

HOPE BEHIND BARS

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Two thousand six hundred years ago, in ancient India, there was said to have lived one of the most formidable serial killers in human history. His name was Angulimala, which in Pali means “finger garland.” He earned his name because he would roam the lands, killing people at will and cutting off their little fingers so that he could string them onto a necklace. His murderous rampage would only stop once he had collected 1000 fingers. He was feared wherever he went and many Indian states had tried but failed to capture him. One day, the Buddha was walking through the forest where Angulimala lurked. A passerby who knew of the danger that the Buddha was in urged the sage to retreat or reroute his course, but the Buddha went on smilingly. At the time, Angulimala had 999 fingers, so when he saw the Buddha walk by his hideout, he ran out to attack him. Strangely though, no matter how fast or how hard he ran, Angulimala could not catch up to the Buddha, who himself maintained his graceful stroll. Exhausted, the murderer finally cried out, “STOP!” The Buddha turned around and with a voice vibrating with compassion said, “I have already stopped my dear child. I have stopped harming others. Now you must do the same.” Perhaps it was the kindness that he detected in the Buddha’s voice, or maybe the message was one he had needed to hear, but Angulimala was profoundly struck by the Buddha’s words. He decided then and there he would ask the Buddha to ordain him as a monk, a request that the Buddha lovingly accepted. And through ardent meditation, the erstwhile serial killer purified his mind of all its negativities and ultimately reached the state of ultimate peace—Nirvana (Khemadhammo). Then, with a heart filled with compassion and love, Angulimala set out once again to roam the lands of India, only this time his intention was not to harm others but to help them attain that ultimate peace and fulfillment, just as he had (Ganesha).

It would be easy to dismiss a story of such radical transformation as the stuff of folklore. But to this day, hardened criminals are being reformed by

the Buddha's teachings, not only in India, but in places as far removed as Donaldson maximum-security prison in southern Alabama. Grady Bankhead is one of Donaldson's 1500 inmates. He was watching the news one day when his daughter came up on the screen. He looked on, horrified as the anchor-man revealed that she had been brutally murdered. Later, Bankhead reported how he came to terms with the news: "it makes me physically ill to think about what my daughter went through. But I got to still love [the murderer]. He's still a human just like the rest of us" (51:50). Such words could easily have belonged to a saint, a title that very few would have attributed to Bankhead, a man who was serving a life sentence for first-degree homicide. So then, from where did this man, locked up in a maximum-security prison, find the heart to forgive his own daughter's murderer? "Vipassana gave me the right to make my own choice," he said. "I can choose how I want to react to this. I don't just have to react" (52:25). In 2002, Bankhead and 20 other Donaldson inmates participated in the prison's first ever 10-day Vipassana meditation retreat. Vipassana is the original technique of meditation that the Buddha taught 26 centuries ago. During the course, participants were expected to meditate over 11 hours a day and maintain complete silence for the duration of the course. The course, although extremely difficult for the inmates, was ultimately life changing (*Dhamma Brothers*). Fundamental to Vipassana meditation is the practitioner's realization that everything, including himself, is subject to relentless and never-ending change. Through this insight into impermanence, the meditator will learn to let go of attachments and pains and traumas, and to meet all that life offers—whether desirable or undesirable—with a peaceful grace, fully understanding that nothing will last forever. This essential faith in a human being's capacity for change is a central tenet of the Buddha's teachings, and is also a core principle of rehabilitation in the U.S. criminal justice system.

These days, though, rehabilitative programs in U.S. prisons are rare, overshadowed by a punitive philosophy that has dominated the debate since the 1960s. As a result, there are now more than two million prisoners in the U.S.—more than any other country in the world. As institutions built to punish, U.S. prisons have become veritable human warehouses—where the average inmate can no doubt expect to encounter rape, institutionalized violence, and psychologically crushing periods of solitary confinement. In his *New*

Yorker piece "The Caging of America," Adam Gopnik asserts, "the scale and the brutality of our prisons are the moral scandal of American life." For people like Gopnik, the premise that we would put criminals in traumatic environments, like maximum security prisons, and expect them to reenter society as functional, contributory individuals borders on lunacy, especially given the fact that many of the incarcerated come from traumatic backgrounds themselves. As James Gilligan, a clinical professor of psychiatry, puts it:

When people are dangerous to themselves or others, we restrain them—whether they are children or adults. But that is altogether different from gratuitously inflicting pain on them for the sake of revenge or to 'teach them a lesson'—for the only lesson learned is to inflict pain on others.

Therein lies the heart of the rehabilitative argument: that if our inmates are to be reintroduced into society, which more than 90 percent will be, we want them to be less angry and more balanced than when they went in. The problem is, that's not happening. Today, two out of three prisoners reoffend within three years of their release, and so quite paradoxically, it seems that U.S. prisons have literally become breeding grounds for more crime (Gilligan).

But for Elizabeth Majors and Gene Langley, mother and brother of John Langley, who was brutally murdered in his sleep by his former colleague Christopher Scott Emmett, all the statistics and debates around prisoners' rights mean nothing in the face of victims' overwhelming grief and anger. For this distraught mother and brother, not even the brutal conditions of prison would be punishment enough for Emmet. "I wanted to see that [Emmett] was put to death with no ifs, ands or buts about it," said Majors. And that's exactly what happened. Several years after John was murdered, the Virginia State of Corrections gave Emmett a lethal injection, and Elizabeth and Gene were invited to come watch him die. "When he breathed his last breath and they pulled the curtain, I said, 'Thank God he's gone to hell and got it over with,'" said Elizabeth. "That was our closure," added Gene. "When it was done, we was more at ease . . . We knew things had been accomplished" (qtd. in Montgomery). To Elizabeth and Gene, a very important step in their healing process involved knowing that Emmett would receive what "[was] due to him," that "the wrongdoer pay a price equivalent to the harm he has done" (Budziszewski).

The Langley family's eye for an eye mentality is not an outlier when it comes to America's response to violent crime. Indeed, "contemporary American law is unique among advanced industrial countries in its focus on blame and retribution," says James Q. Whitman, a professor of comparative law at Yale (Whitman). Despite Gopnik and Gilligan's condemnation of America's punitive criminal justice system, according to Gallup polling, in 2014, more than 60 percent of Americans supported the death penalty for people who are convicted of murder (Jones). As Radley Balko of the *Huffington Post* puts it, "most Americans support the death penalty out of a desire for vengeance or retribution. Some crimes, the thinking goes, are so heinous that death is the only appropriate punishment." But this isn't just about the death penalty; America's orientation toward vengeance and punishment applies to the entire criminal justice system. In a 2004 Gallup poll, "Americans were asked if the U.S. criminal justice system is 'too tough, not tough enough, or about right' in handling crime. A firm majority (65 percent) said that the criminal justice system is 'not tough enough' on crime" (Kiefer). In other words, for most Americans, it is not enough that the criminal suffer years, if not a lifetime, of incarceration, periods of solitary confinement, or even death. For them, crime not only inflicts injury on the lives of victims and their families but represents an assault on the just order of all society. What, then, is the difference between murder and the death penalty? What's the difference between institutionalized rape and street rape? Why should we, acting through the state, follow one immoral act with another?

For advocates of the punitive system, equating retribution with revenge "is a morally untenable position" (Sharp). As Dudley Sharp, the director of Death Penalty Resources, says, "opponents . . . believ[e] that if two acts have the same ending or result, then those two acts are morally equivalent" ("Death Penalty"). But "is the legal taking of property to satisfy a debt the same as auto theft? Both result in loss of property . . . Is killing in self-defense the same as capital murder? Both end in taking human life . . . How absurd" ("Death Penalty"). For J. Budziszewski, Professor of Government and Philosophy at the University of Texas at Austin, the difference between revenge and retribution is that while revenge is reactionary, retribution represents "the virtue of indignation, which answers injury with injury for public good" ("Capital Punishment"). For Bruce Fein, constitutional lawyer and

general counsel to the Center for Law and Accountability, not only are punishments like the death penalty fair, but they even go so far as to “hono[r] human dignity by treating the defendant as a free moral actor able to control his own destiny for good or for ill” (“Top 10”).

This emphasis on individual agency is an important theme for advocates of the punitive model. It highlights another fundamental tenet of retributive justice: deterrence. Deterrence is the notion that by threatening and imposing severe punishments on lawbreakers, other potential criminals will choose to avoid committing further crime for fear that a similar fate lies in wait for them, too. As a result, innocent people are spared death and injury in return for the punitive treatment and/or death of the guilty. Over the last 40 years or so, much emerging research supports the idea of deterrence. Some analysts have even gone so far as to claim that for every execution, 18 innocent lives are saved. These findings were deemed so significant that in 1976, the U.S. Supreme Court reinstated capital punishment, and for a while the deterrence effect was little contested (Tanner). One could suggest that the Court assumed that potential criminals are able to make ‘objective’ cost-benefit analyses, which weigh the rewards of the crime against the risk and severity of punishment (Tanner). But this rational model of the criminal mind could seem weak. Can’t crime also be the result of reactionary, blinded behavior?

The Buddha would also be skeptical of the deterrence effect. To him, our choices are constrained not only by external circumstances but also by our internal minds. To the Buddha, in each moment, there is a window in which we are able to decide how we want to respond to the experience that has presented itself. And in theory, if our minds can be present enough to our experiences, it does become possible to exercise our capacity for free will. The problem, though, is that most of us lack the mental strength and awareness to exercise this capacity. Too often we are lost in our own thoughts and dramas, which keep us constrained to past and future mental realms. As a coping mechanism, we fall back onto very rehearsed, unconscious mental habit patterns to help us make decisions and take actions without having to make any conscious effort. This coping mechanism can quickly become problematic as we start to lose control over these habit patterns—especially if the habits we learn are unhealthy. They can become powerful currents that can send us violently in directions that we may, rationally, not want to go. For example, if

our habitual response to stressful situations is to drink alcohol, then over time, the impulse to drink in the face of stress may become too strong to resist. Or if our habitual response is to deal with conflict through anger, then eventually anger could very easily become the only way we can respond to conflict. Indeed, there is significant evidence that violent behavior can be learned. In one study found in the *Criminal Justice and Behavior Journal*, it was discovered that “youth with chronic exposure to violence were 3,150% (or 31.5 times) more likely to engage in chronic violent behavior” themselves (Spanner). Without proper control over the mind, the violence around these youth becomes internalized, bubbling like magma in a volcano, until that volcano erupts, spewing their pent up violence onto others. In turn, this creates a vicious cycle that is only amplified once they find themselves in the violent environment of a prison.

But prison has not always played such a large role in this vicious cycle of violence. In fact, for the vast majority of American history, rehabilitation has stood at the forefront of the criminal justice system. Only with the crime waves of the 1960s and '70s, in which most forms of violent crime almost doubled in a decade, did retribution and the punitive criminal justice model usurp rehabilitation as the dominant response to deviant behavior. This shift, propagated by conservatives, came to be known as the “Get Tough on Crime” era, which for a long time was heralded as a great success. But today, as a result of overflowing U.S. prisons and extremely high recidivism rates, conservatives as well as Democrats agree that the criminal justice system is broken and in need of urgent reform. In fact, because Democrats remain too scared of appearing weak in the public eye, Republicans, backed by a Christian movement to bring more compassion to prisoners, have led the way in criminal justice reform over the last few years. Former Republican presidential nominee Newt Gingrich wrote in 2011, “[t]he criminal-justice system is broken, and conservatives must lead the way in fixing it.” One year later, the Republican platform declared, “[p]risons should do more than punish; they should attempt to rehabilitate and institute proven prisoner reentry systems to reduce recidivism and future victimization” (qtd. in Dagan and Teles). While criminal justice reform represents one of the few remaining bipartisan issues still alive in U.S. politics, the effort to enact wider institutional changes will be a massive challenge. Reformers will have to contend with

enormous prison populations and deeply ingrained cycles of violence while notions of punishment and moral retribution will persist among the civilian population.

U.S. politicians could look to Norway for inspiration. Today, many consider Norway to have the most successful criminal justice system in the world, with the lowest recidivism—20 percent—and incarceration rates—75 people per 100,000 civilians—in the world (compare this to a 76 percent recidivism rate and 707 people per 100,000 civilian incarceration rate in the U.S.) (Sterbenz). The country places enormous emphasis on rehabilitation and the notion that societal deviants can change their behavior. Indeed, there is no capital punishment in Norway, and the country has instated a maximum sentence period of 21 years. All prisons are comfortable, and inmates enjoy luxuries like their own TVs and computers as well as abundant access to educational opportunities and skill-building workshops. One particular prison in Norway, a so-called “human ecological prison” known as Bastoy, has its prisoners organized into a sort-of utopian community, with every prisoner growing his own food, living in communal bungalows, and doing paid work (James). Most Americans would no doubt be appalled by the softness of the Norwegian system, insulted by the absence of moral retribution lacking any deterrence effect whatsoever. To these protestations, Arne Wilson, the governor of Bastoy, has said, “[i]n the law, being sent to prison [has] nothing to do with putting you in a terrible prison to make you suffer. The punishment is that you lose your freedom. If we treat people like animals when they are in prison they are likely to behave like animals. Here we pay attention to you as human beings” (Sterbenz).

The exchange of respect between Wilson and his prisoners represents a fundamental tenet of the Buddha’s teachings—that of Karma, or cause and effect. Karma very simply posits that what we sow we reap, and so if we wish to reap the fruits of a harmonious, peaceful society, then we must make sure that we plant as many seeds of harmony and peace as possible. And just as it is impossible for a cactus seed to yield a rose, it is also impossible to respond to violence with violence and expect peace and harmony. To the Buddha, we are all on a moving train, which is fueled not by electricity or coal, but by the continuous flow of cause and effect. This flow manifests as complete and unrelenting change within each individual. Every single moment, every atom

in our bodies—just like every other atom in the world outside—exists in a state of constant combustion, vibration, and movement. Our minds, too, are subject to relentless evolution. The way we saw the world as children has little to do with how we see the world as adults. The problem is that as we sink deeper and deeper into the webs of our unconscious mental habits, our lives begin to appear repetitive and homogeneous. Slowly, we come to lose sight of the novelty inherent to all phenomena, which are ever-changing and transforming. As a result, our lens on life gets skewed, so much so that the person who commits the act of murder *becomes* a murderer, and the person who commits the act of rape *becomes* a rapist. Out of this stagnant view of human development we create prisons and punishments that are not designed to change behavior but to simply punish. To the Buddha, the wish to cause suffering to another being only increases the net violence and misery in the world. When the Buddha sought out Angulimala in the woods that day, his intention was almost certainly to prevent the serial killer from hurting more people, but perhaps even closer to his heart was the volition to free Angulimala from his own misery. The disorder that criminals create around themselves is but a fraction of the destruction and disorder already within them. If there is, then, a direct link between our ability to feel compassion for others and seeing their pain, it is logical that we have compassion for the aggressor as we have for the victim.

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