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Welcome

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WELCOME

ROBERT K. VISCHER*

Welcome to the *St. Thomas Law Journal*'s spring symposium on prisoners' rights. I am grateful to Megan Massie and all the student editors who have worked hard putting this together, as well as their faculty advisor, Professor Ben Carpenter, and Professor Greg Sisk, who was the moving force behind this particular symposium. I'm also thankful to Mark and Terry Kohler and Greg and Mindy Sisk for their sponsorship of this event, which has made it possible for us to gather.

It is not just important for a Catholic law school to be engaged in this conversation—it is, I would submit, compulsory for a Catholic law school to be engaged in this conversation. Let me briefly explain.

According to Pope Francis, “the mission of jurists cannot be other than that of limiting and containing” society’s unhealthy tendency to mistreat prisoners and those accused of crimes.¹ The challenge arises from the fact that “judges and employees in the criminal justice system must perform their work under the pressure of the mass media, of certain unscrupulous politicians and of the vengeful trend which permeates society.”²

So, we:

must guarantee that States are not allowed . . . to subordinate respect for the dignity of the human person to any other purpose, even should it serve some sort of social utility. Respect for human dignity must serve not only to limit arbitrariness and the excesses of the agents of the State, but act as a guiding criterion for the prosecution and punishment of those actions which represent the most serious attacks against the dignity and integrity of the human person.³

Visiting one prison, Pope Francis told inmates, “We all make mistakes in life. And we all must ask forgiveness and make a journey of rehabilitation so we don’t make them again.” While some people are able to do this in their own home and others are forced to do this in a prison, “all of us, all

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1. Pope Francis, *Address to the Delegates of the International Association of Penal Law*, THE HOLY SEE (Oct. 23, 2014), https://www.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141023_associazione-internazionale-diritto-penale.html.

2. *Id.*

3. *Id.*

of us—anyone who says they do not need to go through a process of rehabilitation is a liar.”⁴

Wait, wait, wait—you’re tempted to say—Pope Francis is a liberal pope, of course he talks about prisoners’ rights. OK, then, how about Pope Benedict, who can hardly be dismissed as a liberal pope. Here’s what Pope Benedict has to say about prisoners:

“I was in prison and you came to me” (Matthew 25:36). These are the words of the Last Judgment, as told by the Evangelist Matthew, and these words of the Lord, in which he identifies with the prisoners Wherever there is the hungry, stranger, sick, incarcerated, there is Christ himself who awaits our visit and our help The Church has always counted visiting those in prison among its corporal works of mercy And this, to be complete, requires the capacity to fully welcome the prisoner, “making space and time for them in our homes, friendships, laws and cities.”⁵

Making space for the prisoner in our laws!

Pope Francis has called us to push back on what he calls a culture of indifference and instead build a culture of encounter. What does that mean—as lawyers presented with the stark reality of mass incarceration—can we look past the statistics and see the person? To the students gathered here today, the conversation about prisoners’ rights is at the heart of what it means to integrate faith and reason; and it’s at the heart of what it means to be a lawyer. We’re so glad you could all join us for this conversation. Welcome—I hope your minds and hearts are stretched by the day.

4. Cindy Wooden, *There but for the Grace of God: What Pope Francis Thinks of Prisoners*, CATH. NEWS SERV. (June 1, 2015), <https://catholiccourier.com/articles/there-but-for-the-grace-of-god-what-pope-francis-thinks-of-prisoners/>.

5. *Pope Benedict to Prisoners: I Carry You All in My Heart Before the Lord*, VATICAN RADIO (Dec. 18, 2011, 3:23 PM) (citations omitted), http://www.archivioradiovaticana.va/storico/2011/12/18/pope_benedict_to_prisoners_i_carry_you_all_in_my_heart_before_the/en1-547397 (Vatican Radio’s translation of Pope Benedict XVI’s discourse in Rome’s Rebbiba Prison).