

FROM THE MINBAR

RESTORATIVE JUSTICE: A MUSLIM PERSPECTIVE (Part 1)

Khutbah delivered by Imam Dr. Zijad Delic at SNMC on December 16, 2011 corresponding to Muharram 20, 1433 H.

BACKGROUND

Indeed all praise is for God, Lord of the worlds. Peace and blessings of God be upon Muhammad (S), his family, Khulafai Rashidin, all his Companions, and all those who follow in their footsteps until the Last Day. All praise is for God! We praise Him. We seek His help and ask for His forgiveness. We seek God's refuge from evils of ourselves and from our evil actions. I bear witness that none has the right to be worshipped except God, alone, having no partner, and I bear witness that Muhammad (S) is His Messenger.

My dear brothers and sisters in Islam ~ As Salamu 'Alaikum Wa Rahmatullahi Wa Barakatuhu.

INTRODUCTION: FAITH

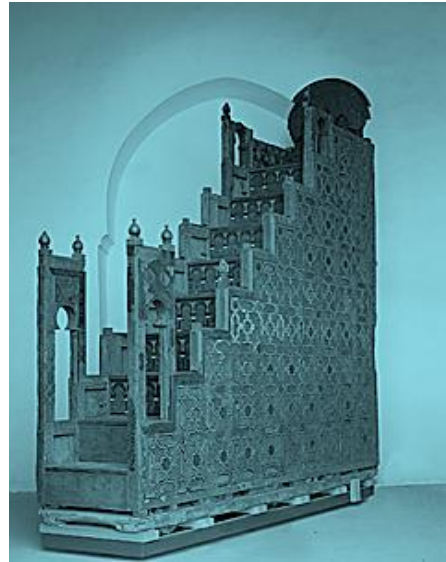
Faith is there to bring hopes not fears; help not burden us; heal not punish us; ease not trouble us...

Faith is there to provide pathways to individuals to better themselves and develop a sense for social responsibility hence to better our families and the community (society) in which they live and are part of... It is there to restore relationship within all segments of the community (society) starting with God Almighty, our family members, neighbours...

Because of this, faith, more than ever before in history, is needed since ALL of us as a human family, with ALL our differences, apparent or not, today live in a global village where interactions are regular and relations could soar if we do not know how to interact and if we do not have some benchmark of ethical relations among ourselves.

My faith – Islam – is there to enhance ethics in my attitude and all interactions. My faith is there to be a filter of my feelings, thoughts, ideas, behaviors and actions and allow ONLY that which is good to become a reality in my life, the lives of those who come in contact with me as well as the reality of the environment in which I find myself.

Indeed, we, as one human family, will not attain peace individually or collectively in the 21st century with the ethics of the 20th. If this is true, then change has to happen!



RJ: WHAT DOES IT MEAN?

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviors.

It is best accomplished through cooperative processes that include all stakeholders: victims, offenders, communities and the governmental agencies.

It responds to crime by identifying and taking steps to repair harm, involving all stakeholders and working on transforming the traditional relationship between communities and their governments in responding to crime.

Restorative Justice (also sometimes called "reparative justice") is an approach to justice that focuses on the needs of victims, offenders, as well as the involved community, instead of satisfying abstract legal principles or punishing the offender. It emphasizes repairing the harm caused or revealed by criminal behaviors.

Victims take an active role in the process, while offenders are encouraged to take responsibility for their actions, "to repair the harm they've done—by apologizing, returning stolen money, or community service."

Restorative justice involves both victim and offender and focuses on their personal needs. In addition, it provides help for the offender in order to avoid future offences.

It is based on a theory of justice that considers crime and wrongdoing to be an offence against an individual or community, rather than the state. Restorative justice that fosters dialogue between victim and offender shows the highest rates of victim satisfaction and offender accountability.

According to Zehr and Mika (1998), there are three key ideas that support restorative justice.

First is the understanding that the victim and the surrounding community have both been affected by the action of the offender and, in addition, restoration is necessary.

Second, the offender's obligation is to make amends with both the victim and the involved community.

Third, and the most important process of restorative justice, is the concept of 'healing.' This step has two parts: healing for the victim, as well as meeting the offender's personal needs. Both parties are equally important in this healing process to avoid relapse into previous criminal behavior and to restore a sense of safety for the victim.

Various methods of restorative justice are practiced; examples include victim offender mediation, conferencing, healing circles, victim assistance, ex-offender assistance, restitution, and community service. Each method focuses on the needs of both the offender and the victim, and heals in different ways.

This Issue 'From The Minbar' presents



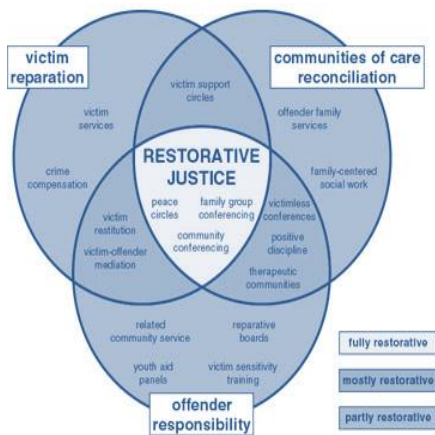
**RESTORATIVE JUSTICE:
A Muslim Perspective**



**In next issue: 'RJ: Taking Care of
Oneself'**

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WHAT RJ MEANS TO MUSLIMS?

To Muslims, restorative justice is about sending messages to the people that certain behaviors, attitudes and manners are not acceptable and not welcome – Allah is not please with them and the laws of this great country are against it.

At the same time, Muslims on the basis of the religious texts (some use cultural references) do not exclude, excommunicate others, at the same time, Islam encourages work with ALL: the victim, the offender and the community.

Restorative Justice begins with oneself. If I as an individual do not have peace of mind and heart how could I live peacefully with others?

If I, as an individual, cannot comprehend and reconcile with the principles of accountability, justice, honesty and forgiveness (repentance), I cannot be successful in it, since I cannot share what I do not have.

The ultimate goal of Restorative Justice, as perceived by Islam, is prevention of any crime, be it in our families, neighborhoods, educational institutions, communities (our society) and the global village.

It happens through sincere, hard committed actions – good actions – of all members in the community. It happens through living our faith in ACTION.

This notion springs from the Islamic formative principles namely the Qur'an and the Sunnah, in which some of the guidelines are nicely and thoroughly outlined.

I personally am inspired by several of the verses from the Qur'an and the traditions of the Prophet Muhammad (S).

God Almighty affirms in the Qur'an, the model verse for human relations since we all make mistakes in our lives and have shortcoming: *"Forgiveness and reconciliation supersedes injury for injury."* (42:40)

On the basis of this important verse; retaliation in Islam does not have a chance when compared with the notion of forgiveness. Forgiveness is the policy!

RJ: WHERE & HOW?

When everything in our lives is OK we need faith, even more, we need faith when things are not well.

1. Family: It is an institution built on understanding, support, kindness, trust, honesty, respect...

Wife/husband: If a disagreement happens, and it often happens, we need awareness of God – faith. We need a moral compass. We need discussion, talk, arbitration, cooling period, more hope... and if there is no more hope divorce is allowed.

However, the most hateful, still lawful deed in the sight of God Almighty is divorce, as the Prophet said. And if divorce happens, it should be in an honorable manner, not as we see it today – through courts in a dirty fashion.

Children: Love in family, cooperation among parents reflects on children. We cannot blame them for our mistakes. They attend the first school in our homes. Today, no one wants to take this responsibility: parents, school, community, society... seems too much of a responsibility on the plate of all stakeholders.

A badu (a man from the desert) came to the Prophet (pbuh) and found him playing with his grandchildren. He was shocked at what he saw. You play with them? We do not do it. Muhammad (S) said: What can I do when in your heart there is no place for mercy??? Wow! What good a heart is without mercy in it?

Parents: *God orders that you worship Him and be nice and good to your parents; be thankful to them after being thankful to God. The path to Paradise is under their (parents) feet, particularly mother's* (Hadith).

Respect for sisters: It is a part of our faith; actually, it is faith in action, or better to put this way: it reflect our inwardness and our faith the way we treat our ladies. Unfortunately domestic violence even among those who were to be the pioneers of strive against domestic violence has made inroads in our communities.

Care and Respect for Elders: *Those who do not know the rights of elders (seniors) do not belong to the fold of Islam* (Hadith). *Isn't this enough to inform us where we stand today?*

2. Neighborhood: *One whose neighbor is not safe of his/her mischief is not a good believer* (Hadith)... will not enter the Paradise

(Hadith). *When you cook soup, add more water remembering your neighbor* (Hadith).

Neighbors are so important, and *the angel Gabriel informed the Prophet so much and so often of their rights that he thought, neighbors will inherit one another.* Think about where our brothers and sisters are. Who is around us?

3. School: Today, we have well-instructed kids. However, do we have well-educated kids? Ethics and spirituality matter in Islam. Does it matter to Muslims? Does it matter to today's modern society?

4. Community/Society/Global village: Better individuals = Better community. Better communities = Better larger society or Global village! The Messenger Muhammad (S) said: *By the One in whose hands is my soul! A servant does not believe until he/she loves for others what hw/she loves for himself/herself* (Hadith). He (pbuh) also said: *The best amongst people are the most beneficial to the people.*" (Hadith)

CONCLUSION

In Islam, wrong that we do towards God is between us and God. The wrong that we do towards other people is two dimensional: a) wrong towards the command of God and b) wrong towards people. Wrong done towards people needs forgiveness from BOTH – God Almighty and people. In the first case, it is only God that we need to ask for forgiveness.

AN ACTION ITEM

If YOU like this Khutbah and what we, at your SNMC, do, PLEASE:

Support our activities & projects

Please Donate ONE Prayer Spot for \$2,500 and be the ONE who will build the Masjid and the Center so that it could help us and our children maintain Islamic Identity and build strong Canadian National Identity, Insha Allah.



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