

LIVING WITH MISTAKES

A Sermon by Fritz Hudson

Presented October 2, 2005

In the year as structured by Jewish tradition, we are about to enter once again into the Days of Awe. With Rosh Hashannah, the head of the year, beginning tomorrow at sundown, we are called to enter into a time of review and self-examination. We are called to make ourselves worthy to be inscribed once again into the Book of Life ten days thereafter, on the Day of Atonement, Yom Kippur. And what are we called to review in this time? - our failures, our imperfections, our inadequacies, our mistakes over the past year. How can we correct them? How can we avoid repeating them?

In our own congregational calendar this year, this same time will begin a series of programs aimed at deepening our attention to the use we are making of prisons in our state at present. At our 2003 General Assembly, our Association called us into a study of criminal justice in our nation. When I brought that call to our pulpit that year, I asked questions like:

- Why has our state's prison population risen by 500% over the past 20 years when our general population has risen only 9%?

- For what crimes is prison our best response – what kind of sentence and what kind of prison experience will best protect our safety following the offenders' release?

At last June's Assembly our Association concluded its study by adopting the Statement of Conscience which you'll find in your bulletin insert. (printed following sermon) Prisons, of course, are simply one attempt to answer the questions: How can we correct mistakes or inadequacies? How can we avoid repeating or expressing them again? If possible, I want to put those questions in their largest possible perspective this morning.

As I do so, you'll see how much my own perspective is indebted to an expert of particular qualifications on this subject - a man I got to know in some depth almost 10 years ago in my ministry to our church in Phoenix, Arizona. His name is James Hamm. He was a new graduate of Arizona State University's School of Law when I met him. He was trying to decide then whether or how he might submit his application for admission as a lawyer at the state's bar. His student record, his community service record in school, had been exemplary. But his application presented a significant challenge. 24 years earlier, James had been a drug dealer in southern Arizona. One day he found himself in an argument with an out-of-state dealer, Willard Morely. In its course, he shot Morely dead. In exchange for a "25 years to life" sentence, James pled guilty to first degree murder and spent 18 years in the state prison. When I met him James was most publicly attempting to live with the most reprehensible mistake we can probably imagine, the willful taking of another's life. And by seeking the supreme court's permission to practice law - to be entrusted with helping determine when a mistake constitutes a crime against our community and how such an offender would pay for that crime - he was also asking us all to decide how we want to live, should live, with his mistake.

A mistake, my dictionary (Random House Unabridged) helps me to understand, is "an error in action, calculation, opinion or judgment caused by poor reasoning, carelessness, insufficient knowledge, or ... or disregard of a rule or principle." Mistakes, it says, range all the way from slips to blunders. The core question I want to address is "What does our faith, grounded in the covenant to affirm and

promote "the worth and dignity of every person" and "encouragement to spiritual growth" have to say about mistakes?

Perhaps an overall perspective on the role of mistakes in life arises from these words of physician Lewis Thomas from his The Medusa and the Snail: *"We have evolved scientists, and so we know a lot about DNA, but if our kind of mind had been confronted with the problem of designing a similar replicating molecule ... we'd never have succeeded. We would have made one fatal mistake: our molecule would have been perfect. ... The capacity to blunder slightly is the real marvel of DNA. Without this special attribute we would still be anaerobic bacteria and there would be no music."*

Nature's capacity to blunder, to make a gross mistake, is essential to life's capacity to evolve, to grow, to progress. Human intelligence, however, our kind of mind, has a tendency to try to eliminate deviation, eliminate change. That tendency is, Thomas says, our "fatal mistake." Our capacity to stymie deviation, and therefore stop change is the very thing which may lead to our demise as a species, perhaps even to the extermination of all life. That seems to be his suggestion. What it says to me is that we have to be pretty careful in thinking about what it means to live with mistakes. By human nature, we may not be very good at it.

Growing up is largely a process of trying not to make mistakes, by the time we're even six or eight, we have a great fear of them and a certain difficulty in seeing that any good could come from them. Good teachers then teach us that making mistakes, in things like math or geography, helps us learn how to solve problems.

Moral or religious mistakes, however, are a special subclass of errors. If a mistake is an error caused by "disregard of a rule or principle," moral or religious mistakes are caused by disregarding a moral or religious rule or principle. In our terms, such a mistake would be one that disregards our principles of "justice, equity, and compassion in human relations" or a "world community of peace." These mistakes are harder to affirm as just part of the process of learning, like mistakes in math or geography. They are mistakes that hurt other people, sometimes irretrievably. Nevertheless the very principles whose violation constitutes a religious mistake for us also help guide us in learning to live with even those mistakes.

As a faith which affirms and promotes the worth and dignity of every person, we implicitly affirm that no mistake, no matter how injurious, no matter how violative of our other principles, can bring us to deny its actor's worth or squelch his or her dignity. And as a faith which affirms and promotes encouragement to spiritual growth, we implicitly affirm that we should look at all mistakes, no matter how much they set us or others back, as a base for forward movement.

Living with mistakes, obviously, occurs in two forms: Living with our own mistakes, and living with the mistakes of others. Each form presents different challenges to our continuing quest to live our covenant.

When it comes to our own mistakes, our greatest challenge is to recognize them. When we find ourselves in the midst of injustice, meanness or violence, it is usually easy enough to see that someone is getting hurt. What is hard is to accept that the hurt has resulted from a mistake I made, an

error I could have and should have prevented. Even harder is to accept that the hurt was caused by my intending that it happen.

In my course of getting to know James Hamm, those many years ago, I once suggested that we had only two possible responses to our own mistakes: we could either grow through them or be destroyed by them. James, however, responded that most of people he had come to know in prison chose what seemed to them to be a third path. They chose to simply wall themselves off from their mistakes. In our system of legal justice, we provide every person who is accused of a crime a legal representative to challenge the charge. That has an unintended consequence, James said. It shields the accused from having to face his or her actions until the verdict is pronounced. Then, he said, once the offender finds himself or herself in prison, the total lack of support there for personal change forces the prisoner to maintain the self-delusion that he didn't really commit the crime. It's a desperate, twisted grasp for self-respect. In the end, however, this self-delusion is the path to psychological self-destruction. It robs the wrongdoer of any hope of coming to terms with him or her self, of having wholeness or integrity. It gives them the brittle external strength to survive the violence of prison life. But it places them in a permanent state of spiritual purgatory with no escape.

The Buddhist monk Jack Kornfield provides the spiritual explanation for the first step up from mistakes. In his A Path with Heart, he writes:

"When difficulties arise in our life we meet them with blame, frustration, or a sense of failure, and then we try to get over these feelings, to get rid of them as soon as possible, to get back to something more pleasant." (p.72) ... "To undertake a spiritual path is not to avoid difficulties but to learn the art of making mistakes wakefully, to bring to them the transformative power of our heart." (p.71) "One famous Zen master actually described spiritual practice as 'one mistake after another,' which is to say, one opportunity after another to learn."

James Hamm showed me how this path could be undertaken. When he found himself unable to continue in that purgatory of self-delusion, he told me, he found his first step out when he could finally bring himself to say: "I did kill Willard Morely. I watched myself do it. I was horrified by it, but I couldn't stop myself either." Then, he learned, came a next step: He had to become able to say it to somebody else. And then came the third step. Somehow he had to ask what he could do to make it right – and to do it. Each of these small steps was a step toward growth, a step toward self-reintegration.

In the Jewish tradition, the first steps to growth have been long established. In the Book of Numbers, the fourth book of the Torah, it is written "Say to the people of Israel, when a man or a woman commits any of the sins that (people) commit by breaking faith with the Lord, and that person is guilty, he or she shall confess the sin which has been committed; and he or she shall make full restitution for the wrong, adding a fifth to it and giving it to the one whom he did the wrong." (Num.5:5-7)

Clearly if your mistake is murder, you can never "make full restitution for the wrong." Starting from this realization, James Hamm reached a very helpful conclusion: For most moral or religious mistakes, you can never fully make things right. As the ancient philosopher Zeno said, you can never put your foot in the same river twice. What you can do, James came to learn, is not "make it right", but rather

"do the right thing". You can't re-create the past, but you can create the present and the future. If you are humble in your approach to those who have felt your hurt, if you ask their guidance in doing right by them in the present and future, you are likely to find that your efforts are appreciated for the good they can do rather than judged for the restoration they can't make.

I want to turn now to consider the other side of my question. What is involved, not with living with your own mistakes, but rather with living with the mistakes of others. The challenges are far different. Recognition is not a problem. It's easy to face the fact that someone else has erred – all too easy. If anything we have to guard against seeing our own mistakes as really someone else's. When someone else, not us, has truly erred, our challenge is in our response.

If we are the one injured by another's mistake, our first reaction is either flight or fight, of course. We want to assure our own safety. Next, perhaps, we often want to obtain what we call "justice". But we often confused justice with revenge. Psychologist Lewis Smedes wrote, "The problem with revenge is that it never evens the score. It ties both the injured and the injurer to an escalator of pain. Both are stuck on the escalator as long as parity is demanded, and the escalator never stops. ... If it really were a matter of an eye-for-an-eye, the whole world would be blind." In the words of the ancient Chinese proverb: "Whoever pursues revenge, should dig two graves."

The real question for us, when injured by another, is "Do we want a continuing relationship with this person whose mistake has hurt us. James Hamm told me that his victim, Willard Morely's family, wrote to him in prison. They said, "Being Christians, we take forgiveness seriously. We forgive you. But we have no desire to get to know you. We only hope that you find a way to use your experience to grow." This kind of decision is possible in a mistake between strangers, as James' was toward Willard. But most of our mistakes are at closer range. Most of us are faced with the challenge of how to practice forgiveness. The question we need to address is "what do we need to feel safe in the person's presence again." It's quite possible that we can only really answer this question if we explore it directly, with the person who injured us. But then, once we know that answer, another challenge arises: we have to ask for what we need to feel safe. That's the only way we'll get it – the only way to grow through others' mistakes. The opportunity for such growth is present not just for the one who errs. Can we risk ourselves to a new relationship? The philosopher William James taught us, "It is only by risking our persons from one hour to another that we live at all. ... Not a victory is gained, not a deed of faithfulness or courage is done, except upon a maybe."

What I've been talking about here this morning are given names in our Association's Statement of Conscience – redemptive justice, and restorative justice. To practice redemptive justice is the challenge each of us must face when we injure another – the challenge to redeem our error by mitigating its harm. To practice restorative justice is the challenge each of us must answer when we are injured by another – the challenge to forgo revenge to restore relationship. As I've served as spokesman for our social action committee's forum on various media interviews this week, I've had the pleasure of working with one of our forum's speakers, another James, James Jones. James Jones is Executive Director of Lincoln's Community Justice Center. He is a facilitator of redemptive justice and restorative justice. James Jones also learned his work the hard way, by committing the crime of

armed robbery and serving almost three years in our Nebraska prison system. Two weeks from now, when he speaks at our Sunday service here, you'll have the pleasure of hearing him tell what that experience taught him and how he practices what he learned now,. Our James Jones has reminded me again of what James Hamm convinced me to believe those years ago:

- that every person who errs, no matter how viciously, no matter how seemingly cavalierly, views his or her own actions with horror, if only from afar; and

- that within each of us is a natural hunger for integrity and health which, if encouraged, can grow into change to save us from doing further harm to others or ourselves.

Their faith, I've come to see, is very much like ours. It is faith in the worth of every person; it is affirmation of our calling ever to encourage spiritual growth.

As it is written in the ancient Jewish text:

"You are merciful -

when you forgive in others, the faults you condemn in yourself.

You are alive -

when tomorrow's hope means more to you than yesterday's mistake.

You are growing -

when you know what you are, but not what you will become.

Criminal Justice and Prison Reform - Statement of Conscience

***Background:** This Statement of Conscience of the Unitarian Universalist Association builds upon more than a dozen social witness statements on criminal justice adopted by the Unitarian Universalist Association between 1961 and 2002. In June 2003, the General Assembly of the UUA selected "Criminal Justice and Prison Reform" as the issue suggested to congregations for two years of study, action, and reflection. The Commission on Social Witness (CSW) received initial reports from congregations and districts in March 2004. In June 2004, the CSW held a workshop on this issue at General Assembly. An initial draft Statement of Conscience was distributed to all congregations and districts for their reflection and feedback in October 2004. At its March 2005 meeting, the CSW prepared a revised draft that was included in the final agenda book for the June 2005 General Assembly. A mini-assembly was held on Friday, June 24, at 8:00 a.m. to receive proposed amendments. The CSW met later in the day to consider all amendments and to prepare the revised draft Statement of Conscience that was debated by the General Assembly during its Saturday morning plenary, and then received the two-thirds vote required for adoption.*

As Unitarian Universalists, we are committed to affirming the inherent goodness and worth of each of us. As Americans, we take pride in our constitutional promise of liberty, equality, and justice for all, including those who have violated the law. Yet the incarceration rate in the United States is five- to tenfold that of other nations, even those without such a constitutional promise. Our corrections system is increasingly rife with inequitable sentencing, longer terms of detention, racial and ethnic profiling, and deplorable jail and prison conditions and treatment. The magnitude of injustice and inequity in this system stands in stark contrast to the values that our nation—and our faith—proclaim. We are compelled to witness this dissonance between what America proclaims for criminal justice and what America practices. We offer an alternative moral vision of a justice system that operates in harmonious accord with our values as a community of faith. This vision includes the presumption of innocence, fair judicial proceedings, the merciful restoration of those who have broken the law, the renunciation of torture and other abusive practices, and a fundamental commitment to the dignity and humane treatment of everyone in our society, including prisoners.

The Current Crisis

In 2004, the United States incarcerated 2.2 million people in its prisons and jails. Among industrialized nations, the United States incarcerates the largest percentage of its population . There are also stark disparities in the racial composition of our nation's prisons, as African Americans account for fully half of the prison population and comprise only thirteen percent of the total population. Costs of imprisonment have increased due to state legislatures criminalizing an increasing number of activities, mandatory incarceration, and mandatory minimum sentencing. In response to these increased costs as well as lobbying by industry groups, state legislatures have increasingly privatized prisons, introducing profitability into the already conflicted structure of prison funding. Post-9/11 public fears have intensified the perceived need for retributive policies and have undermined those that are redemptive, rehabilitative, and restorative. Elected leaders and their constituents commonly conspire in this politics of fear.

Although Americans take great pride in the freedoms we espouse, the American prison system violates basic human rights in many ways. The Universal Declaration of Human Rights, which the United States endorsed in 1948, states in Article 5, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” American correctional practice often subjects inmates to abusive treatment, such as torture and rape, and neglects basic human needs such as health care and nutrition. Some suspects are detained without charge, legal counsel, or access to family. While indigent defendants have exactly the same rights to competent counsel as non-indigent defendants, in many states indigent defendants are not provided equality of representation.

The American penchant for retribution squanders opportunities for redemption, rehabilitation, and restoration of the individual offender. Failures in the criminal justice system have created a disenfranchised, stigmatized class who are predominantly from lower-income backgrounds, poorly educated, or from racial and ethnic minorities. The punishment for crime is often simply separation from society, and the sentence one serves *is* the punishment. In our penal system, punishment often continues even after those convicted have completed their sentence. They are often stripped of voting rights, denied social services, and barred from many professions. If convicted of a drug crime, they become ineligible for federal student loans to attend college. Our criminal justice system makes it exceedingly difficult for anyone to reintegrate into society . People returning to their communities find that they lack opportunity, skills, and social services to fully function in society and hold down jobs, maintain families, or participate in their communities . Therefore, an unacceptable percentage of those released from our prisons and jails recidivate.

Not all prisoners who enter the system leave. One of the most shameful aspects of our current criminal justice system is the death penalty. Many countries have abandoned the practice of capital punishment. Studies fail to demonstrate that the death penalty actually deters crime. While the United States Supreme Court has ruled against the execution of juvenile offenders, the death penalty is still legal in the United States. Experience shows that judges and juries wrongly convict defendants. Given the number of death row inmates released on account of innocence, it is highly likely that we have executed innocent people and will do so again in the future unless we abolish the death penalty.

Toward a New Corrections Philosophy

The first two Principles of Unitarian Universalism address the inherent worth and dignity of every person and justice, equity, and compassion in human relations. Consistent with these fundamental principles, a new corrections policy must place a primary emphasis on community alternatives.

Community alternatives should be developed in the context of redemptive, rehabilitative, and restorative justice. Redemptive justice recognizes justice as relational. Its purpose is to restore wholeness and rightness in the social order and in the disposition of the offender, not to exact revenge. Rehabilitative justice is a process of education, socialization, and empowerment of the person to the status whereby she or he may be able to contribute constructively and appreciably to society. Restorative justice is a process whereby the offender can reconcile with the victim through appropriate restitution, community service, and healing measures.

A greatly expanded emphasis on community alternatives will provide substantial cost savings. These savings may and should be in community support services such as literacy education, vocational

training, drug addiction treatment, viable employment, and affordable housing. The benefits of these services are in the quality of life for the offending person, the victim, the families of the offender and victim, and the increased safety and security of the community.

Separation from society may well be a appropriate punishment for many crimes, but society's responsibility does not end there. A corrections system driven by compassionate justice would prepare offenders for successful reentry into society. An overwhelming majority of those who are incarcerated return to their communities, yet only a small percentage receive meaningful rehabilitative programming while in prison. In the reformed system, they will receive substantial rehabilitative services, including mental health treatment, educational programs, and vocational training during incarceration and employment and transitional housing once released. Redemption, rehabilitation, and restoration are not only humanely forgiving of those who have fallen off the main societal track; they are more effective and less costly in addressing the criminal justice needs of our whole society.

A Call to Unitarian Universalists

Appalled by the gross injustices in our current criminal justice system, we the member congregations of the Unitarian Universalist Association commit ourselves to working in our communities to reform the criminal justice and correctional systems and effect justice for both victims and violators. We act in the spirit that we are indeed our sisters' and our brothers' keepers. Love is our governing principle in all human relationships. Therefore, that we may speak with one voice in unity, though not uniformity, we commit ourselves, our congregations, and our Association to these congregational actions and advocacy goals.

Congregational Actions

- Form a study group within the congregation to learn about the local jail and state prison system, its budget, recidivism rates, rehabilitation programs (inside and outside the facilities), and opportunities for volunteers.
- Network and collaborate with existing community outreach programs and advocacy groups for prisoners and their families.
- Establish Unitarian Universalist prison ministries and encourage volunteers from the congregation to go into prisons and get involved with and/or begin peer-counseling and mentoring programs.
- Address re-entry issues by engaging in supportive work with formerly incarcerated individuals to reduce recidivism and increase success in the probation and parole system .
- Reach out and support congregational members who are personally affected by the criminal justice system.

Advocacy Goals

- Legislation that strengthens gun control, ends the so-called “War on Drugs,” disallows mandatory minimum sentencing, provides for fair, equitable, anti-racist sentencing , and abolishes the death penalty.
- Reforms of the judicial system to establish drug courts that prescribe treatment rather than imprisonment, provide affordable and competent counsel for all defendants, and empower citizen review boards.
- Effective alternatives to incarceration such as arbitration, restorative justice programs, community service, in-house arrest, and mental health and substance abuse treatment.
- Dismantling of the for-profit prison industry.

- A publicly funded and managed system of correctional facilities accredited by the National Commission on Correctional Health Care and by the American Correctional Association, ensuring that children and youth in custody are separated from adults in the penal system, providing appropriate facilities and services for prisoners with mental health and other health concerns, addressing the unique medical and psychological needs of female prisoners, stopping prisoner rape, and abolishing cruel detention and interrogation methods and the use of isolation for prolonged periods of time.
- Termination of the relocation of prisoners out-of-state or out-of-country.
- Support for families and family life by assigning prisoners to facilities near their homes, by providing facilities that are conducive to comfortable family visits, by maintaining parental rights as appropriate, and by allowing prison mothers to raise their infants.
- Universal access to rehabilitation, education, and job training programs and restorative and recovery programs for non-religious as well as for religious prisoners.
- A probation and parole system empowered and enabled to correct the excesses of past mandatory sentencing requirements, provide compassionate reprieves for the terminally ill and aged, support former prisoners as they reenter society, and allow for individual evaluation of technical parole violations.
- Elimination of post-prison restrictions on civil rights and civil liberties, including voting rights.

Through ongoing congregational education, advocacy, and action, we can make good on our Unitarian Universalist heritage and our American promise to be both compassionate and just to all in our society. Through our diligence and perseverance in realizing this promise, we can live the core values of our country and extend the values of our faith to the benefit of others.