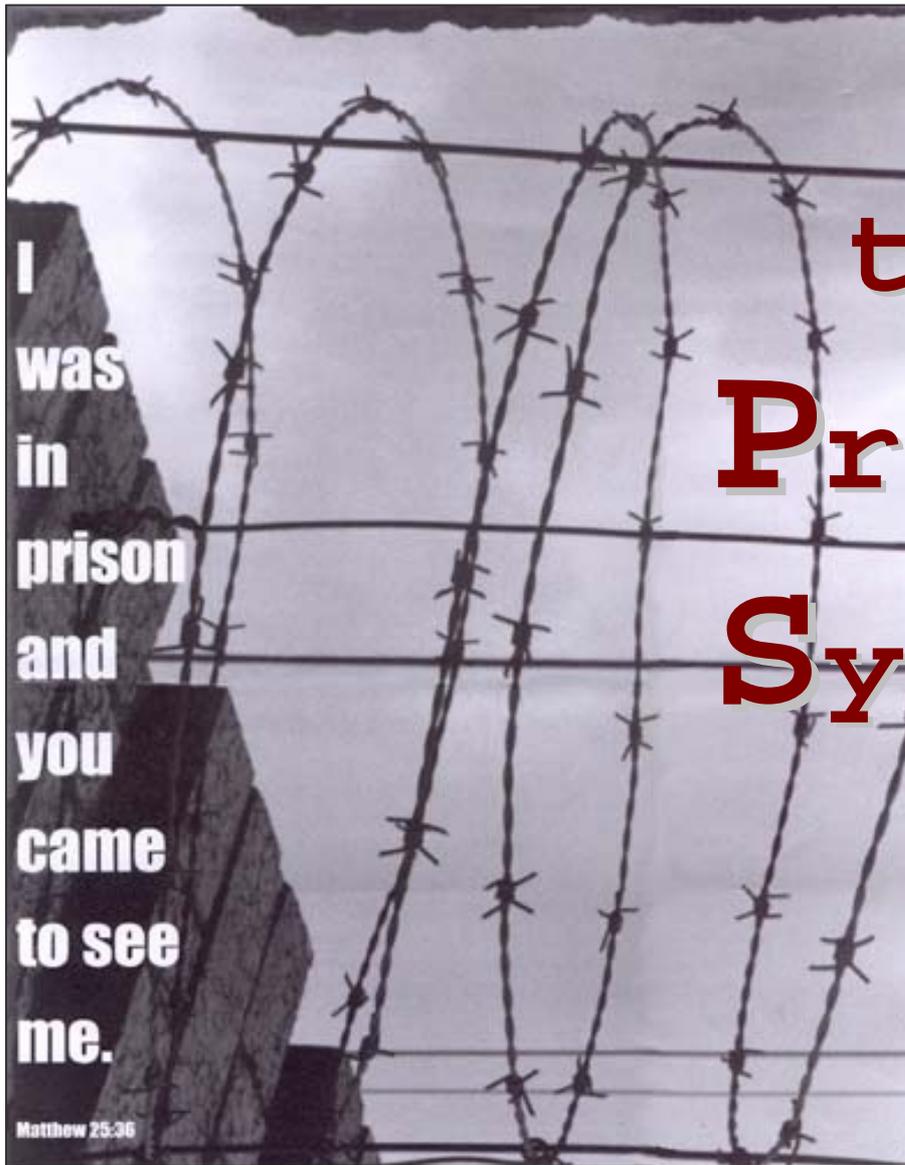


# Catholic Social Teaching

## and



*Not to promote the interests of prisoners would be to make imprisonment a mere act of vengeance on the part of society.*

Pope John Paul II, July 2000

Prepared by Social Action Office – CLRIO  
May 2002



# Catholic Social Teaching and the Prison System

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## SUGGESTED SEMINAR FORMAT

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The seminar can be conducted in different ways depending on time and the audience. Each section could be a module in itself. However, if a whole day could be allocated to this seminar, time could be spent on each section using varying processes for interaction with the material. The important message to be achieved is that Catholic Social Teaching has much to offer in considering criminal justice.

The seminar is divided into distinct sections:

- Sections 1 and 2 form the basic unit outlining what is known as Catholic Social Teaching;
- Sections 3, 4 and 5 constitute the material for working with Catholic Social Teaching and Prisons

**Section 1:** A brief introduction to the history of the evolution of Catholic Social Teaching from 1891 to 1991 with the main emphasis being on papal and synod documents and linking this evolution with major contemporary and historical events

**Section 2:** The key principles of Catholic Social Teaching and a brief exploration of what are in the main papal documents

**Section 3:** Exploring further how Catholic Social Teaching can be applied to the prison system

**Section 4:** Workshopping the issue

**Section 5:** An alternative approach

**Section 6:** Identifying resources for ongoing use

The seminar could begin and finish with a ritual appropriate to those attending.

# SECTION 1

## Catholic Social Teaching

### 1.1 Historical Overview

In 1891, Pope Leo XIII released his encyclical *Rerum Novarum* (On the Condition of Labour). This was the first of the great social encyclicals of the Catholic Church. It was written in an era of immense social change in Europe, distinguished by the awakening of democracy and the popular appeal of communism to the working class. It was an era of far-reaching social transformation and it called forth a response from the Pope.

Essentially, Leo XIII had two concerns. Firstly, he opposed the atheistic philosophy of communism but recognised its appeal to workers. Communism offered workers a socio-economic and political alternative to the self-interested alliance between aristocratic privilege and capital-industrial interests. In short, it was an influential part of a growing movement for political and economic equality. This was a movement the Church could not ignore. Secondly, he took issue with what he saw as the excesses of liberal-capitalist development in Europe. Central to these excesses was the exploitation and dire poverty of workers and the concomitant concentration of privilege and wealth in the hands of a few. Seeing this situation, he argued for:

- The recognition of human dignity;
- The protection of basic economic and political rights, including the right to a just wage and to organise associations or unions to defend just claims;
- The right to private property;
- The rights of labour over capital;
- The just organisations of society for the common good.

In short, Leo rejected communism and the philosophy on which it was based. At the same time, he did not ignore the basis of its appeal to workers and condemned the exploitative nature of the liberal-capitalist alternative.

*Leo's positive affirmations about the political implications of human dignity are summarized in a phrase from the 1891 encyclical Rerum Novarum which has been cited many times in the later documents of the tradition: 'Man (sic) precedes the State'. The worth of human beings, in other words, is the standard by which political and legal institutions are to be evaluated.*

**David Hollenbach, *Claims in Conflict*, 1979 p 47**

*Rerum Novarum* was a watershed in the life of the modern Church because it situated the church in the social, political and economic ferment of the late nineteenth century and it began a tradition of engagement with the social order, which slowly took shape over the next century. [OHT 1 – Catholic Social Teaching 1891-1991] The OHT provides a time-line showing the historical development of CST over one hundred years.

It is noteworthy that forty years lapsed before the writing of a second social encyclical, *Quadragesimo Anno* (The Reconstruction of the Social Order). It is also noteworthy that the last thirty years have seen rapid development in this aspect of the church's life.

Essentially the development of the CST has been organic, building upon, developing and adding to the central themes of Leo's encyclical. The anniversary of this first social encyclical has, since 1961, become an occasion for the release of another social encyclical. This has followed consistently in all the decades since *Mater et Magistra* (Mother and Teacher).

Two observations are relevant here. Firstly, this teaching highlights the Church's engagement with the big socio-economic and political issues since 1891 and, it is evident from the time-line, that the papacy of Pope John XXIII and Vatican II gave significant impetus to this dynamic in the life of the Church. Secondly, the time-line only shows the major social encyclicals and council documents which have come from the Vatican. While these are especially significant for the worldwide Church, they have inspired and been inspired by numerous other documents that have grown out of and been addressed to specific faith communities. Some examples are:

- The Australian Bishops' Conference, *Common Wealth for the Common Good*;
- The Medellin and Puebla documents from the Latin American Church;
- The American Bishops' Conference, *Economic Justice for All*; and
- The African Bishops' Conference, *Justice and Evangelisation in Africa*.

While recognising the significant contribution of local Bishops' conferences to CST, what follows is mainly focused on the encyclicals and documents originating from Rome.

It is not accidental that the development of CST paralleled the modern development of Catholic biblical scholarship and interpretation. Encouraged by Pius XII encyclical *Divino Afflante Spiritu* (Inspired by the Divine Spirit) in 1943 and further endorsed by the Vatican II document *Dei Verbum* (The Word of God), Catholics in the later half of the twentieth century have re-claimed a biblical heritage that placed great emphasis on the prophetic tradition of justice and the 'preferential' place of the poor in the kingdom of God. This has influenced CST significantly.

So, the development of CST in the last one hundred years has been significant in the life of the Church. Each of the social encyclicals reflects the issues of the time in which it was written and the personality of the author. This being said, what does this tradition of CST teach us and call us to?

[Handout 1 – Catholic Social Teaching 1891-1991]

## 1.2 The Content of Catholic Social Teaching

*Rerum Novarum* opened the Church up to consideration of the socio-economic, political and cultural forces that were shaping and continue to shape the modern world. In general, the encyclicals have taken issue with many facets of the contemporary world, which are deemed to violate the essential dignity of the human person and trample upon justice and the common good of the global community.

[OHT 2 – Summary of the Encyclicals and Documents] The OHT provides a brief summary of each of the papal encyclicals, synod documents and letters which constitute the official Roman CST canon, highlighting the distinctive issues each has added to the evolving tradition. Some examples:

- Leo XIII was concerned for the plight of the working class in late nineteenth century Europe and for the role of government;
- Pius XI proposed the principle of subsidiarity as the basis for social organisation;
- John XXIII was concerned with the conditions for world peace, confronting the arms race, international relations, racism and development aid;
- Paul VI was concerned with development and justice, trade issues, structural injustice, development aid and working for justice;
- John Paul II's encyclicals have encompassed concern with the changing nature of work and workers' conditions, the North-South gap, the option for the poor, the universal destination of the world's goods and the structures of sin.

CST encompasses many global concerns but it has always had a particular concern with the situation of the poor and the structural causes that create the conditions of poverty and marginalisation. Further, CST has developed in an organic way, with each new encyclical and document building upon the tradition and adding new dimensions to it.

It is important to acknowledge that CST does not purport to offer a 'blueprint' for an ideal type of society. Rather, CST proposes principles aimed at creating 'right' social, economic and political relationships and the construction of social structures and institutions based on justice and respect for human dignity. Inherent in CST is the belief that the application of these principles to the structures and institutions of society, both nationally and globally, will enhance human dignity, overcome poverty and promote and ensure social justice.

The key principles, which emerged and have been developed in over one hundred years of CST centre on:

- Human dignity
- The common good
- The principle of solidarity
- The principle of subsidiarity
- The purpose of the social order
- The purpose of government
- The principle of participation
- The universal purpose of goods
- The option for the poor.

## SECTION 2

### 2.1 Key Principles of Catholic Social Teaching Expanded

[OHT 3 – Key Principles of Catholic Social Teaching]

#### 1. Human Dignity

Human beings are created in the image of God and, therefore, are endowed with dignity. This inherent dignity carries with it certain basic rights and responsibilities, which are exercised within a social framework.

#### 2. The Common Good

While the dignity of the human person is affirmed, individuals live in common with others and the rights of individuals must be balanced with the wider common good of all. The rights and needs of others must be always respected.

#### 3. The Principle of Solidarity

Human beings are social by nature and do not exist merely as individuals. When considering the human community it must be remembered that it consists of individuals and social elements.

#### 4. The Principle of Subsidiarity

This principle recognises that society is based on collectives or communities of people ranging from small groups or families right through to national and international institutions. As a rule of social organisation, this principle affirms that a higher-level community should not interfere in the life of a community at a lower level of social organisation.

#### 5. The Purpose of the Social Order

The social order must uphold the dignity of the human person.

#### 6. The Purpose of Government

The purpose of government is the promotion of the common good. Governments are required to actively participate in society to promote and ensure social justice and equity.

#### 7. The Principle of Participation

Individuals and groups must be enabled to participate in society.

#### 8. The Universal Purpose of Goods

The world's goods are meant for all. Although the Church upholds the right to private property this is subordinate to the right to common use and the overall common good. There is a social mortgage on private property.

## 9. The Option for the Poor

This refers to seeing the world through the eyes of the poor and standing with the poor in solidarity. This should lead to action for justice with and on behalf of those who are poor and marginalised.

[Handout 2 – Key Principles of Catholic Social Teaching]

## 2.2 Summary of the Main Encyclicals and Documents

[OHT 2 again – Summary of the Encyclicals and Documents]

### ***Rerum Novarum: On the Condition of Labour (Leo XIII, 1891)***

- Lays out the rights and responsibilities of capital and labour;
- Describes the role of Government in a just society;
- Condemns atheistic communism;
- Upholds the right to private property.

### ***Quadragesimo Anno: On Reconstructing the Social Order (Pius XI, 1931)***

Condemns the effects of greed and concentrated political and economic power and proposes that social organisation be based on the principle of subsidiarity.

### ***Mater et Magistra: Mother and Teacher (John XXIII, 1961)***

- Identifies the widening gap between the rich and poor nations as a global concern of justice;
- Raises concerns about the arms race;
- Calls upon Christians to work for a more just world.

### ***Pacem in Terris: Peace on Earth (John XXIII, 1963)***

- Focus on human rights as the basis for peace;
- Calls for disarmament;
- Stating the need for a worldwide institution to promote and safeguard the universal common good.

### ***Gaudium et Spes: The Church in the Modern World (Vatican Council document, 1965)***

- Clear recognition that the Church is immersed in the modern world;
- Condemns poverty;
- Warns about the threat of nuclear war;
- Christians must work to build structures that uphold justice and peace.

### ***Populorum Progressio: On the Development of Peoples (Paul VI, 1967)***

- Focus on human development – ‘development is the new name for peace’;
- Condemns the situation that gives rise to global poverty and inequality;
- Calls for new international organisations and agreements that promote justice and peace.

### ***Octogesima Adveniens: An Apostolic Letter: A Call to Action (Paul VI, 1971)***

Calls for political action for economic justice;  
Develops the role of individual local churches in responding to unjust situations and acting for justice.

### ***Justice in the World (Synod of Bishops, 1971)***

States that “action for justice” is a constitutive dimension of the preaching of the Gospel.

### ***Evangelii Nuntiandi: Evangelisation in the Modern World (Paul VI, 1975)***

Links the work of doing justice with evangelisation;  
The Gospel is about liberation from all oppressive structures;  
Respect for cultures.

### ***Laborum Exercens: On Human Work (John Paul II, 1981)***

Affirms the dignity of work and the dignity of the worker;  
Affirms the rights of labour;  
Calls for workplace justice.

### ***Sollicitudo Rei Socialis: The Social Concerns of the Church (John Paul II, 1987)***

Includes the “option for the poor” as a central tenet of Church teaching;  
Also develops the notions of ‘solidarity’, the ‘structures of sin’ and ‘the social mortgage on property’;  
Suggests that the resources used for the arms race be dedicated to the alleviation of human misery;  
Nature must be considered in development.

### ***Centesimus Annus: One Hundred Years (John Paul II, 1991)***

Reaffirms the principles of Catholic Social Teaching over one hundred years;  
Celebrates *Rerum Novarum*;  
Identifies the failures of both socialist and market economies.

**(This Summary has been adapted and developed from NETWORK 1998,  
*Shaping a New World*, pp 5-11)**

[Handout 3 – Summary of the Encyclicals and Documents]

## **2.3 The Ongoing Development of Catholic Social Teaching**

What is now known as Catholic Social Teaching evolved in the period since 1891. It developed organically. Each document drew upon and affirmed what had preceded it but also added to and developed the teaching. Given this, it is possible to point to consistent values and principles within this tradition.

Notwithstanding this and the importance of CST to the life of the contemporary Catholic Church, there are some matters, which require further development and better inclusion in this canon of teaching. These include:

- The role and status of women in society and in the Church has not been addressed adequately and remains a significant limitation of CST;
- An encyclical on the environment is overdue even though some move has been made in this direction by the current Pope; the main focus of CST has been anthropocentric;
- Reflecting the European base of the Catholic Church, CST tends to be euro-centric in its focus. For example, in recent times CST has made reference to the significance of the fall of communism in Eastern Europe but little reference has been made to the demise of apartheid in South Africa; arguably, the release from prison of Nelson Mandela in 1990 was as significant for colonised people in Africa as the destruction of the Berlin Wall was for Europeans!

As it has evolved since 1891, it is hoped that this evolution will continue into this new century and continue to push the boundaries of faith to incorporate the big issues of the future.

## SECTION 3

### Catholic Social Teaching and Prisons

#### Touching into the Subject

[OHT 4 – Scripture Quotes]

- Refer to the Scripture quotes. What might these infer about prisoners?

[OHT 5 – Easter 2000 Poster]

- Reflection on Easter 2000 Poster – Write a response to this poster in about 50 words and share these responses in a way appropriate to the group.

#### Catholic Social Teaching Applied to Prisons

[OHT 6 – Catholic Social Teaching Applied to Prisons – Pope John Paul II]

- **Pope John Paul II: *Message for the Jubilee on Prisons, July 2000***

“Not to promote the interests of prisoners would be to make imprisonment a mere act of vengeance of the part of society, provoking only hatred in the prisoners themselves.”

“For all to play their part in building the common good they must work, in the measure of their competence, to ensure that prisoners have the means to redeem themselves, both as individuals and in their relations to society.”

“Regulations contrary to the dignity and fundamental rights of the human person should be definitively abolished from national legislation, as should laws which deny prisoners religious freedom.”

“To make prison life more human it is more important than ever to take practical steps to enable prisoners as far as possible to engage in work which keeps them from the degrading effects of idleness.”

[OHT 7 – US Catholic Bishops]

- **US Catholic Bishops: *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice, November 2000***

**Human Life and Dignity:** The fundamental starting point for all of Catholic Social Teaching is the defence of human life and dignity: every human person is created in the image and likeness of God and has an inviolable dignity, value and worth, regardless of race, gender, class or other human characteristics. Therefore, both the most wounded victim and the most callous criminal retain their humanity. All are created in the image of God and possess a dignity, value and worth that must be recognized, promoted, safeguarded and defended. For this reason, any system of penal justice must provide those necessities that enable inmates to live in dignity; food, clothing, shelter, personal safety, timely medical care, education and meaningful work adequate to the conditions of human dignity.

**Human Rights and Responsibilities:** Crime and corrections are at the intersection of rights and responsibilities. Those who commit crimes violate the rights of others and disregard their responsibilities. But the test for the rest of us is whether we will exercise our responsibility to hold the offender accountable without violating his or her basic rights. Even offenders should be treated with respect for their rights.

**Family, Community and Participation:** Likewise, maintaining community and family connections can help offenders understand the harm they've done and prepare them for reintegration into society. Isolation may be necessary in some rare cases; but while cutting off family contact can make incarceration easier for those in charge, it can make reintegration harder for those in custody.

**The Common Good:** The social dimension of our teaching leads us to the common good and its relationship to punishment. According to the *Catechism of the Catholic Church*, punishment by civil authorities for criminal activity should serve three principal purposes: (1) the preservation and protection of the common good of society, (2) the restoration of public order, and (3) the restoration or conversion of the offender.

The concept of “redress”, or repair of the harm done to the victims and to society by the criminal activity, is also important to restoring the common good. This often neglected dimension of punishment allows victims to move from a place of pain and anger to one of healing and resolution. In our tradition, restoring the balance of rights through restitution is an important element of justice.

**The Option for the Poor and Vulnerable:** This principle of Catholic Social Teaching recognizes that every public policy must be assessed by how it will affect the poorest and most vulnerable people in our society. Sometimes people who lack adequate resources from early in life (i.e. children, especially those who have been physically, sexually or emotionally abused, the mentally ill and people who have suffered discrimination) turn to lives of crime in desperation or out of anger or confusion. Unaddressed needs—including proper nutrition, shelter, health care and protection from abuse and neglect—can be stepping stones on a path towards crime. Our role as Church is to continually work to address these needs through pastoral care, charity and advocacy.

**Subsidiarity and Solidarity:** These two related principles recognize that human dignity and human rights are fostered in community. Subsidiarity calls for problem solving initially at the community level: family, neighborhood, city and state. It is only when problems become too large or the common good is clearly threatened that larger institutions are required to help. This principle encourages communities to be more involved. Criminal activity is largely a local issue and, to the extent possible, should have local solutions. Neighbourhood Watch groups, community-oriented policing, school liaison officers, neighbourhood treatment centers and local support for ex-offenders all can be part of confronting crime and fear of crime in local communities.

Solidarity recognizes that “we are all really responsible for all”. Not only are we responsible for the safety and well being of our family and our next-door neighbour, but Christian solidarity demands that we work for justice beyond our boundaries. Christians are asked to see Jesus in the face of everyone, including both victims and offenders. Through the lens of solidarity, those who commit crimes and are hurt by crime are not issues or problems; they are sisters and brothers, members of one human family. Solidarity calls us to insist on responsibility and seek alternatives that do not simply punish, but rehabilitate, heal and restore.

## SECTION 4

### Workshopping the Issue

The following process has been developed by *NETWORK*, a National Catholic Social Justice Lobby in the United States. It is called *The Road Map* and is intended to enable users to see where they stand on an issue.

To assist in the process, case histories of prisoners, statistics regarding prisons and prisoners, and relative sections of legislation are available as resources.

Invite the participants to form groups of 4 or 5 and allow each group to have one case history. [Handout 4 – Prison Stories 1-4] All of the other resources are to be available to each group.

*The Road Map* [Handout 5 – The Road Map] is given to each group and they are then invited to follow the process:

#### *The Road Map*

#### **Step 1 – Listen to the life stories of those affected by the issue**

(These stories tell of prisoners and the treatment they receive)

##### **Questions:**

- Who are the people affected by this issue?
- How are they affected?

#### **Step 2 – Search out the facts**

(Resources on prison statistics, legislation, etc to be available for this step)  
[Handout 6 – Some Facts Regarding Queensland Prisons; Handout 7 – Resources]

##### **Questions:**

- Why do you think this is happening?
- Who do you think gains from the current situation?
- Who do you think loses?

#### **Step 3 – State your position on the issue**

##### **Questions:**

- What is your vision of a just society?
- What do you believe about this issue?
- How do you think a just society would respond to this issue?

#### **Step 4 – Find the political connection**

##### **Questions:**

- From your perspective, what specific actions should elected officials take to address this issue?
- What do you think might help promote these actions?
- What do you think might hinder these actions?

## SECTION 5

### An Alternative Approach – Restorative Justice

The present criminal justice system is based on retributive justice, i.e. justice occurs when appropriate punishment is handed out to an offender. In modern Western Societies, there is a strong emphasis on law and order. Politicians respond to this and make law and order an important platform during election campaigns. The aim of good law is to provide a safe and just society. However, societies that rely on retributive justice do not appear to have gained much in terms of enhancing safety and justice for all in these societies. In Queensland, where the State is committed to retributive justice, crime has not gone away. Many people, including those within the Corrective Services divisions, are questioning the effectiveness of the present system of criminal justice.

An alternative approach is that of restorative justice. Restorative justice is a type of justice that “moves from punishment to reconciliation, from vengeance against offenders to healing for victims, from alienation and harshness to community and wholeness, from negativity and destructiveness to healing, forgiveness and mercy” (Jim Consedine, *Restorative Justice: Healing the Effects of Crime*, Plowshares Publications, 1999, p.10). Restorative justice is now being used for dealing with juvenile crime in New Zealand. The Queensland State Government has piloted some projects based on restorative justice in Queensland.

(For a fuller exploration of restorative justice, see the resources *Broken Laws or Broken People* and the articles by Howard Zehr and Harry Mika, Tom Cavanagh, and Jim Consedine, in the Resource Section of the seminar folder. A great resource is the book: *Restorative Justice: Healing the Effects of Crime* by Jim Consedine.)

[OHT 8 – Restorative Justice]

The principles of restorative justice are as follows:

1. The victim is a central part of the process
2. Justice requires offenders to accept responsibility and accountability for their actions
3. The restoration of harm and the reparation of relationships is the goal of restorative justice
4. Restorative justice focuses on the crime and its consequences rather than the person who committed it
5. Crime occurs between people.

## SECTION 6

### RESOURCES

#### Church Documents

- **Message of His Holiness John Paul II for the Jubilee on Prisons**, 9 July 2000
- ***Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice*** – A Statement of the Catholic Bishops of the United States
- ***Broken Laws or Broken People*** – A Joint Project of the Catholic Justice and Peace Commission (Brisbane) and Catholic Prison Ministry 2000

#### Books

- Jim Consedine, ***Restorative Justice: Healing the Effects of Crime***, Revised Edition, Plowshares Publishing 1995
- Helen Bowen and Jim Consedine (Eds), ***Restorative Justice: Contemporary Themes and Practice***, Plowshares Publishing 1999
- David Brown and Meredith Wilkie (Eds), ***Prisoners as Citizens: Human Rights in Australian Prisons***, The Federation Press 2002

#### Related Articles

- Dr Andrew Coyle, ***Restorative Justice in the Prison System***, International Centre for Prison Studies, King's College, University of London
- Howard Zehr and Harry Mika, ***Fundamental Concepts of Restorative Justice***, 1997 Mennonite Central Committee
- Tom Cavanagh, facilitator, ***Adopting New Values for the Courts: What is Restorative Justice?*** <http://www.restorativejustice.com/published.html> (click on third dot point – it will open as a *Word* document)
- Anne-Marie Cusac, ***What's the Alternative? Society has to respond to lawbreakers, but it doesn't always have to lock them up*** <http://www.motherjones.com/prisons/alternatives.html>
- ***Basic Principles for the Treatment of Prisoners***, GA res 45/111, annex, 45 UN GAGOR supp. (No. 49A) at 200, UN Doc. A/45/49 (1990)
- Joanna Davidson, ***Prison Reform: Working for Just and Effective Systems*** <http://www.changemakers.net/journal/99april/davidson.cfm>

## Websites

- **Justice Action – Australia:** <http://www.justiceaction.org.au/>
- **Restorative Justice in Australia** (Australian Institute of Criminology): <http://www.aic.gov.au/rjustice>
- **Restorative Justice Online** (International Centre for Justice and Reconciliation): <http://www.restorativejustice.org>
- **Restorative Justice by Tom Cavanagh:** <http://www.restorativejustice.com/>
- **Center for Restorative Justice & Peacemaking** (University of Minnesota): <http://ssw.che.umn.edu/rjp/>
- **Queensland Government – Department of Corrective Services:** <http://www.dcs.qld.gov.au>
- **Restorative Justice Project** (Fresno Pacific University, Centre for Peacemaking and Conflict Studies): <http://www.fresno.edu/pacs/rjp/>
- **Real Justice** (International Institute for Restorative Practices): <http://www.realjustice.org>
- **International Centre for Prison Studies** (King’s College, London): <http://www.kcl.ac.uk/depsta/rel/icps/home.html>
- **Crime Research Centre** (The University of Western Australia): <http://www.crc.law.uwa.edu.au/>
- **Human Rights Watch – Prisons:** <http://www.hrw.org/prisons/>