

## INTEREST GROUPS

### RECONCILIATION AND RESTORATIVE JUSTICE

- Topic: The Last Judgment: Christian Ethics in a Legal Culture  
Conveners: Stephen Pope, Boston College  
William O'Neill, Jesuit School of Theology of Santa Clara University  
Presenter: Andrew Skotnicki, Manhattan College  
Respondent: William O'Neill, Jesuit School of Theology of Santa Clara University

Prof. Skotnicki reviewed the salient arguments of a forthcoming book on the origins and “place” of punishment in Christian tradition. Underscoring evangelical injunctions against judging others adversely and retributive punishment, Skotnicki argued that “The Last Judgment” is itself, finally, one of mercy: the ethical ideals of restorative justice and covenant community become the leitmotifs of Christian discipleship. The subsequent turn to a predominantly legal paradigm, exacerbated in early modern political theories of natural rights, gave rise to a punitive rationale in which crimes are viewed as primarily an offense against the sovereign state. Not surprisingly, restorative ideals have little place in our contemporary criminal jurisprudence and practice. Thus, according to the most recent published figures of the U.S. Bureau of Justice statistics, the number of inmates in state and federal prisons has increased seven-fold, from less than 200,000 in 1970 to 1,524,513 in 2009. Inmates incarcerated in local jails bring the total to 2.3 million—the highest official rate of incarceration in the world. Today, one of every 135 Americans is incarcerated.

Including those in probation or on parole, the total number of citizens under the aegis of corrections departments now reaches 7.2 Americans, an increase of more than 290% since 1980. Disaggregating for race and ethnicity, we find that one in 10 black males aged 25-29 was in prison or jail in 2009; while one in 25 Hispanic males are incarcerated, compared with one in 64 while males in the same age group. 38% of inmates in state or federal prisons in 2009 were black; 21% Hispanic. Black males have a 32% likelihood of serving time in prison; Hispanic males 17%, and while males 6%.

Christians today, argues Skotnicki, are no less willing to inflict what Michael Ignatieff calls “a just measure of pain.” For Skotnicki, only a profound renewal of spirituality will permit a lived recovery of Christ’s teaching on “unconditional law and forgiveness.”

O'Neill responded by noting the distinctively modern origins of our punitive regime, where crime appears as an offense against the "general will" of the body politic in its various liberal denominations. In our modern, carceral system, incapacitation or deterrence suffice to protect the body politic, re-affirming the coercive prerogatives of the bureaucratic State. Belying the biblical restorative ideal, the economy of exclusion underwritten by the social contract proceeds apace: the "criminal," like the "alien", in Hannah Arendt's words, becomes "a frightening symbol of difference as such." The symbolization of difference, moreover, likewise blurs the lines between retribution and vengeance in our punitive regime. The will to punish— independent of consequential considerations such as deterrence—remains a potent force in polities where social bonds are already attenuated and violence naturalized. Indeed, O'Neill argued, we see at play here a perverse dialectic—that we fear and punish difference, and in so doing, reproduce the very differences we fear.

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