

Christian Critiques of the Penal System

BY L. LYNETTE PARKER

As public policies exclude more and more people from community life through incarceration, it is often asked, “Does the criminal justice system work?” The four books reviewed here propose an alternative vision for justice.

Conversation on crime and justice often carries a punitive tenor demonizing those called “criminals” and decrying the “leniency” of justice responses. Much political debate focuses on “being tough on crime” and creating increasingly harsher punishments. As those public policies are adopted, more and more people are excluded from community life through incarceration and other sanctions. In 2009 over 7.2 million people in the United States were subject to some form of probation, incarceration, or parole according to the Bureau of Justice Statistics.¹ Beyond the numbers of people under correctional control, the response to criminal activity significantly impacts the social cohesion of communities and families as well as the personal development of individuals. Given this reality, an oft asked question is “Does the criminal justice system work?”

The four publications under review explore this question through the lens of Christian theology and propose an alternative vision for justice. In *A Place of Redemption: A Christian Approach to Punishment and Prison* (Burns & Oates, 2004, 128 pp.), available online at http://catholic-ew.org.uk/media/files/cbcew_publications/a_place_of_redemption, the Catholic Bishops’ Conference of England and Wales explore the realities of the British prison system, the characteristics of the populations that come under criminal justice sanctions, and the social impact of incarceration. They discuss how applying the idea of *imago Dei*—that human beings are created in the image of God—to the justice system would change the way we treat victims, offenders, and community members.

In *Criminal Justice and the Catholic Church* (Rowman & Littlefield, 2007, 174 pp., \$24.95), Andrew Skotnicki develops a uniquely Catholic understanding of the purpose of imprisonment based on disciplinary practices of the church, especially the monastic prisons. He discusses how a lost understanding of Christ as the prisoner opens the door to more harsh and inhumane treatment. T. Richard Snyder, in *The Protestant Ethic and the Spirit of Punishment* (Wm. B. Eerdmans, 2000, 172 pp., \$18.00) argues that the Evangelical Protestant concentration on individual salvation creates a cultural understanding of the offender as “other” in which the underlying social causes of crime can be ignored. This individualistic focus also disregards the social impact of incarceration on communities, families, and the broader society.

James Samuel Logan’s *Good Punishment? Christian Moral Practice and U. S. Imprisonment* (Wm. B. Eerdmans, 2008, 261 pp., \$20.00) traces the convergence of social, political, and economic factors that feed the incarceration boom in the United States, further marginalizing minority populations. He discusses the problems presented by the prison industrial complex and scapegoating before going on to develop a vision for “good punishment.”

While approaching the issues from different theological and philosophical traditions, the above authors nevertheless agree on the problems with contemporary criminal justice and together begin to trace the outlines of a solution. The problems: institutional forces benefit from a destructive status quo; the public view of prisoners makes citizens indifferent to their plight; and an emphasis on individual responsibility fails to take seriously the systemic injustice that prisoners face. The solutions: remember that prisoners, too, are made in the image of God; address the systemic causes of crime; and learn to love the people touched by crime.

All four authors find that the current criminal justice system fails to facilitate or encourage the transformation/restoration of individuals and communities. It could be doing much more. In discussing his journey to understanding the problems of the criminal justice system, Snyder recounts his surprise in learning of alternatives to incarceration known to be more humane and more rehabilitative. He describes arriving at the conclusion that alternatives are not more widely used because our culture is “held captive to a spirit of punishment” (p. 3).

One stream of influence that helps maintain punishment’s domination is the “prison industrial complex.” Logan starts his critique of the justice system by explaining how political and business interests come together to create a hunger for longer and harsher sentences, more prisons, and more prisoners. Not only do politicians use “tough on crime policies” to manipulate citizen’s fears into votes, but private companies benefit from prisons in three ways: private prison management, private sector development, and private services provision. For each of these sectors, prisoners mean profits. One special interest group Logan does not address is the correctional officers unions. According to Joshua Page, the California Correctional Peace

Officers Association (CCPOA) lobbies heavily in opposition to legislation or policies that would lower the number of prisoners. Further, it sponsors a crime victims' organization that is particularly punitive in its demands.²

Images of the offender play a significant role in legitimizing and justifying harsh criminal justice responses. As Skotnicki points out, when we see the prisoner as "a political or moral threat" (p. 23), we open the door for any type of punishment to be imposed. Viewing offenders as less valuable allows us to warehouse and not help them. For Snyder, the Evangelical understanding of "personal salvation" reinforces the foreignness of those caught up in criminal behavior, or "othering," which in turn enhances the neglect of the marginalized communities from which they came.

This "othering" becomes quite visible when one considers the overrepresentation of minorities in the prison system. Both Logan and Snyder explain how the American drug laws affect whites and African Americans differently. Logan discusses the development of racism in the United States and how penal sanctions have varied by racial group over time. He quotes a 2003 report showing that "4,810 black males per 100,000 U. S. residents were incarcerated compared to 649 white males" (p. 69). Yet, the problem is not limited to the United States; the Catholic Bishops' Conference of England and Wales notes the number of black prisoners went up by 51% from 1999 to 2002, while the overall prison population only rose by 12% (p. 30).

Furthermore, many prisoners come from difficult backgrounds with a large percentage of female offenders having experienced sexual or physical abuse. According to Logan, 75% of U. S. prisoners have a history of drug or alcohol abuse (p. 98). In describing prisoners in England and Wales, the Catholic Bishops' Conference reports that 70% of young offenders had the reading level of a seven-year-old (pp. 21-25).

In addition, incarceration often negatively impacts prisoners' communities. Logan discusses this community destabilization as "collateral consequence" of mass incarceration. When going to prison becomes as common as going to school, it becomes simply a right of passage earning offenders respect. The return of ex-prisoners transfers prison terminology and other communicative symbols to their streets and families.

Incarceration of parents contributes to the corrosion of family relationships, causing children to develop low self-esteem and experience the social stigma of having a relative in prison. Children of prisoners often face the lack of basic necessities, negative peer relationships, and the development of anti-social behaviors. These negative consequences of incarceration can be found throughout the world.³

Personal responsibility is appropriate and important. But an exclusive focus on individual responsibility and the offender as law-breaker allows policy-makers, criminal justice professionals, and society in general to ignore the social causes and consequences of mass incarceration.

In contrast, each of the four writers offers a vision of justice focused on

human flourishing. It begins with a new view of prisons, one that can be summed up in the Catholic Bishops' Conference's reference to *imago Dei* as the basis of respecting human dignity. This is a way of viewing all people as inherently valuable regardless of behavior, social status, or race. In this vision, the purpose of punishment is not retribution but rather the protection of public safety and rehabilitation of offenders. Justice authorities would target the needs of both victims and offenders so that each could move beyond the offense in a healthy way and become full members of the community.

Skotnicki approaches this somewhat differently by focusing on the idea of Christ as prisoner. He argues that this recognizes "the sacredness of each human being, the freedom of the will, the centrality of virtue in the moral life, the duty of forgiveness, and the need for reconciliation" (p. 12). If we take this seriously then we will insist on prisons being places to foster repentance, reflection, and transformation.

One consequence of this view is that crime prevention would focus on improving services to marginalized communities instead of harsh punishment and "tough on crime policies." Snyder argues for collective grace which sees "redemption as corporate, political and communal while at the same time deeply personal" (pp. 62-64). In developing his account of "good punishment," Logan explains that it is focused on penance, forgiveness, and reconciliation. He uses the term "care-fronting" to speak of communities addressing wrong doing in such a way that the offender understands the impact of his behavior. But it must go beyond that to raising sincere concern for the offender's well-being.

This focus on meeting needs and creating an atmosphere conducive to transformation fits well with the theory of restorative justice—an alternative that Snyder, Logan, and the Bishops' Conference explore as a better way of doing justice. According to Daniel W. Van Ness, there are three competing views of restorative justice: an encounter between victims and offenders to discuss the crime and the response; repair of harm caused by crime with active participation from offenders; and transformation of victims and offenders while also revealing the injustices of society that must be transformed. Van Ness argues that this is a more biblical view which "asserts that justice... needs to be contextualized/discovered in each circumstance. This should be done by the parties themselves, when possible, in a moral dialogue that incorporates not only what they think, but also the values of their communities."⁴ In this way, restorative justice meets many of the characteristics outlined above for a Christian justice: respect for each individual; redemption as corporate as well as individual; and drawing out the values of penance, forgiveness, and reconciliation. Restorative justice theory and practice also offer practical mechanisms for implementing justice in the broader secular society.

The relational nature of justice is explained by the Catholic Bishops' Conference when they speak of love. While incarceration should be reserved for offenders who offer a genuine threat to the community, we can still love

them, and this can have a profound transformational impact. This is what a Brazilian Catholic lay movement, the Association for Protection and Aid to the Convicted (APAC), discovered over thirty years ago. It defines crime as “the tragic refusal to love,” which turns the idea of an effective prison environment on its head. If failure to love is the problem, then teaching prisoners to love is the solution. Their process – human valorization – seeks to help each person understand her value as a human being as well as the value of other human beings. This foundation permeates every aspect of APAC facilities by ministering to needs such as medical care, legal aid, social work, educational and vocational training, and employment assistance; offering opportunities for spiritual transformation; addressing the need to restore and strengthen family relationships, and to integrate prisoners positively into society; and helping prisoners understand the impact of crime on victims and to take steps to make amends, either to their direct victim or others in the community who have been victimized.⁵

The APAC methodology provides a concrete example of how to apply the vision of justice proposed by most of the authors. All four provide a valuable exploration of the problems in the current prison system. Their responses give us helpful guidance in how to construct a better vision of justice leading to a better response.

NOTES

1 Lauren E. Glaze, “Correctional Populations in the United States, 2009” (Washington, DC: U. S. Department of Justice, 2010), accessed September 30, 2011, <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus09.pdf>.

2 Joshua Page, “Prison Officers, Crime Victims, and the Prospects of Sentencing Reform,” California Progress Report (March 22, 2011), accessed September 30, 2011, <http://www.californiaprogressreport.com/site/node/8796>.

3 In addition to Logan, *Good Punishment?* 75-93, and Catholic Bishops’ Conference, *A Place of Redemption*, pp. 29-30, see Prison Fellowship International Asian Commission, *Children of Incarcerated Parents: They are in our midst and in need of our help. A Background Paper Exploring Issues Affecting Children of Incarcerated Parents*. (Washington, DC: Prison Fellowship International, 2011), accessed October 3, 2011, www2.ohchr.org/english/bodies/crc/docs/Discussion2011_submissions/PFI/ChildrenofIncarceratedParentsPFI.pdf.

4 Daniel W. Van Ness, “How is Justice Restored?” personal correspondence with Andrew Skotnicki, 2010.

5 Lynette Parker, “Prisons, Rehabilitation and Justice,” Restorative Justice Online (Washington, DC: Prison Fellowship International, 2010), accessed October 3, 2011, www.restorativejustice.org/RJOB/prisons-rehabilitation-and-justice.



L. LYNETTE PARKER

is Programme Manager for the Centre for Justice and Reconciliation at Prison Fellowship International in Washington, DC.