

# The impact of theological foundations of restorative justice for the human rights protections of North Korean stateless women as victims of human trafficking

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Restorative justice, with its most prominent characteristic being rebuilding social relationships among victims, perpetrators and the community that was damaged by a crime, has been proposed as an alternative to the traditional retributive justice model to treat criminal acts. Both secular and religious groundings exist for restorative justice, and religious theorists have developed theological groundings for restorative justice based on scripture and other sources. In this article, I will explore how a theologically grounded restorative justice model, focusing on Christopher Marshall's theological exposition of restorative justice, can contribute to the thought and action of Christians and the larger public in the face of the moral injury caused by human trafficking. I will address how this model can also contribute to social structural change. In my analysis, I will employ a case study of North Korean stateless women who reside in China and who are victims of human trafficking.

**Keywords:** human trafficking; human rights; North Korean women in China; restorative justice; Christopher Marshall.

## Introduction

Restorative justice has been proposed and practised as an alternative to retributive justice in the treatment of criminal acts since the early 1990s. It arose because of the limitations of retributive justice, including its punitive, impersonal and authoritarian nature that alienated victims (Roach 2000:250). With the goal of rebuilding social relationships among victims, perpetrators and the community that was damaged by the crime, restorative justice pursues a collaborative and inclusive process by focusing on harms, influences and needs of all the involved parties and aims to restore those who have been injured. Both secular and religious groundings exist for restorative justice, and religious theorists have developed theological groundings for restorative justice based on scripture and other sources, including ethics and public theology. In this article, I will explore how theologically grounded restorative justice can contribute to the formulation of thought and action of Christians and the larger public in the face of the moral injury of human trafficking and how this model can call not only for interpersonal repentance but also for communal remorse and social structural changes. I will employ a case study of North Korean stateless women who reside in China and who are victims of human trafficking. Based on my analysis of the limits of the prevailing regime of retributive justice, the systemic failure of international law and policy to address the crime of trafficking and the theological foundations of restorative justice, I will assert the value of theologically informed restorative justice for illuminating the socio-structural changes that would provide social and legal guarantees of the victims' human rights.

With regard to methodology, I will utilise scholarly literature to explore the theories of restorative justice and retributive justice. In examining the theological foundations of restorative justice, I will mainly employ the expositions of Christopher Marshall, as he is a pioneer in uncovering the theological roots of restorative justice and its application to conflict resolution and peacemaking in the public arena. For the case study, I will employ both a literature review and ethnographic research. I will utilise academic resources and other media (including news and congressional reports) to explore the human rights violations faced by North Korean women in China and the domestic as well as international responses of involved countries regarding refugees and human trafficking. I also conducted semi-structured interviews with seven females who resided in China as stateless North Koreans before escaping to South Korea. These women had been victims of

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human trafficking during their stay in China. I interviewed them to understand their lives as North Korean stateless women in China, with a focus on their experiences of trafficking and human rights violations.

## The human rights violations of North Korean trafficked women in China

I will first explore the particular case of human trafficking against North Korean women in China. This is a situation where theologically grounded restorative justice can contribute to addressing human rights violations and the lack of social and legal support to repair the harm created by trafficking.

North Korean refugees are broadly categorised into two groups. The first group is North Koreans who reside in South Korea. They are first given refugee status and later become South Korean citizens. The second group is those who illegally reside in third countries. The largest number of these people move to China through marriage and/or are engaged in illegal employment, prior to their ultimate escape to South Korea (Yu 2011:113). Of the different types of North Korean refugees, North Korean stateless women in China are especially susceptible to human rights violations. This is because of their voluntary and involuntary involvement in human trafficking.

## Patterns and characteristics of trafficking

According to the United Nations Convention against Transnational Organized Crime (2003) (Trafficking Protocol), human trafficking or trafficking in persons is defined as the:

[R]ecruitment, transportation, transfer, harbouring or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. (p. 2)

'Exploitation', in this case, includes prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs (Trafficking Protocol: article 3). The major elements of human trafficking are action (e.g. recruitment, buying and selling), means (e.g. threat and coercion) and purpose (exploitation) (Laczko 2005:5–16).

North Korean stateless women in China generally have experienced two major types of human trafficking. The first is trafficking through forced marriage by means of kidnapping, deceit and threats. The traffickers are often the brokers who assisted the women across the border from North Korea into China. The brokers threaten the women by demanding a great amount of money as compensation for this, or lure them into a marriage with the promise of food and shelter. The marriages are sometime arranged by the victims' family members. They may sell the women for their

own financial benefit and/or out of a belief that the victims will be financially and emotionally better off when married to a Chinese or a Korean-Chinese man (Yoon & Chun 2006:85).

These marriages generally turn out to be abusive and exploitative, as numerous testimonies of North Korean women demonstrate. They often undergo severe physical and psychological domestic violence from their husbands (Yoon & Chun 2006:85). Ms R, one of the interviewees, explained that her Chinese husband's dehumanising treatment deprived her of her dignity. Although she was treated as no more than a vent for her husband's anger and a means to satisfy his sexual desires, she was required to be obedient and 'thankful' as she was being fed and provided basic necessities (Ms R, Interview with Author, 09 December 2017). However, my interviewees stated that many victims remain compliant to their husbands because of fear of law enforcement by Chinese officials and deportation to North Korea because of their illegal status.

Another common form of trafficking experienced by North Korean women in China is trafficking into forced labour. Through brokers or job recruiters in China who act as traffickers, victims are compelled to work primarily in the sex industry, as factory workers or as maids (Bielke 2004:2–3). The employers not only commit physical violence and sexual assault, but also verbally insult them about their status as illegal. Ms E shared her experience of hearing humiliating words from her employer almost every day in China. Her employer scorned her for being a North Korean who had betrayed her country, a woman and a poor person (Ms C, Interview with Author, 09 December 2017). All of the interviewees who experienced trafficking through labour revealed that their employers ensured their obedience through the constant threat of deportation.

## Human rights violated by trafficking in persons

North Korean stateless women are deprived of various types of human rights through trafficking. Most fundamentally, the victims' right to nationality or political membership is denied. The Chinese government regards them as illegal economic migrants and does not provide them with refugee status. Their illegal status excludes them from even the most minimal legal options, not to mention full political and civil rights (Dongguk University 2010:75). Ms C responded that her life was like that of a dead person as she did not have access to any legal process to address the issues she faced. These ranged from health issues to the unjust treatment she received from her traffickers and husband (Ms C, Interview with Author, 09 December 2017). All of the interviewees agreed that their lack of political membership and access to legal protections are their most fundamental difficulties that made their lives inhumane.

The violation of the women's right to nationality leads to their loss of rights to liberty and security. Because of their illegal position, North Koreans in China are always subject to

surveillance, arrest and punishment by Chinese officials (Lee 2012:68–71). Four of the interviewees shared their experiences of moving frequently to avoid being caught. They each said they hid outdoors for periods ranging from a few days to several weeks when they could not find a place to stay. The women still experienced insecurity even when married to a Chinese or Korean-Chinese man. Three of the four interviewees stated that they were still exposed to threats of arrest after their marriage as they still had an illegal status, and therefore they had to be secretive.

In addition, the mistreatment of North Korean women at home and in the workplace includes that they are deprived of their rights to be free from torture and/or cruelty, inhuman, degrading treatment or unjust punishment. Their employers' exploitation also undermines these victims' rights not to be submitted to slavery, servitude, forced labour or bonded labour, as well as to their rights to just and favourable work conditions.

Furthermore, the victims' maternal rights (in cases when they have children), along with their children's human rights, are violated. The women cannot live with their children (whom they brought from North Korea) if their husbands refuse to raise them. The rejected children may be sold to unknown people by the traffickers and they may experience child abuse (Dongguk University 2010:95–96). The women's maternal rights, along with the children's rights to association with their parents, physical protection, healthcare and freedom from abuse, are denied.

## Social structures that result in human rights violations

The human rights violations of North Korean trafficked women in China are caused not only by the interpersonal relationships between the victims and the traffickers, husbands and/or families, but it is also instigated and intensified by social structures. It is particularly caused by politically related countries' minimal and inadequate response to the crime of trafficking.

The North Korean government does not admit that the crime exists, claiming that human trafficking is legally prohibited in North Korea (Dongguk University 2010:95–96). Moreover, the Chinese government does not acknowledge that North Korean stateless people in China are refugees, impacting any effort to protect them as victims of trafficking. China defines North Koreans as 'economic migrants' who escape to China only to look for economic opportunities and states that they return to North Korea after securing food and wages (Kim 2004:36). China's claim conflicts with its obligation under the Refugee Convention to offer asylum to repatriated people who are under the threat of persecution. Although some North Koreans flee to China for economic reasons, one must consider North Korea's oppressive social structure as an important factor that drives people to move as well as the persecution people experience if deported back to the country. Therefore, North Koreans need to be provided with

refugee status under the protection of international refugee laws (Kim 2004:36).

On the contrary, the South Korean government has been implementing a selective refugee policy that still does not provide sufficient support for North Koreans' settlement in South Korea. The government's passive posture in protecting and assisting North Korean refugees has discouraged a number of North Koreans from escaping to South Korea and has caused them to remain in China as stateless persons. In this sense, the South Korean government shares a fundamental responsibility for North Koreans residing in China and becoming victims of trafficking (Yang 2013:18–21).

Furthermore, the US government, while repeatedly condemning the issue of trafficking against North Korean women in China, has not made sufficient effort to protect the victims of human rights. It has not penalised China for trafficking, nor has it attempted to initiate a dialogue about the issue with China or North Korea (Muico 2005:13). The United Nations also has not taken any concrete or practical actions against the Chinese government regarding the issue (Davis 2006:137). Nevertheless, politically related countries' pressure on and persuasion of the Chinese and the North Korean governments through active dialogue will be crucial to combat the victims' human rights abuses.

## Human trafficking as a theological concern

The characteristics and impacts of human trafficking reveal that it is a theological concern, where moral or ethical reflection from a theological perspective can contribute to problematising the issue and searching for remedies. In Christian belief, human beings are 'social beings made in God's image and likeness' (O'Connor 2014:406). Each person has dignity as the image of God, and all human beings exist in interconnectedness and interdependence, needing to respect the dignity of others. This theological basis identifies human trafficking as a grave offence against human dignity and a direct violation of human rights (O'Connor 2014:406).

The Christian belief in human dignity and interconnectedness empowers one to recognise the relational and socio-structural context of trafficking against North Korean women, and its consequent individual and social obligations. Trafficking for forced marriage and employment involves a relationship between the victims and their employers, husbands and family members (when they are sold by family or relatives). Their mistreatment and abuse usually entail a betrayal of trust and a power imbalance. The relational nature of the crime and the hierarchies of power involved in it render deep harms for the women. There are far-reaching consequences for the victims' self-perception, social lives and family relations (Mercer & Madsen 2015:12).

Moreover, as addressed, the human rights violations experienced by North Korean trafficked women are caused and worsened by the diplomatic relationships between the

politically related countries. Each country's nationalism promotes its political independence, profits and social security, which lead to its failure to protect populations who do not fall within the boundary of the nation state. These include refugees, asylum seekers, stateless people and the undocumented, and result in a further denial of their human rights (Weaver 2014). In Christian thought, the relational wrongdoings that the victims have suffered, at both interpersonal and social levels, are more than merely a humanitarian concern. It impacts (Glatz 2012):

God's essential respect and concern for each person and an effort to protect the essential human freedom necessary for each person to achieve his or her destiny as a child of God. (p. 1)

The global community as a whole has a shared responsibility for restoring the well-being of disadvantaged and powerless individuals as well as the broken social order, and for restoring the values of dignity, interdependence and solidarity (O'Connor 2014:394).

## The theological foundations of restorative justice

The theological insights regarding human trafficking demonstrate the applicability of theologically informed restorative justice. Restorative justice aims to re-establish broken social relationships grounded in the relational and restoring nature of God's justice in dealing with crime. In this section, I will articulate the concept and major characteristics of restorative justice that are distinctive from retributive justice. I will also explore its theological groundings, mainly employing the arguments of Christopher Marshall.

### Characteristics of restorative justice

Restorative justice has been proposed as an alternative option to retributive justice in the treatment of criminal acts. Retributive justice is a theory of justice that holds the view that punishment proportional to the offence is the best response to crime. This is based on an understanding of retribution as the 'just deserts' that the offender deserves to compensate for the wrongdoing (Cragg 1992:15). In retributive justice, crime is defined as a violation of law and the state, and justice is defined as applying the law. Although proportional punishment imposed by the state can provide protection against unfair treatment of crimes, the harms that the victims experience are not the focus and thus are seldom addressed. The victims are not allowed to initiate, settle or stop prosecution without the permission of the state (Llewellyn & Howse 1999:73).

Differing from retributive justice, restorative justice defines crime as harm done to people and relationships, and it emphasises rebuilding social relationships among victims, perpetrators and affected communities (Zehr 2015:187). This characteristic reveals the primary goals of restorative justice, which are giving decision-making power to those most affected by the crime, making justice more about healing and reducing the likelihood of future offences (Zehr 2014:40). As

a way to achieve these goals, restorative justice focuses on direct and indirect influences as well as the consequent needs of all the parties affected by the crime. All three parties are given a (voluntary) opportunity to participate in the response to the crime. As the victims have experienced a loss of power in relation to the crime, they receive the opportunity to restore control in their lives. Offenders are required to take responsibility to help the victims and to reinforce the community value of respect for others (Zehr 2014:29). The community members also have an obligation to actively participate in repairing the injuries and strengthening the social order (Van Ness & Strong 2015:30–31).

The emphasis on the community's responsibility relates to the complementary roles of the community and the state in promoting justice. In achieving safety, the government is responsible for social order by 'imposing' external limits on individual behaviour, with an aim to minimise and resolve overt conflicts in society (Van Ness & Strong 2015:46–48). Community, including both the local community that the victims and offenders belong to and the wider civil society, is responsible for preserving peace. Community is expected to respect and promote shared interests, even when they conflict with the interests of individual community members. When such conflicts arise, the community and its members are responsible for addressing the underlying causes and searching for remedies (Van Ness & Strong 2015:46–48).

With the rise and predominance of retributive justice in the modern era, the community's unique contribution to preserving peace (which was appreciated in the premodern world) was undermined and subverted by state authority. Restorative justice challenges this state monopoly and revives the moral functioning of community. It recognises the injuries experienced by all of the involved parties and provides them with opportunities to be actively involved in repairing harms. Such efforts strengthen the community-oriented values of respect and compassion for others (Van Ness & Strong 2015:47).

Through these approaches, the actual practice of restorative justice is premised on truth-telling and an encounter between the involved parties. Truth-telling takes the form of an admission of responsibility for what happened on the part of the offender as well as honest narratives from all parties. Encounter involves participant-driven face-to-face meetings and the sharing of experiences. After the process, plans for the future or an agreement for resolution (out of negotiation) are developed. The entire process is evaluated based on whether the parties feel they have been restored or not (Llewellyn & Howse 1999:73).

## Christopher Marshall's theological exposition of restorative justice

### The mandate of *shalom* to achieve divine justice

The mandate of *shalom*, a state of comprehensive well-being and wholeness of things, is the theological ground that penetrates both the Old Testament and the New Testament. It

is also what justifies the restorative justice model. *Shalom* in the Bible, the Hebrew word for 'peace', refers to the 'presence of harmony and wholeness of health and prosperity, of integration and balance' (Marshall 2012:12). It includes restoration of relationships, the establishment of social systems that serve the needs of all human beings and the resolution of conflicts in a constructive way (Galtung 1996).

Marshall addresses the strong communal and relational emphasis in the biblical or theological concept of *shalom*. *Shalom* entails the complete well-being of a community or society as God's intention for humanity. It relates to the biblical directives of 'image bearing' and a 'service mandate' (Timmer 2017:3–4). Humanity is created in the image of God (Gn 1:27), which can mean that all humanity shares the same origin. It means that every person is equally valuable and significant before God (Gn 2). It furthermore implies God's call for human beings to 'bear' God's image by being God's 'representatives' to the rest of the creation. Being an image bearer of God directs us to serve God by supporting others (who have equal dignity) to flourish and to be what God intends (Timmer 2017:3–4). Sustaining *shalom* is the fundamental concern and goal of God's justice in the Bible, revealing its relational, restorative and saving nature throughout both Testaments.

## God's justice as restorative justice in the Old Testament

### God's justice as covenant justice

Marshall presents covenant as the central concept in the Hebrew Bible. It becomes the basis and model for *shalom*. In the Bible, the word 'covenant' is meant for 'committed relationship', or, more specifically, for the 'formal commitment which brings the relationship into existence and specifies the rights and responsibilities of both parties' (Marshall 2005:14). Covenant shows God's special relationship with the people of God and God's plan and desire for them in this world. God's covenant is based on the promises that God made to Abraham, promises which established the birth of Israel (Gn 17:7). God confirms his relationship with Israel through the covenant at Mount Sinai (Ex 2:24). The relationship requires Israel to obey God and abide by the demands of the covenant – the law (the Torah) that guided Israel to live in and sustain *shalom* within the community (Marshall 2001:48). To this end, the justice of God in the Old Testament is covenantal justice based on relationship and a vision of *shalom*.

According to Marshall, the covenant justice of God is the foundation of the Christian notion of 'partiality for the disadvantaged' or the 'preferential option for the poor'. In the Christian context, 'partiality' refers to a priority scheme that gives precedence to the claims of the socially marginalised and oppressed by recognising their special needs (Pope 1993:243). While all human beings are created by God equal in worth and bestowed with equal rights of access to the 'abundance of creation' (Ps 8:5–7), they are also created differently in gender, race, personality and gift (Marshall

2005:40). Injustice comes into play when such differences are abused, and the God-given rights of the marginalised are denied by those who accumulate excess from exploitation. Biblical justice urges us to see the unjust social conditions that make widows, orphans, migrants and the impoverished vulnerable (Nm 11:31–33; Lv 25:8–17) and cause people to lack their basic needs, such as food, shelter, work and health (Pope 1993:243).

Criticising the unjust social structure, biblical justice necessitates special protection of those who are needy and defenceless as an act of justice to retrieve what God desires for the world. God's justice reveals that equality pursued out of impartiality does not mean that all human persons are to be treated identically in every respect. Rather, it means that a person should not arbitrarily treat someone worse than others and that justice should treat all persons *as equals*. Partiality for the socially disadvantaged reveals God's restorative activity, which 'evens the balance' and achieves ultimate social equality and peace by taking the side of the powerless (Mott 1993:24–25).

## Punishment as a way to sustain a covenantal relationship with God

The basic retributive concepts of guilt, 'deserts', proportionality and atonement (through punishment) are employed in the Old Testament's legal and cultic sacrificial system (Marshall 2001:121). In addition, God punishes wrongdoers for transgressing God's law to uphold the moral order created by God (Marshall 2001:44).

Nevertheless, the narratives in the Hebrew Bible indicate that punishments served an educative function as a way to achieve God's restoring justice. Punishments instructed the society about the types of behaviour that threaten not only individuals but also the welfare of the community, and they renounced these acts. God's righteousness is not oriented towards the destruction of wrongdoers but is meant for purifying and refining the situation through punishments, and thus restoring *shalom* to the community. Also, when Israel broke the covenant, God used punishments to bring the community back to their covenantal relationship with God. The instructive role of punishment indicates that the primary form of the Hebrew concept of divine justice is restorative justice (Marshall 2001:47–51).

Moreover, Marshall (2001:50) argues that God's punishments of Israel's oppressors and enemies reveal the steadfast 'loyalty' of God towards the covenant people and God's saving intervention for them. The righteousness of God includes Yahweh's warfare (punishment) against foreign aggressors, rescuing Israel in times of war and protecting the rights of the powerless in Israel through enforcing the law and appointing or instructing kings (Marshall 2001:50). Here as well, God's ultimate purpose goes beyond inflicting harm upon enemies through punishment. God's sincerity to the people of God is demonstrated in protection and liberation

from oppression (Marshall 2005:18–19). Whether God's judgement is upon pagan enemies or the wicked within Israel, the punitive measures of God eventually put things right that have gone wrong and restore fellowship, integrity and *shalom* within the community and in its relationship with God (Marshall 2005:49).

## Divine justice in the Old Testament as the theological foundation of the theory and practice of restorative justice

The nature of God's justice, manifested throughout the Old Testament, undergirds the principles and practice of restorative justice. Primarily, a committed relationship with God and others, particularly the socially marginalised, grounds the inclusive characteristics of restorative justice. It pays attention to the needs of all of the involved parties to repair damage and restore broken social relationships.

The justice of God, furthermore, necessitates obligations from each of the involved parties – the offenders and the community in particular – which is a crucial component of restorative justice. It promotes the voluntary and active participation of each party to address the harm. Four major obligations are delegated on wrongdoers by God: recognition or remorse by acknowledging or confessing guilt (Lv 6:4; Nm 5:7), repentance by committing to make amends (Mt 3:8), restitution to the victim in accordance with the seriousness of the offence (Ex 22; 1, 4; Lv 6:5; Nm 5:7) and reconciliation with those who have been injured (Lv 6:2; Nm 5:6) (Marshall 2012:17). God requires not only personal repentance but also corporate or communal confession and repentance for parental, ancestral and national sins (Ex 20:5; Nm 14:18, 33; Dt 5:9; Is 65:6–7; Jr 32:18) (Marshall 2005:12).

Furthermore, in rectifying harms and achieving wholeness in society, the responsibilities of the community for its suffering members are crucial for the justice of God. When the poor are on the verge of falling into destitution prior to the Jubilee because of their economic fragility, scripture addresses the community's responsibilities to empower them in the community (Lv 25:35–36). The justice of God can be accomplished through the community's efforts to turn the victims into active and participating members of the community (Marshall 2005:12). This role of community can challenge the *status quo*, uphold God's covenant for the maintenance of right relationship between individuals in the community and restore the moral order of *shalom* (Zehr 2015:142–143).

## New Testament perspectives on God's restorative justice: A new social order

Marshall's description of the restorative nature of God's justice in the New Testament is based on God's unwavering faithfulness to the covenant revealed in the life, death and

resurrection of Jesus (Mt 27:19; Lk 23:47; Pt 1 3:18; Ja 5:6; 1 Jn 2:29; Rv 15:3) (Marshall 2001:54).

The ministry in the life of Jesus can be characterised by his 'prophetic denunciation' of social injustice and evil. It is also seen in his call for a transformed society that supports the needs of the socially marginalised, who are the victims of injustice, to live out the will of God (Marshall 2005:53). The sociopolitical aspect of Jesus' ministry contains three major aspects. Firstly, Jesus rejected the social discrimination employed by the socially privileged over the marginalised, and practised an upside-down form of leadership that respected, healed and showed solidarity with the socially disadvantaged (Mt 18:1–5; Mk 14:3–9; Lk 14:12–24, 20:16). Secondly, Jesus denounced the economic injustice that arose from materialism and a concentration of power (Mk 11:15–19; Lk 10:25–37, 12:15–21). He manifested God's 'power at work' that brings healing, freedom and the creation of a new community practising sharing (Mt 6:2–4; Mk 10:17–30), simplicity (Mt 6:19–34) and material interdependence (Mk 6:7–13; Lk 9:3) (Marshall 2005:53–60). Jesus furthermore renounced war and violence throughout his ministry. Jesus rebuked the Roman rulers who dominated and persecuted the weak and powerless (Lk 22:24–27). He called his disciples to non-violence and peace-making love in pursuit of God's justice (Mt 5:38–48) (Marshall 2005:60–61). To this end, Jesus' ministry denounced oppressive sociopolitical and socio-economic structures and created an inclusive and peaceful community where everyone's dignity and equality were respected.

Furthermore, the death and resurrection of Jesus exemplify God's saving justice that defeats evil and brings restoration to this broken world. The death of Jesus goes beyond a mere demonstration of brutal human injustice. It reveals God's saving justice that conquers the powers of evil and death 'once and for all' through the resurrection (Rm 1:16–17; Gl 3:13; 1 Cor 15:3–4; 2 Cor 5:19–21; Phlp 2:6–11) (Marshall 2005:62). God disclosed divine justice by entering completely into the world of broken humanity in the person of Jesus. Through Jesus, who fully absorbed by human sinfulness on the cross and was resurrected, God broke the power of sin, and redemption was made available to everyone. God, through Jesus' death and resurrection, established a relationship with humanity characterised by forgiveness, renewal and a newfound intimacy (Marshall 2001:93).

## Jesus' narrative as the theological foundation of the theory and practice of restorative justice

The characteristics of God's justice in the New Testament revealed through the narratives of Christ undergird the principles and practice of the restorative justice model, serving as its theological foundations.

Firstly, the justice of God, as is reflected in the ministry of Jesus, calls for repentance of the *status quo* and the

reformation of unjust social structures that excluded the socially disadvantaged. This is the ground of restorative justice that critiques the retributive justice model where society excludes the needs of victims.

Jesus also teaches the proper attitudes that the victim, offender and community should have in cases of wrongdoing. Jesus first calls for the offender's repentance and for their restoration in relationships. This is exemplified by Jesus' parable of the Prodigal Son. The repentance of the Prodigal Son is a confession of wrongdoing and demonstrates his desire for reconciliation with his father and for the re-orientation of his life (Broughton 2014:39–42). In the parable, Jesus teaches the importance of the offender's repentance as a catalyst for reconciliation. Jesus, furthermore, calls for communal repentance as part of society's responsibility in addressing the harm. Jesus, Peter and Paul explicitly mention ongoing corporate and multi-generational iniquity and the need for communal repentance of nations and churches. These are corporate bodies of people who are told to repent and they are held accountable for their evil deeds (Mt 11:21–24; Lk 10:13–15, 19:41; Rv 2–3) (Ellis 1991:110). Jesus' teachings on individual as well as social responsibility theologially ground the inclusive nature of restorative justice, which renounces social injustice and presents attitudes and actions for each of the parties to take.

In addition, God's justice, revealed in the death and resurrection of Jesus, calls victims to have a non-retaliating and forgiving attitude towards their enemies. This is valuable in the practice of restorative justice.

While forgiveness or reconciliation is not a prerequisite component or necessary outcome of restorative justice, restorative justice takes place in a way that encourages and orients towards forgiveness and reconciliation. Jesus teaches about God's benevolent and merciful character and our obligation to emulate this as children of God by opposing adversarial responses to wrongdoing (Lk 6:27, 35–6). The gift of God's forgiveness compels, motivates and empowers us to commit to forgiveness (echoed in Mt 18:32–33; Eph 4:32; Col 3:13) (Ellis 1991:75). Moreover, the death of Christ demonstrates God's work of 'reconciling the world to himself' (2 Cor 5:19). This shows God's unfailing faithfulness to the people of God and God's liberation, healing and restoration of God's people (Broughton 2014:58–68). Christ's compassion for sinners and God's reconciliation with humanity through Christ urge us to imitate and practise the compassion and forgiveness we have received in our human relationships.

Considering Jesus' teaching on forgiveness, an issue can be raised regarding the feasibility of forgiveness in the practice of restorative justice: is it possible for victims to forgive even when the offender is unrepentant? What are the effects of forgiveness for the victim if reconciliation does not take place? Although these are valid questions, Jesus emphasises the unconditional nature of forgiveness (Lk 23:34). While repentance and apology on the part of the offender are

emphasised by Jesus (Lk 17:3–4), even in this case, Jesus teaches us that forgiveness is a 'gift for' the offender (Marshall 2001:265). It is 'a gift of release from the burden of guilt and its destructive consequences in the offender's own life', showing that the power of forgiveness comes from its gratuitous and generous nature (Marshall 2001:265).

Furthermore, Jesus teaches that forgiveness is a release not only for the perpetrator but also for the victim. The act of forgiveness brings liberation and healing from the negative effects of the offence. These effects include the pain from emotions such as debasement, dishonour and self-loathing that may arise from the injury (Marshall 2001:266). Remembering that Jesus took our sins and pain away through the crucifixion (Pt 1, 2:19–25), although victims suffer, they are empowered to forgo the power of the offence by forgiving the perpetrators so that negative feelings do not control them. Therefore, the suffering, death and resurrection of Christ show the powerful value of forgiveness even in the absence of repentance from the offender and even when the relationship is not restored. This undergirds the liberating function of forgiveness in restorative justice.

## **The impact of theologically informed restorative justice for the healing and human rights protection of North Korean trafficked women**

In this section, I will explore how Marshall's theological explication of restorative justice can be a source of moral guidance for Christians and the larger public in responding to the human rights violations faced by North Korean trafficked women in China.

### **Recognising the needs and desires of all who are impacted**

The inclusive and restoring nature of God's justice that cares for the socially marginalised requires us to be attentive to the injuries and needs of those who have been affected by the crime of trafficking – particularly the trafficked women and society. The victims have undergone particular harms such as the deprivation of human rights and they suffer from emotional and physical damage arising from mistreatment. The symptoms that the victims exhibit include post-traumatic stress disorder (PTSD), depression, a loss of self-worth, issues with social adjustment and problems arising from sexual trauma (Resick et al. 1988:385–401). They also have practical needs, such as being granted refugee status, if they reside in China, and having access to social services for their recovery and reintegration into society, either in China or in South Korea.

In addition to the victims, society – not only the Chinese society, but also the whole global community – has been explicitly and implicitly impacted by the crime because of a broken social order. In managing the aftermath of the crime,

the politically related countries have tension and conflicts when shaping migration policies and strengthening their border controls to enhance social security. The costs involved with the victims' recoveries, including protection schemes and health, welfare and other government services, may also be challenging (The United Nations Office on Drugs and Crime 2008:88–93).

As God's justice restores the victims, offenders and community to wholeness and well-being, theologically informed restorative justice necessitates recognising the harms, specific needs and desires of the victims and the society.

## The obligations of each involved party

In promoting North Korean trafficked women's recovery from injuries and human rights violations, theologically grounded restorative justice can inform the attitudes and responsibilities that each involved party should take.

Firstly, repentance, sincere apology and compensation are required from perpetrators. As previously addressed, trafficking involves relational harms and thus requires the restoration of broken social relationships and equality between the parties. To achieve this aim, God's restorative justice requires the offenders to be attentive to the victims' wounds. They must acknowledge the harms caused by their misdeeds, repent for them and address their responsibility to address the damage.

Theologically grounded restorative justice also calls for the community's corporate repentance and addressing their social obligations to repair the harm. God's critique of the social inequities that caused the vulnerabilities of the socially marginalised raises the social structures that are the underlying cause of the victims' involvement in trafficking and their experience of human rights violations. The community members that the victims belong to, as well as the wider civil society, should repent for inheriting social evil when they are associated with it, both consciously and unconsciously (Birch et al. 2018:110). This should inspire the politically related societies to repent for the social sins of remaining silent and being ignorant of the suffering of the trafficked victims. Societies are further called to participate in repairing the harm through institutional changes, including improving immigration policies, citizenship laws and social services, to aid the victims' recoveries and to prevent future crimes.

Finally, the trafficked victims are called to forgive the perpetrators. Because of the traumatic impact of the crime, it is extremely difficult for the women to forgive. Nevertheless, the gratuitous nature of God's forgiveness and the releasing power of forgiveness for victims could enable the victims to be free from their traumatic memories by offering God's forgiveness to those who have harmed them. They could become empowered, healed and reintegrated into society (Schreier 1998:67).

## The role of the church in bringing theologically informed restorative justice to wider society

Despite the positive potential of restorative justice, possible resistance could emerge in the practice of theologically informed restorative justice. Restorative justice is practised extensively outside the church where its principles are articulated in generic, secular terms. In this context, the biblical notions of justice (e.g. apology, repentance and forgiveness) might sound unrealistic and difficult to be applied and transported into a broader society (Neufeld 2003:15).

Regarding this possible resistance, the church has a significant responsibility to practise theologically informed restorative justice in combating trafficking. With their belief in human dignity, concern for the common good and pursuit of solidarity, church communities can play the role of 'mediator' and 'peacemaker' in pluralistic societies (Pope 2014:189). They can awaken societies to realise the degrading nature of trafficking. They can, consequently, provide the ultimate justification and motivation not only for interpersonal reconciliation but also for the social obligation of implementing a legal regime that would protect the victims' human rights and promote societal well-being. The church can exercise political advocacy in China and South Korea, as well as through international institutions, to address the causes of trafficking and to promote policy reform. Church communities can also facilitate networking between religious communities and local organisations, and can support cooperation between governmental and non-governmental organisations.

Furthermore, the church can undertake preventative activities, raising awareness about trafficking with professionals including educators, medical professionals, ministers and social workers (Pope 2014:189). It can also assist the trafficked victims by providing shelter, and connecting them to social, medical, psychological and legal assistance. These efforts would contribute to practising theologically grounded restorative justice in public moral discourse. The church would help to create safety and solidarity so that parties involved with trafficking can be reintegrated into society (Pope 2014:189–190).

## Truth commissions

Among different forms of restorative justice, truth commissions can be an effective method to move towards the goals of theologically informed restorative justice. A truth commission or truth and reconciliation commission is an officially authorised body that promotes uncovering and resolving past wrongdoings conducted either by a government or regime or non-state actors (Bakiner 2016). It assists a society to understand a contested history, let the voices of damaged parties – who have often been ignored – be heard by the public, and to prevent future harms through

suggestions for institutional and policy reforms. The government and non-governmental organisations and international institutions are expected to provide active support to achieve these goals. The commissions' key activities include taking statements from victims, offenders and other involved parties; conducting investigations; and holding public forums to facilitate national discussions about the past (The Office of the United Nations High Commissioner for Human Rights 2006:3–10).

Truth commissions can be an appropriate restorative justice process for North Korean trafficked women, particularly because of their pursuit of public accountability and their international and institutional scope. The public testimonies and dialogues would provide both the victims and perpetrators with an opportunity to share their experiences. This might promote interpersonal understanding and consequently could restore damaged social relationship between the parties and facilitate healing. Testimonies would also help the public to understand the roots and impacts of the crime and allow them to participate in repairing the damage.

Furthermore, the treatment of the crime requires holding state actors (particularly China, South Korea and North Korea) accountable so that the communal or socio-structural responsibility for reform would be addressed.

The open forums would contribute to such accountability, raise public awareness, lead to institutional changes and locate support at a local, national and international level.

## Conclusion

In dealing with the problems of trafficking against North Korean women in China, Marshall's analysis reveals that theologically grounded restorative justice can serve as an effective tool for the victims' recoveries and human rights protections. Its theological foundations are attentive to the harms and needs of the victims and the community. They also necessitate criticising and reforming the social structures that caused trafficking and human rights deprivation. To fulfil each party's needs and to rectify social injustice, the justice of God calls for an appropriate response from each party in the practice of restorative justice. The Christian community can aid in the difficult task of applying theologically informed obligations to the secular world, with the cooperation of governmental and non-governmental organisations as well as other institutions. Ultimately, theologically grounded restorative justice can contribute to the creation of a society where the human rights of socially vulnerable populations are protected. In this society, the vulnerable does not only suffer but also flourish, and, consequently, *shalom* for the whole community is achieved.

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## Author(s) contributions

I declare that I am the sole author of this research article.

## Ethical consideration

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