

## Why Jews Should Care About Mass Incarceration

**We often hear the assertion that prison is not a “Jewish” issue. Many believe that few Jews spend time in prison, and that prison only serves to keep “our community” safer. As we’ll see, these assumptions are both false and dangerous.**

**Here are ten reasons that prison is a Jewish issue:**

1. **The Torah** begins with the assertion that human beings are created *b’tzelem Elohim*—in the image of God. Jewish law and Jewish communities have spent millennia figuring out how to create a just society that treats both perpetrator and victim as creations *b’tzelem Elohim*, and in which we can all live safely. Part II of this handbook includes some core texts about criminal justice and incarceration in Jewish law.

2. **Teshuvah, repentance**, is one of Judaism’s core principles. Jews believe that people can always repent from their mistakes and bad choices, and that society should be structured to encourage that process. Mass incarceration reform is in part about asking how our government can facilitate *teshuvah* and healing, rather than

perpetuating cycles of violence. As Mariame Kaba of Project NIA, a Chicago-based organization that aims to end youth incarceration, says, “Hurt people hurt people.”<sup>1</sup>

3. **Jews do get arrested** and spend time in jail and prison. (There are an estimated 12-15,000 Jews incarcerated in state

and federal prisons in the US. This figure doesn’t account for those held in local jails.)<sup>2</sup> Because of the widespread narrative that Jews don’t go to prison, the incarcerated, formerly incarcerated, and their **families feel significant shame** in discussing their experiences within their Jewish communities.

4. More and more members of our Jewish communities are **Jews of color**.<sup>3</sup> A police officer who sees a black Jewish teenager hanging out with his friends on the street does not see a Hebrew High School graduate or a Jewish camp counselor, but rather a teen of color, who automatically attracts suspicion. Even for those of us who are, ourselves, white, our extended networks include people of color

whom we care about. These include our friends, colleagues, neighbors, romantic partners, and in-laws. Given the racial inequities of our criminal justice system, people of color are more likely to be arrested, charged, and convicted, as well as to fall victim to violence by police officers.



Koach Baruch Frazier, drummer and activist in the Ferguson Movement. Photo by Samantha Pergadia, used with permission.

<sup>1</sup> Quoted in Schenwar, Maya. *Locked Down, Locked Out: Why Prison Doesn’t Work and How We Can Do Better*. 2014, p. 140.

<sup>2</sup> <http://forward.com/news/186868/jews-in-prison-stick-with-faith-to-cope-with-flood/>

<sup>3</sup> Based on data from 1990-2003, Be’chol Lashon—an organization dedicated to a Judaism that is global and diverse—estimates that as much as 20% of the American Jewish community is “racially diverse.” [http://www.bechollashon.org/population/counting\\_color/counting\\_color.php](http://www.bechollashon.org/population/counting_color/counting_color.php)

5. Mass incarceration has created a **“lost generation”**<sup>4</sup> — of adults missing from society and of children growing up without their parents. This has direct, immediate impacts on our national economy, as well as long-term effects on the health of our communities.

6. By playing on fears about race, class, and violence, **mass incarceration maintains divisions in our society.** This makes it harder for groups who might otherwise be natural allies to form partnerships and to work together to solve societal problems.

7. The **taxpayer dollars** that are spent on mass incarceration are diverted away from other needed public goods, such as education, healthcare, environmental protection, and social services. Instead of educating and caring for children who will grow up to be productive, healthy, and happy members of society, we are investing in incarcerating their parents and in preparing for their own incarceration.



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8. Policing priorities and corrections and sentencing practices ironically can **diminish public safety**, rather than strengthen it. A focus on quality of life infractions (often called “broken windows” policing) takes time and resources away from solving more serious crimes. Obstacles to reentry (including barriers to employment, education, and housing) increase

the likelihood that returning citizens will commit crimes again. Some evidence suggests that incarcerating those convicted of minor crimes alongside those who have committed more serious crimes can result in these low-level perpetrators becoming “criminalized.”<sup>5</sup>

9. The blurring of lines between policing and fighting terrorism threatens all of our **civil liberties.**

10. Our own **Jewish history** includes experiences of being **targeted by police violence** as recently as America in the early 20th century.<sup>6</sup> We have experienced surveillance and have been discriminated against for not looking white. This historical memory creates a duty to have empathy for, and to work in alliance with, the people targeted today.

<sup>4</sup> <http://www.psmag.com/politics-and-law/the-children-of-the-prison-boom>

<sup>5</sup> See, e.g., Gates and Camp, “Unintended consequences: experimental evidence for the criminogenic effect of prison security level placement on post-release recidivism.” *Journal of Experimental Criminology*, June 2009. <http://link.springer.com/article/10.1007%2Fs11292-009-9070-z>

<sup>6</sup> See, e.g., sources cited by Rabbi Michael Rothbaum in his 2014 Rosh Hashanah sermon, “Ferguson/Fargesn.” <http://rabbicreditor.blogspot.com/2014/10/rabbi-michael-rothbaum-fergusonfargesn.html>