

TESTIMONY RABBI TOBA SPITZER
IN SUPPORT OF SENATE BILL 1133 /HOUSE BILL 1475:
AN ACT TO REDUCE RECIDIVISM, CURB UNNECESSARY SPENDING,
AND ENSURE APPROPRIATE USE OF SEGREGATION

Thank you for this opportunity to bring a religious and moral perspective to the issue of solitary confinement. While I am testifying today as an individual, I know that I represent many in the larger Jewish community and in the faith community in the Commonwealth who are disturbed by the use of extended periods of solitary confinement in our prisons. I am here with the support of my congregation, Congregation Dorshei Tzedek of West Newton, as well as the Massachusetts Board of Rabbis, of which I am the Vice President, and T'ruah: The Rabbinic Call for Human Rights, a national rabbinic organization which I serve as Treasurer.

This past Shabbat, Jewish communities around the world began our yearly reading of the Torah, the five books of Moses. We read of the creation of human beings, and chanted these words from chapter two of Genesis: "It is not good for a human being to be alone." From the very beginning of human existence, there is an awareness in our tradition that people are social creatures, designed to be in community with others. Genesis also teaches us that every human being is created in God's image. Therefore, to intentionally torture, humiliate or degrade another human is akin to degrading the Divine.

Jewish tradition emphasizes the fundamental human need for companionship. Commenting on the death of a man who had outlived his friends and study partners, the rabbis of the Talmud commented: "Either companionship or death." Many of the people held in prolonged solitary confinement have been deprived of community for months, years or even decades. The impact on their physical and mental health is often profoundly damaging and irreversible.

The prolonged use of solitary confinement is recognized by the U.N., by psychological experts, and by our Jewish legal tradition as a form of degradation and excessive punishment, akin to torture. By ignoring the needs of prisoners for normal human contact and basic standards of living, it does not treat the incarcerated with the basic level of dignity which we are commanded to give every human being, even those who have committed crimes.

This past Yom Kippur, my congregation invited two gentlemen who are survivors of solitary confinement in Massachusetts prisons to speak to us about their experiences. Each of them described the experience as a form of torture: they spoke of severe mental and physical degradation, being cut off from human contact, from any sense of time, from views of the outside, their wellbeing dependent on the whims of prison staff. Luckily, these two former inmates had the internal resources to survive the experience, and to go on to productive lives after they were released from prison, although they still suffer the effects of their time in segregation. Sadly, many men and women who do not share their resiliency, who come into prison suffering from mental illness and addiction, are destroyed by the experience.

Jewish tradition believes in people taking responsibility for their mistakes, and also believes that every person has the capacity to repent of their wrongdoing and to make transformative change in their lives. Our prison system should be in the business of helping that rehabilitative process, not subjecting inmates to the degradation and horrors of solitary confinement. People who are poor, who suffer from mental illness or substance abuse, who are victims of cycles of violence, too often end up in our prison system, and can then become victims of a form of punishment that does little, if anything, to create a path towards rehabilitation and reform. I urge our elected representatives to pass Senate bill 1133 /House bill 1475, and to take a first step towards making Massachusetts a leader in criminal justice reform.