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A Theological Understanding of Restorative Justice

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In his September 2015 address to the U.S. Congress, Pope Francis issued an emphatic moral invitation: "We need to avoid a common temptation nowadays: to discard whatever proves troublesome. Let us remember the Golden Rule: 'Do unto others as you would have them do unto you.' (Matt 7:12) This Rule points us in a clear direction. Let us treat others with the same passion and compassion with which we want to be treated."[1]

Pope Francis' vision of right relationship stemming from the Golden Rule in the Sermon on the Mount aligns well with the foundational principles and values of restorative justice. In this essay, I will explore this correlation by way of offering a theological perspective on restorative justice, emphasizing the theological virtue of hope as it orients the pursuit of right relationship toward the eschatological horizon.

Howard Zehr, generally recognized as a founding contributor to the growth of the restorative justice movement in the United States over the last forty years, frames guiding principles of restorative justice as questions for discernment regarding a particular situation of harm, emphasizing the process-oriented nature of restorative justice.[2] First, who has been harmed? Secondly, stemming from this harm, what are their needs, and thirdly, whose obligations are these? These questions invite awareness of the interconnectedness of all parties involved and highlight the moral significance of responsibility to one another as part of working toward right relationship. They point toward a fourth guiding question for discernment: Who has a stake in this particular situation? In a restorative process, the response often extends beyond those most immediately involved to include family members and community stakeholders. Fifthly, what are the causes?

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[1] Pope Francis, "Visit to the Joint Session of the United States Congress. Address of the Holy Father" (2015), https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150924_ usa-us-congress.html.

[2] Howard Zehr, *The Little Book of Restorative Justice*, rev. ed. (New York: Good Books, 2015), 49, and *Changing Lenses. Restorative Justice for Our Times*, rev. ed (Harrisonburg, VA: Herald Press, 2105), 237.

Underlying the direct harm evident in a given case, this question seeks to identify systemic contributing factors. Finally, Zehr asks, what is the appropriate process to involve stakeholders in an effort to put things right and address underlying causes?

One common feature of restorative justice practices is to afford participants the opportunity to identify and commit to key values, e.g., fostering human dignity, procedural equity, personal and communal accountability, and inclusive participation. Cultivation of these values serves justice by nurturing the wellbeing of all members of society as persons who flourish only in relationship to one another.[3]

One additional value is foundational for a restorative process: "If I had to put restorative justice into one word," Zehr writes, "I would choose respect: respect for all – even those who are different from us, even those who seem to be our enemies. Respect reminds us of our interconnectedness but also of our differences. Respect insists that we balance concern for all parties. Respect can help us to recognize and address unjust hierarchies of power. If we pursue justice as respect, treating all equally, we will do justice restoratively. If we do not respect others, we will not do justice restoratively, no matter how earnestly we adopt the principles."[4]

In his apostolic exhortation, *Evangelii gaudium,* Pope Francis also emphasized the centrality of respect as he noted the ethical challenges of the contemporary world. "The joy of living frequently fades, lack of respect for others and violence are on the rise, and inequality is increasingly evident. It is a struggle to live and, often, to live with precious little dignity."[5] Respect for the dignity of each person is at the heart of the joy of the gospel, as it is in restorative justice. In fact, to live out the gospel is to become a restorative people who respect the dignity of each person created *imago Dei* and resist its systematic desecration in the name of economic gain. "How can it be," Pope Francis asks, "that it is not a news item when an elderly homeless person dies of exposure, but it is news when the stock market loses two points?"[6]

Pope Francis' emphasis on the Golden Rule in Matthew 7 comes to mind: In a situation of harm, what sort of treatment might I hope to receive myself, and am I equally concerned to extend that to others? To a Christian, this question resounds both at the temporal level with reference to a particular circumstance, as well as at an eschatological

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[3] Kay Pranis, "Restorative Justice, Social Justice, and the Empowerment of Marginalized Populations," in *Restorative Community Justice: Repairing Harm and Transforming Communities,* ed. S.G. Bazemore and M. Schiff (Cincinnati: Anderson Publishing Co., 2001), 288-89.

[4] Zehr, *The Little Book of Restorative Justice*, 47; also see Zehr, *Changing Lenses,* 247.

[5] Pope Francis, *Evangelii gaudium*, *(The Joy of the Gospel)* (Vatican City: Libreria Editrice Vaticana, 2013), no. 52.

[6] *Evangelii gaudium*, no. 53.

level: Given my own sinfulness, what is the ground of my hope of salvation? Mercy, Pope Francis suggests, is "the bridge that connects God and [the human person], opening our hearts to the hope of being loved forever despite our sinfulness."[7] Created and loved by God, I take hope in the merciful love of God, in spite of my sinfulness.

Underlying Francis' appeal to the Golden Rule is the theological virtue of hope. For Aquinas, the proper object of hope is eternal life, enjoyment of God: Hope "attains God by leaning on [God's] help in order to obtain the hoped for good."[8] Aware of my own sinfulness, I know that it is only by God's merciful love through grace that I may hope for life in and with God. Grounded in that hope, I am called to strive toward the good, knowing that my own conversion is always possible through grace. If I hope thus for myself, that same hope extends to another human being to whom I am united in love. As Aquinas puts it, "Yet if we presuppose the union of love with another, a man can hope for and desire something for another man, as for himself; … and just as it is the same virtue of charity whereby a man loves God, himself, and his neighbor, so too it is the same virtue of hope, whereby a man hopes for himself and for another."[9]

And who is my neighbor? The Golden Rule together with the parable about the Last Judgment later in Matthew's Gospel (Matt 25:31-46) make it clear that my neighbor is every other person, whether or not I recognize that of God in him or her. Created and loved by God just as I have been, I hope for his or her salvation as I would for myself. Bathed in God's love and mercy, I am called to extend that same merciful love to my neighbor.

In *Evangelii gaudium*, Pope Francis' analysis sharpens the eschatological edge of what is at stake in the cultural reality of pervasive commodification. It is precisely the mutual love oriented toward the fullness of life in God's love that is destroyed by the idolatry of money.[10] "Human beings themselves are considered consumer goods to be used and then discarded. We have created a 'throw away' culture which is now spreading.… The excluded are not the 'exploited' but the outcast, the 'leftovers'."[11]

Following Pope Francis' lead, restorative justice, seen theologically, will need to address the harms being inflicted at the transcendent level of human dignity. Who is being harmed? What are their needs? Whose obligations are these? What are the causes? Against the eschatological horizon, these guiding questions of restorative justice take

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[7] Pope Francis, *Misericordiae Vultus*, Bull of Indiction of the Extraordinary Year of Mercy (Vatican City: Libreria Editrice Vaticana, 2015), no. 2.
[8] Thomas Aquinas, *Summa Theologiae* (New York: Benziger, 1947), II-II q. 17, a. 2.
[9] *ST* II-II q. 17, a. 3.
[10] *Evangelii gaudium*, no. 55.
[11] *Evangelii gaudium*, no. 53.

on ultimate significance. Pope Francis lifts up a particular ethical value aligned with them: "We may not always be able to reflect adequately the beauty of the Gospel, but there is one sign which we should never lack: the option for those who are least, those whom society discards."[12] To live as a restorative people will require not merely interpersonal charity but a thoroughgoing reorientation of life toward the eschatological horizon. As pilgrims together on the journey toward the fullness of life in God, our relationships with one another, with God, and with creation take their ethical measure from the horizon of God's Reign.

As the U.S. bishops noted in their 1983 pastoral letter, *The Challenge of Peace*, the biblical understanding of *shalom* shapes that ethical horizon of God's reign, orienting discernment about the demands of justice. The concept of peace in the Hebrew Bible unfolds in the context of Israel's covenant with God, and therefore it assumes a radically relational quality. The people express their fidelity to God by striving toward the realization of the peace of *shalom* within the community, characterized by a threefold right relationship.[13] Ultimately, *shalom* is God's gift to a people steadfast in righteousness before God and before other humans, particularly the poor, the oppressed, and the outcasts.[14]

Covenantal justice finds fulfillment in the restoration of *shalom*, not in the pain of punishment.[15] This understanding of the relationship between justice and peace informs New Testament accounts of Jesus' life, death, and Resurrection. The kind of peace that Jesus gives to his disciples flows from God's love and merciful forgiveness. By his own actions, Jesus calls his followers to go and do likewise, rectifying wrongs and healing brokenness in faithful witness to the truth of God's reign.

A restorative justice lens can provide clarity along this path of discipleship. For example, in their February 2015 statement on restorative justice, the U.S. Bishops wrote, "People must be held accountable for their actions but justice and restoration must be the object of punishment which must have a constructive and reformative purpose."[16]

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[12] *Evangelii gaudium*, Pope Francis, no. 195.

[13] Christopher D. Marshall, *Beyond Retribution. A New Testament Vision for Justice, Crime, and Punishment* (Grand Rapids: Eerdmans Publishing, 2001), 48. See also Perry Yoder, *Shalom: The Bible's Word for Salvation, Justice, and Peace* (Newton, KS: Faith and Life Press, 1987), 10-16, and Zehr, *Changing Lenses*, 133-36.

[14] Marshall, *Beyond Retribution*, 46-8.

[15] Marshall, *Beyond Retribution*, 49.

[16] Department of Justice, Peace, and Human Development, U.S. Conference of Catholic Bishops, "Restorative Justice: Healing and Transformation of Persons, Families, and Communities" (Washington, DC: United States Conference of Catholic Bishops, 2015).

From a restorative justice perspective, this point bears further examination: What is the relationship between accountability and punishment?

Archbishop Joseph Naumann, whose own father was murdered, offers important moral wisdom in this regard: "Our refusal to resort to the death penalty is not because we fail to appreciate the horror of the crime committed, but because we refuse to imitate violent criminals."[17] A punitive approach to justice threatens retribution in mimetic fashion. As Zehr characterizes it, "We will do to you what you have done to others; suffering requires suffering; the penalty is a mirror image of the offense."[18] This is essentially the moral inverse of the Golden Rule.

From a theological perspective, René Girard points to the redemptive, self-giving love of Jesus Christ as that which breaks the mimetic return of violence for violence.[19] Faced with crucifixion, Jesus returned love for hate. For Christian disciples, restorative justice provides a path for what Girard calls the "good mimesis" of imitating Jesus, opening up the possibility of breaking and ultimately transforming the mimetic cycle of violence.

In a restorative justice approach, the issue of accountability is a matter for stakeholders in a situation of harm to address. The question guiding discernment is not whether restoration is the object of punishment, as the bishops suggested, but rather: What will put right the harm that has occurred? In the process of ensuring accountability, acceptance of responsibility is necessarily part of restoring right relationship, but it should be distinguished from imposition of punishment "*intended as punishment.*"[20]

The process-oriented nature of a restorative vision of justice lends itself well to a theological understanding of justice rooted in God's love and oriented toward the eschatological horizon shaped by hope. As pilgrims on the journey to the fullness of life in God, Christians seeking to live out Jesus' invitation to love through the *shalom* of right relationship may find that the questions of discernment guiding restorative justice, pursued faithfully, help shape a way of life in accord with the Golden Rule, and more: As Pope Francis emphasizes, the gospel is not about "small personal gestures to individuals in need," but rather

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[17] Archbishop Joseph Naumann, quoted in "Call for Recommitment to Bishops' Catholic Campaign to End the Use of the Death Penalty," United States Conference of Catholic Bishops (July 16, 2015), www.usccb.org/issues-and-action/human-life-and-dignity/criminal-justice-restorative-justice/wenski-omalley-end-of-death-penalty-2015-07-16.cfm.

[18] Zehr, *Changing Lenses*, 245-6.

[19] See René Girard, "Mimesis and Violence," 9-19, and "The Goodness of Mimetic Desire," 62-5, in *The Girard Reader*, ed. James G. Williams (New York: Crossroad, 1996).

[20] Zehr, *Changing Lenses*, 210, emphasis in the original.

the eschatological reality of God's reign. "The Gospel is about the Kingdom of God (cf. Lk. 4:43); it is about loving God who reigns in our world. To the extent that he reigns within us, the life of society will be a setting for universal fraternity, justice, peace and dignity."[21] Eschatological hope orients God's pilgrim people to become a restorative people, which is the heart of the gospel. M

[21] *Evangelii gaudium*, Pope Francis, no. 180.