

From Judge's Bench to Pastor's Study

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From the pulpit on Criminal Justice Sunday, I would like, as a judge, to hear recognition of our common humanity and an affirmation of the worth of every human. That message would include empathetic understanding of those who try to do justice in the courts, and a call to individual citizens to become knowledgeable participants in criminal justice ministries.

Would you lead your congregation in observing Criminal Justice Sunday this February? Presbyterians have celebrated Criminal Justice Sunday for more than a decade, and other denominations have similar occasions. This observance has been urged as an implementation of church policies expressing concern for victims, on the theology of criminal justice, on capital punishment, and prison reform. As a trial judge for over eight years and one who has worked with denomination-wide committees on criminal justice, I want to see my church and many other churches wrestle with the issues that surround justice.

Criminal justice refers to the system of laws, law enforcement agencies, courts, and penal institutions which have been established in each community to respond to the victimized and to those who offend our society's penal laws. On the one hand, capital punishment and overflowing prisons seem very far removed from the average churchgoer who braves the February cold to attend morning worship. Yet such issues are at the heart of our societal concerns today. Our fear for personal safety, the pervasive presence of addictive drugs, and the growing presence of an underclass without skills and mired in hopelessness, demand that we not leave criminal justice to the courts and law enforcement.

Before we immediately say that criminal justice has nothing to do with our middle and upper-class denominations, think of how alcohol addiction and illegal drugs waste lives, with no respect for artificial lines of economic status, class, or color. It is true that few members of "mainline" denominations stand in the criminal docks of our nation. But we too have our dark side. Theologian Henri Nouwen reminds us that despite the barriers, all humanity is ". . . still one, created from the same dust, subject to the same laws and destined for the same end." Father Nouwen says when another murders, we know that we too could have done that, just as when another gives birth, we know that we are capable of that as well. The point is that the lines between "we," who obey that law, and "they," who violate the law, are not all that clear. We can say with some truth "There but for the grace of God go I." So I would like to hear preaching which recognizes that we respectable churchgoers, like any other group of human beings, have our dark side.

The minister needs also to proclaim that we are all God's children. Just as there is a dark side in each of us, I believe there is at least some good in each

person, no matter how slight might be the measure of good or how obscured it might be by layers of hate. We know that Quakers see the image of God in everyone, but it is nigh impossible to see any redeeming qualities in the person who violently takes another's life. Even so, from the pulpit of our "mainline" denominations, respectable churchgoers ought to be urged to look for the best in others, to be positive, rather than negative. To reflect God's love under such circumstances requires outrageous love for our fellow humans.

Individual clergy are urged to spend a day with a trial judge from your congregation while that woman or man is holding criminal court. Be an observer as would a law student clerk. A request to be such an observer will allow you to ask questions about the proceedings observed. That request will be favorably received. Your judge acquaintance will be surprised that you are interested. After you have spent a day shadowing a judge, then visit a prison. Then you may want to see the work of your parishioners on the prosecution and defense sides of criminal court.

By walking in the shadow of your friends who work in criminal justice, you will be able to draw your own conclusions about how they are challenged to live out their faith in their vocation. From your experiences will emerge some empathy for them. You and their fellow church folk will understand the isolation they sometimes feel, the sense of frustration. You will understand why they feel overwhelmed. In some states, the legislative body has mandated capital punishment, in others the death penalty has been abolished. Consider how individual Presbyterian judges deal with either the existence of the death penalty or its abolition when public opinion polls reveal that well over half of the country (and most Presbyterians) favors such punishment. Those of you in other denominations do the same. And then consider the internal or actual conflicts for the New Testament Christian jurists who must repeatedly pronounce sentences of death or even life imprisonment.

The courts can only deal with problems brought before them. The courts cannot reach out at will and correct some injustice revealed on the local nightly television news. How then can the jurist live in harmony with neighbors and fellow church members who are frustrated with modern, pluralistic society and fearful to walk in their neighborhoods at night? How can the judge function when the press often attributes bad motives to all government, particularly to the court and when the judge is not on an equal footing to respond? So from the pulpit, I would hope to see some attribution of good motives in the actions taken and an understanding that what is reported in the press is not always the precise way the case transpired in court.

Finally, Christians need to be urged to be involved. Our most challenging problems of drug addiction, aberrant behavior, personal fear, and random violence cannot be solved by a citizenry who retreat to their homes. Matthew 25 gives us Christians our marching orders - simple acts of love and charity, toward the most unloveable. Our interchange with others in our society must be influenced by our faith. Our deed becomes our prayer. (Robert McAfee Brown, *Spirituality and Liberation*, 1988, p. 149.) Church folk are gifted people. We need to direct our energies toward our fellow humans so that they do not continue to fall into the rut of despair, low self-esteem, and bitterness and anger

toward others. Many will debate when intervention (read help) should come. Whether the involvement comes in the form of universally available prenatal care, parenting assistance, preschool nurturing, teen self-esteem, drug abuse prevention and treatment, Big Brother/Big Sister mentor time, counselling a probationer, prison visitation, arranging work release jobs, or in literacy instruction, what is needed are hundreds of church folk to volunteer and share their talents and compassion. Only then will we begin to move toward caring communities.

Criminal Justice Sunday 1990 appears for Presbyterians on the church calendar as February 11. You may observe it at any time appropriate to the life of your congregation. This year's topic for Presbyterians is "Toward Nonviolence: Abolishing the Death Penalty." A program guide has been provided. Extra copies may be obtained from the Rev. Kathy Lancaster, Director, Presbyterian Criminal Justice Program, 100 Witherspoon Street, Room 3044, Louisville, KY 40202, telephone (502) 569-5810. The death penalty is a policy about which opinions are extremely polarized. The topic is difficult, unpopular, challenging, deeply theological, potentially prophetic. Previous topics and available resources include ministry to victims of crime, justice for all our children, alternative punishments, and celebrating criminal justice ministries. You are urged to observe Criminal Justice Sunday, whatever the theme.

We judges and ministers each wear black robes. The judicial robe is worn by those charged with enforcing society's rules. The system, of which judges are the most visible part, is imperfect. Our justice is not perfect justice. It is not God's justice. You who wear the clerical robe are called to minister and to preach the Good News. Preaching on criminal justice includes emphasis on our common humanity and the individual worth of all as creatures in God's image. Preaching the Word involves calling layfolk to ministry and service in all of life's aspects.