

Sunday 8th June 2008

Justice Stanley John (Appeal Court Judge, TT)

Forgiveness and Restorative Justice

During the last week of May this country saw violence of an unprecedented nature. Central Trinidad mourned the loss of a young businessman who was described by his community as “a loving son”.

The headline on the daily newspapers read: “Felicity declares war on killers”. According to a report in one daily newspaper “as mourners carried the coffin of the young businessman from his home to the cremation site they threatened to take revenge on his killers while the pastor was calling for forgiveness.”

“They need to be forgiven; they need to be given a chance to find God so that they, the killers, can learn from their mistakes”, said the pastor.

A few days later we awoke to the human tragedy that Hope Arismandez had been brutally murdered.

When the young man charged with Hope’s murder was found dead in a prison cell, the following day the headline in one daily newspaper read: “That monster won’t hurt anyone again.” One person is alleged to have said: “I feel good that he hanged himself.” Another person said: “I believe that when he hanged himself we got justice.”

There was a common thread running through both situations – “a cry for justice”. There is too much violence in our society and I feel for the bereaved relatives in all the situations. I am sure that none of us condones the brutal killings. However, my dear brothers and sisters, I still feel that none of us has the right to condemn anyone.

Mother Teresa of Calcutta, whom we all loved dearly and admired for her work amongst the poor, had this to say on an occasion that she spoke about the tendency among Christians to judge others: “None of us has the right to condemn anyone. Even though we see some people doing something bad, we don’t know why they are doing it. Jesus invites us not to pass judgment.

“Maybe we are the ones who have helped make them what they are. We need to realise that they are our brothers and sisters. That leper, that drunkard, that sick person is our brother because he too has been created for a greater love.

“This is something that we should never forget. Jesus Christ identifies himself with them and says, ‘Whatever you did to the least of my brethren, you did it to me.’ That homeless person, that alcoholic, that beggar is my brother. Perhaps it is because we haven’t given them our understanding and love that they find themselves on the streets without love and care.” (Extract from her book: *No Greater Love*)

As Christians we need to learn forgiveness. *“If you forgive others their trespasses, your heavenly Father will also forgive you”* (Matthew 6:14). Forgiving people was a very integral part of the ministry of Our Lord. The Gospel readings are full of examples of Jesus showing people how to give and receive forgiveness.

It is important that we learn to forgive. If we do not experience the forgiving love of God for our sins and failures, we will not be able to forgive others.

Simply – we cannot share with others what we do not have. I assure you that forgiveness is not easy – it is a difficult thing – but if we want an example of forgiveness Christ on the Cross is a good example and a challenge to all of us Christians.

On the Cross Christ demonstrated the nature of unconditional forgiveness when he promised heaven to the Good Thief. Christ did not demand an apology (as we are always wont to do). He simply said, *“Amen, I say to you, today, you will be with me in paradise”* (Luke 23:43).

We see forgiveness again in the Gospel story of the Prodigal Son (Luke 15:11-32). In the story, the father does not become bitter with his son for leaving home, squandering his money, or embracing an irresponsible lifestyle.

Rather, he patiently longs for his son’s homecoming. When the son finally returns home, the father does not even wait for an apology or permit a confession. Embracing his son warmly, the forgiving father celebrates the beginning of a new and closer relationship than he ever dreamed possible.

So often we find it difficult to forgive with the unconditional love of Christ. More often than not our forgiveness has some condition attached to it. We use a variety of excuses. “I will forgive if she changes.” “I will forgive if he admits he was wrong and apologises”, “I will forgive but I will never forget the pain they caused me.”

Such an attitude falls short of the ideal proposed in the letter to the Ephesians: *“Be kind to one another, compassionate, forgiving one another as God has forgiven you in Christ”* (Ephesians 4:32). Christ, likewise, insisted that we forgive every hurt (Matthew 18:21, Luke 6:27-42).

If we are to forgive others we cannot set conditions that they must meet. We must forget our desire for revenge and treat the person who has offended us with kindness and gentleness. In forgiving another person we begin by admitting that some perceived or real hurt has occurred. By offering forgiveness, however, we are saying that our relationship with the person who has offended us is of greater value to us than the pain we feel.

In the forgiveness process, it is also important to humbly admit that we, too, are sinners and that we have hurt and offended others in our lives. We should also keep in mind that it is only through the power of Jesus’ death and resurrection that we can let go of our pain and allow his love to heal us.

The inability to forgive others for the hurts they have caused us leads to many psychological and physical diseases. These problems find their source, totally or in part, in bitterness, resentments, hostilities, and unresolved conflicts with others.

These situations disturb people's lives and often result in insomnia, headaches, stomach cramps, neurotic and psychotic disorders. Forgiveness often is a key factor in freeing the body and mind to release the hostility that blocks spiritual growth.

In life, at some point in time or another, someone has *done us wrong*; *we have been hurt* and when someone hurts us, we want to hurt them back, we want to get even with them. We live with anger and thoughts of revenge; a desire to see them suffer [Little Hope's killer].

We say to ourselves: "They will not get away with it." But you know what, we too make mistakes, we too create pain for others to endure and when that happens we don't understand why the other person does not or cannot forgive us.

Perhaps there is someone we need to forgive. Forgiveness, we learn, frees us from the pain of the past and allows us to move forward. Simply – when you forgive, forgiveness is there for you if you need it.

I want to relate a story to you. A couple whose seventeen-year-old son had been killed in a tragic road accident suffered a lot of anguish and pain until they prayed for the grace to forgive. Their son had fallen asleep at the wheel after driving his friends home from a late night party.

The couple was mired in grief and for a long time blamed the other parents who had refused to pick up their children from the party. After several months of physical and mental anguish in which they blamed these parents for the death of their son, the bereaved father said that he found the strength to forgive at the foot of the Cross of Christ. He said: "I clung to Christ on the Cross, saw the tears in his eyes, and knew that he shared my loss. At that moment I forgave the parents and a burden was lifted from my heart."

And that brings me to the second part of this talk that is "Restorative Justice". What does this mean? Fr Robert Christo, the Prison Chaplain, summed it up beautifully when he said, "Restorative Justice is an opportunity for rehabilitation, reintegration and correction rather than punishment."

As a judicial officer I am able to say that at times you feel a sense of frustration. More often than not the punishment is always incarceration. You ask the question: "Does that really meet the need of the victim, or community? Do you feel that justice has really been served"?

The concept of restorative justice is concerned with addressing the needs of the victims of crime. Too often we hear the victims of crime say: "The justice system is not concerned

about me.” Victims of crimes feel ignored, neglected or even abused by the justice system. Victims always ask questions. One common question is: “Why did it happen to me”?

Victims of crime long for the opportunity to relate what happened – in other words they long for their day in court and that is very important in order to restore their lives.

One way of repairing the harm caused by criminal behaviour is through the process of restorative justice. It is best accomplished through cooperative processes that include all the stakeholders. How do we achieve this goal?

Three basic principles form the foundation for restorative justice:

- Justice requires that we work together to restore those who have been injured.
- Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they so desire.
- Government has the responsibility to provide a peaceful and crime free environment for all of us and we as citizens are to build upon and maintain that level of harmony within society.

How does all of this impact on us as Catholics? What is our role? The Social Justice Ministry is concerned with providing opportunities for all of us to increase our awareness of Catholic Social teaching and how to treat with social justice issues. Fr Christo and the Prison Ministry are doing excellent work in this regard.

Amidst the unease in society about criminal activity, we have an opportunity as Catholics to open our minds and hearts to victims of crime, to offenders (especially young offenders) and, if necessary, to participate as stakeholders in restoring peace and tranquility to this beautiful nation of ours.

I know that most of us, if not all of us, do social work of some kind. We may be involved with some charitable organisation. However, I want you to know that the Social Justice Ministry in the Archdiocese is very much alive and there is a role for all of us.

- Stretching out a helping hand to the person who has been the victim of crime is one way to start
- Avoid harsh and uncharitable comments about those involved in crime – Rather lift them up in prayer
- Those who have the time and feel the call – Get involved in the Prison Ministry – You would then begin to appreciate your own life

As difficult as it is we have to start to open our hearts to accept into our community that person who has come back after a period of incarceration. If we turn our backs on him/her we will lose him/her.

As I close, let us begin this afternoon to pray especially for all those who have been victims of crime. Let us have compassion on those responsible for criminal activity and invite God's blessings in a very special way on all members of the protective services.

Remember that notwithstanding our shortcomings we are all made in the image and likeness of God. We must therefore, all of us, try to find non-violent solutions to the crime and violence affecting the lives of so many people today.