“The Lord Sets the Prisoners Free”: Catholic Social Tradition, Prison Abolition, and the Neuroscience of Redemption

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A person smiling for the camera

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This capstone project is dedicated to James Joseph Gibson.

To the state of Pennsylvania, he was inmate #EC9005. To me, he was Uncle Jimmy.

I saw Jimmy through the eyes of a child. I was not yet steeped in the dehumanizing ethos of our prison nation. In my eyes, Jimmy was not principally an addict, a thief, or a prisoner; he was first a man who did the best Scooby Doo impression I had ever heard, who could always make my sisters and I giggle at stories around a campfire, and who gave bear hugs that made me feel safe and loved. Through the eyes of a child, I had the capacity to recognize his humanity before his disease or his offenses.

It was my privilege to love Jimmy with the heart of a child, a heart that mimicked the heart of an endlessly merciful God. I believe that love provided fertile soil in which a dedication to solidarity with those on the margins could take root. As I’ve been invited to accompany those on the margins at our southern border in Texas, in Appalachia, and in South Bend during my undergraduate career, I have been grateful for the way of love that my relationship with Jimmy taught me. I have also been continually reminded that the struggle against dehumanization is ceaseless, and that it is the duty of us all to work toward a world in which the dignity of all people, especially the most despised and dispossessed of society, is recognized and reverenced.

This project arose out of my love for my Uncle Jimmy and was carried out with the sincere belief that a different paradigm of justice is possible in the United States. This paradigm seeks first to humanize and dignify each person involved in our justice system. I lament that this vision of justice was possible in Jimmy’s lifetime yet was not brought to fulfillment.

So, it is for my Uncle Jimmy and all whom the prison nation has killed in its failed attempts to vanish addiction, injury, violence, neglect, and trauma behind prison walls, that I offer this culmination of my work in the Catholic Social Tradition Minor at the University of Notre Dame.

**Introduction**

“I, the LORD, have called you for the victory of justice, I have grasped you by the hand; I formed you, and set you as a covenant of the people, a light for the nations, to open the eyes of the blind, to bring out prisoners from confinement, and from the dungeon, those who live in darkness.” - Isaiah 42: 1-7

“The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor. He has sent me to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free” - Luke 4:18

In his most recent encyclical, *Fratelli Tutti*, Pope Francis officially established the Catholic Church’s teachings on capital punishment and life sentences– they are always morally impermissible.[[1]](#footnote-1) This teaching follows a long tradition of ministering to prisoners and advocating for human dignity in the Catholic Church. Still, the pontiff holds that states have a right to punish those who violate the law, so long as the punishment is oriented toward reorientation and the common good. Pope Francis calls upon all people of good will and Christians in particular to work for the “improvement of prison conditions.”[[2]](#footnote-2)

Indeed, Christ called us to visit those in prison (Matthew 25: 34), proclaimed release to prisoners (Luke 4:18), and in his final moments of earthly life, granted eternal life to a criminal (Luke 23:43). But what is a paradigm of Christian justice that ministers to those languishing in prison without questioning an institution that locks human beings away in cages? Pope Francis is right to denounce the conditions of prisons, but Christians are called not just to improve the conditions of prisons. The principles of human dignity and the common good beckon Christians to work to abolish the institution of the prison itself. We must go beyond prison reform, which has failed time and time again, and evaluate a paradigm of justice which identifies human beings primarily as criminals, addicts, thieves, and murderers rather than as beings created by God and redeemed by Jesus Christ’s death on the cross. The revelation of Jesus Christ in scripture and tradition and the glory of God revealed in creation make clear the truth that the practice of incarceration is not compatible with the gospel or the principles of human dignity, the preferential option for the poor, and the common good.

In this paper, I reflect on the scriptural and traditional roots of Catholic Social Tradition in relation to the practice of incarceration in the United States and argue that the Gospel takes away our right forever to punish people who have committed crimes, even violent crimes. Then I analyze the history of incarceration in the United States and the evolution of retributive justice in the era of mass incarceration. Next, I overview literature in the fields of Neuroscience and Psychology that show the cruelty of prisons and the inability of the prison to provide an environment of rehabilitation and restoration for those who have committed crimes. Finally, I offer an argument in support of a restorative approach to justice grounded in both Catholic Social Tradition and the revelation of God’s glory as revealed in the human brain.

**Catholic Social Tradition and Incarceration**

“For we ourselves were once foolish, disobedient, deluded, slaves to various desires and pleasures, living in malice and envy, hateful ourselves and hating one another. But when the kindness and generous love of God our savior appeared, not because of any righteous deeds we had done, but because of his mercy, he saved us.” – Titus 3:3-5

In *Fratelli Tutti*, Pope Francis urges people of good will, especially Christians, to reject the temptation for vengeance in the wake of wrongdoing, instead orienting punishment for crimes toward restoration. He writes, “Fear and resentment can easily lead to viewing punishment in a vindictive and even cruel way, rather than as part of a process of healing and reintegration into society.”[[3]](#footnote-3) While I agree with the Pope’s denunciation of vengeance, I reject the idea that punishment has a place in the process of repairing harm after crime and reintegrating those who have committed crimes into society. Restoration and reparation are certainly a part of healing and reintegration, but punishment has no place in this process because punishment intentionally inflicts suffering upon its subject. Christ’s passion, death, and resurrection have redeemed us all. Because we are all redeemed, none of us has the right to intentionally inflict physical, psychological, or spiritual violence upon another human being; the gospel takes away our right forever to inflict harm upon those who have committed crimes.

When we incarcerate and punish instead of seeking out alternative approaches to justice that place human dignity at the center of the justice system, we again fail to live up to the principle of human dignity that Pope Francis himself acknowledges in *Fratelli Tutti* when he rejects the death penalty, saying

Let us keep in mind that “not even a murderer loses his personal dignity, and God himself pledges to guarantee this”. The firm rejection of the death penalty shows to what extent it is possible to recognize the inalienable dignity of every human being and to accept that he or she has a place in this universe. If I do not deny that dignity to the worst of criminals, I will not deny it to anyone. I will give everyone the possibility of sharing this planet with me, despite all our differences.[[4]](#footnote-4)

Just as the death penalty denies dignity to people who have committed crimes, so also does the practice of punishment and incarceration.

Christ models rejection of punishment in his own ministry. When the scribes and Pharisees present to Jesus a woman who had committed adultery to be stoned, he refuses to inflict punishment or retribution upon her. Instead, he challenges her accusers, saying ““Let anyone among you who is without sin be the first to throw a stone at her.” When each of the accusers acknowledged their own fault, they are rendered incapable of punishing the woman, and they walk away. And when Christ, himself without sin, is left, he offers forgiveness and sends forth the woman, saying “Go your way, and from now on do not sin again,” (John 8:1-11). Still, Christ does not excuse the behavior of adultery, and finds a way to offer mercy and turn the woman away from her past wrongs. Christians today are called to do the same– to turn away from the idea of punishment and find a way to help those who have done wrong turn away from their sins.

Christians are called to follow the teaching of Christ in rejecting a paradigm of punitive justice. When we recognize our own iniquities, we recognize that we are all in need of the boundless mercy of God, and that none of us can claim perfection or the right to punish others. While Christians are called to pursue justice, we cannot achieve true justice in the absence of mercy. Saint Pope John Paul II addressed the relationship between justice and mercy in his 1980 encyclical, *Dives in Misericordia.* In it, he writes that,

The more the human conscience succumbs to secularization, loses its sense of the very meaning of the word "mercy," moves away from God and distances itself from the mystery of mercy, the more the Church has the right and the duty to appeal to the God of mercy "with loud cries." These "loud cries" should be the mark of the Church of our times, cries uttered to God to implore his mercy, the certain manifestation of which she professes and proclaims as having already come in Jesus crucified and risen, that is, in the Paschal Mystery. It is this mystery which bears within itself the most complete revelation of mercy, that is, of that love which is more powerful than death, more powerful than sin and every evil, the love which lifts man up when he falls into the abyss and frees him from the greatest threats.[[5]](#footnote-5)

Here, Saint Pope John Paul II teaches that it is precisely when the secular world becomes wrapped up in a false conception of justice that is absent of mercy, as has happened in the era of mass incarceration, that the Church is called to proclaim a Gospel of mercy to the world.

In Gospel stories like the woman who committed adultery, Christ models mercy in his rejection of punishment. But in his passion and death, he goes beyond just rejecting punitive justice, taking punishment for humanity’s iniquities upon himself, perfect and blameless, in a final rejection of violence. When Christ was taken away to be crucified, he refused to punish even his own captors, willfully walking with them toward his torture and death. He instructed Peter to put down his sword and healed the guard whom Peter tried to harm (John 18:11). Throughout the Passion narrative, Christ rejected retributive justice over and over again. In the moment of his greatest physical, spiritual, and psychological suffering, he offered forgiveness to those who murdered him, crying out, “Father, forgive them; for they do not know what they are doing,” (Luke 23:34). Christ made peace by his own blood on the cross by giving his own life as a final “no” to violence.[[6]](#footnote-6)

We cannot be peacemakers if we turn to violence to solve the grave issues of our times. Pope John XXIII rejects this idea of peacebuilding in his encyclical *Pacem in Terris,* saying,

Violence has always achieved only destruction, not construction; the kindling of passions, not their pacification; the accumulation of hate and ruin, not the reconciliation of the contending parties. And it has reduced [humans] and parties to the difficult task of rebuilding, after sad experience, on the ruins of discord.[[7]](#footnote-7)

Indeed, the documentary heritage of Catholic Social Tradition reiterates the idea that we have no authority to inflict harm upon others, even in the form of punishment, because the authority of human beings and of states comes from God alone. Pope John XXIII writes about this Catholic understanding of authority and punishment in *Pacem in Terris* when he writes,

But it must not be imagined that authority knows no bounds. Since its starting point is the permission to govern in accordance with right reason, there is no escaping the conclusion that it derives its binding force from the moral order, which in turn has God as its origin and end… Hence, a regime which governs solely or mainly by means of threats and intimidation or promises of reward, provides [humans] with no effective incentive to work for the common good. And even if it did, it would certainly be offensive to the dignity of free and rational human beings. Authority is before all else a moral force. For this reason the appeal of rulers should be to the individual conscience, to the duty which every [human] has of voluntarily contributing to the common good. But since all [humans] are equal in natural dignity, no [human] has the capacity to force internal compliance on another. Only God can do that, for He alone scrutinizes and judges the secret counsels of the heart.[[8]](#footnote-8)

Thus, John XXIII’s writing reiterates the idea that incarceration and punishment have no place in the moral order, because those punitive means of justice aim to “govern solely or mainly by means of threats and intimidation”. We must reject this punitive paradigm, instead finding ways to respond to crime that build up the common good and restore the moral order. Unlike incarceration, which is “offensive to the dignity of free and rational human beings”, we must find ways to nonviolently appeal to the conscience of those who have committed crimes, encouraging them toward a conversion of heart and a change in behavior.

Violent crimes constitute grave ills; they inflict serious harm upon victims and communities, and it is our moral duty to prevent them. The problem with incarceration lies not in its purported goal to end violent crime, but in its attempt to punish. The gospel tells us that we have all done wrong, and Christ himself counsels to reflect upon our own wrongs, using that space of universal shortcoming as a well of mercy which we must draw upon to reject punitive justice. Because Christ nonviolently gave His life upon the cross, we may not attempt to use violence to bring about justice. The means of incarceration, being violent themselves, are incapable of bringing about healing, restoration, and reintegration at the community level. And at the level of the individual, incarceration is incapable of bringing about restoration and reconciliation because it wholly disregards human dignity through inflicting abuse and suffering while denying prisoners the resources they need to learn new ways of being with and relating to others.

**The Violence of Incarceration**

“Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.” - Hebrews 13:3

Incarceration is undeniably violent in theory and in practice. Incarceration in some form has been around for just as long as civilizations, about six thousand years, mostly as a way to separate those people deemed dangerous to society or the ruling class from the general population.[[9]](#footnote-9) But the foundational principle of the prison, that secluding and punishing individuals who have committed crimes will lessen the sum of violence in a society, is wrong. To understand why prisons increase violence rather than decrease it and prove that prisons do constitute a violent and immoral use of authority, I turn to an analysis of the rise of what Black feminist scholar and anti-violence activist Beth Richie deems the “prison nation” in the United States today.[[10]](#footnote-10)

The rise of the prison in the United States has origins in religious activism. A group of activists in Philadelphia comprised of mostly Quakers in 1790 sought to reform practices such as public torture and hangings by instituting “reformative institutions” that would orient those who broke the law toward improvement rather than punishment. The Walnut Street Jail in Philadelphia committed prisoners to solitary labor and solitary reflection, but soon after its founding overcrowding and violent tensions between inmates and guards and among inmates became common.[[11]](#footnote-11) Though the Philadelphia reformers aimed to create a more compassionate system of justice, they created a new type of violent institution.

At the same time in New York, the Auburn prison aimed to reform criminals through total seclusion from other human beings. The explicitly states purpose of the Auburn prison was the “deliberate elimination of hope” in those contained within its walls.[[12]](#footnote-12) The board of inspectors at the Auburn prison described its ethos as

The end and design . . . is the prevention of crimes, through fear of punishment, the reformation of offenders being a minor consideration. . . Let the most obdurate and guilty felons be immured in solitary cells and dungeons; let them have pure air, wholesome food, comfortable clothing, and medical aid when necessary; cut them off from all intercourse with [humans]; let not the voice or face of a friend ever cheer them; let them walk their gloomy abodes, and commune with their corrupt hearts and guilty consciences in silence, and brood over the horrors of their solitude, and the enormity of their crimes, without the hope of executive pardon.[[13]](#footnote-13)

By the mid-nineteenth century, this ethos governed the prison system in the United States and began to spread to other Western cultures. Prisons in the United States were not created as institutions to reform and rehabilitate, their explicit purpose “the prevention of crimes, through fear of punishment.” In practice today, the basic amenities of “pure air, wholesome food, comfortable clothing, and medical aid when necessary” are rarely fulfilled.

Data on prison conditions in the United States is not widely available because it is not well monitored by the government. But state-wide reviews in recent years have revealed widespread abuse, neglect, and violence in American prisons. In April of 2019, Alabama’s prisons were found to be at 182% of their intended capacity, with the highest rates of rape and murder behind bars in the country. Sexual and physical assault of inmates by correctional staff was widespread. The Justice Department’s review of Alabama prisons found that the basic right of prisoners to live free of cruel and unusual punishment is continually violated; abuse is common practice. Inmates across the nation are regularly refused appropriate medical care; one particularly cruel instance of this practice is in incarcerated women who are forced to labor in jail cells and wear shackles during the birth of their children.[[14]](#footnote-14) Mental healthcare is denied to those inmates who suffer from mental illness, and this contributes to high suicide rates in American prisons.[[15]](#footnote-15) Additionally, more than 60,000 prisoners are held in solitary confinement in the United States each day. These prisoners show the extreme end of the ethos of the Auburn prison; inmates are kept alone in a room 23 hours per day, only leaving for showers, brief exercise, or medical care.[[16]](#footnote-16) In practice, the prison nation that emerged from the principles of the Auburn prison is undeniably violent and cruel. Furthermore, the prison nation in the United States boomed after the Civil Rights era of the 1960’s, continuing the nation’s racial caste system by another name.

In the United States, the prison nation preys upon racial minorities and the economic poor. Michelle Alexander deems the prison nation as the “new Jim Crow”, pointing out that the disproportionate incarceration of Black Americans, and particularly Black men, continues the legacy of slavery and Jim Crow laws in our nation.[[17]](#footnote-17) The United States is home to just 5% of the world’s population, yet incarcerates 25% of the world’s prison population.[[18]](#footnote-18) The incarceration rate in the United States is the highest in the world, with 655 in 100,000 people incarcerated.[[19]](#footnote-19) And these rates only tell a small part of the story– America incarcerates at extremely high rates, but the majority of this burden has been borne by racial minorities in the wake of the Civil Rights movement. In 1971, 300,000 people were incarcerated in the United States and 66% of the incarcerated population was white. Today, 2.2 million people are incarcerated in the United States and 70% of the incarcerated population are racial minorities.[[20]](#footnote-20) This is a direct consequence of Richard Nixon’s “War on Drugs”, which Nixon’s policy advisor, John Ehrlichman, admitted as being explicitly aimed at Black people in 1994, saying:

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.[[21]](#footnote-21)

The racist implementation of incarceration persists to the present day. While white men have a 1 in 17 chance of being incarcerated in their lifetime, Black men have a 1 in 3 chance and Latino men have a 1 in 6 chance.[[22]](#footnote-22) Women, though less likely to be incarcerated overall, have similarly disproportionate rates of incarceration by race.[[23]](#footnote-23) And among the white incarcerated population, most inmates are economically poor.[[24]](#footnote-24) Forty-five percent of federal prisoners are incarcerated for nonviolent drug offenses today, as a direct result of Nixon’s “War on Drugs” and the tough on crime approach that arose in U.S. politics as a result. Today, Black youth are fifty times more likely to be incarcerated for their first drug offense than their white counterparts.[[25]](#footnote-25) In practice in the U.S today, incarceration directly opposes Catholic Social Tradition’s “preferential option for the poor”, instead implementing a preferential predation upon the poor.

Beyond being cruel and racist, incarceration is an ineffective means of reducing violent crime. Violent crime data isn’t well organized in the United States, but the homicide rate as a subset of violent crime is. Gilligan and Lee write about the ineffectiveness of the prison in decreasing homicide in their 2004 article “Beyond the Prison Paradigm: From Provoking Violence to Preventing It by Creating “Anti-Prisons” (Residential Colleges and Therapeutic Communities),” saying,

Does increasing the imprisonment rate lower the homicide rate? In 1970, our incarceration rate was 96 per 100,000 population (about where it had been throughout the twentieth century), and our murder rate was 8.3 per 100,000. By 1985, after we had begun our unprecedented experiment in mass incarceration, the incarceration rate had doubled, to 202 per 100,000. What was the murder rate? 8.4. By 1996, the imprisonment rate had doubled again, to 427. What was the murder rate then? 8.4. In other words, the doubling and even quadrupling of the imprisonment rate did not make the slightest dent in the murder rate over a 26-year period! In fact, the murder rate fluctuated between 8 and 11 and averaged 9.5 during that entire time—rates roughly twice as high as the murder rate had been during the previous quarter of a century (1942–1967), when the imprisonment rate never got much higher than 100, but the murder rate averaged 5 per 100,000.[[26]](#footnote-26)

Other recent studies have shown that the prison nation has had a net marginal-to-zero impact on crime since 2000.[[27]](#footnote-27) There is no evidence to show that incarceration works as a means to ending or reducing violent crime.

I have shown that prisons are built on a faulty premise, namely, that isolation and punishment will lead criminals to repentance or reformation. This is why prisons themselves cannot be reformed: the idea that they were built upon is wrong. In practice, incarceration is cruel, violent, racist, and ineffective at inhibiting violent crime. So if the prison is violent and morally impermissible, what are we left to do? Should we allow victims of violent crime to bear the burden of the wrongs committed against them and forego the idea of justice? The Catholic Social Tradition principles of the common good, human dignity, and the preferential option for the poor also mandate that Catholics and all people of good will work to restore harmony between victims and offenders and ensure that justice is realized. The prison nation has steeped the American psyche so deeply in the ethos of incarceration and punitive justice that it has become difficult to imagine a world without prisons. In order to understand what alternatives to incarceration might be effective in realizing justice for both victims and offenders, we must understand the roots of criminal behavior. To inform a vision of a world beyond prisons, I turn to the fields of Neuroscience and Psychology to understand why crime occurs in the first place and why prisons are incapable of reducing violent crime and rehabilitating offenders.

**The Neuroscience of Criminality and Incarceration**

“For you love all things that exist, and detest none of the things that you have made; for you would not have made anything if you hated it.” -Wisdom 11:24

In his 2017 encyclical, *Laudato Si’,* Pope Francis writes, “The entire material universe speaks of God’s love, his boundless affection for us. Soil, water, mountains, everything is, as it were, a caress of God.”[[28]](#footnote-28) We know that human beings are the pinnacle of creation, made in the image and likeness of God (Genesis 1:26). Thus, the design of the human brain, as a part of creation, in some way reveals the glory of God’s divine plan for humanity. The normative development of the human brain reiterates the theological truth that human beings are made for community; in Neuroscience and Psychology, this phenomenon is described as prosociality. In the following section, I will explore criminal behavior and incarceration through the lens of species expectant experiences, trauma, and normative prosocial and empathetic development.

The human brain is a situated organ. This means that the brain shapes one’s experience of the environment while one’s environment shapes the structure of one’s brain. The brain is situated in an individual context; each brain is just as unique as each person. It is also situated in a social context; human families, communities, and societies shape one’s perceptions of who is like and unlike them and what social norms they expect, which in turn shapes the neural circuitry that responds to the environment and governs social interactions. Human brains are also situated in a biological environment. Hormones and environmental toxins, as well as feedback loops throughout the entire body that communicate with the central nervous system, can influence brain development. Finally, the human brain is situated in a long history of human evolution. Over millions of years, the brain has evolved to optimize human survival. Since humans are unlikely to survive on their own, the human brain has evolved to survive as part of a community. When a person can understand the feelings and needs of others and can respond in helpful ways, that person is a better caregiver and community member. And participating in interdependent community life increases the chance that a person will survive, reproduce, and pass along their genetic code. When the human brain is situated in the context of evolution, the truth that human beings are designed to be interdependent creatures becomes evident.[[29]](#footnote-29)

Throughout evolutionary history, certain environmental inputs have been common, and are required in order for the brain to lay neural circuitry that allows for normative brain function. Inputs known as *species-expectant experiences* are the experiences and environmental inputs that the brain requires to develop in a normative way.[[30]](#footnote-30) Species-expectant experiences are plentiful and help all sorts of brain functions to develop. One important type of species-expectant experience is attachment. The brain expects social and physiological synchrony with an attachment figure in infancy and childhood, which lays the framework for normative prosocial and empathetic development.[[31]](#footnote-31) This expectation for social interaction changes from attachment with a caregiver to attachment with peers, romantic partners, and one’s wider community throughout the lifespan; the brain’s expectation of healthy attachments and supportive community never goes away.[[32]](#footnote-32) To use the language of Catholic Social Tradition, the brain reiterates the reality that human beings are designed for family, community, and participation.

I have shown that the human brain has evolved to be situated in an interdependent human community. One quality that allows humans to be good members of a community is prosociality, the quality that confers the ability or desire to voluntarily partake in actions that benefit others. Prosociality is closely associated with empathy circuitry in the brain. Early childhood attachments lay the neural framework for empathy and prosociality primarily through pathways in the limbic brain, a region comprised of the amygdala, hippocampus, and cingulate cortex.[[33]](#footnote-33) If a child’s species-expectant experience of healthy attachment with a caregiver is met, they should begin showing empathetic concern beginning around 14-17 months of age.[[34]](#footnote-34)

The causes of crime are numerous and varied, and some types of crime make sense in the light of prosociality. Property crime and theft committed due to scarcity and in order to provide for the needs of one’s family or community can be conceived of as prosocial. In the absence of healthy family and community bonds, membership in a gang might fulfill the desire of a person and the expectation of the brain to be part of a mutually supportive community, even if a gang is harmful to the broader society that one lives in. Other root causes of criminal behavior are tied to substance abuse and addiction, especially in the wake of the War on Drugs, and these issues can be dealt with as primarily medical concerns rather than criminal problems. In cases where root causes of crime can be identified as scarcity of community resources, medical treatment, and mental healthcare, we must seek to build up resilient communities that can prevent and respond to these root problems.

Still, some types of crime don’t make sense in the light of prosociality, at least initially. If humans have evolved to be empathetic and prosocial, why would a human murder another human? Why might a human being rape or torture another? These examples of heinous crime are often pointed to by defenders of the prison nation as why we must continue to lock those who have committed crimes behind bars. But we know that prosociality is rooted in early experiences of attachment, and if we look at the population of violent criminal offenders currently incarcerated in the United States, we see that very often, their early species-expectant experiences of attachment were not met. This reality provides valuable insight into a root cause of much of violent crime­: childhood trauma.

Adverse childhood experiences (ACEs) are instances of abuse, neglect, or family dysfunction in childhood. The initial ACE study was published in 1998 and showed that ACEs increase the likelihood of adverse mental, physical, and behavioral health outcomes later in life.[[35]](#footnote-35) ACEs are categorized by type of trauma, neglect, or dysfunction, including family dysfunction, parental separation/divorce, incarceration of a household member, low-income status, mental illness in the home, substance abuse, sexual abuse, physical abuse, psychological abuse, emotional abuse, verbal harassment, and domestic violence. ACEs are dose-dependent, meaning that the more ACEs one has, the more likely one is to experience adverse effects later in life. Since the initial ACE study, ACEs have been associated with all sorts of adversity later in life, including incarceration. A study on prisoners in the United Kingdom found that more than 8 in 10 incarcerated men have experienced at least 1 ACE, with 21% reporting 2-3 ACEs, and 46% reporting more than 4 ACEs.[[36]](#footnote-36) Another study on justice-involved youth found that 90% of juvenile offenders had experienced complex trauma in childhood.[[37]](#footnote-37) Other studies found that ACEs are predictive of incarceration; the more ACEs a person has, the more likely they are to be incarcerated later in life compared to the general population with no ACEs.[[38]](#footnote-38)

ACEs are so influential on the brain and body for many reasons, but one of them is that they occur during the critical developmental periods of infancy, childhood, and adolescence. During these periods of time, the brain should be building the neural circuitry that leads to empathetic concern and prosocial behavior. If the brain is situated in an abusive, neglectful, or dysfunctional setting, it may build up circuitry that has to do with fear and avoidance rather than prosociality and empathy.[[39]](#footnote-39) These periods in childhood also lay the framework for associative learning in the brain, which allows humans to understand how actions and consequences are related. If a child is brought up in a dysfunctional or abusive home, they may have a lack of associative learning between prosocial behavior and positive outcomes. In short, their brain may never have learned the truth that living in a supportive community is a good thing.[[40]](#footnote-40) The neuroscience of trauma indicates that those who have committed crimes are not fundamentally bad or irredeemable, rather, it suggests that many people who are currently incarcerated have often experienced adversity in childhood, leaving regions of the brain having to do with emotionality, empathy, prosocial behavior, and learning underdeveloped. Because prisons serve to punish, they further traumatize incarcerated people rather than providing a healthy environment in which those who have committed crimes can learn, grow, and take responsibility for the wrongs they have committed.

To be clear, plenty of adults in the United States have experienced childhood adversity and have not committed violent crimes. The link between ACEs and violent crime should not be taken as a deterministic connection, because we know that the brain is situated in an individual context and individuals always retain the freedom to choose how they will respond to their environment. Additionally, the experience of individuals is incredibly varied and unique, meaning that one additional protective factor, experience, relationship, or personality trait could steer one away from crime and toward lawful participation in one’s community. But the correlation of incarceration and ACEs suggests that childhood adversity can strongly influence moral learning and normative prosocial development, often leading to increased risk of committing violent crimes. And if we recognize ACEs as factors which are likely contributing to violent crime, we can easily see that prisons stand little chance of offering opportunities for redemption and true justice.

There is no neurobiological evidence that suggests that incarceration should aid in teaching prosocial behavior. Prisons aim to punish, and only further traumatize a population that is extremely likely to have a preexisting trauma history. In his poem entitled, “Poem Prisoners”, Judge Dennis A. Challeen writes about the absurdity of the prison paradigm,

We want prisoners to be responsible. So we take away all their responsibilities.

We want them to be a part of our communities. So we isolate them from our communities.

We want them to be positive and constructive. So we degrade them and make them useless.

We want them to be trustworthy. So we put them where there is no trust.

We want them to be nonviolent. So we put them where there is violence all around them.

We want them to be kind and loving people. So we subject them to hatred and cruelty.[[41]](#footnote-41)

As is evident in this account, prisons make little sense because they situate people in an environment that reinforces everything that we want them to change. The conditions of the prison make it nearly impossible to learn prosocial behaviors or successfully reintegrate into one’s home community. This reality is reflected in the recidivism rate in the United States; more than 60% of prisoners are rearrested within 3 years of their release from prison.[[42]](#footnote-42) Other studies show that incarceration increases the likelihood of violent behavior after release, especially domestic violence.[[43]](#footnote-43)

Though prisons have broadly failed to rehabilitate those who have committed crimes in the United States, there are several horizons in Neuroscience and Psychology that explain why and how the brain can change later in life by healing from childhood trauma and learning new ways of responding to the environment. Three ways in which the brain can change and learn later in life are neuroplasticity, cytogenesis, and epigenetics.

Neuroplasticity occurs by strengthening synaptic connections; synapses are the location where two neurons meet and exchange chemical signals. A common way to explain this concept is that “neurons that fire together, wire together,” meaning that the more often a synaptic connection is used, the more it grows and adapts to functioning effectively. If a person has a few synapses related to trust and healthy attachment, these synapses can be strengthened if a person is placed in an environment that fosters healthy relationships and connections. When synapses are strengthened and used often, a person becomes more likely to use them in the future. Neuroplasticity can be harnessed to build prosocial and empathetic tendencies by stimulating the use of helpful connections in the brain, like those related to empathy and prosocial behavior in the limbic brain.[[44]](#footnote-44)

Cytogenesis occurs when new cells are generated in the brain. These cells can increase the matter in regions of the brain that have to do with prosocial behavior, learning, impulse control, empathy, and associative learning, which should in turn contribute to an increase in the recruitment of those regions when responding to other people and the environment. Importantly, the genesis of new cells in the brain is inhibited by stress hormones, called glucocorticoids. Since incarceration is a remarkably stressful and traumatizing experience, it is likely that it actively represses the ability of the brain to foster growth in regions that could build up empathetic concern and prosocial behavior.[[45]](#footnote-45)

Finally, epigenetics explains how the environment and expression of the genetic code interact. While experience cannot change the structure of DNA itself, it can influence how the genetic code is read and expressed. Adaptations because of epigenetic influence can be helpful in some instances, but they can also confer long term risk. Internalized stress from traumatic experience is remembered in the body and can play a role in the development of psychiatric issues via epigenetic mechanisms.[[46]](#footnote-46)

There is quite literally no neurobiological evidence to suggest that incarceration should teach prosocial behavior and empathetic concern to incarcerated people. If what we want is a reduction in crime, we must address the root causes of it rather than continuing to punish. In this section, I have explored the normative development of the human brain and what Neuroscience and Psychology tell us about childhood trauma as a root cause of violent crime. I have shown that prisons cannot solve this issue because they further traumatize incarcerated people. But we have not yet seen how other paradigms of justice might address trauma as a root cause of crime while teaching prosociality and empathetic concern, achieving justice for victims, and reintegrating those who have committed crimes into communities. In the following section, I will explore restorative justice principles through the lens of species expectant experiences, prosocial learning, and trauma healing to show why Neuroscience and Psychology suggest that restorative justice is a reasonable alternative to incarceration.

**The Neuroscience of Redemption**

“I will give you a new heart, and a new spirit I will put within you. I will remove the heart of stone from your flesh and give you a heart of flesh.” – Ezekiel 36:26

A foundational belief in Christianity and Catholic Social Tradition is that transformation, forgiveness, reconciliation, and redemption are possible for all people; nothing a person can do can take away the possibility of reconciliation. Again, the brain reiterates this truth in its ability to grow and change throughout the whole lifespan. Yet I have shown that the paradigm of retributive, carceral justice rarely provides adequate resources for transformation, forgiveness, reconciliation, and redemption to occur. Restorative justice offers a new set of principles that allow for justice to be realized while meeting the species-expectant experience of supportive community and respecting the human dignity of all involved in the justice process.

Restorative justice is not primarily concerned with forgiveness or reconciliation, but it does provide an environment in which those may occur. It is not a unilateral process, and there is no one way to do restorative justice. Rather, restorative justice follows a common set of beliefs and principles that can be applied to different types of interpersonal and societal conflict in order to find a just way forward. And though it has become more popular in North America since the 1970’s, restorative justice is not new. Restorative practices have been integral in many non-Western societies, but Native and Indigenous cultures in North America and New Zealand have been particularly influential in retaining restorative practices and influencing restorative paradigms in the Western world.[[47]](#footnote-47)

The foundational values of restorative justice are respect, responsibility, and relationship. The principles that underlie restorative justice practice are that “a just response to wrongdoing repairs the harm caused by, or revealed by, the wrongdoing (restoration), encourages appropriate responsibility for addressing needs and repairing the harm (accountability), and involves those impacted, including the community, in the resolution (engagement).”[[48]](#footnote-48) This paradigm of justice is in line with themes of Catholic Social Tradition as explored earlier in this paper; restorative justice is a paradigm of justice that understands justice alongside mercy. It does not aim to punish, but to restore, and to create space for transformation. Restorative justice might be enacted using circle processes, victim-offender mediation, community meetings, mental health services, family conferences, community service, or any combination of these, plus countless other strategies. But the focus of restorative justice is not on what those who have committed crimes *deserve*. As I have argued earlier, the Gospel takes away our right to punish and give others what they *deserve* because we have all been redeemed by Christ. Rather, restorative justice asks how an offender can take responsibility for what has been done and repair the harm committed against another.

Because restorative practice focuses on respect for the humanity of all involved, involves the wider community in the justice process, and involves the offender in righting wrongs, it stands to teach those who have committed crimes what society would like them to learn– prosociality and empathy. It situates the brain in contexts that align with the species-expectant experiences of the brain rather than in abusive and further traumatic environments. Restorative justice contexts also provide opportunities for offenders to understand how they have hurt others and how they can repair the harm done, which can help develop associative learning in the brain that helps to understand the effect of crime on other people.

Restorative justice processes also rely on wider community support. In many situations, restorative justice should be paired with mental and physical health services and social services, and these services are far from perfect in the United States. But trauma-specific treatment outcomes are promising. Studies have shown that trauma-specific treatment for inmates in the United States is effective in reducing violent responses and post-traumatic stress symptoms, and is more effective for those who have experienced more than one ACE.[[49]](#footnote-49) Work with incarcerated violent juvenile offenders that focused on building empathy using animal-assisted therapy showed an increase in prosocial behavior and empathetic concern toward animals and other people.[[50]](#footnote-50) Recidivism rates are often lower when restorative processes are implemented, and evidence suggests that victims are often more satisfied with restorative processes compared to traditional criminal courts.[[51]](#footnote-51)

There is no clear evidence about if restorative practices are ineffective in any cases, mostly because it has not been widely implemented enough to know. And though restorative justice has been shown to be effective in cases of violent crime, in some cases, like those involving psychopathy or heinous murders, some form of restricted movement or secure facility may be called for. But such a facility could still be based on restorative principles of respect, responsibility, and relationship, and could be oriented toward eventual reintegration, leaving open the possibility of redemption. This type of facility has been described as an “anti-prison” in other literature and could use applied social and behavioral neuroscience to rehabilitate residents.[[52]](#footnote-52)

The practice of restorative justice turns the ethos of the prison nation on its head. It respects the inherent dignity of all people, refuses to give in to the violent spiral of retribution, and leaves open the possibility of forgiveness and redemption, in line with the moral teachings of Catholic Social Tradition. Neurobiologically, a restorative justice approach that is combined with trauma-specific therapies stands to harness what we know about the human brain to address the root causes of crime and teach those who have committed crimes how to participate meaningfully in repairing harm and building up healthy communities. Restorative justice is a promising paradigm as we look toward a world beyond retributive justice.

**A World Beyond the Prison**

“The vision still has its time, presses on to fulfillment, and will not disappoint. If it delays, wait for it, it will surely come, it will not be late.” - Habakkuk 2:3

It is difficult to imagine a world beyond the prison. Pope Francis has advocated for the improvement of prison conditions and declared the death penalty and life imprisonment morally inadmissible. But if we hope to address the root causes of crime and build a society which lives out human dignity, the preferential option for the poor, solidarity, and the common good, we must find another way to respond to violent crime. I have offered an argument grounded in Catholic Social Tradition and Neuroscience, both of which reveal aspects of God’s revelation. But a way forward must be even broader, garnering knowledge from all sectors of study and practice, integrating knowledge from theologians, community activists, mental health clinicians, neuroscientists, behavioral health specialists, Native and Indigenous restorative practitioners, public servants, educators, and more to imagine a new system of justice. For Christians and people of good will today, there is a moral imperative to resist the violence of the prison nation. We have seen that the prison is violent, cruel, and illogical if what we hope for is a safer and healthier society. And if what we hope for is punishment, we have abandoned the Gospel. We must take the first step in refusing to give in to the carceral ethos of punishment. Following the example of Christ crucified, we must move forward in nonviolent resistance and refuse to deny dignity to any person, especially the most despised and dispossessed of our society, many of whom are being cruelly tortured in prisons today.

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29. Again, the mutual reinforcement of creation and theological truth is apparent. The Catechism of the Catholic Church states in paragraph 340, “Creatures exist only in dependence on each other, to complete each other, in the service of each other.” [↑](#footnote-ref-29)
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