

CATHOLIC SOCIAL TEACHING ON RESTORATIVE JUSTICE

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Thank you for inviting me to address this most important conference on restorative justice. Preparing this presentation has motivated me to learn more about the topic as well as to become knowledgeable of ways the principles of restorative justice are being adapted and implemented throughout the world, and often by Roman Catholics, lay women and men, women and men in religious life and the ordained in the Church, deacons, priests and bishops. Much of the preparation involved e-mailings, telephone interviews and pouring over much literature on the subject. Some of my sources told me outright, “You won’t find much that the Church teaches on this.”

While the Church may not explicitly teach much on restorative justice, when it has spoken, it has been clear and forceful, such as the United States Bishops’ statement, *Responsibility, Rehabilitation, and Restoration, A Catholic Perspective on Crime and Criminal Justice*, approved by the full body of bishops at the Fall Assembly, November, 2000. This document has become a *Magna Charta* for many involved in the process of bringing about healing to all those touched by crime and its consequences.

In this presentation I will share what the Church officially teaches on restorative justice and how she teaches it through action.

First of all, it is completely appropriate to ask the question, “Why does the Church teach at all?” In the *Compendium of the Social Doctrine of the Church*, we find the reason the Church teaches: “The Church continues to speak to all people and all nations, for it is only in the name of Christ that salvation is given to men and women. Salvation, which the Lord Jesus obtained “at a

price” (I Cor 6:20) is achieved in the new life that awaits the righteous after death, but it also permeates this world ... (it) embraces the whole person and all mankind...” (no. 1).

A second question we might ask, “Why does the Church teach about social, that is, earthly things?” The Church gives her social teaching high prominence, as the *Compendium* explains, “To the people of our time, her travelling companions, the Church offers her social doctrine...she fulfills her mission of proclaiming the Gospel, she bears witness to man, in the name of Christ, to his dignity and his vocation to the communion of persons. She teaches the demands of justice and peace in conformity with divine wisdom” (no. 3).

Official teaching has its source in the Magisterium of the Pope and the Council; it determines the direction and gives marks of the development of this social doctrine, which in turn, is integrated into the Magisterium of the Bishops. The bishops give precise definition to this teaching, translating it and putting it into practice. (no. 80) This is the process followed by the U.S. bishops in their statement on crime and criminal justice. It takes principles from the Magisterium and applies them to the particular issues in our criminal justice system. The statement goes further to suggest possible avenues to implement their teaching.

Of particular importance for us who are interested in a better way of resolving issues between victims and offenders is what the *Compendium* states as the object of the Church’s social doctrine. It is for a society reconciled in justice and love: “...the Church shows her concern for human life in society, aware that the quality of social life – that is, of the relationships of justice and love that form the fabric of society – depends in a decisive manner on the protection and promotion of the human person, for whom every community comes into existence. In fact, at play in society are the dignity and rights of the person, and peace in the relationships between persons and between communities of

persons.” (no. 81) This, as we shall see, is the foundational piece and starting point of the U.S. bishops’ statement.

The *Compendium* teaches that in order to protect the common good, the lawful public authority has the right and duty to inflict punishments according to the seriousness of the crimes committed. The State, the *Compendium* continues, has the responsibility to *discourage* behavior that is *harmful* to human rights and the fundamental norms of civil life, and to *repair*, through the penal system, the disorder created by criminal activity. A correction, according to the *Compendium*, can take on the moral value of expiation when the guilty accepts his punishment. The two-fold purpose of punishment is to encourage the re-insertion of the condemned into society and to foster a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed (nos. 402 and 403). We note here components of restorative justice, even though the term is not used.

Pope John Paul II addressed the incarcerated of the world in his Message for the Jubilee in Prisons, July 9, 2000, with these words: “We are still a long way from the time when our conscience can be certain of having done everything possible to prevent crime and to control it effectively so that it no longer does harm and, at the same time, to offer to those who commit crimes a way of redeeming themselves and making a positive return to society. If all those in some way involved in the problem tried to...develop this line of thought, perhaps humanity as a whole could take a great step forward in creating a more serene and peaceful society.”

John Paul II’s interest in forgiveness and reconciliation was not only in healing personal relationships, but also in the world of politics. Having lived under Nazism and Communism in Poland led him to ponder the need for reconciliation and developed a personal devotion to mercy.

That was the subject of his second encyclical, *Dives in Misericordia*, (*Rich in Mercy*), written in 1980.

More to the heart of restorative justice, Pope John Paul II taught the world about healing and reconciliation by going in person to his would-be assassin whom he forgave and from whom he sought an apology. Cardinal Bernardin did the same thing when he visited his accuser as the accuser lay dying. It will always be true: actions speak louder than words.

In this conference we are mostly interested in the application of restorative justice principles to responses to conventional crime, its victims and its perpetrators.

Ron Claassen, Director of the Center for Peacemaking and Conflict Studies at Fresno Pacific University, Fresno, California, offers this simple explanation of restorative justice which may be of help to us in this conference.

- *Restorative Justice* is a way of thinking about how individuals, groups and governments respond to crime, offenses, and even more broadly, conflict or misbehavior in general.
- *Restorative Justice* builds community by providing a constructive framework to guide our responses to crime, conflict, offensive behavior, violations and injustices.
- *Restorative Justice* advocates a view that crime is more than simply law-breaking. Crime creates needs and injuries that can be addressed for the benefit of victims, community, and even offenders.
- *Restorative Justice* values all people.
- *Restorative Justice* seeks to repair damage, (re)establish dignity and (re)integrate all who were harmed and alienated.

The involvement of the victim in the healing process is of the essence of restorative justice. Immaculée Ilibagiza, a survivor of the Rwandan genocide, offers a wonderful example of restorative justice and how countercultural it can be.

Immaculée's parents and two brothers were slaughtered in the genocide. She arranged with the warden of the detention center, a man who had been a friend of her family, to meet the leader of the gang who murdered her family. When the warden brought the man to meet Immaculée, he was shouting at the man, verbally abusing him about the atrocities he had committed to Immaculée's family and what was the prisoner going to say to her.

The prisoner sobbed in his shame. Immaculée reached out, touched his hands lightly, and quietly said "I forgive you". Immaculée shares when she had forgiven him, her heart eased immediately and she saw the tension released in the prisoner's shoulders.

However, the warden did not understand; he thought she would spit on him, curse him for what he did to her family. Incredulously, he asked her why did she forgive him?

Immaculée answered, "Forgiveness is all I have to offer."

Restorative justice offers the victim the opportunity to be heard and to have input in a way reparation and restitution might be reached. The offender has to render accountability and take on the responsibility to repair the harm to victims, their families and communities. The process could include opportunities for the offender to develop new skills, the capacity to avoid future crime and prepare to re-enter society. The hoped-for outcomes for the community are reduced fear and safer neighborhoods. The process may help communities discover ways in which crime can be prevented or mitigated.

What I have just described is what we U.S. Bishops had in mind when we wrote on crime and criminal justice in the year 2000. We started the portion in the statement on restorative justice by

stating, “We believe that both victims and offenders are children of God. Despite their very different claims on society, their lives and dignity should be protected and respected. We seek justice not vengeance. We believe punishment must have clear purposes: protecting society and rehabilitating those who violate the law.” (p. 16). Later in the document we say, “Punishment must have a constructive and redemptive purpose” (p. 20).

In our document, we bishops trace the spiritual roots of restoration. We further teach that Sacred Scripture, both in the Old and New Testaments, is strong and consistent in pointing to a God who is rich in justice, love and mercy. Jesus Christ begins his ministry reaching back to Isaiah, and proclaiming good news to the poor and release to captives (Lk 4). He, too, was a prisoner and calls us to visit the imprisoned and to take care of the sick, including victims of crime. He would always go out to the sinner, the forgotten, the rejected, the despised and those hungry and thirsty for justice.

The Sermon on the Mount, by the way, is a declaration of justice and mercy, aimed at those who thought God had forgotten them. In his earthly ministry, those he forgave and healed, he restored holistically, and gave them back to their families and communities. He gives us clues as to how authentic and complete restoration can be attained.

In the Gospel of Luke we are given two powerful examples of Jesus’ preferential options. The story of the Good Samaritan is used to exhort us to be willing to stop and help victims of crime recover from their physical and emotional wounds. In the parable of the Prodigal Son, the father celebrates his son’s return, recognizing that his son has shown contrition and has changed his life.

A story that we did not include in our statement, and we should have, is that of Zacchaeus, the chief tax collector. He is one of the worst scoundrels in the gospels because he was part of the oppressive system of taxation, part of a systemic burden borne by the poor in Jesus’ time. Because he was short, he climbed a sycamore tree in order to see Jesus, probably out of mere curiosity rather

than interest in Jesus' message. Jesus looks at him and tells him, "Come down, for today I will dine with you." Zacchaeus happily invites him to his home, unaware of what was about to happen. At his home, Zacchaeus sits at the feet of Jesus to listen to him, and at some point, he gets up and says, "I will give half of my money to the poor, and if I have cheated anyone, I will repay him four times over." This is a clear example of how Jesus' message can lead to the healing and restoration of relationships, so pivotal to restorative justice.

In our statement, *Responsibility, Rehabilitation, and Restoration*, we bishops make reference to the sacramental life of the Church and how Penance and the Eucharist are encounters with our Saving Lord. For us Catholics these sacraments reconcile us with God and with the community of the Church.

Professor Dan Philpott, of the Kroc Institute at the University of Notre Dame, after describing the efforts at political reconciliation by Archbishop John Baptist Odama of Uganda, Bishop Juan Gerardi of Guatemala, and Bishop Carlos Belo of East Timor, writes, "It is only natural that the Catholic Church would take an interest in reconciliation. At the source and summit of Christian life is the Eucharist, the sacramental re-enactment of the event through which sin, evil and death are defeated and friendship with God and justice are restored" (*America*, May 4, 2009). Dr. Philpott calls on the Church to teach social reconciliation at a time that so many societies around the world are struggling to restore justice.

In our statement, we bishops give six principles from Catholic social teaching that serve to give direction and measures for our response to crime and criminal justice. (pp. 21-25)

1. Human life and dignity. This is fundamental starting point for all Catholic social teaching: the defense of human life and dignity; every person is created in the image and likeness of God and

all possess a dignity, value, and worth that must be recognized, promoted, safe-guarded, and defended.

Victims must have the help of the faith community in recovering their dignity. “To be excluded from the proceedings against their offenders, to be ignored by friends and family, or to be neglected by the community of faith...only serves to further isolate victims and deny their dignity...” Among those hurt by crime are the children of the incarcerated, who are seriously harmed by the misdeeds of their parents.

Inmates, too, have their own dignity, which is to be respected. They must have adequate food, clothing, shelter, personal safety, medical care, education and meaningful work.

2. Human rights and responsibilities. All of us enjoy the right to life and to those things that make life human: faith and family, food and shelter, housing and health care, education and safety. We have the responsibilities to ourselves, our families and the broader community.

We teach that while offenders’ rights ought to be respected, when they violate the rights of others, they are to be held accountable.

3. Family, Community and Participation. Inasmuch as the human person is social, our dignity, rights, and responsibilities are to be lived out in relationship with others, such as with the family and in community. The disintegration of family life and community has been a major contributor to crime. Therefore we are called to support and rebuild family ties. Placing prisons far from relatives of offenders diminishes family contacts which could help in the restoration, especially of juvenile offenders.

Victims need to participate in the process of dealing with offenders. Sometimes victims are “used” by the criminal justice system for political interests. The victim’s hurt and loss can be seen as a tool to obtain convictions and tough sentences.

4. The Common Good. Punishment by civil authorities for criminal activity should serve: the preservation and protection of the common good of society, the restoration of public order, and the restoration or conversion of the offender. The concept of “redress” or repair of the harm done to the victims and to society by criminal activity is also important to restore the common good. Restoring the balance of rights through restitution is an important element of justice.
5. The Option for the Poor and Vulnerable. This principle of Catholic social teaching recognizes that every public policy must be assessed by how it will affect the poorest and most vulnerable people in our society. We point out that some who lack adequate protection and resources early in life, such as children who are abused, the mentally ill, and people who have suffered discrimination, turn to crime in desperation or out of anger or confusion. Unaddressed needs, such as proper nutrition, shelter, health care, and protection from abuse or neglect, can lead to crime. We as Church have the role to address these needs through our pastoral care, works of charity and advocacy.
6. Subsidiarity and Solidarity. Subsidiarity calls for problem-solving initially at the community level: family, neighborhood, city, and state. It is only when problems become too large that larger institutions are necessary. This principle requires the whole community to become involved. We remind our readers that criminal activity is largely a local issue and, to the extent possible, should have local solutions.

Solidarity recognizes that “we are all responsible for all.” We are not only responsible for the safety and well-being of our family and our next-door neighbor, but we must work for justice beyond our boundaries. We are to see Jesus in the face of victims as well as in the face of the offender. Those who commit crimes are not just issues and problems, they are our sisters and

brothers, members of the one human family. In the name of solidarity we are called to seek alternatives that do not simply punish, but rehabilitate, heal and restore.

An example of healing and restoration is what occurred in Chicago recently. A Hispanic young man whom I will name “Juan” killed a non-Hispanic young man whom I will call “Joseph.” The entire parish where Juan lived was deeply affected by the homicide, and the entire community gathered to pray. The priest told the congregation that they needed to do more than simply pray and recommended that they be open to the inspirations of the Spirit. In the meantime, the mother of Joseph came to the conclusion that “we can’t hate because if we do, more of us will die.” She wrote Juan a letter forgiving him, and even went as far as to call him her son. The parish reached out to her and her husband. Eventually, the families of both young men came to know each other in a spirit of peace and forgiveness. Joseph’s mother returned to the Catholic Church, and her husband joined the Church and became part of the choir.

After we present the above moral framework, we bishops outline foundations and directions that will be useful in a broader social fabric of respect for life, civility, responsibility and reconciliation.

1. Protecting society from those who threaten life, inflict harm, take property, and destroy the bonds of community.
2. Rejecting simplistic solutions such as “three strikes and you’re out” and rigid mandatory sentencing. We cannot support policies that treat young offenders as though they were adults.
3. Promoting serious efforts toward crime prevention and poverty reduction. Extreme poverty, discrimination and racism, dysfunctional families often, not always, are significant risk factors for criminal activity. Any comprehensive approach to criminal justice must address these factors.

4. Challenging the culture of violence and encouraging a culture of life. We call for an end to violence in the home, for the control, the sale, and use of firearms and for sensible regulation of hand guns. In our statement, we bishops re-state our opposition to the death penalty.
5. Offering victims the opportunity to participate more fully in the criminal justice process. We state strongly that victims and their families must have a more central place in a reformed criminal justice system. Victims have the right to be kept informed throughout the criminal justice process and be given a forum to share their pain and the impact of crime in their lives. They should be given the opportunity to confront the offender and ask for reparation for losses.
6. Encouraging innovative programs of restorative justice that provide the opportunity for mediation between victims and offenders and offer restitution for crimes committed. This shift in focus affirms the hurt and loss of the victim, as well as the harm and fear of the community, and insists that offenders come to grips with the consequences of their actions. We explain that this approach is not “soft on crime” since the offender has to face victims and the communities.
7. Insisting that punishment has a constructive and rehabilitative purpose. We call upon our government that instead of building new prisons, it direct efforts toward programs aimed at crime prevention, rehabilitation, education, substance abuse treatment, as well as programs of probation, parole and reintegration. We further question private, for-profit corporations set up to run our prisons. We must welcome ex-offenders back into society as full participating members and support their right to vote.
8. Encouraging spiritual healing and renewal for those who commit crime. We note that religious participation and formation often lead to renewal and rehabilitation.
9. Making a serious commitment to confront the pervasive role of addiction and mental illness in crime. We advocate for treatment programs for those enslaved by chemical dependency. We

also call for continued attention to the underlying causes that attract people to drug use and trafficking, such as lack of employment, poverty, inadequate education, family disintegration, and poor housing. We also note that crime is sometimes caused by mentally-ill individuals. These ought to be placed in settings other than prisons and better suited to their needs.

10. Treating immigrants justly. As our government considers a comprehensive reform of immigration policy in our country, we urge that immigrants be ensured basic due process, including a repeal of mandatory detention. Legal immigrants who have served sentences for their crimes should not be re-penalized and deported, often leaving family members behind. Refugees and asylum seekers should not be treated and incarcerated as criminals.
11. Placing crime in the community context and building on promising alternatives that empower neighborhoods and towns to restore a sense of security. There are communities where committed individuals are willing to take risks bringing people together to confront gangs and violence. Strategies are devised to clean up streets and take back the neighborhoods. Community efforts to curtail crime reflect the Catholic Social Teaching principles of solidarity, subsidiarity, and the search for the common good.

Most of what I have said up to now has to do with official Church teaching by the hierarchy, but there is another way the Church teaches and that is by carrying out her mission through activities and programs. In preparing for this talk, I interviewed people in several of our dioceses, and I am very proud to say that the growing attention given to the principles of restorative justice are being taken very seriously by dioceses, and by at least by one state Catholic conference, California. The California Catholic Conference has restorative justice structured into its organization, and two bishops are co-chairs of the Catholic office for restorative justice. I also learned that components of the restorative justice approach are being implemented in many other places around the nation by

Catholic parishes, dioceses, and organizations. Among the activities related to the principles of restorative justice are the following:

- Masses for victims of crimes and violence
- Programs where inmates meet with victims or their surrogates
- Re-entry and welcoming programs, such as what is done in Washington, DC
- The “Get on the Bus” Project that brings children of inmates to visit their parents on Mother’s Day and Father’s Day
- The use of 12-step programs and peacemaking circles adapted for gang members
- The use of Ignatian retreats and prayers in L.A. by a team of Jesuits
- Healing circles and other activities that bring together those who have suffered consequences of crime, including offenders themselves who are often also victims of crime or abuse
- Parish communities who reach out to victims and offenders alike, such as the Precious Blood Ministry and the Kolbe House programs in Chicago
- Mentoring programs – and we have these in New Mexico – to assist ex-offenders to reenter society
- One-on-one ministry by Catholic chaplains with special attention to those who have lost loved ones to homicide
- The creation of awareness in parishes about incarceration issues, calling attention to the needs of the families of the incarcerated
- Catholic Relief Services peacemaking efforts around the world, particularly in Rwanda and the Middle East

A year or so ago we all heard of the Amish community where a male adult went to the Amish school, separated the boys from the girls, and shot several girls to death. He then killed himself. The Amish community came together in prayer and decided to send a delegation to the family of the murderer and to offer forgiveness. This delegation also attended his funeral while the rest of the community went to bury the little girls.

During the *Encuentro 2000* in Los Angeles, sponsored by the U.S. bishops, there were many stories of reconciliation and healing. Story after story was told of those who were affected by crime or imprisonment eventually arriving at a reconciled heart. Such was the case of the-then archbishop, later cardinal, Van Thuân. He told the story of being in solitary confinement for about 10 years during the height of the persecution of the Church by the Communist regime. While in prison, he asked a guard to bring him two sticks that he might fashion a cross. The guard told him he could not do that and that he would be punished if he did so. The archbishop said, “Just leave two sticks out in the yard, and in my daily walk I will ‘find’ them.” The guard followed the directions, and then the archbishop asked for some string that he could tie the two sticks together. Again the guard said, “I can’t do that.” The cardinal just said, “Just drop a piece of string out in the yard, and I will ‘find’ it too.” It was in this way that the archbishop could fashion the cross, the one he was wearing at the *Encuentro* and which he apparently wore all the time.

The archbishop went on to tell us that, after he was released, one early evening, he was walking along the sidewalk in Ho Chi Minh City when a van stopped next to him. Men came out of the van and forced him into the vehicle, and he thought to himself, “Here we go again. Back to prison.” He was driven to the outskirts of the city, and he was quietly led to a dimly lit house. When he went in, he slowly began to see the faces of the guards from the prison and their families. They smiled at him and said, “Tell us about Jesus.” The guards must have been mightily impressed

by the witness of this holy man. In this case, I believe, healing and peace were experienced by the archbishop and the guards.

To talk about Jesus and give witness to him by the way we live our lives as his disciples is evangelization, and evangelization is the essential mission of the Church. We have a formidable task before us: how do we evangelize a culture that can only think vengeance and retaliation when a wrong is done. Jesus spoke strongly against returning evil for evil and pain for pain. This message must be preached and heard by our parishioners in order to create a conscience and a culture of restorative justice.

When Jesus told us at the end of the Gospel of St. Matthew (Ch. 25) that we visit those in prison and that when we do so, we visit him, he did not tell us how to go about visiting or reaching out to the imprisoned. He simply gave us the challenging mandate. Never before in the history of the world has this mandate been more challenging than today with so many millions that are incarcerated in our country and around the world. God only knows how many of those imprisoned are innocent. God only knows the untold stories of victims, their families, and offenders and their families who have suffered grievous pain due to the crippling effect of crime. I take this opportunity to commend those people, generous in their compassion, who, whether Catholic or not, are involved in the effort to make the criminal justice system more reflective of justice and mercy, responsibility and rehabilitation, restoration and wholeness. May God bless you.

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