The place of confession in restorative justice

Janet P. Schmidt

Restorative justice views harm as a violation of people and relationships. Harm creates obligations to make things right. Restorative justice involves the victim, the offender, and the larger community in a search for solutions that promote responsibility, repair, reconciliation, and reassurance that things will change.[1] Confession is an integral part of restorative justice and is often viewed as the first step.

In the Bible, the word "confession" is used to describe a person's declaration of belief in God or Jesus (John 12:42, Rom. 10:9) or to name one's sin (Matt. 3:6), evil deeds (Acts 19:18), iniquity (Ps. 38:18), wickedness (Lev. 16:21), and transgressions (Ps. 32:5). In the context of restorative justice, confession is admitting that one's actions have harmed others.

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Harm leads to broken relationships. Restorative justice seeks to heal broken relationships. Healing happens, in part, when we name (confess) our harmful actions and inactions. Confession includes taking full responsibility not only for our intentions but for the effects of our actions, intended and unintended. Confession includes apologising, expressing our heartfelt regret at what we have done. If harm is done in public, confession must be in public, to address the needs of the larger community. After we confess, we may request—not demand—forgiveness. In restorative justice, confession is often followed by a plan to deal with the problematic behaviour patterns and with restitution, in the form of symbols or tangible acts.

The clear acknowledgement of wrongdoing is good not only for others but for the one confessing. Confession helps others heal

from our hurtful actions; it also helps relieve our guilt for our hurtful actions. Confession repairs the damage we do to our own spirit when we hurt others. And ultimately, confession has the potential to re-establish and even strengthen broken relationships.

Intentional harm

Many view sin as intentional harm of another person, by our actions (commission) or by our refusal to act (omission). When we intentionally hurt another, confession is clearly needed. When our relationship with God is broken, it is clear who is responsible and therefore who needs to confess wrongdoing. When we direct our anger at an innocent bystander, it is obvious that we have inflicted harm and that we need to initiate the process of healing by way of a confession.

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Even when we recognise we are completely in the wrong, we are often tempted to side-step confession. Instead of naming and acknowledging our actions, we find it easier to hope they were not noticed, and to offer a gift or be extra pleasant to the other person. These Band-Aid responses rarely address the psychological needs of the person who has been hurt, and she will often see such actions as minimising what has happened. What is even more problematic, this solution does not address the reason we committed the harm, and as a result we are likely to repeat the behaviour.

Confession for intentional sin is a widely accepted teaching in the Christian church. We claim we practice it. The fruit of restorative justice is healthy, dynamic relationships, churches and homes where relationships are open and transparent, strong and supportive. Yet, few of us have experienced the fruits of the ongoing practice of restorative justice. Well-integrated restorative justice practices in our churches and homes would make them beacons of light to the rest of the world where people are carrying the burden and scars of broken relationships. Instead, the prevalence of broken relationships within our Christian communities suggests that a part of confession and restorative justice eludes us.

A story

Pat is the moderator of a church and Chris is the pastor. During a church council meeting Chris suggests, for the fourth time in a year, that the church should get involved in a rigorous community outreach initiative. Pat does not respond to the suggestion and moves on to the next agenda item. Everyone in the council hears Pat's sigh and notices that Pat's voice becomes louder and more abrupt. Pat's arms fold. Chris feels silenced and dismissed. The meeting proceeds uneventfully, although all present note that Chris is contributing little. When Pat arrives home, the phone rings. Chris is clearly angry and refers to Pat as "controlling," "abusing your power," and openly asks, "Pat, how am I to understand your commitment to Christ, given your unwillingness to discuss the outreach initiative?"

Where does confession fit in a messy situation like this? Pat and Chris are both hurt because of the other's actions and are experiencing the breaking of a relationship. Possible responses in this situation are: Chris confesses, Pat confesses, both Chris and Pat confess, neither confesses. Usually, our harmful actions or inactions happen in a context. Usually, the context involves our belief that we have been wronged first. We live in a world that characterises people as good and evil, right and wrong. Unfortunately, real life is rarely, if ever, that clear. Herein lies the challenge of confession and restorative justice.

Harm that is justified

Joseph Kuypers, in *Man's Will to Hurt,* explores causes of violence in our society and identifies a pervasive belief that if one person hurts another, some form of retaliation is required, is justified.[2] Retributive justice focuses on righting the situation with punishment to balance the harm caused. For many it follows that if a retaliatory action is justified, confession is not necessary.

Both Chris and Pat could justify their actions. Chris feels embarrassed because of the way Pat acted at the church council meeting and believes Pat needs to be confronted for that behaviour and for refusing to discuss an outreach program. Pat feels upset that Chris caused a difficult situation during the church council meeting when the agenda was not cleared ahead of time and should have come from the outreach committee. Pat could

easily call some members of the church council and tell them that Chris called in anger and questioned Pat's commitment to Christ. Despite their self-justifications, both Chris and Pat have harmed each other, some of the harm happened in public, and their relationship is damaged.

In restorative justice all involved must take total responsibility for the harm they have perpetrated. For a Christian, nothing justifies harm done to another person (Rom. 12:17–21). Our need to confess is separate from another person's actions.

If Chris or Pat each focus on justifying their own behaviour, the situation is likely to escalate. They may not talk with each other at all. If either does initiate conversation, it will probably focus on the other person's wrong rather than on taking full responsibility for one's own actions. If one does confess, while nursing feelings of self-justification, the feeble apology may be "bait" for the other person's confession. Any of these strategies may well result in the situation deteriorating.

In restorative justice all involved must take total responsibility for the harm they have perpetrated. For a Christian, nothing justifies harm done to another person (Rom. 12:17–21). Our need to confess is separate from another person's actions. Harm is never justified, and if harm is the result of my actions, I am called to confess.

Unintentional harm

A common challenge in situations like the event at the church council meeting is the interaction between our words, tone, and body language. Communications researcher Albert Mehrabian identifies how these forms of communication are usually received: words, 7 percent; tone, 38 percent; body language, 55 percent.[3] The person giving the message is aware of his words and has varying degrees of awareness of his tone and body language. The person receiving the message will hear the words within the context of the tone and body language. Pat is probably unaware of the sigh, tone, and body language. Pat is responding to a stressful situation in which Pat experiences the pastor as trying to railroad an agenda item. Pat has no idea that Chris experiences Pat's unspoken communication as demeaning. Pat views Chris's subsequent silence in the meeting as mild embarrassment. Pat is unaware that Chris has been hurt by Pat's actions.

Harassment in the Workplace: Management Awareness, a video on establishing respectful workplaces, states that an employee's actions will be judged by the effect—not the intention—of those actions.[4] Harassment policies stipulate that if the person should have understood that her actions would result in discomfort, she is guilty of harassment. This insight is essential: the effect of our actions, not our intentions, defines our relationships.

The challenge is twofold. First, we are often unaware that our actions have hurt others. Second, many of us believe that if our actions were not intended to hurt, we have no responsibility to address the situation, because the problem lies in the other person's misunderstanding of our actions. While sometimes others do misunderstand our intentions, often we lack insight into how our behaviour needs transformation.

Jesus challenges us: "If you are presenting your offering at the altar, and there remember that your brother has something against you, leave your offering there before the altar, and go your way, first be reconciled to your brother, and then come and present your offering" (Matt. 5:23–24). Jesus urges us to take initiative when we feel something is wrong with a relationship. The new teaching is that we should take the initiative, whether or not we feel responsible for the breach.

Living restorative justice also means we are proactive in maintaining good relationships, sensitive to negative changes in relationships and open to hearing and confessing when we have unintentionally hurt others.

When Pat realises that the tone and body language hurt Chris, and that others noticed, Pat has something to confess. Pat should not only express regret to Chris but also at the next council meeting. If no one talks to Pat about the behaviour, Pat will inadvertently continue to harm others. Pat needs to learn how to deal with the stress of difficult situations so that others are not hurt.

Chris needs to take responsibility for the phone call, to realize that the words arose from anger and hurt, and that such challenges do not help build strong churches. Speaking to others about how their actions have had a negative impact is often helpful, but accusing people and and passing judgment on their intentions is wrong. To question another's commitment to Christ because of a disagreement is indefensible.

Months earlier, the council, including Chris, agreed to Pat's request that major agenda items be submitted before the meeting so Pat could integrate them into a realistic agenda. Yet Chris has proceeded to act as though pastors are exempt from this protocol. Chris should confess this presumption. Chris also needs to examine the impulse to side-step the outreach committee, and face the fact that bypassing the church's organizational structures undermines its health. Chris should ask that the church council address the structural problems so solutions can be found.

If Pat and Chris confess their unhelpful actions at the next meeting, and they and the council take steps to prevent a recurrence, the positive impact will strengthen relationships there and in the church as a whole. Confession can result in personal, relational, and structural transformation. The learning that occurs in these settings makes us more aware of how our lives intersect, and we move from an individualistic to an interconnected focus.

Restorative justice calls us to be in good relationship. When our actions, intentional or unintentional, result in harm and broken relationships, we are called to respond. Living restorative justice means we do not justify our actions that have caused harm to others. Instead we confess them without expecting anything in return. Living restorative justice also means we are proactive in maintaining good relationships, sensitive to negative changes in relationships and open to hearing and confessing when we have unintentionally hurt others.

Notes

[1] Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottdale: Herald Pr., 1990), 181.
[2] Joseph A. Kuypers, *Man's Will to Hurt: Investigating the Causes, Supports, and Varieties of His Violence* (Halifax: Fernwood Publishing, 1992), 96–100.
[3] Albert Mehrabian, *Nonverbal Communication* (Chicago: Aldine Atherton, 1972), 182.
[4] Workplace Harassment Series, *Harassment in the Workplace: Management Awareness* ([Chatsworth, Calif.]: AIMS Multimedia, 1999).

About the author

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