

RESTORATIVE JUSTICE AS A PROPHETIC PATH TO PEACE

Restorative justice emerged in the 1970s as a way to bring peace to troubled relationships and communities by setting conditions that would promote mediated dialogue between offenders and victims.¹ As the movement gathered momentum in the 1980s and 1990s, its usefulness was extended beyond criminal cases to more complex social settings. Various models of restorative justice creatively built on earlier nonwestern practices of peacemaking and post-conflict reconciliation, e.g., Canadian practices have adopted aboriginal “peace circles,” and New Zealanders have incorporated Maori practices of communal dialogue.² Most famously, the South African Truth and Reconciliation Commission employed its own unique blend of Christian and African social anthropologies, symbolized in its use of the Bantu word “*ubuntu*,”³ in an attempt to bring peace and healing to a nation that had been torn apart by centuries of racial oppression.

Both secular and religious institutions have adopted restorative justice principles.⁴ Catholic bodies that have done so include, for example, many dioceses and

¹The literature on restorative justice is voluminous, but important texts include Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Scottsdale, PA: Herald Press, 1990), Howard Zehr, *The Little Book of Restorative Justice* (Intercourse, PA: Good Books, 2002), Dennis Sullivan and Larry L. Tiftt, eds., *The Handbook of Restorative Justice A Global Perspective* (New York: Routledge, 2006), Gerry Johnstone and Daniel W. Van Ness, eds., *Handbook of Restorative Justice* (Devon, UK: Willan Publishing, 2006), Elizabeth Beck, Sarah Britto, and Arlene Andrews, *In the Shadow of Death: Restorative Justice and Death Row Families* (New York: Oxford University Press, 2007), John Braithwaite and Heather Strang, eds., *Restorative Justice and Civil Society* (New York: Cambridge University Press, 2001), and John Braithwaite and Heather Strang, eds., *Restorative Justice and Family Violence* (New York: Cambridge University Press, 2002).

²See Jane Dickinson-Gilmore and Carol La Prairie, *Will the Circle be Unbroken? Aboriginal Communities, Restorative Justice, and the Challenge of Conflict and Change* (Toronto: University of Toronto Press, 2005) and B. J. Brown and F.W.M. McElrea, *The Youth Court in New Zealand: A New Model of Justice* (Auckland, New Zealand: Legal Research Foundation, 1993).

³See Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1999). For a helpful recent analysis, see Anna Floerke Scheid, “Resistance and Reconciliation: Lessons from South Africa on a Twofold Approach to Conflict Resolution,” Ph.D. Dissertation, Boston College, August 2009.

⁴Key Christian resources include Christopher D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids: Eerdmans,

archdioceses, Catholic Charities, Catholic Relief Services, Caritas Internationalis, the Community of Sant'Egidio, and the Society of Jesus, both the Jesuit Refugee Services and particular provinces throughout the world. Academic research on restorative justice has been sponsored by the University of Notre Dame's Kroc Institute for International Peace Studies and Boston College's Center for Human Rights and International Justice. In November of 2000, the U.S. Catholic Bishops issued a strong endorsement of the restorative justice movement in a statement entitled, "Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice."⁵ This document addressed urgent pastoral needs, advanced a broad religious vision, invoked practical moral standards, and advocated substantial reform of the criminal justice system by drawing on recent Catholic social teaching regarding the interdependence of peace, justice, and reconciliation.⁶

The core of restorative justice—consensus-based correction, healing, and reconciliation—seems therapeutic, pastoral, and, on the large scale, public, yet not prophetic. I would like to argue, on the contrary, that restorative justice is indeed prophetic and in fact profoundly so. I will try to make this case not by means of a purely conceptual analysis, but by discussing three specific stories and then showing how, taken together, they can help us understand the prophetic significance of restorative justice for both society and the church.⁷

I. A MINNEAPOLIS PARISH CASE

The first case comes from the Rev. Jean Greenwood, pastor of a Presbyterian parish in Minneapolis.⁸ Not too long after she started this pastoral assignment,

2001), John W. De Gruchy *Reconciliation: Restoring Justice* (Minneapolis: Fortress Press, 2003), and Desmond Tutu, *No Future without Forgiveness* (New York: Doubleday, 1997).

⁵<http://www.nccbuscc.org/sdwp/criminal.shtml>, accessed May 29, 2010.

⁶See Daniel Philpott, "After Intractable Moral Disagreement: The Catholic Roots of an Ethic of Political Reconciliation," in Lawrence S. Cunningham, ed., *Intractable Disputes About the Natural Law: Alasdair MacIntyre and Critics* (Notre Dame, IN: University of Notre Dame Press, 2009), 167-194; idem, "When Faith Meets History: The Influence of Religion on Transitional Justice," in Thomas Brudholm and Thomas Cushman, eds., *The Religious in Response to Mass Atrocity: Interdisciplinary Perspectives* (Cambridge, UK: Cambridge University Press, 2009), 174-212.

⁷On the meaning of "prophetic" in theological ethics, see James M. Gustafson's *Stob Lectures: Varieties of Moral Discourse: Prophetic, Narrative, Ethical, and Policy* (Grand Rapids, MI: Calvin College and Seminary, 1988). This is consistent with Reinhold Niebuhr's observation that "The real problem of history is the proud pretension of all human endeavors, which seeks to obscure their finite and partial character and thereby involves history in evil and sin." Reinhold Niebuhr, *The Nature and Destiny of Man*, vol. II: *Human Destiny* (New York: Charles Scribners' Sons, 1943), 15.

⁸Jean Greenwood, "Restorative Justice and the Dynamics of Faith," *The Clergy Journal* 77:6 (April 2001), 6-8.

Greenwood discovered that some of the boys of her parish had been stealing money from the collection plate and the purses of fellow parishioners. When the identity of the thieves became known, the parishioners' reactions ran along a spectrum from punitive indignation to immediate forgiveness. Challenged to find a way to pursue both accountability and compassion, Greenwood and other parish leaders decided to proceed with a restorative process. A group of the relevant parties, aided by a mediator, gathered at the church. The first words spoken were by church members who expressed their sense of having been violated by the thefts. When it was their time to speak, the boys expressed their contrition and offered apologies for what they had done. As they reflected aloud on what they had done, Greenwood notes, the boys became increasingly "bewildered by their own actions." At a key moment, their sincere remorse inspired a parish board member to confess that he himself had once engaged in juvenile shoplifting. His communication of empathy for the boys' feelings of guilt and shame shifted the tone of the meeting from anger, hurt, and betrayal to mutual concern and support.

This transition led to a conversation about what concrete steps would help everyone move forward in a constructive way. The boys offered to pay restitution and to perform community service for the parish, and the board members in turn agreed to supervise the boys in doing so. The meeting ended with participants feeling a strong sense of having engaged in an important process of mediation that provided a way to acknowledge the harm done to the victims, both primary and secondary, and also to recognize the guilt and responsibility of the offenders, while also opening up a path for the boys' acceptance of forgiveness, reparative efforts, and re-integration of the parish community. The process of re-building trust led the parishioners to experience a deeper sense of what it means to be "church." For their part, the boys and their families continued to participate in the life of parish, and one of them actually decided to study criminal justice in college to pursue a career as a juvenile probation officer.

This case illustrates some of the signature strengths of restorative justice, but listeners might be underwhelmed by its small scale and tame character. The boys' misconduct was a far cry from an aggressor's "random act of violence." A second case illustrates how restorative justice can apply to more serious violations.

II. A CANADIAN CASE: ELIZABETH AND CHARLES

Elizabeth was working as a clerk at a Canadian convenience store one evening when she was robbed at knifepoint.⁹ In the course of this crime, Charles, her twenty-one-year-old assailant, threatened to come back and kill her if she were later to identify him to the police. This event triggered frightening memories of other traumatic incidents earlier in Elizabeth's life. In the months that followed,

⁹See Kenneth R. Melchin and Cheryl A. Picard, *Transforming Conflict through Insight* (Toronto: University of Toronto Press, 2008), 104-112.

she got increasingly physically and emotionally sick. She suffered from recurring nightmares, her marriage and family life became dysfunctional, and she felt more and more isolated. Elizabeth lived in constant fear that her assailant would return and make good on his threat.

Charles was eventually arrested, convicted of armed robbery, and imprisoned. After two years of unhelpful counseling, Elizabeth came to realize that she needed to speak with Charles face-to-face so that she could ask him directly about his threat to retaliate. At a supervised meeting arranged through a victim-offender mediation program, Elizabeth was able to describe to Charles the terrible effects she experienced as a result of his actions. When it was his turn to speak, Charles explained that he had robbed the store while under the influence of drugs and alcohol, and had no idea at the time of the traumatic effect of his actions on Elizabeth. Many offenders are unaware of the full impact of their actions until they hear from their victims in a personal way. Charles explained that he had agreed to the mediation process in order to express his sorrow to Elizabeth and to explain to her that he never had any intention of hurting her.

Charles went on to tell Elizabeth about some important aspects of his own life story, including the fact that he was raised in an environment of persistent poverty, chronic parental neglect, physical abuse, and neighborhood violence. This honest and heartfelt exchange benefited both parties. It helped Charles to understand the full impact of his actions and enabled Elizabeth to feel Charles' deep contrition and good will toward her, even to the point where she was able to offer forgiveness to Charles. Many offenders want to express their remorse in a personal way and to ask for forgiveness from their victims, but they find no meaningful opportunity for doing so in criminal justice system. As a result of this encounter, Elizabeth began to experience some personal healing, including the cessation of recurring nightmares. Charles' conduct in prison improved as well.

Elizabeth's new, empathic understanding of Charles transformed her feelings and disconnected her memory of this incident from other traumatic experiences earlier in her life. Theologian Kenneth Melchin and mediation scholar Cheryl Picard, the authors of *Transforming Conflict through Insight* from which this case was taken, point out that her "transformative learning was bound up with a transformation in her personal relationship with Charles, and her questions for Charles formed part of the process of verifying that these new patterns of relating were indeed reliable." What came of this communication, they explain, is "a relationship that is free from fear, and more soundly rooted in a reciprocal recognition of the humanity of the other."¹⁰

Charles' new understanding of the suffering he imposed on Elizabeth created conditions that promoted his own growth in maturity and increased his chances for eventually being reintegrated into society. Elizabeth had the courage to attend a meeting that could have left her re-victimized had Charles turned hostile and

¹⁰Ibid., 111.

unrepentant, but her willingness to risk the meeting led to an entirely new understanding that helped her to attain a previously elusive internal peace.

These two cases illustrate four important aspects of the meaning of restorative justice. First, restorative justice is not a fixed “method” but rather a set of practices—including victim-offender mediation, healing circles, and group and family counseling—directed by trained and skilled mediators that facilitate honest communication, mutual understanding, accountability, and healing. The degree of success of a particular encounter depends on the quality of cooperative dialogue that it elicits. Constructive interactions cannot be forced and interlocutors should not be manipulated into engaging in them. Many victims and/or offenders understandably want to maintain their distance from the other and so do not see restorative justice as a viable option for themselves. Respect for the freedom and responsibility of each potential participant is paramount.

Second, restorative justice offers distinctive benefits that are not typically achieved by the contemporary criminal justice system. It can take place as an alternative to the criminal justice system, as in the Minneapolis boys’ case, or in the context of a corrections institution, as in Charles’ case. As William O’Neill, S.J., points out, forgiveness and punishment are not mutually exclusive options.¹¹ Yet certain contrasts generally mark these two responses to wrongdoing. Whereas criminal justice focuses on the perpetrator’s damage to the wider society and the state, restorative justice focuses on the harm done to victims and local communities. Whereas the former regards punishment as a way of reinforcing moral order, incapacitating offenders, and deterring future criminal activity, the latter seeks to find a way to repair the damage done to victims and to rehabilitate offenders so that they can be reincorporated into their communities.¹²

Third, restorative justice provides a forum for victims and offenders to speak to and be heard by one another. The restorative process empowers victims by giving them a safe environment in which to exercise their own voices. While they must enter the process with some prior recognition of their own responsibility for the harm that they have done, offenders listening to victims typically gain a deeper understanding of the magnitude of their acts. Instead of thinking of their offense primarily as a violation of the law, they come to comprehend what they have done as more fundamentally a violation of other persons, their families, and communities.

Fourth, it is important to be realistic about the reach and the success rate of restorative justice initiatives, and particularly not to over-generalize the value of restorative justice on the basis of a few stories. Bias, habit, and self-deception are

¹¹See William O’Neill S.J., “Imagining Otherwise: The Ethics of Social Reconciliation,” *Journal of the Society of Christian Ethics* 22 (Fall 2002), 183-199.

¹²On the relation between justice as a virtue and restorative justice, see Kathryn Getek, “Just Punishment? A Virtue Ethics Approach to Prison Reform in the United States,” Ph.D. Dissertation, Boston College, May 2010.

powerful and mutually reinforcing inertial forces that can affect any parties to these encounters. Without a significant investment of time and energy and wise guidance by a skilled mediator, they can be futile or even counterproductive.

Professor Kathleen Daly's study of Australian youth justice conferencing led her to the judgment that strong stories of restorative repair and goodwill are fairly uncommon. She offers a sober warning that we should not to expect restorative justice to produce major personal transformations.¹³ While the Canadian process was successful in helping Elizabeth, Charles unfortunately reverted to criminal behavior when he was released from prison. It is, of course, one thing to *expect* certain results and another to *create conditions* that make them more likely. The former is idealistically naïve, the latter a realistic ethical commitment.

III. A SOUTH AFRICAN CASE: THE SOLMS-DELTA PROJECT

The third and final case begins with Mark Solms, a professor and chair of neuropsychology at the University of Cape Town in South Africa.¹⁴ Solms left his country as a young man, in part to get away from violence, social turmoil, and racial conflict. Over time, he came to enjoy great professional success and gained an international reputation in his chosen field of neuropsychology. He made a major scientific discovery of the forebrain mechanisms involved in dreaming, developed a well-respected integration of psychoanalytic theory and neuroscience, and distinguished himself as a professor in various institutions of higher learning.

Though living comfortably in London, the 1994 presidential election of Nelson Mandela led him to think about how he might contribute to the post-apartheid rebuilding of a democratic and racially inclusive South Africa. After considerable deliberation, Solms and his family returned to South Africa in 2001 to re-establish the 320-year-old Delta wine estate in the Cape Winelands. His goal was to revitalize the Delta Estate in a way that would begin to address the systematic injustices that have afflicted the people who work and live on the farm.

As soon as he returned to the farm, Solms began to talk to the farm workers one family at a time. The farmers were relieved to have a landowner they did not have to fear, but, according to Solms, they had little to say because they had never had the experience of being asked for their opinions by a powerful white man. The farmers lived in abject circumstances, so Solms started by building them new houses. He was sharply criticized by fellow landowners for wasting his money, making them look bad, and raising expectations among neighboring farm workers. His landowning peers tried to convince him that "coloureds" were lazy and

¹³See Kathleen Daly, "Restorative Justice: The Real Story," *Punishment and Society* 4:1 (2002) 55-79.

¹⁴For what follows on the Solms-Delta project, see <http://www.solms-delta.co.za/community>, accessed June 4, 1010. Other information obtained by means of personal communication with Mark Solms.

that he had to treat them harshly to get any work out of them, but he refused to accept the forced choice of being either a successful but abusive landlord or a decent but incompetent former vineyard owner. Believing in the intelligence and goodness of the men, women, and children who worked on his estate, Solms committed himself even more strongly to the practice of consultation and partnership. We can note four expressions of this policy.

First, in 2005 the Solms family established the Wijn de Caab Trust to benefit the Estate's 200 disadvantaged indentured tenants and other employees. The trust gives one-third equity in the estate, so that as the winemaking enterprise became more profitable the residents were able to have access to resources that improved their health, education, and general quality of life.

Second, Solms commissioned an archeological dig on his land that led to the discovery of the remains of communities that had been living on the same land seven thousand years ago. European colonists took this land from the people living there, who were then used as farm laborers along with slaves imported from India and Malaysia. These were the direct ancestors of the people living on his land today. The more Solms learned about this history, the more acute became his awareness of the deep roots of his country's profound poverty and steep land inequality. Accumulating material evidence added to his growing personal knowledge of the history of racial oppression and its ongoing legacy in white privilege.

Solms had a museum built to house the artifacts that had been unearthed there in order to honor the memory of the farm's deceased victims and to communicate its significance for contemporary South Africa. The museum attempts to bring to light hitherto suppressed narratives to present a more honest and inclusive glimpse of this land's history. An afternoon at the Solms-Delta winery thus involves a guided tour of the farm, wine tasting, and visit to a museum of local social history that explains the need for land reform in rural South Africa.

Third, discussion between Solms and his workers led to the decision that the best way to break the local cycle of poverty and economic dependency would be to find a way for the farm workers to cultivate their own land. To increase the estate's capital resources, Solms asked his friend, philanthropist Richard Astor, to purchase a nearby farm. When the local banks predictably refused to extend a loan to the farm workers, Solms and Astor used their own farms as collateral for the loan. The farm workers agreed to work their own land together with that of the Delta Estate and to use Delta equipment until they had enough resources to purchase their own. The Solms-Delta Estate now produces award-winning wines and its workers are among the most productive in the region.

Fourth and finally, Solms and Astor also teamed up to fund the Delta Trust, which they endowed to provide resources to benefit the communities of the larger Cape Winelands district. The Trust sponsors cultural, educational, social, and athletic activities to promote a sense of inclusive community. Solms has also become a strong advocate for wider rural development and agrarian reform throughout South Africa, where land inequities are a central issue for both citizenship and economic survival.

Reflection

Solms does not employ the language of restorative justice in his account of the Delta social project, but how it functions exemplifies important restorative principles. I will mention five.

First, the Solms-Delta case constitutes a response to a system of *social* injustice. Whereas the first two cases discussed above concern some kind of individual criminal activity, the third deals with a local community that suffers primarily because of the large scale, unjust system within which it is embedded. Charles' case also involved issues of structural evil, but the restorative process he was engaged in with Elizabeth did not attempt to address it. The Solms case, in contrast, addresses both structural injustice and its legitimation by what Robert Schreiter calls the "narrative of the lie"¹⁵ that makes it seem natural for the powerful to defend, and for the oppressed to succumb to, what is a radically unjust social order.

Second, the Solms case represents an effort to build a more respectful and participatory local community that would make some kind of reconciliation possible. Solms validated the workers' perspectives through dialogue, showed concern for their well-being by constructing better homes for them and promoting educational opportunities for their children. He honored the suppressed narratives of their own distant forebears by uncovering and publicizing crucial details of their predecessors' culture and prior ownership of this land.

Third, Solms himself learned how to act in co-responsibility rather than from paternalistic, arrogant or ego-gratifying noblesse oblige; perhaps his profession made him especially aware of this danger. While Solms is a wealthy white man who inherited both great talent and enormous privilege, his ethic is marked by responsibility rather than entitlement. He began his involvement by listening and speaking with all members of the community and with a view to the institutions that shape their lives. The museum gives centrality to the voices of the farm workers. Solms came to view his lot as caught up in the lot of his employees and tenants, and he understands their lot as part of the much larger lot of rural South Africans.

Fourth, Solms struggles to persuade fellow landowners that as beneficiaries of this unjust system they have a moral responsibility to transform their own farms and the wider rural social system within which they play a dominant role. He also argues that they have self-interested reasons for changing an unsustainable system before their land is either forcibly confiscated by popular demand or simply made untenable by spiraling socio-economic deterioration. Solms is committed to helping the landowners see the situation as it really is so that they can contribute to its positive resolution for everyone in the future. This amounts to a call for a kind of moral and intellectual conversion that would bring the landowners beyond their bias, resentment, and fear.

Fifth, and finally, we should note the analogical relation between restorative justice in this context and in the previous two cases. Here we have particular

¹⁵See Robert J. Schreiter, *Reconciliation: Mission and Ministry in a Changing Social Order* (New York: Orbis, 1992), 34-36.

victims of a local socio-economic, political and legal system, particular beneficiaries of that system (rather than perpetrators of particular crimes), and an ongoing collaborative process based on dialogic relationships (without outside mediation) aimed at a fourfold transformation that affects the victims, the beneficiaries, the immediate relationship between them, and the wider community. Taking place in degrees and over time, transformation of these relationships might, under the right conditions and in tandem with other developments, contribute to wider transformation of the region's social order.¹⁶

IV. THE PROPHETIC CHARACTER OF RESTORATIVE JUSTICE

These cases highlight the analogical meaning of restorative justice. They are only illustrative, not exhaustive, of its complex and multifaceted meaning, and examining other cases would have highlighted other dimensions of its meaning or other forms of its usefulness. These might have included, for example, a widow's group in Colombia that promotes healing within communities ravaged by the civil war, the practice of inter-religious dialogue in Mindanao that facilitates greater understanding among Christians and Muslims, or the use of traditional reconciliation ceremonies in northern Uganda to reintegrate former child soldiers into their families and villages.¹⁷

We can now consider the prophetic character of these cases, which on first blush, as noted above, seem therapeutic, pastoral, or public but not prophetic. The key issue of course concerns the meaning of "prophetic." M. L. King, Jr. and Oscar Romero boldly spoke truth to power, took the side of victims against their oppressors, and mobilized collective power to confront unjust social systems. Moses was not told to reconcile with Pharaoh, South African theologian Albert Nolan points out, and Jesus did not advise the disciples to build a consensus

¹⁶For further reflection on South Africa, See Charles Villa-Vicencio, *Walk with Us and Listen: Political Reconciliation in Africa* (Washington, D.C.: Georgetown University Press, 2009), Wilmot James and Linda van de Vijver, eds., *After the TRC: Reflections on Truth and Reconciliation in South Africa* (Athens: Ohio University Press and Cape Town: David Philip Publishers, 2000), and Erik Doxtader and Charles Villa-Vicencio, eds., *To Repair the Irreparable: Reparation and Reconstruction in South Africa* (Claremont, South Africa: David Philip Publishers, 2004).

¹⁷On these cases, see, respectively, "Liga Internacional de Mujeres por la Paz y la Libertad" (LIMPAL) at <http://limpalcolombia.org/inicial.php?id=3> accessed July 5, 2010 and, more generally, Virginia M. Bouvier, ed., *Colombia: Building Peace in a Time of War* (Washington: USIP, 2009); Antonio Ledesma, "Interreligious Dialogue for Peace," *America Magazine*, December 2, 2002, available at http://www.americamagazine.org/content/article.cfm?article_id=2641, accessed July 5, 2010; Lam Oryem Cosmas, "Internally Displaced Persons in Northern Uganda: A Challenge for Peace and Reconciliation," in David Hollenbach, S.J., ed., *Refugee Rights: Ethics, Advocacy, and Africa* (Washington, D.C.: Georgetown University Press, 2008), 195-204.

with the scribes and Pharisees.¹⁸ As seen in Chile, Argentina, and El Salvador, while the powerful call for forgiveness, reconciliation, and amnesty, prophets demand liberation, accountability, and justice.¹⁹

However, we can differentiate various prophetic styles from prophetic substance.²⁰ While we more readily associate prophecy with fearless confrontation, we have to remember more gentle prophets like Sister Dorothy Stang and Pedro Arrupe, S.J., Dom Helder Camara and Bishop Pierre Calverie of Algeria, all of whom exemplify the same courageous counter-cultural opposition to social injustice.²¹

The three cases discussed above communicate at least three important counter-cultural values. First, restorative practices bear witness to the intrinsic dignity of the person that contradicts the prevailing culture of vindictiveness and our tendency to stigmatize, dehumanize and demonize outcasts, whether criminal offenders or the subjugated “other.” They call into question the assumption that the only way to keep people in line is either to bribe them with material benefits, social status, and other rewards, or to threaten them with unrelenting humiliation and various forms of social exclusion, including but not limited to incarceration. All three cases can be described in one sense as processes of humanization. Greenwood’s parish was humanized by the way it reintegrated its young perpetrators. Elizabeth’s willingness to treat Charles as a human being, even if initially only to confront him, humanized both of them. Solms’ friendship with his farm workers led him away from the dehumanizing racism of his fellow landowners and toward a mode of relation that humanized both himself and his employed partners.

Second, restorative justice challenges the division of society into clearly identified “good” vs. “bad” people, and the perennial separation of “us” from “them” (and “them,” as we see in the Solms case of the “coloureds,” often possess darker skin and speak with an accent). While liberationists rightly worry about “cheap

¹⁸See Albert Nolan, *Hope in an Age of Despair* (Maryknoll, N.Y.: Orbis, 2010).

¹⁹See Priscilla B. Hayner, *Unspeakable Truths: Facing the Challenge of Truth Commissions* (New York and London: Routledge, 2002), Robert I. Rotberg and Dennis Thompson, eds., *Truth v. Justice: The Morality of Truth Commissions* (Princeton and Oxford: Princeton University Press, 2000), and Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press, 1998).

²⁰See Colleen M. Griffith, ed., *Prophetic Witness: Catholic Women’s Strategies for Reform* (NY: Crossroad, 2009), and Elizabeth Johnston, *Friends of God and Prophets: A Feminist Theological Reading of the Communion of Saints* (New York: Continuum, 1999).

²¹See, respectively, Roseanne Murphy, *Martyr of the Amazon: The Life of Sister Dorothy Stang* (Maryknoll, N.Y.: Orbis, 2007), Kevin Burke, *Pedro Arrupe: Essential Writings* (Maryknoll, N.Y.: Orbis, 2007), Francis McDonagh, *Dom Helder Camara: Essential Writings* (Maryknoll, N.Y.: Orbis, 2009), and Jean-Jacques Perennes, *A Life Poured Out: Pierre Clavaerie of Algeria* (Maryknoll, N.Y.: Orbis, 2007).

reconciliation,” liberation from oppression is for the sake of building just communities that make possible authentic reconciliation, a movement from an exclusive “us-them” to an inclusive “us.”²²

Third, restorative practices are self-reflexive in that they offer ways to resist evil that move beyond blaming and shaming perpetrators. It encourages us to hear what philosopher Richard Kearney calls “cathartic narratives” that deal with the experience of evil in ways that “take the allure out of evil so that we can begin to distinguish between possible and impossible modes of protest [against it, as opposed to being mesmerized by it].”²³ Our three cases exemplify not survivors simply vindicating themselves against their offenders, but processes through which moral agents attempt to resist not only the wrongdoing of others but also various shortcomings, weaknesses and vices in themselves—including judgmentalism, hatred, and complacency. As Kearney explains, forgiveness is an act of *phronesis* that is “attentive to the particularity of specific evil events . . . [and that] joins forces with the practice of patiently-working through—their joint aim being to ensure that past evils might be prevented from recurring. Such prevention often requires pardon as well as protest in order that the cycles of repetition and revenge give way to future possibilities of non-evil.”²⁴ Our cases illustrate this joining of pardon with protest, forgiveness with justice, and, in the Solms case, prophetic witness with public dialogue and civic engagement.

V. RESTORATIVE JUSTICE AND THE CHURCH

There are pragmatic, secular, and religious grounds for supporting restorative justice. The church has become strong supporter of restorative justice initiatives in prison ministry, educational institutions, conflict resolution programs, and large-scale political peacemaking. Christians may not be better than others at practicing restorative justice, but we have particularly powerful motivations to promote it. Central to these are our belief in the intrinsic dignity of every human person as made in the image of God, the social nature of the person as intrinsically communal and co-responsible, the universality of divine grace, the vocation of the church to be a witness to the Kingdom of God, and the primacy of the Christian virtue of charity that, as Daniel Harrington and James Keenan point out, understands justice as issuing from love and mercy.²⁵

²²See Schreiter, *Reconciliation*, ch. 1.

²³Richard Kearney, *Strangers, Gods and Monsters: Interpreting Otherness* (London and New York: Routledge, 2003), 105.

²⁴*Ibid.*

²⁵See Daniel J. Harrington, S.J., and James F. Keenan, S.J., *Jesus and Virtue Ethics* (Lanham, MD: Rowman and Littlefield, 2002), ch. 9. See also Thomas Aquinas, *Summa Theologiae* I, Q. 21.

Various scholars have already developed accounts of each of these and other related themes.²⁶ Here I would like to mention, without taking the time to elaborate upon, five theological convictions that ought to be central to how Catholics in particular promote restorative justice.

First, Catholic interpretations of justice ought to be based on Biblical understandings of justice that center, as John R. Donohue, S.J., puts it, on “fidelity to the demands of a relationship.”²⁷ All three cases studied here suggest that restorative justice is attuned to the demands that emerge in particular communities in ways that elude the individual-focused state administration of criminal justice. Biblical notions of justice as rightly ordered relationships within creation, the covenanted people of God, and the body of Christ all point to justice first and foremost as demand of God pertaining to entire communities. Recognizing that we are largely constituted by the communities within which we live, prophetic justice is acutely sensitive to violations of social justice and insists on their correction. This perspective suggests that methods of exacting retribution that ignore or weaken right relationship within community betray the deeper Christian meaning of justice. The remedy for injustice, conversely, includes repentance, amended conduct, reparations, reconciliation with enemies, and the healing of communities.

Second, the Catholic affirmation of natural law promotes respect for human intelligence, appreciation for our capacity for moral insight and responsible action, and confidence in our ability to work with others in pluralistic contexts to build justice and peace in our communities.²⁸ The natural law commitment to public moral discourse is prophetic in an age that is cynical about the possibility of cultivating either civic virtue or a wide view of the common good that transcends

²⁶See, inter alia, Raymond G. Helmick and Rodney L Petersen, eds. *Forgiveness and Reconciliation: Religion, Public Policy, and Conflict Transformation* (Radnor, PA: Templeton Foundation Press, 2001), Donald W. Shriver, Jr., *An Ethic for Enemies. Forgiveness in Politics* (New York: Oxford, 1995), John Paul Lederach, *Building Peace* (Washington, D.C.: USIP, 1997), R. Scott Appleby. *The Ambivalence of the Sacred: Religion, Violence and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000), and Audrey R. Chapman and Bernard Spong. *Religion and Reconciliation in South Africa: Voices of Religious Leaders* (Philadelphia and London: Templeton Foundation Press, 2004).

²⁷In John R. Donohue, S.J., “Biblical Perspectives on Justice,” John C. Haughey, S.J., ed., *The Faith that Does Justice* (New York: Paulist, 1977), 69; see also idem, “The Bible and Catholic Social Teaching,” in Kenneth R. Himes, ed., *Modern Catholic Social Teaching* (Washington, D.C.: Georgetown University Press, 2004), 9-40.

²⁸See Jean Porter, *Nature and Reason: A Thomistic Theory of the Natural Law* (Grand Rapids: Eerdmans, 2005), Stephen J. Pope, “Natural Law in Catholic Social Teachings,” in *Modern Catholic Social Teachings: Commentaries and Interpretations*, ed., Kenneth Himes, O.F.M. (Washington, D.C.: Georgetown University Press, 2005). See also Stephen J. Pope. “Reason and Natural Law,” *The Oxford Handbook of Theological Ethics*, ed. Gilbert Meilander and William Werpehowski (New York: Oxford University Press, 2005), 148-167, and idem, “Natural Law and Christian Ethics,” in *The Cambridge Companion to Christian Ethics*, ed. Robin Gill (New York: Cambridge University Press, 2001), 77-95.

perceived partisan interests, whether political or theological. This affirmation of human capacities denies neither the necessity of grace nor the distinctive responsibilities of the church. Nor does it imply a merely cultural Catholicism that tacitly assigns primary loyalty to liberal institutions. Natural law suggests rather that we seek to draw connections within civil society for the sake of joint enrichment pursued in the shared promotion of justice.²⁹ Instead of replacing the Christian narrative with civil religion, then, such collaboration prophetically manifests the spirit of Christ in and through concretely helpful restorative praxis.

Third, the Catholic commitment to the common good underscores the communal context within which responses to injustice ought to be pursued. The principle of the common good supports a corrective justice that empowers moral agents for future constructive participation in their communities. This was seen in the Minneapolis boys' reform, Elizabeth's dialogue with Charles, and the Solms-Delta collaborative enterprise. The long-term goals of restorative justice thus resonate with aspects of both the classically Thomistic notion of citizenship as "civic friendship" and with the modern virtue of solidarity. The primacy of the common good encourages us to find ways to curtail future harm by enabling past victims to become less vulnerable to exploitation and by making it less likely that potential wrongdoers will be prone to damage others in the future. This agenda implies a social ethic that, as Peter Maurin once put it to Dorothy Day, works for a society structured in ways that make it easier for people to be good.³⁰

Fourth, a Catholic understanding of peace includes but goes beyond mere physical security and protection from danger. Just as peace between nations is not simply the absence of war, so peace within communities is not simply the suppression of violence or even respect for negative rights. Shown on a small scale in the Minneapolis and Canadian cases and painted on a wider canvas in the Solms' project, restorative justice aims not just at a minimal security protected by effective law enforcement, but also at a positive peace of social harmony based on mutual respect, social cooperation, and communal flourishing.

Fifth and finally, the Christian message of hope generates a sense of possibilities that encourages us to seek new beginnings, and to work for the rehabilitation of offenders, healing of victims, and repair of communities. Christian hope is grounded in a faith in the Resurrection through which, as Timothy Radcliffe has recently written, a community was reborn: "God triumphed over all that destroys community: sin, cowardice, lies, misunderstanding, suffering and death . . . These cowards and

²⁹Kristin Heyer refers to a "dynamic, mutual correction." Kristin Heyer, *Prophetic and Public: The Social Witness of U.S. Catholicism*, (Washington: Georgetown University Press, 2007), 185.

³⁰Dorothy Day, *The Long Loneliness: The Autobiography of Dorothy Day* (New York: Doubleday, 1952), 177. For an application of this rich sense of sociality and the common good to bioethics, see Lisa Sowle Cahill, *Theological Bio-Ethics: Participation, Justice, and Change* (Washington, D.C.: Georgetown University Press, 2005).

deniers were gathered together again. They were not a reputable bunch, and shame-faced at what they had done, but once again, they were one. The unity of the church is a sign that all the forces that fragment and scatter are defeated in Christ.”³¹

Because Christians believe that grace works in and through human actions, our hope not only affirms confidence in eschatological fulfillment but also works for change here and now. What David Hollenbach claims about public life is true of restorative justice more particularly: “All aspects of public life can be real though imperfect reflections of the fullness of communion that is the ultimate Christian hope.”³² Against the falsely comforting assumption that some individuals, or even whole communities, are irredeemable, hope encourages us to search for restorative opportunities even in the face of obstacles, resistance, and previous failure. Christian hope, in other words, commits us not only to not giving up on God, but also, though in a theologically derivative way, to not giving up on perpetrators, beneficiaries, victims, and our communities at large.

VI. RESTORATIVE JUSTICE IN THE CHURCH

In this final section of this article, I will very briefly extend these considerations to the church. Kristin Heyer rightly maintains that, “Catholic public engagement should both *embody* and advocate the values it advances.”³³ If the church is to be an effective advocate of restorative justice, then, we also ought to embody its principles in our own communal life and institutional structures. Pope Benedict XVI himself recently noted in Portugal that the greatest threat to the church comes from sin inside the church.³⁴ This acknowledgement, read in light of Radcliffe’s underscoring of the unitive implications of the Resurrection, provides a strong impetus for beginning a church-wide discussion of how the restorative agenda that has marked the church’s social mission might also be relevant to her religious identity as such. The need for this discussion grows as the scandal takes on increasingly global proportions.

³¹Timothy Radcliffe, “Should I Stay or Should I Go?” *The Tablet*, May 19, 2010. A related point is made by N. T. Wright in his reflection on the metaphor of the body in 1 Cor. 12: “The present unity of the church is important not least because it will thereby anticipate the perfect harmony of the resurrection world, when members of the *soma Christou*, the Messiah’s body, who have each exercised their *pneumatika*, spiritual gifts, are finally raised to life, to be given the *soma pneumatikon* (15.44-6), the entire body energized and animated by the divine Spirit.” N. T. Wright, *The Resurrection of the Son of God* (Minneapolis: Fortress Press, 2003), 295.

³²David Hollenbach, S.J., *The Common Good and Christian Ethics* (New York: Cambridge University Press, 2002), 134.

³³Heyer, *Prophetic and Public*, xviii; emphasis added.

³⁴See Rachel Donato, “Pope Issues Most Direct Words To Date on Abuse,” *New York Times*, May 11, 2010, at www.nytimes.com/2010/05/12/world/europe/12pope.html, accessed May 15, 2010.

While the 2002 Dallas Charter was a significant improvement for the American church, it did not lead to further broad-based, grass-roots and diocesan-level dialogue throughout the church. Despite what has been done by bishops acting in good faith, many Catholics—particularly the primary victims but also many other people as well, including the ordained and members of religious orders—feel that their voices have not been heard and that the church’s institutional leadership does not care enough about their pain of betrayal or their need for healing and peace. The response of the institutional church to the crisis of sexual abuse has underestimated the strength of the impact of the scandal on ordinary Catholics—it is more a tsunami than a ripple effect.

After having functioned as a mediator in a number of litigation-related cases involving claims lodged by survivors of clerical sexual abuse, attorney Janine Geske, a Distinguished Professor of Law and former Wisconsin Supreme Court Justice, now runs the Restorative Justice Initiative at Marquette Law School. After attending many litigation meetings and listening “to survivors of clergy abuse describe how their church communities have turned against them and failed to support them during these difficult times,”³⁵ she and survivor advocate Amy Peterson of the Archdiocese of Milwaukee developed a program of restorative justice circles that facilitate victim-centered dialogue for the sake of addressing clerical sexual abuse. The circle includes a mediator, victims, representative offenders, and other relevant parties. Though once suspicious of this movement, Geske’s experience of the success of these circles led her to appreciate “the tremendous healing power of a restorative process.”³⁶

Certainly initiating restorative justice processes runs some risks, but doing so in the right way might communicate to victims that the church is fully committed to repairing the terrible harm that has been done to people over the years. Dialogue over other emotionally charged issues has been difficult for the church, so a sustained commitment to internal restorative justice would no doubt require a significant change in the culture of the institution.³⁷ These include greater transparency and less secrecy, more accountability and less impunity, more openness to lay participation and less clericalism, and, above all, substantive incorporation of women’s voices and leadership—all of which would require us to re-conceive power in more authentically Christian ways.³⁸ Calls for substantial change in the life of the church will no doubt evoke skepticism, but one must remember that analogous doubts greeted many other initial proposals for restorative justice initiatives, even

³⁵Janine Geske, “Restorative Justice and the Sexual Abuse Scandal in the Catholic Church,” *Cardozo Journal of Conflict Resolution* 8:65 (Spring 2007), 653.

³⁶*Ibid.*, 651.

³⁷See Bradford Hinze, *Practices of Dialogue in the Roman Catholic Church* (New York: Continuum, 2006).

³⁸See Christine Firer Hinze, *Comprehending Power in Christian Social Ethics*, American Academy of Religion Series, no. 93 (New York: Oxford University Press, 1995).

including that for the South African Truth and Reconciliation Commission, which, despite its imperfections and flaws, became the most ambitious and successful of the over twenty such commissions ever conducted.

CONCLUSION

The preceding discussion suggests ways in which restorative justice accords with values and standards that are central to the Christian tradition. The prophetic dimension of restorative justice is distinct and complements its therapeutic, public, and pastoral dimensions. It seeks to create conditions that provide pedagogical opportunities for the growth of understanding of self and others, therapeutic opportunities for emotional and psychological healing, moral opportunities for taking greater responsibility for ourselves and one another and for expanding our circle of moral concern, social opportunities for building up communities, and sacramental opportunities for a deeper appropriation of the universality of God's healing, forgiving, and reconciling love.

Restorative justice is a prophetic path to peace that is needed for precisely the times we live in today. The developments witnessed in the cases discussed above—Minneapolis parish boys, the Canadians Elizabeth and Charles, the Solms-Delta project, and finally Justice Geske's work with restorative justice circles—appeal to our most noble aspirations, as individuals and communities, rather than to our basest fears. They suggest a vision of human solidarity that is deeper than what divides us and that restores what has been lost or perhaps, for some people, what has never been attained in the first place. The inclusiveness and mutual respect embodied by restorative practices challenge the evasion of responsibility for one another that is inculcated by both atomistic individualism and disordered group loyalty.

Perhaps we can venture the claim that God is, in particularly important ways, actively working in and through the restorative justice movement, a movement that has taken shape to resist and to provide a moral alternative to the mean-spirited character of our age. The restorative justice movement might well be providing us with an opportunity to participate in creating both a more just and compassionate society and even a church that is more Christ-like.³⁹

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³⁹I am grateful to Lisa Sowle Cahill, Kathryn Getek, Janine Geske, Jean Greenwood, Beth Haile, David Hollenbach, S.J., Kenneth Melchin, Doc Miller, Peter-John Pierson, and Mark Solms for reading and making very helpful comments on previous drafts of this essay.