

From New Zealand

PRISON, PRISONERS AND THE BIBLE

by Christopher Marshall

Introduction

There are few issues that evoke such powerful emotional responses in people as crime and its consequences. For many people, fear of crime is second only to fear of death. In many ways crime is a kind of death. Like death, crime can enter a person's life at any time, destroy forever their sense of safety and security, and leave a legacy of anxiety and mistrust. This legacy is bequeathed not only to the immediate victims of crime and their loved ones, but also to wider society. Where criminal offending is perceived to be increasing or to be largely random in its occurrence, whole communities can be traumatised by it. Even those who have never been directly victimised can feel their freedom restricted and their lives diminished by the constant worry that they may be the next to suffer.

Such worry is magnified out of all proportion by selective and sensationalist coverage of crime in the mass media. Even though reported crime rates in New Zealand have fallen steadily in recent years, even though our murder rate has been largely static over the last decade, even though much more violence occurs in the family home than on the streets, media concentration on a few high profile and particularly nasty crimes feeds a general perception that crime is spiralling out of all control and that one's chances of being attacked, raped or murdered are much greater today than ever before.¹ In many ways, then, we live in an age of anxiety. Despite the fact that average living standards have never been higher, life expectancy has never been longer, and individual freedoms have never been more protected than they are today, a general climate of insecurity pervades much of society.

The flow-on effects of this pervasive culture of fear are many fold. However, the most obvious and disturbing effect is the burgeoning of

our prison population. To our shame, New Zealand now boasts the second highest rate of imprisonment in the Western world (after USA). Moreover, by all indicators it is going to get worse. One anticipated consequence of the new 2002 Sentencing Act is that more people are going to go to jail, and for longer periods, than currently. More jails will be needed — and it is little short of nauseating to see politicians competing for votes by promising to build them, and to fill them, whatever it costs. (Can anyone imagine a political party going on the hustings with a promise to reduce prison populations?)

However, contrary to what most people think, our exploding prison population is *not* a symptom of increasing crime rates. There is not a one-to-one relationship between general crime rates and rates of imprisonment (although there is a closer relationship between rates of violent crime and rates of imprisonment). It is not crime rates so much as the community's general perception *about* crime, as reflected in social and political policy, that accounts for the prison boom. The Republic of Ireland, with a population the same size as New Zealand's, has around half our prison population. This is surely not because New Zealand has twice as much crime as Ireland. Perhaps it is because we are a more punitive society, or have less imaginative judges and politicians, or more pronounced ethnically-related social and economic injustices.

Yet despite our flourishing prison sector, for most people, including most Christians, prisons are “out of sight, out of mind”. We know prisons exist (although hopefully in someone else's backyard). We are glad they exist, because they remove dangerous criminals from the streets. However, what goes on in prisons, and whether they do any good, are not questions that concern us much. All we really want to know is that bad people will end up in prison, because that helps us feel safe. All the rest is someone else's problem.

However, this “out of sight, out of mind” attitude is not an option for Christians. Why? *Because of what the Bible has to say about prison and prisoners, and our responsibilities* towards them, not to mention what it says about justice, repentance, forgiveness and restoration. Those who claim to take the witness of scripture seriously in shaping their beliefs and practice ought to find themselves increasingly out of

step with the “lock ‘em up and throw away the key” brigade which is becoming increasingly noisy in society.² In my recent book *Beyond Retribution*, I set out a thorough biblical grounding for a Christian position on justice, crime and punishment.³ In this paper, I want to focus more specifically on what the Bible has to say about prison and prisoners, and draw some lessons for a Christian response today.⁴ Before doing so, I want to comment briefly on how prisons have come to play such a dominant role in modern society.

A Brief Historical Overview

We are so familiar with imprisonment as a criminal sanction that we do not often realise just how recent an innovation judicial imprisonment is. Prisons as such have existed since antiquity. As Lee Griffith observes, “The power of the sword and the power of the cage have been perennial tools of human governance”.⁵ But for most of human history, imprisonment has not been used as a way of punishing common criminals. Instead, prisons have served principally as holding tanks where offenders could be detained prior to trial or to the carrying out of the sentence of the court, such as execution, exile or enslavement, or until debts or fines had been paid.⁶ The use of long-term incarceration as method of legal punishment is a relatively modern idea, stemming only from late 18th century.

The emergence of an institutionalised prison system at this time was intended as a humanitarian improvement to the existing penal system. Prison was considered a more humane alternative to capital punishment or banishment or public humiliation, as well as a potential means for reforming criminals so they could be returned to society as upright citizens. Prior to this time, the system of punishment was largely arbitrary and often brutal. There was little proportionate gradation of penalties. The sanctions imposed upon offenders depended largely on the whim of the magistrate or prince, and there was a much stronger emphasis on hurting the body, by torture, mutilation, the stocks or the gallows, than on reforming the mind or changing the character of the offender. But as the idea of rehabilitation took hold, it contributed considerably to mitigating the severity of criminal law. The function of imprisonment changed from being a system for detaining people before trial or sentence to becoming a mode of punishment in its own right. “The age of

sobriety in punishment had begun”, Michel Foucault observes, even if the intention was “not to punish less but to punish better” — better because now the mind or soul of the criminal was being targeted, not just the body, and it was being done so away from the public gaze behind prison walls.⁷ Prisons were built throughout Western Europe and America with the intention not only of incarcerating but also improving prisoners through a mixture of work, discipline and personal reflection.

It is worth noting that Christianity provided a significant impetus in this direction. In one sense the modern prison system could be called a Christian invention. “Penitentiaries” were devised by American Quakers to provide a means of encouraging “penance” by offenders. Prisoners were to spend long periods in isolation, to give them time to reflect on their misdeeds and come to contrition. The use of single cells and solitary confinement in these prisons drew upon practices employed in medieval monasteries for disciplining wayward monks. And undergirding the whole regime was a Christian theology that believed in the power of penitence, and the potential for harsh treatment to encourage it.

But what began as a humanitarian gesture has since become one of the most violent and inhumane institutions in modern society. Twice as many rapes, for example, take place inside US prisons as are inflicted on women outside prison.⁸ Caging people for long periods of time, depriving them of autonomy and responsibility and self-respect, tearing apart their families, so that the innocent relatives and children of inmates suffer, throwing together dysfunctional and damaged people into a huge zoo, and all in name of “correcting” them, is both inhumane and counter-productive. As Mark Olson observes, “to think that slamming people behind bars, breaking their spirits, and destroying their souls could do anything other than lead to more evil is the ultimate naiveté”.⁹ Nor is it a response to crime that can claim any biblical support whatsoever.

Prisons and Prisoners in the Bible

There are dozens of references to prisons and prisoners in the Bible — from Joseph’s imprisonment in Genesis 37 to Satan’s imprisonment in Revelation 20.¹⁰ Many of great characters of the

biblical story experienced periods of imprisonment — Joseph, Samson, Jeremiah, Micaiah, Zedekiah, Daniel, John the Baptist, Peter, James, John, Silas, Paul, Epaphras, Aristarchus, Junia, and even Jesus himself, who was held in custody between his arrest and execution, and then, in death, was imprisoned in a guarded tomb. But probably the most renowned (and recidivist) prisoner of them all was the apostle Paul, who had a veritable career in the penal system!

Prior to his conversion, Paul was someone who imprisoned other people. He locked up countless Christian believers, both male and female, and on occasions cast his judicial vote for their execution.¹¹ After his conversion however, the imprisoner became the imprisoned, an experience which so stamped Paul's identity that he could refer to himself as a "prisoner of Jesus Christ".¹² In 2 Corinthians, Paul speaks of enduring numerous "afflictions, hardships, calamities beatings, imprisonments, riots, labours, sleepless nights, hunger".¹³ The book of Acts records Paul being locked up on three occasions — at Philippi, Caesarea, and Rome.¹⁴ Later Christian tradition speaks of him being imprisoned on at least seven occasions.¹⁵ Paul was not alone in this experience. Peter and John were also repeatedly thrown in jail, and, like Paul, they too were sometimes busted out of jail by divine intervention.¹⁶ The early church was actually led by a bunch of jailbirds, and God was primary accomplice in their escape!

Now in examining this biblical material for guidance on a Christian perspective on prisons, we must always keep in mind that imprisonment served a different function in biblical times than it does in modern liberal democracies. Society at this time was also very different, with stronger communal bonds and a different range of punitive options available to those in authority. Yet there are still some significant things we can learn from the Bible pertinent to our situation. I want to make four observations about the biblical evidence and what it has to teach us today.

1. Imprisonment was a cause of great suffering

In the ancient world prisons were usually underground dungeons or empty cisterns or wells, or pits in ground. They were dark and miserable places. Jeremiah was put in "a cistern house" for many days.¹⁷ When he was released for interrogation, he begged not to be returned to his cell fearing he would die there.¹⁸ Micaiah was put in

prison on starvation rations of bread and water.¹⁹ The psalmist speaks of “prisoners in misery and in irons”,²⁰ captives who “groan” and are “doomed to die”.²¹ Job considers Sheol to be preferable to imprisonment, for at least there “the prisoners are at ease together [and] do not hear the voice of the taskmaster”.²² Things were no better in New Testament times. With few exceptions, prisons in the Roman period were dark, disease-ridden and overcrowded places. It was common for prisoners to die in custody, either from disease or starvation,²³ brutal torture,²⁴ execution,²⁵ or suicide.²⁶ Imprisonment is commonly described by ancient authors as a fate worse than death; even the thought of it was appalling.²⁷

Modern prisons might appear to be luxury holiday parks in comparison (although this cannot be said of prisons in most non-Western countries). Certainly our prisons are more humane in terms of physical treatment of inmates. But they are still a source of great suffering. *All* prisons — from the hell holes of Somalia to the enlightened institutions of Scandinavian countries — are warehouses of pain, places where hurt and hurting people are made to suffer further hurt through the forced deprivation of freedom, the loss of autonomy and dignity, and prolonged isolation from the people who care for them most. It is precisely because imprisonment hurts that we use it as a punishment in the first place. Punishment is, by definition, pain delivery, and locking people up is our favoured form of administering punitive pain today. Prison hurts because it contradicts our humanity. We are made as free creatures in the image of a freedom-loving God. To take that freedom away from people is to exercise an awesome responsibility because it strikes at the heart of human dignity and identity. So the first thing the biblical record invites us to recognise is the exquisite pain imposed by imprisonment, and why it hurts so much, and thus it invites us to use great caution in resorting to it.

2. Imprisonment in biblical times was an instrument of oppression more than an instrument of justice

Prison is not prescribed as a criminal sanction in Old Testament law.²⁸ Prisons were later introduced into Israel, perhaps under foreign influence.²⁹ Yet a number of factors deterred Israel from making excessive use of them:³⁰

- Prison systems have historically grown up alongside the development of standing armies and military establishments (which also fulfilled police duties). Israel was late in developing a formalised military structure, and so jails were also late in coming.
- Biblical law favoured restitution over retribution. Restitution was a way of setting wrongs right and expressing repentance towards God. Imprisonment of wrongdoers does nothing to facilitate restitution or repair.
- Israel had a strong sense of communal responsibility for obedience to the covenant, and resisted individual scapegoating. When individuals did wrong, the people as a whole, and even the land itself, bore the consequences. “For Israel, the fullest response to crime was not the isolated punishment of an individual lawbreaker but the repentance of the entire nation”.³¹
- Israel’s experience of imprisonment in Egypt made an indelible mark on her national memory, and consequently on her social policy. Israel never forgot the bitterness of slavery, nor God’s action of setting her free from servitude. Israel therefore never used enslavement as a form of criminal punishment.³² She did still practise a form of slavery, but never felt easy doing so, and covenant law built into the institution several limitations and humanitarian protections.³³ Indeed in many ways Hebrew slavery was a more humane institution than modern imprisonment, for slaves were at least permitted to participate in normal family and community life.

While prolonged imprisonment was not used in biblical times as a form of criminal punishment, it was still used for political and military ends.³⁴ It was a way of silencing pesky prophets who voiced criticism of the reigning king or gave him unwelcome advice.³⁵ It was a means of keeping defeated enemies under control,³⁶ or detaining people accused of disloyalty.³⁷ It was a way of holding individuals before selling them into slavery, or putting prisoners of war to servitude.³⁸ It could be used to prevent debtors from absconding, with the torments inflicted upon them in custody being an added incentive for their families to ransom them from bondage.³⁹ In the New Testament prison often serves as an instrument of religious persecution.⁴⁰ Prisoners in the Bible are thus always depicted as the victims of injustice, and stories about prisoners are invariably told

from the point of view of the prisoner, not from the perspective of those who did the imprisoning.

In many places today, prison still serves as an instrument of political oppression. There are hundreds of thousands of prisoners of conscience all over the world. The words of Lamentations 3:34-36 capture God's awareness of such abuse, and therefore our responsibility also to be aware of it and protest against it:

When all the prisoners of the land are crushed under foot, when human rights are perverted in the presence of the Most High, when one's case is subverted — does the Lord not see it?

In democratic countries, prison is used not to silence political or religious opponents but to punish and deter criminal offending. This may be a necessary and legitimate use of prison (at least for the "dangerous few" who are a threat to others). But scripture's consistently negative perspective on imprisonment should alert us to the inherent tendency of all prison systems to oppress and abuse people in the name of some higher goal. This in turn should caution us against excessive or normative reliance on imprisonment as a means of dealing with wrongdoing, since the power to imprison can so easily become a mechanism of oppression.

The fact that New Zealand prisons are overpopulated with the poor and disadvantaged, with Maori and Pacific Islanders, with those at the bottom of social and economic pile, underscores the fact that criminal justice cannot be neatly separated from social justice. It is no accident that those who are marginalised or disadvantaged or discriminated against in the larger social and economic order tend to be over-represented in the prison system. That being so, to concentrate all our energies on imprisoning people for longer and longer periods as an answer to crime diverts attention from the real causes of crime — which are as much to do with social circumstances as with individual wickedness.

As already noted, biblical Israel placed a strong emphasis on communal responsibility for sin and wrongdoing, and resisted individual scapegoating. The opposite prevails today. We strongly emphasise individual freedom and personal responsibility when it comes to crime. We expel offenders from our midst, as though

removing people who do bad things will somehow rid us of vice. It is true, of course, that individuals do choose to commit crimes and are accountable for their actions. But choices are constrained by environmental circumstances, and it is naïve, if not dishonest, to speak of crime solely in terms of personal free will. Under certain social conditions people will turn to crime who in other social climates would remain law-abiding. Poverty, unemployment, racial inequality, social prejudice, family dysfunction and drug and alcohol abuse all have a role in fostering crime. A significant proportion of criminal offenders have been offended against as children before they became offenders. It is crucial therefore to inquire into the societal causes of, and collective responsibility for, crime rather than being content to divide individuals into categories of guilty and innocent, and tossing the guilty into jail. Society's own complicity in the creation of criminals is quickly lost sight of in outpourings of moral indignation at individual offenders.⁴¹

It is also important to recognise that the law which criminals break is not a neutral transcription of absolute morality. It is an irrefutable fact, Barbara Hudson insists, that the law is predominantly reflective of the standpoint of the powerful, property owning, white male and that the justice system bears down more heavily on the poor and disadvantaged than on the rich and the powerful.⁴² One recent study in New Zealand shows how the government puts far more money and resources into cracking down on welfare benefit fraud than on white collar crime, even though the cost of white collar crime and corporate fraud is up to ten times higher than the cost of all other crime combined.⁴³

The criminal justice system can oppress as well protect; it can persecute as well as punish. Once again, the alertness of the biblical tradition to this fact should caution against a naïve trust in the capacity of the cage to conquer sin.

3. Imprisonment is identified in scripture with the spirit and power of death

In light of the suffering caused by prisons and their capacity to crush the weak and oppress the poor, it is not surprising that imprisonment is often used in scripture as a metaphor for various forms of human distress. In fact, according to Lee Griffith there is a close association in scripture between imprisonment and the spirit of death itself. (This

perhaps stems from the widespread use of cisterns and pits for jails, which were associated in the popular mind with entrance to the underworld.) Prison is not simply seen in the Bible as a social institution or material entity but as a spiritual reality, a kind of living death.

The Bible identifies the prison with the spirit and power of death. As such, the problem with prisons has nothing to do with the utilitarian criteria of deterrence. As such, the problem is not that prisons have failed to forestall violent criminality and murderous rampages; the problem is that prisons are identical in spirit to the violence and murder that they pretend to combat. The biblical discernment of the spirit of the prison demythologizes our pretences. Whenever we cage people, we are in reality fuelling and participating in the same spirit we claim to renounce. In the biblical understanding, the spirit of the prison is the spirit of death.⁴⁴

If Griffith is right, we ought not to be surprised at the failure of the prison system today. A recent study in New Zealand has shown that 97 per cent of teenage prison inmates go on to re-offend within five years, and 51 per cent end up behind bars again.⁴⁵ Plain common sense should tell us that we will never defeat violence by throwing violent people together in a violent environment, especially in light of what has been called “the contagious nature of criminality”.⁴⁶ Prisons are self-defeating because they foster the very behaviour they purport to control. They generate the hatred and hostility they claim to correct. This is why, in the Bible, God’s solution is not to refine the prison system but to set prisoners free.

4. God wants to set prisoners free

We have seen that prisons in the Bible are usually part of a larger apparatus of injustice and oppression, an extension of the spirit of death. Because of this, biblical reflection on prison is uniformly negative. “Scripture records some of the worst crimes and most heinous violence the world has ever known”, Olson observes. “But nowhere in scripture do we find a divine endorsement of prisons”.⁴⁷ “Never, ever, in any part of the Bible are prisons part of God’s way. Always they are used to oppress. Always they are an affront to the divine. There are no good prisons. None”.⁴⁸

The flip side of this negative evaluation of prison is a repeated emphasis on God as a God who wants to set the captive free and to break the chains of bondage.⁴⁹ The psalmist speaks of a God who “looks down from his holy height, from heaven ... to hear the groans of the prisoners, to set free those who were doomed to die”.⁵⁰ The same God who “made heaven and earth, the sea, and all that is in them”, the same God who “executes justice for the oppressed [and] gives food to the hungry” is also the God who “sets the prisoners free”.⁵¹

As Israel languished in Babylonian exile, then fell under the sway of one pagan power after another, she came to view herself as a nation of prisoners in need of liberation.⁵² But they were, as Zechariah puts it, “prisoners of hope”,⁵³ looking forward to the day when God would say to her, “I will set your prisoners free from the waterless pit”.⁵⁴ One of the striking tasks expected of the awaited Messiah was to “to bring out the prisoners from the dungeon, from the prison those who sit in darkness”.⁵⁵ This is precisely the role Jesus claims for himself at the beginning of his ministry:

He stood up to read, and the scroll of the prophet Isaiah was given to him. He unrolled the scroll and found the place where it was written: “The Spirit of the Lord is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord’s favour”.⁵⁶

Jesus was not just talking here about a spiritual or psychological liberation for those imprisoned by sin and guilt; he was also talking about freeing people from the material structures and ideological systems which robbed them of freedom and dignity.⁵⁷ Jesus’ entire ministry of feeding the hungry, healing the sick, forgiving the guilty, embracing the outsider, loving the enemy and confronting the oppressor was a fleshing out of his proclamation of release to the captives. Ironically it cost Jesus his own freedom and his own life to do so, with the convicted murderer Barabas being the first literal prisoner to benefit from it!⁵⁸ But others followed, such as the inmates at Philippi who also had their chains struck off when Paul and Silas were freed by divine intervention.⁵⁹

How do those who inhabit our prisons today benefit from God's commitment to set the prisoner free? In my new book *Crowned with Glory and Honor: Human Rights in the Biblical Tradition*, I outline how the notion of "freedom" in the Bible has both external and internal dimensions.⁶⁰ In the Old Testament, freedom typically means freedom from external constraint (from poverty, debt, slavery, oppression, and military oppression). In the New Testament, freedom more often refers to an interior moral and spiritual freedom which the Christian gospel brings, a freedom from demons and despair, from sin and selfishness, from guilt and greed. The full experience of God's freedom must embrace *both* external *and* internal dimensions, although each can be experienced separately and neither is dependent on the other. What this means in practice is that those behind bars can still experience genuine moral and spiritual liberation even while they remain externally unfree. This is the powerful truth that lies at the heart of the ministry of Prison Fellowship. But the same Lord who brings interior freedom also desires to see prisoners set free from their physical incarceration. This does not mean Christian prisoners should be encouraged to escape! But it *does* mean their fellow believers should work hard for their eventual release, and support them through their post-release adjustment, as the consummation of the freedom Christ brings. It also means Christians should oppose the practice of "real life sentences," for in biblical perspective room must always be left for mercy, repentance and restoration.

Key Elements in a Christian Response

I have made four observations on the biblical material and tried to draw some lessons for today. To finish, I want to propose that a Christian response to the modern prison system should revolve around three key ideas:

- **CARE:** The New Testament expressly calls on believers to demonstrate practical care for those in prison.

Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.⁶¹

In 2 Timothy, Paul expresses gratitude that Onesiphorus was not ashamed of his imprisonment, but eagerly searched him out in Rome to support him. Paul is so grateful for this act of compassion he prays that Onesiphorus “will find mercy from the Lord on that day”.⁶² Jesus also makes a connection between caring for prisoners now and the outcome of Final Judgment.

Then the king will say to those at his right hand, ‘Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me, *I was in prison and you visited me.*’ Then the righteous will answer him, ‘Lord, when was it that we saw you hungry and gave you food, or thirsty and gave you something to drink? And when was it that we saw you a stranger and welcomed you, or naked and gave you clothing? And when was it that we saw you *sick or in prison and visited you?*’ And the king will answer them, ‘Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me’.⁶³

The verb “visiting” (*episkeptomai*) here probably means more than spending time with prisoners; it carries connotations of showing practical care for those in jail and acting, if possible, to redeem them from their plight.⁶⁴ But the most striking feature of this passage is the way Jesus identifies himself with those in jail, so that those who care for prisoners actually encounter the anonymous presence of Christ. Griffith makes this point eloquently:

What Jesus was telling his disciples is that, if you want to meet God face to face, the nearest you are going to come to it on this planet is to look into the faces of your brothers and sisters — and especially your sisters and brothers who have been declared unrighteous, unclean, unacceptable. It is not that we find God there; it is that God finds us there. That is where our faith is nurtured and bears fruit. There where we expect to meet monsters, we meet God instead. The opportunity to serve God lies there among the prisoners who have been reckoned to be least deserving of any service at all.⁶⁵

It is worth noting that the New Testament also displays a concern for the welfare of those who run prisons. When the Philippian jailer was about to commit suicide after thinking his prisoners had escaped, “Paul shouted in a loud voice, ‘Do not harm yourself, for we are all here.’” As a result of Paul’s concern, the jailer underwent a dramatic conversion, not only receiving Christian baptism but even washing the wounds of his former prisoners and feeding them at his own table.⁶⁶

- **CRITIQUE:** If we are to take the Bible’s consistently negative valuation of prisons seriously, it is imperative that Christians match their practical concern for those in jail with a vocal critique of society’s increasing reliance on prison as a strategy for social control. Even if we cannot subscribe to a complete prison abolitionist agenda, the direction of biblical teaching, and the logic of God’s self-revelation as the One who sets prisoners free, should surely drive all Christians to stand against every attempt to expand the prison system.

In his excellent book *The Expanding Prison*, Canadian broadcaster David Cayley traces how the modern prison system has steadily encroached upon many other areas of social life.⁶⁷ With the resurgence of retributivism in penal philosophy, the advent of the “prison-industrial complex” in the commercial arena, and the ideological use of prisons to symbolise the authority of the state in the political sphere, prisons have become a self-sustaining growth industry. But, Cayley argues, increasing reliance on prison presents a “a real threat to the decency and civility of the countries in which it is occurring”.⁶⁸ Prisons acclimatise society to relying on totalitarian modes of social control. They foster the very behaviour they claim to control, and so actually make society more, rather than less, dangerous. They conceal from public view the pain being inflicted on individuals in the name of communal well-being. What is needed, Cayley says, are alternatives to imprisonment, such as restorative justice, which are “rooted in the renewal of an old view of justice as peacemaking rather than retribution”.⁶⁹ This is where Christians ought to direct their energies, for, as I propose in my book *Beyond Retribution*, biblical justice is supremely a peacemaking justice that looks beyond retribution to restoration and healing.

- **COMMUNITY:** The third element of a Christian position on prisons must be a commitment to the reintegration of released prisoners into “communities of care”. Concern for those behind bars must be accompanied by generous hospitality towards them when they have finished their sentences and face the struggle of re-entering an often suspicious and hostile community.

People often defend prisons as a means by which offenders can “pay their debt to society”. But the metaphor fails. Not only does society foot the bill for imprisonment but ex-prisoners are never really discharged of their debt. They bear a seemingly ineradicable stigma of having been inside. In the eyes of society, a period of imprisonment serves to establish criminality as “an indelible ontological attribute”.⁷⁰

What former prisoners need most is a community of people who truly understand both the grace and the discipline of forgiveness, a community that loves its “enemies” and welcomes strangers, a community that breaks down the dividing walls of hostility and preaches “peace to those who were far off”.⁷¹ This is what Christ did, and this is what those who bear his name should also do.

- 1 See D. Welch, “Fear and Loathing”, *New Zealand Listener* May 11, 2002, 16-19. The NZ murder rate has hovered around 50 per year for the past 10 years, peaking at 73 in 1992 but falling to 45 in 2001. After rising inexorably for many years, even reported violent crime has fallen since 1996, except for 2001 when it rose by 5 per cent and then mostly because of minor rather than major assaults.
- 2 This is not usually the case however. Christian politician Brian Neeson is a leading advocate for tougher sentences, and has recently called for the re-introduction of the death penalty. “I had to put my dog down once and I found it almost impossible to do, but there are some people I wouldn’t have any trouble with”, *West Weekly*, May 22, 2002, p.8.
- 3 C. D. Marshall, *Beyond Retribution: A New Testament Vision for Justice, Crime and Punishment* (Grand Rapids: Wm. B. Eerdmans, 2001).
- 4 For a more theological approach to prisons, see D. B. Forrester, *Christian Justice and Public Policy* (Cambridge: Cambridge University Press, 1997), 63-85.
- 5 L. Griffith, *The Fall of the Prison: Biblical Perspectives on Prison Abolition* (Grand Rapids: Wm B. Eerdmans, 1993), 89.
- 6 Long term incarceration did sometimes happen. King Jehoiachin spent 37 years in a Babylonian prison (2 Kings 24:15; 25:2-7; Jer 52:31-34). King Jehoahaz died in an Egyptian prison, and there is no trace of King Zedekiah after he was jailed in Babylon (2 Kings 25:2-7; Jer 39:1-7; 52:3-11). But such cases were the exception rather than the rule.
- 7 M. Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage books, 1979), quotes from 14, 82.
- 8 “Despite the comments one hears about some prisons being country clubs, there is nothing pleasant, humane, or welcoming about most prisons in the United States. Prison life is composed of small sterile cells open to public view, double and triple bunking in cells designed for one person, crowded dormitories, regimented schedules, sometimes brutal treatment, frequent sexual violations — including

- twice as many rapes as of women nation wide — limited opportunities for self-expression and self-improvement, body counts, strip searches, identification by number rather than by name, impenetrable walls topped by razor wire, and guards with sticks and guns. It could hardly be more inhumane. T. Richard Snyder, *The Protestant Ethic and the Spirit of Punishment* (Grand Rapids: Wm. B. Eerdmans, 2001), 135.
- 9 M. Olson, "The God Who Dared", *Other Side* 26/3 (1990), 15.
 - 10 For a listing of vocabulary and biblical references, see G.L. Knapp, "Prison", *The International Standard Bible Encyclopedia* ed. G.W. Bromiley (Grand Rapids: Wm B. Eerdmans, 1979), 973-75.
 - 11 Acts 8:3; 9:1-2; 22:4-5; 26:10; Phil. 3:6
 - 12 Eph. 3:1; Philem. 1,9, cf. 2 Tim 1:8.
 - 13 2 Cor 6:5, cf. 11:23-28.
 - 14 Acts 16:19-40; 23:10ff; 24:27; 28:16, 20,30.
 - 15 1 Clement 5:6.
 - 16 Acts 5:19, 22-23; 12:6-11; 16:25-26.
 - 17 Jer. 37:16.
 - 18 Jer. 37:20, cf. Ps. 79:11.
 - 19 1 Kings 22:27; 2 Chron. 18:26.
 - 20 Ps. 107:10.
 - 21 Pss 79:11; 102:20.
 - 22 Job 3:18.
 - 23 Cf. Matt. 25:36.
 - 24 Matt. 18:34; Heb. 13:3, cf. Jer. 52:11; 2 Chron. 16:10.
 - 25 Cf. Mark 6:14-29.
 - 26 Cf. Phil 1:19-24. C.S. Wansink suggests that the imprisoned Paul's reference to voluntary death in Phil 1:23-24 may be an allusion to suicide or to ensuring his own execution by failing to testify or co-operate with the authorities, *Chained in Christ: The Experience and Rhetoric of Paul's Imprisonments* (Sheffield: Sheffield Academic Press, 1996), 96-125.
 - 27 On prisons in the Roman world, see Wansink, *Chained in Christ*, 27-95.
 - 28 There is only one place in the Bible where prison appears as a judicial sanction against illegal activity (Ezra 7:26). Even here prison is merely authorized by the Persian king Artaxerxes.
 - 29 So Griffith, *Fall of the Prison*, 89.
 - 30 Griffith, *The Fall of the Prison*, 91-94.
 - 31 Griffith, *Fall of the Prison*, 93
 - 32 Cf. Exod. 22:1-3.
 - 33 See C. D. Marshall, *Crowned with Glory and Honor: Human Rights in the Biblical Tradition* (Telford: Pa.: Pandora Press, 2001), 79-82.
 - 34 Insofar as the victims of imprisonment disobeyed the ruling authorities, they were technically criminals. But they were not jailed for breaching stipulations of the criminal code that prescribed incarceration as the punishment.
 - 35 See, e.g., Jer. 32:2-5; 1 Kings 22:27; 2 Chron. 16:1-10; 18:26; Matt 11:2.
 - 36 See, e.g., Judg. 16:21, 25; 2 Kings 17:4; 24:15; 25:2-7; 37-30; Jer. 39:1-7; 52:3-11, 31-34; Luke 23:19.
 - 37 See, e.g., Gen. 39:20; 40:1-22; 2 Kings 17:4.
 - 38 See, e.g., Gen.37:24, 28.
 - 39 See, e.g., Matt. 5:23-26; 18:30.
 - 40 See, e.g., Acts 5:18, 21, 23; 16:19-40; 23:10ff; 24:27; 28:16, 20, 30; Col. 4:3; 2 Cor. 6:5; 11:23-28; Eph. 3:1; Philem. 1, 9; 2 Tim. 1:8; Rev. 2:20.
 - 41 "The reality of covenant is that we are implicated with each other, we are shaped by each other, and each response in this relationship changes us all. We cannot escape the fact that when one is harmed, all are harmed; when one is imprisoned, all are somehow trapped. Similarly, when one is healed, all experience healing; when one is built up, all are stronger; when one is rehabilitated, the society becomes more habitable. The inescapable fact is that we are our brothers' and sisters' keepers — and they are ours", Snyder, *Protestant Ethic*, 116.

- 42 Barbara A. Hudson, *Understanding Justice: An Introduction to Ideas, Perspectives, and Controversies in Modern Penal Theory* (Buckingham: Open University Press, 1996), 149-50.
- 43 The study is by M. Thornton of Victoria University of Wellington, reported in the campus newspaper *Salient* 61/12 (1998).
- 44 Griffith, *Fall of the Prison*, 106.
- 45 The research was conducted by Philip Spier of the Ministry of Justice and involved 22,340 inmates between 1995 and 1998. Men were more likely to reoffend (74% within two years of release) and women (64%), and Maori (78%) more than Europeans (68%) and Pacific Islanders (66%). More than 62% of those surveyed had been in jail before.
- 46 R.G. Culbertson, "Perspectives on Punishment and Sentencing", in P.C. Cotham (ed.), *Christian Social Ethics. Perspectives and Problems* (Grand Rapids: Baker, 1979), 221.
- 47 M. Olson, "God Who Dared", 14.
- 48 M. Olson, "No More Prisons, No Not One", *The Other Side* 25/1 (1989), 24
- 49 Deut. 7:8; 24:18; Pss 68:6; 79:11; 102:19-20; 107:10-16; 118:5; 146:7; Isa. 42:7; 45:13; 49:8-9; 61:1; Micah 6:4; Zech. 9:11; Acts 5:19; 16:25-26; 1 Pet. 3:19; Rev. 2:10
- 50 Pss 102:19, cf. 79:11.
- 51 Ps. 146:6-7.
- 52 Cf. Isa. 42:22
- 53 Zech. 9:12
- 54 Zech. 9:9
- 55 Isa. 42:6-7; cf. 61:1.
- 56 Luke 4:16-20.
- 57 Griffith gives three reasons for not spiritualising Jesus' words: i) The implied reference to the concrete social programmes of the Sabbath and Jubilee years would have been obvious to Jesus' hearers; ii) the material in Isaiah 61 from which Jesus quotes does not support a spiritualising interpretation, since the "material" element of salvation is prominent in Deutero- and Trito-Isaiah; iii) it was not uncommon in the ancient Near East for the enthronement of a king to be accompanied by a declaration of amnesty for prisoners. Jesus' amnesty is not just a momentary thing but an eschatological deliverance. Jesus unmask the powers of death and imprisonment and declares that prisoners have a right to liberty (cf. Eph. 4:8; Col. 2:15), *Fall of the Prison*, 109
- 58 Mark 15:15; Matt. 27:26
- 59 Acts 16:25-26.
- 60 Marshall, *Crowned with Glory and Honor*, 99-100.
- 61 Heb.13:3.
- 62 2 Tim 1:16-17.
- 63 Matt. 25:34-40
- 64 Griffith, *Fall of the Prison*, 117-18.
- 65 Griffith, *Fall of the Prison*, 126
- 66 Acts 16:27-34.
- 67 D. Cayley, *The Expanding Prison: The Crisis in Crime and Punishment and the Search for Alternatives* (Toronto: Ananasi Press, 1998).
- 68 Cayley, *Expanding Prison*, 4.
- 69 Cayley, *Expanding Prison*, 10. On a similar note, Snyder proposes that "Perhaps the greatest evangelistic task facing the churches today is a conversion from the spirit of punishment to the spirit of healing", *Protestant Ethic*, 155.
- 70 Cayley, *Expanding Prison*, 41; cf. Marshall, *Beyond Retribution*, 117.
- 71 Eph. 2:14-17.

Dr Christopher D. Marshall is at the Tyndale Graduate School of Theology, Auckland.

He holds the copyright. c.marshall@xtra.co.nz

This paper was originally delivered to the “Breaking Down the Walls Conference” held between 14-16 June, 2002 at Tukua Nga Here Kia Marama Ai Matamata in New Zealand.

