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Lay-Chaplain, Javier Stauring

The Moral Imperative of Restorative and Transformative Justice

By Frank de Jesus Acosta; Conversation with Father Greg Boyle, SJ and Javier Stauring

One of the community voices we sought for his compassionate and well-versed perspective is Javier Stauring of the Healing Justice Coalition, Office of Restorative Justice, Archdiocese, and Los Angeles. While there is more than one school of thought on approaches to creating a more restorative and corrections-oriented method to achieving justice in matters of crime and punishment in the U.S., the religious community, including the Catholic Church, has been on the forefront. According to Stauring, the original orientation or intent of juvenile reformatory institutions and adult corrections was rehabilitation, not solely punishment. This has changed drastically in the last 25-30 years as super-predator myths and male of color demonization took root in a mainstream sector of the public, politicians fueling and exploited these growing fears in the guise of public safety.

The negative outcomes of this public and political climate have seriously compromised the equitable administration of justice in America on Latino young males, families, and communities. The results have been the infusion of draconian principles guiding law enforcement policy and practice of enhanced sentencing policies, with youth detention and adult incarceration systems focused on punishment versus rehabilitation strategies. Racial bias in administration of justice, gang policies and drug enforcement policies all lead to court sentencing overwhelmingly focused on punishment versus treatment.

The goal of restorative justice is to heal, reconcile and restore both victim and offender. We define the victim to include the individuals involved, families, communities and society. Of course we must reach and transform policy, the justice system, law enforcement and systems officials to truly affect change. “In Catholic teachings,” says Stauring, “we try to balance responsibility and restitution that restores dignity, purpose and balance to the whole. All people

are not only social but also sacred. How we organize our society, including law and policy, directly affects human dignity and the capacity of individuals to grow in community.”

Restorative justice seeks to balance justice and mercy. Stauring stated, “Punishment and the power to suspend rights and freedoms, are to be wielded with compassionate discretion; all in order to defend the public order, advance the common good, and restore harmony in the social relationships.” This requires that punishment be guided by corrective goals and outcomes. In a written church communication to its clergy and members on the moral imperative of restorative justice, it reads:

“Our Catholic tradition leads us to try to balance justice and mercy in dealing with those who break society’s laws. For us, punishment must be more than making criminals “pay” for their crimes. Punishment should protect society, defend the public order, and restore harmony in the social relationships disrupted by crimes. But our punishments must also be “medicinal.” Our punishments must contribute to the moral correction and education of criminals. We must seek to “restore” them as productive members of society. Our archdiocesan Office of Restorative Justice oversees many projects that reflect this Catholic understanding of crime and punishment. Our Catholic tradition leads us to try to balance justice and mercy in dealing with those who break society’s laws. For us, punishment must be more than making criminals “pay” for their crimes...”

This letter to the church written by Catholic Archbishop José H. Gomez, captures a beautiful summation of Christian principles regarding justice in matters of crime and punishment:

“...We provide chaplains to the many correctional facilities located within the Archdiocese. We offer spiritual support and healing for crime victims and their families. We minister to men and women in jail. We offer spiritual assistance to their families — especially to the many children who have parents who are in prison. This work of “restorative justice” is vital to the Church’s mission of creating a city of love and truth and a culture of peace and reconciliation. It’s not easy to love those who commit violence and other crimes... This doesn’t mean that we forget their crimes — or their victims. It does mean that we treat criminals with dignity and respect their rights. Loving the guilty means we can never give up on them. We need to always be seeking the conversion and repentance of criminals and those already behind bars. We need to get these people to take responsibility for their actions and to make restitution. But we also need to get them to change their lives — so they can live with the dignity and purpose for which God made them... So let’s work to build a culture where our justice is always tempered by our mercy — and by our hope for the redemption of sinners. And let’s pray in a very special way for the victims of violent crimes and their families, so that through

the healing grace of God, they may have the strength to endure their pain, and at the same time, find forgiveness and peace of heart.”

In our conversation with another highly regarded spiritual leader and community peace activist, Father Greg Boyle of the Dolores Mission and Homeboy Industries in East Los Angeles, California, he offered some straightforward guiding values for approaching crime and punishment, namely the administration of justice. It must be administered in a way that regards accountability, responsibility, healing, repentance, reckoning, forgiveness, restitution and penalties rooted in providing a path to rehabilitation, remediation, and restoration of place in family, community, and society. The key ingredient in true restorative justice is the power of forgiveness. “A game changer,” he says, “would be Americans and people of faith viewing both the victim and perpetrator as our own family members of equal humanity. The mindset of individuals belonging to our family.”

Father Greg proposed that a society within a mindset of all victims and perpetrators belonging to our family would make a situation like the shooting of Michael Brown in Ferguson, Missouri impossible; the strangle hold death of New York resident Eric Garner by a police officer impossible; and the retaliatory death of two innocent police officers impossible. A collective or broadly embraced mindset rooted in love and would have created a whole different set of relational dynamics. This mindset is necessary for our society to truly heal and set people on a path to living as a human family. This mindset is essential to truth and reconciliation in America. It preserves individual and mutual accountability; healing and forgiveness, coupled with restoration and change; healing of individuals, directly linked to wholeness of families, community and society.