



THE RETURNING CITIZEN: A PUBLIC JUSTICE PERSPECTIVE ON REINTEGRATING THE FORMERLY INCARCERATED

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Overcoming the Mark of Cain: The Importance of Education in Reentry

Vicar Erich Kussman, M. Div.

Vicar Erich Kussman, M. Div. is an intern pastor at Saint Bartholomew Lutheran Church in Trenton, New Jersey. Erich holds a Master of Divinity from Princeton Theological Seminary and a bachelor's degree from Pillar College (New Jersey). Erich served 12 years in New Jersey State Prison and was a part of the first Petey Greene Program, an academic tutoring curriculum conducted in correctional facilities across the country. He is an activist, author, and speaker frequently on the issue of prison reform. Erich is in the process of becoming an ordained Lutheran minister.

My name is Erich Kussman. I am the intern pastor at Saint Bartholomew Lutheran Church in Trenton, New Jersey, and in the spring of 2019, I graduated from Princeton Theological Seminary. But prior to that, I had served 12 years in the New Jersey State Prison. My own experiences as a returning citizen – someone reentering society after a period of incarceration – along with hearing firsthand from people in jails and prisons about the obstacles they encounter – has driven my passion for prison reform. I have seen men and women face barrier after barrier. When those with criminal records attempt to obtain health care, apply for jobs and housing, inquire about educational possibilities, or exert their right to vote, they face unimaginable resistance. The lifetime purgatory for people with convictions is a kind of double jeopardy that never allows them or their families to ever stop serving time. As a formerly incarcerated individual, I can speak to this in detail. I also can speak about ways to remove some of the barriers and chart a way forward.

American society is packed with various groups and communities suffering systemic oppression, and it is time that we reevaluate how we handle the dilemma of mass incarceration. We must be ready to acknowledge and discuss the complicated realities within our society that produce such dilemmas and avoid the spiritual indifference that allows us to rely on generic justifications and intentions. A public justice framework will help us to do just that.



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A Public Justice Perspective

According to the [Center for Public Justice](#) (CPJ), public justice is the guiding principle for government's work and is comprised of two interdependent parts.

1. The principle of public justice recognizes that much of what contributes to human flourishing is not government's task. This limits the scope of government's work to promoting policies and practices that uphold the ability of other institutions and associations to make their full contribution to human flourishing.
2. The principle of public justice also recognizes that much of what contributes to human flourishing is government's task. Government is authorized by God to promote what is good for human flourishing.

This public justice framework allows room for the government and other institutions to contribute to the flourishing of returning citizens. The government's role in public justice, as articulated by CPJ is to promote what is good for human flourishing. Unfortunately, based on society's view of people who have criminal convictions, some believe that returning citizens are not entitled to flourishing.

Singling individuals out for different treatment brings to mind the mark of Cain that is found in the Genesis narrative. The mark of Cain refers to a mark placed on Cain by God after he murdered his brother, Abel. (Genesis 4:16) The mark became a visible stigma for the rest of his life. The mark of a criminal conviction often has the same effect on a returning citizen. Even though time is served, the formerly incarcerated continue to bear the mark of Cain. No discussion about reducing prison populations is complete without plans to reintegrate the millions of people who have been caught in a cycle where real transformation remains just out of reach. A public justice framework would invite the concerned citizens, government agencies, and institutions of civil society to take part in the reintegration process by creating, supporting, and joining organizations and programs that are successful.

The Bible tells us that Jesus cared deeply about the social issues of the people around Him. Jesus equates the way we treat the least of these with how we treat Him (Matthew 25:35-36, 40). As Christians, we are called to care about the hungry, thirsty, the stranger, the naked, the sick, and the ones in prison too.

The True Purpose of Prison: Reformation or Punishment?

According to Jennifer Graber's book, *Furnace of Affliction: Prisons & Religion in Antebellum America*, the original purpose of the penitentiary was for reformation. Quakers believed that prisons could be natural forms of Protestant expression and serve as a true tale of human redemption. Even the word "penitentiary" means "house of penance." Graber notes that Quaker theology holds that every person has the still, small voice of God (1 Kings 19:12) within them and they are created in the image of God (Genesis 1:27). The Quakers also believed that everyone could be made whole again through prayer,



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discipline, and the Spirit. The Quaker's vision of the prison has changed considerably, as the contemporary use of prisons tends towards a punitive model instead of a redemptive and rehabilitative one. A public justice perspective would encourage civil society to work towards a Quaker-like hopeful vision for the formerly incarcerated to be made whole again.

Education: A Way Forward

[Studies show that educational opportunities](#) for those in prison reduce recidivism and ultimately result in reductions in crime. Additional benefits include less financial burden on the taxpayer and greater financial security and a measure of flourishing for the neighborhoods and families to which the formerly incarcerated return.

One such study on prison education was published in 2011 by the Institute for Higher Education Policy, entitled [Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons](#). The authors of the report, Laura E. Gorgol and Brian A. Sponsler, unveiled data and recommendations hoping to increase the policy attention paid to postsecondary opportunities for incarcerated individuals. The results of the study found that nearly seven in 10 people who were once incarcerated would commit a new crime, and that about half would end up back behind bars within just three years. It also found that about 95 percent of incarcerated individuals will ultimately rejoin their respective communities. Based on this data, it is essential that Christian citizens and civil society begin to develop educational programs and effective means to decrease recidivism among the population of returning citizens.

Similar results were found in the [1998 report](#), *Preventing Crime: What Works, What Doesn't, What's Promising*, prepared for the National Institute of Justice. The authors found that prison education is one avenue through which to reduce recidivism that proves to be more effective than boot camps or "shock" incarceration. In 2001, Stephen Steurer, Linda Smith, and Alice Tracy presented findings in the OCE/CEA [Three State Recidivism Study](#). In this report for the Correctional Education Association, the authors found that education decreased recidivism by 29 percent. Finally, according to a 2013 [RAND Corporation study](#), recidivism numbers for incarcerated individuals who had participated in educational opportunities were about 46 percent lower than the numbers of those incarcerated who had not taken college classes.

A vast population of people in prisons do not have a high school diploma. A relationship subsists between the level of education attained by an incarcerated person and her or his recidivism rate. The American Correctional Association announced that in Indiana, the recidivism rate for those who complete their GED is 20 percent lower than the overall prison population's rate. The recidivism rate for those who enroll in college programs is 44 percent lower than that of the overall population. As one can see, the higher the degree that is earned, the lower the recidivism rate will be.

In New Jersey, a new wave of movements geared toward educating those who are incarcerated is beginning to curb the tide of recidivism. One notable example is the New Jersey Scholarship and Transformative Education in Prisons Consortium ([NJ-Step](#)) program. Its goal is to provide higher



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education courses for all students under the custody of the State of New Jersey, and assist in the transition to college life upon their release into the community. Other programs, such as the [Petey Greene Program](#), sends college student volunteers inside prisons to help those who are incarcerated obtain GED diplomas and assist them in becoming college-ready. As a formerly incarcerated individual, I was fortunate to be a part of the first group of people to partake in this program. It was life-changing for me, as well as for the volunteer college students who [went behind the walls](#).

Growing up in a poverty-stricken neighborhood and having a drug-addicted mother, people in society saw me more as a statistic than a human being. The world I knew was constricted to the few streets that surrounded my apartment. My formal education ended after ninth grade. The Petey Greene program helped me to see that there was life outside of my narrow worldview, and that education was a key to me escaping my dire circumstances. The student volunteers helped me see that there was life beyond the walls of my personal self-hate and fear — and the prison's concrete and steel.

Churches, schools, and faith-based organizations have always had a role in educating the public. Whether it was through formal K-12 education, daycare/head start programs, after school programs, GED, and other adult literacy programs, the institutions of civil society have been critical in American education. As the formerly incarcerated start to return, there is tremendous opportunity for Christian citizens to aid in the process.

Merriam-Webster defines [justice](#) as the maintenance or administration of what is [just](#) especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments. Our jails are overflowing, people are given life sentences for minor crimes, racial inequalities leave minorities disproportionately represented in the incarcerated population, and the recidivism rate is extremely high. The American justice system is broken. Education is an avenue to begin the redemptive process in order to help a person start rebuilding their life. The Quakers original intent for prisons was personal and spiritual reform and restoration. A way to help mend our broken justice system would be to place more focus on restoration, as demonstrated through the life and witness of Jesus Christ. As part of the government's role to promote flourishing, it must protect individuals and society from individuals who might cause harm. But this should not be the extent of government's role; government should also promote flourishing of the returning citizen, once his or her term of incarceration is over.

A Misunderstanding of the Theology of the Cross

How did Christians come to develop a punitive approach to justice? The short answer is because of poor theology. For many Christians, Jesus' death on the cross is understood exclusively in legal terms. Because of the fall of man, the thinking goes, humanity has been criminalized. God serves as the judge, jury, executioner, and Jesus becomes the one who is sacrificed for the sake of humankind. This dynamic allows the angry Judge — God — to strike and destroy humanity's sin through the death of Jesus. But thankfully, that is not the end of the story. In the end, Jesus is resurrected and life for humanity begins anew. This is the hope for returning citizens, that a resurrection of their life will soon come.



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For years people have centered their belief of God and the need for God's justice as the reason for punitive justice, as opposed to reconciliation for those who have been convicted of committing crimes. This type of thinking stems from an atonement theology. Atonement theology holds that humans are sinful, and they are rightly punished for their sins. This type of thinking has led to the broken structure in our society as it pertains to criminal justice issues. When we allow this broken structure to dictate our vision of justice, we see punishment as the way to justice, instead of the Christ-like response of restorative justice.

A poor theological understanding of the meaning of the cross has led to a culture of demonizing one another. Many wrongful deeds do warrant a person to be separated from society for their protection and ours. This is the right role of government. However, this theological framework has conditioned society to view "justice served" as when a person endures what we *assume* is a suitable sentence instead of regarding "justice served" as when both the offended and the offender have had their lives reconciled.

Why? It is because our theological structure has relayed to Christians in society that justice can only be served when a transgressor has been fully and duly punished, instead of informing us that justice is more appropriately served when lives have been restored. The concept of justice sought in society today can be traced back to how one interprets the meaning of the cross.

The American prison system has now become home for millions of American citizens; both those convicted of crimes, but also for individuals who are ill and in need of mental health services. This shows that we equate justice with punishment and not with restoration and healing. The fact that we have older individuals in the prison system who committed crimes when they were younger and will never see the light of day reveals this to us. [According to the Sentencing Project](#), America has more than 2,100 children serving life without any chance of parole because of crimes they committed as juveniles. Furthermore, there are 3,200 people serving life sentences without parole for nonviolent offenses. This demonstrates that we favor a version of justice that carries people away from society instead of a justice which discovers comprehensive and merciful ways to restore souls to society.

Humans have mistaken God as a being who will only be satisfied when God has the proverbial "pound of flesh." As a result, we do these things and call it justice served. To Christians, however, examples of human warehousing and disparate treatment more closely resemble depravity and injustice. To be clear, the cross was not about an angry god who demanded revenge, but it is about a loving God who was shifting the story and leading the story in the direction of healing and restoration. It was not a gruesome act of divine child abuse, but an elegant act of reconciliation.

Unfortunately, the cross has been understood in terms of punitive justice; society has pushed forth a culture that is wired on punitive justice — hence arriving to our current condition. The truth is that the cross was an act of restorative justice. God was reconciling everything to God's self, urging us to transform into what the Apostle Paul called "ministers of reconciliation" — those that go out and reconcile lives as Christ reconciled lives.



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A public justice perspective suggests that civil society's desire should be to fix America's broken criminal justice system. In the meantime, Christians need to gain a more complete and holistic understanding of what transpired on the cross. Jesus' sacrifice on the cross was an act of love that served to redeem humankind, and Christian citizens might find ways to do likewise with returning citizens.

Public Justice Framework in Practice

Some ways that Christians and civil society institutions might engage include connecting returning citizens to services such as the ones offered by the Petey Greene program and the [NJ-Step](#) program. Additionally, creating access and opportunities to gain personal development skills, job training and placement, as well as health and wellness resources through non-profit service providers, government agencies, and other organizations will go a long way in aiding returning citizens in their re-entry. Educational training and support can help returning citizens transcend that barrier. In 2015, the U.S. Department of Education launched a Second Chance [Pell Pilot Program](#). This program was designed to achieve three main aims: (1) to create a fairer, more effective criminal justice system, (2) reduce recidivism, and (3) combat the impact of mass incarceration on communities. In theory, access to Pell Grants would allow incarcerated Americans to pursue postsecondary education with the goal of helping them obtain jobs, support their families, and holistically turn their lives around.

If we allow educational and rehabilitative programs to assist in reconciliation and redemption, we might begin to build a culture that is hyper-focused not on punishing people — but restoring lives. This will more closely resemble the call and the requirements of the loving, sacrificial God that I have come to know. A public justice framework acknowledges that even those who have made mistakes in life deserve a second chance. Education is one of the ways that we, as Christians, can help honor the Imago Dei in each person and better reflect the lordship of Jesus Christ in our lives. I know this because it [worked for me](#)

To respond to the author of this article, please email PJR@cpjustice.org. The articles in the Public Justice Review do not represent a consensus of positions on questions of public policy. We do not expect our readers will agree with all the arguments they find here, but we believe that within the broad tradition of what we call public justice we can do more by providing a forum for the debate and exchange of Christians, within those bounds, to work out public policy faithful to God and in service of our neighbors. We do not necessarily share the views expressed, but we do accept responsibility for giving them a chance to appear.