

For Justice and Mercy
International Reflections on Prison Chaplaincy

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Deel 8 uit de Publicatiereeks van het Centrum voor Justitiepastoraat
Tilburg/Amsterdam

ISBN: 9789462403307

Dit boek is een uitgave van:
Wolf Legal Publishers (WLP)
Postbus 313
5060 AH Oisterwijk
info@wolfpublishers.nl
www.wolfpublishers.com

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Introduction

Ryan van Eijk, Gerard Loman & Theo de Wit

Most publications regarding prison chaplaincy are monographies by theologians or prison chaplains, or books from inmates witnessing their personal conversion. Publications on an international level and addressing prison chaplaincy from different (continental and disciplinary) angles are rare. In the series of the Centre for Prison Pastoral Studies (Centrum voor Justitiepastoraat (CJP), the oecumenical study centre for Prison Chaplaincy from the School of Catholic Theology of Tilburg University and the Protestant Theological University (PThU) Amsterdam, most attention is given to the praxis of prison chaplains in the Dutch context. But already in the first publication there was some attention for prison chaplaincy as an institution.¹ That publication contained three parts: context, theology and praxis of the Roman Catholic and the Protestant prison chaplaincy in the Netherlands. However, little attention was given to the international context.² *For Justice and Mercy* offers international texts on the positioning of prison chaplaincy and examples from the praxis, as well as from several contexts and concepts. The focus is not exclusively on global perspectives, but the publication is certainly international for its contributors are academics or experienced prison chaplains from all continents who are offering reflections from different scientific disciplines on aspects which are of interest for prison chaplaincy in general.

Most articles are written from the catholic point of view. The reason is that the initiative for this publication was taken by the executive board of the International Commission of Catholic Pastoral Prison Care (ICPPC), President Fr. Brian Gowans and secretary-general Dr. Ryan van Eijk, to mark the 65th anniversary of the ICPPC. The ICPPC has been looking after the interests of the Roman Catholic prison chaplaincy in all countries since 1949. Unfortunately, there is at this moment no comparable protestant or orthodox umbrella organisation of prison chaplaincy at international level which could function as its counterpart. The International Prison Chaplains' Association (IPCA) has the characteristics of an ecumenical union for all Christian prison chaplains (protestant, orthodox and catholic), and looks mainly after the interests of the individual chaplains.

Since the beginning of ICPPC in 1949 there have been many changes

¹ Cf. F. van Iersel, F., Eerbeek, J. & Bijkerk, R. (Red.). (2009). *Handboek justitiepastoraat. Context, theologie en praktijk van het protestants en rooms-katholiek pastoraat*. Damon: Budel.

² Except one article: Hummelen, H. & Loman, G., Internationaal perspectief, *ib.*, 437-442.

in the relations between states and churches. In various countries organisation and praxis of prison chaplaincy look totally different because of the context. Questions like ‘Should prison chaplaincy first of all be embedded in the prison structure or in the church structure?’, ‘Is there a dominant religion?’, ‘Is chaplaincy relevant?’ Furthermore, the content of prison chaplaincy in a country fully respecting the new Standard Minimum Rules (the Mandela Rules) is completely different from countries where elementary human rights such as enough food and a working criminal justice system are missing. Since 2000 ICCPPC has been recognised as an Non Governmental Organisation (NGO) at the United Nations and the Commission works together with other NGO’s in the field of Human Rights and Prison, mainly at the United Nations Office on Drugs and Crime (UNODC) in Vienna. The recognition of the ICCPPC by the Vatican and its strong ties with the Pontifical Council of Justice and Peace gives the ICCPPC the possibility and the obligation to be a major official representative of the Catholic Church in this field, advocating the importance of prison chaplaincy and the social teaching of the Roman Catholic Church in ‘the field of Punishment and Prison’.³

‘*For Justice and Mercy*’ has four parts: Positioning, Praxis, Contexts and Concepts.

Part I: Positioning

In the first part we see in seven articles how the authors see the position of the Roman Catholic prison chaplaincy in the past as well as in the future, and we learn how different this can be: in every continent the situation asks for other options.

Bruno van der Maat (Peru) investigates in his paper the role of prison chaplains and their contribution to Justice, Peace and Reconciliation. To that purpose, he starts with a reflection on what we consider Justice to be: is it the mere application of the law, or do we have to reach a bit further? In that respect, the relation between Justice and Law is considered, mainly from a Pauline perspective. Then he analyses the concept of Reconciliation, especially from an African point of view. In the following conclusions that follow, he ends by raising some practical suggestions to help guide the prison pastoral ministry.

Ruth Webber’s article (Australia) reports on a study of Catholic Prison Ministry in Victoria, Australia. It details the ways in which the Ministry provides the environment and context in which prisoners can reflect on their lives in a restorative manner. Data was collected from a number of

³ See *A place of redemption. A Christian Approach to Punishment and Prison*, (2004) Catholic Bishop’s Conference of England and Wales.

sources including interviews, written statements, participant observation, documents and other written material. Thirty-six people including chaplains, volunteers, prisoners, ex-prisoners, family members and others associated with Catholic Prison Ministry were either interviewed or provided written statements about the Ministry. Results indicate that the emotional, physical and spiritual support provided by prison chaplains and volunteers provides a context whereby prisoners were able to face up to the harm they have done, re-new contacts with family and be open to spiritual renewal. The Ministry also helps the prison environment to be a calmer place resulting in a reduction in the number of infractions.

The 'inner history' of the ICCPPC is described in 2 articles. The former Secretary General of ICCPPC, **Gerard Loman** (Netherlands), presents in his article an overview of how ICCPPC developed from a post-World War initiative by a cardinal into a worldwide network of catholic prison chaplaincies, who try to support each other and who are continuously looking for ways to improve the pastoral care that prisoners receive, and also the detention circumstances and position of prisoners. The former ICCPPC President, **Christian Kuhn** (Austria) -who worked also for the UN- describes the history and achievements of ICCPPC as an NGO at the UN, mainly at the important seat of the United Nations Organisation on Drugs and Control (UNODC) in Vienna, Austria. The official delegates from all the countries and several NGO's speak here to improve the situation of prisoners.

Asia is a huge continent with Christian minorities in most countries. Fr. **Sebastian Vadakumpadan** (India), at the moment of writing the Asian representative at the Executive Board of ICCPPC, shares the challenges and goals he sees for prison chaplaincy in this continent. He reflects the position of prisoners: are they a nobody or our brothers and sisters? When Christianity is a minority in a country, the situation changes dramatically.

Fr. **Javier Ladrón de Guevara** (Argentina) focuses on a central question: What to do with the man who kills? And what did God do? -'And the Lord put a mark on Cain so that no one would dare to kill him if they would come to him.' (Gen 1:15) The current situation in prisons and of the persons deprived of their liberty shall be maintained in accordance with prevailing conceptions that permeate society. While this is so, Jesus gave His life so that everyone would get it (life) in abundance. To be a legal owner of human rights the only requirement is to be human. When God created the world, he created a world without prisons. Can we dream of a world without prisons?

According to Fr. **Jorge García Cuerva** prison is not Christian, for prison belongs to the old order of this world and is questioning our faith and the essence of our lives. Prisons are an insult in the eyes of God because His condemned sons and daughters, by being there, are wounded in their dignity and God himself is raped in them. Prison chaplains are called to

proclaim the Jesus gospel, mercy, reconciliation and hope among those who Jesus loves with a preferential love and with whom He also identifies.

Part II: Praxis

In the second part four authors reflect on several aspects of prison chaplaincy in daily praxis.

Michelle Becka (Germany) writes about the challenging project in Germany on the introduction of ethical commissions in prisons.

Tobias Brandner (Hong Kong) writes about the importance and meaning of volunteer visitors in prison. He reviews some findings of social science, but mainly reflects on experiences of himself as a practitioner – a chaplain and theological teacher – who has worked with prison volunteers for over 20 years in Switzerland and in Hong Kong. He focuses on the impact of the visiting ministry not only on inmates, but even more on society as a whole.

The article of Mārtiņš **Krūklis** (Latvia) focuses on an exegetical analysis of the piety and devotion before God to reveal these skills as the main personal qualities of a pastoral counsellor. These skills are discovered as the basis for making in unity with God while performing the activities of a pastoral counsellor. The article deals with the importance of the piety before God in the development of respectful relations with peers. The author links the understanding of a new creature in Christ with the ability to build a mutual dedication relationship between pastoral counsellors and persons under their care. Charity is seen as a service to the least of brothers, concluding that in the New Testament everything related to the words poverty and suffering reveals the presence of the Kingdom of God on earth, as well as the fact that any person in our lives can become the least brother of Jesus.

Pieter **de Witte** (Belgium) explores in his article the relationship between Catholic prison chaplaincy and the restorative justice (RJ) movement. The author claims that there is a paradox at the heart of this relationship. On the one hand there is a strong 'ideological link' between RJ and prison chaplaincy, which can be explained by referring to some shared features: an emphasis on the moral nature of crime, complex attitudes towards wrongdoing, and a critical stance towards the existing prison system. On the other hand, there is only little practical cooperation between chaplains and RJ practitioners. The article tries, nevertheless, to bring to light some ways in which pastoral work in prison can be said to be 'restorative', even if a stronger practical collaboration remains desirable.

Part III: Contexts

Prison chaplaincy doesn't exist on itself. The context differs in time and place. Based on the incredibly important work of (human) rights

(research)institutions **Ryan van Eijk** (Netherlands) presents in Global Facts and Trends a very short overview on developments which can be seen in today's world of prison systems.

Alison Liebling and **Ben Crewe** (England) ask 'What makes a good prison governor?' and 'Are personal and professional values relevant to the shape and quality of a prison?' They found, contrary to their expectations, that the differences between governors were not primarily related to which sector they worked in. However, that establishments' strengths and weaknesses often reflected the character and values of their Governors. There are two important dimensions to prison management: the historical-cultural-ideological dimension (what are the currently accepted aims of imprisonment, how are prisoners regarded, and what kind of criminology of offending and response to it are present or articulate at a social and organisational level?) and the individual-professional (where do individual prison governors lie within the available range of ideological positions and governing styles? How killed or competent are they in the translation of their professional vision into practice, via the available organisational means?) They see some clearly identifiable professional styles.

Structural injustices must be acknowledged as background for the emergence of US mass incarceration. In her article **Hille Haker** (USA) discusses the underlying concepts of justice and argues that the human rights framework is required as normative framework for a reform, with recognition theory spelling out the relation of dignity and identity. The Unites States Conference of Catholic Bishops' Statement is a welcome proposal to shift from retributive to restorative justice, but still lacks a thorough social analysis. Christian ethics is revisited in light of recognition theory on the personal, political, and social level. Finally, prison chaplaincy is considered by her as a relational approach aimed at countering experiences of misrecognition with concrete acts of attention to misrecognition and advocacy for justice.

In **Irene Becci's** contribution (Switzerland) we read how religious diversity has emerged as a question from the 1960 to the beginning of this century for Italian penitentiaries. She is especially interested in the way in which the meaning of religion is constructed in the context of relations of meaning and within institutionalised relations of power. Becci describes how the 'religious other' slowly entered the Italian sphere of legal recognition and then come to the discourses of actors in prison. She states that the freedom the prison chaplain gets from the administration is a 'somehow poisoned gift'.

Part IV: Concepts

Prison chaplaincy needs and uses concepts, words and ideas that are in our mind, faith, and thinking and which at the end define the direction of our acting.

Cardinal Peter Turkson (Vatican) asks of himself and us what is the best order of the three words: justice, peace and reconciliation. Do we have to start with the 'official' justice then comes 'reconciliation' at the end or can it be opposite? Is 'peace' a result or a starting point? How do we choose?

The contribution of **Fred Van Iersel** (Netherlands) explores the intersection of Christian anthropology and Catholic Social Teaching in their approach of crime and its punishment. It is shown that according to Christian anthropology, human dignity is intrinsic to human nature, that and how evil can be dealt with in a fruitful way in the context of Christian anthropology - because of, and not in spite of the moral perfectionism implied in it. The second part of this contribution discusses key elements of Catholic Social Teaching and its approach to Criminal Justice. Here it is shown that the concept of legal justice needs extension towards social justice, and that social justice in combination with the concept of unity of humankind must lead to efforts to prevent crime and to reconciliation.

Ryan van Eijk (Netherlands) shows that in Roman Catholic theology human dignity has been seen since Vatican II as the central concept of Catholic social teaching and that human dignity is indeed core business for the Catholic prison chaplaincy. After a closer look at human dignity as concept and the concept of humiliation as the opposite of human dignity he presents how human dignity is embedded in law and in today's Catholic social teaching. He points at difficulties which prison chaplains face concerning human dignity in detention and ends with presenting some guidelines to help improve human dignity in detention circumstances.

For **Theo de Wit** (Netherlands), of the well-known conceptual pair 'justice' and 'mercy' the second term has always been the more mysterious and intriguing. And this precisely because he can understand and often agrees with the philosophical criticism levelled against mercy from the position of justice. To discover what the true meaning of mercy is he therefore proceeds towards *via negativa*, that is, trying to understand what mercy is by looking at what it certainly is not, or at any rate, should not be. In his contribution, he discusses some 'pitfalls' or 'temptations' to which the exercise of mercy is particularly vulnerable. And in the next step, he attempts to describe the virtue of mercy in a positive sense. There, he starts with a philosophical reading of the well-known seven corporeal and seven spiritual 'works of mercy' in the Catholic tradition. He concludes that several of these works cannot be understood as a way of rendering spiritual or material assistance or charity to the person in question, but as deeds in *honour* of individual human beings. And further, that mercy is the appropriate attitude when we are confronted with the experience of the limits to normal, common interactions and relations based on the customary reciprocal exchanges between morally responsible human beings, in other words: when we are confronted with the limits of ethics

and ethical accountability. So, mercy is not an alternative to the claims of justice, but perhaps the only human answer to the *Endlichkeit* of our moral strivings.

Bart Koet (Netherlands) states in his contribution that history teaches us that a stay behind bars can put one's strength of mind, or spirituality, to the test. He explains how he as an exegete and former prison pastor puts imprisonment and liberation in a biblical perspective. As starting point, he uses the story of Peter, described in Acts 12,1-23. Luke refers so often to the story of Easter that it is likely that to a great number of readers at the time Peter's liberation could be interpreted as an Easter story. It is plausible that among them there definitely were some who immediately took up those references and were able to teach those reminiscences to other people. Thus this story was turned into a model of biblical spirituality. It brings Koet to the conclusion that the main task of each and every prison pastor is, inspired by the numerous memories of Easter, to listen to the detainee's story every time in such a way that together they can fabricate a way out of despair and that for this human being as well the Exodus may be celebrated, even if it is for just a while.

In Latin America the Latin America Episcopal Conference (Consejo Episcopal Latino Americano or CELAM) is an important player. At the continental Conference, almost 10 years ago the closing document gave attention to prisoners and prison chaplaincy: The Aparecida Document.⁴ **Jorge Garcia Cuerva** (Argentina) looks at the system of incarceration and the role that Prison Chaplaincy has to play in the southern part of Latin America, with this important document as a guide. He writes in his second contribution about the guidelines of what he sees as the task of prison chaplaincy looking from a Latin-American context. From prison and from the social conflict prison chaplaincy wants to echo a wrenching, deep and liberating cry: reconciliation. Prison chaplaincy proposes a merciful justice that goes beyond traditional justice. It starts from the experience of experiencing the joy of being forgiven. Jesus proclaims and reveals by word and life His love of a reconciling God, who transforms every source of conflict. Prison chaplaincy should recognize conflicts, denounce sin, contribute to humanization, rebuild the fraternity through dialogue, and promote forgiveness.

⁴ See *The Aparecida Document* (Bogota 2007), especially nr. 8.6.5. (www.aecrc.org/documents/Aparecida-Concluding%20Document.pdf).

Appendix

In the appendix we find the revised edition of the United Nations Standard Minimum Rules for Prisoners, the so called Mandela Rules.

Although this publication is an initiative of the ICCPPC the views expressed in the articles do not necessarily present the opinion of the ICCPPC.