Changing the Script: A Starting Point

In the last issue of JustSouth Quarterly, my article, “Stop Casting Stones: The Failure of Punitive Crime Policy,” focused on what does not work in criminal policing. A key point to remember about the failure of punitive crime policy is that getting “tough on crime,” through more arrests, more incarceration, harsher sentences, and imposition of the death penalty contributes to a “vicious cycle” of violence itself.

Punitive crime policy incorrectly assumes that formal social controls, like the police and the criminal justice system, are the most important levers for controlling crime. They are not.

The most important things influencing whether or not someone commits a crime concerns whether or not s/he social controls, like the police and the criminal justice system, respond “to their concerns.”4

Police do use racial profiling. Police do fabricate warrants or 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.5

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 pains to support punitive policies.”6 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’ misconduct.7

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 The bishops lament how “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

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 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.5

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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 reunites 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

Support for RJ is growing in the United States.

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

ENDNOTES


3 Ibid., Responsibility, “Scriptural Teaching.”


5 Ibid., Responsibility, “Catholic Social Teaching.”

6 Ibid., Responsibility, “Scriptural Foundations.”

7 Ibid., Responsibility, “Scriptural Foundations.”

8 Ibid., Responsibility, “Scriptural Foundations.”


Catholic Social Thought (CST) and Restorative Justice

By Alex Mikulich, Ph.D.

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