

## Promoting a restorative justice defying prison walls? Philippe Landenne SJ

### An apostolic insertion *in shadow*

**I**n nearly thirty years of life in the Society, the trajectory of my apostolic commitment has remained rather simple. For many of my fellow Jesuits I am simply “*the prison man*” and, in the eyes of the prisoners and their families, I have been so completely identified with that ministry that nobody could imagine me being called to a different mission! Even though at times I have had the impression of being on the sidelines in my province, I must admit I have lived that apostolic insertion *in the shadow* as a more than consoling grace and am happy to be confirmed by different provincial superiors in a mission where the link between the promotion of justice and the service of faith appears undeniably evident. My life has been soberly cohesive through that explicit option for multi-faceted solidarity with incarcerated people and their families -

- Full time chaplaincy experienced as a resistance endeavour against the cold logic of prison cell confinement, marshalling all the vital and spiritual energy of my detained friends in the construction of a base community entrenched in the depths of prison<sup>1</sup>!
- Discrete and regular collaboration as the jurist I am within the Human Rights League ‘Prison’ Commission.
- Living in a disadvantaged district in a community house where I share my life with prisoners released on parole, among others.

In early 2005, I began to run out steam. I felt in need of a break to avoid burn-out. The prison environment was weighing on me more and more and I could no longer tolerate the feeling of powerlessness regarding this “total institution” which systematically crashed people I felt very close to. Moreover, my colleagues there were not Jesuits, and I felt quite estranged from the Society. Maybe I was in need of fresh inspiration or just wanted to walk the remainder of the road within a network of companionship...

Impressed, as many of us are, by the dynamism of JRS, I welcomed the opportunity to meet Fr Luis Magriña<sup>2</sup> while he was on a visit in Brussels. One of the questions I asked him was “*If a Jesuit wanted to join JRS, how should he prepare?*” Part of his reply struck me: “*In any case, he would need training in conflict management methods and ‘restorative justice’.*” That very evening I typed the phrase into a search engine and the screen instantly displayed an

<sup>1</sup>The birth of that base community, known as “the catacombs”, in the cellar of Lantin prison in Liège, is described in the second part of a book I wrote about my journey in prison - Philippe Landenne, *Résister en prison. Patiences, passions, passages.* (Resisting in prison. Patience, passion, passages.) Editions Lumen Vitae, Trajectoires collection, Brussels, 1998, 272 p. The book, which is now out of print, can be downloaded free of charge at [www.lumenonline.net](http://www.lumenonline.net) (click on “monographies”)

<sup>2</sup>Father Luis Magriña was International Director of the Jesuit Refugee Service (JRS) at the time.

interesting programme at Queens University (Kingston, Ontario) organised by, among others, Professor Pierre Allard. I knew him, as he was a former general Chaplain for Canada's federal prisons. When I contacted him for more information on the training course, back came a gently provocative reply: "*Is it possible you have worked for so many years in prison without resorting to restorative justice? This is the very matrix of our commitment behind prison walls. Come and join us quickly!*"

### **Restorative justice in a destructive prison?**

In fact, I knew about the restorative justice theory, but I could see neither why nor how to integrate it in my duties in the prison context surrounding me. How can we decently talk about restorative justice within a repressive system which destroys beyond measure? I have always been overwhelmed by the constant inflation of prison-generated trauma which saps the ever-fragile stability of incarcerated people. I knew too well that a gaol sentence is more than a gaol sentence. It seemed to me that my priority was to speak out against the hidden charges imposed by prison sentences. I was totally absorbed in writing<sup>3</sup> and reflecting on the issue with actors on the ground, even though, like my colleagues, I was aware of my powerlessness to raise awareness in a public increasingly indifferent to the degradation of living conditions for prisoners and their families. Undoubtedly the urgency was to reveal that, beyond the loss of freedom to come and go itself, prison crushes by means of an interminable succession of collateral damages. Promiscuity, destitution, depersonalisation, addictions, dealings, multiple violence, isolation, family breakup constitute a stack of well known prison ills that all add up.

As a professional jurist, I was particularly shocked by the lack of respect for the classic criminal law principle '*Non bis in idem*'<sup>4</sup> in a prison environment where aggression thrives at all levels. In that sad context, I realised that even though perpetrators of crime often intend to reflect on their actions, they inevitably soon have to face another challenge – surviving, with their families, the multiple impacts of prison. While deep down prisoners nurture the desire to make up for the harm caused to victims, they have to bury prematurely that concern under the rough carapace hastily crafted in order to stay "alive" within prison walls.

Today I still ask myself the following questions -

- Can prisoners, systematically victimised by a system which degrades them and deprives them of responsibility, really face the challenge of "restorative" outreach towards their victims?
- How can hope be promoted within a confined space, within an empty time which feels like eternity (due to constant extensions of custody),

<sup>3</sup>Philippe Landenne, *Peines en prison, l'addition cachée (Prison sentences – the hidden charges)*, Editions Larcier, Crimen collection, Brussels 2008, 258p.

<sup>4</sup>*Non bis in idem*: "the same offence is not punished twice."

hope to restore links with the outside world which seems lost beyond an inaccessible horizon?

- Without a culture of respect or the promotion of basic human rights in prisons, how can detainees feel rehabilitated enough to risk (re)conciliation dialogue with their victims or with the community from which they perceive only the weight of their sentence to exclusion?

Despite these reservations, I decided to accept the invitation from my Canadian friend and I left for a six month sabbatical. I was progressively enthralled by the theoretical tools provided by the programme and for six months I was plunged into discovering remarkable projects of restorative justice carried out within the prisons of Ontario and Quebec. God writes straight with curved lines and, at the very moment I was planning to leave prison work, I was led back to it in the prospect of a new approach! From now on, a new task awaited me.

There is not enough space to describe that task here. I can only outline its main lines of action which test today the discernment for my way of Jesuit insertion. Would my commitment to the promotion of justice marked by a constant search for reconciliation (which our last General Congregation reaffirmed) be given tangible form through in depth study of the possibilities of the Restorative Justice approach?

### **A pastoral ministry of communal relationships restoration**

I have now left prison chaplaincy to others who have eagerly taken over. However, as a member of the Supervising Board for Lantin prison<sup>5</sup> in Liège, I have regular access to prison and have not abandoned the struggle to obtain respect for prisoners. From now on, my approach to the reality of prison is inspired by a new concern – finding ways to restore peaceful relationships between **offenders, victims and local communities**. Appointed by the Liège Diocese, I serve in a research group attempting to promote in our region a pastoral ministry of community relationships restoration. We are working on creating a solidarity support network based on the three dimensions of restorative justice.

From what we observe we ask questions and identify stakes as follows -

#### **1. Victims of crimes**

For the victims of serious crimes we meet, the consequences of the unjust violence they have been subject to are often beyond measure. After long and complex proceedings, the “criminal” system ponderously moves to sentence

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<sup>5</sup>The Supervising Board is an official body made up of voluntary citizens appointed by the Ministry of Justice with free access to prisons so as to identify and report dysfunctions and violations of basic human rights. Board members mainly visit solitary confinement and high security facilities on request from prisoners or staff.

offenders when the latter are identified and found guilty. Yet, is the suffering of the victims allayed at the end of the legal labyrinth? Mainly what the plaintiff gets are indemnity compensations in addition to the years the offender spends in prison. Is the case thus settled and the victim satisfied? Can the trauma of victims truly be dealt with in such a way? Victims are often left alone and at a loss, in a desperate quest for meaning. Certainly, professional services provide psychological counselling however innumerable questions remain. *Why me? Why did I not know how to react? Why do I still feel shaken? How can I find some peace? How can I regain confidence? How can I get on closely with people who cannot even begin to grasp the depth of my pain? How can I keep sharing my anguish with those who seem to be growing tired of hearing the story of what I have been through? And where is God in all that? Where is he? Where is he? My once-confident belief in human brotherhood has changed. I am scared and doubtful. It may be that I feel hatred. Do I still believe?* We try to provide help to people struggling with such questions. We still have a lot to learn before we can put in place a network of credible human and spiritual assistance with the necessary tact.

## **2. The perpetrator, the prisoner, the convict awaiting release, the prisoner released...**

Thanks to prison chaplaincy action, prisoners discover the human, sympathetic and tolerant face of a Church from which they were often estranged before their imprisonment. While they face the challenges of an austere life, marked by the precariousness of human relationships in prison, they sometimes undertake a journey into the depths. Chaplaincy provides them with a haven of respect and confidentiality wherein they can review and question the broken trajectory of their life. It also provides the unexpected grace of a community experience inspired by the Gospel. This privileged space where they can walk in and be themselves, where they feel accepted without prejudice or judgement on their past life or their sometimes marginal means of expression, is for them a sacred oasis in the desert of prison! Some try to keep in touch with chaplains after their release. They often ask, *Once I am back outside, will I find the same respectful support enabling me to repair and face up again to my responsibilities? Where is it possible to pursue this community experience after release? Where can I carry on living and reintegrating myself within a community that accepts me as I am, at the stage where I am now? Can I really believe that I will be awaited and listened to when I come out of prison? Will there be a place where I will be listened to and respected? Will there be a space where I too will be able to share my skills and concerns?* Released people have to face numerous social, psychological and administrative problems and many other therapeutic injunctions right after their release. They feel alone and powerless faced with the complexity of procedures required. For many isolated detainees or those

whose family ties have been cut, accommodation is a thorny question. Detainees “provided” with an ankle monitor find themselves in a community with limited freedom of movement since they are confined to their imposed homes. It is crucial to provide accompaniment to those detainees experiencing a difficult transition towards freedom. We do not replace existing professional (still insufficient) services, but we offer, in the city, space and time to listen and share their concerns. Our team can serve as an intermediary, encouraging and orienting fragile people in the necessary steps towards adequate services.

Moreover, we have recently started proposing awareness sessions enabling detainees to learn a little about the daily life of a victim. Cautiously, in five-day long sessions organised in prison, we provide opportunities for respectful dialogue between prisoners and substitute victims. This experience, which has to be prepared for in advance and supervised, proves deeply shaking. Participants (victims and offenders) can experience these sessions as a first step towards liberation from deep-seated traumas. Nevertheless, we leave it to professionals to organise mediation between offenders and their actual victims.

### 3. The Christian community

Faced with the reality of crime within a society that confusedly expresses a sense of insecurity vis-à-vis the phenomenon of crime, heavily influenced by some media which thrive on an irresponsible use of sordid news items at the expense of balanced and lucid analysis of the social and human factors which lead to destitution and violence, the Christian community often seems silent and uncomfortable. Sometimes, it even seems to howl with the wolves, resigned to supporting a repressive idea of justice. It is as if Christians no longer realise that biblical justice is radically concerned with finding means of healing and reconciliation. Lack of training and inadequate information on the challenges of assuming responsibility and solidarity, in order to promote an inclusive model of restorative justice, insidiously lead the Christian community to an attitude of indifference, or even hostility and rejection towards people caught up in criminal realities. Do we still believe that *the rejected stone will be the cornerstone of the Kingdom*? Do we dare affirm that justice based on exclusion has no place in a Gospel-inspired society project? It is pastorally crucial to explore the dynamics that bring us back to the origins of Christian audacity and we have started providing training and reflection tools to local communities on request.

It must be admitted that this call for a communal justice is at odds with the dominant culture in Belgium. Many offenders become such precisely because they have lost every reference amidst the dreadful indifference of an ultra-individualist neoliberal society. Left alone, they exist for nobody. They have slipped through the gaps in a slack, even nonexistent, community fabric, and

their offences are more blind cries than broken human relationships that have long ceased to exist for them. Sometimes they resort, in a last desperate attempt, to consuming illicit products or undergoing extremely marginal experiences. They feel uprooted and cut off from every effective ethical or spiritual reference. Thus, initiatives proposed by benevolent people or support organisations do not seem credible to them and they go through their detention time isolated, adapting only to the violent prison subculture. For these people, who are far from being a minority in prisons today, what does “being released” mean? How can we, in a credible way, propose this community intermediary that we are trying to set up in the perspective of *restorative justice*?

### **Broad horizons to discern ways and means of “another” justice?**

In recent years, I have had the grace of occasionally accompanying the Canadian NGO *Just Equipping*<sup>6</sup> on different missions in the Great Lakes region of Africa. Committed to the promotion of restorative justice and prison chaplain training, *Just Equipping* favours a transformative, restorative and biblical vision of justice. What a blessing to meet in such a context people from other cultures, whose stories are often marked by extreme violence, and be able to listen to the stories of their deeply moving and creative efforts to find un-hoped for avenues to reconciliation!

There is the reason why this modest *Promotio Iustitiae* article makes me dream without borders. Would other companions committed to promoting restorative justice worldwide be interested in setting up an exchange network to allow us share our experiences and *ways of proceeding* in this difficult task? I have no doubt that many companions who “*stand as ferment of peace amidst the lacerations of the human family*”<sup>7</sup> can enlarge our hearts and visions by upturning the framework of this research. What if together we put to use the grace of belonging to a “global” Society that does not falter at the challenge of promoting justice and reconciliation...?

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*Original French*  
*Translation by Christian Uwe*

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<sup>6</sup><http://www.justequipping.org/>

<sup>7</sup>Expression borrowed from Brother Roger of Taizé.