



Seal of the Society of Jesus

Catholic Social Thought (CST) and Restorative Justice

By Alex Mikulich, Ph.D.

Restorative Justice (RJ) is an alternative criminal justice practice that emphasizes repairing the harm of unjust behavior. As Howard Zehr, a leading founder of the RJ movement explains, RJ emerged in the mid-1970s to address three problems of how the traditional system: 1) fails victims, 2) does not call offenders to account, and 3) does not address broader community needs.¹

First, too often, the criminal justice system fails victims. Imprisoning a perpetrator does little for the ongoing suffering of victims. The U.S. bishops lament how the system “neglects the hurt and needs of victims or seeks to exploit their anger and pain to support punitive policies.”² In human dignity the bishops call the faithful “to stand with victims in their hurt and in their search for healing and genuine justice. This includes, of course, the children of the incarcerated, who themselves are seriously harmed by their parents’ misdeeds.”³

Second, perhaps ironically, the traditional system does not call offenders to account—for example, the system encourages defendants to plead not guilty. The common good emphasizes that “punishment, in addition to defending public order and protecting the safety of persons, has a medicinal scope: as far as possible it must contribute to the correction of the guilty party.”⁴

CST’s concern for rights and responsibilities means that offenders must be held accountable. The “test for the rest of us,” the U.S. bishops explain, “is whether we exercise our responsibility to hold the offender responsible without violating his or her basic rights.”⁵

The bishops highlight how the Sacrament of Penance has “much to teach us about taking responsibility, making amends, and reintegrating into the community.”⁶ This includes contrition, confession, satisfaction, and absolution.

Contrition expresses “genuine sorrow, regret, or grief over one’s wrongs and serious resolution not to repeat the wrong.” Confession is “clear acknowledgement and true acceptance of the hurtful behavior.” Satisfaction concerns how the offender makes “compensation or restitution for the wrongs or harms caused by one’s sin.” Finally, absolution occurs when “Jesus, through the ministry of the priest and in company of the church community, forgives the sin and welcomes the person back into ‘communion.’”⁷

Third, too often, broader community needs remain neglected. CST and RJ both stress the common goods of the needs of victims, the accountability of offenders, and the need to repair harms against the entire community.

CST and RJ find deep roots in Hebrew scripture. The bishops explain that the Covenant at Mount Sinai required punishment for violation of the commandments, demanded reparation, and called the people to restore relationships within the entire community.

RJ concerns biblical shalom. Although commonly translated as “peace,” the deeper meaning of shalom involves God’s “unifying love” that saves and redeems all relationships.

Jesus extends the Covenant when he calls upon the Father’s “unifying love” through his ministry. Jesus denounces leaders who “tie up heavy burdens and lay them on people’s backs but they will not lift a finger to move them” (Mt 23:4), he rejects punishment for its own sake for a woman caught in adultery (Jn 8:1-11), and he calls the faithful to visit the imprisoned, care for the sick, feed the hungry, and house the homeless (Mt 25).

Like the Good Samaritan (Lk 10), the faithful are called to “stop and help victims of crime recover from their physical and emotional wounds.”⁸

As Michael J. Kennedy, S.J., Executive Director of the Jesuit Restorative Justice Initiative, explains, the hope of restorative justice ultimately resides in the depth of the Paschal Mystery where only God heals our brokenness by bringing life out of death.⁹

ENDNOTES

- 1 See “A Brief History of Restorative Justice,” by Howard Zehr, Professor of Criminal Justice at Eastern Mennonite University’s Center for Justice and Peacebuilding and Lorraine Stutzman Amstutz, Restorative Justice Coordinator at the Mennonite Central Committee U.S., accessed May 7, 2012 at <http://emu.edu/now/video/2012/03/02/a-brief-history-of-restorative-justice/>
- 2 United States Conference of Catholic Bishops, *Responsibility, Rehabilitation, and Restoration*, “Victims of Crime in the U.S.,” (2000), accessed May 14, 2012 at <http://old.usccb.org/sdwp/criminal.shtml#introduction>
- 3 Ibid., *Responsibility*, “Catholic Social Teaching.”
- 4 Catechism of the Catholic Church, #2266, accessed May 7, 2012 at http://www.vatican.va/archive/ENG0015/_P7Z.HTM
- 5 Ibid., *Responsibility*, “Catholic Social Teaching.”
- 6 Ibid., *Responsibility*, “Scriptural Foundations.”
- 7 Ibid., *Responsibility*, “Scriptural Foundations.”
- 8 Ibid., *Responsibility* “Scriptural Foundations.”
- 9 Michael Kennedy, S.J., “Restorative Justice on Easter Morning,” Jesuit Restorative Justice Initiative, accessed online on May 8, 2012 at www.jrji.org/uploads/2/9/4/3/2943630/restorative_justice_on_easter_morning.pdf