



Connecting Faith and Life

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Session at a Glance

The United States has the highest rate of incarceration in the world. What are the implications of this high rate of imprisonment? How do our Christian views of justice and mercy address this issue?

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Imprisonment and Justice

by Rebekah Jordan Gienapp and Melissa Lauber

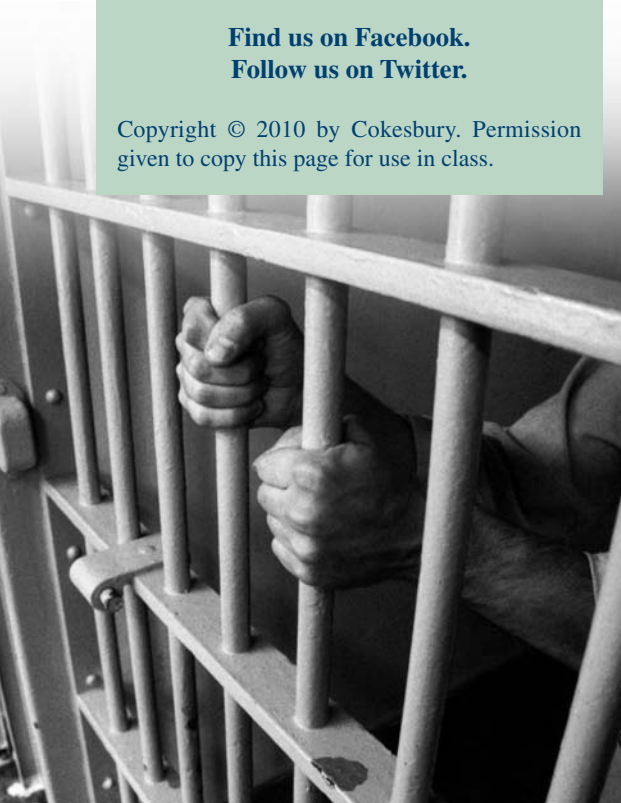
Leading the World in Prisoners

According to an April 2009 article in *The Economist*, the United States has less than five percent of the world's people, yet the nation has nearly 25 percent of the world's prisoners. The US prison population has been growing steadily for three decades. One in 100 adults is now behind bars, and one in 31 adults is either in prison or on parole. The United States now has the highest reported incarceration rate in the world.

The Pew Center on the States, an advocacy organization that performs research on state policy issues, points to a series of policy choices by lawmakers as the primary reason for higher imprisonment rates. The Pew Center highlights Florida as a case study. Between 1993 and 2007, the state's inmate population grew from 53,000 to more than 97,000. During this time, the legislature ended credits given for good behavior that had previously reduced some prisoners' sentences. A "zero tolerance" policy was also implemented that required probation officers to report every offender who violated any term of parole, and that increased prison time for all parole violations. Susan Urahn, the Pew Center's managing director, raises questions about whether we are "really getting the return in public safety from this level of incarceration." However, not everyone agrees with this analysis. Paul Cassell, a University of Utah law professor and former federal judge, says that the Pew Center's report, *One in 100: Behind Bars in America 2008*, overlooks benefits of heightened imprisonment, such as a 25 percent drop in crime over the past twenty years.

The rapidly growing costs of imprisonment are causing many states to examine alternatives to incarceration for nonviolent offenders. According to a report by the National Association of State Budget Officers, the amount states spent on corrections from 1987 to 2007 grew by 127 percent, while spending on higher education only grew by 21 percent.

In 2007, facing potential multimillion-dollar spending increases in order to build new prison cells, Texas legislators instead decided to make dramatic changes in their approach to low-risk offenders. Drug treatment, much of which is offered in secure facilities, has been made much more widely available. Drug courts that combine substance abuse treatment with penalties for missing drug testing or treatments are also being widely used. Some states are also using community options for addressing parole violations, rather than automatically sending offenders back to prison. Community service, electronic monitoring of parolees, and centers where offenders must report during the day are all options being used in an attempt to reduce prison populations.



Core Bible Passages

In **John 8:2-11**, Jesus protects a woman caught in adultery from being stoned by asking the question of whether anyone in the crowd is free from sin and therefore able to condemn her. When hearing of a crime, the first question many of us ask is “How could a person do such a thing?” Yet Jesus’ response reminds us that it is often easier to look at the wrong others do than to look at our own wrongdoings. God’s compassion embraces everyone.

The prophecy of **Isaiah 61:1-3**, which Jesus claims for himself in **Luke 4:18-19**, shows that bringing good news to the oppressed, binding up the brokenhearted, proclaiming liberty to captives, and comforting all who mourn are at the heart of God’s justice. As we consider how to respond to crime, we can ask how our actions as a community will heal the wounds of those who have been hurt and transform the underlying oppression of the situation.

Matthew 25:31-46 reminds us that Jesus is present in each prisoner. Along with the ministries of feeding the hungry, clothing the poor, and offering hospitality to strangers, we are called to visit those in prison and treat them as Christ. It is noteworthy in this passage that Jesus is speaking of the nations, and not just individuals, being judged for how they have treated the most marginalized of their communities.

Which Kind of Justice?

Many Christians have conflicting feelings about our criminal justice system. We are dismayed at the violence we see in our society; and we worry about high rates of drug use, especially among young people. Those of us who have been victims of crime often find it hard to move on with our lives. Yet at the same time we may also wonder whether prison is the solution most likely to reduce crime. Christians ministering to persons recently released from prison often find that former offenders face immense barriers when trying to reintegrate into society.

Our criminal justice system is rooted in the concept of retributive justice, which focuses on proportionate punishment for committing a crime. *Crime* is defined as breaking the laws of the state, and the state is considered the victim of the crime. The actual persons who have been hurt by the crime are part of the process primarily because of the potential they have to offer testimony that will lead to a conviction. The purpose of a trial is to decide who is to blame and not how the problem might best be solved. Professionals—most of whom are lawyers and judges—make decisions about how the crime will be addressed.

Many people of faith, as well as those from secular backgrounds who want to reform the criminal justice system, advocate for solutions that are rooted in restorative justice. Restorative justice is a movement encompassing a wide range of solutions that seek to make amends for the wrong that has been done. Crime is seen as the violation one person commits against another rather than against the state. The offender must act to restore the debt that he or she owes to the victim and to the community.

Mennonite author Howard Zehr, a major figure in the restorative justice movement, points to the different questions that are asked when using a retributive versus a restorative model. He says the questions in retributive justice are “What laws have been broken? Who done it? What punishment does he deserve?” By contrast, the questions of restorative justice are “Who has been hurt? What are their needs? Whose obligation is it to meet their needs?”

Harmon Wray, a United Methodist who worked extensively on restorative justice until his death, pointed out that restorative justice can help offenders develop self-discipline to prevent repeat offenses. Retributive justice, on the other hand, simply encourages criminals to carry out their acts in a way so that they will not get caught. Restorative justice also assumes that the people most hurt by the offense—the victim and, in some cases, individuals in the community—should be the ones to determine what could make the situation right.

While restorative justice’s focus is not on punishment, this does not mean that it encourages victims to “forgive and forget.” Wray compares restorative justice methods to the twelve-step recovery model, requiring addicts to make amends to those they have hurt, which is a necessary step toward healing for all involved.

Means of Restoration

Those who are involved in restorative justice work point out that no single method is used. Restorative justice looks different in the many

Sentencing Disparities

In the 1980's, when fears over crack cocaine were widespread, sentencing laws were passed to stiffen the penalties for crack defendants over powder cocaine offenders, stating that a defendant must be in possession of 100 times more powder cocaine than crack in order to trigger the same mandatory minimum sentences. The average sentence for a crack offense is three years longer than for a powder cocaine offense. Although a 2005 national survey on drug use found that two thirds of crack cocaine users in the United States were white or Hispanic, a 2007 congressional report indicated that nearly 82 percent of crack cocaine defendants were African American. In 2004, the United States Sentencing Commission (USSC) found that African American drug defendants were 20 percent more likely to be sentenced to prison than white drug defendants.

Created by Congress in 1984, the USSC has recommended for years that Congress revise sentencing guidelines to equalize the mandatory sentences based on equal amounts of crack and powder cocaine. Several different congressional bills have been introduced, some of which lower the amount of powder cocaine in possession that triggers mandatory sentences, while others raise the amount of crack cocaine. The Sentencing Project, an advocacy and research organization, recommends the latter approach, because it believes lowering the amount of powder cocaine would still result in people of color being disproportionately imprisoned, and would continue to focus on street-level drug activity rather than high-level drug dealers and suppliers.

places in the world where it is practiced, and even within the United States it has much variety. One example is victim-offender mediation programs. In this model, courts refer cases to trained mediators, who facilitate a face-to-face dialogue where both the victim and offender are willing to participate. Both parties express their feelings and work together with the mediator to come to a fair resolution they find acceptable. Examples of potential resolutions include the offender making financial restitution to the victim, entering drug or alcohol treatment, or performing community service. Both the victim and offender sign an agreement that is given to the court. The agreement could be part of the offender's sentence, the entire sentence, or a condition of probation.

Ellen Halbert of the Travis County District Attorney's Office in Texas has thought about the potential empowerment that restorative justice offers to victims. Halbert was herself once the victim of a rape and stabbing, and she stresses that victims want more than apologies from the person who injured them. "The No. 1 thing victims want is for what happened to them not to happen to anyone else," Halbert said. "Through restorative justice programs, victims have discovered that their voices and their stories can change the lives of offenders from criminals to law-abiding members of our community."

This does not mean that restorative justice is an appropriate way to deal with all crimes. Many programs require that in violent offenses, restorative methods can only be used at the victim's request, not the offender's. Harmon Wray also wrote that situations in which there is a great power difference between the victim and offender, such as domestic violence or sexual abuse situations, do not tend to fit well with the restorative justice model.

Concern for the Victim and the Offender

The biblical witness is clear that Christians are to hold themselves to standards of love and forgiveness rather than strive for revenge. The Hebrew understanding of justice was rooted in *shalom*, which included not just peace but also restoration and wholeness.

Even the instructions in **Exodus 21:23-24** to give "life for life, eye for eye, tooth for tooth" were likely more humane than they appear at first glance. Lois Tverberg of the En-Gedi Resource Center has written that the law was intended to limit punishment, not encourage it: One could not take more than an eye when an eye had been injured. Without such a law, family members of a particular victim were free to carry out revenge, resulting in escalating violence and feuds. In addition, other cultures allowed for capital punishment to be used for minor crimes such as stealing; but the Hebrew people were told not to do more harm than had been done to them.

Jesus' teachings on retaliation are often hard to put into practice. In the Sermon on the Mount, Jesus goes beyond an "eye for an eye" by instructing us not to resist an evil person and to love our enemies and pray for those who persecute us (**Matthew 5:38-39, 44**). At the same time, Jesus calls us to show deep compassion for those who have been victimized, as in the parable of the good Samaritan (**Luke 10:29-37**).

United Methodist Ministries and Criminal Justice

The General Conference resolution “Mission Plan for Restorative Justice Ministries” calls on United Methodists to repent for ways we have encouraged a system of retribution; to speak out about the ways that the criminal justice system dehumanizes persons; to work to develop theological foundations for restorative justice; and to increase our ministries with the incarcerated and their families, with victims of crime, and with communities harmed by crime. The United Methodist Church has a Restorative Justice Ministries Committee, which serves as a resource center for annual conference and local church ministries related to criminal justice.

The Oklahoma Annual Conference’s Criminal Justice and Mercy Ministries (CJAMM) is one example of United Methodists who are deeply engaged in ministries with current and formerly incarcerated individuals. Exodus House is a residential program that equips “released ex-prisoners and their families to become productive, self-supporting, cohesive family units” through activities including counseling, job preparedness, and opportunities for family growth. The CJAMM also offers a summer camp for children whose parents are in prison and has congregations that meet inside four different prisons for worship and enrichment activities. The ministry team also offers the Kairos spiritual retreat in a number of juvenile detention facilities.

When it comes to showing concern for the victim or the offender, our adversarial criminal justice system often puts us in the position of choosing sides. However, God’s *shalom* calls us to love both, believing it is possible to find solutions that bring healing to the person who has caused harm and to the person who has been harmed.

The Power of Forgiveness

Forgiving the person who has taken the life of your child sounds like an impossible task. Fourteen years after his 17-year-old son was killed by a neighbor, Bernard Williams found that forgiveness was the only way he could find some peace in his life.

Williams’s son, nicknamed Beethoven, was shot by his neighbor William Norman after setting off Norman’s car alarm while playing basketball. For a long time, Williams wanted revenge against Norman, and he urged the judge to give him the maximum sentence.

Thirteen years after Beethoven’s death, Williams participated in a Community Conferencing program, which arranged a meeting with Norman. In the meeting, Williams was able to tell Norman what he went through. After he described the hatred of Norman he had experienced and his own struggles with drug addiction and depression, he told Norman, “I’m not going to sit here and lie and say everything’s cool, but allowing things to go on this way, it’s going to destroy me.”

Norman expressed his sorrow for not thinking through his actions beforehand. Williams was encouraged that Norman had participated in programs like anger management while in prison. Williams ended the meeting saying that he needed more time for “forgiving you in my heart,” but that he could finally accept what had happened. Williams went to Norman’s parole board hearing later that year and asked the board to grant him parole. “Keeping you here won’t bring my son back. . . . That’s my moving on process.”

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Imprisonment and Justice

How do our Christian views of justice and mercy address the high rate of incarceration in the United States?

CREATE Your Teaching Plan

Keeping in mind your group members and your group time, choose from among the OPEN, EXPLORE, and CLOSE activities or from "Teaching Alternatives" to plan the session.

OPEN the Session

Pray a Psalm

The Psalms are striking in their honest expression of many feelings we may be uncomfortable sharing in church or in private prayer: anger, powerlessness, the desire for vengeance, even hatred. They raise questions of why people suffer and frequently call on God to exercise retribution against those who have oppressed others.

Pray Psalm 36 together, inviting each member of the group to read a verse out loud. Afterward, reflect on how this psalm might speak to or help express the feelings of persons who have been victims of crime.

EXPLORE the Topic

Consider the US Imprisonment Rate

Read the first section of the essay, "Leading the World in Prisoners" (page 1). Discuss the following questions as a group: Were you surprised to learn that one in 100 adults in the United States is in prison? Do you think the rising rates of imprisonment over the last three decades have led to safer communities? Why or why not?

When you think about potential growth in prison costs in your own state, are you concerned about how this may affect the overall quality of life in your community? In what ways?

Do you believe there are offenses that are better addressed through means other than prison? What are some examples? What might be the results of using alternatives to incarceration?

Do a Roleplay

Form small teams of at least four. Ask each team to come up with a scenario for a crime that has an easily identifiable victim (for example, a burglary or an assault rather than a drug possession). After developing the details of what happened, ask one person in each group to assume the role of the offender, another to be the victim, another to be the prosecuting attorney, and another to be the defense attorney.

As they prepare for taking part in the upcoming trial in the case, have each person share his or her perspective. What concerns or questions does each party have about this crime? What questions do they wish the trial would answer? How likely is it that a trial will meet the needs they have because of this crime?

After team members share their perspectives, have participants gather in the larger group and talk about how a restorative justice process, such as a victim-offender mediation program described in "Means of Restoration" (pages 2–3), would differ from a court trial. How might it better serve the needs of the victim? of the offender? What are some obstacles that might make a mediation unlikely to be successful?

Study Scripture

Ask a participant to read Exodus 21:23-24 aloud, and then ask another to read Matthew 5:38-46. Under "Concern for the Victim and the Offender" (pages 3–4), read Lois Tverberg's assertion that the

Exodus passage may actually limit vengeance rather than encourage it. Do you think this is true? If so, how does it help us understand God's justice for our own time?

As you discuss the Matthew passage, encourage participants to share any conflicting feelings that Jesus' instructions may evoke in them. How is Jesus' call to love our enemies related to God's forgiveness of each of us for our sins?

Discuss Bernard Williams's Story

Read the sidebar "The Power of Forgiveness" (page 4). Share this additional background on Bernard Williams's story: When Williams spoke at Norman's parole board hearing and requested that parole be granted, Commissioner Michael Blount was stunned and said that in 19 years he had only heard one other victim request release for a prisoner. Norman was granted delayed release, which would come some time over an 18-month period after he attended additional classes and performed work release for six months.

Discuss as a group: How have you struggled to forgive someone? What were the barriers to forgiving? Why do you think Williams was able to ask for Norman's release? How will Williams's act of forgiveness affect his own life? How may it end up affecting Norman's life?

Consider Unequal Punishment

Read the sidebar "Sentencing Disparities" (page 3). In the 1980's, when minimum sentencing laws for crack possession were passed, many people believed that crack was a more harmful drug than cocaine in powder form. Yet a study in the *Journal of the American Medical Association* published in 1996 found that crack and powder cocaine have similar effects on the body.

Considering this information, ask the group to discuss whether there is justification for the differences in sentences for possessing crack cocaine versus powder cocaine. How might the much heavier sentences for crack possession influence African American communities' perceptions of the fairness of the criminal justice system? Why might the sentencing disparity be of concern to other communities as well?

CLOSE the Session

Pray Together

Gather clippings of recent news coverage of crimes committed in your community or of upcoming trials. Pray by name for both the accused and the victims in these situations, remembering that in God's kingdom, we can seek restoration that seeks healing for the victim without dehumanizing the offender.

Teaching Alternatives

◆ Watch a PBS special on the Bridges to Life Restorative Justice Program, a nonprofit organization that works to reduce recidivism among first-time inmates by helping them understand the repercussions crime has on victims. The program brings victims and offenders together for mediation, and it offers a 14-week curriculum for inmates. The entire 26-minute video is available at <http://tiny.cc/x7igf>. (You can also find a link at www.bridgesto-life.org under "Media.")

◆ Find out what criminal justice ministries your annual conference and/or particular congregations within the conference are involved in. Invite someone who visits prisoners, is involved in helping ex-offenders reintegrate into society, or who works with victim assistance to come speak to your group.

Next Week in FAITHLINK

Finding Common Ground on Health-Care Reform

The passage of the health-care reform bill brought accolades on one side and outcries on another. What is in the bill? What are the issues behind the responses to the bill? How can Christians with differing views find common ground?