From Penitentiaries to Penitentiary

A Pastoral Look at Our Prison System

Thomas M. Kolar

The author has served as a prison chaplain in the state of Ohio for more than eight years. He presents a first-hand account of the need to reconsider our pastoral ministry to prisoners. His reflection concludes with practical suggestions for what can be done by local communities and individuals to better respond to the gospel imperative to visit the imprisoned and the prophetic hope to set prisoners free.

Like most of the other states, my state of Ohio has seen a dramatic increase in its prison population over the past fifteen years, primarily due to mandatory prison time for possession of illegal drugs and so-called “get tough on crime” legislation. This coincided with the closing of Ohio’s mental institutions and the return to the streets of those mentally ill who were no longer deemed a threat to society if they took their medications. Most of these institutionally cared-for individuals went uncared-for on the street since no one provided for them or saw to it that their medicine was taken. As a result, many of these chronically mentally ill were unable to cope and ended up in the prison system. By its own measure, the State of Ohio says that forty percent of its prison population has a diagnosed mental illness requiring long term care and/or treatment. My own experience suggests that the rate may be greater, closer to fifty percent, and

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higher among those imprisoned for more serious crimes. Much of this population, however, can function reasonably well if provided minimal care and medication. Without that underlying support system, however, they fail and end up in trouble.

The other major segment of the prison population—approximately seventy percent or more—overlapping somewhat with the mentally ill, is addicted to drugs and alcohol. The crimes committed by this group are directly related to addiction. Again, dried out and sober and with a support system for their sobriety, most of these inmates are neither a threat to themselves nor to anyone else.

If one considers that forty percent of the population is suffering a mental illness and seventy percent are suffering from an addiction, it raises the obvious question whether prison punishment is the proper and appropriate means for “helping” these people to recover and get well. One can wonder if “helping” or “healing” is what we should be about in the prison system. (It is only recently that many states added “rehabilitation” to their “Departments of Corrections” title.) To even a casual observer it is obvious that “healing” is not what prisons are about and “rehabilitation” is something other than therapeutic care.

As has happened in other states, Ohio’s “getting tough on crime” has meant more prisons, longer sentences and an explosion in the prison population. To date, there are more than forty-nine thousand adults incarcerated in the State of Ohio, at a cost of two billion dollars to the state’s taxpayers—this does not include federal funds. At the present rate of incarceration, it is estimated that by the year 2020, half the population of the State will be behind bars! There is obviously something desperately wrong.

Does the Gospel have anything to say to this crisis, especially Matthew 25:36, “I was in prison and you came to visit me,” and Isaiah 61:2, “He has sent me to bring glad tidings to the lowly, to heal the brokenhearted, to proclaim liberty to the captives and release to the prisoners.” Do we as Church have any responsibility here? How do we as individual Christians respond? How might we respond as parishes?

**The Lesson From The Penitentiaries**

During the Middle Ages, when monks were confronted with individuals seeking forgiveness for their sins and when the order of penitents was no longer
in use, books with lists of sins along with appropriate penances were put together. This was done in order to make it easier for the monks to respond to the penitents seeking forgiveness and reinstatement into the Church and its sacraments. These books were called Penitentiaries.

Once confession of the crime was made the confessor had only to look up the sin, see the accompanying penance, instruct the penitent to do the penance and then to return for absolution. In time, absolution was given in anticipation of the penance being completed. These books served a useful purpose in getting the sinner to realize the hurt caused by his sin and to prescribe appropriate means for correcting the harm done, what we now call “Restorative Justice,” that is, righting the wrong, repairing harm, and restoring justice. In the Middle Ages once the person had completed the prescribed penance and made retribution, if appropriate, he or she was welcomed back into the community of faith as a restored, forgiven member.

The process worked well, considering the huge influx of barely evangelized and catechized people who were baptized into the medieval Church. Besides being the forerunner of our sacrament of reconciliation, the practice is also where we get the modern name for a prison—penitentiary. Unfortunately, this is where the similarity stops. Far from being resources for penance and restorative justice—righting wrongs, repairing harm, restoring justice—our present penitentiaries are places of punishment, warehouses for society’s problem children and, in the case of the supermax prisons, human dumpsters. That may sound harsh and overstated but after eight years of first-hand experience, I cannot give a better or more accurate description of the prison system. It is a system that has failed and is only getting worse.

Even as renamed “Departments of Corrections and Rehabilitation” begin to promote the concept of “restorative justice,” the penal system swells to over 1.8 million adults and is growing. It is the largest per capita prison population in the world: with five percent of the world’s population the Unites States has twenty-five percent of the world’s prisoners. One out of every thirty-five adult males in this country is either incarcerated, on parole, or on probation. For minorities it is even worse: one out of five African-American men are in prison.

The very concept of prison, as practiced today, works against the criminal taking responsibility for his or her actions. Housing is provided, three meals a
day are given as well as a lot of time to do nothing. The experience amounts to an extended adolescence. Whatever emphasis is placed on “rehabilitation” amounts primarily to formal education since a large number of prisoners are illiterate, many are without a high school diploma. Until two years ago, college level courses were often available. This is largely now eliminated with the “get tough mentality” even though statistics show that those inmates getting a college diploma frequently were non-repeat offenders. It was one program that worked and was eliminated!

The concept of “restorative justice” now coming into vogue is really about victim awareness. Without question the care of the victim is important, but it amounts to one-side of restorative justice. The focus is not on the need for forgiveness of the perpetrator and the need for healing the offender. Furthermore, I believe it is impossible for the prison system to advance restorative justice because its main emphasis is punishment not healing.

Where We Went Wrong

Perhaps the most obvious change from penitentiaries to penitentiary is the change from “penance” to “punishment.” Our prisons exist for one purpose: punishment; “paying one’s debt to society” is the common phrase often heard. Where is the “penance” in that idea? More importantly, where is the “forgiveness,” the essential element in the medieval sacrament. Our prisons do not lead to forgiveness, they punish. As a result, our communities do not forgive. There is no “welcoming” back into the community. Rather, there is labeling—predator, felon. Because of the label “ex-con” there is continuing punishment: a person cannot find a job, cannot hold public office, cannot vote, and in some cases cannot live in certain neighborhoods.

The history of penal punishment is a horrible example of our inhumanity toward one another. The name penitentiary for prison was first used in this country in the early nineteenth century when Quakers in Philadelphia tried to change the emphasis from punishment to rehabilitation by developing a prison where individuals would be kept in solitary confinement so they could “be alone with God” and so come to terms with their erring ways and defects of character. This attempt at prison reform was a dismal failure, often causing the inmate to go insane because of the lack of human contact. The solitary confinement drove the mentally ill deeper into their illness and the lack of social contact made the inmates worse. Since then, the trend has been for more and harsher punishment.

As we look at the prison system today, our prisons appear no better at “restoring justice,” “righting wrongs” or “repairing harm.” Rather, our prisons exist as places for punishment, warehouses for those who cannot obey society’s rules. They are a distillation or microcosm of what is wrong with our society in general.
Rather than look for causes of crimes we see only individuals with defects in character, sociopaths, who, for the most part, are our throw-away children. People become problems we would rather ignore and put out of sight. Where the medieval Church distinguished between the individual—created in the image and likeness of God, innately good and valuable as a child of God—and the individual’s sinful actions—due to the human, fallen condition, subject to redemption and change—the prison system today sees only bad people, doing bad things who should be treated as worthless. If you are bad, you are punished, and if you are really bad we will kill you to make the point. Thus we justify capital punishment, the appropriate punishment for the unforgivable crime.

What of forgiveness? Where is the connection to the community? Where is the understanding of community that we are all God’s children, all brothers and sisters in the Lord who are redeemed and forgiven? Indeed, capital punishment is the ultimate proof of being unforgiven. One could not be less forgiven than to be executed!

The prison system is structured to devalue the human person: a number is given and becomes the main and legal identification; all inmates are dressed to look the same; and perhaps worse, one is housed in a cage. Even the newer dormitory style of housing gives the inmate a space of about six feet by eight feet, and that is doubled-bunked with another inmate. The lack of privacy is perhaps the worst feature: open showers and toilets. One can never be alone anywhere. What is “restorative” about this? How does this respect the dignity of the individual?

We Christians all believe that one cannot “earn” forgiveness for one’s sins. Forgiveness, redemption, is a free gift from God, freely given and freely accepted. Yet our prison system is based upon “serving your time,” “paying your debt to society.” And at the end of that time there is still no forgiveness, no welcoming back as a restored, forgiven brother or sister. Rather, it is seventy-five dollars and the clothes on your back with maybe a “good luck” from a prison official. Then there is the harsh reality of trying to find a place to live, a job, food, transportation. There is no support system readily available which helps explain a recidivism rate well over fifty percent for most crimes. The exception is the sex offender which is four percent nationally. Ironically, the least likely to re-offend are those with the harshest sentencing and labeling as predators.

In short, our current penal system is destructive of the human potential for healing and community building, for righting wrongs, repairing harms, and

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restoring justice. It is destructive of the human person and of the society it is trying to protect.

**What of the Gospel?**

Where is the Church in all of this? The mainline denominations—both Catholic and Protestant—have done precious little to influence in any way our secular prison system. It is a tragedy and a shame. You will find a “chaplain” or two in any institution, but the chaplain functions as an employee of the state, providing “generic” worship services and counseling to any number of various religious denominations. The chaplain coordinates volunteers from churches—primarily evangelical or fundamentalist types. They do a great service in extraordinarily difficult circumstances. But it is little more than throwing sand at a window: very little sticks compared to the vastness of the need.

What is outstanding is the lack of involvement by volunteers from mainline Catholic and Protestant denominations. There is a small movement centered in Vermillion, South Dakota, called “Prison Congregations of America” that tries to establish actual parishes in the prison, much like a normal congregation, to be paid for by the congregation and the denomination. This is a movement in the right direction—to have the chaplain paid for by the church (denomination) rather than the state—for inevitable compromises arise between the injustices of a corrupt system and the rights of individuals, between the chaplain’s role as prisoner advocate versus employer demands. There is also the difficulty of addressing so many denominations in one place—upwards of thirty or more in any given institution.

Other than chaplains and volunteers, there is next to nothing being done by the churches in addressing the prison industrial complex and the ongoing injustices inside the gate. If it were not for a few movies like *Dead Man Walking*, *Shawshank Redemption*, and *The Long Green Mile* most people would know nothing of what goes on in prisons. The reality is that today’s prisons are reflected in those movies except for one thing: our system is growing less and less humane due to modern technology and efficiency.

**Living the Gospel**

It is interesting that the only judgment scene in the Gospels can be found in Matthew 25:31-46, where Jesus says: “For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.” This is the basis for
judgment and entering God’s Kingdom. We can look at church history and see institutions and individuals who fed the hungry, clothed the naked, cared for the sick. But what about prisoners? I know of no institution created to serve this need. I know of individual persons—chaplains mostly—who are attempting to address this need. But where are the parishes? Where are our Catholic parishioners? How many have ever visited a prison, although many have visited hospital or contributed to the care of the hungry and homeless? We have a grand school system for education. What of the illiteracy and ignorance in our prisons? Even though our bishops, following Pope John Paul II, have opposed capital punishment, how many of us have heard a sermon on this topic? We hear a lot about the right to life of the unborn, what of the right to life of the living? Is not that just as important? Yet executions take place regularly in this country. We cannot get states to implement a moratorium on capital punishment even when we know many on death row have been proven innocent, due to DNA testing.

**What Can Be Done**

There are several things that could be done by local congregations and individuals to correct the abuses in our prison system and to help bring about restorative justice where the crime is corrected and the criminal forgiven and welcomed back into society.

- First, become informed. Find out about the prison in your community or state. Learn what is really going on in the prison system. Volunteer time and talents in a prison to get to know what is happening. (I had a small group of parishioners who went monthly into the prison for education and fellowship. It was truly helpful for all.)

- Learn about the prison population. Prisons house a microcosm of society’s ills. It is where those who are sick in mind and heart end up. Ninety-eight percent of those men I have worked with came from broken homes where the father was either absent or abusive, alcoholic, addicted. Our prisons are filled with mostly poor whites, blacks and Latinos. If those in prison could have afforded a good trial attorney, they probably would not be doing time. Many prisoners have been in the “system” as foster care children and in trouble as youthful offenders who went untreated and ended up in the adult system. Most prisoners have done bad things, but they are not bad, worthless individuals. They just need a break, a support system, and/or medical and therapeutic care.

- As a parish, sponsor a parolee for a year. This would entail help in finding a job, housing, transportation and providing emotional support during the transition period. Most recidivism happens in the first six months after release from prison. If we keep a parolee out of prison for six months then the odds
increase there will be no criminal activity for a year. And if parolees stay out a year they are unlikely to go back to prison.

- Challenge those politicians who assume the voters want “getting tough on crime” policies. Express a desire for realistic punishments not symbolic, political gestures which only bloat the prison population.

- Express the conviction that rehabilitation, not punishment, ought to be the primary goal of incarceration. Demand that the Department of Corrections allocate increased budget spending on education, therapy, substance abuse programming, individual counseling.

- Insist that other-than-prison types of corrections be used when the imprisoned pose no threat of violence. (This is the majority of cases.) Such programs need to be community-based so that the criminal can see his or her responsibility to the community and be better able to make restitution and to take responsibility for criminal actions.

- Develop true “restorative justice” programs where the criminal will not only make restitution, but will be forgiven and welcomed back into society without penalties, labels, or limitations on citizenship.

- Refuse to spend more tax dollars on building prisons; we have enough. They do not work and the evidence is abundant to prove that. We need alternatives that emphasize rehabilitation, responsibility, and reform. If you put people in cages, they will act like animals. As a society we can do better than that.

_Restoring Justice, Healing the Pain, Forgiving the Offender_

If Jesus walked the earth today, where would we find him? Would he be in our churches and basilicas? Would we find him in our chanceries or monasteries? Would we find him in our shopping malls or business offices? I suspect we would find him where we found him in the Gospels: with the poor, the sick, the mentally ill, the hungry. We would find him among our sinners, our street people, our addicts, and yes, our convicts because these are our marginalized brothers and sisters in greatest need.

Restoring justice, righting wrongs, repairing harm, and forgiving the evil done: these are all part of the vocation of a baptized disciple to conform our lives to that of Christ. This is the challenge we as individuals and as parishes must face. We have made valiant attempts at feeding the hungry, clothing the naked, teaching the ignorant, healing the sick. What remains from Matthew 25 is the question, when are we going to “visit the prisoner”? When, as his disciples, are we going to accept Jesus’ call to “set prisoners free”? 