

Spirit of Punishment  
Delivered by Rev. Margie King Saphier on February 20, 2005 at  
United First Parish Church, Quincy MA

There is a spirit of punishment in this country. All we have to do is look at how rapidly the prison system is expanding to know this is so. Fyodor Dostoevsky, who spent much of his adult life in the gulags of 19th century Russia, wrote in *Crime and Punishment* "The degree of civilization in a society can be judged by entering its prisons." **Prisons are mirrors reflecting the pervasive ills of society, that are usually masked by that very society.**

Statistics reveal the ugly truths behind the mask. Since 1980, the prison population has quadrupled in the USA to more than 6.6 million people or over three per cent of the adult population. This means one out of every 150 Americans are in prison. The United States incarcerates more people per capita than any other country in the world. Now children can be tried as adults for federal crimes. Membership in a street gang is a federal offense, 47 crimes are punishable by death, and persons who are convicted of a third felony can automatically receive life in prison without parole, regardless of the offenses.<sup>1</sup> In addition, seventy percent of state prison inmates are non-violent offenders. At the same time, Congress and many states' legislatures have steadily reduced rehabilitation programs and decreased other support services designed to rehabilitate prisoners and enable them to contribute to society once they are released. In Massachusetts and New York State as well as many other states, more money is allocated for the building and managing of prisons than is allocated for state college budgets.

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<sup>1</sup> T. Richard Snyder, *The Protestant Ethic and the Spirit of Punishment*, (Grand Rapids, MI: Wm. B. Eerdmans Pub. Co., 2001), p. 7

Many may ask what is wrong with punishment, when they are guilty. Although the prisoner may be guilty because s/he pulled the trigger, sold drugs, stole money etc., we must never forget that the abuses of society in the forms of racism, sexism, poverty, child abuse, lack of education, etc. implicates all of us. As the late Rabbi Abraham Heschel said, "A few are guilty, all are responsible." There is also a very practical reason for programs that promote rehabilitation: 97% of all prisoners will be release from prison. So the question is: when a prisoner is released, do you want an individual who is be able to contribute to society or do you want the spirit of punishment to aggravate his or her anger or alienation?

The racism and classism that is present in society are also woven within the legal system. Certain laws are guaranteed to target people of color and the poor. Targeting crack, a cheap street drug, rather than cocaine, a luxury drug used primarily by whites in middle - and upper-class settings, has resulted in a disproportionate number of arrests of poor and people of color. Certain crimes are considered "dirtier" than others; so crimes such as breaking and entering often receives harsher sentences than embezzlement, although the amount of money involved might be astronomically greater in the case of embezzlement. The scandal at Enron is a prime example, and Ken Lay is still awaiting trial. The agencies that exist to help poor families are understaffed, underpaid and under experienced, so abuse is compounded. So it is no surprise that while 26% of our citizens are Hispanic and African American combined, 55% of our prison population is comprised of these two groups.<sup>2</sup>

According to the Bureau of Justice Statistics, In July 2003 the imprisonment rate for:

**White males:** 681 per 100,000

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<sup>2</sup> Ibid., p. 31.

**Latino males:** 1,778 per 100,000

**Black males:** 4,834 per 100,000

If you look at males aged 25-29 and by race, you can see what is going on even clearer, June 30, 2003:

**For White males ages 25-29:** 1,607 per 100,000.

**For Latino males ages 25-29:** 3,719 per 100,000.

**For Black males ages 25-29:** 12,809 per 100,000. (That's 12.8% of Black men in their late 20s.)

Or you can make some international comparisons:

South Africa under Apartheid was internationally condemned as a racist society.

**South Africa under apartheid (1993), Black males:** 851 per 100,000

**U.S. under George Bush (2003), Black males:** 4,834 per 100,000<sup>3</sup>

According to the Death Penalty Information Center, “almost all capital cases (84%) involve white victims, even though 50% of murder victims are black. In 82% of the cases reviewed, race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty.<sup>4</sup>

The prison population reflects the gross inequalities that exist in our educational system. In prison, 19% of adult males are illiterate, whereas and 40% are “functionally illiterate” – which means that they would be unable to write a business letter – as opposed to the national rate for adult Americans of 4% and 21% respectively. The percentage of prisoners with learning disabilities is 11%, as compared to 3% in the general population. As a result 70% of prisoners in state facilities have not completed high school.<sup>5</sup>

This tragic spirit of punishment that is riddled with racism and classism requires that we look to ourselves to understand how we are complicit in perpetuating this degradation of humanity. According to T. Richard Snyder in his book, The

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<sup>3</sup> Statistics can be found on [www.prisonsucks.com](http://www.prisonsucks.com)

<sup>4</sup> Snyder., p 31.

<sup>5</sup> “Reading and Writing” in Doing Time: 25 years of Prison Writing. Ed. Bell Gale Chevigny. (New York: Arcade Publishing, 1999), p. 97.

Protestant Ethic and the Spirit of Punishment, "Our society is wallowing in the ethos of punishment, nowhere more evident than the way in which we deal with criminals, but not limited to that response. There is a widespread vitriolic response to people who are different, whether because of color, sexual orientation, abilities, language, country of origin, or physical condition. "Synder attributes this to a Protestant Ethic that has evolved into a national mindset – no matter what religion one professes to be. It is as prevalent as the air we breathe. This Protestant Ethic is based on a theology of hierarchy in which God is above humans, humans are higher than animals, and animals are higher than plants. Humans are ranked so that men are higher than women, whites are higher than people of color, heterosexuals are higher than homosexuals, and so on. Ranking one group over another raises the question, "how can one tell if someone is higher (or blessed by God)?" Calvin addressed this question by answering that we needed to give our best effort in the honor of God. Best efforts that were applied in the work place were awarded in the form of money. Therefore the accumulation of wealth was considered a mark of God's favor. This not only allowed for accumulation of wealth, but also for the continued devaluing of individuals who were poor and judged as less than. The legacy of this teaching is still very much with us.

Historically, Unitarians and Universalists opposed the teachings of Calvin. They opposed the doctrine that humans were born depraved beings needing God's wrath. Instead they taught that Jesus came to recover for humanity the virtue and holiness that they already had but needed to have revealed again. As a result social justice was and is critical to Unitarian Universalism. Social Justice is a religious discipline, because social justice demands that we let go of our prejudices and misperceptions, so that we can see the holiness in the other.

“To awaken the compassionate heart is to bring us into community with another, into a sense of oneness through caring relationships. Ultimately the greatest healing is in awakening the heart of compassion and love because it connects us not only to others but to the heart of our compassionate God.” When I heard my professor Brita Gill Austern speak these words, I had the profound awareness that this is the reason I volunteer in prison work. It never fails that when I enter prison and meet a new group of men, I am so aware of our differences: I live outside the wall, they live inside the wall; they are men and I am a woman. I am in street clothes that I chose to wear, they are in prison uniform they have to wear; most of them are people of color, I am white; some of the men can’t read, others hope to get their GED, very few have a college degree; I have two college degrees. During the 10 week Emotional/Spiritual Awareness Class that I teach at Billerica House of corrections, a transformation begins: our illusions are peeled away, so that the healing of our separateness begins because we are able to see our oneness. In this transformation, the consequences of the spirit of punishment is revealed in all their ugliness: a life draining force that kills creativity, compassion, wisdom.

So what is to be done? The single most important tool to bring reform to prisons is EDUCATION -Education of prisoners. Illiteracy is a major cause of crime; whereas literacy provides a means to see oneself - one’s life and condition - in a new light, and enables one to imagine alternatives. This is why it is so important that UFPC provides space for the Prison Book Program. Reading the letters, compositions, and poems by the prisoners and seeing the beautiful artwork that some send along with their letters is a testimony to the creative possibilities that are within each individual. The possibilities that an education can bring to an individual and especially to a prisoner is why I serve on the Board of Partakers, a non profit, interfaith organization that works to reduce recidivism of prisoners through education.

Sadly our prison system has ebbed and flowed in its commitment to education. Not until 1953, when the University of Southern Illinois matriculated its first class of inmate-students, did higher education enter the nation's penal system. By 1965 there were only 12 other Post-Secondary Correctional Education programs in the country. The main reason for this was lack of funding. This changed after the riots at the Attica prison in NYS. The riots, among many other things, highlighted the need for education for the prison population. So in 1965, Congress passed Title IV of the Education Act, which contained the Pell Grant program entitling among others, student-prisoners who met certain criteria to receive financial aid for college-level studies. With implementation of this funding, Post Secondary Correctional Education programs flourished; by 1973 there were 182 programs; and by 1990 there were 350. But even with this growth, only 10% the country's prisoners were enrolled.

Then in 1991, Senator Jesse Helms introduced Amendment #938, which eliminated Pell Grants being appropriated to person incarcerated in a federal or state penal institution. It was eventually passed in 1995. Because most colleges and universities used the Pell Grant money to fund their professors to teach in prisons, the denial of Pell Grants ended most college degree programs in prison. There are only 5 programs in the United States that continue to exist because of independent funding. Boston University is one of them with a Bachelor of Arts degree program.

Few of us realize the full tragedy of the termination of Pell Grants to prisoners. The average recidivism rate is 66%. In Massachusetts, 40% of prisoners released will be back in prison within the first year of release. For individuals with a

four-year degree, the recidivism rate drops to less than 11%.<sup>6</sup> As I said earlier, if illiteracy is a major cause of crime, then literacy provides a means to see oneself in a new light, and to imagine alternatives.

We, in Massachusetts, have the opportunity to promote the education of prisoners. For the past 40 years Boston University has offered a Bachelor of Arts degree through their Prison Education Program at three prisons: Bay State and Norfolk – both of which are located in Norfolk; and Framingham – the prison for women. When the Pell Grants were no longer available to prisoner, Boston University’s program continued because it is independently funded, but the student population significantly declined. Because the prisoner scholars are required to take four correspondent courses with a community college to demonstrate that they can successfully complete college courses, prisoners needed money(money they did not have) for tuition at the community college and for books. The BU program was about to collapse when Jeannette Hanlon, who had been a social worker within the prison system, had a brilliant idea.. She formed Partakers. Jeannette’s genius was that invited congregations to sponsor a prisoner. To sponsor a prisoner requires that the congregation donate \$3000 to cover the expenses of the prisoner. Sponsoring a prisoner scholar is about transformation: transformation of the prisoner and transformation of the sponsoring volunteers. As the volunteer come to know the prisoner scholar, they no longer see a criminal, instead they see him or her as an individual, who committed a crime but who also has hopes and dreams, who thinks about life and who wants to learn. In addition to being mentors, the volunteer also bears witness to the injustices the cannot help but see within the justice system. As a result some sponsoring congregations have formed advocacy coalitions with other Partaker congregations to work for more education programs and to work

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<sup>6</sup> John Marc Tylor, “Pell Grants for Prisoners” in Doing Time: 25 Years of Prison Writing. (New York: Arcade Publishing, 1999) pp. 107-112

for prison reform. As prisoners experience the exhilaration of learning and experience the commitment that people from society have invested in them, they no longer see themselves as alienated from society and they want to give back to society. It is huge that these men and women no longer feel alienated.

I am going to tell a short story that captures the spirit of the work that is being done by Partakers. There once was couple who lived by the side of the river. One day they noticed a raft floating down the river. On the raft was baby – all by itself – crying. They were stunned and immediately swam out to the raft and brought the baby to shore, and tenderly cared for the baby. The next day, the same thing happened. Again they swam out to the raft and rescued the baby. This happened every day. After a few weeks there were several rafts a day coming down the river, each carrying a baby. No matter how tired the couple were, they swam to the rafts and rescued the babies. One day a traveler came by and was stunned to see so many babies being cared for by the couple. When the traveler heard the story, he exclaimed “It is wonderful that you are caring for these babies; but unless you go upstream to stop this travesty, it will continue.”

By providing the opportunity for a college education, Partaker congregations are saving one prisoner at a time, but they are also looking upstream and seeing the need for prison reform and working toward that end. Doing social justice work is a spiritual practice. It requires that we peel away our illusions and misperceptions so that we can experience a larger reality and see our oneness. May it be so.