A Confrontation of Two Powers

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Text: Acts 5:18-42

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This story is a classic confrontation of two powers: the power of God and the power of human authorities. And there resides within the power of human authorities some varieties of how that power is expressed.

What is obvious for all to see is the raw force of power exhibited by the religious leaders in punishing those who dare to proclaim an independence of thought or belief; a fidelity to something other than the accepted orthodoxy of the time. And because the disciples insisted on holding to this new truth, it cost them their freedom. Incarceration has forever been a power that ruling authorities have used to solidify control over their citizens. Now, for a number of reasons, we have been taught that incarceration is what happens when you do bad things; only bad people go to jail. However, this story clearly overturns the idea that only bad people go to prison. These are Jesus’ disciples! They are the good guys!

I am afraid we tend to treat this story as a cartoon much of the time rather than to honestly compare it to the problems of incarceration today. But let’s not overlook some important comparisons; the State had Jesus put to death for fomenting rebellion. He was a criminal and another failed religious, rebellion leader, and now his followers were following in his footsteps, threatening to undo the tenuous collaboration between the religious leaders and the Roman state. The religious authorities are intent on maintaining control over the people.

Incarceration continues to be wielded today as a means of ferreting out those deemed undesirable or undeserving. We currently have 2.3 million people incarcerated today. Just 50 years ago, in 1971, there were somewhere between 2-300,000 people in prison. In the last 40 years we have seen a 500% increase in the size of our prison population and since 1980 we have seen a 775% increase in the number of women incarcerated. The answers to the question of how this explosion in the prison population could have happened are many, but let’s remember that in 1971 President Nixon’s War on Drugs began. In response to the pressure of the Civil Rights Movement, the mid-60s had seen a number of pieces of legislation passed that expanded and gave greater access to basic civil rights, including the right to vote, for Black people. As schools and other public spaces were integrated, and as political power was being forced to be shared, the inevitable backlash was personified in Richard Nixon and his message for “law and order.” Of course, in the years of lynchings and de facto segregation and disenfranchisement, there had been no calls for law and order. Gone were the days of overt political pleas upholding segregation. Incarceration was the new form of the same old function of segregation and oppression.

Right now, black Americans represented 33% of the sentenced prison population, nearly triple their 12% share of the U.S. adult population. The War on Drugs has had devastating results, particularly on communities of color. Right now, there are people in prison for decades or more for holding or distributing small amounts of drugs. Oftentimes people possess or distribute low levels of drugs to sustain their own substance abuse or simply because the only available jobs for them are below minimum wage with zero opportunities for lifelong careers. I am not trying to belittle the importance of substance abuse, but by and large it is a health issue, not a criminal justice issue. But thanks to the political capital politicians derive from blaming addicts and the poor, law and order messages still carry political weight and our prisons are filled with people who have done little more than be poor and/or be a person of color.

Thus, one thing that we can say with absolute certainty is that incarceration in the United States is more dependent on one’s race and class than one’s actions. This is not an overstatement or a wild exaggeration to say the criminal justice system is inherently racist. That is simply fact.

In Texas, there is a woman, Crystal Mason, who is facing 5 years of prison for attempting to vote with a provisional ballot in 2020, when she was on supervised release and was not told she could not vote. The plight of Crystal Mason is simply the perfect picture of people of color in this country; disenfranchisement and mass incarceration welded together to heap marginalization on those already systematically devalued.

You see, there were others who voted illegally in 2020 and who, unlike Mason, knew exactly what they were doing. Ralph Thurman in Pennsylvania attempted to vote on behalf of his son. He was arrested and given probation. Ralph is a white man. Bruce Bartman, also from Pennsylvania, also voted illegally on behalf of his dead mother. Bartman also got probation. Bartman is also a white man. And it goes on and on.

Like in our story today, incarceration is not used to punish bad people; incarceration is used to deny freedom to those whom societal elites do not want in their society any longer. We have to acknowledge that the statement that prison is for bad people is categorically inaccurate, not because all people in prison are good or did nothing wrong (though some are very good and have done nothing wrong); no, we must acknowledge that the statement that prison is for bad people is categorically untrue because there are a HELL of a LOT of people not in prison who have knowingly done incredibly horrible things and they are not only not in prison; they are in Congress, or they play professional sports, or they are sitting in Mar-a-Lago, or they are sitting right next to us now.

Incarceration is a tool of the state to keep people out of society who societal elites deem unworthy. This was true when the disciples refused to obey the unholy coupling of religion and state power and it is true today. As we move into the New Testament especially, we see evidence of God’s Spirit leading God’s followers to wholesale ignore the incarceration power of the ruling authorities. Jesus refuses to honor Pilate’s demand to make him testify saying that he would have no power over Jesus except that which God would grant him. Paul wrote many of his most important letters to new churches from prison, building the Jesus movement that would become the primary means of liberation in the history of the world. Most importantly, at the beginning of Jesus’ public ministry he quoted a passage from Isaiah that a central part of his work would be to liberate those held captive. And let’s be clear, Jesus did not qualify who he liberates. Jesus did not come to liberate the deserving captives or the ones who evoke sympathy. Jesus came to liberate the captives. Full stop. Incarceration is a tool of the state to put away those deemed unworthy and is not the way of Jesus.

But this is only one example of the fusion of power of the state and religious authorities in this story.

We see another far subtler form of power opposed to the way of Jesus in this story when Gamaliel stands up and tries to find a middle way. Now, I want to be careful here and very clear. It makes for a good Twitter rampage to make statements about how moderation or practicality is prohibiting the realization of the common good. And having just heard me essentially rail against the US criminal justice system, I am probably not the best person to praise the importance of moderation. But let me assure you, I do! Yes, the reign of God can come all of a sudden, but it is most likened to yeast in bread or other analogies about slowly bringing about change in our lives. Very few of us expect to wake up tomorrow morning fully incorporating Mother Theresa’s spirit of service. But, hopefully, what we have learned from Church of the Saviour, we will wake up and practice the disciplines of centering prayer, the examen, reading Scripture, and other disciplines and the spirit will grow within us to make us more like Jesus. Moderation is the way of Jesus.

So, to see a subtler form of power, but yet no less forceful than outright incarceration, we see Gamaliel, a well-respected priest, carefully, politically, plotting his way to center ground which he hopes will prevent a further loss of social value and esteem for himself and his fellow religious authorities, but which at the same time, will also prevent them from fully embracing the truth of Jesus as the Christ, for which the disciples are so eagerly risking incarceration.

In this instance, Gamaliel creates a middle path for the authorities to walk that will prevent them from making any political mistakes, that will prevent them from being transformed through the acceptance of divine truth, and that will still allow those vulnerable to experience abuse and suffering at the hand of ruling authorities. This is the danger of moderation. Moderation is not dangerous. Moderation that keeps us entrenched and separated from the truth while allowing continued suffering of others is what is dangerous.

Gamaliel was a first century priest but could easily be a 21st Century Methodist Bishop. Let me tell you a story. Back in 2011, I was working on Capitol Hill for the advocacy agency of the United Methodist Church. A woman I worked with, Laura, discovered that the Methodist Church owned stock in private prisons. At the time, I was building a network of United Methodists who were either themselves directly impacted by mass incarceration or who were immersed in relationships among those directly impacted, so the idea that everything we were working for was being undermined by the massive wealth of this enormous institution made us sick to our stomachs. Literally. We immediately told our boss what was happening, and he began a series of emails and phone conversations about what could be done.

It was an easy call for Laura and me. We believed that the Body of Christ is called to manifest the teachings and ministries of Jesus, which, as we have discussed, is to liberate the captives. Private prisons are a billion-dollar business, openly traded on the stock market and at that time their stock was quickly rising because, under then-President Obama, undocumented immigrants were being incarcerated and deported at a record clip. This nifty little investment was bringing in big money to the church. So, while Black and Brown bodies were being held captive and then oftentimes deported — ripped away from their families, their communities, even their houses of worship, and shipped back to their countries of origin — a white dominant church was making money, hand over fist. Anyone see a problem here?

Like I said, for Laura and me, this was a five-alarm fire. The heart of our work was not just compromised; it was being completely upended. But we watched silently where for months, bishops and church executives traded emails and calls, setting up conference calls and then canceling them because of unforeseen conflicts. This was not a fire to them at all. This was church business. Finally, after they gathered on a call, they decided they wanted to set up a team — a committee — to study something. Honestly, I was not really paying attention to them by this time, so I do not really remember what they wanted to study. But what was offered was entirely reasonable. It matched perfectly with what the church usually does in these situations.

But Laura and I were tired of waiting. And I knew it would be months, maybe years, before they did anything about this. So, we sent out an email to our most passionate advocates and we did not urge action or tell them what to do; we just merely asked them a question. Do you think the United Methodist Church should be invested in private prison companies? The response was enormous and it was electric. Calls were made, petitions were signed, articles and op-eds were written, and suddenly the bishops and church executives were responding like it was a five-alarm fire. And Laura and I lit the match! It took another 2-3 months, but eventually the church decided to fully divest from private prisons and they created a filter on all future investments that does not allow the church to invest in any corporation that earns 10% or more of their profits from private prisons.

Outrage and collective and coordinated passion brought about justice. Thank the Lord. But, like Gamaliel, what they initially offered was reasonable. It was a middle path. They were wary of kneejerk reactions for that is not how you reasonably guide a large ship; you don’t make sudden decisions. You plot a middle way that allows yourself a lot of room on either side to maneuver if needed. It makes sense and much of the time, there is nothing wrong with this approach. I really want to emphasize this: reason and moderation are important ways we experience God. I am not at all opposed to reason.

But, there are moments where reason in the face of harm being committed against others is diametrically opposed to the way of Jesus. Reason that keeps us from divine truth is not the way of Jesus. The inability to acknowledge that profiting from the abuse and family destruction of Black and Brown people as a white-dominant church and the hesitation to simply divest and to instead follow long-held tradition even as vulnerable people suffer, is grossly obscene. Indeed, it is sinful. Sadly, the United Methodist bishops and church executives in 2011 would have made Gamaliel proud.

We see what the end result is when calm reason is applied in the face of certain suffering at the end of our passage today: “The other religious leaders were convinced by Gamaliel, **40**and when they had called in the apostles, they had them flogged. Then they ordered them not to speak in the name of Jesus, and let them go.” The calm, reasoned, moderate approach advocated by Gamaliel led to physical abuse or torture, and the denial of their human right to free speech.

God is a God of power, but that power is not used to incarcerate those who disagree or to create a middle path that ignores the suffering and human rights of others. Lest we forget that the disciples, before the power of the Holy Spirit comes upon them in Acts 1, wanted that same kind of power when they asked Jesus before his ascension if now was the time he was going to restore the Kingdom to Israel. But Jesus reminded them that the power that would come upon them on the day of Pentecost was not the power to lord over others, or to incarcerate or exact revenge on one’s enemies. No, the power of the Holy Spirit that fell on the disciples liberated the captives then and wants to liberate the captives now. Oh, if only we would open our hearts and receive the Holy Spirit and become God’s agents of liberation today. May it be so.