

Building Bridges Conference
Supporting the Victims of Crime through Restorative Dialogue

Rome 2015 - 19 November

Hotel Bellambriana

Dr. Flaminia Giovanelli
Under-Secretary
Pontifical Council for Justice and Peace

I would like, first of all, to thank Dr. Reni for inviting me to give a short presentation to this Conference called to discuss a topic of great interest also for the Pontifical Council for Justice and Peace that I represent here today.

In fact, the principal mandate of this Dicastery of the Holy See is to “to promote justice and peace in the world in accordance with the Gospel and the social teaching of the Church”. To fulfill this mandate, we follow very closely every effort intended to promote reconciliation and pacification of soul of both the victims and the offenders.

The following three points will explain *the reasons for our interest*.

First: The directive given to us by Pope Francis to promptly address the problems of the prison world and jail detainees. Pope Francis has addressed several times this topic but I want to mention just one the Letter to the 19th International Congress of the International Association of Penal Law¹. Also, I believe that having made the young detainees at the center of the first Mass in *Coena Domini* of his Pontificate has a deep meaning. In addition, Pope Francis has often brought forward the idea of building bridges to establish a direct dialogue with everybody.

This is why when I chose a title to this presentation I went back to the words of Pope Francis especially those expressed during the homily at Santa Marta the 24th of January, where he invited to overcome resentment by humbly building a bridge of dialogue with the opponents.

The second point is made out of the deep of meaning words that are referred to the Restorative Justice as they appear at n. 403 of the *Compendium of the Social Doctrine of the Church*, one of the main achievements of the Pontifical Council: "Punishment does not serve merely the purpose of defending the public order and guaranteeing the safety of persons; it becomes as well an instrument for the correction of the offender, a correction that also takes on the moral value of expiation when the guilty party voluntarily accepts his punishment. There is a twofold

¹ Pope Francis, *Letter of 30 May 2014* http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140530_lettera-diritto-penale-criminologia.html

purpose here. On the one hand, encouraging the re-insertion of the condemned person into society; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed"².

The third and last point is in the continued interest of the Pontifical Council in the activities of the International Commission of Catholic Prisons Pastoral care (ICCPPC).

Now, my personal knowledge of the subject is very limited. Nonetheless I would like to offer some few considerations that the topic of this Conference suggests to me. This is right from the idea, if I can say so, of the *bridge* and its double function the one of joining and the one of allowing the transfer.

The bridge as a mean of conjunction

Considering *this two-days-program*, we will soon realize that the image of the bridge, that visually represents the approach used by the restorative justice, is already working as a mean of conjunction: indeed, to produce a comprehensive reflection about the kind of approach adopted by the restorative justice, it is necessary to consider both the contribution of scholars and academics, as well as the contribution of those who practically work to make this so difficult path of reconciliation truly effective .

Through the restorative justice a conjunction or at least a greater proximity can be reached between the *two tendencies which are present in democratic cultures*: from one side there are people who demand a faster justice with stricter laws and (*giustizialisti* in Italian), from the other side people who have a more indulgent attitude towards this issue (*permissivisti* in Italian). Indeed, as already pointed out, every time a reflection about prisons and punishment is engaged, we risk to remain flatted/stuck on one of these two tendencies whereas the mistrust of detention ceases only when we can make experience of prisons in direct or non-direct ways.

There is still another aspect, a more important one, regarding the restorative justice as a conjunction: be a bridge, *a linking point between two sorrows*, the one of the victim, who has to cope with it, and the sorrow of the offender, who suffers the consequences of the evil inflicted.

In this respect the worlds used by Pope Francis in the above mentioned letter, to which will surely refer the exchanges during these two days, are extremely clear. But the Pope's thought can perhaps be summarized in this sentence: "justice is to be rendered to the victim, but not by executing the aggressor" in other words, the point is delivering justice to the victims, not executing the aggressor.

Finally, it is impossible not to note how in a perspective of restoring justice the *truth of the*

² Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, n, 403.

“facts” and the recognition of the fault are strictly connected with the mercy of forgiveness, which is demanded and obtained. Also in this case the approach of the restorative justice is to be considered a bridge between two necessities of the human soul.

The bridge as a mean of transfer

As I had previously said, the approach used by the restorative justice approach may take a form of a bridge for a transfer, a transfer that can lead from the punishment to the care, but also from the care to the prevention of further crimes, and, moreover, a transfer from the atonement to different works of social utility.

In concluding, I would like to shortly underline *other three aspects* that, I think, seem to be relevant in this perspective.

In a time when a virtual and long-distance kind of communication seems to prevail, with e-mails, text messages, whatsapp, etc...the path of the justice that reconciles cannot help bringing us to look at each other's face in a more physical proximity. It is one of the few cases in which today one must *establish a real, concrete relationship*. I think that this is a point of a great value. As of a great value are the *liberating effects of this process*. In fact, going deeply in the facts occurred, sharing a sorrow which is experienced on both sides from opposite direction, is truly liberating. It is a process of liberation for the offenders, who are called not only to repent, but also “to reflect, to travel the path of good, to be authentic person who, removed from their own hardship, become merciful themselves”³. But it is a process of liberation, even a more relieving, for the victims themselves, who eventually take off the resentment, a feeling by which they risk to be killed.

Finally, getting out from the logics of resentment and revenge is a *liberating process for the whole society*: elaborating the memory of the facts happened is a decisive factor for a democracy, and for us to be together as a community.

Of course, as we will notice from the works of this conference, *the restorative justice has a difficult path to go* because sometimes the evil takes power over the most fragile ones in such a violent way that only their will, if not supported by a rehabilitation period in very motivated communities, is not enough to escape from the evil itself. From a general level, it must be said, the society does not expect that justice responds to evil using good.

³ Pope Francis, *Letter of 30 May 2014*