

Best Practices for Ethics and Religion in Community Corrections

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Introduction:

Advocates of community corrections are grappling with a difficult problem: how to create a more just, humane, and crime free society through the reform and development of community corrections? This paper argues that in order to do this, community corrections must thoroughly reflect upon, understand, and incorporate an ethical and religious dimension into its work, because ethics and religion play a vital role in the development of personal and social responsibility and in the prevention and reduction of crime in the U.S. Everyone in society suffers when crime and injustice occur. Victims suffer tremendously. Federal, state, and local governments are seen to be ineffective and have to bear the extremely high financial costs of crime. The community suffers a loss in the quality of its life, and offenders ultimately weaken their positive and beneficial attachments to other people and to society. In considering the way in which the ethical and religious dimensions of community corrections may help community corrections alleviate this suffering, community corrections should adopt certain important approaches or "best practices". These include historical, interdisciplinary, multi-cultural, empirical, critical, interpersonal, dialectical, and normative dimensions. We begin with historical.

Different U.S. Penal Systems, Different Views of the Human Person

Historically, theological anthropologies or religious views of the human person have played an important role in shaping both what U.S. society has chosen to define as a crime and the development of a penal system to respond to that crime (Erikson, 1966; O'Connor & Parikh, 1996). The Puritans and the Quakers of New England are two different examples that illustrate this point.

Among the early European settlers of this country, the Puritans of Massachusetts (circa. 1630 - 1693), were very serious about their religious mission. They hoped to establish New England as a "city upon a hill" that would be the spiritual capital of Christendom, the headquarters of the Protestant Reformation. For the Puritans, the Bible was the sole criterion for truth both in civil and church life, and their theological anthropology was Calvinist in nature. Their piety was based in conversion experiences and contained an emotional fervor and a sense that sin and pride had a prominent place in human affairs. Their religious practices were strict, and they longed for an experience of grace, to be touched by and to touch God. Without this experience of grace people were incapable of doing good. The doctrine of predestination meant that some were chosen by God for this experience of grace, and some were not. The preservation of law was important to the Puritans, as a way to sustain right order in society. Out of this religious worldview came the Puritan system of punishment. Puritan punishment, whose practices mirrored that of the European societies of their day, -hanging, flogging, torture, disenfranchisement, and banishment -protected society, restored the balance of power, and was an act of fealty to God. Rehabilitation was not a goal of punishment at this time, the goal was to restore obedience to law and to the common good. The law was God's great gift that kept people in "right relationship" with God and one another.

Later, in the seventeenth and eighteenth centuries, with the establishment of Quaker communities in Pennsylvania, a very different religious anthropology from the Puritans emerged. They believed more in religious tolerance and did not, as the Puritans had, exclude people from franchise on the basis of their religious beliefs and practices. George Fox, the founder of the Quakers, was less interested than the Puritans in the doctrine of predestination; rather he counseled his followers to "walk cheerfully over the earth, answering that of God in every one". The Quakers believed that a respectful interaction with other people, even with those who have committed crime, will bring God to the surface. Quaker spirituality emphasized the importance of silence in worship to allow the spirit of God that is in everyone to quicken and manifest itself. Fox also put more emphasis on a person's response to the Bible rather than on the authority of the Bible per se: "You will say, Christ saith this, and the apostles say this; but what canst thou say?" This perhaps more "optimistic" view of the human person which put more emphasis on the person than on the law, allowed for a profoundly different response by the Quakers to crime. In what became known as the "separate" or Philadelphia system, the Quakers set-up the famous penitential system that encouraged individual religious reflection in a separate cell and working with nature in a separate garden plot to bring about a conversion of the offender that would restore them "to virtue and happiness". Clearly, rehabilitation was the goal of this new prison system that was self consciously guided by ethical and religious meanings (Skotnicki,

1992).

At the same time as this "separate system" was developing, a second rival system, called the "silent system," came into being. The "silent system", also known as the Auburn system after one of its first prisons in Auburn, New York, allowed prisoners to share cells and work in common, but enforced a strict system of silence among the prisoners. The intention of the rival Auburn system was also to rehabilitate. Their view of human nature, however, was somewhat more "pessimistic" (others would use the words "realistic" or "practical") than the Quaker view, and it has been argued that the Auburn system essentially continued the Puritan mode of thinking about people and deviancy. This Calvinist view of human nature had become more focused, however, on rational and scientific means for the implementation of their religious vision of a good society (Erikson, 1966; Skotnicki, 1992). The Auburn system was cheaper to run and seemed more bent on controlling inherent wickedness than transforming wickedness to honesty.

Alexis de Tocqueville had this to say about a conversation with Elam Lynds, the first warden of the Auburn prison. "During the whole of this conversation which, with intervals, lasted several hours, Mr. Elam Lynds came continually back to the idea that it was most important of all to break the prisoner into a state of passive obedience." Gustave de Beaumont and de Tocqueville who visited both the Auburn and the Philadelphia systems on a penal fact finding mission from France had this evaluation of the two systems.

Perhaps, leaving the prison [Auburn], he is not an honest man; but he has contracted honest habits. He was an idler; now he knows how to work. His ignorance prevented him from pursuing a useful occupation; now he knows how to read and write; and the trade which he has learned in the prison furnishes him the means of existence which formerly he had not. Without his loving virtue, he may detest the crime of which he has suffered the cruel consequences; and if he is not more virtuous he has become at least more judicious; his morality is not honor, but interest. His religious faith is perhaps neither lively nor deep but even supposing that religion has not touched his heart, his mind has contracted habits of order..... Finally, if he has not become in truth better, he is at least more obedient to the laws, and that is all which society has the right to demand.

The Philadelphia system, being that which produces the deepest impressions on the soul of the convict, must effect more reformation than that of Auburn. The latter, however, is perhaps more conformable to the habits of men in society, and on this account effects a greater number of reformations which might be called "legal", inasmuch as they produce the external fulfillment of social obligations. If this be so, the Philadelphia system produces more honest men, and that of New York more obedient citizens.

In the end, the Auburn or silent system won out and became the dominant system in the early history of the U.S. penal system. Table 1 sets out and contrasts some of the predominant concerns of the two rival systems.

Table 1: Predominant Concerns of the Silent and Separate Penal Systems

The Auburn or Silent System	The Philadelphia or Separate System
Desire for obedient citizens	Desire for honest citizens
Through developing habits and skills	Through developing virtue and happiness
Emphasis on power through control	Emphasis on power through co-operation
Rational focus	Spiritual focus

Whatever the relative merits of the two rival systems, it is important to understand that behind both systems there lay a culture that self-consciously included its own view of ethics and religion in its approach to crime. This gave the founders of the U.S. penal system, whatever side they were on, a guiding vision. It meant they were clear about their purpose, and they had a moral justification that could bear the weight of locking people up against their will. Andi Skotnicki argues, however, that over

time, the penal system lost any clear sense of its moral and religious vision, and so became essentially rudderless in the sea of U.S. crime and violence (Skotnicki, 1992). Community corrections, which sees the prison system as overused, failing to rehabilitate, and out of control, is trying to provide the penal system with a direction to guide the work of building a more just, humane, and effective penal system. But unless community corrections is able to articulate a moral and/or religious vision that will guide and justify its work, it too will be rudderless, and will simply be working to at worst expand, and at best shift an out-of-control situation from a prison to a community setting (Skotnicki, 1995).

One may certainly object that, while the need for a moral vision is evident, a religious vision seems less so. This issue relates to an ongoing debate among ethicists about whether it is possible to establish morality within the context of human reason alone, or whether it must also include a religious basis. Is a purely secular morality possible? (MacIntyre, 1984). Clearly, given the important role of religion in U.S. history, much of the moral thinking of the U.S. has in fact drawn from religious sources, however, factors such as individualism, multi-culturalism, the separation of church and state, and Enlightenment notions about science and reason have led to a displacement of religion as a public discourse. Religious matters have come to be located more in the private sphere of a personal life and public morality has drawn more from a secular worldview. For the moment, however, I wish to bracket the question of whether a system of ethics can be worked out in purely human terms without any recourse to religion, and consider what we know about the actual practice and role of religion in our current system of justice. For despite the view that we must create our social and penal systems without reference to religion, we find that religion actually has a considerable role and influence on penal practice. I conclude this section by pointing out that the foregoing discussion of ethics, history, religion, and criminology has illustrated the need for an interdisciplinary approach to community corrections.

The Current Practice and Impact of Religion in the U.S. Penal System

The contemporary lack of an articulated moral or religious basis to corrections is surprising, given the fact that at least since the time of the renowned sociologist Emile Durkheim many commentators and much of the general public have believed and argued that religion plays a vital role in creating both personal and social morality and in preventing and reducing criminal behavior (Durkheim, 1961; Durkheim, 1984; Ellis, 1995; Garland, 1990). It is also surprising given the fact that there is a substantial body of scientific evidence that supports the view that religion, and presumably the moral life that religion seeks to foster, is important in preventing and reducing crime. In one review of 31 studies that had investigated the link between church attendance and rates of crime, 27 of the studies found that people who attend church more frequently were significantly less involved in crime than people who went less often (Ellis, 1985). Another researcher, after years of studying this relationship, found that "religion has truly potent effects [on delinquency]" (Stark, 1984, p. 273). Many other authors have also agreed with this basic position, despite differences on how to explain the relationship.

There has also been a growing body of research to suggest that religious involvement has a positive impact on offenders. Two out of three studies that have looked at the impact of religious involvement on in-prison infractions among inmates have found that inmates who are highly involved with religion have lower levels of in-prison infractions, while the other study found little difference in infractions between religious and non-religious inmates (Johnson, 1984). In terms of religion's influence on recidivism, there have been at least three studies, all of which have found varying levels of support for a link between religious involvement and reduced rates of recidivism.

These studies that provide evidence of a practical religious impact on offenders are very heartening when one considers the potential of the relationship between the two. We have begun to realize that religion is widely practiced in prison (as it is in U.S. society in general), and that, in one sense, it costs very little because of the enormous contribution that prison chaplains and volunteers make to running religious services in prison. For example, a recent study of religion in medium/maximum South Carolina prison for men called Lieber prison, we found that over the course of one year, almost half (779 or 49%) of the inmates attended at least one meeting put on by 23 different religious groups in the prison. Amazingly, there were more than two religious meetings per day in the prison (a total of 869 different religious meetings in the year). These religious activities were made possible through the services of two full-time prison chaplains, four inmate clerks to the chaplains, a few inmate religious leaders, and approximately 232 volunteers from the community who donated about 21,316 hours of work to the prison (this amounts to the equivalent of 10.2 full-time paid positions). These people provided religious services for all religious persuasions including Protestants of many different denominations, Catholics, Muslims, Jehovah's Witnesses, as well for spiritually-oriented twelve-step programs such as Alcoholics Anonymous and Narcotics Anonymous (O'Connor, Ryan, & Parikh, 1997e). A multi-cultural approach to community corrections recognizes that there are many different

religious groups and each of these groups must be fostered because of the unique contribution their particular culture makes to society.

The estimated yearly cost of the religious services per inmate served at Lieber was about \$150. Joan Petersilia estimates that good programs for prisoners, i.e. programs that work to reduce infractions and recidivism, cost about \$14,000 per inmate per year (Petersilia, 1995). Within our state prisons about one out of every three inmates (32%) participate in Bible study groups, worship services, and other religious activities. At this attendance level, religious programming is the single most common form of programming in our prisons today. By way of comparison self-help programs--parenting, job searching, problem resolution--at 20% attendance, are the second most popular programs in state prisons (Beck et al., 1993). It is clear that religion plays a major role in the U.S. penal system today despite the absence of any religious vision or thinking in the formal articulation of the meaning or guidance of the system.

The Lieber study illustrates the fourth and fifth methodological dimensions mentioned above--approaches that are empirical as well as critical. In order to be empirically based, our work must begin with the actual experience and practice of people; it cannot emerge from theory alone. By asking what this experience means we can come to different understandings or views about it. We also need to be critical in our judgments about the way in which we understand these experiences. A critical approach to the study of religion and crime shows that "getting religion" does not automatically turn an offender away from crime, rather it seems to take a certain level of religious involvement before any noticeable positive change is discernable in his or her behavior.

Understanding How Religion Works: The Role of Volunteers

What is it about the religious involvement of people in the community and of inmates that seems to prevent their participation in crime and to reduce their prison infraction and recidivism rates? Groups like Prison Fellowship and its founder Chuck Colson (known partly for his Watergate-related prison term) argue that crime is a moral problem and that the change of heart a person undergoes in a religious conversion enables a person to act morally and turn from crime. This approach tends to emphasize the role of an individual's personal psychology in moral development. Rodney Stark argues along Durkheimian lines that religion helps build up a "moral community" which in turn influences people's behavior, thus characterizing the religious effect as more social than psychological or individual.

It seems to me that the research to date supports the relative importance of the communal, social, or church aspect over the individual psychological aspect of religion in explaining its power to bring about positive changes in individual behavior. I would argue that the religious effect works through a phenomenon of graced social learning, and through the powerful influence that other people have over our way of thinking and behaving. A profound unity of consciousness integrates the physical, emotional, intellectual, and spiritual aspects to our lives. When we try and separate the human person into mind and body, or reason and faith we do an injustice to the unity of human consciousness. The material, social, personal, and religious dimensions of the human person belong together and influence one another. A closer look at the process of the religious meetings in the Lieber prison study is very revealing. In large part, these religious meetings were made possible by the 232 volunteers who, along with the chaplains, their clerks, and some key inmates, ran the religious services at the prison.

An exploratory study which took a closer look at a group of 82 prison ministry volunteers who are active in Prison Fellowship ministry in South Carolina gives us some clues as to how the religious effect might be working through these volunteers. When asked what motivated them to volunteer, the two most important reasons given by the volunteers were they wanted 1) to act on their faith; and 2) to make a difference. The volunteers were motivated by religious reasons, and they wanted to bring about positive change in the lives of others and in society. When we compared these volunteers to the general population of the Southeast region using survey data from the General Social Survey, we found that the volunteers had the same gender and ethnicity demographics as the general population, but tended to be older. The volunteers were also more attached to and involved with the major social institutions of life -- work, family, education, politics, and religion -- that contribute largely to the quality of life. For example, the volunteers earned more than the general population, were more likely to be married (80% versus 54%), had more education (57% versus 23% had some college education), were more involved in politics (86% voted versus 64%), and 90% of the volunteers compared to 30% of the general population went to church once a week or more (O'Connor, Parikh, & Ryan, 1997c). When asked how much satisfaction they received from their work 87% of the volunteers said they felt a "very great deal" or a "great deal" of satisfaction.

These volunteers were a group of people who had learned how to very successfully negotiate the

worlds of work, family, education, politics, and religion. Their high levels of involvement in these aspects of life indicate that their social and religious involvement is rewarding and meaningful to them. But these areas of life-work, family, education, politics, and religion-are the very areas of life that offenders tend not to be invested in and/or to have difficulty negotiating. These are also some of the areas of need that we know are predictive of crime and recidivism. Therefore, the volunteers are a tremendous resource as role models and teachers of the very skills and ways of living that are lacking but needed among many offenders. Learning that helps reduce recidivism is taking place between the volunteers and the offenders in each of these areas, not just in the religious area, and, for most people, when one leaves out the religious dimension of life the learning and consequent reduction in recidivism is less.

Thus, when one considers that one volunteer organization alone, Prison Fellowship, has over 45,000 volunteers working in the justice system, and that all of these volunteers belong to churches, it is clear there is a tremendous potential for good to come from the co-operation between motivated role models and offenders who have a renewed willingness to change because of their involvement in religion and the hope it brings. One inmate explained that religious volunteers-many of whom were ex-offenders-provided him with hope in their examples of overcoming adversity:

I have to come to my own place of healing....I've seen myself do some things, or think some things, or say some things, or act in a manner that I know was inappropriate. And still it makes me unhappy. And so, the question still comes to me, why did I do that? So what do they [the volunteers] do? The hope, the hope says that these people [i.e. the volunteers] have changed their lives, and if they can do that so can I (O'Connor, Parikh, & Alexander, 1997b).

Concluding Comments

What has been said so far points to a contemporary dilemma. At the birth of the modern penal system in the U.S., ethical and religious notions were in the foreground, emerging from religious views of life that were distinctly recognizable because the dominant cultures of the time were more homogeneous than today. Social and cultural changes such as the rise of individualism and multi-culturalism, Enlightenment ideas about science and reason, and concerns over the separation of church and state have led to the displacement of religion from the formal penal discourse and the--some would say unsuccessful-- search for a purely secular morality to guide penal policy. Moral concerns seem to be peripheral today as questions of economics and practicality dominate the justifying rationale for penal practice and policy. Paradoxically, actual religious practice is alive and well within the penal system and in the broader culture to which it belongs, and it plays an important role within the public imagination and discourse about crime.

The importance of religion in the public imagination and discourse about crime has been dramatically illustrated recently by the popular book and movie "Dead Man Walking" which depicts the work of a now famous nun-Sr. Helen Prejean- working with death-row inmates (Prejean, 1996), and by the life of Karla Tucker, the white woman who was publically executed in Texas for murder, despite strong evidence of a religious and social change in her life that led her away from crime. Karla Tucker's life and death illustrate the sometimes contradictory nature of the religious influence on penal thinking. There is a body of research that provides some empirical evidence that the more theologically conservative evangelical side of Protestantism in the U.S. has been responsible for forming public opinion and penal policy in a way that emphasizes the need for punishment, and a "get tough" approach to crime that includes the death penalty, because of its tendency to attribute moral blame to criminals and to justify their punishment before God. This view of the justness of punishment, however, conflicts with the strong belief in the power of God to bring about a total conversion and a change of heart in people and the need to forgive sin. Was Karla Tucker then a "good" and rehabilitated person because of her conversion and changed life when she was executed? If the penal system worked and achieved its original aim of rehabilitation, how can it then justify its killing of a person whom it has helped to become good?

These types of questions ultimately take us back to the kind of underlying ethical and religious assumptions about people and society with which this paper began, and they reveal conflicting perspectives. The Auburn view would not expect or look for any real change within Karla Tucker beyond her habits of conforming to societal norms, whereas the Philadelphia view would wholeheartedly seek, embrace, and rejoice in her conversion. These conflicting views make the practice of dialectics necessary within the penal system. Dialectics is a method for examining conflicts, naming their source, and bringing unity to them in a higher synthesis that finds a way to resolve their inherent contradictions. History provides numerous examples where religion has been used either to justify terrible evil or inspire self sacrificing love. It also provides numerous examples where reason or science has been used in the same way. As a result people tend to have a healthy skepticism about unbridled claims for either religion or reason. Dialectics helps to sort through these conflicts and

discover where religion or reason become problematic. Dialectics can also help to reach a unity of opposing views or realities. Karla Tucker admitted that she had killed people, but she also changed her attitudes, beliefs, and behaviors and acted in a very responsible fashion. How can society hold both truths together? The contradiction requires some higher synthesis that holds both the good and criminal together, perhaps by a transformation of the criminal through genuine repentance and forgiveness.

In seeking this unity, however, the penal system is forced to take a normative stand on these issues. Society must, if it is to function, make judgements about its correctional practices, so that we must examine and be conscious of what our ethical and religious assumptions are. While it is true that there are many different ethical and religious traditions, it is not true that everything about these traditions is of benefit. A normative approach requires taking a stance as to whether a particular practice in a particular situation proves just. Is the current insistence on the increasing use of incarceration good or bad? Is the current denial of any formal recognition for the role of religion in the shaping of the penal system life-giving or destructive?

To be able to answer these questions, we must articulate the fundamental moral and religious positions we wish on which to base our practice. Even the current "restorative justice" movement, despite its moral and religious influences, does not do this for corrections. Restorative justice mainly offers a response to crime, but it has yet to articulate a clear philosophy or religious anthropology of the human person that can morally justify pro-active correctional steps to create a more just society or condemn some of the correctional practices it argues against in the retributive model of justice. This paper has touched on two religious and ethical visions of the human person and society-those of the Puritans and the Quakers-that might provide some insight into a vision that is appropriate to the current historical context. There are others we have not even mentioned. What kind of penal system would emerge out of the anthropology of the Black Church (whose members have historically been more on the receiving than the shaping end of U.S. penal systems) that believes its people are in an ongoing process of gaining personal and social freedom before God and that recognition and community should be bestowed on those who are often disenfranchised by the larger society (Lincoln & Mamiya, 1990)? Or what kind of penal system would be constructed from the Roman Catholic anthropology which stresses the dignity of the human person and the right to life of all human beings (Second Vatican Council, 1966)?

Moral and religious questions are central to the penal system of any country, and they should be central to community corrections as it seeks to create a more just, humane, and crime free society through the reform and development of the correctional system. We must discover and articulate a new moral and/or religious justification or basis for corrections in the context of an age of individualism, multi-culturalism, science, and the separation of church and state. This difficult but crucial work is necessary if the contemporary practice of corrections is to be a successful one.

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