

This newsletter is produced by the Christchurch Diocese Catholic Commission for Justice and Peace. Its name comes from the Latin for the dignity of the human person which expresses the cornerstone principle of Catholic Social Teaching: "the human person...is and ought to be the principle, the subject and the end of all social institutions." No 1881, Catechism of the Catholic Church.

The members of the Commission are Bishop John Cunneen, Bishop Barry Jones, Father Michael Pui, Aaron Milnes, Arnold Parr, Marisha Dorrance, Nigel Trolove, Ron Healing, Sue Sullivan, Scott Davidson and Grant Segar.

The members of the Commission can be contacted via Catherine Riley, Cathedral House, 122 Barbadoes Street, Christchurch, phone 03 366 9869.

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Deus Caritas Est

Deus Caritas Est is the first encyclical of Pope Benedict XVI's pontificate. Like all papal encyclicals, the title is taken from its first few words. This encyclical begins with a quotation from the First Letter of St. John, chapter 4, which declares in Latin, 'Deus Caritas Est' or 'God is love' in its English translation. The encyclical is difficult to read, but rich in meaning and rewards those who return to it. It certainly made a spectacular impact on the secular world, since few had expected the new Pope to write with such passion about the subject of love.

In Deus Caritas Est, the Holy Father meditates on the substance and virtues of eros and agape, and their relationship with the teachings of Jesus. Eros and agape are two of the many Greek words for love, each of which has a slightly different meaning. Agape is the form of love in which people give themselves to one another, while eros is a form of possessive love which seeks to take rather than give. Pope Benedict explains that eros and agape are both inherently good, but that eros risks being corrupted and turned into mere sex if it is not suffused with an element of spirituality. Benedict's view that eros is inherently good follows the Catholic caritas tradition and runs counter to some other theological views that agape is the only truly Christian kind of love. This is because eros, without a spiritual Christian element, can be seen only as an evocation of human desire which turns us away from God. The Holy Father by bringing together the spiritual dimension of eros rehabilitates it as a form of authentic Christian love.

Deus Caritas Est can be divided into two halves. As we have seen, the first half of the encyclical has a strong theological and moral element, tracing and analysing the meanings of the many Greek words for 'love'. In considering eros, Pope Benedict refers to a line from Virgil's Eclogues, Book X, line 69, 'Omnia vincit amor, et nos cedamus amori' ('Love conquers all, let us also yield to love'), and the opinion of Friedrich Nietzsche that Christianity has poisoned eros, turning it into a vice. But he also refers to the heights and virtues of conjugal love proclaimed so vividly in the Song of Songs, and analyses passages from the First Letter of St. John which inspired the title. The encyclical argues that eros and agape are not distinct kinds of love, but are separate halves of complete love which are unified and made perfect both by giving and receiving.

The second half of the encyclical is based on a report prepared by the Pontifical Council Cor Unum and is much less abstract, though still challenging. It sets at its heart the Church's social doctrine as an express manifestation of the Church's love in action. The Holy Father considers the charitable activities of the Church as an expression of love which draws its power from contemplative union with God. He also refers to the Church's three-fold responsibility: proclaiming the word of God (kerygma-martyria), celebrating the sacraments (leitourgia), and exercising the ministry of charity (diakonia). The encyclical says that social justice is the primary responsibility of politics and the laity; the church itself should inform the debate on social justice with reason guided by faith, but its main social activity should be directed towards charity. Charity workers should have a deep prayer life, and be uninfluenced by party and ideology. Benedict rejects Marxist arguments that the poor 'do not need charity but justice'. The Pope also rejects the fusion of the functions of the Church and the state, but rather encourages cooperation between the Church, the state, and other Christian charitable organizations.

Report of the UN Special Rapporteur on Indigenous Peoples

On 13 March 2006 Rodolfo Stavenhagen, the United Nations Special Rapporteur on Indigenous Peoples released his report on the situation of the human rights of Maori. His visit had been prompted largely by expressions of concern by the UN Committee on the Elimination of Racial Discrimination (CERD) that the Foreshore and Seabed Act had the effect of discriminating against Maori. While the Stavenhagen report acknowledged that progress had been made in settling Treaty grievances, it was nevertheless generally critical of the disparities between Maori and non-Maori in the areas of employment, income, health, housing, education, as well as in the criminal justice system. The responses of both the government and the opposition to the report were critical and dismissive, arguing that the Special Rapporteur had not fully understood the complexity of the situation. Maori representatives and commentators responded by saying that Stavenhagen had shown an extremely good grasp of the issues during his meetings with many Maori groups.

As well as addressing many of the issues relating to Treaty settlements – he thought that the Seabed and Foreshore Act was a 'backward' step and agreed with CERD that it ought to be repealed – Stavenhagen also examined Maori participation in the political system, the over-representation of Maori in prisons, educational under-achievement, poor health and economic inequality. He also made some concrete recommendations on how these matters might be addressed. These included constitutional recognition of Maori and the incorporation of the Treaty into a new constitutional settlement; making rulings of the Waitangi Tribunal legally

The sudden deportation of Yemeni immigrant Ali left many questions unanswered, so it was perhaps somewhat timely that early in April, the Government released a discussion paper for a review of the Immigration Act of 1987. The discussion paper has on the whole been well received and indeed welcomed generally by the immigration support agencies. It is comprehensive and wide-ranging in its proposals, although some of the changes are quite profound and are a cause for concern, reflected perhaps in the 1500 submissions at the time of the closing date. The fact that the policy detail will not be determined until after the act comes into force is a cause for concern. One of the proposals will, if accepted, result in the powers formerly held by the Minister regarding residency applications being devolved to high level immigration officers. While this may be acceptable or even desirable to prevent the backlog of residency applications, alarm bells are ringing in response to the two supplementary proposals to this. One is to make classified information available to immigration officers making the decisions and the other is to give Immigration Officers the power of detention to currently held by the Police and Custom Officers. The Power of Detention proposal was first considered back in 1987 but was considered a 'dangerous move' and rejected. The human rights organisation Amnesty International has expressed concern as to how classified information could be used. Security information can vary between the false and the fallacious and the thought of having a single immigration officer, regardless of his seniority making a decision based on this secret information with a single judge to review the decision has the organisation concerned. Classified information is variable in its accuracy and is often subject to political manipulation as appears to be the case in the Zouia saga. A key element of a fair trial is for the defendant to hear allegations levelled against him and so have the opportunity to respond to them, more so when liberty or even life is at stake. Consequently it requires robust and detailed examination by a lawyer to argue the case and a review system similar to the UK where a three person panel comprised of a retired judge, an immigration expert and a security expert would review the decision.

Another contentious change in the legislation is to amalgamate the Deportation Review Tribunal (DTR), the Removal Review Tribunal (RRT), the Residence Review Board (RRB) and the Refugee Status Appeals Board (RSSB) into one single authority. Ostensibly the reason given is to streamline the system whereby an applicant for residency status who falls into several categories is able to protract the process as each authority is appealed to. Given the widely held respect for the Refugee Status Appeals Board some observers fear that it will lose the calibre of the culture which it now enjoys. Besides, as one critic has remarked refugees have different needs and bases to law than other immigrants. Before the introduction of the RSSB, New Zealand suffered much international embarrassment resulting from the imprisonment of Jagpal Singh Banipal, a refugee.

The Church's teaching on refugees is stated in the Compendium of the Social Doctrine of the Church which says that the Church is not only "close to them with her pastoral presence and material support, but also with the commitment to defend their human dignity" (para 505). Pope John Paul II in his Message for Lent 1990 also said: "Concern for refugees must lead us to reaffirm and highlight universally recognized human rights, and to ask that the effective recognition of these rights be guaranteed to refugees." The new legislative provisions to be adopted by New Zealand should pay full respect to these principles, but there may be some doubt as to whether they do.

overlooked. Prison should not be a corrupting experience, a place of idleness and even vice, but instead a place of redemption.”

The present situation of increasing inmate numbers can be changed. The example of Finland is a case in point. They changed their prison policy several decades ago. Victims are an important focus in their system, with Finland having the most comprehensive victim compensation in the world. Fines from offenders are used to offset the cost of the compensation. Fines, conditional sentences, community service and victim - offender reconciliation programs became central to sentencing. For those sentenced to prison; employment, training, rehabilitation and reintegration are the focus. These changes resulted in a decrease in the rate of imprisonment and a reduction in the fear of crime. Prison numbers fell 38% in over 29 years and the rate of imprisonment declined by two thirds over 55 years!

In recent months, recommendations have been made by a range of organisations working with prisoners such as the Prisoners Aid and Rehabilitation Society and the Salvation Army. These recommendations included:

- that the government initiate a review of the Sentencing Act 2002, the Bail Act 2000 and the Parole Act 2002 with a view to reducing the number of prisoners who are remanded or sentenced to prison
- that the government increases the availability of Restorative Justice, Faith and Cultural based prison units and other rehabilitative models or pilots with the aim of making these available nationally.
- that the government direct the Department of Corrections to develop a plan that will enable all inmates to be actively in employment and/or vocational training by the year 2010.

These issues are not new. The New Zealand bishops backed the reforms of the Roper Report in 1987, and ten years ago they spoke out on this same issue with their statement entitled "Creating new hearts Moving from Retributive to Restorative Justice." More recently (29 October 2006) the bishops have supported the Salvation Army's report in a statement entitled "A new approach, not new prisons, is the answer to our growing prison population." They conclude this statement by saying: "Over the past decade our society has demanded harsher sentences and treatment of those in prisons. In an increasingly violent cycle, both the violence of offenders and the pain and suffering caused to victims has increased and will continue to grow. We cannot afford to continue in this direction."

Refugees

The burgeoning costs of the Ahmed Zouie saga together with the hasty deportation of Rayed Mohammed Abdullah Ali earlier this year have brought into focus the inability of the present immigration laws to produce a fair and equitable decision. In addition, the indecent haste or protracted length of time taken to arrive at a decision, fair or otherwise, suggests that something is seriously lacking in the procedures for dealing with refugees and immigrants. The Prime Minister put it succinctly in describing the Legislation as a 'dog's breakfast'

binding and giving Maori self-determination in the areas of social policy, education, language and culture.

Although the major political parties have criticised and disparaged the report, much of what it says is reflected in the social, criminal and educational statistics which government agencies themselves have produced. While the government and the main opposition party might reject the major thrust of the Special Rapporteur's report, it is likely to be something of an embarrassment at the international level for a country which prides itself on its race relations and commitment to the advancement of economic, social and cultural rights as well as protecting the civil and political rights of all its citizens.

A number of observations can be made about the Stavenhagen Report in the context of Catholic Social Teaching. First, the common good requires that society must be ordered in a way which allows all individuals to reach their potential as individuals or groups of individuals. If Maori are seen to be socially disadvantaged both individually and collectively, as the report suggests, then it seems clear that we must think about the way in which New Zealand society is ordered if it is to provide justice for all its people. Second, the doctrine of subsidiarity states that a community of a higher order should not interfere in the internal life of a community of a lower order. The Church also teaches that the cultural rights of communities must be respected. Iwi and hapu might be regarded as communities of a lower order to that of the central government which are in a better position to understand the needs of their members. While there are examples of Maori organisations delivering social welfare and education to their communities, perhaps this should find greater encouragement from government as these organisations are likely to know better the needs of the Maori communities which they serve. Third, the Church teaches that promises must be observed. This is expressed in the Latin maxim *pacta sunt servanda*. It is clear that, whatever the formal legal status of the Treaty of Waitangi, it is a promise made by the Crown to the Maori people which must be honoured. The deprivation of property rights under the Foreshore and Seabed Act could very well be seen as a breach of Article II of the Treaty which promises Maori their property rights. The just solution of this grievance would be a repeal of the Foreshore and Seabed Act and restitution of the right of Maori to invoke claims to rights in the foreshore and seabed before the courts.

Finally, the late Pope, John Paul II, always emphasised that the world's indigenous people were deserving of special care and attention. This view is exemplified in the late Holy Father's Address to the Aborigines and Torres Strait Islanders in Alice Springs on 29 November 1986¹ and in his World Day of Peace address in 1989 entitled *To Build Peace, Respect Minorities*.² As Pope John Paul II noted, the fragility of indigenous people's and minorities' cultures and languages as well as the other effects of colonisation have left a legacy of social and cultural deprivation among most of the world's indigenous peoples. As a matter of justice these peoples ought to be protected, nurtured and given the right to self-determination so that they can forge for themselves lives of dignity in solidarity with other members of society.

¹ http://www.natsicc.org.au/popes_speech.htm.

² http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19881208_xxii-world-day-for-peace_en.html.

Human Ecology

The impact of human technology and lifestyle on the environment is immense. The destruction of marine life and rain forests, access to water supply and sanitation, food security and the general destabilization of the climate are all aspects of one of the most pressing issues facing the world today. Moreover, many people are suffering from starvation, disease and the degradation of basic necessities such as water, air and land in the midst of unregulated technological development.

What does our faith offer the world in the face of this global crisis? In his January 1990 Message for the World Day of Peace³ the late John Paul II, speaking in relation to ecological awareness, appealed for “carefully coordinated solutions based on a ‘morally coherent world view’” It is beyond this commentary to look at this idea in any great detail, but in essence, such a view will place the human person “at the centre of environmental concerns, while simultaneously promoting an urgent sense of human responsibility for the earth.”⁴ It is a standpoint which places Scriptural references to human mastery over the earth in their true context, recognising that the human person is subject to God, and is to subdue the earth not to his or her own self-seeking purposes but to “the purposes of the Wisdom that created, sustains and continually loves it.”⁵

From the beginning, human beings sinned against God by ignoring His plan for creation. Not only are we charged with the task of guarding over creation, but we are also responsible for carrying out this role according to a universal blue-print. Though this ministerial role recognises the interdependence of all living things on the planet, this is not to be confused with an ideological ‘Mother Earth’ model put forward by some. Nature should not be deified. Nor is it correct to describe man as a type of plague or parasite of the earth, because scripture tells us that man is made in the image and likeness of God. The environment should be respected because it is the work of God. Moreover it should be respected in a spirit of holiness and wisdom.

Ecology in a broad sense can be defined as the study of organisms in relation to one another and to their surroundings. The word ‘Ecology’ comes from the Greek Oikos, meaning ‘house’, and in a sense the Church, in fulfilling its duty to uphold the moral conditions for an authentic human ecology; went to the very heart of the Catholic home through Pope Paul VI’s encyclical *Humanae Vitae*, issued in 1968. The encyclical restated the Church’s teaching that the body is an intrinsic part of the make-up of the human person, both physically and spiritually; and spoke out against the warfare carried out against the human body by way of chemicals designed to prevent the healthy working of the “most intimate environment known to man”.⁶ An ecological sense of balance is found therefore in the responsibility toward self, toward others and toward nature. The principle holds true at every level of society.

³ Message of John Paul II for the celebration of the World Day of Peace, 1 January 1990, “Peace with God the Creator and Peace with all of Creation”. For the Weblink see: http://www.vatican.va/holy_father/john_paul_ii/messages/peace/documents/hf_jp-ii_mes_19891208_xxiii-world-day-for-peace_en.html

⁴ Archbishop Celestino Migliore, the Holy See’s permanent observer to the United Nations, Holy See’s U.N Address on Human Ecology, New York, May 15 2006.

⁵ Caldecott, S; “Christian Ecology” *The Catholic World Report*, August – September 1996.

⁶ Ibid.

A glance at international consumption patterns illustrates the challenge. If a small minority of the world’s population living in the wealthiest countries uses resources in such a way as to deprive future generations of what they need to survive, arguably the way of life of the average Westerner is lacking somewhat in developmental common sense. An ecological balance must be sought. It follows then, that a great change in the individual lifestyle of the average Westerner will be required if this imbalance is to be properly addressed.

The Church teaches us that we should be custodians of nature. The environment is destined for the common good of past, present, and future humanity. “Man’s dominion over inanimate and other living beings granted by the Creator is not absolute; it is limited by concerns for the quality of life of his neighbour, including generations to come; it requires a religious respect for the integrity of creation.”⁷ Accordingly each individual has a responsibility to form an opinion on environmental concerns and decide what his or her response will be. We should keep in mind the Gospel story of the poor widow who gave all that she had in her possession; such love has the potential to change the landscape of our society by establishing solidarity based upon a respect for nature which springs from respect for human life and human dignity.

The Increasing Numbers of Prison Inmates

In 2005 New Zealand achieved the dubious distinction of having the second highest rate of imprisonment in developing countries, being surpassed by only the USA. The increasing imprisonment rate in New Zealand is not due to increasing levels of crime. Crime overall has in fact been declining. Rather, changes to legislation and improved police clearance rates have resulted in more offenders going to prison and serving longer sentences. The lack of rehabilitative and reintegrated assistance results in high levels of recidivism. This leaves New Zealand in an unsustainable situation. The demand for beds is outstripping supply. As soon as new prisons are built the beds are full. We need the political will to stop using crime as a political football, to resist ill-formed calls for harsher penalties and to debate and design prison policy based on research and expert advice.

In the scriptures we see Jesus’ compassion both for victims of crime and for those in prison. The story of the Good Samaritan tells of the loving care by a stranger for the victim of crime and of those who ignored him. Jesus exhorted his followers to follow the example of the one who was the neighbour to the man. Jesus also related to prisoners by declaring that he had come to set prisoners free. When he speaks of the final judgement he identifies himself completely with their treatment when he says “I was a prisoner and you visited me.”

In his message for the “Jubilee in Prisons” in 2000, Pope John Paul II wrote: “those States and Governments which are already engaged in or are planning to undertake a review of their prison system in order to bring it more into line with the requirements of the human person should be encouraged to continue in such an important task. This includes giving consideration to penalties other than imprisonment. 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. They should be given access to a process of training which would facilitate their re-entry into the workforce when they have served their time. Nor should the psychological assistance which can help personality problems be

⁷ *Catechism of the Catholic Church*, Second Edition, para 2415.