

A HARSH REALITY - A MERCIFUL RESPONSE

RECONCILING AND RESTORING RELATIONSHIPS - A RESPONSIBILITY FOR ALL CHRISTIANS

ICCPPC WORLD CONGRESS - MEXICO CITY - 13 SEPTEMBER 1999

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Introduction

In following a retributive model of criminal justice based primarily on punishment and vengeance, the world in the past two centuries has created a monster whose pernicious effects are impacting everywhere. As social decay has taken on a more marked appearance in recent years and the number of poor has grown, imprisonment and harsher penalties have taken on a fresh urgency in the minds of many politicians and with parts of the wider public. Yet of all social policies, surely this is the most failed. Never has any social system been so expensive and failed so consistently as has the system of criminal justice and imprisonment we adhere to so slavishly. Where has it ever worked? Never has any tax dollar been less scrutinised for its fruitfulness than the criminal justice dollar.

With the advent of the global economy and the development of private prisons, the prison-industrial complex has emerged worldwide as a major development in the past 20 years. This is a frightening development because it constitutes a set of bureaucratic, political and economic interests that encourages increased spending on imprisonment, regardless of actual need. Crime rates may often be falling and positive alternatives available, but prison construction continues unabated. The prison-industrial complex is built on a lure of big money and guaranteed jobs. Its raw material is the same everywhere: the poor, the homeless, the mentally ill, drug addicts, alcoholics and a wide range of socially dysfunctional and sometimes psychotic and violent people.

We need to also look with fresh eyes at the notion of imprisonment itself. Locking grown adults into a 6m x 4m cell for up to 22 hours a day for months or even years on end should be abhorrent to any thinking person. It should be particularly abhorrent to Christians. It runs contrary to practically everything that the Church teaches. Only the twisted could regard such a procedure as acceptable. Or those with a vested interest. Sadly, there are many groups in the community with a vested interest in maintaining the status quo regardless of how destructive the system might be. We need to recognise that these vested interests do exist, that they have extremely effective propaganda machines, that there is huge money involved and that the message of Christ will not always be a popular one. The Church clearly though should maintain its clearly defined role, and not allow itself to be compromised by such vested interests.

Prisons are the dinosaurs of the modern age. They fail on practically every front. They **fail to rehabilitate**. Nearly eighty percent of inmates re-offend again within a short time. They are extremely **expensive**. Basically it is money wasted. They **smash**

family life and leave children minus a parent. They are **spiritually bankrupt** in that they suppress the growth and freedom of people. They help **create more crime** by bonding similarly minded rejected members of society. They upskill their graduates in **further anti-social techniques**, which makes prisons the most successful tertiary institutions in any country. They **breed violence** and are the principal recruitment locations for gangs. They guarantee continued **high rates of re-offending**. They **punish the innocent** especially partners and children. They fail in practically every positive human indicator scale. As a 1993 *Time* magazine front cover boldly proclaimed, 'Each year jails take large numbers of hopeless people and turn them into bitter hopeless people'. Yet we keep building more. In terms of community usefulness and the promotion of the Common Good, they are a systemic failure. The penal system stands condemned by its own violence and unfairness. Indeed by its own inhumanity.

There are unquestionably a 'dangerous few' who need to be kept out of circulation for the safety of both themselves and the community. But these would need to be only a small portion to those currently incarcerated. They should be kept in humane containment and encouraged to make constructive use of their time. Otherwise, non-violent constructive alternatives should be used.

Church Response

In dealing with issues of crime and law and order, the Church has to proclaim the age old message that Jesus came to bring the world: 'Good news to the poor, liberty to captives, new sight to the blind, healing for the sick, freedom for the oppressed.' That is our mandate. The teachings of Jesus can bring new light to bear on the difficult issues of conflict and crime in the community. They offers grounding principles to deal with them. These will involve promoting processes based on justice, equity, fairness and accountability. But such an approach must always be guided by wisdom, tempered by mercy, and allow for the possibility of healing, forgiveness and reconciliation for both victims and offenders.

This is our Good News. To actively promote these teachings and values is the only reason for the Church to be involved in these areas. If Christian ministry and prison chaplaincy are to have any validity, then they must offer something different to what 'the world' or 'the system' offers. If we say with Peter, 'You are the Christ', then we are accepting the possibility of the transformation of relationships and the redemption of 'the world', including the criminal justice system. By definition, this means our ministry must be rooted in gospel truths. Only Christians imbued with the Spirit of Christ will be able to see Christ in the prisoner. It is the Christ in us that will see Christ in them. We should have no expectations that governments or bureaucracies will see Christ in the prisoner. We have no reason to believe they share much of our understanding of justice. All the evidence is they don't. Our faith teaches that they won't. Hence the imperative for prison ministry to be distinctive and hope filled..

In his 1988 encyclical *Sollicitudo Rei Socialis*, Pope John Paul 11 wrote of the conditions which prevail to produce what he called 'structures of sin'. He was referring to social systems which enslave or oppress people and attack the Common Good. These 'structures of sin' are found where people are crushed, marginalised or oppressed and are denied the opportunity to develop their God given gifts. Can we not say that the development of the modern prison industrial complex is such a 'structure

of sin'? How can we as Christians stand in solidarity with the poor and their victims, speaking justice, development and peace, when so many are being crushed by such structures? Do we need to question the very legitimacy of prisons themselves?

The solidarity with the needy called for in the encyclical demands a moral response from the Church. In a real sense, the position of prisoners within the framework of the poor is a unique one. In practically every other field of human oppression, those oppressed can mobilise for change and be aided by progressive elements in society, like justice agencies, trade unions and community groups. Such are the complexities of criminal offending and the fears we all share of becoming victims of crime, that relatively few mobilise or support issues relating to them. Yet we know they remain children of God, redeemed in the blood of Christ. Surely, the Church needs to be the principal international voice to speak for their rights.

Another fundamental question we need to ask then is this. Does the Church, through its traditional work in chaplaincy services, support and succour this sinful system, or seek to transform it? Does our ministry focus exclusively on individuals or include the prison environment in which they are placed? Does prison ministry sit snugly in the bosom of the prison system, or stand with a distinctive transforming message? Are we being true to the teachings of Christ and our own professed faith, or not? If not, why not? These are very real practical issues we need to face.

There is a further question. Is it not time the Church brought the same focus and clarity to its teaching on these issues as it has to other major social concerns? There is a huge volume of teachings on social issues such as war and peace, racism and economic justice, human relationships, workers and industry. There appears to be little by way of integrated collated teaching on issues relating to crime and criminal justice, punishment and imprisonment.

I believe that the dawn of a new millennium is an ideal time for the Church to rethink and clarify the underpinning morality upon which the criminal justice system sits, its relationship to the law and the increasing use of imprisonment as a response to crime. But first we need to look to our own teaching tradition and what Sacred Scripture has to say.

A QUESTION OF MORALITY - Justice and the Common Good

The teaching of the Church over the centuries has helped clarify some of these issues. The famous philosopher and theologian Thomas Aquinas taught *'that the common good is the end of each individual member of a community, just as the good of the whole is the end of each part'*. It is defined within the context of a basic respect for the dignity of the human person. This surely is the most basic premise of a truly human morality.

Pope Paul VI taught that political government, which conducts the criminal justice and prison systems, *'must have as its aim the achievement of the common good. While respecting the legitimate liberties of individuals, families and subsidiary groups, it acts in such a way as to create, effectively and for the well being of all, the conditions required for attaining man's true and complete good, including his spiritual end.'* He

concludes by saying '*the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them.*' 1

In a recent widely praised pastoral letter, the Catholic bishops of England and Wales defined the basis of morality as **the right and fair way for people to relate to one another and to the world around them.** In its embrace sits one of the most important social moral principle of all - the development, enhancement and protection of **the Common Good.** This is the principle that has attempted to hold the fabric of society together on some form of just basis for centuries. It is based on the notion that each person is a social being and reaches his or her potential in relationship with others. Collectively, they form a society. The bishops defined the Common Good as being *the whole network of social conditions which enable human individuals and groups to flourish and live a fully genuine human life. Far from each being primarily for him or herself, all are responsible for all.*

They expanded the concept in order to meet the particular needs of the modern world. They said that the Common Good cannot exist today without the presence of four other principles that are essential to its realisation. The first is **the principle of subsidiarity** supports a dispersal of authority as close to the grass roots as good government allows. It prefers local over central decision-making. It has everyone working at the level of their capacity.

The second is **the principle of solidarity** implies the interconnectedness of all human beings, one with the other, regardless of race, gender, culture, age or religion. We form one family. Solidarity teaches us to stand with one another, particularly when either of the final two principles are threatened - that of human rights or an option for the poor.

The third is **the protection of human rights**, our understanding of which has been accelerating this century. No longer are we able to dehumanise various groupings of people because of their differences to us. Each person now has certain legislated protection under charters from the United Nations which help protect the fabric of the Common Good.

The fourth is **an option for the poor.** By that is meant that the most vulnerable, the poorest economically, the most handicapped must be protected and respected if the Common Good is to be achieved. 2

Justice and the Law

Given this starting point, what then should be the relationship between the justice and the law? It is appropriate to start by quickly looking at what justice is since it is the basis from which we should act. The bishops say '**In essence justice is an active and life giving virtue which defends and promotes the dignity of every living person and is concerned for the Common Good insofar as it is the guardian of relations between individuals and peoples. Justice is at the same time a moral and a legal concept in that it fosters an equitable sharing of burdens and benefits. It makes whole and leads, not to division, but reconciliation. At its deepest level it is rooted in love and is tempered by mercy.**' 3

From justice flows the law which also has two dimensions, moral and legal. Law is built on morality and is never neutral, always reflecting a system of values. Fairness, truth, honesty, compassion and respect for people are the basic tenets of an acceptable morality that flows from justice and seeks to protect and enhance the Common Good.

Law and justice are not synonymous terms. The law is not sacrosanct and does not stand alone. What is sacrosanct is justice. In a secular society, for law and justice to meet, they have to be grounded in the principle of the Common Good. There is no other way. The law is the mechanism by which either the Common Good or sectional interests are achieved. Injustice occurs when the law is written by powerful groups with sectional interests. This is the basis for unjust law. Much of the legislation in the past that discriminated against indigenous peoples was defined by sectional interests. The laws relating to apartheid in South Africa are an obvious case. Just law and just government should define, defend and protect the Common Good. This is precisely what government in a true democracy should be about.

BIBLICAL JUSTICE

For the past 800 years if not longer, western civilisation has been built on underlying Christian moral principles which have guided the way we live. In their simplest form they were summed up by the ten commandments of the ancient Hebrew Scriptures and the central command of Christ that we were to love God and our neighbour.

The Bible speaks often about crime and punishment. Naturally it deals with what flows from violations of law, and in particular with what flows from violations of its most sacred law, the Torah, which contains the commandments of God. But all law was not of equal status in biblical times. Consequently, how one dealt with offenders varied depending on a wide variety of circumstances.

There was no centralised code of law or criminal justice system such as we have now. A Jewish understanding of Hebrew law has often been quite different from a Western understanding of the same law. So when Jesus is accused of breaking the law on the Sabbath, rather than being arrested and charged, he merely has an argument with his accusers about the ruling itself and the nature of law, and he is left to move on.

There are several key words in Scripture that indicate the presence of justice in a much fuller sense than what we usually understand. A key word for justice is *t'sedeka*, which Martin Buber, the famous Jewish scholar, translates as 'to bring the truth, to be truthful, to speak the truth'. Justice is very much related to a way of life, a personal commitment of lifestyle, not just an academic theory. A person who lives *t'sedeka* seeks to live justly and to bring justice eventually to all. *Hesed* is also an important word and reflects the love that contains justice as its motivating force. *Mishpat* reflects the social expression of God's justice in the relationship of God with the people, and the people with one another.

Justice is part of the very essence of God, as can be seen from reading the psalms and the prophets, especially Isaiah, Jeremiah, Micah and Amos, and from reflecting on the Gospels. As theologian Kevin O'Reilly says:

In the Bible, God is called the just one. What is this justice of God? According to the authors of the Hebrew Scriptures, the justice of God is not the quality whereby God

*rewards the good and punishes the wicked. God is just when he intervenes in the lives of the underprivileged, especially orphans and widows, to save them from the injustices of men (Deut10/18). God is just when he defends the cause of the innocent. God is just when he establishes those who have been exploited by wicked men. God is just when he saves the poor.*⁴

Surely the scriptural quote most abused and taken out of context has been that of 'an eye for an eye'. Public perception of its meaning is usually the opposite of what is intended. The concept of *lex talionis*, the law of proportionality, simply says that you should never claim more than the value of what is damaged. If property worth 100 gold coins is stolen, then you cannot claim 200 coins in return. If you took more than what was just, then you in turn could be punished. Martin Buber in his German translation of the Scriptures, translates 'an eye for an eye and a tooth for a tooth' as 'an eye for the value of an eye, a tooth for the value of a tooth'. It is a concept that occurs only three times in Scripture, whereas mercy appears several hundred times. ⁵ The emphasis in Scripture was usually on restitution and restoration, not vengeance and punishment. Restitution was seen as a way of setting things right. If property was stolen, then the property should be returned; if damage was done to someone's house or field, then the person responsible for the damage should repair it. Later in the New Testament, Christ specifically rejects this notion when he says quite emphatically: 'You have heard it said "an eye for an eye". But I tell you, do good to those who harm you.' (Matt 5/38-42)

The focus on crime in biblical times was not so much on individuals as on the community. Corporate responsibility was central to the Hebrew understanding of crime. The Scriptures renounced any scapegoating that claimed that crime was only the responsibility of a few evil individuals within the society. When the law was broken, there was corporate responsibility. Violence and breach of law pointed to a crisis in the very fabric of the society.

The central feature of biblical law is a constant calling forth of the people to a future promise. The emphasis is on the future health and well being of the community, and not on the immediate transgressions of the law. The covenants agreed to by the people with Yahweh always emphasises this future direction.

Shalom, Social Justice and the Covenant

The three most central concepts of biblical law and justice relate to **shalom**, **social justice** and the **covenant**. Crime was a violation of shalom, of social justice and of the covenant. Repairing the damage was the key, not punishment. In his seminal book on restorative justice, *Changing Lenses*, Howard Zehr points out that **shalom** is not just a peripheral theme of Scripture but a basic core belief from which God's vision and plan for creation and the development of the human family flow. Hence notions of salvation, atonement, forgiveness and justice have their roots in shalom. In English shalom is usually translated to mean peace, but that is a very inadequate translation. ⁶ Perry Yoder describes three basic dimensions to its meaning. They are physical well being, including adequate food, clothing, shelter and wealth; a right relationship between and among people; and the acquisition of virtue, especially honesty and moral integrity. The absence of shalom means the absence of one or other of these features.⁷ There is a flow-on of this concept in the New Testament where Christ's life and teachings and eventually his death and resurrection transform relationships

between and among people, thus inaugurating the New Creation, wherein shalom is lived by believers.

The great recorded biblical voices of Jeremiah, Amos, Micah, Isaiah, Zephaniah and Ezekiel remind the people that to remain blessed required they practise **social justice**. These ancient prophets crystallise the centrality of social justice as a prerequisite for God's continuing blessing. Time and again they remind their listeners that God will not continue to uphold the people if they refuse to practice justice, especially to the poor, the needy, the oppressed, the marginalised. It is from this understanding that the prophets are able to warn that the entire nation is doomed because some widows have been mistreated or because the hungry have not been allowed to glean the fields. Not only all the people but the land itself is caught up in sin and all its consequences, for the meadows lie barren and the mountains quake and the trees bear no fruit. For Israel, the fullest response to crime was not the isolated punishment of an individual law-breaker, but the repentance of the entire nation. It is the voice of prophets down through the centuries to our own day. Without freedom and justice, there can be no salvation.

The other major concept that has a direct relationship with law and justice is that of **covenant**. A covenant is a binding agreement between parties. There were several in the Scriptures, starting with God and creation, God with Abraham, Sarah and the newly created People of God, God with Moses representing the people on Mount Sinai when the Ten Commandments were given. The culminating covenant came with Jesus and the whole of humanity at the Last Supper. This new covenant opened up for humanity a new way of viewing things, of relating, of recognising the dignity of each person within the context of their community. Crime was a violation of the covenant. It needed to be repaired.

The test of justice in the biblical view is not whether the right rules are applied in the right way. Justice is tested by the outcome. The tree is tested by its fruit. It is the substance, not the procedure, that defines justice. And how should things come out? The litmus test is how the poor and oppressed are affected.

In biblical times such justice was enacted on an everyday basis in Jewish settlements. Citizens went to the city gates to seek justice from the judges or elders who presided there for this purpose. The whole focus for this 'court' setting was to find a solution for the aggrieved person. The judge was not primarily the one who rewarded some (distributive justice). He was the one who created order and restored what had been destroyed.

Restoration, then, was the keynote, not retribution. The words in Hebrew for 'paying back' and 'recompense', *shillum* and *shillem*, have the same root words as shalom. Restoring shalom was what such courts were all about. Helping people re-establish their covenant with God and one another was at the heart of this justice. When punishment was meted out, and on occasion this included execution, it was always seen as a necessary element to the restoration of the covenant and the re-establishment of shalom.⁸

How then have so many come to see God as a punishing High Court judge-type figure who hovers over our everyday activities like an eye-in-the-sky policeman? This clearly is not the emphasis of the Scriptures. It seems we have done that by largely

misinterpreting the actual meaning of some key passages of Scripture, and by failing to recognise the context within which they were written.

The New Testament and Justice

In the New Testament Jesus clearly states that justice should be based on principles of forgiveness and reconciliation; that retaliation plays no part. He forgave the Genasene maniac, the prostitute, the adulteress, the tax gatherer who was an extortionist, the robber. He charged us both to place distinctions between wrongdoers and the virtuous, yet to see ourselves as all in the same camp - brothers and sisters with varying strengths and weaknesses.

In the story of the rich man and Lazarus (Luke 16/19-31), Jesus explicitly teaches that the poor man has rights and the rich man is obliged out of a sense of justice, not charity, to share what he has from his table. Here Luke draws on Leviticus 25/35, which spells out the obligations of the rich to the poor. The rich man fails to recognise that though he may well have come by his wealth by perfectly legal means, in justice he still owes part of his wealth to Lazarus, who has nothing. He fails and is condemned.

Here Jesus explicitly expounds the nature of justice in terms of sharing with the needy, the poor, the vulnerable. Lazarus and the rich man can only ever meet and be reconciled as brothers through the sharing of the riches. Reconciliation, then, is at the heart of the New Testament understanding of justice.

Jesus specifically rejects 'an eye for an eye', that proportional response so abused by popular usage. 'If anyone hits you on the right cheek, offer him the other one as well. Give him your coat and your tunic, walk two miles not one.' (Matt 5/38) This is radical stuff - and quite practical today if properly understood. Jesus is asking for a generous response from those who have been victimised by crime. He knows - indeed God teaches - that unless people take such an attitude, they will usually end up becoming doubly victimised. The first time will be with the actual crime. The second will be through the hurt, bitterness and feelings of vengeance that can so easily poison a person's spirit if allowed to germinate. These are wise teachings indeed.

Jesus teaches generosity of spirit when it comes to dealing with crime. To the woman facing the death penalty, he said simply 'go and sin no more'. He rejected any notion of just desserts in the story of the prodigal son and loving parent (Luke 15/11-32) and in the vineyard workers parable (Matt 20/1-16). In the latter, the day workers give us another reminder as to how God's justice works. Each got paid at the end of the day what they needed to feed their families, even though they had worked uneven hours. Its a parable of restorative justice. Provide what is needed. Forgive seventy seven time seven. Surely too hard? Not so, says Jesus. Its not easy but it can be done. In effect he teaches that if we don't attempt these very difficult matters then we run the grave risk being damaged spiritually.

Imprisonment is condemned by New Testament teachings where it represents a power of death that is separate from and opposed to God. Death is also present in other forms, including illness, hunger, injustice and opulence. The proclamation of liberty to captives does not relate simply to a notion of spiritual freedom. Such an interpretation helps make sense of the miraculous nature of the deliverance of the

apostles from prison in two instances, Acts 5 and 12. The releases are an assertion of divine authority over the state and over the fallen principalities and powers.

A final word on justice at the time of Jesus concerns the notion of **sanctuary**. It is a further illustration that Jewish law valued life over property, and valued people over punishment. Several mentions are made in the ancient Scriptures to cities of refuge (Deut 4/41-3, 19/1-3, Numbers 35/6-34). Both Israel and its neighbours recognised the right of a person needing protection from revenge to go to the altar in the temple, where the person was to be kept from harm until the matter could be decided through formal judicial process (Exodus 21/12-14). But the altar might be far away, and the wrongly accused person might be caught before reaching the protection of the sanctuary. So the law provided for six cities of refuge, which were to be centrally located and reached by well-built roads, so that someone suspected of murder could get to protection easily. Mercy and fairness lie at the heart of sanctuary. People were more important than punishment and, as a result, procedural safeguards were built into the law so that the rights of the offender could be protected while the case was being considered by the judicial authorities.

Respect, Mercy, Forgiveness and Pardon

A reflection on justice and a fully developed morality must include a consideration on the place of **respect, mercy, forgiveness and pardon**. These are among the most mature and demanding of virtues. True justice and the common good cannot be achieved without employing them.

A sound morality starts with a **respect** for the dignity of all. This was spelt out yet again in the World Day of Peace Message of John Paul II in January 1999. *'The dignity of the human person is a transcendent value, always recognised as such by those who sincerely search for the truth. Indeed, the whole of human history should be interpreted in the light of this certainty. Every person, created in the image and likeness of God and therefore radically orientated towards the Creator, is constantly in relationship with those possessed with the same dignity....No affront to human dignity can be ignored, whatever its source, whatever actual form it takes and whenever it occurs.'* 9

The current criminal justice system displays a lack of respect to all involved. We demand respect towards people and property in our law, yet show little in our systems dealing with law breakers. Any one who has worked in a prison or even visited one will know exactly what I mean. Depersonalisation is built into the very fabric of the system itself. The only thing missing is the numbering on inmates' chests. It all reflects a lack of respect for inherent human dignity. We should not be surprised that such lack of respect carries on in the wider community because our policing, court and penal systems pay such little attention to it.

A systemic lack of respect can be seen through the widespread use of imprisonment whereby more than 8.5 million people in the world are denied their human dignity, and freedom of action, expression, movement and will. Usually it is the poor and those from racial and ethnic minorities who are most incarcerated.

The notion of a loving and merciful God is one that fills the pages of Scripture. Here

mercy is portrayed as an intrinsic dimension to the very being of God. We have only to skim through the pages to see God portrayed as a protective presence, a helper who offers hope, one whose power is merciful and benevolent, one who makes faithful and enduring commitments. Mercy is the foundation of God's covenant love. Jesus is portrayed in the New testament as the merciful one. We hear about his responses to the poor and oppressed, widows and single women, social outcasts, sinners, the sick, the wayward. He feeds the five thousand, heals the blind, the lame, lepers. 'Have mercy on us, Son of David', they cry (Matt 9/27). They had faith in his mercy.¹⁰

Forgiveness is the toughest of the four to practise. It is not the glib 'forgive and forget' call of the simplistic. It is a tough but essential quality of human growth which can often benefit the person who forgives more than the offender. Kim Phuc, the running, screaming nine year old girl etched in the memory of the world through that amazing 1972 photo, suffered massive burns when US supplied napalm was dropped on her village in Vietnam. Now nearing 40 years of age, she has forgiven those who attacked her and has grown through her pain to become a leader who tours frequently on behalf of UNICEF asking the question, 'why war?' and demanding 'war, never again.' Despite having a deeply scarred body, her spirit has healed and is whole again - because she has forgiven. She is fully human, fully alive, because she has learnt mercy and forgiveness.

Archbishop Desmond Tutu, who chaired the Truth and Reconciliation Commission in South Africa and heard literally thousands of testimonies from victims and offenders, speaks eloquently about forgiveness as an essential component of healing.

I have been bowled over by the incredible humility one has experienced from the victims, both black and white, who have suffered as much as they have. By rights they should have been hate ridden by lust for revenge. They have exhilarated me by how ready they are to forgive. I have come to see that. Yes, of course you have to have an acknowledgment by the wrongdoer that they have done something that was very wrong, that they owe to us confession so that the victim, the survivor, be enabled, be willing to forgive. But I have come to believe fervently that forgiveness is not just a spiritual and ethereal thing unrelated to the real world, the harsh world out there. I have come to believe very fervently that without forgiveness, there is no future.

Surely, if enormous crimes of violence, sabotage, terrorism, murder, torture and betrayal can be forgiven when offenders seek forgiveness in South Africa, lesser crimes can be forgiven when people seek forgiveness in our own countries. This surely must be part of the message we teach. However, to seek such a response requires social infra-structure to enable it to happen. Such a mechanism is not normally available in our court system. But those who seek to build a healthy society know that forgiveness eventually has to be part of the justice equation. Restorative justice processes offer a way forward in relation to this.

The ultimate expression of forgiveness lies in **pardon**. Pardon is an essential characteristic of the Christian community. It is a virtue that the Church rarely preaches these days, especially in the area of criminal justice. Yet its importance cannot be over estimated. It has a central place in Christian tradition. If God has pardoned us through Christ, then we need to be able to pardon one another. To pardon means not to fixate on past grievances but to create the opportunities for people to put

the past behind them and move forward in new and constructive ways. To pardon is to cancel out the past, to allow the past to be the past no matter how horrific and unjust it may have been, and to reach for a new future.

We should not fear the reaction of sections of society through our preaching of the huge potential of pardon. Pardon lies at the heart of compassion and sits at the centre of the theology of the Cross. It is only when pardon is able to be exercised that we can confidently build Christian community with one another.

Conclusion

Prisons victimise the poor, they do not provide justice, they offend against the Common Good, and they are a direct contradiction to the teachings of Scripture. On a global scale they have become 'structures of sin'. Christian tradition and the Scriptures offer constructive and positive insights, values and guidelines for conducting just and fair processes to help deal with criminal offending. The Church must challenge any criminal justice process or prison system that dehumanises people and fails to treat them with dignity and respect. If we are going to reconcile and restore relationships and bring Christ's healing power to our ministry, then we need to revisit our biblical and Church traditions, reflect upon them and seek to promote new ways of conducting criminal justice in the years ahead.

Footnotes

1. Paul VI, Apostolic Letter, *Man in Today's World*, June 1971
2. Pastoral letter, *The Common Good and the Catholic Church's Social Teachings*, Catholic Bishops of England and Wales, 1996
3. Pastoral letter, op. cit.
4. Kevin O'Reilly, *Towards a Christian View*, Prison Chaplains' Association, New Zealand, 1982, p3
5. Exodus 21/23-25; Leviticus 24/19-20; Deuteronomy 19/21.
6. Howard Zehr, *Changing Lenses*, Herald Press, Scottsdale, Pennsylvania, 1990, p133
7. Perry Yoder, *Shalom: the Bible's Word for Salvation, Justice and Peace*, Faith and Life Press, Newton, Kansas, 1987, p130
8. Zehr, op cit. p144
9. John Paul II, World Day of Peace Message, 1 January 1999
10. Alice Sinnott RSM, *Mercy - Ever Ancient, Ever New*, Listen Magazine, 1999