

Punishment in America

A Sermon by Reverend Lynn Thomas Strauss

OPENING WORDS: My heart is moved by all I cannot save; so much has been destroyed, I have to cast my lot with those who, age after age, perversely, with no extraordinary power, reconstitute the world. Adrienne Rich

What lens do we use when we look at social problems?

Can we learn to see differently? Can we put aside our usual cynicism, our knee jerk reactions, our prejudices, our certainty...can we ask new questions?

In my life, I've had to think a lot about prisons and how inmates and their families are damaged by our criminal justice system. This is because three people I love have been inmates.

I've visited family members in prison, I've taken collect, monitored calls from prisons, I've sent and received letters- all of which were read and marked with the censors' stamp.

When I began to think about this sermon, I started, as I often do with a list of questions. I took my list of questions to a law enforcement officer and hoped for some wise counsel...I hoped for some answers.

As I read aloud my list of questions, it became clear to me that I was formulating my issues and concerns through the lens of compassion for the incarcerated...through the lens of anger at the penal system...through the lens of frustration at my own helplessness. Through the radical political lens of wanting to tear down the prison industrial complex. Through the religious lens of concern for the least among us.

Silence fell when I realized that I had totally ignored the experience of the victims and survivors of criminal acts, especially acts of violence. I have no experience as a crime victim, not an inkling of the lens of the victim.

I hope none of you have experience of either the offenders' lens, or the victims' lens...and yet, in some way...we all belong to all of the categories. We are all implicated, all affected, all responsible for how our society answers the moral questions of crime and punishment.

I know the offenders' story all too well, but I have never listened to a victims story. This amazing book has been on my shelf for years... "Transcending: Reflections of Crime Victims" Interviews by Howard Zehr.

Most of the crimes described are too horrific for a Sunday sermon...but the amazing thing is that all of the people interviewed are involved in victim support groups or victim-offender dialogues...some of them speak frequently to incarcerated offenders in a conversation about the importance of taking responsibility for their actions. Some relatives of victims still imagine revenge and are filled with hate and rage toward the offender.

But many are involved in trying to make a difference within the criminal justice system on behalf of victims.

Joanne tells her story; "Seven years ago my sister was killed in a car accident...it was drunk driving and he had a pattern of that. My sister was my best friend.

After several months, I knew I had to get in contact with the offender. People thought I was crazy, but through the victim-offender meditation program, I met with him in prison. I gave him a picture of my sister. I wanted him to see, hear, feel my

hurt and loss. I was hoping maybe I could make a little bit of difference in his life.

But he still had a cocky attitude about everything. He was feeling sorry for himself...I don't really think he understood what he did, but I forgave him. It was another step of healing for me.

There are times when I still feel upset at him, but a burden was lifted. Talking with him was therapy for me.

I've gotten involved in victim services because of what they gave to me. I'm hoping I can make a difference in someone's life, not by giving advice, but by walking through it with them, by being a leaning post."

Every story is different...but listening to the stories is crucial. The victims, the survivors, want-need to make sense of the tragedy, talking- even talking to the offender can sometimes help.

Given the prevalence of crime in this country, given the daily count of shootings and rapes and armed robberies, and given the numbers of people in prison in this country...2 ½ million...more than anywhere else in the world...more than 1 person in a hundred are incarcerated. 1 in 11 young men, 1 in 4 men of color will go to jail or prison at some time in their lives!

We cannot ignore the problem. It touches us all.

To fairly consider the complexities of the justice system, to bring some balance to the issues of crime and punishment, we have to see with at least three lenses; the lens of the victim, the lens of the offender, and the lens of the community. And we have to put the healing of the victim uppermost...even as we are concerned about the healing of the offender and the healing of

the community. In these tasks, we are dealing with sorrow of epic proportions.

The questions that became most important to me as I reflected through these three lenses are:

What are the obligations of the justice system?

What values does our justice system affirm?

Is it possible to envision a social order that does not rely on the threat of prison?

We might agree that the primary obligation of the justice system is to take actions toward creating safe cities, roads, and neighborhoods. And when society is harmed by violence or theft or illicit drug trafficking...it is the obligation of the justice system to either punish or hold accountable those who have done harm.

Historically, as a nation, we have focused on punishment.

A seminal work, published in 1975, by philosopher, Michel Foucault, "Discipline and Punish: The Birth of Prison" notes the history of prison reform by looking at cultural shifts in the form and uses of public power. He looks at how power over the physical body of offenders has changed through history.

Imprisonment means the state holds power over the body of the prisoner, which can mean torture, death or deprivation.

In colonial America, public flogging, physical tortures and hanging were offered like a kind of theater...the body of the accused suffering and paying the ultimate price ...for all to see.

In Pennsylvania in the late 18th century, under Quaker reform, prisons were built with cells in which to isolate the prisoner...so that he might repent and seek- through prayer and meditation...forgiveness for his sins.

These prisons for penitent sinners were patterned on monasteries-each with his own bare cell. Silence the order of every day. There were sky lights in some cells called the "Eye of God" -the idea being that God would be watching the prisoner day and night.

Around the early 1900s, chain gangs and work houses brought punishment back into visibility...with the prisoners' bodies enacting their punishment through work.

New factory owners contracted with prisons for cheap labor...when the federal government outlawed this use of forced labor for profit...it was restricted to products benefiting the state...like license plates production and road crews.

All of these cultural shifts in the treatment of prisoners' bodies were intended as reforms.

Through most of this history, the goal of rehabilitation was assumed. Isolated Self reflection, moral instruction, and work being the primary methods of encouraging a change of heart and of behavior.

The values inherent in the justice system included the belief that criminals could change, that redemption was possible.

As the population of cities grew during the industrial revolution, so too, the number of prisons grew...and there were new ideas of how to manage prisoners. Jeremy Bentham, suggested an architectural model called panoptican...a circular design in which all prisoners could be more easily watched and monitored. This marked a shift from punishment to discipline...or as Foucault put it "the use of discipline to construct non-egalitarian power relations."

Discipline creates docile bodies...bodies which require constant observation. This cultural shift was mirrored on assembly lines and in public schools. ..where docile bodies were preferred, where discipline was paramount.

In prisons, surveillance became the primary punishment...a shift from punishing the body...to soul -punishing constant isolation and observation.

The technologies used in present day prisons...take surveillance to a near art form. And the super-max prisons, (of which there are 60 across the nation) with almost constant lock down place the prison population in a kind of continuous solitary confinement.

What values does this kind of punishment of the soul convey...is this cruel and unusual punishment? Is it humane? Does our prison population reflect and extend the racism, sexism and classism of our society? Is isolation and separation from society therapeutic? Should the state kill? Have we given up on redemption?

What should be the next cultural shift in how we deal with offenders, especially non-violent offenders? Should we lock up adolescents for life?

Are prisons obsolete? Is it possible to envision a social order without the threat of prisons? One of the voices from Zehr books, a victim named Keith, said in an interview, "People shouldn't go to prison so they can suffer: the suffering they need to do is to share the suffering they've inflicted."

How might our nation move away from violence, from responding to violence with violence...what values does our system affirm today...in responding to crime, do we seek revenge or healing? Do we structure for punishment or accountability?

Do we believe that redemption is possible? It would seem we've given up on redemption today.

We long for a better way...we long for a saner, safer world of kindness and care.

Again and again in Howard Zehr's interviews with victims...they speak, with frustration, of how the system focuses almost entirely on the offender...how they, the victims, are not listened to...of how much they hope for the offender to understand their pain and take responsibility for their actions...the victims- wanting to be more a part of the process, are also hoping for the redemption of the offender.

What they are looking for, perhaps what most of us might hope for is restorative justice...justice that encompasses a larger context...justice that requires us to see through many lenses...to understand that crime isn't just about the offender, a bad or evil person, or even just about the offender and the victim, what happened in that horrible life changing moment,...but it is about the social, legal, moral, economic and political context in which the crimes occur.

We need not only redemption of the offender...but a collective redemption...for as a nation, as citizens, we are all shamed, all humiliated, all wounded by the violence of our culture. The taking of any life, the violation of any child, the beating of any gay or transgendered person...damages the web of life of which we are all a part.

And so we must discern our collective responsibility in these matters...Unitarian Universalists are not exempt...as either victims or offenders...we are certainly not exempt as part of the web or our corporate life.

What is our role in moving toward healing?

Howard Zehr writes..."All justice processes involve rituals. Unfortunately, the rituals of the criminal justice process may serve certain needs of the state and the larger society, but they rarely serve victims well. A justice process oriented toward victims would incorporate their needs for rituals of lament, vindication, remembering, testimony, empowerment and re-connection."

As Unitarian Universalists we inherit a theology of Universal Love...it is a way of living that affirms atonement, forgiveness, and blessing for all people. No one is excluded from Universal Love, no one is exiled from the possibility of transformation.

No one is left alone on the side of the road...or in a prison cell.

No one is left alone in long-suffering grief.

Ours is a religion of All Souls. Ours is a faith of original blessing.

To us comes the responsibility for healing and repair of relationships. To us comes the responsibility for Loving Kindness toward all people.

It might be easier to see from only a single lens...it might be easier to look away altogether...

But justice requires more of us.

Love requires more of us.

My niece was released from prison in May after 3 years. Even with all the sadness and pain, there were programs that helped her, there were holy events.

Her sons foster mother did manage to bring them for occasional visits, even though the prison was far from where they lived.

She had many classes, in anger management, in the criminal mind, in parenting, in computers. She earned her GED.

She learned to knit and made blankets for family members.

But where she was free, all that went away. She had no place to live, no job. The salvation army became a lifeline. She is staying clean of drugs and alcohol, she is struggling, but doing ok.

There is hope and holiness, even in the darkest corners of a prison cell. Let us meditate on these things and consider

What justice requires of us...what Love requires of us.

So May It Be/AMen