legal order by deterring offenders from breaking the law. His examination includes, as alternatives to punishment, two additional schools of thought that have emerged in the twentieth century: the rehabilitationist, which seeks to 'cure' or reform offenders, and the restitutionist, which seeks to compensate the victim. A particularly crass example of the latter removes any trace of moral fault from criminal theory and regards crime simply as 'the cost of doing business' in the modern world; it would dispense with criminal law and punishment altogether and follow the example of tort law in seeking financial compensation in civil courts for violence. In reducing justice to a question of cost-benefit analysis, this particular restitutionist approach assumes, among other things, that tort law itself is without overarching moral substance. These theories have far-reaching implications for our concepts of civil society, the just society, and the good life. Faith communities in particular are challenged to address such issues, for as one representative has observed, "given the increased pressure of a secular-minded culture, the greatest [challenge that faith-communities] face is not theological liberalism but assimilation into a culture of materialistic individualism."³³

Brunk's analysis renders the concept of Restorative Justice a distinctive service by exposing it to the critiques of its opponents, thus demonstrating both its resilience and its strengths. In all, he

explains how the Restorative Justice approach provides a much more satisfying answer to the traditional philosophical and jurisprudential questions of criminal justice than any of the other major theories. Significantly, he finds, Restorative Justice has yet to attract serious discussion among jurists and philosophers of law, though indeed grassroots movements have forced theorists to start taking it seriously. If Brunk is correct in his assessment about the effectiveness and comprehensiveness of Restorative Justice theory—and evidence suggests that he is—then the ‘spiritual roots’ of this approach will provide insights and applications of transformational value.

In arguing the case for Aboriginal justice and healing in their chapter “The Self Perceived through a Broken Mirror,” Arthur and Meredith Blue focus on the holistic context of First Nations’ traditions. Drawing on Basil Johnston’s hierarchy of Creation, they explore the dependencies and interdependencies elucidated by Aboriginal cosmology. Recognizing the interconnectedness of all things—the organic and inorganic, the human and nonhuman—Aboriginals experience their world in terms of relationships, or in terms of what Rupert Ross has called “fluid reality.”³⁴ As Gitksan legal expert Val Napoleon expressed it:

This creates a spiritual continuum which forms part of everyday life—where past actions connect with present and future actions. Human beings are part of an ongoing cycle of interactive relationships with each other, the land, and nonhuman life forms. All events, including crime, are a responsibility because they arise out of relationships. When misfortune occurs, people are responsible for determining the cause of the breach and for correcting it.³⁵

Or, in the words of Sakéj Youngblood Henderson, director of the Native Law Centre of the University of Saskatchewan, “Indigenous people view reality as eternal, but in a continuous state of transformation. . . . It is consistent with the scientific view that all matter can be seen as energy, shaping itself to particular patterns.”³⁶ The nature of Creation is fundamentally spiritual and can ultimately only be understood in spiritual terms. This point is crucial for understanding the dynamics of the healing process when dealing with offences against both persons and community. In colorful fashion, the Blues illustrate these insights by recounting examples of Native lore and relating them to the Aboriginal experience of life.

For these authors, human identity can only be understood in the context within which human beings were created and within which they 'live, move and have their being.' The Blues point to the crisis from which the tragedy of Aboriginal history emerged. The tragedy is rooted in what they regard as the traumatic confrontation with European exploration and colonization which 'imposed' thoroughly alien worldviews and social organizations. In short, Aboriginals underwent, and to some extent continue to undergo, a crisis of identity that lies at the root of their difficulties with the predominant culture and its legal system.

Retributive justice, the Blues argue, confuses First Nations' peoples rather than assisting them in establishing their course of life. As a means to recapturing their lost identity and spiritual center, Aboriginals are rediscovering the power of ancient ceremonies and religious practices: Healing Circle, Sweat Lodge, Vision Quest, and Pipe Ceremony, to mention but a few examples. "Through ceremonies," the Blues argue, "individuals come to understand that they are connected not only to each other, but to their past, and to the present." Through ceremonies, they rediscover their place and responsibility in the community; through ceremonies they nurture their spirit and strengthen both the individual and community. Of special importance for Restorative Justice, the authors explain the practical implications of what may be called Aboriginal justice: Sentencing Circles and other practices are impacting upon the non-Native justice systems both inside and outside the prison system. Aboriginal culture, in other words, is transforming not only persons, but structures and institutions.

If Aboriginal spirituality and Native rights are gaining lost ground and respect in the public mind, the Abrahamic religions (Judaism, Christianity, and Islam) seem in decline; at least, they continue to get bad press. In public discourse they emerge as essentially ultraconservative, repressive, and judgmental. Public discourse frequently snatches at retributive aspects of these religions; the oft quoted 'an eye for an eye, and a tooth for a tooth' stands alone out of context as an example of society's divine right to 'get even' with miscreants of whatever hue. But as the authors of this volume argue, these perceptions—and certain realities that trigger them—are not so much theological, as they are political, social, and cultural.

Like the other religions of the Abrahamic tradition, Judaism draws its strength from revealed scriptures that are mediated and interpreted by historical tradition. Judaic spirituality, as Eliezer

Segal explains, is related more to adherence to divine law than to acceptance of doctrinal truth or the attainment of a mystical state. Through theological reflection in terms of life's experiences, as well as through the interplay between Sacred Scripture and oral traditions, Judaism continues as a vibrant and diverse faith that encompasses the whole of life. Reflection on these laws and traditions provides a means, among other things, of imposing a pattern of disciplined self-respect. In surveying the legal and scriptural traditions of Judaism, Segal restricts himself primarily to matters that fall explicitly within the domain of Jewish judicial and correctional procedures. He thus omits for some later discussion an examination of general moral theories and questions of individual behavior. Describing the contemporary State of Israel as a secular democracy, he points out the origins of state law in British common law which restrict religious courts to such matters as family law.

The ultimate goal of Jewish law, Segal argues, is to achieve a harmony among persons and with God. This perspective was broadened when Assistant District Attorney David Lerman (Milwaukee County) addressed the October 1998 conference on "Restorative Justice and Religious Traditions" at Hamline University School of Law. For him, Jewish law is more than biblical law. Judaism speaks of the sanctity of people in a universe where God places upon each individual the responsibility for working toward the completion of His Creation. God expects each one to be a prophet, that is, to speak God's Word. For Lerman, Judaism sees a world in which no human being is a 'throw-away' person; it is a world in which no one is born 'in sin,' but rather 'with choice.' This is important for Restorative Justice initiatives, which seek healing and reconciliation. In this system, whoever is not involved in alleviating human need is not living a full life. For Lerman, justice is inseparable from spirituality; or, in the graphic expression he borrowed from the eminent eleventh-century thinker Rashi, "a court house should not be far from a synagogue."³⁷

It is in this context that one finds the roots of the Christian tradition. It is both here and in the Gospels that we encounter Christianity's original message of compassion, love, and liberation. As Pierre Allard and Wayne Northey explain, however, this message was suborned by the Roman Empire. Once the 'illegal' religion of Jesus had become the official religion of the Roman establishment, both the Gospel message of redemption and the scriptural understanding of justice fell prey to a theology of punishment and vindictiveness. Unfortunately, the Christian message of salvation

and healing has been prostituted by many of its own adherents. For churches have generally tended to ally themselves with the ruling political powers; they have traded their spiritual roots for power-political expediencies and secular ethics. The authors show in considerable detail just how this came about, highlighting the spread of Christianity throughout Europe in association with secular powers. By drawing on their own research and that of others, Allard and Northey engage in theological reflection on their tradition; they do so in relation to criminal justice reform, an enterprise in which both of them have been engaged professionally for many years.

The Christian way, they explain, is preeminently restorative, for Jesus himself preached the revolutionary ethic of forgiveness, nonviolence, reconciliation, and love for each human individual. No less an observer than Mahatma Gandhi had recognized the essential truth of this. For him, the essence of Christianity was embodied in Jesus's Sermon on the Mount as recorded in St. Matthew's Gospel (Matt. 5:1–48): “. . . Blessed are the merciful . . . Blessed are the peacemakers. . . .” Ironically, much of what passes for Christianity, Gandhi once explained, actually negates that Sermon. Drawing on the work and influence of René Girard, Allard and Northey explore the concept of ‘scapegoating’ that has so distorted the original Christian message by ostracizing human beings on the basis of race, religion, social behavior, and even politics. They argue that the criminal justice system in a secular society serves a similar function. Girard's reading of the Gospel texts, they point out, turns the dominant satisfaction theory of the Atonement on its head. This reversal is vital, for Timothy Gorringer's magisterial study *God's Just Vengeance* (1996) has amply demonstrated the linkage between Atonement theory and penal strategies. He, like Allard and Northey, calls for a change based on the faith community: “I believe it continues to make sense to do so because the creation of a different kind of social space, in which people can find creative ways of coping with difference, disagreement and sheer downright evil, presupposes the immense work of education which we call the reappropriation of tradition.”³⁸ Having examined the Christian roots of Restorative Justice, Allard and Northey examine actual Christian initiatives; these include such key organizations as the Correctional Service of Canada, the Church Council for Justice and Corrections, Community Chaplaincies, and Circles of Support.

In like fashion, Nawal Ammar's chapter “Restorative Justice in Islam” rediscovers aspects of her faith tradition with which perhaps few general readers will be familiar. In revisioning Islam

she, too, reappropriates tradition. Her work constitutes a first building-block in advocacy for the introduction of Restorative Justice measures not only in Muslim countries, but in other lands where Muslim communities are found. Significantly as well, she underscores the fact that Islam is by no means restricted to Islamic countries, but is a growing faith in North America, particularly in the United States. Islam, she correctly insists, is a holistic system of paths; it is not so much a catechism of beliefs, as it is way of living inspired by the revelations received by the Prophet Muhammed and recorded in the sacred Qur'an. What passes in the public eye for a militant, harsh, unforgiving, and antifeminist religion, she argues, is not the Islam of the Qur'an, but a sociopolitical construct. It is the result of historical, cultural, and political processes. Islamic law, she writes, did not simply 'pop out of the head of the Prophet' in one day in full and completed form and remain that way for some fourteen centuries unaltered. Islamic law is a product of specific cultures in response to specific historical issues and conditions. For this reason, she points out, it is not a unified, monolithic body of legislation. Her position finds strong support in Nazir Ahmad's study *Qur'anic and non-Qur'anic Islam* (1997), which draws on a close reading of the Qur'an to distinguish two principal versions of Islam: the one is the culturally determined, repressive social order that nurtures privilege and injustice, and which dominates the media; the other is the lesser-known version—the authentic version—which envisions a humane, compassionate, and all-embracing social order.³⁹

Ammar reflects on inherent features of Restorative Justice which the Qur'an itself offers. She does so by surveying the various Islamic schools of jurisprudence, by exploring the applications of criminal law which derive therefrom, and by reviewing the various Islamic classifications of crime. The focal point for her reflections is the nature of God, from whom human nature and human society ideally derive. Allah Himself is the Compassionate, the Merciful. "If anyone does evil or wrongs his own soul, but afterwards seeks Allah's forgiveness, he will find Allah oft-Forgiving, most Merciful" (al-Nisa:110). Or again: "If you stretch your hand against me, to slay me, it is not for me to stretch my hand against thee: for I do fear Allah, God of the universe" (al-Maidah: 28). Keys to restorative processes lie not only in the Qur'an itself, but in the complex relationships between individual and community. Ammar demonstrates these on the basis of empirical examples. While acknowledging that further work is needed in order to provide a clearer

picture of Restorative Justice and Islam—studies in feminism, for example—Ammar’s analysis leads her to optimistic conclusions. In both theory and practice, she concludes, Islam offers the basic elements on which fully restorative measures can be grounded.

Drawing largely on classical developments in Hinduism, Ron Neufeldt examines the potential contribution of Hinduism to Restorative Justice. He deftly explores the evidence provided by Hindu religious-legal literature—the *Manāva Dharma-sāstra* (*Laws of Manu*) in particular. Acknowledging that the legal tradition in present-day India was, like that of Israel, adopted from the British tradition, he nonetheless finds insights in *dharma* literature that are particularly relevant to criminal justice issues. *Dharma*, of course, is one of the most comprehensive terms in Sanskrit literature and includes such meanings as ‘Sacred Law,’ ‘duty,’ ‘justice,’ and ‘religious merit.’ In speaking of *dharma*, therefore, Neufeldt casts his net wide by including not only the classical religious-legal system, but the religious sensibilities of present-day Hindus. In short, the world is not a random product of diverse, fortuitous elements, but an objective order of which the spiritual and social realities are vital expressions. Set within this context, Neufeldt examines such critical issues as caste system and society, *karma* and punishment, crime and punishment, and penance.

Significantly, Neufeldt describes the classical system of Hindu justice as essentially retributive. This, he points out, is the primary meaning of justice in *The Laws of Manu* and is largely motivated by the desire for deterrence. Yet for all that, he finds a concern for restoration in two senses: temporal redemption and ultimate, spiritual redemption. Penance is a key. It is a central principle in Hinduism, he explains, and was prescribed by religious authority in much the same fashion as were judicial penalties. Though sometimes violent and brutal, penances have the function of expiating for even the most heinous crimes. They have the potential, he argues, for liberating and restoring individuals. In this light, penance is seen as an attempt at reparation and restoration; on one level it is an attempt to restore the social order, while at the same time restoring the offender to his or her place in that order. As well, penance is intended to reharmonize the offender with the eternal order of being. Turning, in his concluding reflections, to Mahatma Gandhi, Neufeldt highlights Gandhi’s new understanding of *dharma*: “One’s dharma is to seek for and practice the truth of all religions [and] this truth is nonviolence and selfless service to all humankind [for] we are all children of god.”

The Buddhist perspective on crime and punishment reveals striking similarities with the major thrust of Restorative Justice, although as David Loy explains, Buddhism is not a monolithic worldview. While there is no *one* Buddhism, central principles about the nature of humanity link the various historical and cultural traditions: all persons have within themselves the same ultimate authentic Self, the Buddha-nature; our pain and unhappiness is caused by our craving and self-delusion; but by following the Noble Eightfold Path—which includes, among its steps, right understanding, right aspiration, right conduct, and right concentration—reform and peace is possible for all. Thus our intentions are a key to ‘enlightened’ living, for human beings are ultimately the result of their own deeds and thoughts. Alluding at one point to the Jewish and Christian traditions, Loy explains that we are not so much punished *for* our sins, as *by* them. Liberation from them is a personal matter. Non-violence in all things is a central stance; not so much because of Buddhism’s seeming concern with otherworldly considerations, but because of its critical psychological insight that violence breeds further violence. Hence Buddhism rejects retribution and vengeance in favor of compassion. Loy draws upon the system of punishments typical of the Buddhist monastic community (*sangha*) to illustrate how these principles actually function. The community focuses on creating situations that help the offender recognize and reflect upon the offense in order to overcome the mental tendencies that produced it. Building self-esteem is a major part of the process of accepting responsibility for all actions.

Having reviewed the Buddhist approach to restoration in monastic communities, Loy turns his attention to Tibetan justice in order to explain how Buddhist principles can function in what he calls ‘lay society’. Strictly speaking, of course, Buddhist Tibet is not a secular society, although Tibetan officials were careful to distinguish between religious beliefs and secular legal views. For all that, however, “Tibetan culture was permeated with a spiritual mentality, and the moral standards of the Buddha and his *vinaya* [compendium of monastic rules] influenced every part of the legal system.” By contrast with Western justice systems, Buddhism does not ask what ‘the reasonable man’ would do under certain circumstances; it asks instead what ‘the moral person exercising self-control’ would do. In short, the Buddhist approach to dealing with offenses derives from what has been called its ‘legal cosmology,’ namely the meditative insights into the nature of Reality and Being, and the cultural traditions which gave expression to them. For Buddhism, justice grows

out of mercy. In concluding, Loy draws striking comparisons with Western traditions, pointing out, for example, that so-called secular societies have replaced 'Buddha' and 'God' with the State. What he calls the "sharp conflict" between Buddhist justice and state justice highlights the contradictory paradigms held by divergent cultures about what constitutes the just society.

In contrast with the retributive nature of the inexorable law of *karma* in Indian religious traditions, *karma* in Sikh doctrine undergoes a radical change. Sikhs acknowledge the primacy of divine grace over *karma*. As Pashaura Singh argues in his chapter "Sikhism and Restorative Justice: Theory and Practice," this is of crucial importance, for "it stresses the values of mercy, forgiveness, compassion and benevolence in the justice process." Here Singh traces Sikh teachings relevant to Restorative Justice, beginning with an examination of key principles enunciated in the *Adi Granth*, the Sikh sacred scriptures, and concluding with an analysis of the acclaimed *Zafarnama*, or Letter of Victory. Significantly, Pashaura Singh's reading strongly suggests that the restorative perspective provides the basic unity of the *Zafarnama*.

Sikhs themselves, he points out, "have always been preoccupied with the understanding of the spiritual roots . . . of justice, dignity, and fearlessness;" and the *Zafarnama* bears poignant witness to Guru Gobind Singh's reputation for reconciliation and his vision of divine justice. In obedience to the Divine Being, who is merciful, the faithful follower is enjoined to pursue peaceful means of negotiation. In the life and tradition of spirituality, as Pashaura Singh emphasizes, forgiveness (*khima*) is a pre-eminent virtue. It is the basis for true happiness and contentment, and is itself a spiritual source. By contrast, the cause of one's separation both from God and fellow human beings lies in self-centeredness (*haumai*); this self-centeredness is the source of the five primary vices (lust, anger, covetousness, attachment to worldly things, and pride), and is the principal obstacle to forgiveness. In exploring the Sikhs' moral and spiritual universe—an objective, divine order—Pashaura Singh draws as well on current Restorative Justice theory. In Sikh tradition, he insists, penance (*tanakhah*) is a practical means for achieving restoration. He highlights special features with reference to the *Khalsa* and the standard manual known as the Sikh *Rahit Maryada*. Finally, he recounts his personal experience of the process: the controversial case of his being summoned before the "Supreme Court" (*Akhal Takhat*) in Amritsar. His University of Toronto doctoral dissertation had triggered charges of blasphemy, and he had been called

to account. His personal case study provides graphic occasion for explaining the process and tensions in the Sikh judicial system, and for pointing up the absence in Sikh penance of integrative shaming, contempt, or humiliation. Ultimately, however, such Sikh principles as tolerance, forgiveness, and reconciliation offer promise of restorative approaches to criminal law despite gaps between theory and practice.

This disjuncture is equally true in contemporary China, whose justice system strikes the foreign observer as both brutal and repressive. Reports in the international press are rife with descriptions of 'police state' repressions and 'harsh justice' for everything from petty theft, to embezzlement and political activism. Certainly, the Western media highlight the lengthy prison sentences and 'frequent' public executions meted out by a system that is consistently seen to abuse human rights. Recent dialogues between systems, cultures, and traditions may hint at the possibility of restorative changes. For example, in what has been touted as "the first time an official correctional delegation had visited China," Canadian officials visited Beijing in June 1998 in order to exchange information on their respective systems.⁴⁰ The Correctional Service of Canada, of course, has long been making strong commitments to Restorative Justice. Now they sent senior delegates, including the warden of William Head Medium Security Institution, to visit the Beijing Maximum Security Prison and the Beijing Juvenile Reformatory; they met with officials from the Chinese Prison Society, the China Bureau of Prisons, and a community-based mediation committee.

In September 1998 members of the China Prison Society, an organization that conducts research in penology and criminology, and makes recommendations to the Bureau of Prisons, visited the West Coast of Canada as part of a program funded in part by the Canadian International Development Agency.⁴¹ While in Canada, the Chinese delegation visited William Head Institution where inmates of the "Native Brotherhood honoured the guests with a spontaneous Aboriginal drumming welcome to their Native Spiritual area nestled between the Sweat Lodge and the Native Carving Shed." This was the prison whose inmates had in January 1999 launched the first inmate-initiated and inmate-organized community symposium on "Restorative Justice and Serious Crime" and who in November that year ran a sequel on "Forgiveness and Reintegration." Ironically, what the Chinese delegates might have learned about Restorative Justice in the Canadian system, is actually rooted in their own indigenous culture.

As Edwin Hui and Kaijun Geng explain in “The Spirit and Practice of Restorative Justice in Chinese Culture,” ancient classical sources reveal reconciliatory, transformative roots. Choosing among a wealth of Chinese religions ranging from animism to classical philosophy, their chapter explores early sources of Chinese thought. They find these sources in Confucian, Taoist, and Moist theories of human nature, as well as selected aspects of Chinese legal practice prior to the twentieth century consonant with Restorative Justice.

Drawing on the Analects of Confucius, Hui and Geng focus on the concept of *Ren*, a principle variously rendered as ‘benevolence,’ ‘humanity,’ ‘charity,’ and ‘altruism.’ By inference, they argue, Confucius (551–478 B.C.E.) taught love as the regulating principle in human relationships. His five Cardinal Virtues—benevolence, moral excellence, propriety, practical wisdom, and good faith—are perhaps best summarized as Reciprocity or Considerateness. The latter is a precursor of the Categorical Imperative, or Golden Rule of Western philosophy. The implications of this for Restorative Justice are clear. As Hui and Geng explain, human nature in this system is essentially good; yet evil and wrong-doing arise from both personal weakness and social influence. Significantly, ‘criminal’ behavior results as well from faulty moral cultivation or from a person’s inability to ward off temptation and curb desires. Confucianism, they point out, prefers a restorative approach to conflict resolution and recognizes that the first victims in criminal offenses are actually the offenders themselves. This is because the person acting without *Ren* (charity, benevolence) defiles his very nature. Closely linked to this concept is *Li* (propriety, virtue). Understood as the ideal for interpersonal relations in civil society, *Li* becomes the goal to which the wrongdoer is directed during the process of restoration. Thus, they explain, “when an offender is rehabilitated to values of *Li*, he finds himself identified with the dignity and value of his tradition and culture.”

As distinct from this humanistic school of thought, Taoism bears witness to the metaphysical roots of justice and reconciliation. Taoism recognizes a fundamental principle operative in the cosmos: *Tao* (the ‘way,’ ‘the road,’ or ‘the road in which the Universe moves’). *Tao* is both transcendent existence and its immanence in the world; it is both the ultimate Ground of Being and its spontaneous expression. This all-permeating principle operates both in the cosmos and in society, though without interfering with either. Taoism is a reasoned quietism. Taoist theory presupposes human

nature as essentially reasonable, harmonious, and good, and therefore regards the primary cause of crime as disobedience to *Tao*. A second cause of crime lies in any social order or system which distorts the essential goodness of humankind. Indeed, for Taoism the world itself constitutes an ethical danger by triggering our desires and seducing us from the 'path.' In this light, crime makes victims of all parties to a conflict, thus harming the whole community. In returning the offender to the 'path', adherents of the tradition hearken to one of many ethical maxims of the *Tao-The King of Lao-tse* (b. 604 B.C.E.), our primary source of knowledge of Taoism: "Recompense injury with kindness." This alone seems to anticipate restorative processes. Punishment, by inference, only exacerbates the problem.

Perhaps the most 'religious' of all the Chinese schools of philosophy, according to Hui and Geng, is the Moist school. Founded by Mozi (470–438 B.C.E.), it is rooted in the concept of an absolute, personal, and transcendent 'Heaven.' Yet its motivation is strikingly utilitarian in finding the solution to evil and wrongdoing in universal love and mutual benefit. Though at first glance crime is a result of disobeying the laws and norms of society, it in fact results from disobedience to the will of Heaven. Against these backgrounds, Hui and Geng allude briefly to the Legalist School of Chinese jurisprudence as practiced during the notorious Qin Dynasty (221–206 B.C.E.). Ruling by terror and repression, the Qin Dynasty enforced harsh social control, until it was itself eventually overthrown by revolution. Political caution likely prevented the authors' consideration of more recent history. Yet while Hui and Geng confess that neither Confucianism, Taoism, nor Moism ever managed to influence Chinese legal systems, they remain encouraged by the potential of classical Chinese thought to endorse Restorative Justice principles.

The history of religious thought and practice has demonstrated just how often faith groups get off track despite their inherent principles of reconciliation, forgiveness, and love. Indeed, interdisciplinary research continues to investigate the complex relationships between religion and violence; it does so not only in order to understand them, but to change them.⁴² The writers of this volume, however, have engaged in rediscovering spiritual truths which political powers and structures had purloined and distorted—or merely forgotten. These initiatives of 're-appropriation' and 're-visioning' have opened up the discourse to new possibilities of healing by returning us to the texts and the salvific experience to which they attest.

Of course, religious texts are meant to be experienced, rather than merely grasped by the intellect. The same is true for religious traditions. Only by living these texts and traditions 'in spirit and in truth' can one actualize the wisdom they profess. The 'reappropriation' or 're-visioning' discussed in this volume suggest as much. As we have seen in the example of criminal justice, however, grave disparities have often separated theory from practice, while political expediency has often overridden a well-grounded faith. They continue to do so. As Aboriginals express it, to be effective witnesses to inherited wisdom one must ultimately 'walk the talk.'

Walking the talk, of course, poses a special challenge to faith groups and individuals in multicultural, pluralistic societies. One of the most notable attempts at addressing such issues occurred at the first World's Parliament of Religions, convened at Chicago in 1893. The Parliament "anticipated in unexpected fashion the religious pluralism that would become an increasing reality a century later."⁴³ Organized by Christian denominations in the USA, it included Hindu, Buddhist, Shinto, and Confucian observers. It was by all accounts a liberal quest for worldwide religious unity to deal with an emerging global society. It ultimately failed because the God of the organizers proved not to be the God of the Asian traditions.

Writing over sixty years later, when the implications of globalization were much clearer, Dutch theologian Hendrik Kraemer glimpsed 'the coming dialogue' of converging world cultures and world religions; he saw the "process of mutual influence, interpenetration and permeation [as] one of the cardinal events of our time."⁴⁴ His anticipation of what he called 'world-civilization' was in many respects prophetic despite his obvious anxiety about the outcome. Certainly, an international ecumenical gathering almost twenty years later in 1977 at Chiang Mai, Thailand, sought some comfort in the face of perceived encroachments of globalization; delegates did so by rejecting the term 'world-community' in favour of the expression 'worldwide community.' This at least seemed to hold cultural homogenization at bay, while endorsing the value of a person's commitment to one particular, historical faith. Fears of pluralism and relativism seemed to urge the view that "without a sense of direction, pilgrims are liable to become mere wanderers."⁴⁵ In retrospect this seems to have been little better than circling the wagons in order to ward off attack. It is becoming increasingly clear, however, that much more is required if one is to grasp the challenge of globalism and achieve genuine pluralism.

Globalization today is simply a fact of life. Scarcely any aspect of culture is left untouched by it. Yet the success or failure of dealing creatively with this phenomenon depends in large measure not only on how one defines multiculturalism and pluralism, but more particularly on how one experiences them and lives in them. Diana L. Eck's *Encountering God: A Spiritual Journey from Bozeman to Banares* sets out important signposts for our practical understanding of the venture. Her insightful book offers remarkable testimony to our participation in each other's history, as well as to what she calls our 'religious interdependence.' Pluralism, she points out, has been widely used as a synonym for a diversity of terms such as plurality, relativism, syncretism, subjectivism, multiculturalism, and globalism, to mention but a few.⁴⁶ Of course, it is none of these. Unlike plurality, she wrote, pluralism demands our active engagement with each other. Pluralism calls us to seek to understand our neighbors and not simply to demand tolerance or merely condone another's presence. Unlike relativism, pluralism involves real commitment to one's own well-grounded faith; unlike syncretism, it respects difference. Finally, pluralism is based on interreligious dialogue, a dialogue of real encounter.

Given the many mansions of the spirit, as an Anglican bishop wisely insists, our spiritual well-being requires from us a 'grounded openness' to our multicultural, pluralistic world. This he defines as "a posture of discernment, of critical and discriminating participation in the possibility of grace within the unfamiliar."⁴⁷ If this holds for religious pluralism, it holds as well for the dialogue between religion and the criminal justice system. At issue here are value systems that provide both the context and the dynamics for integrating individuals into community: for healing, for forgiving and reconciling; for nurturing and fostering responsibility; for restoring individual dignity and peace.

The "Spiritual Roots" project from which this volume grew reflects our attempt to dwell in the mansions of the spirit and to effect a real encounter. As a first interdisciplinary step in multi-faith reflection on criminal justice issues, it engaged the wisdom of community professionals and university scholars in close dialogue and mutual critique, and focused on both the intellectual and the experiential dimensions of human understanding. The resultant synergy has confirmed what participants suspected at the earliest stages: the conviction that multi-faith engagement can make vital contributions to criminal justice reform; and the hope that we might act as a catalyst in the creation of ongoing international and

interdisciplinary research. As writer and broadcaster David Cayley reminds us in his recent omnibus study of crime and punishment, “moral commitment is too precious not to be put in the service of reality.”⁴⁸

Notes

1. Transliteration according to translators Sidney Monas (*Crime and Punishment*, 1968) and Constance Garnett (*The Brothers Karamazov*, 1957) in *The New American Library* (Signet). *The Cambridge Biographical Encyclopedia* (1994), ed. David Crystal, also lists Dostoevsky.

2. The term ‘religion’ is used in a generic sense according to the standard practice of Religious Studies. See, for example, Wilfred Cantwell Smith, “Philosophia as one of the Religious Traditions of Humankind,” in his *Modern Culture from a Comparative Perspective*, 19–49. He points out, for example, that what makes a tradition religious does not lie within itself, “but in the orientation that persons have to them” (31).

3. The retreat was funded as a Summer Institute under the terms of the Social Sciences and Humanities Research Council of Canada, together with a number of partner institutions mentioned in the Acknowledgements.

4. Wentzel van Huyssteen, *Duet or Duel? Theology and Science in a Postmodern World*. The 1998 Diocese of British Columbia John Albert Hall Lectures, Harrisburg, Pennsylvania: Trinity Press International, 1998, 5.

5. Mark S. Umbreit and Robert B. Coates, “Multi-Cultural Implications Of Restorative Justice,” 13. See also, “The Faith Community,” in *Full Circle: Newsletter of the Restorative Justice Institute*, Vol. 2, Issue 2 (April 1998), 1–2.

6. Harvey Cox, “The Myth of the Twentieth Century: The Rise and Fall of ‘Secularization’,” in Gregory Baum, ed., *The Twentieth Century: A Theological Overview*, Maryknoll, N.Y.: Orbis, 1999, 135–143. See: “. . . that what we are witnessing is *neither* secularization *nor* its opposite (‘resacralization’). Rather, it is a fascinating *transformation of religion*. . . .” (139)

7. David Loy, “The Religion of the Market,” 275–289.

8. Nils Christie, *Crime Control as Industry*, (1994).

9. Vern Redekop, *Scapegoats, the Bible and Criminal Justice*, 3.

10. Jerold S. Auerbach, *Justice without Law?*, 9. Cited in Howard Zehr, *Changing Lenses*, (1995), 121.