

“Beyond Crime and Punishment”

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First Unitarian Congregation of Toronto
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Reading “The Land of Beginning Again” – Louisa Fletcher

I wish that there were some wonderful place
In the Land of Beginning Again.
Where all our mistakes and all our heartaches
And all of our poor selfish grief
Could be dropped like a shabby old coat at the door
and never put on again.

I wish we could come on it all unaware,
Like the hunter who finds a lost trail;
And I wish that the one whom our blindness had done
The greatest injustice of all
Could be there at the gates
like an old friend that waits
For the comrade he’s gladdest to hail.

We would find all the things we intended to do
But forgot, and remembered too late,
Little praises unspoken, little promises broken,
And all the thousand and one
Little duties neglected that might have perfected
The day for one less fortunate.

It wouldn’t be possible not to be kind
In the Land of Beginning Again,
And the ones we misjudged
and the ones whom we grudged
their moments of victory here,
Would find in the grasp of our loving hand-clasp
More than penitent lips could explain...
So I wish that there were some wonderful place
Called the Land of Beginning Again,
Where all our mistakes and all our heartaches,
And all of our poor selfish grief

Could be dropped like a shabby old coat at the door
And never put on again.

Sermon: “Beyond Crime and Punishment”

It’s not every day that a Unitarian Universalist
is executed for having orchestrated a murder.

But that’s what happened just eighteen days ago in the State of Georgia.

After years of appeals, and after countless efforts
to convey she felt genuine remorse and took responsibility for her crime.

After failed appeals for clemency from Pope Francis,
the famed theologian Jurgen Moltmann,
several of her correction officers, and her three children,
Kelly Gissendaner was put to death
just after midnight on September 30th.

Kelly was a member of the Church of the Larger Fellowship—
Unitarian Universalism’s virtual and largest congregation.

She took part in the Church of the Larger Fellowship’s prison ministry,
which serves hundreds of people behind bars around the world,
providing them with a way to share in our liberal faith.

A few years ago, Kelly began attending seminary through a program
established with a consortium of theological schools in Atlanta.

She took up her own ministry within the prisons where she was held,
often helping other women cope with their hardships and heartache.

At times, she provided pastoral care through the air vents between cells,
and is credited with steering several people away from committing suicide.

She had become a model prisoner.

She was a graduate of Emory University’s seminary by the time she died.

And she had clearly devoted her life
to helping others in whatever ways she could.

None of that, of course, erases the hard fact
that she hired someone to kill her husband eighteen years ago,
and that she arrived on scene just after he had died,
to set fire to his car and help hide his body.

There are many in the world who would say justice was done
when she was put to death—that she got exactly what she deserved,
and that it's the only thing that would allow
the hard work of healing to finally be done.

I am not one of them.

I recognize I say that without being part of that terrible club
of people who've had a loved one killed
by someone else's rage or recklessness or negligence.

Admittedly, I can only imagine the understandable sense of fury,
the immediate and visceral desire to exact revenge,
to seek retribution, to feel I've done all I possibly could
to honour the loss of a life so dear to me
by seeing that justice is done.

And, yet, every fiber of my being rejects the notion
that genuine justice is ever done by ending someone's life to prove a point.

I despise the death penalty and consider it barbaric.

My stance is in no way to say that I think justice should not be sought.

I believe crimes have consequences,
and that punishment can often serve
as an important deterrent against certain types of crimes.

But none of the arguments for the death penalty convince me
of its utility in ensuring that justice is actually achieved.

The arguments leave me instead wrestling with what justice means,
and with what it requires.

On the deepest level, my opposition to the death penalty is theological.

I believe every single life is of worth and deserving of dignity.

To execute someone, even for the most heinous of crimes,
is, to my mind, to deny that person's inherent, intrinsic worth.

And it is to abandon all hope of real healing
because it is the ultimate rejection of the human capacity to change—
it is to spurn our human ability to accept the consequences of our actions,
to truly turn our lives around, and to make real amends,
by setting things as right as possible.

I detest capital punishment
because it puts a full and final stop to that process.

While it satisfies an “eye-for-an-eye” notion of justice with retribution,
it doesn't allow for what I believe is the deeper justice
that comes through seeing someone own what they have done,
and driven by a real and relentless remorse,
commit themselves to repairing what has been broken.

This is the path, I believe, that leads to true healing,
and to justice in its deepest and most transformative sense.

It doesn't bring back those who were murdered.
Nothing, of course, will, or can.

And it doesn't in any way minimize the searing grief
that such a horrible loss of life unleashes.

But this path has the potential of taking a devastating, catastrophic act
and transforming it so that some greater good might arise
from the intense suffering it has brought about.

On the night Kelly died, as the time for her execution arrived,
she sat on her bed and sang, “Amazing Grace!”

Amazing grace! How sweet the sound
That saved a wretch like me!

I once was lost, but now am found;
Was blind, but now I see.

Her final words showed how very true this was.
To those gathered to witness her death, she said:

“Bless you all. Tell the Gissendaners I am so, so sorry
that an amazing man lost his life because of me.
If I could take it all back, I would.”

And with that, she was given a lethal injection of pentobarbital
and died within a few minutes.

I have to imagine that it wasn't her lifeless body
that brought resolution to her former husband's family;
if anything, there must have been healing in hearing her remorse,
her wish that she could change what she had done.

There was healing to be had in her apology.

That she was put to death extinguished a candle,
just as it was beginning to give light.

Obviously, Kelly's case is exceptional.
Not every person on death row experiences such a change of heart.

But it causes me to wonder at how the world would be different,
if the primary goal of justice
was to bring about that kind of transformation.

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I feel fortunate to live in a country
that abolished this the death penalty more than fifty years ago.

In fact, the last executions in Canada
took place in December of 1963, at the Don Jail.

So you may well be wondering why I'm speaking at length
about the death penalty, given we don't live with it here.

I bring it up, because, as it turns out,
there are many ways, short of execution, to take a life.

I bring it up because I am deeply concerned
about the current state of how we punish people in this country.

I am deeply concerned
that the police have become our first-responders—often to tragic effect—
in dealing with those made most vulnerable by mental health issues.

I am deeply concerned that black and Aboriginal young people are
overwhelmingly and disproportionately represented in our country's prisons.

I am deeply concerned that solitary confinement is being used routinely—
to the point of producing some severely broken people.

And I am deeply concerned that rather than grapple
with the complex, systemic issues of why all of this is,
we continue on as though more and more incarceration is an answer—
all but ensuring that the cycles of devastation
will continue for generations to come,
as already shattered lives and broken families
are too often damaged even further by the way we punish people.

When this long election is at last over,
there will be much important work to do.

Part of that work, for me, is taking up the challenge
of seeking a more compassionate sense of justice in this country
that allows for finding a way forward from devastation
that leads to genuine healing.

Now, lest all of this sound all “unicorns and rainbows,”
to quote one prominent figure, let me make clear
that what I'm talking about is the more far more challenging path.

Being tough on crime is easy, if retribution is the primary goal.

But if the goal is to change lives toward the good,
to bring healing where there is hurt,
to bring reconciliation where there is schism,

to bring peace where there is pain,
the work is much more difficult.

But it is work that is real.

The best-known alternative model for this is likely familiar
to many of you under the name of Restorative Justice.

Rather than having a focus on punishment and legal principles,
the goal of Restorative Justice deals with the needs
of both the victim and the offender.

Rather than asking what laws were broken, who did it, and how they
should be punished, Restorative Justice takes a different approach.

It asks—and listens to—how a given injustice has affected everyone involved.

It seeks to understand what caused the injustice to happen in the first place.

It asks what it will take to make things right again for each party.

And then, collectively, those involved decide what steps will be taken
to bring about the resolution everyone feels is needed.

Such an approach can be powerfully healing.
It can open the heart to compassion and get to the nub of the injury
in a way that a legalistic approach can too often miss.

It can allow all parties to see each other in their full humanity
and restore dignity where it may have been lost or denied.

It should be said that these processes are not without difficulties.
They don't always work, and not everyone is always satisfied.

But often they do.

They provide a framework that can very often be transformative
not only in criminal matters, but in our day-to-day lives
as we sort through the slings and arrows that come our way.

Such an approach involves a commitment to compassion.

That may be a bridge too far for many of us,
when we are still reeling from some injury in our lives.

But if we will at least start down the path,
with whatever we can summon toward an open heart and an open mind,
amazing things—amazing grace—can happen.

The Buddhist teacher Jack Kornfield tells of just such a story in his book,
“The Art of Forgiveness, Lovingkindness and Peace.”¹

To prove himself when he joined a gang,
a fourteen-year old boy had killed an innocent teenager.

At the trial, the victim’s mother sat silently until the end,
when the young man was found guilty.

After the verdict was announced, the mother stood up slowly,
stared directly at him and said, “I’m going to kill you.”

Then the boy was taken away
to serve three years in a youth detention centre.

After the first year, the victim’s mother went to visit him.
He had been homeless before the murder,
and he had few friends, so she was his only visitor.

They talked and she gave him some money for cigarettes.

Then gradually she started seeing him more regularly,
bringing food and small gifts.

Near the end of his three-year sentence
she asked what he planned to do when he got out.

He was confused and uncertain,
so she set him up with a job at a friend’s company.

Then she asked about where he might live,

¹ As told by Lynn Harrison in her sermon, “Breaking Eggs,” 5 April 2015.

and since he had no family to return to,
she offered him temporary use of the spare room in her home.

For eight months he lived there, ate her food, and worked at the job.

Then one evening she called him into the living room to talk.
She sat down across from him and waited. Then she asked,

“Do you remember in the courtroom,
when I said I was going to kill you?”

“Yes,” he replied.

“Well, I did,” she continued.

“I didn’t want the boy who killed my son for no reason
to remain alive on this earth.
I wanted him to die.

That’s why I started to visit you.

That’s why I got you the job and let you live here in my house.

That’s how I set about changing you. And that boy, now he’s gone.

So now I want to ask you, since my son is gone,
and that killer is gone, if you’ll stay here.

I’ve got room, and I’d like to adopt you, if you let me.”

And so she became the mother of her son’s killer.
The mother he never had.

Could there be a more powerful image
of the healing power that comes from seeking a deeper form of justice?

May we seek that deeper, life-giving justice
when we are in pain and stung by bitter disappointment.

May we seek that deeper, life-giving justice
when we look to the hurts within the immediate circle of our lives,
but also when we look to the hurting world that surrounds us.

May we summon the courage and compassion required
to bring healing to our world,
from prison cells to prisons of our own making.

For then shall we ennoble our days on this good green earth.
For then shall we know peace, even in the face of tragedy.

So may it be.

Amen.