



ODYSSEYIMPACT!

TRAPPED
Cash Bail In America

Faith-Based
Discussion Guide

Introduction

Every year, millions of Americans are incarcerated before even being convicted of a crime – all because they can't afford to post bail. How did we get here?

Trapped: Cash Bail in America shines a light on our deeply flawed criminal justice system and the activists working to reform it. This new documentary explores the growing movement to end the inherent economic and racial inequalities of cash bail while highlighting victims impacted by an unjust system, the tireless campaigners fighting for criminal justice reform, and a bail industry lobbying to maintain the status quo.

The following discussion guide invites viewers to think critically about the legal, economic, racial, and theological implications of the cash bail system.

Rabbi Lydia Medwin contributes **Jewish Reflections Informed by Sacred Texts**. Medwin uses the Torah and other sacred texts to provide a foundation for understanding of how the cash bail system goes against Jewish teaching and wisdom. She then posits ten reasons that cash bail is a Jewish issue that Jews, and other followers of the Abrahamic traditions, should be deeply concerned about.

Eric Barreto offers a **Sermon Guide Informed by the Christian Scriptures** as a foundation for those teaching and preaching about the injustices of the cash bail system. Barreto introduces key themes, key texts from the New Testament, and key theological trajectories that aid audiences in thinking theologically about how the cash bail system opposes the Kingdom of God.

Jewish Reflections on *Trapped: Cash Bail in America* as Informed by Sacred Texts

By Rabbi Lydia Medwin

The 14th century Spanish rabbi, Riba'sh, observed: "The truth is, in my own city, the judges' custom is to imprison a person...even without being found guilty. Any person can be held over a lawsuit, unless they pay collateral, and they call this a ruling of the court!" (484). Although the words of Riba'sh are already over 600 years old, we can hear the dismay and disgust he expresses when people are charged for freedom even before they have had their day in court. We continue to see the same kinds of injustice perpetuated, again and again, in the United States today.

Rabbi Shimon ben Gamliel taught: The world stands on three things—on judgment (*din*), on truth, and on peace (*Pirkei Avot* 1:18). These foundations are threatened each day in the United States justice system. Judgment is delayed while the accused remain in custody for weeks, months, and even years. Truth is not upheld as judges assign bonds disproportionate to the crime or the accused person's financial status. Peace is withheld from families across this country whose loved ones are detained but for the simple fact that they are poor.

The Torah insists that even the worst criminal is *achicha*, your brother.²⁰ Even our fellow citizens who have been convicted of a crime must be treated as we would want members of our own families treated. But the United States legal system too often throws people away; even people not convicted of a crime find themselves in inhumane conditions that violate the dignity of a creation, *b'tzelem elohim*, in the image of the Divine Creator.

Tzedek tzedek tirdof—"Justice, justice you shall pursue"—the Torah commands (*Deut.* 16:20). Why does the Torah, usually so sparing in its language, repeat *tzedek*, justice? Rabbi Simkha Bunim of Pczsha, an early 19th century Chasidic master, taught that this means, "Pursue justice justly. The methods we use to pursue justice must also be just."

Surely, a system which ensnares people due to poverty is a system that is not being practiced justly. Surely, a system that removes parents from their children without cause is a system that is not practiced justly. And surely, a system that destroys the lives of people who have not yet been convicted, all within a system that structurally resists accountability, is a system that not only harms the imprisoned, but also harms their wider community and our entire country, as it damages our authentic claims to morality and creates collateral injury to our souls.

Jews may be tempted to ignore the injustices of the cash bail system and view the collateral injury as distant and therefore tolerable. But here are ten reasons²¹ that cash bail is a Jewish issue that Jews should be deeply concerned about. These ten reasons evidence the need for Jews to organize and dismantle the cash bail system:

1. **B'tzelem Elohim** – 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 the accused and the victim as creations *b'tzelem Elohim*, and in which we can all live safely.
2. **Teshuvah/Repentance** – *Teshuvah* 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. The cash bail trap means that more people are financially, relationally, and structurally unable to find their way back into society.
3. **Bushah/Shame** – Jews 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 United States. This figure does not account for those held in local jails. Because of the widespread, but inaccurate, narrative that Jews do not go to prison, the incarcerated, formerly incarcerated, and their families feel significant shame in discussing their experiences within their Jewish communities. By making this private conversation public, we can transform the narrative from a shame-filled chapter to one of redemption and reintegration.
4. **Cherut/Freedom** – More and more members of our Jewish communities are Jews of color. 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. The wider Jewish community – including our friends, colleagues, neighbors, romantic partners, and in-laws – is increasingly racially diverse. 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, in a way that negates various freedoms.
5. **Models for Restorative Justice** – Mass incarceration has created a “lost generation” of adults missing from society and of children growing up without their parents, including a large percentage of parents who are being held on bail. This has direct, immediate impacts on our national economy, as well as long-term effects on the health of our communities. Like the laws around purity and the rules for a City of Refuge, the Jewish tradition has models for how to reintegrate and restore trust in a person who may be caught in the unjust mass incarceration system.
6. **The Divine Oneness** – By playing on fears about race, class, and violence, the cash bail system helps to maintain 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. Judaism's insistence on one God also implies a radical Oneness of all peoples, societies, races, classes, and more. A focus on Oneness makes it much more difficult to play victim against accused or rich against poor.

- 7. *Tzedakah*/Righteous Giving** – 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. *Tzedakah* is sometimes understood as giving charity, but is more accurately understood as allocating funds in just ways. This includes supporting people who can most benefit in ways that protect their dignity. By reprioritizing the funding (and refusing to make a profit off the backs of the most impoverished), we are creating a more just society.
- 8. The Story of Joseph** – Policing priorities and sentencing practices can ironically diminish rather than strengthen public safety. 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 arrest records which become barriers to employment, education, and housing, increase the likelihood that those recently released from incarceration will commit crimes again. Had Joseph languished in prison for more years than he already spent there, already wrongly accused and without a day in court, the Egyptians would surely have starved during their seven years of famine. Joseph’s story teaches us about the benefits of restoring someone to freedom, rather than sapping resources by keeping him in jail.
- 9. The Balance of *Din*/Judgment and *Chesed*/Compassion** – When someone is arrested for committing a serious offense, attention should be paid to the dangers of releasing that person while awaiting trial. But the cash bail system far too often puts people accused of low level and non-violent offenses in jail with no sense of remorse or compassion. A system that imprisons so many humans is a failed system.
- 10. Sodom and Gemorrah/European Jewish Pogroms/Early U.S. Jewish History** – As recently as the early 20th century, Jews in the United States were targets of police violence. We have experienced surveillance and have been discriminated against for not looking White. Sodom and Gemorrah were, cities without the ability to care for the welfare of its daughters. Their destruction reminds us all of the universal dangers of the targeting one group of people for violence. This historical memory creates a duty to have empathy for, and to work in alliance with, all people who remain the targets of police violence today.

Our book of Proverbs (22:22) says, “Do not exploit the poor because they are poor, and do not crush the needy in court.” I always ask myself, “Why did our wise sages include such a verse, seemingly so obvious, in our sacred scripture?” The answer is because it is not so obvious. Unless a society stays very awake and alert to this possibility, it is unbelievably easy to become that which we would despise in another society or country. While we were sleeping, while we were worshipping other gods, such as laziness, greed, fear, and more, we became that society that allowed for exactly what Jewish tradition warned us against. We are not just imprisoning the poor, we are exploiting them for every last cent and every last shred of dignity and hope. As a society, our court systems are crushing them in every way. The only resolution for such a society is either reform or destruction. I pray that as we reawaken to the horrors of cash bail and other manifestations of mass incarceration, we can find ways to repent, repair, and heal those trapped individuals and their families; to restore, reinvest, and reintegrate into our society a better way of doing justice justly; and to revive our moral compass so that our children will know a day when people can be truly free and at peace. Amen.

20. Nelson, L. M. (Ed.). (n.d.) *A handbook for Jewish communities fighting mass incarceration*. T’ruah: The rabbinic call for human rights. <https://www.truah.org/wp-content/uploads/2016/10/MI-Handbook-complete-web.pdf> This is an excellent resource used repeatedly throughout this reflection.

21. Nelson, L. M. (Ed.). (n.d.) *A handbook for Jewish communities fighting mass incarceration*. T’ruah: The rabbinic call for human rights. <https://www.truah.org/wp-content/uploads/2016/10/MI-Handbook-complete-web.pdf>

A Sermon Guide for *Trapped: Cash Bail in America* Informed by the Christian Scriptures

By Rev. Dr. Eric Barreto

In the midst of so many prophetic calls and protests for equity in a broken justice system, an underlying injustice contradicts a central commitment of both U.S. law and religious faith. “Innocent until proven guilty” is challenged by the reality that money can purchase freedom. The notion that all should be treated fairly is violated by a legal system predicated upon access to financial resources rather than the common humanity we all share.

In *Trapped: Cash Bail in America*, the inequities of the bail system are narrated in a memorable and compelling way. Invisible to too many Americans, the bail system further exacerbates racial and socioeconomic divisions that threaten those most on the margins of our communities. One expert teaches us in this moving documentary that every evening half a million of our neighbors will spend the night in prison, not because they have been convicted of a crime, but because they cannot afford to pay bail while their cases are adjudicated. Here, the American commitment that the accused are innocent until proven guilty is experienced only by those with the privileges that accompany wealth. In too many of these cases, it is not the guilty who are imprisoned but those who do not have the financial resources to post bail.

Stories can enter our hearts in a way numbers cannot. Stories can form us in fundamental ways. Stories can teach us who we are but also who we might become thanks to God’s grace. Stories can teach us what God’s justice looks like today. That is the kind of story we experience in *Trapped: Cash Bail in America*.

My hope is that the stories – the haunting realities narrated in *Trapped: Cash Bail in America* – might be heard in service of preaching and teaching that seeks to enact God’s justice. In doing so, these stories can inspire communities seeking to enact the Kingdom of God with every step they take. Christians sometimes turn to the Bible as a rule book for life, a ready guide for the complications we face in our lives. However, my encouragement here as you imagine how *Trapped: Cash Bail in America* and your preaching and teaching might come together is to think about the narratives of the Bible, those powerful stories to which we keep returning because these stories are not done with us.

Your preaching and teaching can be enhanced by turning to key themes, key texts, and key theological trajectories as presented in *Trapped: Cash Bail in America*. First, what themes emerge in this documentary? What ideas does this story elucidate for us? Second, what stories from Scripture, specifically narratives from the Gospel of Luke and the Acts of the Apostles, are brought to the fore through this film? In these biblical texts we find vivid stories that can shape who we are today. They are stories full of emotion. They are stories driven by God’s activity in a world full of injustice. They are stories that stick with us if we listen to them carefully. Finally, how does God’s call for justice inform perspectives on the cash bail system in the U.S. today? I offer a handful of theological reflections that might help further inform the work of the preacher and teacher alike.

Key Themes from *Trapped: Cash Bail in America*

Justice and Its Cost: Justice and wealth ought not be linked; justice should not depend on one's access to money. Justice is a human right, not a possession that can be purchased. And yet, *Trapped: Cash Bail in America* teaches us how justice too often demands a price from those who can least afford to pay it. Justice, we know, should not be meted out according to financial resources, and yet cash bail demonstrates the shortcomings of our systems and their disconnection from both legal rights and religious commitments we hold dear.

Witness: *Trapped: Cash Bail in America* invites us to be witnesses to the gripping stories of those who have suffered in a cash bail system and the activists working to change this broken system. The documentary invites us to see these injustices not as an abstract issue of policy but a system that harms people whose stories, faces, and names we have come to know. What does faithful witness to these precious stories look like for people of faith? What are our obligations when someone invites us into a story full of vulnerability and pain? How do we hold someone else's story with love and tenderness and perhaps a bit of prophetic rage?

The Distorting Power of Money: In Matthew 6:24b, Jesus teaches, "You cannot serve God and dishonest wealth." You may have heard this saying in a different translation: "You cannot serve God and mammon." The raw injustice around cash bail revolves around how dishonest wealth can allow some to gain better access to freedom. That is, if you can afford it, you can experience justice more readily. Money, or mammon, distorts the shape of justice. Moreover, money in this way distorts our relationships to one another as we neglect that the worth of our neighbors is not measured in dollars but in every breath we take.

The Transformative Power of Advocacy: This documentary rests on an important hope. If more of us know about the injustices of cash bail, if we know its effects, if we know how it treats the rich and the poor differently, then we will demand change. The kind of storytelling in *Trapped: Cash Bail in America* can make a difference and make of us advocates for change. Such prophetic advocacy can defeat the distorting power of money.

The Power of Home: In one memorable scene, a number of Black women are freed from jail after a non-profit group covers the cash bail these women could not afford to pay. A group of volunteers says to each woman, "Welcome Home." Tears flow as do cheers. Home is a powerful source of hope and deliverance. Home teaches us who we are. Home connects us to children and family and friends. Home is taken away from the poor by the cash bail system. In the reform of such a broken system, home is possible once again.

Key Texts from the Christian Scriptures in Dialogue

With *Trapped: Cash Bail in America*

Below are a handful of texts from the Gospel of Luke and the Acts of the Apostles that illustrate how preachers, teachers, and lay leaders alike might draw together the biblical texts and insights from *Trapped: Cash Bail in America* to proclaim the gospel in their communities. These are but examples of how these texts might draw us into rich conversations. There are many other examples in the Bible to which we can turn. Take these short insights into these few texts as a launching pad for your own preaching and teaching.

Luke 4:16-19: We can read these verses as Jesus' mission statement. Wherever he walks, he brings justice and liberation in his wake. A viewing of *Trapped: Cash Bail in America* highlights two promises here. Jesus points to the ancient prophecy that God "...has sent me to proclaim release to the captives" and "... to let the oppressed go free." How do Jesus' promises made at the very beginning of his ministry come to life in the stories of those imprisoned only because they cannot afford bail?

Luke 7:11-17: A widow who has lost her son is the central character of this story even as she does not speak. She does not ask for Jesus' help perhaps because her grief has grown beyond hope. He sees her grief (v. 13) and gives her son back to her. I think the widow here exhibits a deep, painful faithfulness even in the midst of her grief. I think Jesus sees her faithfulness in the midst of growing hopelessness. A sermon could help us see the various ways "faith" shows up in Luke and *Trapped: Cash Bail in America* alike; from certainty to doubt, Jesus walks with us and sees our faithfulness.

Luke 21:1-4: The Widow's Mite is a story about systems that cost the poor and oppressed more than it does the wealthy and powerful. Instead of a story of a faithful giver, the widow who gives her last few pennies is an example of the "devouring of widow's houses" Jesus criticizes in 20:47. We might be able to bring this story to the current moment by comparing the widow to the raw inequities that cash bail exacerbates. At the same time, we can hold up the deep faithfulness of the widow who gives out of a sense of faithfulness while also identifying the injustice in a system that takes what little she has while demanding very little from those swimming in abundance. In this way, she may mirror the advocates who are working so hard to transform an unjust system one person at a time.

Luke 23:44-49: In Luke, the cross is a tragedy. Luke emphasizes Jesus' innocence throughout the passion narratives (e.g., 22:51-53; 23:4, 9, 14-15, 41, 47). Jesus had done nothing to merit this cruel, public execution. He was innocent of all charges according to Luke. The cross is a display of imperial arrogance and incompetence. As Jesus is passed from ruler to ruler, the frailty and cruelty of Roman power is laid bare. This is not a system of justice but a broken exercise of power that treads upon the weak and the powerless. In this way, Luke's Jesus is not alone. He is accompanied by many other anonymous victims of Rome's imperial violence. In this way too, Jesus becomes a sibling of others unjustly imprisoned or executed by the powerful.

Notice that the first reactions to Jesus' death are grief and sorrow among those who had gathered to watch a "spectacle" (23:48). Like crowds gathered to watch a lynching in their Sunday best, these neighbors of Jesus had looked to the spectacle of empire for some relief or diversion or a violent display of the security a certain kind of empire can provide. Instead, they found a mirror in the cross of Jesus, a mirror that reminds us all that we too can easily become the victims of such vicious, indiscriminate state violence and that we too can join a crowd demanding the death of the innocent or at least join a crowd looking for a "spectacle." In Luke, the cross is a tragedy, one that echoes throughout time and space, crossing the boundaries of eras and nations. Jesus' cross, in this way, is not unique. Jesus' cross was borne by many others, and is borne by many others. In Luke, the cross is a tragedy, a real tragedy, but it is also prologue to good news. In what ways has our justice system become a "spectacle" of inequity and injustice?

Acts 1:4-8: Next, we turn to the opening verses of Acts. As Matthew L. Skinner notices in *Intrusive God, Disruptive Gospel*, one of the first instructions Jesus gave his followers in Acts is to wait. Before heading to the ends of the earth, they are told to wait for the Spirit to descend upon them. Waiting can feel endless sometimes. Waiting can feel so cruel, so pointless. Here, waiting is a prelude to the gift of the Spirit. In addition, Jesus calls his disciples to be witnesses to what they have seen, to share what they have experienced so that the world might be transformed. And last, Jesus promises to return. What does it feel like to wait for the promises God has made?

Acts 5:17-26, 12:6-11, 16:25-34: At several points in Acts, an angel of God delivers disciples from chains and imprisonment. Each of these three stories share that rescue is common even as the stories are rather distinct. The first suggests that followers of Jesus cannot be constrained by unjust imprisonment, for God's Spirit moves us to proclaim the good news even in the midst of oppression. The second demonstrates that no chains, no guards, no walls can stand in the way of God's activity in the world. The last suggests that those charged with keeping prisoners are also beloved children of God whom God seeks to deliver too.

Acts 28:30-31: The final verses of Acts find Paul imprisoned and in chains. And yet the final word in the whole book is one Greek word translated in the New Revised Standard Version of the Bible as "without hindrance." Paul is unhindered, unbound in a Roman prison even as he awaits his execution. As Acts closes, Luke may be calling us to imagine ourselves in Paul's plight and thus nurture a faithful courage in the face of imperial oppression.

And one bonus text:

Revelation 22:12-14, 16-17, 20-21: Revelation closes with a litany of short summaries. They appear at first glimpse to be terse little thoughts linked together with little structure. However, taken together, they encapsulate and summarize the theological convictions underwriting the visionary journey through which Revelation has just led us. First, God's promises are sure. God is faithful and just. Second, God's justice is graceful, and God's grace is just. Without justice, God cannot be graceful. Without grace, God's justice is empty. Revelation does not avert its eyes from the evils that populate the world and the ways those evils inflict the powerless. God's grace requires the just rejection of such forces of death and destruction. Last, God is a God we can trust.

To imagine that there is any power beyond the Roman Empire is bold, requiring a huge leap of faith. To imagine that the pain and suffering that characterized the lives of so many in antiquity would be wiped away in the arms of a loving God is bold, requiring a huge leap of faith. To confess that God would not swerve from God's promises is bold faith. It is precisely this faith in God that brings us to the end of this book. It is precisely faith in Jesus' return that draws these Christians into a promised future. Now, it is our turn. Can we trust in God and God's promises? Can we look forward to Jesus' return in hope and expectation, not trepidation? In short, can we have faith today? What does trust in God look like when we bear the scars of injustice in our bodies, communities, and relationships?

Key Theological Trajectories

Debt and Shame, Forgiveness and Grace: Our conversations around the justice system regularly invoke metaphors of debt. Prison sentences are often compared to paying a debt to society. Bail is a literal debt the accused must enter in order to gain their freedom before a trial. In such metaphors, prisons are mechanisms of repayment of debts more civic than financial. Moreover, in the documentary, shame emerges as a common experience of both the imprisoned and formerly imprisoned. The gospel of Jesus does not begin or end with debt and shame but with God's abundant grace and forgiveness. Moreover, we might turn these questions of debt around, turning away from a prisoner's debts to the debts we owe one another in love and hope. In the end, what do we owe each other as kin in Christ?

Tangible Liberation in God's Promises and God's Salvation: Jesus's first sermon in the Gospel of Luke starts with a liberating, prophetic word from Isaiah. In his hometown synagogue, Jesus reads that the Spirit of the Lord has sent Jesus "...to proclaim release to the captives" (Luke 4:18). This promise is not just metaphorical. That is, Jesus is not just promising to deliver us from metaphorical chains, figurative bars but from physical, tangible imprisonment. In what ways can communities of faith see themselves as agents in creating a kingdom of God where Jesus proclaims "release to the captives?" Moreover, in what way are those of us who stand outside of the justice system ironically imprisoned to its injustices? In what ways does cash bail afflict even those of us who have never interacted with these systems of injustice?

The Cross is an Act of Imperial Injustice: Luke's account of the cross is a critical contribution to our understanding of atonement. The cross is a mirror that reveals the depths of our injustice, the complicity that binds us to injustice, our thrall to imperial systems we trust to protect and save us. When Jesus dies as an enemy of empire, as a prisoner, as a disturber of the "peace," he dies alongside generations of imprisoned and executed folks up to this very day. What if we saw the face of Jesus in those we imprison unjustly? Perhaps we would see the depths of our inhumanity. Perhaps we would see a different future revolving around resurrection, restoration, and repair rather than hopelessness, fear, and revenge.

God's Grace and Justice are Interwoven: God's grace and justice are not opposites. In some churches, God's justice is primarily in preaching and teaching. God is a righteous judge whose wrath must be appeased. In other churches, God's grace is primary. God is a generous deliverer. Both are critical facets of our theology, for a God who is graceful but not just cannot repair a fractured world, and a God who judges but is not graceful cannot heal us. We all need a second chance. We all need the world to be set right. And God's judgement is not something any of us should fear; instead, God's judgement liberates us from injustice and oppression. Moreover, God's grace is God's eternal, expansive love that repairs and makes all things right. The two work together to draw us into God's kingdom.

God's Salvation Restores and Repairs: Precisely because salvation is embodied and communal, God's salvation is restorative and reparative. That is, when God saves, God stitches communities back together. When God saves, what we have broken is repaired. God breaks systems of oppression. God sets a broken world right.

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