

## Christian Care for the Victims of Crime

Christopher D. Marshall\*

In biblical and Jewish tradition, care for the poor and weak – for those in situations of extreme need or vulnerability, such as widows and orphans, immigrants and prisoners, the sick and the destitute – is one of the primary obligations laid on God's people. The biblical writers repeatedly declare God's unwavering concern for the poor, and God's insistence that those on the margins of the covenant community be afforded special provision and protection. An aspiration for what we call “social justice” permeates biblical law, and its neglect by those in positions of authority provokes enraged protests from the Hebrew prophets.<sup>1</sup>

The obligation to care for the needy also pervades the New Testament. If anything the emphasis is heightened. Not only does Jesus add to the *Shema* (Deut 6:4-5) an obscure verse from Leviticus about “love of neighbour” (Lev 19:18) to characterise the goal and fulfilment of God's law,<sup>2</sup> he radically expands the scope of neighbour-love. Those outside the covenant community, including even national enemies,<sup>3</sup> as well as the most disreputable elements within the community, such as tax collectors, prostitutes and sinners,<sup>4</sup> are counted as neighbours to whom the duty of love is owed. Jesus even suggests that how we respond to the most desperate and the disadvantaged of our neighbours will serve as a criterion of eschatological judgment. “For as much as you have

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<sup>1</sup> For biblical references and commentary, see C.D. Marshall, *Crowned with Glory and Honor: Human Rights in the Biblical Tradition* (Telford Pa: Pandora Press, 2002), 68-86.

<sup>2</sup> Mark 12:28-34; Matt 22:34-35; Luke 10:25-26, cf. also Rom 13:9-10; Matt 7:12; Luke 6:31. Jesus is the only one in Jewish tradition specifically to link or juxtapose these two OT commandments. Sometimes Lev 19:18 was quoted as summarizing the Law and sometimes the thought of loving God and neighbour was expressed. But the uniting of these two commandments is only attested in the gospels, where it serves to generate new meanings. Love of neighbour now becomes inseparable from love of God. See further M. W. Patrick, “Understanding the ‘Understanding Distance’ Today: The Love Command of Jesus”, in L.D. Richesin & L. D. Bouchard, *Interpreting Disciples. Practical Theology in the Disciples of Christ* (Fort Worth: Texas University Press, 1987), 101-29.

<sup>3</sup> In the OT, “neighbour” usually designates fellow members of the covenant community, although resident aliens are also owed love and respect (Deut 10:18-19; Lev 19:33). Later Jewish tradition included proselytes in the classification of neighbour. But Jesus universalised the category to include Samaritans and even Gentile enemies (Matt 5:43-44; Luke 6:35; Luke 10:29-37)

<sup>4</sup> Jesus was notorious as a “friend of tax collectors and sinners”, e.g., Mark 2:15-17/Matt 2:13-17/Luke 5:27-32; Matt 11:19; Luke 15:1-2; 19:1-10

done it to one of the least of these my brothers and sisters”, Jesus declares, “you have done it to me”.<sup>5</sup>

It is important to note that the standard here is not that of *feeling* care for the needy but of *doing* care – clothing the naked, feeding the hungry, welcoming the stranger, visiting the prisoner, and so on. On a similar note Jesus' most famous parable on the ethics of care – the Parable of the Good Samaritan – ends with the injunction: “Go and *do* likewise”.<sup>6</sup> Interestingly this parable describes varying responses to a victim of serious crime. The Samaritan demonstrates the meaning of neighbour-love when, contrary to his cultural instincts, he acts to rescue and restore the Jewish recipient of a vicious beating. By contrast the two religious characters in the story – the priest and the Levite – put concerns about ritual purity above their social responsibility to care for victims of injustice. The story concludes with Jesus telling the lawyer, who approached him with a question about the real intent of the law, to emulate the actions of a hated foreigner towards a crime victim rather than espouse the piety of religious professionals in his own community. Practical care for the needs of victims, the lawyer learns, is a better measure of the law’s true purpose than is devotion to ceremonial holiness.

The lesson remains applicable today. In many ways the religious community still struggles to respond appropriately to the plight of victims of crime, and the legal community still has much to learn.

#### Victims and the Church

Attending to the needs of victims is never easy. This is partly because victims make us feel anxious and unsure. We all need to believe that the world is a safe and predictable place, that we have some measure of control over our lives. But the randomness of crime challenges that perception. Victims remind us of our vulnerability and insecurity. In witnessing their suffering, doubts arise about our own safety. Victims frighten us. This accounts for the widespread tendency to blame victims, especially rape victims, for their predicament. If we can explain the victim’s experience in terms of their own foolishness, we reassure ourselves that it might never happen to us – so long as we avoid their mistakes.

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<sup>5</sup> Matthew 25:31-46

<sup>6</sup> Luke 10:37

Because victims evoke such anxieties in others, we try to keep them at a distance. This is why, despite outpourings of vicarious rage on their behalf in the media, victims typically feel isolated and alone. One might hope that things are different for *Christian* victims, since the church strives to be a place of hospitality and support. But this is not always the case. In fact, in some ways victims constitute an even more threatening presence in the religious community than they do in the wider community. For the stark reality of their victimisation raises profoundly unsettling questions about Christian faith – questions about the origins of evil and God's presumed control of the world, about the arbitrariness of suffering and the effectiveness of prayer, about the value of spiritual commitment when God seems to fail those who trust in him. The inadequacy of stock Christian answers to such questions is threateningly exposed by the hard facts of the victim's experience.

In their shattered state, victims don't easily feel at home in polite Christian company. Nor do other believers find their presence very edifying! Many are uneasy with "the coarse, unedited feelings that spew from deep inside the one who has been victimised - the pain, anger, despair, grief, and desire for revenge".<sup>7</sup> Such raw emotions are hard to hear, and trite responses are common. As Howard Zehr observes:

The Church should be a place of refuge, but often we have not known how to listen, how to be present to victims. We have told them that their anger is wrong, that they need to move on, to forgive, to forget. We have denied them their right to mourn and instead have laid new burdens on them. All this is understandable – as part of our effort to distance ourselves from pain and vulnerability – but not at all helpful<sup>8</sup>

If the Christian community is to be more helpful, two things are needed. One is a recognition of how alienating to victims our natural coping mechanisms of detachment, blame and superficial pleasantries really are, and how detrimental the pat theological answers we give. The other requirement is a much fuller understanding of the distinctive needs and experiences of crime victims (including their need to lament, something alien

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<sup>7</sup> L. Barnes Lampman & M. D. Shattuck, "Finding God in the Wake of Crime: Answers to Hard Questions", in idem, *God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness* (Grand Rapids: Wm B. Eerdmans, 1999), 6.

<sup>8</sup> H. Zehr, "Restoring Justice," in Lampman & Shattuck, *God and the Victim*, 151.

to the blandness of so much contemporary worship).<sup>9</sup> The precise configuration of these needs will, of course, vary from person to person and from offence to offence. But research shows that victims experience many common reactions and have many similar struggles. The trauma of victimisation upsets the normal physical, emotional, mental, social and spiritual equilibrium by which people live their lives, and can cause acute problems in each of these areas. The American Christian organisation “Neighbours Who Care” has identified nine categories where victims require support:<sup>10</sup>

- *Physical Problems:* Including bodily injuries, nightmares, insomnia, extreme fatigue, impotence, weight loss or gain, and exaggerated “startle response”.
- *Mental Problems:* Including flashbacks, anxiety, memory loss, the struggle to make sense of what has happened and to get answers to questions.
- *Spiritual Problems:* Including a re-evaluation of religious beliefs, a loss of faith, a sense of guilt and self-blame.
- *Emotional Problems:* Including loneliness, depression, sadness, fear, self-pity, helplessness, a sense of purposelessness, a tendency to withdraw from people, or a drive to exact revenge on the culprit
- *Relational Problems:* Including reduced parenting skills, divorce, family violence, over-protectiveness, chemical dependency, and so on.
- *Financial Problems:* Including the costs of medical treatment, funerals, counselling, replacing lost property, meeting court costs, insurance costs etc.
- *Employment-Related Problems:* Ranging from an inability to concentrate at work to severe workaholism
- *Privacy Problems:* Either a loss of privacy due to intense media attention , or excessive feelings of isolation and aloneness from a lack of public interest.

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<sup>9</sup> On the place of lament in responding to crime and victimisation, see C.D. Marshall, “Crime, Crucifixion and the Forgotten Art of Lament,” *Reality* 9/49 (2002), 16-22.

<sup>10</sup> H. D. Trulear, “Go and Do Likewise: the Church’s Role in Caring for Crime Victims”, in Lampman & Shattuck , *God and the Victim*, 80-82.

- *Legal Problems:* Including the strain associated with judicial processes, unfamiliarity with criminal justice system, pain and shame at encountering the offender in court, resentment if the crime is not solved by the police, and so on.

Given such wide-ranging problems, the challenge is to provide the kind of services and resources that will help victims cope with their trauma, both in the immediate aftermath of the offence and over the long haul. Organisations like Victim Support, Rape Crisis, and Women's Refuges do excellent work in this respect, despite limited resources and volunteers. There is ample room for Christian involvement in such organisations, as well as for the development of church-based parallels.

But perhaps even more than practical support and a listening ear, what victims most need is *a sense of justice*. They want to know that the wrongs they have suffered have been acknowledged and that those responsible for them have been held to account. This allegedly is what the criminal justice system exists for. Yet too often victims' involvement in the justice system turns out to be a damaging, even re-victimising, ordeal.

#### Victims and the Justice System

Historically the Western criminal justice system has given scant attention to the needs of victims. The overwhelming emphasis has been on the punishment of offenders and the preservation of the state's interests. Victims are almost incidental to the judicial process since, technically speaking, the designated "victim" of the offence is the state, not the actual person injured. The role of the injured party is simply to give evidence on behalf of the prosecution. Furthermore the sanctions imposed on the criminal are not intended to help the victim but to uphold the rule of law and reinforce the state's authority. It should not be surprising, then, that when victims look to the formal justice system to deliver them a sense of justice, they are frequently disappointed. They often end up angry and bewildered, feeling that the system has cheated them of what they need most.

Public sensitivity to this problem has been heightened by the so-called "victims movement". The movement emerged in the U.S. some 30 years ago and has since spread around the world. One strand of the victims movement has been "needs-focused". It has concentrated on rendering practical and emotional support to victims as they deal with the consequences of the offence. Another strand has been "rights-focused". It has

agitated for institutional and legislative change to give victims specific legal rights, such as the right to be informed of their case, to participate in hearings, to be consulted about sentences, and even, in some American jurisdictions, to witness punishments.<sup>11</sup> In New Zealand the victims movement has certainly encouraged some positive changes. Victim advisers have been appointed in courts and new legislation, such as the Victims' Rights Act and changes to the Sentencing Act and the Parole Act, have given new entitlements and protections to victims.

Unfortunately, however, there is a temptation in the political arena to play the needs and rights of victims off against those of offenders. In the U.S., public sympathy for victims has been exploited by conservative "law and order" lobbyists as justification for the state coming down harder on offenders. In New Zealand too, rights-based groups, like Sensible Sentencing, tend to have a markedly punitive orientation, arguing for harsher penalties and the reduction of services to prisoners.

Yet it is a mistake to think that what is given to victims must be taken away from offenders. It need not be a "zero sum", "I win, you lose" kind of game. After all, one of the primary needs of victims is reassurance about their future safety – a guarantee against repetition – and the best way to provide this is by working to secure the transformation of offenders. It also needs to be remembered that many offenders offend as a direct result of their own prior victimisation, especially in childhood. They hurt others because they have first been hurt themselves. If, then, we are to deal effectively with their criminal offending, we must address their needs as past victims of human malice, neglect or brutality.

This leads to an important observation. As unwelcome as it may sound, what victims often need most, if they are to deal adequately with the destructive legacy of their experience, is direct engagement with the one who has offended against them. This is not widely recognised in the community, and many would deny it is true. But arguably the bitterest feature of victimisation is that victims are thrust, against their wills, into a profound relationship with the person who has harmed them. It is an uninvited, unhealthy, and deeply resented, relationship – but it is still a relationship, one born of the

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<sup>11</sup> On this, see H. Strang, "The Crime Victim Movement as a Force in Civil Society", in H. Strang and J. Braithwaite, *Restorative Justice and Civil Society* (Cambridge: Cambridge University Press, 2001), 69-82.

criminal event itself. As well as coping with the impact of the crime, victims also need to cope with the relational bond it has created with the offender.

### The Bond of Victimization

When one person intentionally injures another, both victim and perpetrator are unavoidably bound together by their common experience. Both are chained to the same transgression and its aftermath. One is bound by guilt and shame; the other by bitterness and pain. Because they are bound together to the event, victim and offender *need* each other to experience liberation and healing from the continuing thrall of the offence. If the offender is to change, he needs the victim to trigger or sharpen his contrition, to hear his confession, to acknowledge his guilt, and to affirm his ability to start afresh.

But the victim also needs the offender. To be the victim of some conscious malice or violation by another person can have a profound impact on the person's sense of self-worth and psychological well-being. The deeper the injury or the more violent the transgression, the greater the impact. Victims can feel debased, dishonoured, disrespected or shamed. They may become irritable or depressed, even suicidal. They can find their freedom constricted by fears and anxieties, by anger and bitterness, by hatred and resentment, not only for the offender but also for themselves (self-loathing and self-blaming are a common result of victimization). The pain of the offence or the person of the offender thus comes to exercise continuing power over the victim's entire life.

For this situation to change, the victim needs his or her relationship with the offender to be transformed. There are different ways this can happen, such as through counseling or cognitive therapy. But arguably the most effective way for it to happen is through *a direct encounter with the offender*. For, ironically, it is the person who has most deeply injured us who is most empowered to trigger restoration in us. Frequently, what victims most need is for their abuser to hear of their pain, to answer their questions, to absorb their resentment, and to accept their dignity. We might wish this were not so, and there will always be exceptions. But very often it is an inescapable component of the bond of victimization. Both parties are bound together by their co-participation in the criminal event, and hence both need each other to transform their relationship. Each holds the key to the other's liberation.

### Victims and Restorative Justice

This is where restorative justice has something special to offer. Restorative justice is a process whereby those who have been most affected by an incident of wrongdoing come together, in a safe and controlled environment (usually with trained facilitators), to name the wrong done, to describe how they have been personally affected by it, to speak about the material and emotional needs it has created, and to resolve together how best to repair the harm and to prevent recurrence.

From modest Mennonite origins in the early 1970s, restorative justice has grown into an international social movement for the promotion of collaborative and peacemaking approaches to conflict resolution. It has had an impact on judicial thought and practice in many countries, most notably in New Zealand. In 1989, New Zealand reorganised its youth justice system along restorative lines, becoming the first country in the world to incorporate restorative justice conferencing into national legislation, with very encouraging results. Little was done however to extend the same provision into the adult system. Then in 2001, a four year long restorative justice pilot scheme for serious adult offenders was launched by the government in four district courts around the country. In 2002, a major revision of the Sentencing and Parole Acts came into force. This legislation, while coming down harder on serious offenders, makes some remarkably explicit, and internationally unique, provisions for the employment of restorative justice mechanisms. The Ministry of Justice is currently working on policy guidelines to manage the relationship between the provision of community-based restorative justice services and the public justice system.

What then does restorative justice have to offer victims? A great deal. In fact, many would argue that restorative justice conferences between victims and offenders are better able than conventional court room processes to meet six crucial needs of victims of crime.

First, the restorative justice conference offers victims a *safe space* to speak of their experience. It is a place of both physical safety and of emotional safety, a place where victims can express their anger and fear without judgment, or blame, or scepticism. In the normal court process, the victim's story is often subject to hostile interrogation by defence lawyers, and must be narrated within strict legal parameters. Victims often feel neither safe nor sound.

Second, restorative conferences offer victims *validation and vindication*. Contrary to what most people believe, victims usually want vindication more than vengeance or even punishment. They want the wrong they have suffered to be acknowledged and their dignity to be affirmed. They want their offender to admit his or her responsibility for causing them harm, and to be reassured that they did not bring it on their own heads.

Thirdly, restorative justice conferences afford *victims answers to their questions*. Victims desperately want to know precisely what happened, and why it happened, and what the offender was thinking about at the time, and whether he will do it again. Victimization invariably raises such questions in the minds of those who have suffered, and answers to these questions are needed for them to restore order and coherence to their lives. Regular court hearings do not usually permit victims to ask all the questions they have.

Fourthly, restorative justice offers victims genuine *truth-telling*. Truthful speech is essential if justice is to be done. Conventional justice works on this basis as well, with the court system existing to establish the “truth, the whole truth, and nothing but the truth”. But, in practice, the truth in question is often limited to clarifying facts and establishing guilt. A narrow notion of legal truth supplants the fuller moral, spiritual and experiential truth surrounding crime — and even the legal truth is often obscured by technical language, plea bargaining, sharp lawyering, and legislative loopholes. Restorative justice, by contrast, seeks to make space for full truth-telling. Time is given for offenders and victims, and for their friends and supporters, to name the evil done, to describe how it has affected them, and to speak about the needs it has created. Truth-telling requires offenders to accept genuine responsibility for the harm they have caused and the obligation it brings to put things right. It also allows victims to be discharged of the self-blame and shame they so often suffer from.

Fifth, restorative justice grants *empowerment* to victims. Victimization itself is an experience of disempowerment on the one hand (a loss of control over one’s life) and of disconnection of the other (a loss of relatedness with other human beings). These feelings are often exacerbated by the court system. Victims can feel that the criminal justice system robs them of their experience, reinterprets it in foreign legal terminology, and turns it over to trained specialists to deal with. They are rendered spectators on their own pain. This is why research shows, all over the world, that crime victims often end up feeling as much hostility toward the judicial system as they do towards their own

offenders. By contrast, in restorative justice processes victims themselves are the central players. Victims are empowered by being fully involved in the disposition of their case. They understand what is taking place, and are able to participate in securing outcomes that meet their needs.

Finally, restorative justice offers victims *restitution or reparation*. Conferences usually aim to arrive at outcomes by which the offender agrees to make good, insofar as possible, the harm inflicted. Part of this restitution will be emotional (by way of explanation and apology) and part will be material (by way of financial recompense or practical help). But, whatever form it takes, restitution addresses a fundamental need of victims. As Howard Zehr puts it:

Restitution symbolizes a restoration of equity, and it states implicitly that someone else – not the victim – is responsible. It is a way of denouncing the wrong, absolving the victim, and saying who is responsible. Accordingly, restitution is about responsibility and meaning as much as or more than actual repayment of losses.<sup>12</sup>

These then are some of the ways in which restorative justice offers help and hope to victims of crime. Ill-informed critics sometimes claim that restorative justice is simply a way of being soft on offenders. But this is far from the case. Restorative justice is, first and foremost, a means of empowering victims to confront their abusers, with whom they have been locked into a prison house of pain and shame, and to do so in a way that holds them genuinely accountable for their actions and brings satisfaction to victims needs.

For that reason, restorative justice is one of the most promising recent developments in our legal system for furthering victims' rights, and deserves the full support, as well as ongoing critique,<sup>13</sup> from those dedicated to the plight of victims. It also deserves the full support of the Christian community, for restorative justice is profoundly compatible with Christian values and belief.<sup>14</sup> God's word to the religious community, as to the legal community, is still: "Go and do likewise".

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<sup>12</sup> Zehr, "Restoring Justice", 145

<sup>13</sup> For victims' criticisms of restorative justice, see H. Mika, M. Achilles *et al.*, *A Listening Project: Taking Victims and Their Advocates Seriously* (Akron Pa.: MCC Office on Crime and Justice, 2002)

<sup>14</sup> On this see C. D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime and Punishment* (Grand Rapids: Wm B. Eerdmans, 2001).

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*Dr Chris Marshall teaches New Testament at the Tyndale Graduate School of Theology in Auckland. He is also Chairman of the Waitakere Restorative Justice Community Group and actively involved in restorative justice conferencing.*