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10. Reforming Our Responses to Crime

Recent Papal Contributions

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Abstract

Pope Francis and his immediate predecessors, Benedict XVI and John Paul II, offer a positive vision of an appropriate societal response to crime and to criminals by emphasizing human dignity, rehabilitation, and social reconciliation. Their approach critiques today's excessive focus upon punishment at the expense of prevention and rehabilitation, especially in respect to low-level crime. By contrast, the popes argue that modern states give insufficient attention to macro-level crime and corruption. Correction of these imbalances will serve the common good and provide much-needed reform of contemporary justice systems.

Keywords: crime, justice, punishment, Francis, incarceration

Introduction

In 2004, the Pontifical Council for Justice and Peace received copyright for the English translation of its *Compendium of the Social Doctrine of the Church*, created to be a succinct yet systematic account of the foundations of Catholic social teaching (xvii).¹ Within its analysis of the functions of political authority, the *Social Compendium* devotes a subsection to the topic of “Inflicting Punishment” (402-405). While the first two sections address the responsibility of public authorities to sanction crime, and their purposes in doing so, Number 404 analyzes the proper modes of procedure prior to conviction. Positively, these include conducting “a meticulous search for the truth” and “guaranteeing the rights of the guilty as well as the innocent.” Such rights include the presumption of innocence and respect for confidentiality. Negatively, the document prohibits punishment without proof of criminal responsibility, as well as excessive pre-trial detentions and torture (which is forbidden under any circumstances). Since juridical errors are inevitable, the document explains, societies should compensate the wrongfully convicted. Thus, regarding the state’s duties towards those accused of crime, the *Social Compendium’s* summary is both clear and specific.

The following section, Number 405, provides a similarly detailed summary of Church teaching on the death penalty.² Its contents need not concern us here, but the juxtaposition of the two sections is striking because of the absence of what should logically appear between them: a description of ethical responses to non-capital crimes.³ What responsibilities does society bear toward those convicted of lesser offenses? And, if a nation abolishes the death penalty, how should it respond to what once may have been capital crimes? Does recent universal Church teaching have a contribution to make regarding these questions?⁴

In contrast to the lacuna in the *Social Compendium*, Pope Francis and his immediate predecessors, Benedict XVI and John Paul II, have discussed appropriate and inappropriate responses to convicted criminals and to crime, although none of these popes has articulated a comprehensive treatment of the subject.⁵ By emphasizing respect for human dignity, rehabilitation, and social reconciliation, they indicate that crime calls for conversion – a conversion necessary not only for perpetrators, but also for society and for criminal justice

¹ All references to this document, excluding the references to the introduction, will use its internal numbers rather than page numbers. I will use this citation method for all magisterial documents issued after 1962. On January 1, 2017, the Pontifical Council for Justice and Peace merged with three other pontifical councils to form the new Dicastery for Promoting Integral Human Development (see Francis 2016b).

² Note that there has been considerable development in this area since 2004. See Congregation for the Doctrine of the Faith; Francis 2015a.

³ Even in societies that retain capital punishment, death sentences are comparatively rare. As of 2014, 50% of the world’s nations had completely abolished capital punishment, while another 4% had abolished it for ordinary crimes (see Hood and Hoyle: 16).

⁴ This paper will not address statements on crime and punishment from bishops’ conferences. For an analysis of an important statement from the U.S. bishops, see William J. Collinge’s analysis of *Responsibility, Rehabilitation, and Restoration*, in Conway et al.:119-35.

⁵ This paper does not attempt to identify or discuss all of the recent popes’ references to crime and criminal justice.

systems. The popes' positive vision provides a valuable starting point, therefore, for reforming our responses to crime.

To set the contributions of the most recent popes in historical perspective, it will be helpful to review how classical moral theology generally discussed questions of responsibility, purpose, and means in respect to societies' responses to crime. Next, we will consider the contexts in which the three popes have addressed such questions. This will provide background for the paper's central topic: the popes' contributions to a renewed Catholic understanding of how best to respond to those convicted of crime and to the phenomenon of crime itself. As we will see, John Paul II, Benedict XVI, and Francis have diagnosed similar imbalances in how modern societies handle both. We are fighting crime, they argue, at the wrong levels, and relying upon responses that do not ultimately serve the common good. A renewed response to crime, by contrast, will emphasize the shared human nature and need for repentance that characterizes all members of society.

The Earlier Tradition

As background for recent papal statements regarding responses to crime, it will be helpful to review the earlier Catholic tradition's response to three general categories of questions about criminal justice. The first category includes what one might call the *Who Questions*, i.e., who is responsible for responding to crime and who merits that response? The second category includes the *Why Question*: what are the goals that society seeks to achieve in responding to crime? Last is the *How Question*: what are the legitimate means of achieving these goals? While the central focus of the present discussion concerns licit means, that issue is necessarily connected with the other two.

One of the most consistent elements of classical moral theology's approach to wrongdoing is its insistence that responding to a completed crime is a task for civic authorities, not private individuals (see Aquinas: *ST II-II.64.3*; 65.1 *c.*; 108.1 *ad 1*; for later illustrations, see Molina: 1:63, 64; Vermeersch: 2:552; Sabetti and Barrett: 271-72; Pius XII: 1:253). When a crime is in progress, persons have a right to defend themselves and others from loss of life, bodily integrity, and to some degree, from serious property losses – although how far the right to defend one's goods extends was debated (see Liguori: 1:631-42). However, general theological consensus drew a sharp distinction between resisting a crime in progress and responding to a crime that had already been completed. The latter was reserved exclusively for public authorities. For classical moral theology, denying the legitimacy of vigilante interventions was a serious concern (note Sabetti and Barrett's [272] explicit condemnation of lynching).

The second element of the *Who Question* concerns the persons subject to public interventions. Here again, there was a widespread consensus within the tradition. Only the guilty should face penalties under *iusiustitia vindicativa*, the form of justice meted out in response to crime (see Molina: 4: 5, 10).⁶ To give a modern illustration, judges may impose restitution, fines, and other penalties upon vandals, but cannot attempt to deter vandalism by applying

⁶ Classical moral theology, however, did make a distinction between imposing death or physical injury and depriving someone of property (see Aquinas: *ST II-II.108.4 ad 2*).

these sanctions to all young people living in a targeted neighborhood. Only the perpetrators of actual crimes merit a response from public officials. Regarding the *Who Questions* – who responds to crime, and who is subject to that response – classical moral theology was clear and consistent.

Regarding the *Why Question* – the purpose of public responses to crime – the Catholic tradition’s response was more complex. Among the legitimate purposes of punishment, for example, Aquinas mentions deterrence, rehabilitation, maintenance of public peace, the preservation of justice, and the maintenance of divine honor (*ST* II.108.1, 3). However, it is not always clear how these purposes are related to one another, or what criteria should govern the choice between responses that serve some purposes better than others. From a contemporary perspective, one of the most challenging aspects of this problem concerns retribution as an isolated goal of responding to crime. In other words, is *punishment alone* a sufficient reason for sanctioning crime in a particular way? Or do punishments have value only insofar as they serve other ends, such as rehabilitation, deterrence, protection of society, enhancement of the common good, etc.?

In the mid-1950s, Pope Pius XII offered several thoughtful justifications for retributive punishment, in light of the earlier tradition (1:255-57, 306-28). Speaking to the Sixth Congress of International Penal Law in 1953, the pope questioned whether modern evaluations of criminal penalties as means of community protection and rehabilitation were “fully adequate to explain punishment” (1:256). In an address prepared for the Italian Association of Catholic Jurists, he argued: “Punishment is the reaction demanded by law and justice against crime; they are like blow and counter-blow” (1:308). This conclusion rested on a “religious analysis of crime”:

Crime is an arrogant contempt for authority, which demands the maintenance of order and a respect for what is right and what is good. Authority is the source, the custodian, the protector and the vindicator of order itself; and inasmuch as all human authority is ultimately derived from God, every criminal act is a defiance of God Himself, of His Supreme law and His sovereign Majesty” (1:308).

The text indicates that Pius was speaking only of freely chosen violations of legitimate laws, by persons with the capacity to make such choices (1:307).

Such an association of crime with defiance of legitimate authority, and ultimately of God, offers conceivable justification for purely punitive sanctions, e.g., the punishment of a repentant offender who has made appropriate restitution and who poses no further threat to society. However, it is harder to reconcile this argument with the judgment – also longstanding in the Catholic tradition – that other considerations can over-ride the duty to punish criminals. Classical moral theology did not treat punishing crime as an absolute obligation. There are examples, even in Aquinas, of cases in which public authorities are advised not to punish crime because the cure threatens consequences that are worse for the community than the disease, or because it is impossible to separate the innocent from the guilty (*ST* II-II.10.11 *c.*; 108.1 *ad* 5). Pius himself refers, without objection, to the establishment of statutes of limitations for imposing some criminal penalties (1:317-18). Thus, within the Catholic tradition, public authorities’ duty to punish crime has coexisted with the freedom – and in some cases, even

the duty – not to punish particular crimes. Retribution has been an important element of the earlier tradition’s responses to crime, but its relationship to other purposes of criminal sanctions can be problematic.

Finally, there is the *How Question*: what are the legitimate means of responding to crime? Here, it is important to note that classical moral theology typically did not cite the Bible as a blueprint for assigning specific punishments for particular crimes. Thus, Aquinas used Cicero’s list of customary criminal punishments to demonstrate that the Hebrew scriptures punished crime appropriately, and then reversed the argument to prove the legitimacy of the customary punishments because they conform to scripture (*ST* I-II.105.2 obj. 10, *ad* 10; II-II.108.3). However, Aquinas did not conclude that public authorities must respond to specific crimes in specific ways because of biblical prescriptions. The Bible demonstrates that certain responses to crime are legitimate, but not that they are obligatory. Deciding what response to give to which crime is a matter for human positive law.⁷ While classical moral theology offered some general guidelines about responses to crime – for example, that they should be neither too harsh nor too lenient – the tradition tended to leave the choice of means for responding to crime to secular authorities (Aquinas: *ST* II-II.108.2 *ad* 3; Molina: 1:8, 3:368, 4:18).

Thus, the recent popes have inherited a tradition that is clear and specific on the appropriate agents/recipients of responses to crime, broad regarding the goals of such interventions, and flexible concerning the appropriate means. As we will see, the recent popes have added nuances to the agency questions, focused the questions of purpose, and qualified the means question, with special attention to a particular mode of responding to crime: incarceration.

Context of the Papal Contributions

Before discussing recent papal contributions to the *Who*, *Why*, and *How Questions*, we should review the contexts in which the popes have considered these issues. None of the three has devoted an encyclical to the subject, and even John Paul II’s famous discussion of the death penalty in *Evangelium Vitae* comprises only a few paragraphs in a much longer document (1995: 27, 56). Nonetheless, the three most recent popes have addressed crime and punishment on a variety of occasions. First, as pastors, all of these popes have visited prisons during their pontificates (e.g., John Paul II 2000c; Benedict XVI 2007a, 2011c, 2011d; Francis 2014c). In fact, some of the iconic photographs of John Paul II and Francis were taken during their visits to prisons (Mari; CNS). Such pastoral visits have taken place in Rome, but they have also been parts of a pope’s international travel. Pope Francis has often visited such institutions: his trips to the United States and Mexico, for example, included stops at prisons in Philadelphia and Ciudad Juárez (Conway et al.: 21-22; Francis 2015b, 2016a). It is common for a pope to offer remarks on these occasions, which provide obvious opportunities to reflect upon responses to crime.

⁷See Molina’s (4:17, 18) refutation of Scotus’ argument that capital punishment could only be applied in cases with a specific biblical precedent. For a more recent reiteration of role of positive law, see International Theological Commission: 91.

A second such opportunity emerges in Jubilee Years.⁸ Given the reference in Isaiah 61:1 to the proclamation of release to prisoners, it is not surprising that a special Jubilee for Prisoners was included within the regular Jubilee Year celebrated by John Paul II in 2000 (2000b, 2000, 2000d). Francis included such a celebration within the extraordinary Jubilee Year of Mercy (2016d).

The popes have also written letters and given addresses to organizations involved with the penal system, especially when they hold conferences in Rome. Some of the most important recent papal references to crime appear within what the pontiffs have written or said to groups such as the National Association of Magistrates, Interpol, and the International Penal Association (see John Paul II 2000a, 2004; Benedict XVI 2011b, 2012a, 2000b; Francis 2014b, 2014g). Vatican representatives have discussed crime at the United Nations, and popes have addressed these issues when welcoming ambassadors to the Holy See (Auza; John Paul II 2003).

In short, our recent popes have found many occasions to refer to issues of crime and how society should or should not respond. While Pope Francis has given the most extensive consideration to such questions, it is striking that his comments often invoke the same themes as his predecessors.

The Who Question

Like the earlier tradition, the recent popes assume that responding to crime is a function of public authority, and that only the guilty merit such responses. However, they extend that argument with some important considerations concerning the role of contemporary public authorities. Discussing rising urban crime rates in Africa, the Post-Synodal document, *Africae Munus*, describes the “widespread non-enforcement of the law” as a “violation of human rights” (Benedict XVI 2011a: 83). As will become apparent later in the discussion, the popes’ assessment of contemporary responses to crime emphasizes that authorities often fail to respond, especially to macro-level crimes. On the other hand, Pope Francis has called particular attention to state responses to crime that circumvent the requirements of a community’s legal system, for example, through lengthy detentions without trial or even formal charges (2014g: IIb). In an obvious reference to the rendition of suspected terrorists, he reproves states “for having committed or tolerated kidnapping within their territories, including that of citizens of their respective countries, or of having authorized the use of their air space for illegal transportation toward detention centres where torture takes place” (2014g: IIc). Like Vatican II’s *Gaudium et Spes* (27), all three popes assert that no circumstances can justify torture (John Paul II 1993: 80; Benedict XVI 2007b; Francis 2014d). Contemporary political authorities, therefore, fail in their responses to crime by acts of both omission and commission.

⁸ Since the beginning of the fourteenth century, popes have declared years of jubilee to encourage growth in holiness of life through confession, pilgrimages, and acts of reconciliation. Ordinary jubilees occur at regular intervals – today, every twenty-five years – while popes can also declare extraordinary jubilees to commemorate special anniversaries or to respond to special needs (on the general history, see Vatican Website; USCCB).

The Why Question

The current pope and his two predecessors follow the earlier tradition's example in mentioning a variety of societal purposes for responding to crime. Public authorities act to "stem crime and defend society," to provide compensation for victims, to achieve redress for the deliberate violation of "the rules of coexistence," to promote the common good and maintain public order, to repair "the disorder caused by crime," to rebuild social relationships, and to encourage conversion (Benedict XVI 2012a; Francis 2014b: 1; 2014g; John Paul II 2000b: 5; 2000d: 1; Benedict XVI 2007b; Francis 2014b: 2). However, the rehabilitation and reintegration of offenders receives their most consistent and extensive consideration (John Paul II 2000a: 6; 2004: 3; Benedict XVI 2011c; 2012a; 2012b; Francis 2014a: 8). Unless rehabilitation serves as the "culminating and defining feature" of the penal process, asserted Pope Benedict, "justice is not done in an integral sense" (2012b).

In their answers to the *Why Question*, it is interesting what the popes say and do not say about punishment. None of them denies the appropriateness of punishing crime. However, they argue that punishment alone is not enough (Benedict XVI 2012b), rejecting approaches that are "merely repressive or punitive" (John Paul II 2004: 3), on the grounds that "true justice is not satisfied by simply punishing criminals" (Francis 2014b: 2). The current pope also points out: "there is a necessary asymmetry between crime and punishment" (Francis 2014b: 1). While punishment should be proportionate, Francis argues, criminal sanctions should be a last resort, "limited to the most serious cases" (2014g: I). By contrast, rehabilitation and social reconciliation appear in the popes' analyses as the ultimate goals of, and hence as the appropriate measures for assessing, societal responses to crime. These criteria serve a critical role, as we shall see, in their analysis of incarceration.

The How Question

In the twentieth century, official Church teaching rejected, sometimes explicitly and sometimes implicitly, certain modes of punishment that had been regarded as legitimate, at least in theory, within classical moral theology. The development that has received the most public attention has been the ongoing transition in official Roman Catholic teaching on capital punishment; however, I will argue elsewhere that this was really part of a broader transition within the tradition, grounded in an emphasis upon the dignity of all persons, including those who have committed serious crimes. If once-accepted punishments such as enslavement, mutilation, torture, and capital punishment, do not correspond to the requirements of human dignity, how should public authorities behave instead? The recent popes' discussions of legitimate responses to crime appear within the context of this broader problem. As Pope Francis observed: "Civic life, structured around an organized community, needs rules of coexistence, the willful violation of which demands appropriate redress" (2014g: *intro.a*). The question is how to structure such a response under contemporary conditions.

The mode of response that the popes typically discuss is incarceration. None has denied that imprisonment represents an appropriate response to crime under some circumstances, although they have also encouraged the development of alternatives (John Paul II 2000b: 5, 7; Benedict XVI 2011d; Francis 2016a; see also Pius XII: 1:313). Benedict XVI identified several critical goals of detention: "the protection of society from possible threats" and "the

reintegration of those who have erred without trampling upon their dignity and without excluding them from social life” (2011d). This provides three important benchmarks for assessing incarceration: Does it respect the prisoners’ dignity? Does it facilitate their rehabilitation? Does it protect society? In all of these areas, the popes have identified severe deficiencies in contemporary penal systems.

Human Dignity

“Prisoners,” insisted Pope Benedict’s *Africae Munus*, “are human persons who, despite their crime, deserve to be treated with respect and dignity” (2011a: 83). “States are not allowed, juridically or in fact, to subordinate respect for the dignity of the human person to any other purpose, even if it should serve some sort of social utility,” asserted Pope Francis (2014g: *concl.*). Nevertheless, the recent popes have acknowledged that today’s penal systems often fail to meet these standards. Each pontiff, for example, has commented on the persistent problem of prison overcrowding (John Paul II 2000b: 5; Benedict XVI 2011d; Francis 2014g: IIb). John Paul II spoke of the “wretched state” of many prisons, of the prevalence of violence within them, and the subjection of prisoners to “ethnic, social, economic, sexual, political and religious discrimination” (2000b: 6). “In some cases,” the pope observed, “detention seems to create more problems than it solves” (2000b: 5). The increased risks of mental illness and suicide associated with confinement in high security prisons drew special reproof from Francis, who described such isolation as a “form of torture” (2014g: IIc). The current pope also called upon Christians and all persons of good will to work together to improve prison conditions (2014g: IIa).

Rehabilitation and Public Safety

If conditions unworthy of human dignity characterize many prisons, so does a failure to encourage rehabilitation. Later, we will turn to the popes’ recommendations about facilitating this process. First, however, one should note their arguments about the consequences of indifference towards rehabilitation. In fact, such a lack of empathy ignores a basic truth: sin and the need for reconciliation are universal human experiences. Pope Francis observed: “Hypocrisy leads us to overlook the possibility that people can change their lives; we put little trust in rehabilitation, rehabilitation into society. But in this way we forget that we are all sinners” (2016d). Such attitudes create an additional wedge between prisoners and other persons, so that inmates, as Pope Benedict warned, become outcasts, regarded as disposable burdens rather than as fellow members of society (2011d; 2012b).

The consequences of such indifference are dire for everyone involved. Without rehabilitation, incarceration serves only as a mode of punishment and social retaliation, or in the words of John Paul II, “a mere act of vengeance” (Francis 2014c; John Paul II 2000b: 4). Ironically, this focus upon punishing criminals ignores the needs of victims. In addition, although the criminals serve their sentences, they leave prison unchanged (Francis 2014b: 1). Society’s reliance upon increasingly harsh sentences creates an illusion of safety rather than genuine safety (Francis 2014e). By contrast, explained Benedict XVI, rehabilitation enhances the possibilities for public peace. “The prisoner’s personal need to undergo in prison a process of rehabilitation and maturation is actually a need of society itself, both because it stands to regain someone who can make a useful contribution to the common good, and also because

such a process makes the prisoner less likely to reoffend and thus endanger society” (2012b). Encouraging rehabilitation is a service, and indifference to rehabilitation a threat, to the entire community.

Improving the Penal System

The popes’ recommendations for improving penal systems also reflect this focus on rehabilitation and social reconciliation. John Paul II called for psychological assistance and vocational training for the incarcerated, as well as increased opportunities to maintain contact with their families, and better structures to assist in their reentry into society. He also insisted on the removal of obstacles to prisoners’ exercise of religious freedom and asked that they be “offered the chance to deepen their relationship with God and to become involved in charitable projects and works of solidarity” (2000b: 6-7). Similarly, Pope Benedict urged prison chaplains and their coworkers to help the incarcerated “rediscover a sense of purpose,” as a step toward personal conversion, reconciliation with family and friends, and the assumption of appropriate social responsibilities (2007b). Speaking to a conference of prison directors, Benedict reminded them that many inmates are already marginalized, and thus are at particular risk of discouragement and despair. In response, the pope emphasized the need for appropriate programming, especially in “evangelization and spiritual care, capable of drawing out the most noble and profound side of the prisoner, awakening his enthusiasm for life and his desire for beauty, so characteristic of people who discover anew that they bear within them the indelible image of God” (2012b). Urging Mexican prisoners to improve their communities by revealing the “cycle of violence and exclusion,” Pope Francis promised: “The one who has suffered the greatest pain, and we could say ‘has experienced hell,’ can become a prophet in society” (2016a).

In addition, the popes have often advocated for populations with special needs within the penal system. Benedict XVI pointed to the challenges faced by “foreign prisoners,” i.e., persons incarcerated in a country other than their own (2012b). John Paul II asked for special consideration for the terminally ill (2000b: 6). Within his call for the reform of the penal system, Pope Francis included appeals for this group, as well as for children and the elderly, for the disabled, the sick, and parents who are the sole support of a child or disabled person (2014g: II d). The excessive detention of those charged, but not yet tried, is another of Francis’s concerns (II b). He has also called for the elimination of life sentences – presumably a reference to irreducible life sentences – referring to them as capital sentences in disguise (II a; on the debate over irreducible life sentences, see Hood and Hoyle: 485-91). The penal system may claim a period of a prisoner’s life, Francis argues, but it should never take away such a person’s hope (2015a).

At essence, the root of the papal critiques and suggestions for the improvement of the penal system is centered upon the view of prisoners as persons, with the same need for penance and reintegration that all human beings share. The central problems with incarceration come from a failure to respect that humanity. Lack of alternatives to detention results in overcrowding and strains already inadequate prison facilities. All too often, prisons warehouse inmates, exacerbating their isolation instead of preparing them to reenter society. In fact, the popes’ strategies for fostering rehabilitation treat prisoners as contributing members of society and as persons preparing to contribute to society more extensively

following their release (Francis 2016a). John Paul II described time in prison as “God’s time” (2000b: 3). Speaking to inmates of the shared human task of reintegration, Francis observed: “Some make this journey at home, in their own work; others, like you, in a penitentiary” (2014e). Finally, Benedict XVI cited the Italian Bishops’ Conference in calling for an extension of the corporal works of mercy. Besides visiting those in prison, we must welcome them, “making room for them in our own time, in our home, in our friendships, in our laws [and] in our cities” (2011d).

Responding to Crime at the Macro-Level

In their recommendations for renewing social responses to crime, therefore, the popes highlight all persons’ shared vocation and responsibility for the common good. This vision also shapes their analysis of crime itself. In discussing crime, the popes focus upon its organized and trans-national manifestations. Perhaps this reflects the international character of many of their audiences – the Interpol conference, for example – yet it is striking how strongly the popes emphasize macro-level crime. “These crimes,” Benedict argued, “transgress the moral barriers which were progressively built up by civilization and . . . reintroduce a form of barbarism which denies man and his dignity” (2012a). To illustrate such malfeasance, the popes consistently invoke human trafficking (John Paul II 2001: 19; Benedict XVI 2012a; Francis 2014g: IIIa; 2016c). The papal statements also condemn the drug trade, arms smuggling, terrorism, and forced labor, while acknowledging that official complicity facilitates such crimes. In a sense, corruption is the catalyst that enables large-scale crime, including slave labor. Moreover, corruption allows the perpetrators of major crimes – the crimes about which the popes express their greatest concern – to evade the criminal justice system (see Benedict XVI 2012a; Francis 2016c; 2014g: IIIa-b).

Pope Francis raises this dichotomy explicitly in his 2014 “Address to the Delegates of the International Association of Penal Law” (2014g). On the one hand, he argues, fear of crime, sometimes exploited by political movements, has given rise to “penal populism,” the mistaken attempt to resolve social problems by imposing ever-increasing criminal sanctions, especially against those regarded as alien within particular communities. These low-level criminals fill the same functions as scapegoats in ancient societies, since public opinion assigns to both the blame for a wide range of social ills (2014g: *Intro.a-b*). Yet while attitudes harden toward minor criminals, corruption allows the perpetrators of macro-level crimes to remain unscathed. Francis compares the contemporary administration of criminal justice to a net that scoops up the small fry while leaving the “big fish” untouched in the ocean (2014g: IIIb).

Thus, the popes’ discussion of responding to crime is in some sense parallels their analysis of how we often respond to criminals. At one level, society’s response is excessive – too many incarcerations, too many draconian punishments for minor offenses. At another, society fails to respond in ways that would truly serve the common good: addressing the social conditions that promote crime, fostering rehabilitation, and concentrating upon the macro-offenses that threaten human dignity most directly.

Conclusion

In their development, and to some extent, their redirection of Roman Catholic teaching on criminal justice, Pope Francis and his two predecessors offer a paradigm centered around

the shared humanity, and the shared need for repentance, that characterizes all members of society, including those whose freedoms and opportunities are currently limited by penal sanctions. The popes' approach invites us to reconsider what true justice requires: to face the contemporary temptations toward "penal populism" so characteristic of this age, especially here in the United States. From this perspective, it becomes clear that our responses to crime, rather than simply those convicted of crime, need the grace of reform and rehabilitation.

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