

REACTION ESSAY

CRIMINOLOGY AND RELIGION: THE SHAPE OF AN AUTHENTIC DIALOGUE

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The topic of religion and the criminal justice system is now clearly on the national criminological agenda; therefore, we recommend that policy makers incorporate the following considerations into their decision-making process. First, the history of this dialogue challenges policy makers to clearly articulate their own basic assumptions about the nature of people and their ability to be “good” or to “change” as such assumptions profoundly influence the shape of the penal system. Second, after understanding the extent and role of religion among offenders, policy makers need to strengthen the role of professional correctional chaplains and engage a wider variety of community voices in the correctional system. Third, policy makers should promote a mutually enhancing dialogue between the principles of effective correctional treatment and the ethical and compassionate principles of religion. Incorporating these three considerations should help policy makers avoid some dangers and achieve four complementary outcomes: (1) a greater involvement of the community in the criminal justice system, (2) the development of authentic spiritualities among prisoners who choose to act on their constitutional right to practice their religion, (3) a more humane criminal justice system, and (4) a reduction in recidivism for some offenders and an increase in public safety.

RELIGION IS NOW ON THE NATIONAL CRIMINOLOGICAL AGENDA

A complex set of factors has propelled the growth of the religion–criminology conversation that is currently taking place around the country on many different levels. These factors include the growth of the Restorative Justice movement, which often draws on biblical notions of justice (Johnstone and Van Ness, 2006); the widespread appeal of Native American, Christian, Islamic, and other religious practices such as Transcendental and Buddhist meditation among prisoners (O'Connor and Pallone, 2002; O'Connor and Perreyclear, 2002; Pallone, 2003); a call from the

U.S. Catholic Bishops for an end to the death penalty (U.S. Catholic Bishops, 2000); the passing in 2001 and upholding by the Supreme Court in 2006 of an important law called the Religious Land Use and Institutionalized Persons Act (RLUIPA) that substantially strengthens the constitutional right of people to practice their religion in prison; President Bush's faith-based initiative; and the growth of faith-based prisons or prison units around the country in Alaska, Iowa, Louisiana, New Mexico, Texas, Florida, Ohio, Kansas, the Federal Bureau of Prisons, etc., and in other countries such as Brazil and England (Burnside et al., 2005).

Researchers have also responded to the reemergence of religion as a factor that requires explicit consideration in the development of the penal system. Camp et al. (2006) note that in 1990 Gartner et al. (1990) documented an almost complete absence of research on the relationship between religion and rehabilitation, but then cite several studies on this topic, most of which are from 1992 forward. In a 2004 review of the research literature, O'Connor identified 12 studies, of varying methodological quality, which examined 16 associations between religion and rehabilitation (O'Connor, 2004; 2005). Today the count of studies is closer to 20, and faith-based programs have been studied with a methodological quality that is rigorous enough to warrant their inclusion as a separate category in a meta-analytic study of the effectiveness of adult correctional programs (Aos et al., 2006).

The cultural, political, and research context surrounding this topic of religion and criminology presents a "window of opportunity" for working explicitly with religious, spiritual, and ethical themes in criminology. This window of opportunity is not without its dangers or threats. How can policy makers work with religion without establishing a state religion and maintain the separation of church and state? How can we help policy makers not to use religion as yet another ideology to move a political agenda forward that bares little or no relationship to evidence-based principles and findings from good criminological research? The contentious and political ramifications of work in this area have already surfaced explicitly in both the United States and England (Burnside et al., 2005), and a Federal District Court just decided that an Evangelical Christian faith-based prison program to reduce recidivism, called InnerChange, that is conducted by Prison Fellowship in the Iowa State Prison system violated the Establishment Clause and amounted to state promotion of a particular religion (Banerjee, 2006; United States District Court for the Southern District of Iowa, 2006). Prison Fellowship is appealing this decision, and the case is likely to reach the Supreme Court. Whatever the final decision in this case, it will have far-reaching ramifications for how religious programs are conducted and financed in prison settings.

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In the following sections, we lay out a series of steps to help policy makers explore the opportunities and avoid the threats.

ARTICULATE YOUR BASIC ASSUMPTIONS ABOUT PEOPLE AND SOCIETY

Although Camp et al. (2006) acknowledge the contribution of religious factors to the development of corrections in the United States, they miss the central significance of that contribution. Skotnicki (2000) has shown that religious movements and thought were not simply contributing factors but provided one of the primary sources of motivation and direction for the creation of a new U.S. penal system in the late eighteenth century that had rehabilitation as its goal and prison as its method. The founders of the new system of prisons intended to further a set of religious and political beliefs about people and society. They also intended to replace the purpose of the then existing penal system whose goal was not rehabilitation but the maintenance of public order and the punishment of offenders through the use of fines, banishments, stocks, floggings, and hangings (Erikson, 1966; O'Connor, 2003; Skotnicki, 2000). Two contradictory socio-religious views of the person and society at that time, however, meant that there were two understandings of the meaning of rehabilitation.

First, a version of Calvinist theology inspired the creation of the "silent" or New York prison model with its understanding of rehabilitation. This theology tended toward the view that all people were basically flawed, but some were predestined to salvation and others to damnation. Society, therefore, was inherently unstable and could only be maintained through the virtue of obedience to laws. Thus, the New York system understood the rehabilitation of criminals (people who would probably not be saved) not as the process of changing their hearts toward goodness, but as the process of training and coercing them to obey the law. Second, a version of Quaker theology led to the creation of the "separate" or Pennsylvania prison model with a different understanding of rehabilitation. Quakers believed that God was in everyone, and given the right prison circumstances, the Holy Spirit or the "inner light" in every offender would "quicken" or awaken and restore them "to virtue and happiness" (O'Connor, 2003; Skotnicki, 2000). De Beaumont and de Tocqueville (1979) summed up the two rival prison systems: "The Philadelphia system produces more honest men, and that of New York, more obedient citizens." One wonders what an Evangelical Christian, Pentecostal, Native American, Muslim, or Secular Humanist model of rehabilitation would look like today?

After a heated public struggle, the New York system became the prevailing model and the Pennsylvania model largely disappeared as a guiding philosophy of rehabilitation for prisons in America (Skotnicki, 2000). We posit that this essentially spiritual and moral struggle across a continuum of more pessimistic to more optimistic sets of assumptions about the nature of the person and society persists in the minds and hearts of Americans today. Thinking of most offenders as basically bad people who have strayed from obedience leads to a punishment/control approach, whereas seeing most offenders as basically good people who have learned to do bad things leads to a treatment/change approach. So it is important for you as a policy maker to clearly understand and articulate your own religious/spiritual or secular/moral beliefs about human nature and society, because your basic assumptions about humanity will profoundly influence the kind of criminal justice system you seek to construct.

FOSTER PROFESSIONAL CORRECTIONAL CHAPLAINS AND THE ENGAGEMENT OF THE COMMUNITY

Almost every prison in the United States has a chaplain or team of chaplains who is responsible for assisting inmates to practice their constitutional right to faith. Data from the Oregon Department of Corrections (ODOC) show that in 2005 approximately 51% of incarcerated men (8,312 out of a rolling population of 16,387) and 86% of women (1,336/1,555) attended a religious or spiritual service at least once, and the average attendance was about once per week. These figures confirm the finding that religious involvement is one of the most common forms of "programming" in U.S. state prisons (Beck et al., 1993).

The ODOC spent approximately \$230 per person per year for the 9,647 men and women who attended regular religious services in 2005. Although not directly comparable, this figure pales in comparison with Joan Peter-silia's (1995) estimated cost of between \$12,000 and \$14,000 per person per year for quality correctional programs that reduce recidivism. The ODOC sustains this low level of cost for religious programs by having a relatively small staff of 22 correctional chaplains and 7 other professional volunteer and support staff who provide direct services to prisoners and who recruit, train, support, guide, and supervise over 1,400 volunteers from diverse faith groups as community partners in their work. This religious services team provides, in a constitutional manner, a wide variety of faith services in prison, including Native American, Protestant, Islamic, Catholic, Buddhist, Jehovah Witness, Pentecostal, Pagan, Earth Based, Latter Day Saints, Jewish, and Seventh Day Adventist and also serves people of no particular faith. The volunteers donate approximately 250,000 hours of

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service each year, the equivalent of 121 full-time staff positions or over \$4.5 million in value if one uses the Independent Sector figure of \$18.04 per volunteer hour to estimate the value of volunteer services (Independent Sector, 2006). An exploratory study of Christian religious volunteers in a South Carolina prison found that the volunteers were more educated, higher paid, more likely to be married, more likely to vote in elections, and more likely to attend church than the general population (O'Connor et al., 1997b). So, religious volunteers in prison seem to be very accomplished in education, work, family, citizenship, and religion. Most people in prison are not very accomplished in these areas of life, so there is a tremendous potential for them to learn how to be successful in these areas by interacting with the religious services staff and volunteers in a social learning/role modeling framework that has been described by Andrews and Bonta (1998). Becoming successful in these areas would contribute to less recidivism for people who leave prison.

Clear et al. (2002) and Dammer (1992) found that this religious practice in prison helps people to deal with guilt, find a new way of life, cope with the many losses (freedom, family, sexuality etc.) that accompany incarceration, find a safe place in the prison, gain access to outsiders, and establish a less stressful set of inmate-to-inmate relationships. Understanding the role of religion in prison from an inmate perspective led Clear et al. (2000) to argue that the real outcome or purpose of religion in prison is not to reduce recidivism but to counteract the tendency of prisons to dehumanize people and help prisoners prevent a further decline in their humanity. Similarly the English and Welsh prison service states that the primary purpose of religious services in prison is "to preserve the rights, decency and dignity of prisoners" and not to change prisoner's behavior (Her Majesty's Prison Service, 2002). We would add a second, more specifically spiritual, purpose or outcome that can be named in many ways depending on one's spiritual tradition—enlightenment, rebirth, redemption, sanctification, salvation, divination, reconciliation, growing in love for the divine, oneself, others and the world, transcending human suffering, having one's sinful nature transformed, or realizing one's basic goodness.

Beyond these basic religious services that exist throughout every prison, faith-based prisons or prison units are now emerging that seek to immerse prisoners in an almost monastic or total experience of religiously based living. Like the regular religious services in prison, these in-depth programs rely on a mixture of staff and volunteers, but unlike the regular services, they usually explicitly aim and purport to reduce recidivism. Camp et al. (2006) have added important information about what kind of prisoners volunteer for one version of these more in-depth spiritual programs. Prisoners who volunteer for the multi-faith "Life Connections Program" in the Federal Bureau of Prisons are more likely to have high levels

of religious attendance and reading in prison, to see themselves as moderate compared to fundamentalist in their religious views, and to be highly motivated to change their lives and desist from crime. The Life Connections Program is essentially a spiritually based reentry program that begins in prison, and in many departments of correction such as Florida, Texas, Oklahoma, Oregon, and Maryland, the religious services staff and volunteers are also actively working to assist prisoners with their reentry in the community. The Home for Good in Oregon (HGO) program and Circles of Support and Accountability (COSA) program in Canada are two examples of how hundreds of faith-based people are assisting with the reentry process in the community (O'Connor et al., 2004; Wilson et al., 2005a).

Policy makers who wish to harness this incredible array of faith-based services and volunteers, maintain the separation of church and state, and avoid using religion to foster a political ideology should remember three things. First, every spiritual leader such as a Native American spiritual leader, Pastor, Rabbi, or Imam and the group of people they lead in their tribes, churches, synagogues, mosques, etc., by definition know almost nothing about corrections or working with offenders. Second, these faith-based communities, again by definition, know almost nothing about assisting faith groups, other than their own, to grow and develop. Each of these faith-based communities, however, knows a great deal about how to create a prosocial support network of people who have a prosocial way of thinking and behaving. Third, religious volunteers cost very little, but they are not free because they require knowledgeable staff to train, support, resource, and encourage them. The trend among policy makers in most U.S. states is to look for more help from faith-based volunteers and churches, synagogues, etc., while at the same time reducing the number of paid correctional chaplains who work with them. This strategy will not work for the three reasons outlined above. Professional chaplains and other religious services staff are in the best position to have the appropriate knowledge, skills, and aptitude to engage, train, and supervise a wide diversity of religious volunteers in an effective correctional manner, and in a way that maintains the non-establishment of any given religion and the separation of church and state. Ideally for us, the term "chaplain" refers to a religious leader who is trained in and recognized by his or her own religious tradition and is also trained in how to assist all faith groups to develop spiritually. Chaplains commonly work in institutions such as hospitals, the armed services, or prisons. A chaplain's job is to serve the spiritual needs of all people in those institutions regardless of creed or no creed. Correctional chaplains are also trained in corrections; they have some knowledge of "what works" and "what does not work" to help offenders desist from crime and make the public safer. Policy makers, therefore, need to support

and invest in the development of professional correctional chaplains/religious staff, and ask them to mobilize and guide the various faith traditions as they seek to help solve the problem of crime.

PROMOTE A DIALOGUE THAT RESPECTS
THE UNIQUE CONTRIBUTIONS OF
CRIMINOLOGY AND RELIGION

In an interim report on their meta-analytic study of “what works” and “what does not work” to reduce adult criminal recidivism, Aos et al. (2006) report on six faith-based studies that were of sufficient methodologic rigor for inclusion in their study. Aos et al. (2006) grouped five of these studies together because they focused primarily on promoting Christianity among offenders as a way of reducing recidivism. ~~All five studies failed to find an overall program effect on reducing recidivism, even though some of the studies found some evidence of a positive program effect (Burnside et al., 2001; Johnson, 2004; O’Connor et al., 1997a; Trusty and Eisenberg, 2003; Wilson et al., 2005a).~~ The sixth study examined a faith-based program called Circles of Support and Accountability (COSA) conducted by professional correctional chaplains and faith-based volunteers, with the support of other correctional professionals. COSA, however, focused not so much on developing a particular religion, but on connecting high-risk sex offenders with an informed community support group of people motivated by their faith to help the offenders with their issues. The COSA program resulted in a 32% reduction in recidivism (Wilson et al., 2005b). After reviewing these findings, Aos et al. (2006) placed faith-based programs in a category they called inconclusive and in need of further study. It is our hypothesis that the five faith-based programs that had no discernible impact on recidivism probably did a good job of faith development, but failed to reduce recidivism because they did not follow what are known as the principles of effective correctional treatment such as criminogenic risk/need, responsivity, family/community context, program integrity, and program delivery type (Latessa, 2004). The COSA program, on the other hand, followed many of these principles and so reduced recidivism; faith-based people worked with the criminogenic needs of high-risk people who were responsive to the program, and did so in a community context.

Given the state of the criminological evidence, we urge great caution and honesty on the part of policy makers while engaging with this topic of religion which is close to the passions of many people who are either intuitively in favor of, or against, faith-based programming for prisoners. This area of research is too new for us to reach any firm conclusions about recidivism impact. Much more quality research is urgently needed. For this

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Aos et al found that four of the five studies failed to find an overall program effect on reducing recidivism, even though a few of the studies found some evidence of a positive program effect (Burnside et al 2001; Johnson, 2004; O’Connor et al., 1997a; Trusty and Eisenberg, 2003). One study did find a positive overall program effect on reducing recidivism that was statistically significant (Wilson et al., 2005a).

reason, we eagerly await the findings from the follow-up research on the effectiveness of the Life Connections Program that Camp et al. (2006) have laid such a solid foundation for with this current study.

Our understanding from religious and criminological theory, along with the little evidence that is available, leads us to the following hypothesis. Authentic faith development (Fowler, 1981) can make a significant contribution to humanizing prisons, and the process of desistance from crime for some people, but only in so far as that faith development supports and aligns with the evidence-based or "what works" principles of effective correctional programs. Faith development is not a panacea or a "silver bullet." The question is not do faith-based, educational, or employment programs work? The question is what roles or contributions can a person's faith, education, employment, or combination thereof, play in their rehabilitation/change process, and how can we effectively foster those roles? Answering these questions is an essentially interdisciplinary task between criminology and religion.

We offer a four-part framework of inquiry and a language to help policy makers foster the potential for religious people to learn from and support criminological findings, and the potential for criminology to learn from religious insights. The framework asks four distinct but interrelated questions that build on each other and must be answered satisfactorily if religion and criminology are to have an effective dialogue that truly informs and advances each discipline. First, a question for understanding—what is it? Second, a question of truth or "works"—is it so? Third, a question of ethics/morality—is it good? Fourth, a question of religion or humanity—is it loving? Criminologists must work with and challenge the faith-based volunteers/communities to fully articulate what they think their work in corrections is about, and how or whether that understanding is true. The faith-based communities must work with and challenge the criminologists and policy makers to go beyond the "what works/is it true" question and ask how and why the system they create is a good and loving system? Many things "work" if you use them—prisons incarcerate, guns kill people, atom bombs destroy, and coercive strategies force people to obey—but it is not always good, and certainly not always loving, to use them.

The loving question, especially, is not commonly asked about our prisons, punishments, or policies. We would like to suggest, however, that policy makers, whether or not they are "faith-based" in their own lives, must always ask this question. All of the major world religions believe, in different ways, that compassion is at the core of their faith and the fullness of what it means to be human. After all, it is the golden rule. But the world religions cannot lay sole claim to this fourth question, for most secular humanists and great atheistic philosophers such as Albert Camus would endorse love as being at the center of what it means to be fully human. We

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do not think you should ask questions such as is it Catholic, Buddhist, Protestant, Native American, Islamic, or Secular? Only those who are actively engaged in being Catholic, Buddhist, Protestant, Native American, Muslim, or Secular should ask these questions. Policy makers must stay away from such questions for these questions become sectarian in the context of representing the public and maintaining an appropriate separation of church and state. Policy makers have everything to gain from fostering a dialogue between criminology and religion/spirituality provided the dialogue addresses the fullness of what it means to be human. To be authentic, therefore, the religion-criminology dialogue must address each level of inquiry that humanity poses about the criminal justice system: what is it; is it true; is it good; and is it loving.

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correctional treatment, understanding the criminal justice system from the viewpoint of people who have been incarcerated, and what makes correctional systems and religious services within corrections more effective, humane, and loving. Dr. O'Connor co-edited a book with Dr. Nathaniel Pallone, *Religion, the Community, and the Rehabilitation of Criminal Offenders*, which was published in 2002 by Haworth Press. The views expressed in this paper do not necessarily represent the views of the Oregon Department of Corrections. The authors would like to thank Aislinn Adams and Dan Lioy for their comments on the paper.