

A BIBLICAL VIEW ON
CRIMINAL JUSTICE



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CRIMINAL JUSTICE



Crime and the criminal justice system are a fundamental issues in society, and certainly ones that Christians must address. What are some of the myths about crime? How can we fight crime? What does the Bible say about crime and punishment? These are a few issues to consider.

Myths about Crime

Many attempts to reform the crim-

inal justice system are bound to fail because they are based upon misinformation about crime. One significant distortion is the tendency for society to normalize criminal behavior. That is why Senator Daniel Patrick Moynihan wrote his influential essay on, "Defining Deviancy Down."

He described how society was willing to redefine deviant behavior as normal. He noted, "In 1929 in Chicago during Prohibition, four gangsters killed seven gangsters on February 14. The nation was shocked. The event became legend. It merits not one but two entries in the *World Book Encyclopedia*. I leave it to others to judge, but it would appear that the society in the 1920s was simply not willing to put up with this degree of deviancy."¹

Americans today have "normalized" crime. In many cases, they have accepted the decriminalization of all

sorts of criminal behavior. They avoid bad neighborhoods and public parks. They lock their doors and windows, install burglar alarms, and live in gated communities. They try not to think of crime, accepting assurances from politicians that the problem is getting better. In essence, people are willing to “define deviancy down.”

Another myth is the belief that criminal activity is spread throughout the nation. Actually, habitual criminals commit the majority of crimes. Many years ago, criminologist Marvin Wolfgang compiled arrest records for males born and raised in Philadelphia. He found that just seven percent in each age group committed two-thirds of all violent crime. This percentage included three-fourths of the rapes and robberies and nearly all the murders. The seven percent had five or more arrests before the age of eighteen (and this did not include them get-

ting away with dozens of additional crimes).

Later studies found that a minority of this minority is extremely violent and persistent. A Rand study of these so-called “super predators” found that even among prison populations, they were responsible for a disproportionate number of burglaries and drug deals.²

Another myth is the belief that “crime doesn’t pay.” Unfortunately, it pays fairly well for many criminals who are never caught and convicted. Crime is not always an irrational act. Some crimes are irrational, such as crimes of passion and drug-induced crimes, but not all. Many crimes are actually calculated decisions based on cost/benefit. If the expected punishment is low, potential criminals commit a crime. If the expected punishment is high, many potential criminals are deterred. Expected punishment can be

calculated by multiplying four probabilities: the probability of being arrested for a crime, the probability of being prosecuted, the probability of being convicted, and the probability of going to prison.

Morgan Reynolds of Texas A&M University compiled interesting facts regarding expected punishment for burglary. He concluded that a potential criminal might expect to spend only 4.8 days in prison for each act of burglary. Put another way, stealing is profitable as long as the object stolen is worth more than five days behind bars.³

How to Fight Crime

First, place more police on the streets. Morgan Reynolds discovered when he did his initial study that less than two percent of all burglaries result in a prison sentence. Similar statistics exist for other major crimes,

including murder. We have an epidemic of crime in certain places in this country because the chances of being caught, prosecuted, and convicted are so low. The average criminal has no reason to fear law enforcement. The obvious solution is to increase the deterrent through more police and through swift and sure punishments.

Second, put violent criminals in prison. The premise is simple: a criminal in prison cannot shoot your family. The Justice Department's "The Case for More Incarceration" compared the cost of incarceration to the cost of letting a criminal out on the streets. Putting violent criminals behind bars keeps them off the streets and is less expensive to society than letting them back out on the streets.

Third, focus on habitual criminals. One study found people already in the criminal justice system commit

most of the violent crimes. This statistic included those who have been arrested, convicted, or imprisoned, or who are on probation or parole. The chronic offender has been arrested at least five times before his eighteenth birthday, and has avoided arrest for dozens of other crimes.

Police departments that target “serious habitual offenders” and put them behind bars have found that the number of violent crimes as well as property crimes drops significantly. Arresting, prosecuting, convicting, and incarcerating this small percentage of criminals will make communities safer.

Fourth, provide alternative sentencing for nonviolent offenders. Criminals who are not a physical threat to society should not be locked up with violent criminals but should be sentenced to projects that

will pay back the community. Check forgers and petty thieves should not be thrown in prison alongside murderers and rapists. This involves paying the cost of incarcerating someone who should work off his or her debt to society and provide restitution for the victim. All criminals should pay restitution to their victims, but non-violent criminals can do so without being sent to prison.

Fifth, reconsider mandatory sentences, especially for non-violent offenders. The Trump administration recently passed criminal justice reform that focused on prison reform. Often people were thrown into prison for decades that were actually low-level nonviolent drug dealers, not drug kingpins. They received little or no vocation training and little in the way of drug rehabilitation.⁴ That is one of the reasons the recidivism rate is so high.

Finally, fix broken windows and clean up streets. James Q. Wilson and George Kelling first introduced the broken windows theory in *The Atlantic Monthly*. The title comes from this example. "Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows. Eventually, they may even break into the building, and if it's unoccupied, perhaps become squatters or light fires inside."⁵ Taking care of a neighborhood is an effective strategy for eliminating crime.

Biblical Principles

Two key biblical principles concerning crime and punishment are retribution and restitution. Retribution is the act of punishing a criminal. This concept can be seen in the *lex talionis* principle found in such passages as Exodus 21:23–25 and Leviticus

24:17–21, and in other regulations in the Mosaic Law (Deut. 19:16–21; 22:24; 25:11–12).

A second key principle is restitution, repaying to the victim what was lost or stolen. The numerous fines described in Exodus 21:18–22:17 were not paid to the government. The offender paid the victim.

We should also teach these concepts to our children and grandchildren. The passage in Isaiah 1:17 instructs us to “Learn to do good; seek justice, correct oppression; bring justice to the fatherless, plead the widow’s cause.” Micah 6:8 says, “He has told you, O Man, what is good, and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”

We should also support prison ministries and programs to help those who commit crimes. Faith-based orga-

nizations and people of faith can make a profound impact on the crime rate and the recidivism rate in our prisons. Criminologist Byron Johnson provides excellent documentation for this in his book, *More God, Less Crime*.⁶ On our radio program, we have featured many of these prison ministries and programs to help criminals develop life skills and provide education.

¹ Daniel Patrick Moynihan, "Defining Deviancy Down," *American Scholar* 62 (Winter 1993): 17–30.

² Eugene Methvin, "Mugged by Reality," *Policy Review* 84 (July–August 1997): 33.

³ Morgan Reynolds, "Why Does Crime Pay?" *National Center for Policy Analysis Background*, No. 110 (1990).

⁴ Rebecca Hagelin, "Our Failing Prison and Faulty War on Drugs," 25 October, 2018.

⁵ James Q. Wilson and George Kelling, "Broken Windows: The Police and Neighborhood Safety," *The Atlantic*, March 1982.

⁶ Byron Johnson, *More God, Less Crime: Why Faith Matters and How It Could Matter More* (Templeton Press, 2012).

Additional Resources

Kerby Anderson, chapter sixteen, *Christian Ethics in Plain Language* (Thomas Nelson, 2005)

Charles Colson, *Justice That Restores* (Tyndale House Publishers, 2001).

Daniel Van Ness, *Crime and Its Victims* (IVP, 1986).

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