

To Bind Together That Which Is Broken A Theological Reflection On Criminal (In)justice

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"I have given you a covenant to the people, a light to the nations, to open the eyes that are blind, to bring out the prisoner from the dungeon and those who dwell in darkness." Isaiah 42:7.

"...for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was in prison and you visited me....Truly, I tell you, just as you have not done it to one of the least of these, you did it not to me." Matthew 25:35, 45.

"(Unitarian) Universalism....teaches us the race is so bound together...an injury to one member is an injury to all." Levi Powers, 19th century prison reformer.

Criminal justice has been a key element in the social ethics of Judaism, Christianity and Unitarian Universalism. The prophetic religions have always given a "preferential option" to the poor, the oppressed, the imprisoned.

There are strong theological bases undergirding this passion for reform of the criminal justice system. In the Jewish Jubilee Year of the Lord, the prisoners are set free, land is redistributed and all people are given a fresh start. The God of the Hebrew prophets was not only a God of justice, but a God of mercy. Time and again the Hebrew people strayed from their covenant with Yahweh; time and again Yahweh rebuked them, but also forgave them. The Messianic tradition implores Jews to treat each person, no matter how humble, as if that person might be the long-awaited Messiah.

Jesus was infamous for consorting with the outcasts of society, and had a compassionate word for those in prison. When asked about the limits of forgiveness for sin, he said we should forgive those who wrong us seventy times seven. Luke's Parable of the Good Samaritan suggests that our neighbor is anyone who is in need. In Matthew's prophetic Chapter 25 Jesus exhorts his followers to treat the humblest people as they would treat him. "Inasmuch as you have done it to the least of these, you have done it unto me." No one is outside the pale of divine love.

That theme is picked up in Universalism with its historic theology of the final harmony of all souls with God. All people were to be ultimately restored to the Creator. Unitarian prison reform pioneers like Dorothea Dix who was instrumental in releasing the mentally ill from prison and placing them in

hospitals. Unitarian Universalists affirm the inclusive Beloved Community, a perspective informed by a basic commitment to the "inherent worth and dignity of every person," and to "justice, equity and compassion in human relations."

The very word religion is from the Latin *religare* - meaning to bind together. It is the task of the religious community to building community, not to further widen the gaps of race, culture, class and creed that divide us. Religious people recognize that those who break the law must not only be sanctioned, made accountable for their actions, and make restitution for their behavior, but also ultimately be restored to the community. The "war theory of crime control" with its almost exclusive emphasis on the panacea of imprisonment must be called into question, not only by the facts of crime and punishment, but also by the faith of religious people.

Getting tough on crime is not the solution, for getting soft on crime has never been the problem. Prison building creates an illusion of security. It is simply assumed that if current forms of punishment do not work well, more punishment will work better. We cannot cage inmates like animals in a zoo or stack them as chattels in a warehouse and expect them to emerge as decent, law-abiding citizens.

The will to punish inspired by a theology of vengeance, retribution and revenge relies on lowest level of motivation - the pleasure-pain principle. It was Mahatma Ghandi who said that if we continue this eye-for-an-eye and tooth-for-a-tooth philosophy we will become a blind and toothless society. Accordingly, incarceration should be sanction of last resort.

While conventional wisdom and political popularity point to punishment through imprisonment as the way to deal with those who have broken the law, religious people are called to compassion for both perpetrator and victim of criminal behavior. We are mandated to follow the prophetic ethics of our traditions rather than the politically expedient mantras that are uttered by politicians and others who pander to public outrage about crime with a "lock them up and throw away the key" rhetoric and legislation to implement that retributive philosophy. As the late columnist James Reston wrote, "The more complicated life becomes, the more people are attracted to simple solutions."

A theology of restoration seeks to restore both offender and victim to the community. It is based on an ethic of compassion. Compassion comes from the Latin *com*, meaning together, and *pati*, meaning to suffer - to suffer together. In German the word is *mitleid* - feeling the misfortune of the other. The striking thing about compassion is that this feeling of deep sympathy, sorrow or pity for another who is stricken is always accompanied by a strong desire to alleviate the pain or remove its cause. Feeling the pain of another is never enough. That empathy - feeling with - must issue in action to serve the needs of the neighbor.

A theology of restoration notes that retributive and distributive justice are connected - part of one social fabric. In our society winners are lavishly rewarded - losers often punished by imprisonment when they express their outrage at losing in anti-social acts.

The 19th century Senator Charles Sumner once said that, "There are dinners without appetites at one end of the table and appetites without dinners at the other." In that graphic image he captured the concept of inequity - fundamental unfairness in the distribution of goods necessary for life. It is clear that the preponderance of those who commit crime are from America's underclass. The very fact that spending on criminal justice punishment is double that for public education in New York State suggests that inequity is a major factor in crime, and that until we have created a more equitable society, society's "have-nots" will strike out against both its "have nots" and its "haves."

Christian theologian Joseph Sittler said that "Justice is love operating at a distance." Anyone who has visited people in jail knows the wisdom of the aphorism, "There but for the grace of God go I." Inmates are not totally unlike visitors. Sister Helen Prejean of "Dead Man Walking" fame has served to humanize even those who are on Death Row. William Sloan Coffin has asked, "In a competitive society, what do we do with the losers?" We in New York State have increasingly been saying, "put them in prison." That is an abdication to the lesser angels of our nature rather than the best.

Working for justice is no abstract mission, but a calling to remember that each person is to be treated as if they were the Messiah, to think that person might be Jesus, to show compassion to the least of these.

Our calling as religious people is to create communities of moral discourse and social action. Such discourse causes people of faith to consider the plight of the poor and imprisoned in the light of their ethical imperatives. Out of this dialogue emerges a creative tension between the reality of crime and the ideal of justice. To be a religious person is to be for others - no matter who they are.

Geoffrey Canada is Director of the Rheedlen Institute of New York City, an anti-violence, community-building program for ghetto youth. In an interview in *The Other Side* magazine, Canada was asked, "What should the churches do?" He replied, "raise the volume...stand up and raise our voices in outrage when we find children being harmed anywhere. People hide behind, 'Well, I don't want to get mixed up in politics, because that's not what church is about' - well, it is what it is all about. We have to express outrage at things that are outrageous."