

THE ROLE OF CHAPLAINCY IN RESTORATIVE JUSTICE

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Abstract

Essentially a chaplain's role is to be a confidential and non-judgmental listener to prisoners, believing in them as valuable human beings deserving of our utmost respect and dignity. Given that most of the women prisoners I encounter in prison have experienced in their lifetimes a stripping of their self value and respect, this function of a respectful and non-judgmental listener is paramount for the nurturing of the women's innate potential for change, healing and positive life contribution for themselves and for others. This function is an important ingredient that fosters the work of restorative justice.

Ultimately from a chaplaincy perspective, restorative justice is about working towards mending a three-fold relationship rift: a rift within offenders/prisoners; a rift between offenders/prisoners and the offended community; and a rift between prisoners/offenders and their families. In religious terms, the process of mending this three-fold rift is about reconciliation.

For chaplains restorative justice is the practical implication for the spiritual foundation of all major Faith traditions by the very nature of the function of religion. The aim of all religions is the aim of building Integrity-i.e. the task of binding together in wholeness what is separated.

The practical implications of this common *raison d'être* are outlined in the chaplains' tasks, which lend themselves more to the positive building values of restorative justice rather than punitive justice.

These tasks include:

- 1) encouraging the personal and spiritual development of offenders/ prisoners, accepting them as valuable people in the community.
- 2) advocating for the provision of effective rehabilitation resources for prisoners as well as for alternatives to imprisonment.
- 3) liaising between offenders/prisoners and their families and loved ones, with the aim of restoring or improving relationships between them. In addition, providing moral support to families of prisoners /offenders who feel victimised as outcasts by the general community.
- 4) offering an alternative perspective to punitive justice in the hope of changing public attitudes of vengeance and perpetual punishment.

Introduction-Outline

To discuss the topic on the role of chaplaincy in restorative justice in twenty minutes I will follow the path of deliberation, which briefly looks at:

- 1) Restorative justice: What is it?
- 2) The link between Restorative Justice and Religion
- 3) The role of chaplaincy: Practical ways in which chaplains promote Restorative Justice.

Restorative Justice: What is it?

Restorative Justice is widely understood as a reconciliatory process whereby the offender/prisoner and the offended work together towards mending the social rift in their relationship. It has been promoted as a major positive alternative to the punitive justice approach, which generally removes offenders/prisoners from a responsible interaction with the community. Reparation in terms of the punitive model is in terms of “doing time “ in prison rather than offenders attempting to make restitution specifically related to their crime, aiming to restore broken relationships between people. Moreover, punitive justice is often associated with an attitude that offenders go to prison to be punished. From my experience of listening to prisoners over the years, a punitive justice approach has tended to create in prisoners and ex-prisoners, increased fear and resentment, and more self-hate and self-worthlessness. When we look at the curriculum vitae of a typical prisoner, (see Table 2) this is a pattern no different to what many prisoners experienced for most of their lives before coming to prison.

Table 2

<u>Curriculum Vitae of a Prisoner</u>
<u>Life Experience</u>
-suffered neglect from alcoholic/ drug addict/ workaholic parents
-suffered domestic violence- physical, mental and sexual abuse
-suffered a lack of stable bonding with anyone due to series of non-family carers
-suffered a constant moving and shifting place of abode
-suffer from acute loneliness and a lack of caring friends
-suffer from drug and or alcohol dependency
-suffer from depression or other mental illness
-suffer from poor literacy skills and education
-suffer from a lack of material resources
-suffer from a lack financial management and living skills
-suffer from unemployment
<u>Personal Achievements</u>
-high levels of insecurity and fear
-high levels of mistrust of both self and others
-high levels of low self-esteem
-high levels of no motivation-“who cares” attitude
-high levels of guilt
-high levels of feeling helpless(victimology) syndrome-“ I can’t”)
-high levels of feeling powerless
-high levels of pessimism and cynicism
-high levels of self hatred and disgust
-high levels of self mutilation
-high levels of hatred for others
-high levels of feeling hopeless
-high levels of unmet needs
-high levels of anxiety
-high levels of shame
-high levels of anger/rage

Restorative justice on the other hand is more favorable to the concept that imprisonment itself is the punishment for an offence. The function of prisons from the restorative justice perspective is to address prisoners' fundamental needs, and can be akin to the combined function of hospitals, schools, churches and counseling facilities-providing opportunities for healing, learning and freedom from a cycle of never-ending abuse and poverty.

The objective of Restorative Justice is ideal and at the same time complex. In order for Restorative Justice to work well, it requires both parties involved in this process to understand, as well as to be willing to take active responsibility to bring about reparation. It requires offenders/prisoners to have the learnt skill of taking personal responsibility for their actions. In my experience, many adult prisoners/offenders have not learnt this skill and have great difficulty surviving when released into the community which expects them to operate as though they know what it means to take responsibility.

Moreover, the term "restorative" in this context is problematic. Restore the offenders to what? When we look again at a typical CV of an offender /prisoner (see Table 2) it would become instantly obvious that restoring someone to the social relations and conditions they knew before their committed crime and subsequent imprisonment would not be beneficial either to the offender/prisoner or to the community. Many a time have I heard ex-prisoners who have inadequate coping skills, seek to go back to prison because their life in the community is fraught with unbearable anxieties too difficult for them to handle.

In any case I believe that the process of Restorative Justice is a comprehensive model of social integration that has great merit. With this in mind let us look at Restorative Justice more closely in terms of specific areas it needs to address in its mending process. One way to do this is to look at the rifts caused by crime that need mending.

There is the primary rift of mistrust and hurt within the individual offenders themselves- which we have just seen in the typical CV of a prisoner. It is often this rift that leads to crime in the first place.

There is the rift of mistrust and hurt between the offender/prisoner and the offended community, which occurs as a result of crime.

There is also the rift of mistrust and hurt between the offenders and their families. This is often made worse by the process of imprisonment, which separates children from their mothers or fathers. It also can often separate stigmatised family members from their friends and colleagues in the community.

To repair all three of these rifts is no instant matter. All require considerable time, resources and effort not only on the part of the offender/prisoner, but significantly also on the part of the community. For restorative justice to occur effectively, all three rifts require mending because they are inter-related and inter-dependent. There is little effect trying to mend the rift between offenders and the community without first addressing the rift within the offenders/ prisoners themselves, since that is often the starting point which led to their offensive behavior. Offenders need to discover why they did what they did, and how they can have their needs met in socially acceptable ways. This enables them to learn that they have the capacity to make different choices. Such is the complexity and mammoth task of Restorative Justice.

With this very brief outline on Restorative Justice, the question that may now be arising in your minds is: What do chaplains –ministers of religion, have to do with Restorative Justice?

The link between Religion and Restorative Justice

Firstly, in the interest of justice, my understanding of chaplaincy is inclusive, in the sense that it refers to religious pastoral carers from all Faith traditions, not only Christians.

Secondly, to address the integral role of chaplaincy in the process of Restorative Justice it is significant to look at the link between Religion and Restorative Justice.

From a chaplaincy perspective, restorative justice is the practical implication for the spiritual foundation of all major Faith traditions by the very nature of the function of religion. The term 'religion' is derived from the Latin word 'religio' which means 'to bind back together'- to restore to unity what is separated.

The theological emphasis in the Judeo-Christian Faiths for this process of 'restoring' and 'binding back together' is founded on the belief in the Mercy of God. To know that God loves and forgives us is the healing and integrating ingredient which helps us value and care for ourselves and consequently others. Ultimately this experience of the Mercy of God brings about mending within us, and between others and us.

Examples from the Jewish Scriptures- the Torah (known as the Old Testament in the Bible for Christians) which promote an image of God linking the concept of Justice with Mercy include:

Who is a God like thee, pardoning iniquity
And passing over transgression.....?
He does not retain his anger forever
Because he delights in steadfast love.
He will again have compassion on us.
Micah 7:18-18

Come let us return to the Lord
For he has torn, that he may heal us
He has stricken, and he will bind us up
After two days he will revive us...
Hosea.6:1-2

The spirit of the Lord is upon me
To bind up the broken-hearted...
That they shall repair the ruined cities.
Isaiah 61:1,4

with great compassion I will gather you
Isaiah 54:7

I have put my Spirit upon him,
He will bring forth justice to the nations...
A bruised reed he will not break,
And a dimly burning wick he will not quench,
He will faithfully bring forth justice.
Isaiah 41; 1,3.

The Lord upholds all who are falling
And raises up all who are bowed down
Psalm 145:14

Bless the Lord my soul
And do not forget all his benefits
Who forgives all your iniquity
Who heals all your diseases
Who crowns you with steadfast love and mercy
Psalm 103:2-4

In all of these passages we see that people suffer when they cause rifts of injustice, and that God forgives, heals, restores and binds back together the broken pieces of both individuals and the community.

For Christians, Jesus Christ personified the Mercy of God by his life work of compassion, especially towards the poor, the outcasts and the despised of society. His task was to mend rifts-to bring integration both within people and between peoples who experienced alienation and separation.

Texts from the Christian Scriptures (namely the New Testament in the Bible) which show Jesus as binding people together both individually and socially include:

Bridging the gap between the socially acceptable and social outcasts

Jesus is reproached by his disciples for sitting with sinners, considered unclean, and he replies:

“Those who are well do not need a doctor, but those who are sick. Go and learn what this means: I desire mercy not sacrifice. For I came to call not the righteous but sinners.” Matt.9:12-13

Healings to enable people to function and to be better integrated in society

Two blind people implored Jesus to heal them saying: “Have mercy on us Son of David”. In response Jesus healed them. Matt.9: 27-30.

“And great crowds came to him, bringing with them the lame, the maimed, the dumb, and many others ...and he healed them.” Matt. 5:30

A challenge to mend broken relationships by looking deeper at reasons why people cause rifts, and to develop an attitude of mercy in the image of God’s mercy.

“I say to you, Love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you...Be merciful as your Father is merciful.” Luke 6: 27-36.

For other Faiths traditions “religio” also incorporates the fundamental principle of Compassion, which has a similar function of restoring to wholeness in terms of both the individual and the community.

In the Hindu Tradition we find texts such as:

*When a person responds to the joys and sorrows of others as if they
were his own,*

He has attained the highest state of spiritual union.

The bhagavad gita 6:32 sri krishna

*I offer my respectful obeisances unto all the Vaisnava devotees of the
Lord. They can fulfill the desire of everyone...and they are full of
compassion for the fallen souls.*

The bhagavad gita 4:1-3 sri krishna

*The Supreme Lord is unlimited; His favor is unlimited; His mercy is
unlimited. Therefore the mercy of the Supreme Lord upon his
devotees is unlimited.*

The bhagavad gita : text 24 .sri krishna

*The plans of the supreme Personality of Godhead are understood by
his mercy, and the plans of the devotees are as good as His plans.*

The bhagavad gita text 35 sri krishna

A text from the Buddhist tradition reads:

*May I be a protector to those without protection,
A leader for those who journey,
And a boat, a bridge, a passage
For those desiring further shore.*

*May the pain of every living creature
Be completely cleared away.
May I be the doctor and the medicine
And may I be the nurse for all sick beings in the world
Until everyone is healed.*

*Just like space
And the great elements such as earth
May I always support the life
Of all the boundless creatures.*

*And until they pass away from pain
May I also be the source of life
For all the realms of varied beings
That reach unto the end of space.*

A guide to the bodhisattva's way of life- shantideva

Examples of Islamic texts read:

*To you my Lord,
I complain my weakness,
Lack of support and the humiliation I am made to receive.
Most Compassionate and Merciful!
You are the Lord of the Weak
And you are my Lord.*

Dua at taif –prophet Muhammad- 7th century

*In the name of God, the Most Gracious, Most Merciful.
Praise be to God, the Cherisher and Sustainer of the worlds.
The most Gracious the most Merciful
Thee do we worship, and Thine aid we seek.
Show us the straight way.*

Qur'an- 1:1-7 al fatihah- the prologue

Aboriginal spirituality shows the experience of the unifying merciful power of the Divine through the elements. An example of an Aboriginal fire ritual is as follows:

May the fire be in your thoughts,
Making them good and just,
May it protect you from all harm.

May the fire be in your eyes
May it open your eyes to see what is good in life
May it protect you from speaking against another

May the fire be in your ears
That you may hear with deep listening
The flow of water
And of all creation and the Dreaming
May you be protected from gossip
And from those things that harm and break down your family

May the fire be in your arms and hands
So that you may be of service and build up love
May the fire protect you from all violence

May the fire be in your whole being
In your legs and feet,
Enabling you to walk the earth with respect and care
So that you may journey in ways of goodness and trust
And be protected from walking away from what is true
Ravina Waldren(Muri ,Queensland)

Since the task of all religions is the task of building Integrity-i.e. the task of binding together what is separated through compassion , the religious task of prison chaplains in this light is clear. It is to help prisoners on a journey of discovering a positive relationship with themselves, with their families and loved ones, and with the broader community. Notice that these three relationship-building tasks addressed by a chaplain- a minister of religion, are the same as those addressed by Restorative Justice.

As chaplains accompany prisoners on their journey towards integrity and right relationships with themselves and others, old belief patterns can begin to be transformed from feelings of self-worthlessness and self hate to self-respect and care. There is also a greater ability to discover a positive relationship with the Divine, which in turn, nurtures and sustains newly established positive relationships in the world, and enables prisoners to endure through often inevitable difficult and painful transitions.

So how do chaplains help prisoners in building positive relationships- mending rifts of separation within themselves, and between their families and the broader community?

Practical ways in which chaplains promote Restorative Justice

The work of chaplains in helping to bring about Restorative Justice can be summarised in terms of the three rifts that require mending.

A) In terms of mending the rift within prisoners/offenders chaplains aim to:

- Be a confidential and non-judgmental listener to prisoners, believing in them as valuable human beings deserving of our utmost respect and dignity. Given that most of the women prisoners I encounter in prison have experienced in their lifetimes a stripping of their self value and respect, this function of a respectful and non-judgmental listener is paramount for the nurturing of the women's innate potential for change, healing and positive life contribution for themselves and for others.
- Encourage the personal and spiritual development of prisoners, accepting them as valuable people in the community. This process involves affirming prisoners in their self-discovery. It also means helping them to discover their talents and positive personal attributes, as well as encouraging them to follow their positive ambitions. Another part of the task of helping prisoners towards personal integrity includes helping those who suffer from obsessive guilt to move past it towards self forgiveness and a belief in themselves that they can change for their own good. This process enables prisoners to find a positive space for learning personal responsibility for one's own actions.

Ultimately, this gradual process of high-lighting the positive potential of prisoners fosters their self-esteem, their sense of hope and self empowerment, leading them to the possibility of restoring broken relationships with the offended community as well as becoming positive contributors in society.

B) In terms of mending the rift between prisoners/offenders and the community, chaplains aim to:

- Advocate within community and within Corrections for the provision of better rehabilitation resources for prisoners as well as for alternatives to imprisonment. These enable prisoners to experience being better valued and respected in having their needs met –unmet needs which often contributed in some way to their offensive behavior.

The recent IPCA international conference for prison chaplains held in Kroonstad, South Africa during August this year was clear on this issue in its declaration to all governments around the world. The IPCA –2000 declaration based on the theme: “Challenging Despair, Creating Hope” reads:

The conference would like to see an increase in educational and pre-release programs. The Conference notes with particular concern the distinct needs of women in prison.

The Conference encourages more interest in ideas that facilitate alternatives to imprisonment. It is aware of the success of victim/offender reconciliation schemes often referred to as restorative justice. It expresses hope that all governments will put more resources into developing alternatives to imprisonment and into possibilities for reconciliation between victims and offenders.”

- Offer the general community an alternative perspective to punitive justice in the hope of changing public attitudes of vengeance and perpetual punishment. Such vengeful attitudes, which are often fuelled by exaggerated and biased media hype only, create wider rifts between prisoners and the community. Ultimately this makes it very difficult for the prisoners’ reintegration into the community. In counteracting bad media’s effect of making offences always remembered and never forgiven, the task of a chaplain is to help the community become conscious of the bigger socio-economic picture which examines some of the causes of crime in our society. This task helps the community to realize their part of responsibility both in creating an environment in which crime occurs, and also in awareness for what is needed to mend broken relationships in the community. Implications for this education work would hopefully bring about public support and consequential political and financial support for effective rehabilitation programs that focus on the positive empowerment of the prisoners rather than predominantly on their punishment.

C) In terms of mending the rift between prisoners/offenders and their families, chaplains aim to:

- Liaise between prisoners and their families and loved ones, with the aim of restoring or improving relationships between them. In addition, providing moral support for families of prisoners who are victimised and made to feel as outcasts in the community.

Conclusion

Through the above efforts of chaplains, which are aimed at repairing rifts in the human community as a result of crime, it can be seen that chaplains have an important role to play in the process of Restorative Justice. This mandate of chaplains is neither quickly nor easily achieved. However, their committed and persevering efforts of “hanging in there” in solidarity with the prisoners as they journey through their pain can bear some good fruit in the long run.