

We Would Be One – The Challenge Punishment Poses to Unitarian Universalist Theology

“I’m trying to write a play that isn’t about revenge... It’s never been done.”

— William Shagspeare in the play *Equivocation* by Bill Cain¹

Legal punishment is morally problematic because it consists of deliberately inflicting harm on persons, in violation of a fundamental norm of behavior in our society. Its questionable character has moved into the spotlight with the huge expansion of incarceration as our society’s dominant response to the harm that people inflict on one another,² and with the accompanying trend toward invoking retribution to validate that response. These developments pose with particular urgency the question of whether legal punishment can be morally justified.

There was a moment in our Universalist history when the moral status of punishment was a prominent and controversial issue. In the early 19th century there was heated debate over whether God inflicted punishment on some persons after death before they were saved. Can the Restorationist Controversy, as it was called,³ shed light on the morality of punishment for us? How can this almost two-centuries-old controversy — which turned in large part on the interpretation of scripture that is no longer authoritative for us, and which revolved largely around the conditions of an afterlife we no longer believe in — illuminate our understanding? This debate offers insights into the character of punishment that contemporary arguments do not touch on, precisely because those arguments are not theologically grounded. The theological light the controversy shines on punishment reveals an uneasiness about the practice which can deepen our perspective. Moreover, the debate challenges us to articulate a contemporary Unitarian Universalist theology that goes beyond the widely held, largely unexamined societal assumptions about punishment.

It is hard to imagine a practice whose legitimacy is more firmly established among us than punishing those who break the law; as one author put it, “the tradition of punishment is ingrained in our culture.”⁴ There are those who decry conditions in our prisons, of course, and others who reach out to those who live there or have lived there to help them heal, change, and re-enter society, but few of these people challenge the basic notion that punishing someone who has harmed another by, in turn, inflicting harm on her/him is morally valid and effective to make us safer. We Unitarian Universalists proudly proclaim the worth and dignity of every individual, yet we are content to live with a criminal justice system that deliberately inflicts harm on hundreds of thousands of people. We promote compassion in our dealings with others yet we endorse a system that is driven not by compassion but by retribution.⁵ The issue posed by punishment is not “just” a moral one — is it morally justifiable to deliberately inflict harm on others, and if so, under what circumstances? — but a theological one — what understanding of our nature and destiny as human sanctions, or forbids, this practice? Examining our theology in the light of this controversy can point us toward a fuller theological understanding of what it means to be human.⁶

Justifying punishment necessarily requires claiming that it accomplishes some good which outweighs the harm it inflicts. That good is either good for society (deterrence), good for the target of the punishment (reform), or good in and of itself (retribution). Taking the last one first, retributive theory rests on the foundation of a moral order of desert: when people do wrong they deserve to be punished. Without elaboration this view simply defines away the problem with a claim about “the way things are”⁷: harmful misconduct disrupts the social fabric or moral order and punishment restores things to their proper balance.⁸ More sophisticated versions add the idea of individual responsibility, so that harming the offender is “seen as an appropriate, respectful response to his conduct.”⁹

The Restorationists made a similar appeal to a moral order that needed to be set right when they emphasized that “God does not always deal with men in this world according to their moral characters,” and that “men are not equitably recompensed on this side the grave. And hence the necessity of a future retribution.”¹⁰ Post-death punishment “rights the scales,” so to speak. Those who opposed future punishment, most prominently Hosea Ballou, did not challenge the idea of a moral order, but claimed that it was fulfilled by rewards and punishments in this life: “[T]he morally righteous, in the present state, enjoy a moral recompense which perfectly agrees with their moral characters; and...the morally vile endure, in their present state, a moral privation and infelicity, which constitute an exact balance of their sins.”¹¹ The vehicle for the “recompense” was the commission of sin itself; sin was, for Ballou, its own reward. While his confidence in such exact moral accounting may seem naïve to us, he expresses an unwillingness to attribute to God the deliberate misery inflicted by punishment. He invited one correspondent to “join with me in endeavoring to explode [the doctrine of future punishment] and thereby relieve people’s minds from views of God’s dealings with his creatures which are dishonorable to his ever

blessed character and tormenting to rational beings.”¹² Ballou’s insistence that punishment is contrary to the nature of the divine is central to his rejection of future retribution.

The Restorationists counter that the punishment they envision is for the good of its target: “Men are led to repentance by mercies and by judgments...God punishes his creatures only to amend them...[T]he sinner will see the justice of the misery he experiences. This will have a tendency to lead the sinner ultimately to repentance.”¹³ Ballou rejects what he sees as a flat out contradiction when the Restorationists “present[] us with the wrath of God and eternal misery, as the fruit of his benevolence.”¹⁴ Though there may well be rehabilitative measures that can encourage change in the lives of people in prison (e.g. education, training, counseling), there is no empirical validation that inflicting harm on people reliably accomplishes that objective. Moreover, Ballou declares that urging future punishment to move people to love God and moral virtue is “pernicious,” because it “amounts to a declaration that [those objects] are, in themselves, unlovely and unworthy of being loved,” and if people believe that, it will “alienate the[ir] affections” from the divine. True faith for Ballou does not grow from “the terrors of future misery.”¹⁵ As with his contention that punishment is contrary to the nature of the divine, Ballou rejects a role for punishment in achieving repentance because it is contrary to our relationship with the divine.

The final and generally most persuasive justification offered for punishment is the good it produces for society through its value in inhibiting others from committing offenses — the deterrence rationale. The Restorationists denounce the rejection of punishment as “detrimental to the morals of the community”¹⁶ because foregoing it gives “encouragement to sin.”¹⁷ They speak apocalyptically about the impact on society of eliminating punishment’s deterrent effect. Without punishment, all laws must be repealed and “then all government, all order, all civilization must fall.”¹⁸ The doctrine of universal salvation without punishment is “subversive of a just sense of our accountability to God,” according to Jacob Wood, “and the proper distinction between virtue and vice, and, consequently, lessens the motives to virtue, and gives force to the temptations of sin.”¹⁹ Conversely, they claim great benefits for the spectre of future punishment, which “will lead [men] to forsake sin.” They have no hesitation about using fear to inhibit misconduct: “It is just and proper to excite the fears of men,” readily affirming that men are called upon to fear God.²⁰

Ballou responds that this fear is plainly inadequate to deter sin and crime, citing the case of a preacher who espoused future punishment in the pulpit, but who was indicted for murder.²¹ He maintained that externally inflicted punishment cannot be an effective deterrent; instead, “the only fear which can be sure to prevent crime is the fear of committing it...[S]in itself ought to be considered as the greatest evil, and the evil most to be dreaded.”²² Just as sin is its own reward, so is virtue; it needs no external props: “I would humbly ask what that object is that we ought to attain, which, not having within itself sufficient worth to induce us to acquire it, needs the assistance of the fear of hell in a future state, to engage your attention to it?”²³ That object is love of “divine holiness,” which punishment can never induce: “It is the loveliness of an object which induces the mind to love it, not the hatefulness of its opposite.”²⁴

What can we learn from this debate over the nature and value of punishment? It might seem easy at first to dismiss Ballou as unrealistic in failing to appreciate the grievous harm we inflict on one another, and thereby try to reclaim punishment as an effective instrument for personal transformation and public safety. Taking the first justification offered for punishing those who violate society’s rules, is there a moral order that punishment can restore? For both the Restorationists and Ballou that order revolved around the character of the divine. While the former had ample evidence of a wrathful God in the Hebrew Scriptures, Ballou insisted on a beneficent God, whose love for his creatures does not countenance harming them. The orientation of our contemporary Unitarian Universalist theology supports Ballou. Whatever diversity there is among us about the nature of the divine or the cosmic order or the ground of our being, we don’t see the universe in retributive, punitive terms. We acknowledge that bad things happen to good people and that the wicked prosper, but we view the universe as a whole as benevolent and our destiny in it as positive. As Rebecca Parker recently declared, “We are already in paradise,” lifting up “the mysterious goodness” of this life, and “the compassionate care” we respond to it with.²⁵ Such a vision rules out deliberate harm to others as part of the order of things and thus precludes any metaphysical sanction for punishment. The contrary vision — human existence as a war of all against all — would sanction many practices we find objectionable, even abhorrent — pre-emptive war, torture, and letting people die because they lack the means to buy health insurance.

More challenging to our theology is Ballou’s assertion that we cannot be brought to repentance by punishment. In contemporary terms, he is addressing the question of what brings about transformation.

Punishment is so embedded in our “common sense” understandings that many UUs would probably disagree with Ballou, holding out a limited role for punishment in personal transformation. But doesn’t our first principle preclude punishment as the means to fulfillment? How can we honor the worth and dignity of someone while harming them? The “it’s for your own good” rationale cannot get around this problem because we don’t believe harm is good for people as a matter of principle. One can try to avoid the principle by imagining heinous conduct by which a person forfeits her/his dignity, but then a host of questions must be addressed: What specific conduct justifies the claim that a person has forfeited her/his humanity? Does that forfeiture justify intentionally harming them? And does their conduct mean we forever reject the possibility of their reformation? Finally, if punishment is justified, how much is enough? This last challenge is especially vexing, because affirming punishment opens the door to the common-sensical logic that if some punishment is good, more is better. We in California have witnessed the cruel power of this logic over the last three decades as prison sentences have grown considerably longer and solitary confinement has become a routine form of discipline in our prisons, all without any sound empirical foundation suggesting more severe punishment makes us safer. Affirming punishment significantly dilutes the force of our First Principle. If we take our first principle seriously, without unspoken reservations and qualifications, we are not entitled to intentionally harm people who may have harmed others, because that violates their humanity. Nor are we entitled to write them off as irredeemable because we affirm that that humanity, or the divinity within them, can never be irretrievably destroyed.²⁶

Probably the most appealing basis to UUs for endorsing punishment is deterrence: punishing some to inhibit them and others from future wrongdoing. To this point Ballou makes the same two counterclaims, emphasizing, first, the fundamental humanity of those who are punishment’s target. Their status mitigates against using them as instruments,²⁷ as “raw material for the furtherance of social ends.”²⁸ “Harming some to benefit others,” as Golash points out, “is at best morally precarious.”²⁹ Her contention is borne out by the fact that, while proponents of deterrence trumpet its benefits over its costs, they consistently fail to count the significant harm inflicted on those targeted by punishment, as well as on their families, friends, and communities.³⁰ Prison in this country is such a degrading, inhuman environment that for many residents, especially long term ones, “punishment...destroy[s] the soul.”³¹ Nor do the proponents of punishment consider policy alternatives that might “do as much good with less harm”³² and less cost, undercutting their utilitarian claim of superior benefits from punishment as a deterrent. Ballou was also prescient about the unreliability of punishment in deterring others, reminding us that the goal is for people to reliably behave in a moral fashion, and that fear of punishment is a very imperfect means to secure that end. Though it is widely held as a matter of common sense that punishment deters, the evidence is inadequate to back this up as a general proposition (in part because it is difficult to measure crime that doesn’t occur).³³ The callous neglect of those subjected to punishment, together with the pervasive belief in deterrence without scientific basis, raise the suspicion that deterrence is being used to rationalize punishment where the true motivation is retribution.

There is another, even more serious, challenge that Ballou makes to our validation of punishment. He exposes the divisions among persons that the Restorationists’ view fosters and supports by separating those subject to punishment after death from those free of it. This belief, he contends, goes against Universalism which has refused to accept “how it can be possible for such a division to be made of the human family, and for one part to be entirely happy and the other entirely miserable.”³⁴ Ballou also recognizes the human tendency to model — consciously or not — earthly existence on the divine order, declaring we both “form a God altogether like unto [ourselves],” and are “moulded into the image of [our] deity.”³⁵ Because what we say about heaven is “altogether like unto” what’s true on earth, such a categorical distinction based on moral merit provides religious impetus for dividing persons in this life into “them” — those who need “divine correction” — and “us” — who do not require it.³⁶ We affirm “on earth as it is in heaven” in terms of the moral distinctions we draw between persons.

The Restorationists’ picture of a sharply divided humanity was sharply at odds with Ballou’s vision of “the human family.” His communal perspective grasped the deep connections among us. He describes the feast that God prepares for all humankind, highlighting the reaction of the children who were invited to the feast when they learned that their brothers and sisters were not there: “No [we are not glad], — we want them to come; our spirit yearns to have them come.” When asked if the absence of their siblings caused them pain they said, “Yes...it seems very dark and gives us great pain.”³⁷ His story speaks to the yearning in us to celebrate our connectedness, to simply be together sharing the banquet of life. For Ballou anything that is destructive of the bonds that connect us is not a part of divinely ordained reality. “[B]ecause our nature partakes of such powerful sympathies that if we see those whom we love in torment, we cannot avoid a participation of such misery.”³⁸ The “awful division of mankind” posited by the doctrine of future punishment is, for him, inimical to our common humanity.³⁹

Ballou's communal perspective challenges the individualistic orientation of our theology in responding to punishment. Assessing punishment on an individual basis makes us much more susceptible to the notion of "desert": Isolating the person from any social context means we can only view them through the lens of "morality," giving credence to the notion that "bad" things are done by "bad" people who should suffer for it. It ignores the social dynamics and institutions that powerfully shape our lives in myriad ways. Focusing so completely on the individual who commits harm distorts our diagnosis of the problem, in turn dictating responses that are fixated on the individual wrongdoer, despite the mountainous evidence that social and environmental factors play a significant role in crime. Those in power, and those they represent, bear responsibility for the policies that helped create those environments; it is unjust to place exclusive responsibility on the individuals who directly commit harm.⁴⁰

An important example of the role social dynamics play is found in research by William Junius Wilson and Robert J. Sampson investigating the apparent correlation between race and crime.⁴¹ The authors explicitly reject the individualistic approach that attempts to isolate the characteristics of those who harm others from those who don't. Instead, they identify those community structures and cultures that lead to high rates of harmdoing. They found that the concentration of a number of specific demographic characteristics in communities provides a much more reliable association with crime than race. Their research highlights just how important community environments are to individual behavior, directing us toward the importance of collective policies in fostering crime. But we have far to go to put this lesson into practice; our obsessive reliance on incarcerating those who harm others has, since the termination of the brief Model Cities program (1966-1974), supplanted policies aimed at strengthening communities rather than punishing individuals.⁴² Persistent crime in neighborhoods suffering severe deprivation is the price of our neglect.

Our contemporary Unitarian Universalist theology cannot incorporate the lesson these authors teach, nor effectively articulate collective responsibility for the incidence of crime, because we do not have a coherent and credible communal vision like that which Ballou pointed to. Too often we reflexively resort to the "atomistic individualism" in our religious and social thinking,⁴³ relying on an unspoken image of a self-determining, self-authenticating individual, abstracted from her/his environment. The lack of an articulate vision of our connectedness — a vision of the ways we live out our shared humanity and the ways we repudiate our communal reality — does concrete damage, reinforcing as it does our alienation from those who live in our prisons. Heavily stigmatized by media and popular culture as "wrongdoers," "offenders," "convicts," and "felons," we let them become "others," differing from us not just by race, class, and education, but presumably by character. Our alienation is reinforced by geography — locating prisons out of sight, usually far distant from urban centers, keeps these others out of mind, as well as isolated from families, friends, communities, and those who might otherwise offer them help. Without a compelling vision of our connection with these "others," there is little motivation for us to counter these pressures by concerning ourselves with their living conditions, much less challenge the punishment system that perpetuates their banishment. The network of pressures alienating them encourages the Manichean-like division of the world into us and these others who need disciplined correction.

A theology without a vision of how we are together and what that means for who we are as human risks irrelevance, because it cannot adequately speak to the pressing problems of our society. It cannot fully portray the character of our humanity here in this society in this era, and therefore is unable to be a religion for our time. Our contemporary public debate is marked by a thoroughgoing and relentless appeal to atomistic individualism by powerful proponents. That vision distorts our humanity and erodes our souls, but our inability to proclaim the meaning of our shared humanity and our unwillingness to fully live out that meaning in concrete ways handicaps and dilutes our response. We need a comprehensive, compelling vision of our connectedness that will guide and nudge us toward lives, individually and congregationally, that embody the vision. We need a theology of Community.⁴⁴

Community is, first, a reality:⁴⁵ We are deeply implicated in each others' lives and destinies, much more intimately than we acknowledge. There is perhaps no more potent evidence of this interdependence than the threat we face together from the warming of the planet we share, but other crises should alert us to our interwoven destiny: Decisions in Tokyo about nuclear safety can affect the milk we drink in this state. Decisions in boardrooms in London and Washington destroy wildlife and livelihoods on the coast of Louisiana. The desperate immigrant who crosses the border tonight was pushed there by international agreements made long ago and far distant from the farm land which will no longer support him and his family.⁴⁶ As we are led by a deeply individualistic perspective to isolate the end results from the matrix of choices we, or those who represent us, have made, we remain blind to the ways we have helped foster the environmental and economic degradation that recoils upon us.

But Community is not just a fact; it is also a vision of our connectedness, a reality that is beyond, within, and among us. *Beyond us* — We do not create or control Community. It is a fundamental reality, the ground of our being that is always already there — before us in both senses of that word: it precedes us and it is always present to us as a possibility, waiting for us to embrace its reality.⁴⁷ Community is less a passive, visible entity (this or that organization or institution), than it is an active Spirit moving in the world, constantly prompting, nudging, luring us into the solidarity and humanizing engagement with others in history that is what we are meant to be, that is our true destiny.⁴⁸ We respond to this transforming Spirit either by embracing it and midwifing each new birth of community in the world, or by refusing it and denying our connectedness with others.⁴⁹

Within us — “The further inward we explore, the more we see our common humanity.”⁵⁰ Our solidarity with others is not a supplement to our personal identity; it is at our core. We cannot be whole alone, only with others. When we embrace our connectedness we “find a larger self.”⁵¹ When we neglect or break that connectedness, we not only damage the world, we cripple our own selves.⁵²

Among us — Community continuously holds out to us the potential for unleashing our collective energy, the way an electric spark arcs across the gap between two charged poles. Power is one manifestation of this energy, the power which arises from cooperative participation in community. Power is widely misunderstood as a zero-sum phenomenon in which more of it for one person or group means less for all others. Some, for example, assume that there is a limited amount of power when they urge a “theology of relinquishment” — the transfer of power from the wealthy to the poor.⁵³ But power grows out of and is enlarged by community.⁵⁴ The establishment of community among us generates greater power than existed before. Like the loaves and fishes of the New Testament story, our communities generate more power than we individually bring to them.⁵⁵

The summons to Community never ends its call to come out of isolation to live more inclusively with others. Insistently pushing and pulling us toward connectedness with others, the Spirit nurtures our longing for solidarity which engenders in us an accountability to Community, an insistence in us that the communities of which we are a part themselves participate in and with that Spirit. But does this accountability bring with it a loss of freedom and thus a diminishment of the self? The fear of that loss is a formidable obstacle to Community. As long as we consider ourselves to be self-contained and self-defining, solidarity with others can only constrain our freedom,⁵⁶ in zero-sum fashion. Our participation in community will then be felt as a sacrifice, a compromise of the self. Against that view of who we are, Community offers the larger self that encompasses solidarity. Against the sacrifice of the social world which is the cost of the privatized self, Community offers to restore our souls through renewed and rejuvenated connectedness with others within our congregations and through engagement in society which we come to know as charged with the presence and possibility of the divine.

The policy of punishment, repudiating solidarity with those we harm, costs us, as Ballou eloquently describes. The doctrine of divine punishment, he says,

tended so to harden the hearts of the professors of this religion, that they have exercised, toward their fellow creatures, a spirit of enmity, which but too well corresponds with the relentless cruelty of their doctrine, and the wrath which they have imagined to exist in our heavenly Father. By having such an example constantly before their eyes, they have become so transformed into its image, that, whenever they have had the power, they have actually executed a vengeance on men and women, which evinced that the cruelty of their doctrine had overcome the native kindness and compassion of the human heart.⁵⁷

Sadly, there is frequent confirmation of his insight that punishment erodes compassion and hardens hearts. Last year, my local paper ran what was just another in the stream of exposés of the racism and other dehumanizing forces in our state prisons, documenting “an environment of brutality, corruption and fear,” conspiring with the seemingly inevitable cover-up in the corrections department.⁵⁸ A recent report exhaustively documents the systematic abuses in our immigration detention institutions.⁵⁹ These stories are neither unusual nor unexpected. They are exactly what the notorious prison experiment at Stanford University in 1971 predicts. When ordinary college students there were put into what was only a make believe prison context, with unchecked power over their charges, the result was “transformations of good, ordinary people, not angels, into perpetrators of evil in response to the corrosive influence of powerful situational forces.”⁶⁰ The transformations took place in 48 hours.

But it is not just those directly involved in administering punishment who are infected by it. Punishment is but one manifestation of a culture of violence that is deeply ingrained in our society, so deeply that it is difficult for us to see it. The theologian Walter Wink calls this “the myth of redemptive violence,” so powerful that it has taken on the status of a religion: “Violence is the ethos of our times. It is the spirituality of the modern world. It has been accorded the status of a religion...[T]he devotion [its followers] pay to violence is a form of religious piety. Violence is so successful as a myth precisely because it does not seem to be mythic in the least. Violence simply appears to be the nature of things. It is what works.”⁶¹

It is foolish to believe we Unitarian Universalists are somehow exempt from the culture of punishment by our good intentions or our principles. For the overwhelming majority of us, punishment “appears to be the nature of things. It is what works.” Nor can we credibly claim immunity from responsibility for the perpetuation of this culture because we have not actively endorsed it. Despite the frequent exposés of the barbarity it fosters, we do not challenge it; we tacitly affirm it by our acquiescence. We are content to live by accepting what we regard as its fruits — personal security, maybe even a reinforced sense of justice built on harming those who do wrong. In the face of what is, at best, the questionable morality of punishment, its ineffectiveness compared to other strategies for responding to harm, and the ‘hardening of hearts’ it fosters in others and in ourselves, we remain complaisant. Integral to our passivity is our embrace of a theology which does not demand or even encourage us to see these consequences; our “common sense” overrides our concern. The individualistic orientation of our theology allows, even induces, us to remain inert in the face of pervasive punishment. But Dr. King’s pointed reminder still has force, “History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people.” Our silence provides neither escape nor immunity. We are all jailers now. And we will remain so until those targeted by this pernicious policy become our brothers and our sisters. Sadly, that is unlikely to happen until our theology proclaims that it is so.

1 Bill Cain, *Equivocation* (The Official Script of the Marin Theatre Company Production), 9.

2 “[I]n the United States, one of every 120 people is in prison or jail...[T]he U.S. prison and jail incarceration rate of more than 700 per 100,000 population in 2002 was five times the rate of 144 per 100,000 in 1970 and is nearly five times higher than that of any other Western country” (Michael Tonry, *Thinking About Crime: Sense and Sensibility in American Penal Culture* (Oxford: Oxford University Press, 2004), 21, 97.

3 Those who espoused the doctrine of punishment after death were called “Restorationists.” See “The Restorationist Controversy,” by Peter Hughes, <http://www25.uua.org/uuhs/duub/articles/restorationist.html>, accessed May 20, 2010.

4 Deirdre Golash, *The Case Against Punishment: Retribution, Crime Prevention, and the Law* (New York: NYU Press, 2005), 69. Another author suggests that it is the very pervasiveness of punishment which inhibits asking whether it is justified, because “[u]biquitous practices are rarely called into question” (David Boonin, *The Problem of Punishment* [Cambridge: Cambridge University Press, 2008], 3). Golash’s and Boonin’s works, both of which repudiate punishment, may point toward cracks in the consensus about punishment’s justification.

5 *I distinguish punishing people from restraining those who are a threat to our safety, which is morally justified by our right to defend ourselves. While our current incarceration system is typically rationalized as “making us safer,” there is precious little evidence of that. Instead, the system embodies retribution as its motive force. In my state, the Legislature is up front about its punitive motive, declaring it explicitly in the Penal Code: “The Legislature finds and declares that the purpose of imprisonment for crime is punishment” (§1170[1][a]). Nationally, we currently make no serious effort to distinguish those who pose an actual threat to us from others caught up in the system. An institution organized and animated by the legitimate concern for public safety would look very different, and we would treat those caught in it in a radically different way.*

6 Every social organization has both a *symbolic* dimension (its meaning, the values it embodies and the goals toward which its energies are directed) and an *institutional* dimension (the implementation of its goals and values in policies and practices). This paper will deal only with the former. Extensive compelling work has been done exposing the damage the criminal punishment system as an institution inflicts on individuals, families, and communities, work that presents an independent reason to oppose the current system. To take just one important example, Michelle Alexander documents a system so racist in its operation and impact, from the enactment of laws to their enforcement by incarceration, that it is justifiably regarded as a contemporary version of Jim Crow (*The New Jim Crow – Mass Incarceration in the Age of Colorblindness* [New York: The New Press, 2020]). See also Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (Oxford: Oxford University Press, 2007). For the disproportionate impact of our punishment system on those already disadvantaged see Golash 4 and Jeffrey Reiman, *The Rich Get Richer and the Poor Get Prison: Ideology, Class, and Criminal Justice* (Boston: Allyn and Bacon, 2007).

7 One astute observer calls this view “dogma,” with “no useful place in a theory of justification for punishment” (Herbert L. Packer, *The Limits of the Criminal Sanction* [Stanford: Stanford University Press, 1968], 38).

8 Golash 8; Tonry quotes the eminent sociologist Emile Durkheim that punishment’s “true function is to maintain social cohesion intact” (99), not unlike the way a scapegoat does.

9 Golash 19.

10 Charles Hudson, *A Series of Letters Addressed to Hosea Ballou of Boston; Being a Vindication of the Doctrine of Future Retribution* (Woodstock, VT, 1827), 109-10, 107.

11 Hosea Ballou, *An Examination of the Doctrine of Future Retribution on the Principles of Morals, Analogy and the Scriptures* (Boston, 1834), 173.

12 Ballou 148.

13 Hudson 303, 163.

14 Ballou 148.

15 Ballou 24, 22.

16 Jacob Wood, "Appeal and Declaration," quoted in Richard Eddy, *Universalism in America* (Boston: Universalist Publishing House, 1886), vol. 2, 288.

17 Wood, "A Brief Essay on the Doctrine of Future Retribution," quoted in Eddy, vol. 2, 267.

18 Hudson 109.

19 Wood, at Eddy vol. 2, 289.

20 Hudson 298.

21 Ballou 29-30.

22 Ballou 30.

23 Ballou 162.

24 Ballou 175.

25 Rebecca Parker, "We are already in paradise," *UU World*, Summer 2010, 19.

26 The Universalist Charles Spear, a 19th century advocate for prisoners, declared, "No sin or degradation into which [a prisoner's] soul has been plunged can wholly smother the inborn humanity of him" (from the magazine *The Prisoner's Friend*, 1848, 156)

27 This is Golash's word (45, 95).

28 Golash 148.

29 Golash 95.

30 Tonry describes some of that harm: "Prisoners lose years, sometimes decades, of their lives and are exposed to destructive influences in prison, but they also often lose their families and their livelihoods. They exit prison with the likelihood of reduced employment prospects, average earnings, lifetime earnings, and life expectancies. Their partners lose loved ones and income support. Their children lose parents and the experience of family life and suffer from reduced living standards. Their communities often become places characterized by single-parent families, welfare dependence, abnormal age composition, and too few young men to work or become partners to young women." (214)

31 Golash 3.

32 *Golash* 39.

33 Ballou could certainly cite California's 70% recidivism rate in support of his argument.

34 Ballou 145. He goes on, "The reply to this has been, that the blessed will see that the torments of the miserable are for the glory of God, and therefore will rejoice in it; but this has never satisfied the minds of Universalists" (145).

35 Hosea Ballou, *A Treatise on the Atonement* (Boston: Skinner House Books, 1986), pages 105-106.

36 This segregation — I use the word deliberately — is not inherent in the religious doctrine; the Restorationists' view of the afterlife does not *compel* those who espouse it to divide up humanity. But the emphatic moral categorization certainly allows, even encourages it. To borrow a phrase from Reinhold Niebuhr, it may not be *necessary*, but it is *inevitable*.

37 Hosea Ballou, *A Voice to Universalists* (Boston: J.M. Usher, 1849), 84-85.

38 Ballou 145.

39 Ballou 146.

40 Golash 91.

41 Sampson, Robert J. and William Julius Wilson, "Toward a Theory of Race, Crime, and Urban Inequality," in *Crime and Inequality*, edited by John Hagan and Ruth Peterson. (Stanford, CA: Stanford University Press, 1995), 37-56.

42 Terminating that program is also part of a pattern of withdrawing government support specifically from communities of color continuing with the slash in assistance for affordable housing in the 1980s and "welfare reform" in the 1990s.

43 The phrase is James Luther Adams' from *The Prophethood of All Believers* (Boston, MA: Beacon Press, 1986), 136.

44 The capital "C" indicates the ideal-type of Community, while communities are the particular, and partial, expressions of it in history.

45 These paragraphs represent only a sketch of a theology of community, but we have a wealth of resources we can draw on to elaborate it: contemporary UU writers like Paul Razor and Rebecca Parker; James Luther Adams' work; the writings of and about the Social Gospel movement; the rich history of the social teachings of the Christian church; and humanistic social science that, like Wilson and Sampson, reveals with liberating clarity the social dimension of human experience. Above all, we have our experience of society and the social in our lives, and the brains and imagination to reflect with penetrating insight on that experience.

46 This is the inevitable impact of the North American Free Trade Agreement: "In the Mexican countryside, 2 million farmers have been driven off the land by subsidized U.S. imports...[T]he price of corn for Mexican farmers has dropped by 70%" (*Welcoming Our Neighbors: Unitarian Universalist Guide to Immigrant Justice* [Boston, 2009], 16).

47 This is what is meant by Jesus' promise that the Kingdom of Heaven is "at hand," which one scholar translates as "always available" (Adams, *Prophethood* 242). Community is the continuing presence of the divine working in history.

48 Not unlike the way J. Alonso Diaz describes God: "The God of the Bible, The God who has been revealed, is seen less as a being than as a *summons*...an inexorable command of love for the neighbor in need" (quoted in Gustavo Gutiérrez, *On Job: God-Talk and the Suffering of the Innocent*, trans. Matthew J. O'Connell (Maryknoll, NY: Orbis Books, 2005), 117).

49 The New Testament story of Peter's repeated denials of his relationship to Jesus can be taken as a parable of our refusal of solidarity with life-giving, justice-making Spirit.

50 Richard Gilbert, "Up to Our Steeples in Politics: Where Do We Go From Here?" Class Reader for Meadville Lombard Social Justice Seminar, #18, 2.

51 Sharon D. Welch, *A Feminist Ethic of Risk* (Minneapolis, MN: Fortress Press, 2000), 162.

52 From this perspective, sin is not selfishness or pride, though they may contribute to it; but rather "the denial of solidarity" (Welch, *Communities of Resistance* 162).

53 See Fredric John Muir, *A Reason For Hope: Liberation Theology Confronts a Liberal Faith* (Carmel, CA: Sunflower Ink, 1994), vii.

54 Not out of the barrel of a gun, as is also commonly assumed. That is coercion, which is antithetical to power. See Hannah Arendt: "Power corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together" (*On Violence* [New York: Harcourt, Brace & World, Inc, 1970], 44). Totalitarianism is less the aggregation of all power in the hands of a single person or group than it is the lack of power among the many resulting from their isolation from one another.

55 John 6: 1-15.

56 See Richard Gilbert, *The Prophetic Imperative: Social Gospel in Theory and Practice* (Boston: Skinner House Books, 2000), 93-94.

57 Ballou 36.

58 Charles Piller, "Guards Accused of Racism, Cruelty," *Sacramento Bee*, May 9, 2010, 1A
<http://www.sacbee.com/2010/05/09/2737459/the-public-eye-guards-accused.html>, accessed May 24, 2010 (reprinted in the *Contra Costa Times*, May 16, 2010, A3).

59 See <http://www.cultureofcruelty.org/wp-content/uploads/2011/09/CultureofCrueltyFinal.pdf>, accessed October 1, 2011.

60 Philip Zimbardo, *The Lucifer Effect: Understanding How Good People Turn Evil* (New York: Random House, 2007), vii.

61 Walter Wink, *Engaging the Powers: Discernment and Resistance in a World of Domination* (Minneapolis: Fortress Press, 1992), 13.