

Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin

by Wisconsin's Roman Catholic Bishops

We live in an imperfect world yet are called, as a Christian community, to be open to God's grace, to build the kingdom of God by being instruments of God's justice and mercy, of God's truth and freedom. Jesus came to bring life, to set us free from sin and death, to lead us back to the Father. The Holy Spirit guides us and empowers us to be agents of reconciliation.

Crime is a stark, sometimes brutal reminder that the world is imperfect. When individuals violate the rights of others they do tremendous harm to their victims and to the entire society. The task of bringing both justice and mercy to this situation is extremely challenging.

As spiritual leaders of nearly one-third of our state's population, we feel called to address the topic of crime and punishment in light of the current circumstances in our criminal justice system.

We do so with a keen awareness of the difficulties and challenges facing those touched by the corrections system, the stress experienced by staff and correctional officers, the heartaches of victims and their families, and the need for the church to take on more responsibility in addressing this serious problem.

We acknowledge the complexity of the issues before us and our own lack of expertise. To help us refine our thinking we formed a task force of thoughtful Catholics to share the perspectives gleaned from their own life experiences.

We are deeply indebted to them for their work, which has had a profound influence on this document. We invite anyone interested in an in-depth study of prison issues to refer to the report of the taskforce, as we have.

The Reality of Crime in Wisconsin

Crime touches people in every city, village and town across Wisconsin. Crime does not discriminate. Innocent people of all ages, races, economic circumstances and occupations can be victimized by crime. And victims are not alone. Every person who is victimized has family, friends and co-workers who share in the victim's suffering and fear.

Then there is the perpetrator. For every criminal serving time in Wisconsin, there is a line of family and friends standing behind them whose lives have been forever changed. They know the suffering that accompanies the pain of seeing someone they love confined to prison or jail.

Crime touches the rest of us as well, affecting the way we live and how we treat each other. It feeds our fear and limits our hope. Increasingly, it saps our spiritual and material resources. As a society, we must take stock of how crime has changed us and how our response to crime will guide our future.

A Christian Response

From its beginning, the Church has tried to help individuals and communities struggle with the reality of sin and wrongdoing. Both through ministry to those affected by sin and wrongdoing and by reflection on its causes, the Church has helped people in their struggle to heal the wounds of broken trust and ruptured relationships. While we can only touch briefly on this story, the church's observations from that experience may help us answer questions facing our state.

According to the Catechism of the Catholic Church, "the common good concerns the life of all."¹ Thus, every

person has a responsibility to contribute to the common good and a right to have his or her needs respected as the community arranges its life to further the good of all.

This blend of personal responsibility and recognition of basic rights is also reflected in the three elements of the common good: respect for the person, the well being of the group, and peace, that is the stability and security of a just order.²

Our Catholic tradition recognizes the need for society to protect itself from wrongdoers and those who violate the social contract. Yet, because the common good must consider the needs of all, the values of security must be assessed in light of the good of all people, even the offenders themselves. Even as the community secures the peace, it must make room for - and encourage - the redemption of the offender.

While we may be tempted to shun and ostracize those who commit crimes, it is important to remember that we are all sinful. Each one of us needs the grace of God to be freed from sin. Grace is a gift from God to all who choose to accept its saving power. No one, not even the most hardened criminal, is ineligible for God's grace.

Jesus' message of redemption is clear: None of us is the sum total of the worst act we have ever committed.³ The inmates living in Wisconsin's prisons are our brothers and sisters. Despite their harmful and sometimes heinous acts, Jesus calls on us to recognize their humanity. Like us, these prisoners are created in the image and likeness of God. As a people of faith, we believe that grace transforms even the most hardened and cruel human beings.

The Biblical mandate for turning our attention to the prisoners in our midst comes from Matthew (25:31-46) where

Jesus says that God will welcome into heaven those who have given food to the hungry, drink to the thirsty, welcome to the stranger, clothes to the naked and visitation to the imprisoned. For, Jesus says, “Truly, I say to you, as you did it to one of the least of these, you did it to me.”

During his public ministry, Jesus called on followers to not just love their neighbors but also their enemies; to do good to those who harm you. Instead of unlimited revenge and retaliation, Jesus called for unlimited love (Matthew 5:38-48) and said our forgiveness should be beyond calculation, it should be 70 times seven (Matthew 18:22).

And even while Jesus hung dying on the cross in pain, he extended welcome and love to the criminal hanging next to him (Luke 23:43). This was “an act of extreme mercy, an extreme gift, which can give confidence even to those who feel totally lost. With this act of forgiveness, the Lord speaks to humanity in every age.”⁴

As Christians, our mission is to model our actions and community on Jesus. Jesus called people to holiness. Jesus longed for justice. Jesus said he came to set us free. Victims of crimes need to be freed from fear and anger created by the wrongs done to them. Prisoners need to be freed from the emotional traumas, addictions, character flaws and lack of education that fuel a life of crime.

Is the Department of Corrections Really Correcting?

Just as the Christian can either accept grace or reject it, so can the Christian community act in ways that foster this acceptance or hinder it. Grace builds on nature, both of the person and the group.

Early prison systems reflected this belief. The root of the word “penitentiary” is penitent. The founding idea of the penal institution was to help inmates become penitential about their illicit behavior.

It is appropriate, therefore to ask if our current approach to crime fosters the work

of grace in the individual wrongdoer.

The fact that 50 percent of those who are paroled will end up back in prison⁵ and one-third of all Wisconsin violent criminals who were tracked in the 1980s committed a new crime and were sent back to prison⁶ would seem to indicate that prisoners are not learning what they need in order to live lawfully once they are released on parole.

The ineffectiveness of prison rehabilitation, and a lack of adequate funding for proper supervision of people on probation and parole, creates a vicious circle of failure. As unrepentant inmates are paroled to ease overcrowding, they commit more crimes and are sent back to prison, fueling public sentiment against probation and parole and a distrust of the criminal justice system.

In the context of corrections policy, being merciful to criminals does not mean prematurely releasing them from prison, it means being attentive to their needs where they are -- be it in prison, on probation, or on parole.

The question for the public and for lawmakers alike is this: is a policy of allocating so many resources to locking up people without reforming them good stewardship which furthers the common good?

We think the answer is no. Neither public safety nor the common good are achieved when so many people who are sentenced to prison are released without being rehabilitated. Nor is public safety served by prison overcrowding which threatens the well being of correctional officers and prisoners alike.

It would be inappropriate to blame the Department of Corrections for this situation. All of us share responsibility for fashioning and tolerating the current system. We also all share responsibility for improving it.

As we assess how to do this in the future, we first turn to the Gospel for insights which help us lay the foundation for our response.

Justice and Mercy as a Means to Restoration

Throughout his earthly ministry, Jesus taught that the reign of God will be made up of people who have performed works of mercy. In helping us understand that teaching, Pope John Paul II observes that Jesus makes mercy one of the principal themes of his teaching. The Holy Father describes God’s call to mercy as one of the essential elements of the Gospel.⁷

He goes on to affirm that “mercy signifies a special power of love, which prevails over the sin and infidelity of the chosen people.” This mercy is not limited to the notion of God, but is something that characterizes the life of the whole people of Israel and each of its sons and daughters. Mercy is, in a way, to be contrasted with God’s justice, and in many cases is “not only more powerful than that justice but also more profound.” The Pope observes that although justice is an authentic virtue in man, love is greater than justice and “in the final analysis, justice serves love.”⁸

Mercy, however, is more than just forgiveness. It is restorative. It is more than looking compassionately at evil. Mercy is manifested in its true sense when it restores to value, promotes and draws good from all forms of evil existing in the world and in man.⁹

In the context of corrections policy, being merciful to criminals does not mean prematurely releasing them from prison, it means being attentive to their needs where they are -- be it in prison, on probation, or on parole. In light of this teaching, we should ask ourselves whether our current corrections policies are consistent with this relationship between mercy and justice and whether they foster this restorative aspect of mercy.

Healing Broken Relationships

No broken relationship can be restored by just one party. Both those who have broken the trust and those who have been wounded have a role in the process.

This truth is expressed eloquently in the Biblical account of the Prodigal Son. The necessary first step in the story is the Prodigal Son's recognition that his actions and choices have diminished him as a person and wounded his family. Without that admission, and "ownership" of his sin, the story would not take place. However, having faced up to his failure, the son seeks to return home.

The Prodigal son returns to a mixed reaction. The father welcomes him, rejoices at his change of heart and opens his arms and his heart to the son. At the same time, the Prodigal Son's brother, who has remained faithful and obedient, resents his father's generosity and compassion. He refuses to join in welcoming his brother into the home and back to the community. Thus, despite the father's generosity, the wounds are not totally healed.

This story should remind us that Catholics and others of good will can encourage offenders and victims to heal wounds but, by themselves, they will be unable to undo the damage. Reconciliation and restoration are not possible unless those rightly convicted of crimes accept the responsibility for what they have done and acknowledge that their crimes had consequences for others.

Neither is restoration possible if law abiding citizens cannot set aside their pain and righteousness in favor of making the community whole again. Anger, as a feeling, is morally neutral. Anger can help one deal with pain and loss. But anger can also limit the healing power of love. When anger hardens into hatred it closes the heart to healing and restoration of relationship. Such anger which wounds another, or refuses to forgive, is a sin.

Guiding Principles

This reflection and the scriptural mandate from Jesus provide a foundation from which we offer principles to guide personal and public policy responses to crime. These principles can help determine whether responses are redemptive or vengeful.

Corrections policies must convey respect for the human person. Responses to crime must recognize the inherent dignity of every person. Policies and responses must be fashioned in ways that restore dignity to offenders who feel they have lost self-respect and dignity, and heal the victims and loved ones betrayed by the crime.

Policies must serve the common good. The common good is measured in terms of the welfare of all persons. The needs of no single group -- offenders, law enforcement, victims, or taxpayers -- should trump the needs of all others. Policies must be evaluated in light of their capacity to reflect the interests of all.

Corrections policies must exercise an option for the poor and marginalized. The sense of human dignity of those lacking financial resources is especially at risk. Therefore, criminal justice policies and pastoral responses to crime must take special care to address and serve those with little or no money. Policies must ensure that justice is as accessible to victims and offenders who are poor as it is to those who are more affluent. Policies must also be assessed in light of their impact on racial minorities, who are disproportionately represented in the corrections system.

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Policies, even those that enforce strict punishment, must serve the end of restoration. Nearly all prisoners sentenced for crimes will return to the community some day. Policies must be assessed in terms of their capacity to assure that offenders will live a productive and peaceful life in the community to which they return.

Policies must foster the principle of solidarity among all in the community. Public and private responses to crime

must foster the principle of solidarity, which is to make a commitment to the good of each person and therefore the good of the entire community. For the Christian, living out the principle of solidarity fulfills Jesus' call to love your neighbor as yourself.¹⁰

Accordingly, policies should serve to reunite the offender with the community and supportive institutions of family, church and neighborhood. Policies should also foster healing of crime victims so that they too can be restored to the community and feel free to move about in it.

Applying the Principles

All of us must be involved in the work of restorative justice and all institutions have something to contribute to making it a reality. Without relieving anyone of his or her responsibility in this regard, we want to address specific suggestions to government leaders, those who help shape public opinion, and to Catholic citizens of our state.

Public officials: We encourage and affirm those officials who often courageously connect our Judeo-Christian tradition of forgiveness and compassion to public policies they implement. We call on elected officials to serve the common good by allocating more resources to prevent crime, provide rehabilitation to prisoners, and adequate supervision of those on probation and parole. We urge support for prison programs and policies that support literacy, employment training, anger management, drug and alcohol counseling. We also urge that these be provided earlier in a prisoner's sentence, before lengthy isolation and the hardness of prison life makes the inmate less responsive.

The news media: We acknowledge and affirm the vital role of the media in shaping public perceptions about crime in Wisconsin. We encourage their efforts to cover our criminal justice system in ways that help the public discern the difference between policies that are "tough on crime" and those that are "smart on crime."

To do this important job, the media

requires both access and balance.

Reporters cannot report what they do not know. Prudent media access to prisons and improved communications between news media and public officials will foster more accurate reporting, opportunities for positive stories about successful criminal justice efforts and more balanced crime coverage than is possible in twenty-second sound bites and video clips.

Similarly, sensational and constant reporting about crime, as newsworthy as each incident may be, can distort public perceptions when not balanced by stories that depict the effectiveness of rehabilitation and call attention to recent trends of lower crime rates.

A Special Call For Catholics

Finally, we call on Catholics to answer Jesus' call to love our neighbors as ourselves and extend love and forgiveness, even when it is difficult.

We call on Catholic leaders, be they clergy, religious or laypeople to continue to articulate the Church's strong opposition to the death penalty and other social teachings that illuminate our responsibilities in the area of crime and punishment. We ask clergy to make sacraments available regularly to inmates in prisons and jails.

Catholic individuals, parish communities, and diocesan organizations should assess their outreach and service to victims, to prisoners, to prisoners' families and to the correctional officers who maintain peace in our state prisons and county jails.

As parish groups and individuals minister to Catholics in prison, we encourage them to take note of the needs of the growing number of Hispanic Catholics in prison. Such sensitivity to our fellow Catholics should also make us aware of how prisoners who are members of all racial and religious minorities are affected by current programs and policies.

We especially encourage visits to prisoners. Many prisoners never receive

visitors. This leaves them lonely, isolated and without any hope that their life will ever be any better or different than it was before they entered prison. A simple visit offers a support to prisoners in their loneliness and desolation. Visits also allow people of faith to give witness to the love and forgiveness of Jesus Christ, who makes all things new.

Parishes could provide support groups for jail and correctional officers and their families, who need encouragement and support in the stressful task of peace-keeping.

Catholics can also open their hearts and minds so that those released from prison and jail find a more charitable welcome and opportunity to make a fresh start. This means providing ex-offenders with access to housing and jobs, even in our own neighborhoods or communities.

Conclusion

We do not know if the mercy exhibited by the parent of the Prodigal Son was enough to heal his family and restore what had been broken, for Luke's Gospel tells us neither whether the Prodigal Son learned his lesson nor whether his righteous brother accepted him back into the family. Nor can we know if the call for our Wisconsin community to consider a different approach to dealing with crime and punishment will bear fruit.

However, we do know that we are called by Jesus to follow the example of the Prodigal Son's loving parent and reach out to both the wrongdoers and the injured in our community. We must invite each person, victim, and wrongdoer to restore their belief in a human family that is larger than they are but incomplete without them.

For, in the final analysis, only a community that tempers justice with mercy and that welcomes back its prodigal children can be healed. Only such communities can become truly safer. And only in the peace of such safety can the common good be realized.

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Footnotes

¹ The Catechism of the Catholic Church, #1906.

² The Catechism of the Catholic Church, #1907-09.

³ Sister Helen Prejean, CSJ, author of Dead Man Walking, in a presentation to the National Catholic Education Association, Minneapolis, April 1997.

⁴ Pope John Paul II in his message to Prisons at Frei Caneca Penitentiary, September 30, 1997.

⁵ Wisconsin Policy Research Institute Report, Parole in Wisconsin, June 1992, p. 15.

⁶ Milwaukee Journal Sentinel, "State to study whether faith based programs cut crime," Steven Walters, 11/22/98, p. 1.

⁷ Pope John Paul II, "Rich in Mercy" (*Dives in Misericordia*), #3.

⁸ Ibid, #4.

⁹ Ibid #6.

¹⁰ Pope John Paul II, On Social Concern (*Sollicitudo Rei Socialis*), #38.

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