



SESSION SIX: SOME PROBLEMS WITH PRISONS

We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. And we've looked at the problems with policing, prosecution, sentencing, and reintegration. Dr. Alexander doesn't discuss prisons in her book, perhaps because she wanted to focus on constitutional law and civil rights. The issue of prisons is not as directly related to that framework. We're going to look at the question of privatized prisons which is a little broader.

We'll divide this Session into two parts. In part 1, we'll look at some facts about prisons. In part 2, we'll look at a comparison between two traditions: the Norse myth-story and the Hebrew story.

Part One: Origins and Trends

Prisoners for Profit: Spending Less on Prisoner Well-Being

'In the 1980s and early 1990s, South Carolina did a reasonably good job of caring for its mentally ill prisoners. That changed in the mid 1990s. Michael Moore, a renowned prison administrator, came from Texas and implemented a series of harsh reforms that vitiated mental health services for inmates. Jobs for prison psychiatrists were cut. Programs that had helped the mentally ill were shelved. And conditions, predictably, got worse in a hurry... One mentally ill inmate, James Wilson, was kept in solitary confinement for at least 2,491 consecutive days. [A]n intellectually disabled (and schizophrenic) man named Jerome Laudman was abused and neglected, and then left to rot in his own feces and vomit, until he died of a heart attack. [F]orce was used 81 times on a severely mentally ill inmate named James Howard. [S]ome mentally ill inmates were restrained at length in what they called a "crucifix position." [S]ome mentally ill prisoners were "routinely placed" naked "in shower stalls, 'rec cages', interview booths, and holding cells for hours and even days at a time." [S]uicidal prisoners who were supposed to be receiving anti-psychotic medication were not receiving them. No surprise, the judge wrote, since SCDC's "computer system cannot retrieve the names or numbers of all inmates referred" for mental health treatment, "the number of inmates who have made serious suicide attempts; or the number of inmates whose psychotropic medications have expired without being timely renewed." [M]entally ill inmates are routinely caged for days in their own feces and urine, having to eat literally where they shit. Judge Baxley wrote that "the deposition testimony of some psychiatrists reveals an alarming lack of knowledge about the policies and procedures at SCDC." And even if the mental health professionals knew what they were doing, they wouldn't have been able to do much. The ratio of inmates needing treatment to professionals able to provide it was astronomically high.'¹

- Watch John Oliver, *Prison*, 4:25 min mark to 14:30 min:
<https://www.youtube.com/watch?v=Pz3syET3DY>

Prisoners for Profit: Using Prisoners as Near-Free Labor

'On average, prisoners work 8 hours a day, but they have no union representation and make between .23 and \$1.15 per hour, over 6 times less than federal minimum wage. These low wages combined with increasing commissary and communication costs mean that inmates are often released from correctional facilities with more debt than they had on their arrival. Meanwhile, big businesses receive tax credits for employing these inmates in excess of millions of dollars a year. While almost every business in America uses some form of prison labor to produce their goods, here are just a few of the companies who are helping prisoners 'pay off their debt to society,' so to speak.

- Whole Foods... purchases artisan cheese and fish prepared by inmates who work for private companies. The inmates are paid .74 cents a day to raise tilapia that is subsequently sold for \$11.99 a pound.
- McDonald's... purchases a plethora of goods manufactured in prisons, including plastic cutlery, containers, and uniforms. The inmates who sew McDonald's uniforms make even less money by the hour than the people who wear them.
- Wal-Mart... states that "forced or prison labor will not be tolerated by Wal-Mart", [but] basically every item in their store has been supplied by third-party prison labor factories. Wal-Mart purchases its produce

¹ Andrew Cohen, "When Good People Do Nothing: The Appalling Story of South Carolina's Prisons," *The Atlantic*, January 10, 2014



from prison farms where laborers are often subjected to long, arduous hours in the blazing heat without adequate sunscreen, water, or food.

- Victoria's Secret. Female inmates in South Carolina sew undergarments and casual-wear. In the late 1990's, 2 prisoners were placed in solitary confinement for telling journalists that they were hired to replace "Made in Honduras" garment tags with "Made in U.S.A." tags. [VS] declined to comment.
- Aramark... which provides food to colleges, public schools and hospitals, has a monopoly on foodservice in about 600 prisons in the U.S. Despite this, Aramark has a history of poor foodservice, including a massive food shortage that caused a prison riot in Kentucky in 2009.
- AT&T... laid off thousands of telephone operators—all union members—in order to increase their profits. [T]hey have consistently used inmates to work in their call centers since '93, barely paying them \$2 a day.
- BP... spilled 4.2 million barrels of oil into the Gulf coast, [then] sent a workforce of almost exclusively African-American inmates to clean up the toxic spill while community members, many of whom were out-of-work fisherman, struggled to make ends meet. BP's decision to use prisoners instead of hiring displaced workers outraged the Gulf community, but the oil company did nothing.²

Prisoners for Profit: Extortion via Phone Calls

Phone calls for prisoners: <http://www.truth-out.org/news/item/20759-fifteen-things-that-we-re-learned-about-the-prison-industrial-complex-in-2013>, scroll down to the video, under point #6

Prisoners for Profit: Keep Capacity Filled in Private Prisons

'California guarantees that prisons will be filled to 70% capacity at all times. Arizona promises almost 100% occupancy.'³

The Political Economics of Prison Expansion: California in the 1980s and 1990s as an Early Case Study

- 'The Census Bureau counts imprisoned individuals as residents of the jurisdiction in which they are incarcerated. [W]hite, rural communities benefit from inflated population totals at the expense of the urban, overwhelmingly minority communities from which the prisoners come. This has enormous consequences for the redistricting process.'⁴
- 'A Republican parochial inclination to punish combined with high visibility locations of the racial demographic transition [rural central and southern CA counties with sizable ethnic minority immigration] during the last decades of the twentieth century played significant roles in the selection of California counties for appropriations to fund prison construction.'⁵ '[T]he death penalty solved this problem for local politicians because state and federal governments paid for the capital trials and executions. The use of bonds for state prison construction similarly contributed to resolving this contradiction by deferring and externalizing costs of imprisonment. [...] Lease revenue bonds [LRBs] originally were designed to fund projects with a revenue stream – parking garages, toll roads, and parking meters – to make the interest payments. They converted the leases to ownership following debt repayment. Of course, a prison generates costs rather than revenue. The entrepreneurial "repurposing" of LRBs was made possible in this era of de-regulation by having the [CA Dept of Corrections and Rehabilitation] lease the prisons to the state and by covering the interest payments from the corrections budget. The innovation involved the creation of a stream of revenue from an annual appropriation in a state budget and was highly unorthodox. [...] *Business Week's* Suzanne Woolley (1992) called... LRBs an "End Run Around the Taxpayer."⁶

² Kelley Davidson, "These 7 Household Names Make a Killing Off of the Prison-Industrial Complex," *U.S. Uncut*, August 30, 2015 writes, 'From dentures to shower curtains to pill bottles, almost everything you can imagine is being made in American prisons. Also implicit in the past and present use of prison labor are Microsoft, Nike, Nintendo, Honda, Pfizer, Saks Fifth Avenue, JCPenney, Macy's, Starbucks, and more. For an even more detailed list of businesses that use prison labor, visit buycott.com, but the real guilty party here is the United States government. UNICOR, the corporation created and owned by the federal government to oversee penal labor, sets the condition and wage standards for working inmates.'

³ M. David, "Private Prisons Threaten to Sue States Unless They Get More Inmates For Free Labor," *Countercurrent News*, June 24, 2015

⁴ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2011)

⁵ John Hagan, Gabriele Plickert, Alberto Palloni, Spencer Headworth, "Making Punishment Pay: The Political Economy of Revenue, Race, and Regime in the California Prison Boom," *Du Bois Review*, 12:1 (2015) p.97

⁶ *Ibid.*, p.102



Comparison: Germany and the U.S.

'Earlier this summer, we led a delegation of people concerned about the United States criminal justice system to visit some prisons in Germany and observe their conditions. What we saw was astonishing. The men serving time wore their own clothes, not prison uniforms. When entering their cells, they slipped out of their sneakers and into slippers. They lived one person per cell. Each cell was bright with natural light, decorated with personalized items such as wall hangings, plants, family photos and colorful linens brought from home. Each cell also had its own bathroom separate from the sleeping area and a phone to call home with. The men had access to communal kitchens, with the utensils a regular kitchen would have, where they could cook fresh food purchased with wages earned in vocational programs. [...] Truly transformative change in the United States will require us to fundamentally rethink values. How do we move from a system whose core value is retribution to one that prioritizes accountability and rehabilitation? In Germany we saw a potential model: a system that is premised on the protection of human dignity and the idea that the aim of incarceration is to prepare prisoners to lead socially responsible lives, free of crime, upon release.'⁷

⁷ Nicholas Turner and Jeremy Travis, "What We Learned From German Prisons," *New York Times*, August 6, 2015



Part Two: Do We Get Help? Is There a God Who Helps?

Hope in the Hebrew Bible

Isaiah 59:1 – 21

^{59:1} Behold, the LORD'S hand is not so short that it cannot save;

Nor is His ear so dull that it cannot hear.

² But your iniquities have made a separation between you and your God,

And your sins have hidden His face from you so that He does not hear.

³ For your hands are defiled with blood

And your fingers with iniquity;

Your lips have spoken falsehood,

Your tongue mutters wickedness.

⁴ No one sues righteously and no one pleads honestly.

They trust in confusion and speak lies;

They conceive mischief and bring forth iniquity.

⁵ They hatch adders' eggs and weave the spider's web;

He who eats of their eggs dies,

And from that which is crushed a snake breaks forth.

⁶ Their webs will not become clothing,

Nor will they cover themselves with their works;

Their works are works of iniquity,

And an act of violence is in their hands.

⁷ Their feet run to evil,

And they hasten to shed innocent blood;

Their thoughts are thoughts of iniquity,

Devastation and destruction are in their highways.

⁸ They do not know the way of peace,

And there is no justice in their tracks;

They have made their paths crooked,

Whoever treads on them does not know peace.

⁹ Therefore justice is far from us,

And righteousness does not overtake us;

We hope for light, but behold, darkness,

For brightness, but we walk in gloom.

¹⁰ We grope along the wall like blind men,

We grope like those who have no eyes;

We stumble at midday as in the twilight,

Among those who are vigorous we are like dead men.

¹¹ All of us growl like bears,

And moan sadly like doves;

We hope for justice, but there is none,

For salvation, but it is far from us.

¹² For our transgressions are multiplied before You,

And our sins testify against us;

For our transgressions are with us,

And we know our iniquities:

¹³ Transgressing and denying the LORD,

And turning away from our God,

Speaking oppression and revolt,

Conceiving in and uttering from the heart lying words.

¹⁴ Justice is turned back,

Hope in Norse Myth

'The Norse culture, like many ancient ones, wasn't a democracy, but a meritocracy. You had to work for your blessings from Odin; they weren't just handed down freely. In tale after tale, men had to literally and metaphorically bleed themselves in order to attain their aims and transform into warriors — the only type of man who had a chance at accompanying the Allfather to Valhalla.'⁸

⁸ Jeremy Anderberg, 'Viking Mythology: What a Man Can Learn from Odin' (*The Art of Manliness* website, May 28, 2018) summarizing the Norse poems *The Poetic Edda*. Online: <https://www.artofmanliness.com/articles/viking-mythology-odin/>; last accessed May 30, 2018



And righteousness stands far away;
For truth has stumbled in the street,
And uprightness cannot enter.
¹⁵ Yes, truth is lacking;
And he who turns aside from evil makes himself a prey.

Now the LORD saw,
And it was displeasing in His sight that there was no justice.
¹⁶ And He saw that there was no man,
And was astonished that there was no one to intercede;
Then His own arm brought salvation to Him,
And His righteousness upheld Him.
¹⁷ He put on righteousness like a breastplate,
And a helmet of salvation on His head;
And He put on garments of vengeance for clothing
And wrapped Himself with zeal as a mantle.
¹⁸ According to their deeds, so He will repay,
Wrath to His adversaries, recompense to His enemies;
To the coastlands He will make recompense.
¹⁹ So they will fear the name of the LORD from the west
And His glory from the rising of the sun,
For He will come like a rushing stream
Which the wind of the LORD drives.
²⁰ 'A Redeemer will come to Zion,
And to those who turn from transgression in Jacob,' declares the LORD.
[*He will remove ungodliness from Jacob,*' (quoted by Paul in Romans 11:26)]
²¹ 'As for Me, this is My covenant with them,' says the LORD:
'My Spirit which is upon you,
And My words which I have put in your mouth
Shall not depart from your mouth,
Nor from the mouth of your offspring,
Nor from the mouth of your offspring's offspring,'
says the LORD, 'from now and forever.'

Historical and Cultural Background

- *Norse Myth*: The *Poetic Edda* is a collection of poems in Old Norse. The oldest existing copy we have is the Codex Regius, written in the 13th century in Iceland. The leading gods are Odin and Frigga, Thor and Loki, etc.
- *Isaiah*: A poetic preacher who lived around 800 BC, in the Southern Kingdom of Judah (after the nation Israel split into two kingdoms). He is among the 'Hebrew prophets' who put their hope in God to bring about a worldwide change through the Jewish Messiah (final king). The oldest existing copy we have is the Great Isaiah Scroll from among the Dead Sea Scrolls, dating from between 350 BC – 100 BC.
- *The Redeemer*: The title comes from Israel's history of needing a champion from God who would rescue and deliver them out of the hand of a foreign power, so they could live under God's reign. The note at verse 20 reflects a subtle but fascinating difference in ancient manuscripts.

Guiding Questions

1. In Isaiah, the God of the Bible is interested in the rehabilitation of people, not just punishing them or making them prove themselves. Does that surprise you?
2. In the Norse story, we have an example of a god (or gods) who does not get involved to help human beings very much. Why would there be wisdom in letting human beings prove themselves? Why would there be drawbacks, if you were someone hoping for second chances?



3. In the biblical story, how does God get personally involved? If God had said that He was just going to isolate people and forget about them, how would that feel different to you than what He says here?
4. Did God *need* to be personally involved in order to solve this problem?



SESSION SIX: SOME PROBLEMS WITH PRISONS Leader's Notes

Overview

This is a study and action group. We've been talking about the issues raised by Michelle Alexander in her book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. And we've looked at the problems with policing, prosecution, sentencing, and reintegration. She didn't actually talk about prisons, I think because she wanted to focus on constitutional law and civil rights. We're going to look at the question of privatized prisons which is a little broader.

We'll divide this Session into two parts. In part 1, we'll look at some facts about prisons. In part 2, we'll look at how Jesus viewed captivity and oppression.

Part One: Origins and Trends

1. What do you think about the interaction between mental health and prisons?
 - a. It's alarming. Journalist Matt Ford has an article in *The Atlantic*, "America's Largest Mental Hospital is a Jail" which is important reading. During the 1980's, there were a lot of cutbacks in mental health funds and public housing and other services, which led to 'streams of apparently deranged people living on the streets.' Many unfortunate people 'ended up in the mental institution of last resort: America's jails and prisons.'⁹
 - b. How many people does that affect? 'At least 400,000 inmates currently behind bars in the United States suffer from some type of mental illness—a population larger than the cities of Cleveland, New Orleans, or St. Louis—according to the National Alliance on Mental Illness. NAMI estimates that between 25 and 40 percent of all mentally ill Americans will be jailed or incarcerated at some point in their lives.'¹⁰
2. Is it wrong for prisoners to do work for a small amount of money? Isn't it better than them doing nothing?
 - a. I can imagine ways that prisoners can be trained to budget, save, plan, and so on. So if people are genuinely prepared to leave the prison, that is their best interest and the best interest of society. But that's not the case here.
 - b. The main problem comes when private prison companies which operate for profit get into the business. For-profit companies have no interest in rehabilitation. They profit from recidivism.
3. Listen to John Oliver's segment *Prison*, 4:25 min mark to 14:30 min:
<https://www.youtube.com/watch?v=Pz3syET3DY>
 - a. As an Action Item, can we go to one of these stores (Whole Foods, Malmart, etc.) and ask them about their practices?
4. What are the incentives for privatized prisons?
 - a. Yes, technically, slavery is permitted by the 13th Amendment ... in prisons.
 - b. In addition to the motivations listed above, another is: to grow their political influence

'Private prison companies have been the target of countless lawsuits over their rampant corruption, mistreatment of inmates, and inhumane conditions which have even led to the death of prisoners. Because the corporations are profit-driven, they have an incentive to cut corners on the care of their inmates and detainees to save money. [...] While several states including New York and Illinois have banned private prisons, it's a tough battle for lawmakers to take up because of the massive amount of money the corporations pour into politics... Activist groups have long criticized the growing political influence of the private prison industry — the National Institute on Money in Politics found that GEO contributed \$6,051,178 to Republican, Democratic and third party candidates over the past 13 years. GEO and Corrections Corporation of America together have spent nearly \$25 million on lobbying efforts since 1989. The corporations exert their influence on lawmakers in both statehouses and in the U.S. Capitol, especially those with

⁹ Matt Ford, "America's Largest Mental Hospital is a Jail," *The Atlantic*, June 8, 2015

¹⁰ Ibid



influence on the immigration debate. A recent report found that private prison corporations spent \$11 million over six years to lobby Congress to keep immigrants in detention centers.’¹¹

5. What has been the history of prison labor? It’s very tied to – yes, you guessed it – racism. If possible, watch the 2016 documentary *The 13th*, by Ava Duvernay, about the Thirteenth Amendment. The U.S. permitted slavery as part of the penal system, which means that slavery just changed its form.

‘Prison labor has its roots in slavery. After the 1861-1865 Civil War, a system of “hiring out prisoners” was introduced in order to continue the slavery tradition. [It was called convict leasing.] Freed slaves were charged with not carrying out their sharecropping commitments (cultivating someone else’s land in exchange for part of the harvest) or petty thievery – which were almost never proven – and were then “hired out” for cotton picking, working in mines and building railroads. From 1870 until 1910 in the state of Georgia, 88% of hired-out convicts were Black. In Alabama, 93% of “hired-out” miners were Black. In Mississippi, a huge prison farm similar to the old slave plantations replaced the system of hiring out convicts. The notorious Parchman plantation existed until 1972.’¹²

6. Who else benefits from prison labor?
 - a. States

‘At least 37 **states** have legalized the contracting of prison labor by private corporations that mount their operations inside state prisons. The list of such companies contains the cream of U.S. corporate society: IBM, Boeing, Motorola, Microsoft, AT&T, Wireless, Texas Instrument, Dell, Compaq, Honeywell, Hewlett-Packard, Nortel, Lucent Technologies, 3Com, Intel, Northern Telecom, TWA, Nordstrom’s, Revlon, Macy’s, Pierre Cardin, Target Stores, and many more. All of these businesses are excited about the economic boom generation by prison labor. Just between 1980 and 1994, profits went up from \$392 million to \$1.31 billion. Inmates in state penitentiaries generally receive the minimum wage for their work, but not all; in Colorado, they get about \$2 per hour, well under the minimum. And in privately-run prisons, they receive as little as 17 cents per hour for a maximum of six hours a day, the equivalent of \$20 per month. The highest-paying private prison is CCA in Tennessee, where prisoners receive 50 cents per hour for what they call “highly skilled positions.” At those rates, it is no surprise that inmates find the pay in federal prisons to be very generous. There, they can earn \$1.25 an hour and work eight hours a day, and sometimes overtime. They can send home \$200-\$300 per month.

- b. Investors, and then Consumers

‘Thanks to prison labor, the United States is once again an attractive location for investment in work that was designed for Third World labor markets. A company that operated a maquiladora (assembly plant in Mexico near the border) closed down its operations there and relocated to San Quentin State Prison in California. In Texas, a factory fired its 150 workers and contracted the services of prisoner-workers from the private Lockhart Texas prison, where circuit boards are assembled for companies like IBM and Compaq. [Former] Oregon State Representative Kevin Mannix recently urged Nike to cut its production in Indonesia and bring it to his state, telling the shoe manufacturer that “there won’t be any transportation costs; we’re offering you competitive prison labor (here).”¹³

7. Why is it important to know about California’s experience with prison expansion?
 - a. Racism is again part of the equation. Rural mostly white counties accept the sight of prisons filled with minorities in their counties. They also benefit politically by a non-voting population that

¹¹ Kira Lerner, “Bernie Sanders To Introduce Legislation Abolishing Private Prisons When Congress Reconvenes,” *Think Progress*, August 20, 2015; see also Michael Cohen, “How For-Profit Prisons Have Become the Biggest Lobby No One is Talking About,” *Washington Post*, April 28, 2015

¹² Vicky Pelaez, “The Prison Industry in the United States: Big Business or a New Form of Slavery?” *Global Research*, March 31, 2014

¹³ *Ibid*



- favors them in districting! Isn't that the same debate the founders had at the Constitutional Convention? That's why black people were counted as 3/5 of a person, but couldn't vote. Wow.
- b. Shady debt-financing is part of the equation. We saw in Leviticus 25 one instance of the Bible's criticism of interest rate lending. This kind of debt-financing helped the prison boom. Notice also that the 1980's was an era of deregulation.
8. What do you think about the comparison between Germany and the U.S.?
- a. It's fascinating that Germany has a restorative model of prisons, especially after WW2. As a side note to a much more complicated question, 'the republican German constitution of 1949 represents the establishment of a specifically Christian state... that commits the state to active support of Christian teachings such as in public education' (Wikipedia, https://en.wikipedia.org/wiki/Constitutional_references_to_God). Although this view is rejected in German constitutional practice, what's important to me here is that the influence of Christianity is towards restorative justice in Germany's criminal justice system.
 - b. Scandinavian countries use restorative criminal justice practices.¹⁴
 - c. New Zealand runs its juvenile justice system in a restorative way. They studied the Christian Amish response to the suicidal man who shot school children and then himself. They also combined that with the Maori custom and legal principle that responsibility is collective, not individual.¹⁵
 - d. If people have time, encourage them to listen to Daniel Reisel, "The Neuroscience of Restorative Justice" (TED talk, Feb 2013).
9. Who is calling for change in prisons?
- a. Bernie Sanders, in his presidential campaign in 2015 – 16
 - b. The Center for Church and Prison in Boston, MA (<http://www.churchandprison.org/>)
 - c. The American Civil Liberties Union (<https://www.aclu.org/issues/mass-incarceration/privatization-criminal-justice/private-prisons>)

Part Two: God Takes a Restorative Approach to Human Evil (Isaiah 59:1 – 21)

At the same time as we've looked at the problem of our retributive system, we've looked at how we might envision a restorative system. We've looked at how the Hebrew Bible upholds a restorative justice, not a retributive justice. The God portrayed in the biblical story did not delight in punishing, but in restoring. God's response to the fall, and then His care for equal human dignity, and care for Israel in a new garden land, all show aspects of that. Now we'll see how a poet with prophetic hope named Isaiah – probably the greatest poet of the Hebrew Bible – engages this theme.

1. In Isaiah, the God of the Bible is interested in the rehabilitation of people, not just punishing them or making them prove themselves. Does that surprise you?
2. In the Norse story, we have an example of a god (or gods) who does not get involved to help human beings very much. Why would there be wisdom in letting human beings prove themselves? Why would there be drawbacks, if you were someone hoping for second chances?
 - a. Wisdom in letting human beings prove themselves
 - i. Prove it to me. I don't just take you back. Prove you've changed or are capable of changing.
 - ii. Meritocracy of trust protects you if you're innocent
 - b. Drawbacks if you were hoping for second chances

¹⁴ Max Fisher, "A Different Justice: Why Anders Breivik Only Got 21 Years for Killing 77 People," *The Atlantic*, August 24, 2012; and Erwin James, "The Norwegian Prison Where Inmates Are Treated Like People," *The Guardian*, February 24, 2013; and Johnathan Kana, "How Scandinavian Prisons Model a Redemptive Sense of Punishment," *Think Christian blog*, October 8, 2013

¹⁵ The Youth Court of New Zealand, <http://www.justice.govt.nz/courts/youth/about-the-youth-court/overview-of-principles-and-process>



4. Did God need to be personally involved in order to solve this problem?
 - a. The Bible seems to be talking about human nature here. So can human nature be changed or healed?
 - i. If human nature is just the product of evolution, then won't competition, and sometimes ruthless competition, be okay?
 - ii. If human nature is not just physical, but also spiritual, then won't we need a spiritual source of change, too?
 - iii. For more examples of how to talk about human nature from a Christian perspective, see: resources on the New Humanity Institute blog site:
<https://newhumanityinstitute.wordpress.com/sharing-jesus/>
 - b. Illus: Dr. Daniel Riesel gave a February, 2013 TED talk called *The Neuroscience of Restorative Justice*, about studying the brains of psychopathic murderers. Dr. Riesel says that the brains of offenders are further damaged especially by solitary confinement, and imprisonment when not accompanied by other humanizing, relational activities:

'It is ironic that our current solution for people with stressed amygdalas is to place them in an environment that actually inhibits any chance of further growth. Of course, imprisonment is a necessary part of the criminal justice system and protecting society... [But] because our brains are capable of change, we need to take responsibility for our actions, and they need to take responsibility for their rehabilitation.'

To reduce reoffending rates, and reimprisonment, Dr. Riesel recommends restorative justice practices:

'One way such rehabilitation might work is through restorative justice programs. Here, victims, if they choose to participate, and perpetrators, meet face to face in safe, structured encounters. The perpetrators is encouraged to take responsibility for their actions. The victim plays an active role in the process. In such a setting, the perpetrator can see, perhaps for the first time, the victim as a real person with thoughts and feelings and a genuine emotional response. This stimulates the amygdala, and may be a more effective rehabilitative practice than simple incarceration. Such programs won't work for everyone. But for many, it could be a way to break the frozen sea within.'

However, we face a challenge in embracing this option: our own thirst for retribution. Riesel says:

'Finally, I believe we need to change our own amygdalas. Because this issue goes to the heart not just of who [a murderer] is, but who we are. We need to change our view of Joe as someone wholly irredeemable. Because if we see [a murderer] as wholly irredeemable, how will see himself as any different?'

Another neuroscientist, Pascal Boyer, also argues that the human brain seems to respond to 'karmic justice' as a principle. That is, men and women seem wired to believe in retributive justice on the cosmic level. Journalist Casey Luskin writes a fairly readable summary of Dr. Boyer's argument:

'Humans are pattern-seekers from birth, with a belief in karma, or cosmic justice, as our default setting.'

Karmic retributive justice! This brain wiring suggests why the most deeply philosophical forms of ancient Hindu and ancient Greek cosmology alike agreed about cycles of karma, reincarnation, and the principle of retribution. That view of the world just makes more sense to us intuitively. It also concurs with the more natural observations of how the world works: in endless cycles and circles.



Another journalist connects this neurological wiring for karmic justice to our taste for literature, both mythic and modern. When people ‘get what they deserve’ in a story, it touches a certain part of our brains:

‘Indeed, it appears that stories exist to establish that there exists a mechanism or a person—cosmic destiny, karma, God, fate, Mother Nature—to make sure the right thing happens to the right person. Without this overarching moral mechanism, narratives become records of unrelated arbitrary events, and lose much of their entertainment value. In contrast, the stories which become universally popular appear to be carefully composed records of cosmic justice at work.

‘In manuals for writers (see “Screenplay” by Syd Field, for example) this process is often defined in some detail. Would-be screenwriters are taught that during the build-up of the story, the villain can sin (take unfair advantages) to his or her heart’s content without punishment, but the heroic protagonist must be karmically punished for even the slightest deviation from the path of moral rectitude. The hero does eventually win the fight, not by being bigger or stronger, but because of the choices he makes.

‘This process is so well-established in narrative creation that the literati have even created a specific category for the minority of tales which fail to follow this pattern. They are known as “bleak” narratives.’¹⁶

Consider what (at least some) neuroscience is telling us about ourselves: Restorative justice practices work better than retributive justice practices in reducing criminal behavior. We see that empirically. We also understand why: Our amygdalas produce more healthy brain cells when we are in constructive relationships with others. And yet the ‘default setting’ (said tentatively) of our brain is karmic retributive justice! At least with some wrong-doers, and people we feel unable to trust, we simply desire to punish them. We isolate them in massive prisons. We put them out of our sight. We stop caring about them. Often, when they get out of prison, we continue to penalize them by denying them voting rights, food stamps, public housing eligibility, many types of employment, and relief from indebtedness. So ‘we need to change our own amygdalas,’ as Dr. Daniel Reisel says.

5. Why is this important for us in our study of *The New Jim Crow*? Because once we call someone a criminal, it’s really easy to forget about them, and dehumanize them. Then we don’t think about sharing or showing God’s grace to them.
 - a. Currently, federal prisons are 40% overcapacity – does that bother us?
 - b. Jesus believed that the captive and the oppressed are everyone. We are captive in our own bodies to the oppression of sin. Paul said the same thing in Romans 7:25. Our human nature has become corrupted. Jesus came to heal us of that. That’s why in the passage right before this one, he went through the temptation experience. He was showing that he was going to be victorious over every temptation. Then he was going to conquer sin by dying and killing the thing in himself that shouldn’t be there. Because it shouldn’t be in us either. And in his resurrection, he comes back as a healed, new humanity. He shares himself with us by his Spirit.
 - c. If Jesus entered into our deepest captivity and prison, how much more are we called to enter into the captivity and prisons of others, not in the sense of committing a crime or sinning, but to understand and support and be an encouragement?
 - d. Illus: Let me tell you just one story of how Jesus has touched people on the other side of the drug trade. Colombia in South America has long been known for its drug cartels, supplying the U.S. and other countries. Medellin, its second largest city, is the violence capital of Colombia. For a long time, there were ‘3,000 homicides a year in Medellín alone, by knife, machete, pistol, machine gun, grenade, and bomb.’¹⁷ In Medellín stands Bellavista Prison. It is filled with

¹⁶ Nury Vittachi, ‘Scientists Discover That Atheists Might Not Exist, and That’s Not a Joke,’ *Science 2.0*, July 6, 2014; http://www.science20.com/writer_on_the_edge/blog/scientists_discover_that_atheists_might_not_exist_and_thats_not_a_joke-139982

¹⁷ Deann Alford, “New Life in a Culture of Death,” *Christianity Today*, February 1, 2004



'terrorists, guerrillas, paramilitaries, bad cops and soldiers, narcotraffickers, common criminals and sicarios (killers for hire).' Once, inmates played soccer with a severed human head. And at one point, there were 60 deaths a month as rival groups fought it out among their cardboard and wood cubicles. Then in January of 1990, the prison guards walked off the job to protest the daily violence. A massive riot broke out among the inmates. The Colombian army was called in. 'But days into the standoff, Oscar Osorio, a Bellavista convict who became prison chaplain, gathered a handful of Christian volunteers associated with [a Christian ministry called] Prison Fellowship International. Singing hymns and carrying white flags, Osorio and his volunteers marched in procession through the prison gates.' They weren't sure if they would make it out alive. Entering the prison was like Jesus entering our world, and offering to enter our lives. Osorio found the prison's PA system was still working, so the chaplain preached. He called for repentance. The inmates laid down their weapons. And the riot was over, just like that. Not only that, a huge spiritual revival broke out in Bellavista Prison. Three hundred Christian inmates gathered as prayer partners. Prisoners began surrendering their weapons to Oscar Osorio and his team. But I want to make sure you know more details of the story, because it's not that Oscar and his team just showed up one day. He had been working in the prison for three years – arriving at 8 a.m. and spending the entire day inside with the prisoners. In fact, Christian ministry there went back to 1976. So now, people's lives are being deeply transformed by Jesus. Prisoners now in love with Jesus have even requested transfers to other dangerous prisons in order to go talk about Jesus there. Bellavista Prison now has a pastoral training program and is a missionary sending agency!¹⁸ So that team of Colombian Christians demonstrated the love of Christ. Because they were walking with Jesus as he entered into places of darkness, in our world and in our hearts, to set us free from sin so we could be God's people.

6. Application:

- a. We need to think of the church as a community of rehabilitation and restoration.
 - i. 'In his 2000 thesis, *The Significance of Christianity in 'Reforming' Prisoners*, Arthur J. Bolkas reported on his research designed to determine the level of transformation in the lives 45 inmates and 15 former prisoners. Positively, the study concluded the following: Christian prisoners/ex-prisoners believed that being a Christian made a qualitative difference to life in prison, offering essential hope, meaning and purpose in life, a positive outlook, and productive use of time. Christianity provided a different way of life, with new morals, values, and a renewed sense of self that helped overcome guilt and generally enhanced relationships. Belonging to a religious group provided practical and moral/spiritual support, which assisted prison adjustment and personal security. Moreover, Christian inmates had more self-control and tolerance/respect (than they ordinarily would) for authorities and others, resulting in fewer institutional rule violations. (Bolkas, 2000)' However, Christian inmates sometimes are stigmatized by staff and fellow prisoners. And going from prison to release and into a church context can feel like a hard cultural shift.¹⁹
- b. We need to advocate for at least the option of restorative justice over retributive justice.
 - i. 'According to Howard Zehr, retributive justice is when "crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers pain in a contest between the offender and the state directed by systematic rules" (Zehr, 1990). On the contrary, restorative justice is when "crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in a search for solutions that promote repair, reconciliation, and reassurance" (Zehr, 1990). Fundamental to restorative justice is holistic healing that involves different facets of human relationships and connections. For John W. De Gruchy, restorative justice implies justice that is "reconciliatory." "Reconciliation," he argues, "is, indeed, an action, praxis and movement before it becomes a theory or dogma... Reconciliation is properly understood as a process in which we become

¹⁸ David Miller, *The Lord of Bellavista* (Evangel Publishing House, 1999); Jeannine Bourbon, "God at Work in Colombia," message given at the Heart-Cry for Revival Conference, April 2006

¹⁹ George Walters-Sleyon, "Studies on Religion and Recidivism: Roxbury, Dorchester, and Mattapan," *Trotter Review*: Vol.21: Issue 1, Article 4, (July 21, 2013), p.35; http://scholarworks.umb.edu/trotter_review/vol21/iss1/4/



engaged at the heart of the struggle for justice and peace in the world” (De Gruchy, 2002). Restorative justice reconciles the offender and the offended in the presence of the community for the healing of all parties.’²⁰

- c. We need to find meaningful ways of guarding prisoners’ rights, and opposing private prisons.
 - i. The Human Rights Defense Center is currently doing a Campaign for Prison Phone Justice. That’s a small part of the overall problem, but it’s a start. Check <https://www.humanrightsdefensecenter.org/action/>.

²⁰ Ibid, p.37 – 38