

# Just Desserts? American Christianity and the Spirit of Punishment

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## Introduction

This piece amounts to an imaginative exercise. I hope that readers will stick with me and not grow frustrated as I attempt, in halting and imperfect ways, to explore the deeper-level framings that are given by many contemporary Americans—and by American Christians in particular—to the issues of crime and punishment.

Along the way I will touch on beliefs about forgiveness and about God's own justice. I will address the salience of race and class in the evolution of America's uniquely harsh criminal justice system. Of necessity I must begin with some painful social history that helped to shape later religious viewpoints and was also shaped and conditioned by core religious ideas.

## The Assumption of Divine Favor – and Its Destructive Consequences

White American history has two birth narratives, but for obvious reasons one is preferred over the other. Jamestown, the earliest ongoing European settlement, featured many lurid examples of white people behaving badly, with no one really wanting to do any work and with consequent starvation and even (as anthropologists now think) cannibalism.

The Pilgrims' Plymouth and the Puritans' Bay Colony provide for more savory recollections in that the Separatists who landed to the north were nothing if not industrious and self-confident. But there was a problem. There was the kernel of a problem that has bedeviled white America from 1620 onward, which I will call the binary problem. As Calvinists with severe ideas about God's absolute sovereignty, 17<sup>th</sup> century Puritans could entertain no middle ground between the saved—God's elect—and the eternally damned. They were anxious, and they required “visible saints,” in Edmund S. Morgan's apt phrasing: people whose conduct was so exemplary that there could really be no doubt of their election to eternal felicity. The concept of individual divine election merged into the equally strong notion in Massachusetts that the English settlers as a whole expressed God's providential plan to start over with a New Israel. These settlers imagined that they were on an “errand into the wilderness” that was very much God's errand and God's design. Early amicable relations with Native Americans soon curdled under the weight of this belief, especially when the Natives seemed disinclined to agree that the newcomers enjoyed God's special favor and protection. Wars of extermination followed

Meanwhile, to the south, the refusal of the Virginia colonists to bend their own backs caused them to turn to the indentured servitude of lower-class whites as a first expedient, followed by the enslavement of indigenous peoples and then followed by the importation of Africans in growing numbers, once the profitable rice and tobacco trades took hold (cotton did not become King Cotton until considerably later).

It is often said that white Americans' original sin lies here, in the importation and subjugation of Black bodies. It is more accurate to say that white Americans' original sin lies in the even earlier creation of a caste system, separating those who can be forced work and to suffer unspeakable torment from those who have the social power to escape coercive servitude—and especially from those who are able to benefit, and benefit handsomely, from the sufferings of others. It was not race alone, but race and caste in toxic combination, that sent the colonies and the early Republic along a swift pathway to perdition. This unspoken code of violence and of rigid separation is what William Lloyd Garrison was seeking to capture when he referred to the U.S. Constitution—on account of its infamous Three-Fifths Clause—as “a covenant with death and an agreement with hell” - a document “*dripping with human blood.*”

As everyone knows, Garrison's Abolitionism eventually carried the day during the course of a brutal Civil War and Reconstruction. What far fewer people know is how quickly Northern whites became “reconciled” with their rebellious Southern cousins and at the expense of Black people everywhere. Reconstruction was effectively abandoned by 1877. White “Redeemers,” aided by the Klan, took back control of state governments throughout the South and immediately proceeded to punish and disenfranchise Blacks. The shame of the North, including the shame of people in states that were once Abolitionist strongholds, is the lack of any real protest against the violence and repression facing African Americans from 1880 onward and right up through the 1950s: the lynchings, the disenfranchisement, the Jim Crow system of social separation, and the vagrancy laws that county sheriffs used to round up Black men, sell their labor at profit to local employers, and thus create what one author has accurately called “slavery by another name.”

It is important to mention the shame and the persistent racism of the Northern whites inasmuch as the “liberal” Northeast and Midwest sections of the country ended up with criminal justice practices and systems that were/are every bit as racially discriminatory as those of the Deep South. Segregation and racist views were never the exclusive province of the American South. Even the ostensibly progressive and egalitarian American labor movement was strongly set back by its own quantum of white racism. The same with early feminism. The same with the powerful anti-corporate Populist uprising of the 1880s. In our inner history, notions of racial supremacy have shown a remarkable capacity to override the stated goals of social movements.

### A Revolution of Values Meets Its Limits

During the Second World War, the brilliant leader of the Pullman Porters union—A. Philip Randolph—was able to push President Roosevelt hard on the obscenity of segregation in the U.S. armed forces and in key war industries at the very time we were officially fighting Hitler's ideology of racial supremacy. The work of Randolph and others finally paid off in February 1948 when Harry Truman desegregated the armed forces by executive order.

Truman would go no farther, and neither would wartime-commander-turned-president Dwight Eisenhower, despite the fact that Eisenhower's chosen party—the Republican Party—was then still considered the civil rights party: the Party of Lincoln.

There is no need to rehearse the mass uprising of the 1960s, built firmly on the foundation of Supreme Court desegregation decisions of the preceding decade. What I wish to probe instead is the likelihood that the leading figure in the historic Black Freedom Struggle—Rev. Martin Luther King Jr.—went to his grave a disillusioned and defeated man. King's disillusionment related in part to the main unfinished work of his public ministry—economic advancement for people of color—but it related even more to his frustration with his fellow religious leaders.

While many today imagine that church people and Black Church leaders in particular were in total support of the freedom struggle from the very beginning, King himself knew better. His bitterness about white church leadership spilled out in the 1963 *Letter from a Birmingham Jail*. His many disappointments with Black Church leadership were muted in public, for obvious reasons, but in private they were likewise a source of bitterness. The reason, we can reasonably infer, is that for all of King's strategic moderation and caution, no one could doubt that his theological perspective was profoundly radical: far too radical for the timid among the churchly. And it was this theological radicalism that caused the cautious to keep their distance.

King, in all of his major speeches and essays, made it abundantly clear that he took the Exodus narrative very seriously indeed. The Exodus narrative that is recapitulated so markedly in the New Testament's conscious treatment of Jesus as a second Moses—with Christian baptism treated as a cognate for the Red Sea crossing and with the Sermon on the Mount serving as an analogue for the giving of the Commandments at Sinai, and so forth.

King insisted that showing Christian love, rightly understood, is completely inseparable from working for public justice and directly confronting the oppressors of God's beloved poor people. This message was and is hard for American church people to hear, accustomed as we are to accepting the dominant narrative in which domination by the rich is broadly accepted as God's will. And when King, toward the end of his career, took on American militarism and American imperial presumption as direct correlates of racial and economic oppression at home, it became just too much for domesticated church leaders to handle. If King had not been assassinated, it seems quite likely that he would have been rendered ineffectual as a social force from 1967 onward. He had crossed a line. He had challenged the myth of American innocence.

### The Power of Denial

This essay was written during the 50<sup>th</sup> anniversary celebration of the 1963 March on Washington and King's "I Have a Dream" speech, given from the steps of the Lincoln Memorial. What has been fascinating to observe is how, despite the verdict in the Trayvon Martin case and despite the Supreme Court's recent brutal gutting of the Voting Rights Act, white Americans for

the most part choose to believe that King's dream has been realized and that Black America no longer has legitimate grievances and should simply shut up about the persistence of racism.

It may be that the weight of a blood-soaked history is simply too much for white people to bear. Such a complex criminal history simply cannot be reconciled with the notion of original innocence and special providential protection that came with the white settlers to rocky New England and persists to this day. The selective memories of Dr. King and what he stood for are particularly jarring. In many polls, white Americans seem to confuse the Martin King message with the Rodney King message, "Why can't we all just get along?" What white America could not accept from King in 1967 is still what it cannot accept today: the critique of that very sense of original innocence, of the naïve assumption that smiling at one's Black neighbor is a sufficient response to structural economic injustice and to the structural racism and the lethal violence that lie at the very heart of the American experience.

### Profoundly Divergent Theologies of Crime and Punishment

Earlier I cited King's strong sense of what political philosopher Michael Walzer calls the exodus and liberation theme forming the master narrative within the Scriptures as we have them. Part of King's frustration with more conservative Black clergy colleagues was fueled by the fact that although many of the texts and songs and sermons and images hovering over the Black Church experience bring powerful Exodus motifs directly into the foreground, the tenor of the discourse around salvation from Black pulpits has too often been one of passive waiting *for* deliverance rather than marching forward *toward* deliverance. In addition, salvation/deliverance has most often been framed in otherworldly terms—with Heaven as the Promised Land—rather than in terms of earthly redemption and deliverance from oppression in the here and now.

All that said, the Black Church and Black people have lived to a remarkable degree both *in* and *into* the biblical deliverance narrative in all of its ambiguity, struggle, heartbreak, and exaltation. Many generations of fearless Black people have seen no tension at all between God's provision for the hereafter and God's provision for freedom and dignity in the present moment. The framing is one that points to God's active companionship in the freedom struggle.

The underlying theology is strongly *incarnational* inasmuch as God's unbounded compassion leads to God's choosing to live as one of us and submit to a humiliating death in order to absorb and transmute human violence and hatred. Black Americans have had little difficulty in identifying with Jesus as the Man of Sorrows: someone acquainted with grief, someone despised and rejected by the majority, and someone who was spat upon and mocked and wrongly condemned in a phony trial.

In view of the appalling history of Black defendants being railroaded and denied any semblance of due process in American courtrooms, African Americans have every reason to cherish the Jesus who was falsely accused and strung up on a cross to die. And crucially for Black Church framing, this Jesus was finally *vindicated*: he was raised in power to sit at God's

right hand, from whence he will come again in judgment. His story is a supreme example of divinely-willed *reversal*.

It hardly needs to be said that Black preachers have historically made excellent use not only of this supreme reversal story but also of all the teachings and parables of Jesus that *concern* reversals: teachings about the last being first and the first last; about the poor being comforted while the rich are thrown down from their high places; about selfish Dives burning in hell while beggar Lazarus is swept up into Abraham's bosom; about the widow's tiny offering making God's heart happier than ostentatious gifts, and so on.

In all such teachings, Jesus simply builds upon on the same reversal motif that can be found throughout the Hebrew Scriptures: from Jacob, the underdog, displacing his brother Esau and gaining the birthright, to David displacing Goliath and then King Saul, to God's raggedy prophets facing down corrupt rulers and prevailing. Not even to mention the improbable, even absurd, idea that God would elect the Jews and anoint long-suffering Israel to become the bearer of salvation for all people.

Here again, Black Americans could always find plenty to identify with in in the tortuous history of the Jews: their enslavement in Egypt, their deliverance, their wilderness wandering, their momentary triumph, then their long Babylonian captivity, then brief restoration, and then their dispersal. No matter how bleak the actual situation, the promise and hope of an eventual collective restoration is never extinguished: the prophets all speak of a day when cries of pain and tribulation will no longer be heard, when all will live out their days in health and joy and peace, and when God will wipe away all the tears from the faces of those who have endured.

In this theological framing, God's judgment appears in and through the restoration of right relations and through the redemption of the oppressed. In other words, God's judgment expresses itself through *reversal*. The Reign of God arrives not to mete out punishments and rewards in a random fashion but quite specifically to set things right that human greed and cruelty have distorted.

In this framing, the only truly deadly sins are those deeds that seek to block God's Reign by holding people down and holding people back: by maintaining injustice and inflicting pain. Lesser infractions--what are usually thought of as personal sins and failings: lechery, gluttony, envy, the occasional outburst of anger—these minor things are between the individual and her Maker. It is not that they don't matter, but they are not what Jesus called "weightier matters."

For those shaped the Exodus narrative and by Jesus' own dying and rising to glory, there can be no forgetting that both sin and redemption are profoundly *social* rather than individual; that divine judgment and divine grace mainly concern the fate of the whole people; and that our human ways of meting out judgment and punishment are often deeply flawed: deeply marred by unequal power and bigotry.

What a contrast, then, to turn now to a very different Christian theological framing: one that is often willfully blind to social sins and even to unequal justice under the legal system, but one that always maintains a laser-like focus on individual culpability.

### Retributive Theology and Retributive Justice in America

Sin and depravity dominate the consciousness of American religious conservatives. Grace moves primarily in a vertical dimension, with God extending grace from on high to those who will repent and believe. But this binary distinction between the saved and the damned also has earthly implications. The un-saved here below are judged as basically untrustworthy and alien. They bear watching; they need policing.

For many whites, the concept of un-saved and (most likely) dangerous applies in particular to those with darker skin. White anxiety about personal safety and security grows in relation to the growing diversity of the American population: the traditional “other” population (African-Americans) is now joined by rapidly-growing cohorts of multi-colored people who seem to appear out of nowhere and who often don’t even speak English.

Recalling how white American Christians have always taken God’s special favor for granted, it becomes fairly easy to see how locking up people of color domestically might dovetail with our late-imperial wars against aliens overseas: with “terrorists” and “Islamofascists” hiding under ever rock and aiming to do us harm. Just as secret renditions and CIA torture at so-called “black sites” and the capacity to unleash drone attacks are said to “make us feel safer,” so too have harsh mandatory sentencing laws and vast programs of prison construction served console an anxious and ever-shrinking white American population.

After all, being the special beneficiaries of God’s grace doesn’t mean very much without the physical and material evidence that we—the good white people—are still on top, that we still have the power to command.

And as for taking it upon ourselves to punish evildoers—to inflict painful retribution—here conservatives have been able to convince themselves that such harsh retribution is entirely consonant with God’s will and God’s way. For is not our God an angry and vengeful God? Does not the God of Israel instruct his chosen ones to destroy the Amalekites utterly - women and children not excepted? Does not our God clearly commend and require the separation of the clean and the unclean, the virtuous from the damned? And as for physical suffering, does not our God actually require the painful death by crucifixion of his own Son in order to effect our redemption?

Allegedly “redemptive” violence—an eye for an eye—has played such a huge role in our history that we barely notice it, whereas other less “Christian” nations are stupefied by what they see us doing with our Stand Your Ground laws and with more guns than people in the United States. Thus it is that so many are still able to say, in respect to mass incarceration, that it merely

represents the “just desserts” coming to bad people: to aliens who lack “our” hallmark American virtues of hard work, thrift, and restraint.

Personal drug use occupies a special place of horror in the minds of those steeped in a conservative retributive theology. To them, this is not “victimless” behavior; it is willful corruption of the body, the “temple of the Holy Spirit.” Moreover, it saps the morale of the otherwise industrious to be exposed to people who clearly enjoy themselves by getting high.

Here again we find an unavoidable racial factor. A great many stressed-out white people use drugs, secretly, and with little enjoyment. But it is immensely perplexing to this group of users to have to reckon with people of color who tend to use drugs more openly and with evident enjoyment. Those who feel guilty about their own need for release project their guilty feelings onto those who are unashamed about it. The binary framing is reinforced yet more strongly.

### Steps Forward in Embracing Restorative Theology

As already noted, many in the Black Church forged a robust “liberationist” perspective during the Time On the Cross period of mid-20<sup>th</sup> century civil rights struggle. This is why James Baldwin was prompted to say that the only real Christians left in America were its Black people.

From a scriptural standpoint the main rubrics for restorative justice relate to God’s proclamation of a better way than “an eye for an eye”: a better way than “the parents have eaten sour grapes, and the children must therefore suffer.” To any open-minded reader of the Hebrew Scriptures, it is obvious that God comes to renounce the total vengeance approach. In the most cherished passages of Isaiah (chapter 40 onward), and in the messianic chapters of Jeremiah and Ezekiel, God is clearly sending this message to God’s wayward people, *Look. I used to say I would punish you to the uttermost for your endless fallings away and deviations. But now I proclaim that I will redeem and restore you regardless of your sins, and only because of my own constant love for you. Make no mistake: you really deserve the worst. But I am a God of bottomless love and compassion. And thus, despite your many provocations, I am taking you back: I am redeeming you despite yourselves.*

Instances of this message within the Hebrew Scriptures are easy to find. The criterion for doing God’s will becomes what you are doing for the alien and the stranger among you, not what you are doing for your immediate neighbor. Nobody is excluded from God’s gracious good will.

For Christians, the testimony of Jesus only makes this surpassing and all-encompassing divine love only more blazingly apparent. Jesus cites all of the restorative justice passages of the Hebrew Scriptures—and then intensifies the same imperative. “Judge not lest you yourself be judged... Take note of the beam that is in your own eye before you fuss about that speck in your neighbor’s eye... I have many sheep that are not of this flock... The last shall be first and the first shall be last... Do unto others as you would have them do unto you.” Not to mention Christ’s tender word to the thief hanging on a neighboring cross: “This day you shall be with me in

Paradise.” At no time is Jesus unaware of how poverty and social stigma operate to condemn persons to the “criminal class.” As an outsider with a bad Galilean accent, he would have understood how stigma works.

Of all Jesus’ words, his “Go, and sin no more,” spoken to the woman taken in adultery, still resonate with power across the centuries. Quite naturally, the religious authorities wanted this woman condemned in the harshest possible way. But this was not Jesus’ way. It never was, it never will be, and it never can be.

Jesus does not say that sin and crime/wrongdoing aren’t real. They are intensely real to him. But his question is, “So what do those of you who are *also* sinners do with this?” And his answer, without exception, is to invite accuser and the accused into a new relationship. A new relationship that is also a more godly relationship, because Jesus teaches that God in God’s deepest nature is all about reconciliation and second chances.

The question for us is what it always has been. Will *we* go forth and do likewise? Will we reach out to the despised and rejected in our own time? Will we come to understand how the socially powerful find it so easy to criminalize those at the bottom? Will we demand the release of the captives? Will we learn to save our feasting times to celebrate the return of our prodigal sons and daughters?

In respect to America’s highly racialized and brutal regime of mass incarceration, the issue will never be whether our faith has anything to say. The issue for us will always be, *Do we really want to hear what it has to say?*

Because God’s goodness has no end, whereas our own human capacity for compassion and just action is so constricted, all of need to humble ourselves and grow new ears in order to hear what God is saying about the need for release and restoration in this time and place.