

Jail time is “payment of debt to society”? Is this in earnest?



by Lev Tsitrin

I did not know that criminals are put in jail so they could “pay their debt to society;” I learned about it from the *New York Times*’ article [“N.Y. Lawmakers Pass Clean Slate Act”](#) – “Democrats approved legislation that would automatically seal the criminal records of people who have stayed out of trouble for a set period of time: eight years for felonies, three for misdemeanors ... the bill is aimed at helping people who have

paid their debt to society access the opportunities that will allow them to meaningfully rebuild their lives” – and I am more than a little puzzled.

Of course, like everyone who got emotional when watching the heart-wrenching story of Jean Valjean that was set to wonderful music in *Les Misérables*, I welcome the idea of redemption – but the notion of jail time being a “payment of debt to society” stumps me.

Every aspect of it: that crime results in a “debt,” that this “debt” is against “society,” and that time spent in jail pays it off – seems to defy reason. I thought people landed in jail because commission of crime proved them capable of further crime – and no one wants to be next to someone who is a threat; such people need to be isolated – and jail is the place where that isolation happens. Plus, the example serves as a deterrent for those who may entertain a thought of committing a crime. Hence, jailing people is essentially a preventive measure.

And it is strange to think of crime as a “debt.” A debt is something that can be payed off, resulting in a zero balance – but there is no zero balance when it comes to crime. As a rule, the damage it causes is permanent – and cannot be erased by incarceration of the perpetrator. Nor is the “society” being hurt by it – it hurts specific individuals, and those around them.

Which does not mean that the idea of redemption is wrong – but I think repentance has to be the key part of it. In fact, the system in which a person is released upon serving preset time irrespective of whether [s]he repented or not strikes me as absurd. I’d say that a release from jail should be conditioned on acknowledging by the perpetrator the wrongness of what was done, and of taking an oath to never again violate other people’s rights.

Of course, such oath would produce its own dynamic: recidivists would have to stay in jail for life – because an offense committed after taking the oath proves that one's oath is not reliable – and cannot be administered; and if the oath be made a prerequisite for release, such people can no longer be released. An oath really amounting to “two strikes, and you are out.” And then, it would impact what inmates do while in jail – a portion of their time would have to be spent on studying basic civics and learning why crime is wrong – both to induce repentance and to make them ready to take an oath before release, and to preclude recidivism.

Taking an oath to abide by law as precondition to a release from jail seems to me to make a lot of sense. As to “clean slate” bill, I am not so sure. New York Governor Hochul “has previously expressed support for some version of the bill, but has not said publicly whether she intends to sign or veto it,” we are informed. She – and the sponsors of the law – should think a bit more of how to make the redemption permanent. Having an oath as genuine sign of redemption – and stressing that it is the only chance to live as a free person – would go a long way in helping to achieve that goal.