

We are all felons now...

Felon and Fallen

This is a subject that has been in my mind almost continuously for a couple of years – mainly because I interact with men who have recently been released from prison and are employees in an establishment that I have responsibility for. Some have done their “bit(s)” in prison for as many as 20 years – some are younger and at risk for that kind of prison career.

The title claims that “we are all felons now” – a proposition that will stir resistance in many of us. But stick with me – I want to compare and contrast the label “felon” with another – “fallen.” They differ only in a few letters – they even sound alike.

We can all identify with the latter, we are surely all fallen – we have all been unfaithful to the image we were created in. We all stand under the judgment of God – we all tremble at the thought of being accountable to Him.

Being a felon in our society is a label applied to those who have been found guilty of breaking one or more of a set of serious laws in a court and sentenced to prison. For many of those offenses the penalty is a decade or more behind bars. As those years go by, the world also goes by and eventually the “ex offender” emerges to a world often irretrievably colored by the felon label.

My primary purpose here is not to raise all the issues of barriers faced by ex-offenders and what one’s opinion could be or should be to these matters of policy and practice. Instead my purpose is to address the implications of the title – “We are all felons now.”

However it is helpful to bring to light some of the characteristics of our justice system that pertain to persons with a felony charge:

A Felony and its Consequences

(1) Not all persons who commit felonious crimes are charged and brought to justice. (2) some behaviors that currently merit a felonious charge did not merit it a few years ago. (3) the sentences imposed on persons for felonies are often much longer than they were a few years ago. Our prison population has risen dramatically as many more serve longer sentences – now many are returning each year to the communities from which they were convicted. (4) It is inevitable that some persons in prison on felony charges were convicted unjustly. We don’t have a good fix on how many – but the racial, income class and mental health disparities that describe incarcerated felons are obvious.

Whether or not ex-offenders with felonies on their record were justly convicted or not, they face a multitude of barriers in getting their life on track upon their release – many of these barriers also have been erected in recent years. It has become fashionable to impose, along with longer and more deliberate sentences on convicted felons, more penalties on their opportunities and movement when they are released. Many are released before their sentence is up and so are subject to parole mandates. All are restricted from applying for publicly supported housing – many are barred from apartment living. Many job opportunities are barred – some because of fears of financial liability by employers, some by statute. The number of statute limitations has increased since 9/ 11. In spite of difficulties in obtaining employment and housing, parole and other mandates demand employment soon after release and claim portions of the wages as

payment for various services also mandated. Failure to find employment, if mandated, constitutes parole violation and a return to prison. It is not uncommon for the sum of various mandated payments to approach and even exceed wages earned. Failure to pay leads to arrest warrants and often times to a return to prison. So far I have not raised matters of opinion – just facts about how things work.

The facts about the justice system indicate that some with the label of felon should not have it, and some walking about free should have it and perhaps, sometimes, the felon label is not a wise penalty for some wrongdoing in view of the costs it imposes on *society* not just the individual. Perhaps diversion or probation associated with other supports, or mental health treatment, or job training or access to health care would prevent the cost of incarceration and subsequent release on the individual, their families and society in general. In many cases the charge of felon and an appropriate prison sentence are necessary to protect public safety. Because the number and length of sentences of felons has increased so rapidly it is worth taking a look at these issues as many states have in the wake of rising corrections costs.

So the application of the label “felon” is a bit slippery in terms of whether it has been justly applied, given the current statutes as well as in terms of a review of the application of those statutes.

But there is no doubt with regard to label of being fallen – all have fallen short of the glory of God – we all have failed to be faithful to the image in which we were created. A sobering question is – how much difference is there, in God’s eyes, between the fallen and felons? All felons are fallen. Not all the fallen are felons, but some should be labeled as felons that are not, and some felons should not be so labeled.

Being Fallen and its Consequences

If one objects to this comparison – think about the fact that being fallen is judged in a much higher court than the courts of men.

And the facts are, we are all fallen. All of us (not just them) stand under a kind of judgment and crave mercy. All of us, whether we recognize it or not, feel the desire, written into our being, to live in peace with God. We wish we were not so rebellious. We wish not to live under the cloud of our rebellions. For those that seek to address their rebellions – the path to faithfulness to God’s calling is strewn with missteps, outright failures and hopefully some sense of blessing and progress. We understand that God continues to extend mercy, according to his plan from the beginning, to redeem man from his fallen ways. Society also extends some forgiveness because it lets felons out rather than imposing a death penalty or life imprisonment for many charges. A person, who is both fallen and a felon, has to deal with both sources of guilt and mercy.

Fallen and Felon

They interact – it makes sense to believe that a person who has come to grip with his or her fallenness can better deal with being a felon – even if not charged as such or even if charged unjustly. Again the question: How much difference is there, in God’s eyes, between the fallen and felons. If He reaches down in mercy and supports to extract us from the consequences of being fallen, how much more should we extend mercy and supports to felons? When Jesus, claiming the words of Isaiah 61, came offering freedom to the prisoner –was it only to bust them out of prison, or also to establish them in God’s kingdom as well as civil society. When he

undermined the condemning spirit of the Pharisees with the woman taken in adultery was he not only offering God's forgiveness, but also establishing her again in the community? When Rahab, the harlot, was protected by Joshua and his troops, was she not only given a role in the line of Messiah, but also established within Israel? What did these "condemned" in society hope for as they petitioned Joshua or Jesus for reconciliation? How did grace come into their lives and thus establish a place for them in the community?

Grace for Felons

All of us are fallen and some are felons. Since Jesus extended grace to outcasts in his midst, it seems as we follow him – we must also extend grace to outcasts – even felons. There is no evidence that Jesus applied a "filter" to the "deserved" poor or outcast. We must contemplate: is there any end to exclusion, any covering from condemnation, any mantle of *graced righteousness* to felons in our midst? When the father embraced his estranged son with a ring and a robe and killed the fatted calf the son was restored to society. His older brother was not so happy with this treatment – perhaps even some neighbors wagged their heads and pulled at their beards. Who should we follow – the example of the brother and neighbors, or the example of the gracious father?

Recently I saw again the movie *Gandhi*. When Gandhi returned to India, he walked off the boat in the garb of the peasants. When he negotiated with the English Viceroy about the independence of India – he arrived wearing the dhoti the loincloth of the poor. Why? Because he wished to identify with the outcasts – not just the would-be future leaders of India – the politicians. He was negotiating for all the people, not just the new elite.

While that is a more contemporary example, we can also observe the example of Jesus who showed up among the poor, promising them freedom in this world and the next. He spoke up for them at the well in Samaria, in the temple courts for the prostitute, he created space for Zacharias to engage in restorative justice for his past embezzlement. He wasn't always successful, or at least we didn't see an immediate payoff for the rich young ruler, who couldn't drag his possessions through the narrow gate. To the charge that some felons re-offend – what about the found coin, or the found sheep – is there no rejoicing for them?

We continue to resist the idea that felons, who have *paid their debt to society*, can then go on to enrich us all with a life seasoned by grace. But then what hope do we have for the rest of us fallen who have *actually escaped the penalty of death*, to be a light on the hill for all? When we exclude these from our society, exclude them from jobs, from housing, from simple helps to get their life going again, what future is left for them? For the fallen, grace heals – gives purpose, causes eyes to shine with hope. James, the Lord's brother warned us against the superficial pat on the back – "go, be warm." Grace to the fallen and the felons, means concrete helps that enable growth to a new being – and the possibility of a new future.

We are all fallen, some of us are felons – we are all called to be followers.

Appendix: The Theology of Forgiveness: Obtaining Jesus' Righteousness

When the fallen are graced with forgiveness what is the basis for the restoration? We call all answer the question from Ephesians – grace not works! But we may also be tempted to think that when we exercise faith, we acquire grace almost as a quid pro quo. Not so – read on...

There are three passages that address this issue directly, and are surprisingly consistent. Romans 3.22, Galatians 2.16-20, and Philippians 3.9. These passages express the heart of the gospel in Paul's writings where he argues that righteousness cannot be obtained from individual works of the law, but rather through the works of Jesus. Righteousness (right standing or restoration with God) is what we crave for – only standing under the mantle of righteousness can we escape the cloud of guilt. But Paul maintains that such a state cannot be obtained with our own efforts, all of these are colored with our fallenness.

NIV Rom 3.22

But now a righteousness from God, apart from law, has been made known, to which the Law and the Prophets testify. 22This righteousness from God comes through faith in Jesus Christ to all who believe.

NIV Gal 2.16

We who are Jews by birth and not 'Gentile sinners' ¹⁶know that a man is not justified by observing the law, but by faith in Jesus Christ. So we, too, have put our faith in Christ Jesus that we may be justified by faith in Christ and not by observing the law, because by observing the law no one will be justified.

NIV Philippians 3:9 More than that, I count all things to be loss in view of the surpassing value of knowing Christ Jesus my Lord, for whom I have suffered the loss of all things, and count them but rubbish so that I may gain Christ, ⁹and be found in him, not having a righteousness of my own that comes from the law, but that which is through faith in Christ—the righteousness that comes from God and is by faith

Paul uses the same logic in each of these passages – the bottom line is that the righteousness that comes from God is obtained by faith in Jesus – not earned by doing the works of the law. Those works could be following the law's command, perhaps doing works as penance or penalty for our offenses. Instead those works are deemed useless because our attempts are themselves *colored* also by our previous offenses.

Not only is the logic in these three passages identical, but the grammatical construction is the same – the word Paul uses in each case for "faith" is the Greek word "pistis" translated in each of these passages as "faith" or "belief," but it can also mean faithfulness. There is more, however. In each case the word for faith is connected with the word "of" this is true because the word is in the genitive case meaning the faith is *transferred to* an object or *received from* a subject. To put it concretely: is our righteousness obtained by our exercising our faith in Jesus or relying on the faithfulness of Jesus? Our first reaction is to agree with the former since that is the way the concept is usually rendered in all the usual translations.

Those that have looked at the grammar closely, however, have decided (contrary to the way it is usually put in our bibles) that the second is what Paul meant. This is actually more consistent with the point Paul is making about doing the works of the law. If we establish the proposition that our righteousness rests on the finished work of Jesus, isn't our exercising of faith in that

proposition, an adherence to a belief statement similar to a “work of the law”? It seems a bit circular; instead, if we see that our trust is in Jesus’ faithfulness, our trust is one step removed – it is not our faithfulness in Jesus but rather our trust in his faithfulness to the charge laid to him.

David Stern in his New Testament commentary sums up the argument as follows (commenting on Gal 2.16-17):

Our trusting **in** Yeshua and being faithful **to** him means that we rely on him unreservedly, even to the point of being in “union with” him (v. 17), with the result that we too can now exercise the same trusting faithfulness as his. And what trusting faithfulness was that? The trusting faithfulness *of* Yeshua was the trust *in* God and the faithfulness *to* him which the Messiah exercised when he relied on God’s promises to the extent of being willing to die for our sake, “a righteous person on behalf of unrighteous people”¹

Our mantle of righteousness depends on Jesus’ faithfulness, not our consistency in faith in him. We all understand that we do not “earn” our escape from the penalty of fallenness, but we can have no pride either in our exercising of faith since that is void of virtue – all the virtue is in the faithfulness of Jesus. We only desperately cling to Jesus robe as he exerts his faithfulness on our behalf. *All of us are fallen; therefore we all are hanging on the coattails of Jesus in this way.*

N.T. Wright in his recent monograph, *Paul*, draws the implication of this reading of Rom 3.22 in this way:

“...what we see is God’s covenant faithfulness operating ... *through the faithfulness of Jesus the Messiah*. Precisely as Messiah, he offers God that representative faithfulness to the plan of salvation... at last Abraham can have a worldwide family and the long entail of Adam’s sin and death can be undone through his *obedience*...”²

Jesus accomplishes the task laid to Israel’s charge to unravel the damage done by the first Adam – the charge given to Abraham’s seed. As the second Adam, Jesus represents Israel to provide the ground of justification for all the fallen.

Philippians 2 contains the famous passage that describes Jesus’ faithfulness – the “emptying” of himself of his prerogatives as the son of God, of the creator before the foundations of the world, who in his humbleness became obedient unto death – even the death of a criminal, the death on a stake. Paul tells us to “have the same attitude” in us. Chapter 3 then contains the passage we have discussed regarding the “ground” of our justification – then Paul repeats the encouragement to imitate him as he imitates Jesus. Being released from being fallen on the basis of Christ’s faithfulness, we are called to be his followers.

If we hang by the coattails of Jesus, what right do we have to not extend a hand or, at least, not add to the barriers of the fallen felons among us?

¹ *The Jewish New Testament Commentary*, (Clarksville, MD: Jewish New Testament Publications) 1996.

² N. T. Wright, *Paul*, p 47. Fortress Press, Minneapolis, 2005.