

apartheid precluded a strict, juridical adjudication of individual guilt and punishment. Neither was a restoration of the apartheid criminal justice system envisioned. Indeed, in the course of the hearings, many of those initially regarded as perpetrators were revealed as victims of the apartheid regime. In South Africa, restorative justice was conceived as a *path* to the construction of a democratic order, not merely a meliorative practice within it. Perhaps the crucial question, then, is just what is being restored.

Modern Roman Catholic Social Teaching, I believe, offers a rich, yet insufficiently analyzed framework for interpreting restorative justice and the family of practices it inspires in deliberative democratic polities. Contemporary political philosophy typically offers a Hobson's choice between liberal "politics of rights" and communitarian "politics of the common good."⁵ Modern Catholic social teaching, by contrast, introduces a solidaristic motif in its use of rights by interpreting the common good in terms of basic human rights: the *ethos* of rights discourse, that is, is underwritten by the structural imperatives of the common good. Such a "thickening" of rights discourse under the rubrics of the common good, I believe, grounds restorative justice in modern Catholic social teaching—a conception that reflects its distinctively religious genealogy. Conceived thus, restorative justice constitutes a fundamental ethical motif running through the design and critique of society's basic structure: a constitutive dimension of modern deliberative democracy.

In collaboration with DCCIRP, I would hope to explore this thesis by (i) analyzing representative restorative justice programs and their rationale in the US, particularly those supported by the Roman Catholic Church, (ii) interpreting these practices from the perspective of restorative justice developed in broader approaches to social reconciliation, e.g., the TRC; (iii) assessing the distinctively religious (Christian) implications of restorative justice in pluralist democracies, with particular attention to the contributions of modern Catholic social teaching.

Methodology:

I will draw upon social-scientific analyses of restorative practices, attending to what Amartya Sen describes as the evaluative interpretations that underlie them⁶: What are the prevailing ethical rationales implied by emerging restorative practices? How do they "fit" within the broader politics of modern, liberal democracies? (In the restorative justice section of the Catholic Theological Society of America convention in 2009, I offered an initial sketch of differing liberal, communitarian, and Roman Catholic approaches to restorative justice as it pertained to the incarceration and deportation of undocumented migrants.) Finally, I would offer a critical, rights-based ethical assessment grounded in modern Catholic social teaching.

Background:

attended hearings of the Truth Commission. I have subsequently spoken and published several articles on the legal-judicial, ethical, and religious implications of social reconciliation; and regularly teach a course devoted to reconciliation and restorative justice. With Prof. Stephen Pope of Boston College, I initiated the restorative justice section of the CTSA. Pastorally, I have served for the past nine years as Roman Catholic chaplain to the Federal Women's Prison in Dublin, California, where the majority of the inmates are poor, Hispanic/Latina migrants. I have collaborated with the California Bishops Conference in planning a regional conference on restorative justice in 2009, and am currently co-chair of the program committee for a national conference on restorative justice to be held this summer at Santa Clara University. I likewise serve on restorative justice commission of the California Jesuit Province. In several talks and academic papers, I have, moreover, sought to address the critical question of the role of religious belief in modern, pluralist polities. A forthcoming contribution to *Theological Studies* develops maxims for applying Church teaching to contested issues in bioethics.

Academic Contributions:

Although the U.S. Conference of Catholic Bishops has adopted a restorative rationale, the legal, ethical, and theological implications of restorative justice for a pluralist democracy have yet to be systematically explored from the perspective of modern Catholic social teaching. As I noted above, restorative justice is often seen as an alternative to more strictly retributive practices in the criminal justice system. Victim/offender mediation, sentencing circles, etc. typically presume a clear delineation of victim and offender. Yet some proponents of restorative justice have recognized the limits of such assumptions, preferring to speak of "transformative" (or "generative") justice when the "perpetrator" has herself been victimized by human rights violations. Undocumented migrants, for instance, may have violated US civil law; but as Catholic teaching

membership, but the formal rule of abstract right/law (in which distinctive religious appeal is strictly limited).