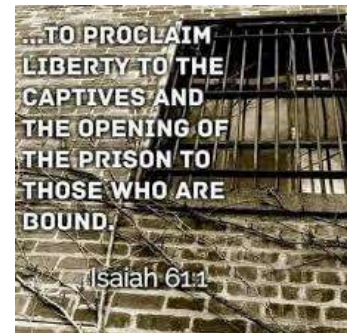
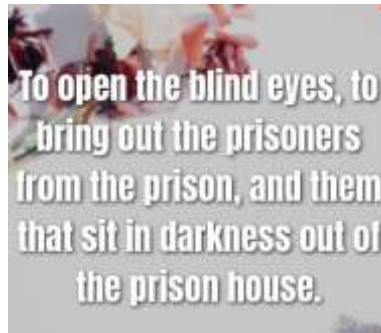
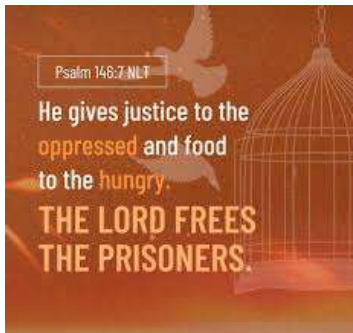


# Trilogy on “Restorative Justice” vs. “Punitive Justice”

## Part 1



## The Swinging Pendulum of Bail vs. Jail in Canada

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# The Swinging Pendulum of Bail vs. Jail in Canada

I have been listening to **Question Period** in the **Canadian House of Commons** recently. One of the top issues, if not the top issue in Canada right now is the need for reform in our prison system. The Conservative line of questioning has been along the line of *"Jail not Bail"* for repeat offenders who are in and out of jail, sometimes within a few hours of entering and exiting with a revolving door that has become systemic.

## The Current Debate in the Canadian House of Commons

Some of the points that the Opposition has been raising in the House of Commons include the following:

- The Government has allowed repeat sex offenders to do their sentences in their living room.
- The Liberal law C-75 received Royal Assent on June 21, 2019, allows for the release of repeat violent offenders *"at the earliest opportunity under the least restrictive conditions."*
- More than one-half of Canadians do not feel safe in their own home.
- Under the watch of the Liberal Government over the past ten years, violent crime is up 50%. Extortion is up. Homicides are up. Sexual assaults are up 76%. Gun crime is up a soaring 130%.
- On every single day, an average of 1,600 more violent crimes happen in our streets, which is more than one every minute.
- The Conservatives have been accusing the Liberals of obstructing their *"Jail not Bail"* advocacies, and of justifying their *"soft on crime, catch and release"* policies that are still in the books.

On Thursday, October 2, 2025, in responding to a question by Opposition Leader Pierre Poilievre, Prime Minister Mark Carney stated, *"We recognize that we must strengthen legislation regarding bail. There will be comprehensive legislation that will be tabled in the weeks to come...We will be tough on crime and firm on the rights of Canadians."* He later repeated that while this bail reform will be *"tough on crime,"* that it will also be compatible with the *Canadian Charter of Rights and Freedoms*.

Opposition Leader Pierre Poilievre responded by saying that *"this government's bail laws violate the Charter rights of 1,600 people every single day. Their names are 'victims.' They are the people who get hit with baseball bats, who are robbed and who are seeing their children violated in what should be the safety of their own houses."* The Government response is that *"the bail legislation that is going to be presented shortly in this House brings bail reform, harsher sentences, and addresses victims of intimate partner violence. The legislation that we are bringing forward is a complete, comprehensive package."*

<https://www.cpac.ca/question-period/episode/october-2-2025?id=681a8848-f820-4aee-a8a2-4f12a92cd3c4>



Here, at a press conference on Thursday, October 16, 2025, Prime Minister Mark Carney says that the Canadian Government is seeking *"strong reforms"* on bail and on sentencing. Under the new legislation, it will no longer be up to the crown to prove why someone should stay behind bars. It will be up to the accused to prove to the courts through their defence attorneys why they should be trusted to be released based on their record of the past ten years.

What is not mentioned in public, but which is often thought in private is the fact that Indigenous people continue to be overrepresented in Canada's criminal justice system as both victims and those accused of crime. In the 2021 Census, Indigenous people made up 5.0% of Canada's total population, with approximately 1.8 million individuals identifying as First Nations, Métis, or Inuit.

Yet Indigenous men account for approximately 32% of the federal prison population as of 2022/2023, with the proportion even higher for Indigenous women (around 48% in federal custody).

<https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20230720/12-en.aspx> This overrepresentation of Indigenous adults in the federal offender population in recent years has been a persistent, urgent issue on the national level. It is vital that we truly get to the root of the issue as to why Indigenous People are overrepresented in Canada's criminal justice system.

In addition, First Nations people reported the lowest level of confidence in police, with just 27% saying they had a great deal of confidence in the police, followed by Métis people (32%). Similar results were found in the 2023 National Justice Survey, with Indigenous people overall reporting lower confidence in the criminal justice system being fair (11%) and accessible (16%) to all people than White people (17% and 23%, respectively). <https://www.justice.gc.ca/eng/rp-pr/ir/if-pf/2024/nov.html>

Instead of building bridges of understanding in intercultural relationship in Canada, these facts have helped to strengthen the ancient walls of prejudice and misunderstanding in our nation, where it is so easy to point accusing fingers based upon the superficial, external appearance of things, rather than getting to the root of the issue that lies buried deep within human hearts, a root that goes back to our ancestors that has produced some *good fruit* that benefits us today, but also has manifested *bad fruit* in future generations.

We all owe to our ancestors and to our fathers and mothers in every nation and ethnicity much gratitude and blessing. Many of them gave sacrificially for the sake of future generations. Yet we have also inherited a legacy of pain and of hurt wherever our fathers and our mothers have either knowingly or unknowingly walked in darkness, and been blinded to how much that they have left a legacy of pain that has hurt succeeding generations.

This is not at all to say that any generation can point fingers, or blame their ancestors for the situation that they are in today. We need to honour our ancestors and respect our elders, for without them and the sacrifices that they have made, we would not even be here or be alive today. For us to go beyond their legacy, we must build upon the foundation of all that is good in our past. It is up to every generation to break generational curses and to strengthen generational blessings.

The reality remains that children of alcoholic parents, for example, may experience or exhibit anxiety, depression, antisocial behavior, relationship difficulties, behavioral issues, etc., and they are four times more likely than other children to develop an **Alcohol Use Disorder (AUD)**.

<https://americanaddictioncenters.org/alcohol/support-recovery/child>

With one source stating that one in five Canadians (approximately 20%) will experience a problem with alcohol or dependence in their lifetime, we can suggest that of that 20% of the Canadian population, three quarters (3/4) of them are likely to become alcoholics while one quarter (1/4) are not. So human behaviour is not a science. Having alcoholic parents may dispose some to continue an alcoholic addiction, but it does not determine whether the next generation will follow that path.

There are still some who did not have alcoholic parents who ended up becoming alcoholics, and there are others who had alcoholic parents who did not become alcoholics. All this to say that a combination of our

biological DNA and our growing up environment may have disposed, induced, swayed, tilted or inclined a child in the direction that their life will take, that neither one's DNA nor their upbringing will necessarily *determine, conclude, dictate* or *arbitrate* the direction that one will take in life. Human freewill and personal choices still play a meaningful factor in determining what or who one will become.

However, we must not stick our head in the sands as to what factors will *dispose* or *incline* future generations in a certain direction. One factor that I believe is quite accurate is to say that of all of the men in our prison system today, they either had no father, or they had a physically or emotionally absent father who did not affirm his children in their identity as being a person of dignity, worth and value. Most inmates will want to send their mother's a card on Mother's Day, but with Father's Day, not so much!

I strongly propose that while Non-Indigenous children have been sinned against by fathers on an individual, family level, yet the Indigenous People have a legacy of having been sinned against on a corporate, national level that has left a deep wound on the corporate psyche that is rooted in impacts of colonization, an Indian Act, residential schools and intergenerational trauma that runs very deep. Canadians may understand repentance on an individual level, but with Indigenous Peoples, we are dealing with issues of a whole nation or people group being traumatized and wounded that needs to be understood, not just at an individual or family level, but at a national level collectively.

### Indian Act - 1876

*"The happiest future for the Indian race is absorption into the general population, and this is the object of the policy of our government. The great forces of intermarriage and education will finally overcome the lingering traces of native customs and traditions."*

Duncan Campbell Scott  
Department of Indian Affairs

VERY SENSITIVE  
**Kill the Indian,  
Save the Child:**  
The Residential  
School Tragedy of  
Agami Blue Cloud



### The Indian Act - 1876/1895

The Indian Acts encouraged Aboriginal peoples to give up their culture and adopt "white ways". The original Indian act of 1876 ensures:

- ☞ Aboriginal peoples are placed in a different legal category than other Canadians
- ☞ The Canadian government has the right to govern all aspects of Native life including the denial of the right to vote in an election
- ☞ The right to legislate "lands reserved for Indians".
- ☞ The government can determine "who is an Indian".



### The Indian Act

When Canada became a country, the Department of Indian Affairs (DIA) was created to administer policies regarding First Nations. In 1876, the Indian Act was passed. This act gave legal power to government to control the lives of First Nations communities across the country. The Indian Act combined earlier colonial and federal laws into one act, and included clauses about land, Indian status, and local government.

The Indian Act defines who is considered a "Status Indian." Individuals who qualify as "Status Indians" are wards of the government, meaning that the act treats them as if they were children in need of parental care. Before 1951, Status Indians were not deemed to be "people" under the laws of Canada, and therefore were denied certain rights that other Canadians enjoyed. Status Indians could only become "persons" by voluntary enfranchisement—by relinquishing their Indian status. Only then would they be allowed to vote, own property, or have the rights of other Canadian citizens. **WOW!**

The Indian Act provided for reserve land to be set aside for the use of Status Indians, and specified who could live on the reserves. Government officials exercised considerable power over people living on reserves. Among other things, they could dictate when and where children would go to school.

Further, in Canada, an Indian agent had powers that could be considered no less than dictatorial. The Indian agent could, and often did, put a First Nations person in prison if they left the reservation without permission under the pass system, even though it was never a law and lacked a legal basis. The system, introduced after the 1885 **Northwest Resistance**, required a written pass from the agent to leave the reserve, and those caught without one faced incarceration or forced return to the reserve. This was a policy that was imposed, not just on one individual or family, but on collective nations, the First Nations.

In the New Testament, the word for “nation” is the word “ethnos” from which we get our word “ethnicity.” A nation, therefore, is an ethnicity that shares a common language, a common culture and a common way of life. Hence, this collective wounding of Indigenous Nations has left a collective scar, a deep wound, a profound loss of dignity, worth and value for entire nations that goes all of the way back to the beliefs of the founding fathers of Canada in contrast to Indigenous beliefs in the Creator who placed them in this part of the earth to live in harmony with other people and with the land.

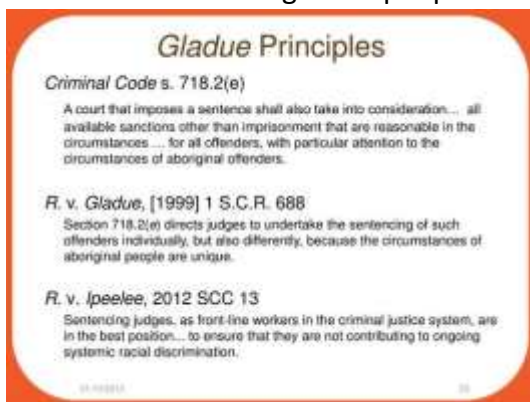


The collective consciousness of these injustices has led to what has been labelled as “*the grieving Indian.*” Without healing, that grief turns into anger, and anger understandingly turns into rage, and then rage turns into violence. This collective wounding is at the root of why Indigenous people are so overrepresented in our prison system which, under the British system was based upon punitive justice when the traditional knowledge of the Indigenous nations was largely based upon restorative justice.

### *The Gladue Report*

It has become apparent over time that the punitive system of justice has not rehabilitated anybody, has not healed anybody, has not restored anybody, any more than counter-violence defeats violence or wars end wars. There has to be a different way to defeat evil if it is to ever be overcome.

Consequently, in our **Canadian Justice System**, Gladue principles began to emerge when sentencing Indigenous Peoples in Canada. The term “**Gladue**” comes from the **1999 Supreme Court of Canada** case **R v Gladue**. The legal basis is based on Section 718.2(e) of the Criminal Code, which mandates that courts must consider all available sanctions other than imprisonment, and must pay particular attention to the circumstances of Indigenous people.



In addressing Systemic Factors, judges must consider the unique background of an Indigenous person, regardless of whether they are First Nations, Métis, or Inuit. They must examine the impact of systemic and institutional racism, colonialism, and their resulting consequences on an individual’s life. “*Gladue Factors*” are the effects of the historical and ongoing discrimination faced by Indigenous peoples, including experiences with their child welfare system, poverty, violence, residential schools and displacement from their communities.

The principles of the **Gladue Report** acknowledge that the **Criminal Justice System** has historically failed Indigenous People, and has contributed to the overrepresentation of Indigenous people in jails. They aim to ensure that sentencing is fair and proportionate by acknowledging the broader social and historical context of Indigenous offenders’ lives, such as the impacts of experiences related to colonization, residential schools, child welfare systems, racism, poverty and intergenerational trauma.

So a **Gladue Report** is a pre-sentencing or bail hearing report, usually prepared by Gladue caseworkers at the request of the judge. However, as Section 718.2(e) of the Criminal Code was controversial when it was enacted by Parliament, and the Gladue decision also faced political backlash. Political and subsequent media critique were generally of the view that Gladue was unfair for Non-Indigenous offenders because it was a “*race-based discount*” on sentencing.

This has now led some from the dominant Non-Indigenous western culture to claim that we now have discrimination in reverse. They see it that today, white people are being discriminated against because of their race, especially white males who are equated in some feminist circles as a part of a “*toxic masculinity*” that is at the root of the problem. Not only in the Social Justice System, but even in the sphere of the Economy, there are business people of European descent who feel that they are not on a level playing field when it comes to Government support and largesse.

### *Laying the Axe to the Root of the Tree*


So as I write this paper, here we are in late October of 2025, and it seems like we have now come full cycle, and are now back to square one again. At a time when “*truth and reconciliation*” is being touted by the Government of the day, we seem to be going back to the punitive system of justice where we started, and which has already demonstrated its inability to rehabilitate criminals or to keep our citizens safe by the fear of punishment, or by locking criminals up and throwing away the key, as it is being publicly expressed, and which the public at large has an appetite for. Consider the following:

1. It is clearly evident that Indigenous People have been discriminated against collectively as nations, having their identity suppressed and their dignity denied from the get-go in Canadian history, leaving a deep scare on the collective psyche of entire nations. This has resulted in an overrepresentation of them populating our prisons. Both Section 718.2(e) of the Criminal Code and the Liberal law C-75 which received Royal Assent on June 21, 2019, were political and legal attempts to correct this, as was the **1999 Supreme Court of Canada** judicial case of **R v Gladue**.
2. In spite of these legal, political and judicial attempts to rectify this imbalance in our prison system, we are still today at a point where some Non-Indigenous people feel that there is “*reverse discrimination*” on the one hand while the Liberal Party is now reversing course and promising legislation to change directions by bringing in harsher sentences and stricter bail laws on the other hand. This has been evidenced by recent statements in the **House of Commons**.
3. With crime still on the increase, it seems clear that the present bail policies are not working, and the Liberals are now backtracking on Section 718.2(e) that was added to the **Canadian Criminal Code** in 1996 as part of the sentencing reforms introduced by **Bill C-41**, which is a bill passed in June, 1995, amending the Criminal Code with respect to sentencing. This provision mandates that when sentencing, courts must consider all reasonable alternatives to imprisonment for all offenders, giving particular attention to the unique systemic factors affecting Indigenous offenders.
4. Right around that same time, on December 6, 1995, Elijah Harper was speaking to a group of some 3,000 delegates who attended a **Sacred Assembly** in Hull (present-day Gatineau), Québec. Right before a representation of all Political Parties and all Religious Denominations and First Nations Grand Chiefs, Chiefs, Elders and Youth, Elijah Harper declared, “*It has become all too apparent that these things (eg. treaty issues, land issues, social justice and the judicial system) need to be resolved, and that the political process has failed us. I believe that there is something missing, which is the spiritual element.*”

Elijah was basically saying that our political system is not going to fix this. I believe that in that statement, he was also including the legal system, the judicial system and the religious system of denominational churchianity has failed us, and that we need a different approach, an approach that requires a different starting point in our common understanding. That is a relationship of personal communion with the Creator God. This is essential to unity and to reconciliation on a spiritual level that transcends our cultural diversity to a spiritual understanding of the wisdom of loving, caring, sharing and being generous with one another by empowered by the Holy Spirit, whose presence he had welcomed into the room at the **Sacred Assembly**.

*"I have a vision that lies in the heart and soul of our people for this country we call Canada... above all, this vision embraces the supremacy of God our Creator, and is inherent in the treaties that were made with the newcomers that came to this land..."*


—Elijah Harper, Sacred Assembly, December 1995



"We have a responsibility to maintain the unity of this land, and to sustain the environment. Our forefathers had difficulty understanding the concept of owning land. It is alien, like the concept of owning air. But we understand the need to use the land for the benefit of everybody, not for greed.... It has become more apparent that these things need to be resolved, and that the political process has failed us. I believe there is something missing, which is the spiritual element."

Elijah Harper  
Sacred Assembly, December 6, 1995

Elijah was saying that the root of our problem is neither political nor legal or judicial, but spiritual. Jean Chrétien, the Prime Minister of the day, claimed to agree with him.



"Elijah said it very well from an earlier statement, 'What has been missing from all the hard work that has gone...through the courts and the political process in recent years has been the spiritual perspective that lies behind these demands for justice.' These values are **spiritual**, not **political**. And I think, Mr. Harper, that you have found a new way. Spirituality is missing a lot in our society, and spirituality is absolutely needed to find the right way." —Dec. 6, 1995



Jeremiah 6:16  
"Stand by the ways and see and ask for the ancient paths, Where the good way is, and walk in it; And you will find rest for your souls."



TO SOLVE A PROBLEM YOU MUST TACKLE IT FROM THE ROOT AND NOT THE 'LEAVES' LUKE 3:9

*Kahwa Boudier*



"Therefore bear fruits in keeping with repentance... Indeed the axe is already laid at the root of the trees..."  
- John the Baptist

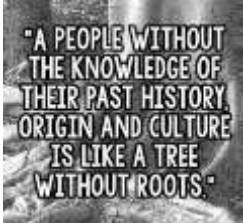


IT IS HE WHO WILL GO  
*as a forerunner before Him*  
IN THE SPIRIT AND POWER OF ELIJAH,  
TO TURN THE HEARTS OF THE FATHERS BACK TO THE CHILDREN,  
AND THE DISOBEDIENT TO THE ATTITUDE OF THE RIGHTEOUS,  
SO AS TO MAKE READY A PEOPLE PREPARED FOR THE LORD

LUKE 1:17

*The Ancient Path is Rooted in God's Plan for All Nations*

**What is the ancient path, the good way, that each generation is called to walk in?** It is the way in which the people walk in the paths of their Creator out of personal communion with Him, and consequently also walk a pathway where there is a spiritual connection and a heart of love between parents and the Creator, and between parents and children. This is vital to seeing the Glory of our Creator manifest here on earth through families who reflect His love for one another inter-generationally as well as across cultural lines!



**What are our roots?** Our roots are our ancestors, our fathers and our mothers whom, on the one hand, we need to honour for the sacrifices that they have made in giving us life. However, we need to break from the cycle of our ancestors where there has been a pattern of demeaning, despising and dehumanizing other nations and generations that are different, and seeing them as "*less than us.*"

A defiling of the land takes place when there is a relational disconnect between nations and generations. Too often, future generations address this cultural and generational disconnect by medicating our pain through alcoholism, accusing others, addictions, alienation, acrimony and asserting our authority over our children with abuse.

These are the things that cause our Creator's image to be broken, marred and distorted upon the earth. This disconnection in human relationships also defiles the land on which we live, because *People* and *Land*, the human *Soul* and the earthly *Soil* are connected! The spiritual part that is within human beings has its source in the *breath* of the Creator in Heaven, but the human body was formed from the *land*, the *dust of the ground*! Because humans are part *spiritual* and part *physical*, the soul of human beings, and the soul of a nation will only be healthy when it collectively takes the spiritual path, the ancient path, the good path that is rooted and grounded in the Creator's rest, and that brings *rest* to the human soul.

Since our "*roots*" are our "*ancestors*," and since our ancestors were and are essentially "*spirit beings*," getting healed at the roots of our personal and national existence is a *spiritual* process. If we go back deep enough and far enough into our "*roots*," and if we believe that that all humans come from one Creator as our original Source, and since the Creator is Spirit, we need that "*spirit-to-spirit*" communion with our Creator to know His heart to BLESS and to HEAL all nations. The personal knowledge of our Creator who created us all is the primary Ancestor, the primary Root, the primary Parent of each and every one of us.

Where our ancestors, therefore, have engaged in both BLESSING and CURSING, to the extent that they have cursed other nations and generations, they have misrepresented the Creator, and have distorted His beauty, His generosity, His grace and His forgiveness. This, in turn, has brought a curse and a defilement on to the land that will not change until we repent, until we change our minds, and reverse the curse that has come through the curses that have come on to the land through human brokenness in relationships with other *nations* and with other *generations*.

So what I am saying is that the roots of our relational disconnect between cultures and people groups here in Canada are spiritual roots in which, the founding fathers of the Canadian Confederation, while claiming to believe in a Creator God who created all humans in His image, yet they grossly misrepresented the Creator God, "*the Father of spirits.*" In many cases, the cultural practices of many aspects of the Indigenous cultures reflected the Creator's image better than the culture of privilege, elitism and top-down control that characterized much of Western, Europeanized Christendom at the time of the colonization.

What are some of the root sins against entire nations and ethnicities with which the earliest founding fathers of Canada misrepresented the Creator, and areas where a traditional knowledge of Indigenous elders was closer to what the Bible teaches than what is taught in most western churches? We will look at these things much more in-depth in Part 2 of this *Triology of Restorative Justice vs. Punitive Justice* as we seek out of pathway of genuine *restorative justice* as preferable to *punitive justice* which is also an ancient path, a spiritual path. For now, here is a summary of root causes of injustice in Canada that are hidden in our roots but often hidden from our collective consciousness in Canada today.

1. The fathers of the Canadian Confederation recognized only the French and the English as the “two founding nations” of Canada without regard for the original, host people of the land.
2. The founding fathers of Canada saw themselves in league with the British crown to be owners of the land (by virtue of *The Law of Conquest* and the *Doctrine of Discovery*) rather than accountable stewards. They failed align with the Indigenous belief of land as a gift from the Creator God, and the need for humans to reflect the Creator’s generosity and heart for people who are in need.
3. The precedence for rulers and governors of the land under the British system was set by the **Hudson Bay Company** whose officials lived a life of privilege and entitlement to be served by the servants who were often Indigenous men and women rather than to serve the people of the land.
4. This culture of privilege and entitlement to see the Indigenous peoples simply as wards of the state was perpetrated and entrenched in the **Indian Act** of 1876. This *hierarchical mindset* was in stark contrast to an *egalitarian approach* to government with Indian Agents virtually being given the powers of a dictator to rule by an alien law rather than in a relational way.
5. The non-egalitarian British legacy that the founding fathers of Canada entrenched in Canadian law in the **Indian Act** was perpetrated especially by the unholy alliance between *church* and *state* which expressed itself in the **Residential School Policy** which attempted cultural assimilation of some 150,000 First Nations, Métis and Inuit children over many years. While the **Indian Act** was the foundational law for the residential school system, it was built upon earlier pre-confederation legislation and policies and continued until the last Residential School was closed in 1996.

The **Residential School Policy** was a misguided policy of paternalism, assimilation, legalism, dominance and external control which by-passed family relationships and the building of family and local community relationships which strengthened rather than severed the filial bonds between parents and children.

6. The British form of government was based upon the politically partisan **Westminster Abbey System of Government** which polarizes people on the basis of “*Conservative*” vs. “*Liberal*,” the “*right*” vs. the “*left*,” “*nationalism*” vs. “*globalism*,” “*management*” vs. “*workers*,” and “*state centralization of power*” (which leads to dictatorship) and “*independent individualism*” and the “*autonomous self*” which, without a unifying spirituality leads to fragmentation and disintegration.
7. The founding fathers of Canada introduced a **British justice system** that was more *punitive* than *restorative*. There is no rooted grounding in spirituality which has resulted in precious few of prison inmates being rehabilitated and restored into relationship with the community that they come from. The subsequent approach to the administration of justice in Canada has tended to be “*jail not bail*” by the Conservative Party on the one hand, and “*easier bail*” by the Liberal Party on the other.

Now that we are at a point in Canadian history where the Liberal Party under Mark Carney has had to agree with the reality that the policies of easy bail are not working, and the laws are being made stricter once again, there is a sense of “*déjà vu*” among many Canadians that “*we have been here before.*” The old “*lock them up*” and “*throw away the key*” ideology has been tried before, and has never rehabilitated anyone unless there is a solid spiritual foundation in society. With the move towards secular humanism, however, *there has been a spiritual void*, and a waning ability to draw upon spiritual strength when and wherever the flesh is weak.

### *The Canadian Charter Preamble vs. Elijah Harper’s Vision for Canada*

Just like roots are the “*below the surface*” source of life for a tree, a foundation is the “*below the surface*” base and bedrock under-structure for a stable building. This tells us that the most important part of an entity is not in the visible realm, but in the invisible, below the surface realm that impacts the visible world, even though we are not mentally conscious of it most of the time.

On the surface, it might seem like Elijah Harper and the **Canadian Charter of Rights and Freedoms** were saying the same thing when they referred to the supremacy of God, our Creator. It is evident that below the surface, however, they were not talking in the same way about how the Creator relates to humans.



In his opening statement to the **Sacred Assembly** on December 6, 1995, and in the presence of Canada’s most prominent political and spiritual leaders, Elijah Harper stated that the Vision that he had for Canada that was inherent in the treaties that were made with the newcomers that came to this land is a Vision which “*above all, embraces the supremacy of God our Creator.*”

Similarly, the **Canadian Charter** begins with the preamble, “*Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law.*” Etched in stone right on our Parliament Buildings is the scripture from Psalm 72:8, “*He shall have dominion from sea to sea.*” Are these statements all saying the same thing if we look below the surface, however? No they are not!

First of all, Elijah Harper was not talking about God as a symbolic Figurehead who has no real relevance in being applied to the social, economic and environmental issues of the day. He was talking about a personal communion with a Creator God who can be engaged with, a Creator who owns the land rather than the Canadian Government and/or the British Crown and/or the Indigenous People.

In the **Reconciliation Proclamation** that came out of Elijah Harper’s **Sacred Assembly** of 1995, we read, “*We share an understanding that the starting point for healing and reconciliation lies in personal communion with the Creator God.”*

When we talk about “*personal communion with the Creator God*,” we are talking about something spiritual in which every human being stands on level ground with equal access to the Throne Room of the Creator above. There is no “*superiority*” and no “*inferiority*” at that Throne of Grace, but all humans are of equal worth, equal value and with equal dignity, even though each one is unique and distinct.

The paternalism with which the Indigenous People were treated by the newcomers was not a relationship between equals among diverse people, but a relationship where the intent was not to rule *together* as distinct but equal partners, but was an attempt to submerge the Indigenous culture into the Western culture, and to “*kill the Indian that was in the child*.”

So the image of the Creator between the two cultures was different. One was more “*human-centric*,” and the other was more “*Western-centric*” as if the British culture of *privilege* and *entitlement* was superior to a more *personal, relational culture* where a person did not need to become somebody different from who they were created to be in order to be accepted and to have dignity and authority to rule relationally by *love* rather than dominating by *fear*.

Another truth about the chiefs who signed the treaties, according to Elijah Harper, was that their view that the Creator God was both the *Creator* and the *Owner* of the land. Again, quoting from the **Reconciliation Proclamation** of 1995, we read, “*We share the recognition that reconciliation between Indigenous and Non-Indigenous Canadians must be rooted in a spiritual understanding of land as a gift from the Creator God.*”

Just as those who lived on the land were *gifted* with land and with property by the Creator God, we, too, are to reflect the Creator by giving, by caring, by sharing, by being generous with one another, especially in meeting the needs of those who are without support, without family networks and who are in need.

According to Elijah Harper in his opening address to the **Sacred Assembly** on December 6, 1995, “*Our forefathers had difficulty in the concept of owning land. It is alien, like the concept of owning air.*”

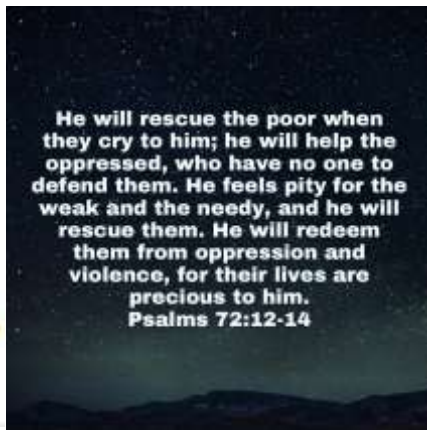
This concept of the Creator being the Owner of the land was not, in any practical sense, the concept of land ownership by the Canadian fathers of Confederation. If they had believed that God the Creator was the Owner of the Land, they would not have seen Rupert’s Land and the Northwest Territories (which constituted some ¼ of the territory of Turtle Island) as being *owned* by the **Hudson Bay Company** who acquired it without proper protocol of any kind, and purchased it in March of 1869 for \$1.5 million dollars.

Subsequently, the Canadian Government saw themselves as the owners of the land even before they negotiated the treaties. If they had seen themselves as equal partners at the time of the signing of the treaties, they would not have imposed the **Indian Act** in 1876 and subsequently the **Residential School Policies** that left such a legacy of generational pain that has left deep wounds on the Canadian psyche.

So clearly, while both those who signed the treaties and the Canadian Government would have claimed to believe in “*the supremacy of God our Creator*” at the time of the signing of the treaties between 1871 and 1921, they did not have the same concept of God and how He rules in giving equal respect for the dignity of every human being that He has created in His image and likeness.

To the Creator of all, regardless of whether one is in power or is powerless, He is not partial nor a Respector of Persons who gives greater privilege to one group over another, but is a Creator who shows mercy to all who admit their need for mercy because we have all fallen short of His goodness which leads to repentance, or a change of mind about the foundation for a real relationship, and for a true restorative justice.

This is why, if one is looking at the standard for justice advocated by the founding fathers of the Canadian Nation in imposing a British system of Justice at the trials of some of the Indigenous leaders who resisted the way that the Canadian Government usurped ownership of and jurisdiction over the land, we have to ask ourselves whether the founding fathers were operating in the spirit of the Kingdom of God where mercy triumphs over justice and equity as it is described in Psalm 72.



In light of the justice exercised by the King who “will bring justice to the poor of the people,” (Psalm 72:4), and who also “has dominion from sea to sea” according to Psalm 72:8—I raise the following questions.

1. Was the administration of justice *punitive* or *restorative* in the trial of Louis Riel who was hung on November 16, 1885, for his part in the **North-West Resistance** of 1870 and 1885, even though the promises made to the **Métis** in the **Manitoba Act** of 1870 were not fulfilled by the **Canadian Government**, and even though the jury had recommended mercy?
2. Was the administration of justice *punitive* or *restorative* in the trials of **First Nation's** Chiefs Poundmaker and Big Bear? These chiefs were Plains Cree leaders in the late 19th century who advocated for their people during treaty negotiations and the **North-West Resistance** of 1885. They were both convicted of treason-felony after the resistance and died shortly after their release from prison, but their legacy as leaders who fought for their people's rights continues.
3. Was the administration of justice *punitive* or *restorative* in the trial of the eight **First Nation's** men who were hung at Fort Battleford on November 27, 1885, for murders committed in the First Nations uprising that occurred at the time of the **North-West Resistance** in 1885. At both Frog Lake and Battleford, some people took up arms against the wishes of their leaders.
4. Was the administration of justice *punitive* or *restorative* at the first trial based upon the British system of justice in the Canadian High Arctic that took place in Pond Inlet, Nunavut in 1923 when despite the fact that Nuqallaq was following **Inuit** customary law in carrying out a collectively sanctioned act to defend the community from a dangerously crazed trader, he was imprisoned.



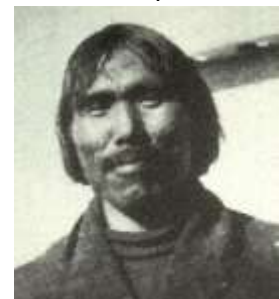
Louis Riel (Métis)



Chief Poundmaker (First Nations)



Chief Big Bear (First Nations)



Nuqallaq (Inuit)

## *The Creator's Justice as Revealed in the Finished Work of Jesus Christ*

For those of us who believe in the supremacy of God our Creator and who call ourselves “*Christian*,” it is important to recognize that any civil government is only a temporary government, because it is said that Caesar “*does not bear the sword in vain*” (Romans 13:4) in order to temporarily restrain evil, but yet in the eternal Kingdom “*they shall beat their swords into plowshares, and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they learn war anymore*” (Isaiah 2:4).

Many Christians today continue to look at prophecies like Isaiah 2:4 as referring only to a future Kingdom that will come some day, but in the meantime, we look to the civil government for justice, for equity and for freedoms. Yet the reality is that the Kingdom of God is already here now in lives wherever the King is in residence, and in the children of God in whom He dwells and inhabits.

Jesus told His disciples to “*put your sword into its sheath*” (John 18:11) as He was being arrested without cause, and that while the full manifestation of His Kingdom is future, yet the presence of the King and His Kingdom is already here, because “*the Kingdom of God is within you*” (Luke 17:21). Jesus and the early apostles did not preach a gospel of political reform and of punitive justice, but they preached the gospel of the Kingdom of God, the only Kingdom where the King would willingly lay His life down for others rather than use the coercive powers of the state in imposing written laws not written on the hearts by the Spirit.

So while temporal governments might restrain evil temporarily, they do not heal or solve the problem of evil or of violence or of injustice by counter violence or counter coercion that by-passes a change of heart. The entire story of the Bible is not a story of *a punishing God* who hurts people, but of *a loving God* who restores people. The goal of justice in the Kingdom of God is *restoration*, not *punishment*, and for that to happen, the true Church that Jesus is building, and that the government of Hades will not prevail against, has been placed on this earth to be a light in the midst of the darkness, and to be a healing, reconciling agent rather than an agent of harsh punishment such as took place in the Residential Schools.

I used to teach and to proclaim that Canada needed to get back to the vision of our founding fathers who believed in “*the supremacy of God*,” and that “*He shall have dominion from sea to sea*” (Psalm 72:8). I was wrong! I have since had to repent, and to acknowledge that while our founding fathers behaved in the way that all temporal governments in the world operate, it is not the way of God’s eternal Kingdom where “*righteousness and justice are the foundation of His Throne*” (Psalm 97:2). Every human being has access to this Throne today through the blood of Jesus in order to receive and to welcome the only Kingdom that cannot be shaken (Hebrews 4:16; 10:19; 12:28).

The gatekeepers, the authorities, the governments of this world need to choose to welcome, to invite, to “*open up the gates for the King of Glory to come in*” (Psalm 24:7-10) to rule and to reign upon the earth which already belongs to Him (Psalm 24:1). They need to make way for the King of kings, because He will only come where He is invited and welcomed. He does not and will not impose His Kingdom coercively. He will come to restore justice to the afflicted, the meek and the humble of the earth!

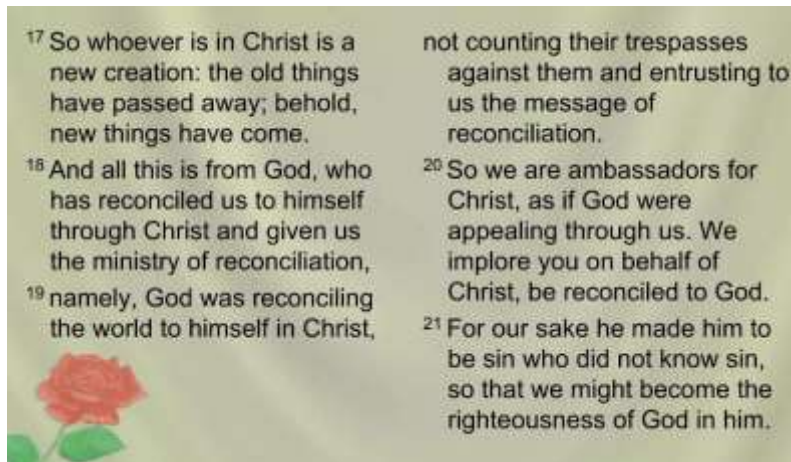
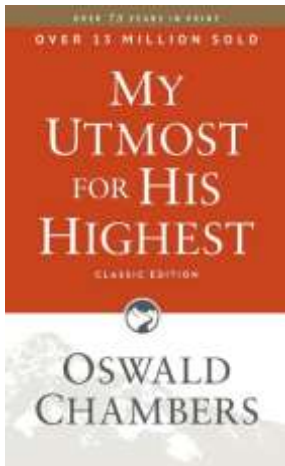
*<sup>21</sup>But now for the good news: God's restorative justice has entered the world, independent of the law. Both the law and the prophets told us this day would come.*

Romans 3:21

“  
Restorative justice is biblical because restorative justice is rooted in the character of God. God is not just a God of justice. He is a God of restorative justice.

So, applying this to the swinging back in forth in Canadian history at the whole concept of “*punitive justice*” as over against the failed attempts at bringing “*restorational justice*” by just ignoring evil behaviour and granting easy bail conditions, we are now faced with the reality that the Creator’s system of justice cannot be legislated into existence before the laws of the Creator are written on the hearts of the people, and this is an areas where, in the words of Elijah Harper, “*what has been missing is the spiritual element*” to the political and the judicial process which has failed us.

I contend that this transformation, this change of heart, cannot really happen without a better understanding of the gospel of the Kingdom of God. This is a revelation of the King who has defeated sin by the power of the gospel. The gospel, in turn, is a revelation of Jesus, not simply has a Man of the earth, but as the Lord of Glory who died, rose again and is presently exalted to the right hand of the Father to rule out of love, acceptance and forgiveness for the whole human race. The goal of this justice system is to bring *justification*, not *condemnation*, for all humans who acknowledge their personal need for mercy.



In his revelatory devotional book, **My Utmost for His Highest**, Oswald Chambers writes:

*“The first thing Jesus Chris faced in men and in women was not the behaviour of sin, but the heredity of sin, and it is because we have ignored this in our presentation of the Gospel that the message of the Gospel has lost its sting and its blasting power.*”

*“The revelation of the Bible is not that Jesus Christ took upon Himself our fleshly behavioural sins, but that He took upon Himself the very sin nature, the heredity of sin which no man can touch. God made His own Son to be sin that He might declare the sinner a saint.”*

To believe this requires a repentance, a change of mind, that God did not send His Son into the world to condemn the world, but that the entire world through Him might be saved. Unless we change our belief about the Creator from being a *punishing* God to a *restorative* God, we will never believe the Good News that our heredity of sin, our old sin nature was crucified with His Son on the Cross, and that through His resurrection we have now inherited a completely new, righteous identity where the old creation is dead and has passed away, and where all things have become new on the resurrection side of the cross.

Oswald Chambers goes on to say:

*“All through the Bible it is revealed that our Lord bore the sin of the world by identification, not by sympathy. He deliberately took upon His own shoulders, and bore in His own Person, the whole massed sin of the human race—*

*“He has made Him to be sin for us, who knew no sin,’ and by so doing He put the whole human race on the basis of Redemption. Jesus Christ rehabilitated the human race. He put it back to where God designed it to be, and anyone can enter into union and communion with God on the ground of what our Lord has done on the Cross.*

*“A man cannot redeem himself. Redemption is God’s ‘bit,’ it is absolutely finished and complete. Its reference to individual men and women is a question of their individual belief in the gospel which requires a change of mind from believing in one’s own personal efforts, and wanting to be God ourselves and do things our way to believing in the finished work and merits of Another.*

*“A distinction must always be made between the revelation of Redemption as a finished work apart from law, and apart from works to the conscious experience of a salvation in a person’s life that is based upon grace alone.”*

Jesus said that the Way to life is straight and narrow. Many people would sooner be punished for their own sins in order to feel that they have earned it in some way, but no matter how much people are punished, it is never enough. It is never sufficient to take away my own sin nature, let alone the sin of the world.

Yet, in closing this first article in a trilogy of three articles on *restorative justice vs. punitive justice*, I would like to share the testimonies of two men that I have personally worked with in our present Canadian prison system whose lives were radically transformed only when they received a genuine and an authentic revelation of Jesus as the King of Glory where *mercy* and *truth* come together!

These testimonies can give us a third option and show us the way forward from a system where there has been this oscillation between “*easy parole*” on the one hand, and “*lock them up and throw away the key*” for serious offenders on the other.



I first met Billy Bob Desnoyer when I was visiting a number of inmates at the **Saskatchewan Penitentiary** back in 1981 where Billy Bob was just beginning a 25-year sentence without the possibility of parole. He was a very angry, bitter man at the time. He had a father from whom the only thing he learned was how to steal. He was in and out of some 29 different foster homes.

One of his robbery attempts went terribly wrong, and he ended up killing a senior citizen in Calgary, and he became the object of a manhunt that lasted for over a year while Billy Bob hid in the bush, and lived off of nature in a deserted cabin.

When the police finally arrested him, they had been frustrated because he had eluded their ability to find him for so long, so they were determined to throw the book at him, and waited until he was eighteen years of age before laying charges so that they could charge him as an adult and get the maximum penalty as punishment. And that was exactly the sentence that he got—a life sentence of 25 years in maximum security prison without even the possibility of parole, and there were no guarantees that he would be released even after that.

So when I met with Billy Bob just as he was still near the beginning of serving his sentence, he was so angry and so bitter that he said to me that he wished that they would execute him, rather than to continue to live in this “*hell-hole*” for a minimum of 25 years which seemed overwhelming while living with mental torment. If they did not execute him, he was thinking in terms of suicide in order to get out of this body.

By about my third visit back in 1981, he was so frustrated that he told me not to even bother coming back to visit him anymore. He said, *“I don’t want to hear anything about God! I don’t want to hear anything about the Bible! I just want to be left alone! Don’t even bother coming back anymore!”*

I reluctantly had to let him go to follow the path that would be guided by his own choices since I could not decide for him. In the midst of his pain and suffering, all that Billy Bob could see were the injustices that had been done to him without even considering the injustices that he had also committed to others.

In the meantime, I was invited and welcomed by the chaplain of the chapel program at the **Saskatchewan Penitentiary** to have a Bible Study with some inmates who requested it. A few months after my visits with Billy Bob, he suddenly came bouncing into the chapel area one day with a heart overflowing with praise to God and love for everyone there and with no anger and no bitterness in his heart!

I asked, *“What happened to you, Billy Bob?”* He stated with great intensity, *“I met the real Jesus in my prison cell a couple of days ago. I was at the end of myself, and I finally cried out from the depths of my heart, ‘Jesus, if you are there, and if you are real, reveal Yourself to me!’”*

He said that Jesus showed up right there in his prison cell after he had hit rock bottom, and he had cried out from a desperate place. He said that Jesus overwhelmed his heart with something like liquid love, and His presence just melted his hard heart, and gave him a heart of fervent and white-heated love, even for those who had abused and mistreated him in life.

When asked about his prison sentence, Billy Bob declared that *“25 years is now like a piece of cake! I am a free man right now! Without Jesus, I’ve got nothing, but with Him, I have everything that I need!”* He did serve every day of that 25-year sentence, and in fact ended up serving 26 years before he was paroled, but after his encounter with Jesus, there was not one single black mark on his prison record for all those years.

He gained the respect of the prison staff, the guards and the warden. As these people observed Billy Bob, they knew that what he had was not *“jailhouse religion,”* but that he had had a real spiritual and living encounter with the Person of Jesus Christ. By the time that he was paroled around 2007, his parole officer had only good things to say, and he personally contributed to the cost of his tombstone after Billy Bob passed away in 2011 due to lung cancer.



About two weeks before he died, I was personally able to facilitate a phone call between Billy Bob and the Jim O’Sullivan, the man who had been the warden of the **Saskatchewan Penitentiary** between 1974 and 1995, right during the time when Billy Bob served most of his time there. To that time, Jim O’Sullivan was the longest serving warden in all of Canada.

Here they were—two human beings, the one who had held the temporal power as the warden over the prisoners, and the other who was powerless as the prison inmate. Yet both were now facing their mortality, and were standing on level ground in need of the grace and the mercy of God to forgive the trespasses, the wrongs and the injustices that they had committed towards others.

Billy Bob, *the former prison inmate* at the **Saskatchewan Penitentiary**, passed away some two weeks later, on November 18, 2011, and Jim O'Sullivan, *the former warden* of the **Saskatchewan Penitentiary** passed away on some 4 ½ years later on June 28, 2016. In Jim O'Sullivan's obituary, it is stated that *"in recent years he renewed his relationship with God and found peace in his Catholic faith."* So he must have renewed his relationship with God right at about the same time that he had had a conversation with Billy Bob some 4 ½ years earlier, a conversation that I was privileged to witness when they were both still alive.

At his funeral at the **Buntain Chapel at Calvary Temple** in Winnipeg and at the Reception to follow, there were so many from all walks of life who wanted to testify as to how Billy Bob had profoundly impacted their lives with his simple, childlike faith that was simply profound and yet profoundly simple. He had encountered the real Jesus right in his prison cell when he was right at his lowest point in life, and everybody who knew him knew that he was a transformed man after that powerful encounter with Love.



Between the years 1981 – 1984 when I was privileged to hold a Bible Study in the Chapel of the **Saskatchewan Penitentiary**, some 15 to 20 men would show up weekly to hear the Word of God and to be prayed for. One of those was an inmate by the name of Ted Robinson who attended the Bible Study before he was transferred to the **Stony Mountain Penitentiary** in early 1982. Ted, like most male inmates, had a father who was a harsh disciplinarian and abusive of authority, disposing him to join the world of the gangs and of witchcraft which gave him a sense of empowerment to get back at those who had traumatized him.

He, too, ended up committing the crime of murder, and ended up becoming the object of the largest manhunt in Saskatchewan history up until then. His story, like Billy Bob's, was one where the authorities were determined to throw the book at him. When his crimes came out into the newspaper, even his pastor wanted to distance himself from Ted, and after his sentencing, basically made him to feel that his life was irredeemable, and that whatever his punishment was in prison, he had it coming.

This was the state that Ted's mind was in when he attended my Bible Study at **Sask Pen** in 1981, and, for the first time, he began to feel that just may be his life might be redeemable. He did not come for prayer during the Bible Study when he was there in Prince Albert, by after he was transferred to the **Stony Mountain Penitentiary** in Manitoba, by May 16, 1982, he was alone in his prison cell, and was, like Billy Bob had been, in a desperate place.

He began to cry out to God from his prison cell with a cry that was even deeper than the demonic oppression that was tormenting his body and soul with the fear that he was unforgiveable and irredeemable. He began to cry out, *"God, if it is true that what that preacher man was saying in Prince Albert, that my life is redeemable, I need to know if that is true. I need You to reveal Yourself to me to bring the healing and deliverance that I so desperately need."*

There are tears in Ted Robinson's eyes as he tells this story to this present day. What he will testify is that it was not the Jesus of religion, not the Jesus of legalism, not the Jesus of punishment, but the Jesus who is the Lord of Glory who saves, heals and delivers who showed up right in his cell. The presence of God was so powerful and so palpable as his heart was overwhelmed with what he describes as *"a sense of oceans of pure love sweeping over my soul."* This personal encounter with the real Jesus went on for some five days.

After that encounter, Ted Robinson, like Billy Bob Desnoyer, has never looked back, and he has never backslidden or reversed the direction of his life for even one day since then!



Both Ted Robinson and another former inmate by the name of Rob McGrath have shared their powerful testimonies on **Canada Awakening Healing the Land Podcasts**. Rob McGrath, like so many other inmates, had a very harsh disciplinarian for a father that disposed him to retaliation and counter-violence. This *disposition* and *inclination*, however, did not *determine* the choices that Rob would make in life after he, too, encountered the real, authentic Jesus the Messiah!

Rob McGrath went from being, at one time, one of the ten most wanted men in Canada to serving the King of kings out of a heart of love and compassion for all people where he now serves the street people in Vancouver, B. C.

I would encourage anybody who is interested in hearing the stories of Ted Robinson and of Rob McGrath in greater detail to listen to some of the **Canada Awakening Podcasts** where I had the opportunity to interview both men in greater depth. Hear their testimonies for yourself!

Each of them recorded three ½ hour podcasts with an interview in which they tell their story. These can all be accessed on **Canada Awakening Ministries Website** at [www.canadaawakeing.ca](http://www.canadaawakeing.ca)

Ted Robinson's testimony is recorded on three podcasts which are on Playlist #5 and Episodes #19 - #21, all of which are on the following YouTube site: [https://www.youtube.com/watch?v=mw\\_acX-P10&list=PLMJZRBMHOZJwNwZY09AIX806eE46wngTj&t=1s](https://www.youtube.com/watch?v=mw_acX-P10&list=PLMJZRBMHOZJwNwZY09AIX806eE46wngTj&t=1s)

Rob McGrath's testimony is also recorded on three podcasts which are on Playlist #8 and Episodes #28 - #30, all of which are on the following YouTube site: [https://www.youtube.com/watch?v=DAOK3wjiM928&list=PLMJZRBMHOZJxMNAi8zUM19O\\_t4ELQ\\_JTK](https://www.youtube.com/watch?v=DAOK3wjiM928&list=PLMJZRBMHOZJxMNAi8zUM19O_t4ELQ_JTK)

What all of these stories have in common is that because Jesus will not force Himself on anybody who wants to stay in their self-centred world without welcoming Him into their lives as Lord and as King after they come to the end of themselves, they cried out with a cry for God to reveal Himself to them. They cried out to a God who is not "*them*," but who they truly needed to *restore* and *rescue* them from their past. He meets with those who give up their own self-righteousness, and who acknowledge their need for mercy.

What the world needs is not more Christianity but more Christians who practise Christianity.

"Christianity is about helping others and controlling yourself. When it becomes about controlling others and helping yourself, it ain't Christianity."

**Galatians 6:1**  
Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted.

The humble He guides in justice, And the humble He teaches His way. All the paths of the Lord are mercy and truth, To such as keep His covenant and His testimonies. Psalms 25:9-10