

From the Vatican Information Services

THE CHURCH PROPOSES A SYSTEM OF JUSTICE THAT AIMS TO FULLY REHABILITATE WRONGDOERS

Vatican City, 7 June 2014 (VIS) – On 30 May Pope Francis sent a message to the participants in the 19th Congress of the International Criminal Law Association and the 3rd Congress of the Latin American Association for Penal Law and Criminology, held last week in Buenos Aires, in which he shares with them some ideas which “form part of the Scriptures and the millennial experience of the People of God” and, in which “in spite of historical changes, three elements have been constant: the satisfaction or reparation of damage caused; confession, by which a man expresses his inner conversion; and contrition, to lead to the encounter with God's merciful and healing love”.

With reference to the first, satisfaction, Francis observes that “the Lord has gradually taught his people that there is a necessary asymmetry between crime and punishment, that an eye or a broken tooth cannot be restored by taking or breaking another. It is a matter of bringing justice to the victim, not punishing the aggressor”, and “in our societies we tend to think that crimes are solved when we capture and sentence the criminal, largely avoiding the damage caused or without paying sufficient attention to the situation in which the victims find themselves. However, it would be a mistake to identify reparation solely with punishment, to confuse justice and vengeance, which can only contribute to increasing violence, even if this latter is institutionalised. Experience teaches us that the increase and hardening of penalties often neither solves social problems, nor reduces crime rates. And, furthermore, this may give rise to serious social problems, such as overcrowding of prisons or prisoners detained without trial”. “In this regard”, he continues, “means of communication ... play a very important role and hold great responsibility: we depend on them to give accurate information and not to contribute to creating alarm or social panic when they provide news of criminal activities. The life and dignity of people is at stake, and these must be turned into media events, subject to attention often of an unhealthy nature, condemning the suspects to social disparagement before being judged or forcing victims, for sensationalist purposes, to publicly relive their suffering”.

The second aspect, confession, is “the attitude of those who recognise and admit their guilt. If the criminal is not sufficiently helped, he or she is not offered the chance to be able to convert, and ends up as a victim of the system. ... It is necessary to move forward and to do everything possible to correct, improve and educate the person so that he is able to mature in respects, so he is not discouraged and faces the damage caused, rethinking his life without being crushed by the weight of his miseries. ... And we must ask ourselves why some fall and others do not, in spite of being in the same condition. Not infrequently

criminality is rooted in economic and social inequality, in networks of corruption and organised crime, that seek accomplices among the poorest and victims among the most vulnerable. To prevent this scourge, it is not enough to have just laws: it is necessary to construct responsible people able to put them into practice. A society that is governed solely by market laws and creates false expectations and superfluous necessities, discards those who are not at the top and prevents the slow, the weak or the less gifted from taking an open road in life”.

Finally, contrition is “the gateway to repentance, the privileged path to the heart of God, Who welcomes us and always offers us another chance if we open ourselves up to the truth of penance and allow ourselves to be transformed by His mercy. ... The attitude of God, Who goes before the sinner to offer him His forgiveness, is shown in this way to be a higher justice, both equanimous and compassionate, with no contradiction between these two aspects. Forgiveness, in effect, neither eliminates nor diminishes the need for rectification required by justice, nor does it ignore the need for personal conversion, but instead goes beyond this, seeking to restore relationships and to reintegrate people into society”.

“I think that here is the great challenge that we must all face”, concludes the Pope, “so that the measures taken against evil are not limited to suppressing, discouraging and isolating those who cause it, but instead help them to rehabilitate, to re-embark upon the path of good, to be authentic people who move on from their miseries to become merciful themselves. Therefore, the Church proposes a form of justice that is humanising, genuinely reconciliatory, a justice that leads the wrongdoer, through an educative path of encouraged penance, to rehabilitation and total reinsertion in the community. How important and good it would be to take on this challenge, so as not to let it fall into oblivion. How good it would be to take the necessary steps to ensure that forgiveness does not remain exclusively in the private sphere, but instead attains a real political and institutional dimension to create harmonious relations of coexistence.