

Navigating Faith in Criminal Justice

By Sharoll Damron

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Abstract

The criminal justice system is failing and incarceration rates are rising as a result of punitive practices. The law will be upheld with morality, humane discipline, and restorative practices by the hands of those who are informed by their faith and who want to make a difference within the criminal justice system. In reviewing the qualitative literature, I have identified how the criminal justice system is failing, how it has distanced itself from being the just system it was intended to be, and how there is a need to change it. I have proposed the disadvantages and advantages of faith being an instrument for change and how faith can inform people to be restorative in their work within the criminal justice system. With more people thinking restoratively, there is hope that the failing criminal justice system can be impacted for the better.

Navigating Faith in Criminal Justice

Introduction

Faith and criminal justice typically have not been able to share the same space without conflict, either one outshines the other, or one pushes away the opportunity for the other to shine. Religious liberty has become a private matter especially due to the separation of church and state. Religious liberty has also been unwelcomed in the arena of law and politics, but recently in the discussion of failing justice systems, it appears there may be an opportunity for faith to reenter the conversation of the criminal justice field in beneficial ways.

“The Virginia Statute for Religious Freedom written in 1786 by Thomas Jefferson addresses the United States' First Amendment right reading, ‘no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever nor shall be enforced... in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities’” (Lankford). The First Amendment gives citizens of the United States the freedom to conduct research on faith-based programs, talk about faith in the same sentence as politics or law, openly admit being a Christian in secular society, and not be punished or ridiculed for doing so. This, however, is not always the case. Additionally, this Amendment creates a wall of separation of church and state to protect our religious liberties. This wall establishes that the church should avoid influencing any part of the state and the state should not constrain the church in its practices. Therefore, these nuances beg the question: how can faith be woven into the secular systems and structures of our government and laws appropriately?

Research Question

The motivation for this project began from a personal conflict I encountered when applying for a position in an organization sponsored by the government. I was asked a series of questions about my particular religious faith and my background in working within a church. I was given a vignette about a child asking about God in which I was asked how I would respond.

The man leading the interview process reiterated the importance of leaving out any conversation around religion or re-directing the conversation to a different topic. Initially, it made sense that a program funded by the government would emphasize this but after more consideration, I began to find myself in a tension. This tension arose because I wanted to work in this program and be genuine, which meant being able to openly talk about my faith. This led to the research in this project and a more thoughtful question of how persons of the Christian faith who work in a more regulated or stricter work environment, such as criminal justice, may find difficulty in balancing the two. Would it be possible to be a person of faith and defend criminals? Would it be possible to be a judge who is also a Christian? Must the work of a Christian stop at the door of the criminal justice system? Do the heavy responsibilities of working in the criminal justice system encourage Christians to abandon their faith altogether?

These questions led to searching for topics specifically on “faith and criminal justice.” Unfortunately, this was not a popular search and resulted in virtually no articles specifically on these combined topics. Turning to a search on Christian lawyers, I discovered that there were more specific examples of peoples' personal stories of how they felt called to pursue their criminal justice careers being openly Christian. The evidence of Christians working in careers within the criminal justice system produces a good foundation and path for my research. I did not, however, want my research to become specifically focused on lawyers, so I broadened the searches to other vocations within the criminal justice system.

Most of the literature reviewed at the beginning of my research were short periodicals or journal reviews that helped narrow the field of research. An additional search uncovered books of particular interest. The non-fiction novel, *Don't Kill in Our Names* (King, 2003) describes personal testimonies of life within the criminal justice system from the perspective of victims of crimes instead of just those who work in the system. Hearing the detailed perspectives of these victims became a pivotal part of the research that introduced the theory of restorative justice. Philosophical works such as *Protagoras* also provided a look into early civilizations and their ideas on punishment as well as literature that aligned with restorative practices.

Further online research on restorative justice yielded studies and surveys on incarceration rates and death penalty numbers that were eye-opening. These helped to further support the necessity for restorative justice practices to be implemented. Hearing the voices and personal stories of the lives of those that are entangled within the structures of the criminal justice system prompted a call for change and reveal their personal solutions to an unjust system. The diversity of perspectives from lawyers, officers, judges, ministers, victims, and characters in the Bible found in the literature and interviews used in my research voiced how faith is something that affects the deepest parts of the criminal justice system. I began to investigate further how exactly faith can have a role in the criminal justice system.

Definition of Key Terms

Throughout this research, the term “faith” will be used in the context of any Christian religious belief. These Christian religious beliefs include any religious belief that professes Jesus as the Messiah, such as, but not limited to, Protestant and Catholic denominations and any varying denominations within these two groups. The scope addresses these particular religions because of the use of Holy Scripture in this research which references Jesus as the Christ and may make those who identify with other religious practices feel excluded. Belief is further defined not only as something unseen, hidden or private in one's life but also at the same time a belief that is professed publicly and used to identify in a particular way. Faith will be used interchangeably throughout the review with words such as beliefs, traditions, and practices.

The second important term to define is the criminal justice system. “This is a set of agencies and processes established by the government to control crime and impose penalties on those who violate the laws” (“Intro to the American Criminal Justice System”). Its three major components are law enforcement, adjudication, and corrections. Law enforcement includes various police organizations from local and state police forces to national agencies such as the Federal Bureau of Investigation. Adjudication refers to the legal process by which a judgment is pronounced by a judge of the court to the parties in a case either prosecuting or defending an accused person. “Corrections is where reform and rehabilitation occur in a network made up of

publicly and privately-operated institutions” (“The Criminal Justice System”). The individuals that make up these systems from lawyers, to officers, to judges all play an important role in how the system operates and how the law is carried out. The responsibility each of these individuals have is not taken lightly and has an impact on the peoples’ lives intertwined within each case. Thus, one must consider the importance of looking at what informs people in these positions and help to reveal a new found shift in criminal practice reforms.

Research Design and Methods

The project explores the question of how Christian faith can be woven into the secular systems and structures of our government and laws using qualitative methods. A semi-structured interview method was selected to gather focused, qualitative textual data to support the given arguments and questions in the research. Using this method offers a balance between the flexibility of an open-ended interview and the focus of structure statistics supported in written literature. Implementing this method was useful in the later stages of the research after statistics, facts and information were pulled from articles, books and studies found online. This method clarified the specific questions that arose throughout the research process to get more concentrated data on the truths of the criminal justice system from a first-person perspective. Conducting the interviews aided in developing the preliminary hypothesis that Christians can work in the criminal justice system and further helped to explain the relationships that Christians have to the systems and laws. The interviews created a foundation to see the common factors of working in the criminal justice system as well.

The process of the semi-structured interview method is to develop questions that further expand on the findings in the literature, statistics, and initial data and relate to the developed hypothesis and questions formed. These questions must remain unbiased and open-ended in the conversation on faith and avoid any leading information that would influence the answers to a certain outcome. Mastering language used in the criminal was vital to ensuring that the questions for the interview process were clear and easy to answer. The questions formed must avoid being too long so that they do not detract from what is being asked and must avoid any questions associated with a positive or negative connotation.

Consent forms, including consent for oral recording of the interview, were prepared beforehand and reviewed with each participant. The interview guide (Attachment 1) begins each interview with the same basic questions, asking each participant to describe their jobs and how they got that particular job. After initial questioning, the follow-up questions related to the particular nature of their job and any faith they may identify with. Often further questions were needed to obtain clarification.

As the interviewer, it is necessary to remain focused on the given questions and refocus the interview if the participant begins to defer to far from the given subject matter. Each participant was given the time and space to answer their questions fully without interruptions unless further clarification was needed at the end. Upon completion of the interview, the participants were thanked for their participation and informed that the needed data had been collected and it would be reviewed and used to further strengthen the research.

Participant Numbers and Characteristics

The initial criteria for inclusion in the study were that the person worked within the criminal justice system in San Diego, be above the age of 18, and be open to interviewing. The candidates did not need to meet any specific personalities, faith practices or years of experience. The characteristics and qualifications beyond working in the criminal justice system were open. There were no other specific characteristics required for the interviewees to qualify for participating.

The intended number of participants was six total. The goal was to interview at least one person from each of the three components of the criminal justice system: law enforcement, adjudication, and corrections. The actual number of participants was four total. One probation officer, a judge, a lawyer, and one participant who was a criminal and a reverend who now works in prison ministries.

Participant Recruitment

A convenience sample of participants was recruited through contact with administrators in organizations known for their work in the justice system as well as personal contacts obtained through relationships with faculty at Point Loma Nazarene University.

Study Advisory

Administrators of the selected criminal justice organizations were informed of personal research being conducted on behalf of Point Loma Nazarene University regarding a study in navigating faith and criminal justice. Administrators of particular agencies made their personal recommendations of who they thought would be willing to sit down for an interview of questions regarding their careers, their personal life and their work in the criminal justice field. The request for an interview was transferred from these administrators to the criminal justice employees where the interviewees were informed that they were being asked to participate in research on navigating faith in criminal justice.

The intended interview length was approximately 30 minutes long. A series of questions were raised as a stimulus for the participant's individual reflections. Each participant was asked four or five of the selected interview questions attached in the Honors Research Questions document with a few variances of the general question based on the particular participant's work in the criminal justice field. Questions were administered individually and verbally which mitigated the potential influence of one participant on another's responses. The survey used was not a repetition of a standardized or separately validated instrument. No established critical appraisal format was applied to the survey.

Three out of the four participants were interviewed in person and one interviewed over the phone. Each interview was recorded via a voice recording device either on the phone or laptop. Fluid interaction was granted, due to the recording device, between the researcher and participant, to ensure the accuracy of the information to be reviewed in the project analysis. Each recording will be used for the sole purpose to support the research and kept secure during the research process. The digital recordings will be destroyed at the conclusion of the study. Each

participant has signed an informed consent document (see documents attached) understanding that their participation in this research was voluntary and gave signed consent to use their names in the research or keep their names anonymous (see publication agreements attached).

Research Data Sources

This study contains interviews with four people, meeting the above criteria. The interviews conducted highlighted the jobs of Rev. Robert Enhow, Associate Director of Restorative Justice for the Diocese of San Diego, a probation officer from San Diego County who will be referred to as Officer Street throughout this paper, Larry Alan Burns, Chief United States District Judge of the United States District Court for the Southern District of California and Richard J. Boesen, a trial lawyer and attorney since 1973. A semi-structured interview method helped collect qualitative data to answer the question of how faith does or does not play a role in the particular careers of the criminal justice system. A set of questions were formed beforehand to best narrow down the results and then from the formed questions, particular questions were selected depending on the particular person's career. Throughout the interview, the questions left space for open-ended responses or answers. These interviews were used to further support the data and material found within the literature discovered at the beginning of the research process.

Woven into the study are multiple articles written about various lawyers who function as nuns, professors, Sunday school teachers and other roles beyond their careers as lawyers. Additionally, it incorporates the philosophy of Plato on punishment in his work *Protagoras*. The book *Big Prisons, Big Dreams: Crime and Failure of America's Penal System* written by Michael J. Lynch, aids in the understanding of the perceived failures within the criminal justice system and why it is failing. Statistics are taken from the non-profit Prison Policy Initiative generated in the report, "Mass Incarceration: The Whole Pie" and "States of Incarceration: The Global Context" which help give quantitative data to diversify the content of the review. Continuing the long list of literature pieces used in this review are the personal testimonies of two families of murder victims recorded in the book *Don't Kill in Our Names: Families of Murder Victims Speak Out Against the Death Penalty* written by Rachel King. Highlighting

specific books gives the review a unique perspective of those whose lives are impacted by the criminal justice system process, not by choice. The last piece of literature used throughout this entire work are verses pulled from the Bible to mirror or support the evidence found within the other pieces of literature during research. Without it, my paper would be pointless because to do research on faith and exclude Holy Scripture would be missing the foundation of faith itself.

Strengths and Weakness of Research

The first weakness of my research is related to the literature review, specifically the lack of peer-reviewed articles or work done on faith in the criminal justice system. A limited sample of results pushed me to discover articles that embodied both parts of my research in faith and law with a different set of key terms. Another weakness is that often the articles were located were more than ten years old and may have contained data or perspectives no longer relevant today.

Beginning my research with articles written about lawyers also weakened the variety of criminal justice careers to explore. Because the interviews were a small and select group of people in specific careers, these interviews highlight a small portion of the overall criminal justice system. I did not get to interview as many participants in the criminal justice system as proposed because there was a limited time to complete interviews as outlined in the interview method.

Additionally, the interview questions were very open-ended and key terms were not always explained to participants during the interview, which required further clarification before proceeding at points during the interviews. Each interview was limited to approximately 30-45 minutes which hindered the ability to ask follow-up questions or to get more thorough answers.

The strengths of the research are the quality and diversity of material used in the research from statistics, interviews, personal stories, and literature. The research is not too heavily focused on one source of material or the other. Another strength of the research is that the selected interview participants are also diverse in their careers, backgrounds, departments, and personal faiths. Additionally, the study ties together well the literature review and the interviews and supports arguments made at the beginning of the research.

Purpose of the Study

This study explores the history of America's penal system and the failing aspects of the criminal justice system and reveals the alarming incarceration rates in the United States. Exposing some of the failures of the criminal justice system allows readers to open up to learning about ways to improve this system and whether a faith-based approach would be considered an improvement. The continued exploration in this research will look at how faith both positively and negatively impacts the criminal justice system and the lives that are tied to it; how faith can have negative and positive benefits for those that have a career within the criminal justice systems; and how Christian faith can aid in shifting the structures of the criminal justice system from a penal to a restorative system. This knowledge may potentially help fix the aspects of the criminal systems in America that are not producing the results in reducing the rate of crime.

The initial purpose of this research was centered on the question of whether Christians could work in the criminal justice system and still be able to stay committed to their faith practice. After reading articles about many people who worked in the criminal justice system and are Christians it became clearer that this was not the right question. The purpose of the research then became focused on exactly how people might impact the particular criminal justice systems, in which they work, through their faith and whether or not this was healthy for the criminal justice system and America's laws. Through this research, it became clear that a commitment to faith did not affect the system itself, but the people instead. The intent is to reveal the important role that faith does play in the criminal justice system and the appropriate ways it can make positive changes and impacts on the criminal justice system.

Taking a Job in the Criminal Justice System

“There are over 3,408,000 careers available within the Criminal Justice System. These careers are open to a variety of extremely qualified candidates” (“33-0000 Protective Service Occupations”). From a young age, children dream of what job they want to have when they grow up and this may or may not change over time with the various influences that affect their career paths. A common link connected in the interviews was that in each participant's life there was one person who made a job in the criminal justice system appear as an appealing career choice.

Judge Burns says, "My father, who was a police officer, was always proud to introduce me to prosecutors and respected them and I always thought they were cool. I went through law school knowing I wanted to go through criminal law and in particular wanted to be a prosecutor". For Reverend Robert Ehnou, his career began when his pastor recommended the job to him after observing his work with, and his dissertation on formerly incarcerated adults in higher education. Officer Street shared that her college counselor recommended she join law enforcement starting a 20 plus year career. Richard Boesen wanted to be a doctor or a surgeon but was actually told that he was not smart enough to be either of these and should become a lawyer instead. Despite those discouraging words, Boesen accomplished the challenge set before him and continue to take on the challenge for over 40 years. Mark Lanier, one of the country's most successful trial lawyers according to *Christianity Today*, wrote that Ken Dye, Mark's pastor at the time, was the one who pushed him onto the path that would lead to his successful career. The draw that each of these people felt to beginning their careers in criminal justice came from a piece of advice, suggestion or even criticism of people in their lives, or someone who simply modeled an attractive lifestyle of working in the criminal justice system.

Following these nudges, pieces of advice, or recommendations do not, however, guarantee a trouble-free journey. Many of the interviewees who began their journeys in the criminal justice system did not do so without facing bumps in the road. Jobs that are deeply intertwined in the lives of other people's families are never easy job fields to enter. Each individual who works within the criminal justice system is dealing with criminals of all kinds, from the juvenile offender to the murderer, and their word can determine the outcome of what the rest of those people's lives become. "The constant confrontation and dysfunction in social services", says Officer Street, "is you work with the worst population 100% of the time and that is draining".

Judge James Kimbrough, who presided over a murder case that involved four juvenile girls who had murdered an elderly woman in 1980 stated, "My responsibilities [...] are to enforce the laws of the state, no matter what I may personally feel. Yet all my being said don't do it [giving the death penalty]. It's been a strain. I lost many nights of sleep over this. I was not a

particularly good father or husband. I was struggling with myself [...] To come to that realization that you, in effect, allow your job to take over from you makes you look again at what your personal convictions are and ought to be" (King 96). Within the same year, Judge Kimbrough died falling asleep at the wheel with a blood alcohol level of 1.9 percent.

Judge Burns shared that after a particular decision he had made on a court ruling he received emails with threats of people condemning him to hell, calling him an atheist heathen pig, a moron and wishing his entire family to die of brain cancer. Every day these people who chose to take a career in defending the law end up having to also defend themselves against hateful emails, bad publicity, false rumors and the emotional distress that comes with that. The weight of the responsibility that they hold is never an easy task: "I don't enjoy putting people in jail, no judge does, it's the worst part of the job" (Burns).

Jeanne Bishop, a public defender in Cook County Illinois writes that she is asked all the time about working in the juvenile court with the most horrifying cases. "How can you defend those people" (Bishop 10). This serves as a good reminder that these people who work with the toughest of cases and with the serious criminals are not only working with the people but defending them as presumed innocent. If you think it, is a hard task to defend yourself, think of how hard it must be to try to do this for someone that you know nothing about and will only have a short time of interaction with.

For these men and women who work within the criminal justice system, there is, however, a silver lining or two and good reasons why they continue to remain faithful to their jobs. Judge Burns began as a criminal defense lawyer for six years, became a federal prosecutor for twelve years, was appointed to the bench in 1997 and still serves as a United States Judge of the United States District Court for the Southern California District. His years of time spent working hard in his career demonstrates that he has not given into fear. He has enjoyed making a progression through the criminal law field and serving as a judge takes away some of the stress he used to face as a lawyer. Officer Street who has been working in her job for over twenty years, says that the reason she has done this job for so long is due to her ability to balance her life, being competent at her job, putting herself first and doing a job that comes easy for her. Her

philosophy is "I'm more than willing to help other people as long as it's not detrimental to myself in whatever way: if it's going to cost me time, money, energy that I don't want to give then I'm not going to do it, but I am more than willing to help as long as that boundary is in place". She has mastered the art of leaving work at work and escaping the stress of being run down by her job. Mary Russley shows up to her office and turns on the lights to her Christmas tree that faces the juvenile center to remind the children that they are not alone (Bishop 11). All these people have found different ways to remain energized and faithful to serving the people and the families within the criminal justice system and their careers.

In Matthew 28, Jesus in his commission to his disciples reminds them that as they go out into the world, he is with them always. Jesus' close relationship with the disciples continued to help keep them focused on their purpose after Jesus' death. The work of the kingdom that Jesus taught on continued through the disciples even when it was hard. Romans 12 likewise reassures the people to not conform to the world but be transformed. Jesus challenged the people he encountered to live differently, with a different set of standards. He wanted their minds to stay renewed so that they may be better at discerning and thinking with sober judgment. Although believing in Jesus may have helped the disciples to remain faithful to their work and while certain strategies help other criminal justice workers continue to stay faithful to theirs. It does not change the fact that the system itself was not an easy one to live up to and live under.

America's Penal System

Headlines on social media such as Black Lives Matter and the #MeToo movement, rising incarceration rates, overcrowded prisons, the war on drugs, separating families and children at the borders and high tensions among various levels of law enforcement expose the injustices of society. The realities in criminal justice system's are being exposed, one movement at a time. Awareness of unfair and unjust structures that poison America's penal systems is spreading. "The United States network of criminal justice is built upon a punishment system, although federal and state criminal justice systems often use the term 'corrections' as the replacement for 'penology' when referencing the agencies that supervise individuals in a state of incarceration, rehabilitation, parole or probation" ("Introduction to the Criminal Justice System). The U.S.

correctional system incorporates a large umbrella of programs for both handling and monitoring offenders of the law. Michael J. Lynch, critical criminologist and author of the book *Big Prisons, Big Dreams: Crime and the Failure of America's Penal System*, offers a study into why our prison systems are not doing what they were created to do, and why this system may no longer be the effective way to reduce crime.

Where was the birthplace of prison and how does the importance of the ideologies of a penal system affect our prison system today? These foundational questions trace back in our history to the colonial period. “The history of the American prison system is an effort to perfect the use of the penal apparatus the Quakers introduced in Philadelphia that was meant for the reform of the criminal offender. America, more so than any other nation, has relied upon the prison as a means of responding to criminals and has expanded this apparatus far beyond the level found in other nations. But, throughout its history, especially in the modern era, the U.S. prison system has not lived up to the lofty ideals of the Quakers” (Lynch 220). Many of the Quakers, such as William Penn, Elizabeth Fry, and John Bellers, advocated for the abolishment of the death penalty, increased opportunities for inmates’ education, improved prison conditions and learning trades that would help them earn a decent wage when released from prison (“Reformers in Criminal Justice”). Currently, 38 out of our 50 states still uphold the death penalty which would support Lynch’s claims that the U.S. prison system is far from the ideals of the Quakers.

In 2018, 32 states, the District of Columbia, and the U.S. Virgin Islands produced 61 separate laws aimed at reducing barriers faced by people with criminal records in the workplace, at the ballot box, and elsewhere. The most promising legislative development recognizes the key role occupational licensing plays in the process of reintegration, and this area showed the greatest uniformity of approach. Of the 14 states that enacted laws regulating licensing in 2018, nine (added to 4 in 2017) adopted a similar comprehensive framework to improve access to occupational licenses for people with a criminal record, limiting the kinds of records that may be considered, establishing clear criteria for administrative decisions, and making agency procedures more transparent and accountable (Love 2).

Although America has a long journey ahead for making positive changes towards reforming the penal system, there is current movement in legislation towards change. “The share of people who return to state prison three years after being released—the most common measure of recidivism—dropped by nearly a quarter over a recent seven-year period, according to an analysis by The Pew Charitable Trusts of Federal Bureau of Justice Statistics (BJS) data on prisoners released in 2005 and 2012” (Gelb).

The Quakers certainly would rejoice at the rates dropping and prisoners having opportunity for a new life. Quaker’s reference in the history of America’s penal system shows that there is, in fact, a link between religion and the development of the penal system in America. There were religious groups during in the establishment of the United States and its criminal justice system that utilized their particular faith practice to influence thoughts on the systems that would take care of the criminals of the communities. Through Lynch’s work, however, it is clear that the Quaker's original ideals for a system are not the penal system we implement today but recent research shows that the criminal justice system is making improvements. The overall voice that still is projected in America’s structures and systems of criminal correction is that punishment is preferred and that punishment will fix problems and reduce crime. If America locks up more criminals, then more criminals are taken off the streets and the safer our society becomes but the situation is more intricate than that simple yet dangerous logic. Therefore, there is work to be done in changing the language around the criminal justice system.

Statistics and research given in Lynch’s book and research from the Bureau of Justice Statistics and the Prison Policy Initiative, consistently demonstrate that a mindset that believes punishing people will reduce crime is a problematic one. “The rate of imprisonment in the US has increased consistently through 1973-2000, growing by 920 percent. During that period, the rate of crime rose 42 percent” (Lynch 146). “There are 2.3 million people locked up within some type of correctional facility in the U.S. and there are 23 states in the United States that have a higher incarceration rate per 100,000 people in their individual state than the United States incarceration rate as a whole” (“Mass Incarceration: The Whole Pie 2018”). “For four decades, the U.S. has been engaged in a globally unprecedented experiment to make every part of its

criminal justice system more expansive and more punitive. As a result, incarceration has become the nation's default response to crime, with, for example, 70 percent of convictions resulting in confinement- far more than other developed nations with comparable crime rates" ("Mass Incarceration: The Whole Pie 2018"). The numbers cannot fully demonstrate that punishment, as a form of discipline, is not working to control crime and lower incarceration rates. Numbers do shed light on that fact that the ways in which the United States has been approaching punishment over the years have not been lowering crime rates.

It appears that there are windows of opportunity to rethink the way we as a nation want to go about punishing those who transgress the law. We cannot merely punish to punish any longer, as Plato writes in his work *Protagoras*, "No one punishes the evil-doer under the notion, or for the reason, that he has done wrong-only the unreasonable fury of a beast is so vindictive. But he who desires to inflict rational punishment does not punish for the sake of a past wrong which cannot be undone; he has regard to the future and is desirous that the man who is punished, and he who sees him punished, may be deterred from doing wrong again. He punishes for the sake of prevention [...] This is the notion of all who punish others either privately or publicly" (Protagoras 324b).

As a nation, do we want to be known as vindictive beasts? Do we want to simplify the work of punishment to model the concept of survival of the fittest which targets the marginalized and oppressed people of particular neighborhoods? Punishment must become meaningful, a task to discover what will deter those who commit crimes from repeating their offenses. The nation's recidivism rates are high and crime has not been reduced. This stimulates a desire to find better solutions. One idea is to look back in time to see what worked in order to mold that into modernity. "There is no consistent answer to the question of whether prisons reduce crime from a scientific and statistical perspective, this uncertainty alone suggests that prisons probably are an ineffective mechanism for reducing crime" (Lynch 5). People who work within the confines of the criminal justice system can see these statistics and see the horrible effects of a failing system. The more that these statistics and discoveries are shared by those who work inside the criminal justice system, the more informed people who work beyond the walls of the criminal justice

system will become. This may even begin to spark a new way to think of the way we punish and treat those who break the law as a nation-wide consideration.

Effects of the Criminal Justice System on Prisoners

Rev. Robert Ehnou shares that “a lot of Americans don’t understand the United States punitive system and are ambivalent and that’s the mentality that does not change until it affects you personally”. It became true in his own life when Ehnou was convicted by a jury for two federal charges in relation to financial crimes and was sentenced to 36 months in federal prison, in which he spent 31 out of those 36 months. He experienced first-hand “how much harm is done to individuals and families” and that “most career criminals that end up in the adult prisons start in the juvenile prisons”. Rev. Ehnou, however, turned those months spent in federal prison into good and after release, he went back to the University of San Diego to study criminal justice reform and wrote his dissertation on how released prisoners do not all have the access or opportunities for higher education like he did. Ehnou’s work in graduate school was studying how most career criminals end up in adult prisons because of a lack of educational opportunities in general and being unable to pursue higher education. Now as the Associate Director of Restorative Justice for the Catholic Diocese he is able to help the four hundred plus volunteers who work amongst the 25 detention facilities to recognize the injustices within the criminal justice system themselves and break away from the stereotypes that society has falsely portrayed.

For many Americans, their lives may never be impacted or ever encounter the criminal justice system and that is a great thing, but that is not, however, an excuse to be ignorant about the unjust systems in our society. The change for the criminal justice system cannot rely only on the people whose lives are negatively impacted by these systems. Although Rev. Ehnou was positively impacted by his time in federal prison and specifically wanted to do something to change the failing systems, society cannot rely on the people who have been negatively impacted by it to do all the work. Most inmates will never have the opportunity, means or resources to accomplish change. Society needs advocates, activists, lawyers, officers, judges, social workers and all the people who comprise the criminal justice system to carry the burden of a failing justice system and do what they can to make a positive impact for change.

Theoretical Considerations on Faith and the Law

One of my initial theories as this research began was that people who worked in the criminal justice system would be able to carry the burdensome responsibilities, stresses, and tasks that come with their jobs easier if they were people of Christian faith. By this, I mean that their Christian religious traditions positively informed the way they made decisions in their career to such an extent that it would not only impact them, but the people affected by their decisions and the structures themselves.

It seems a wild thought at first because faith and criminal justice in the same sentence, mentioned in the first opening paragraph, initially seems a contradiction because of separation of church and state, but there are some that disagree. “Lanier understands his legal work as deeply Christian” (Mavrigh 50). Lanier works hard within his job to speak out and reform egregious injustices within the lawsuit world. For example, Lanier took a case that matched a wealthy banker against a teenage girl in the inner city and pushed for exemptions in the case to at least provide her access to a decent lawyer seeing that “he believed the proposed bill to be reprehensible”. Unfortunately, Lanier’s suggestions were ignored. “I represent widows and orphans, and I cry out for justice for the underprivileged masses. Jesus would have been a plaintiff’s lawyer” (Mavrigh 50). Lanier also “insists that the tools best suited to prove the truths of Christianity are the same as the ones used in civil court” (Mavrigh 50). Although Lanier is not arguing that Christian faith is the solution to winning court cases nor that everyone in the criminal justice system should become a Christian, he is demonstrating that there are a number of common factors between the two and it would not be unlikely to find some overlap:

During 25 years teaching Pepperdine Law School, Cochran has nurtured a growing body of lawyers who believe ‘Christian lawyer’ is no oxymoron. Cochran enthusiastically leads the national Law Professors’ Christian Fellowship, writes and edits a growing body of literature on law and religion, directs Pepperdine’s Nootbaar Institute on Law, Religion and Ethics (which he founded), and leads a Bible study for law students in his home. The efforts are bearing fruit, at Pepperdine and elsewhere. ‘Pepperdine has always had a strong Christian emphasis’, he [Cochran] says, but in recent years ‘there’s been

more thinking about the implication of being a Christian on being a lawyer and on the law (Stafford 34).

Although this article was written in 2008, there are many echoes of this overlap of Christianity in the law found throughout several literature pieces included in this research. I would argue that using the term “Christian lawyer” may lead to some issues of one’s Christian identity overpowering their oath to the law and would encourage the use of rewording this phrase to be a lawyer who is a Christian instead. Cochran takes great joy in the work he gets to do especially in a Christian setting like Pepperdine, but one must remember that this school, and many like it, find their identity in a particular religious affiliation, whereas the criminal justice system does not and there are many people who do not fully understand that. Up until the 1970’s, many Americans assumed that the United States was built on a Christian culture forgetting that America had separated itself from the Church of England in order to avoid building its nation upon religion. In the 1700s the popular question of the day, which I am readdressing in my research in small ways, was the proper relationship between religion and government. The conversation and the decisions revolved around principles of natural rights and rationalism that had originated from the Enlightenment. Religious conflicts broke out over a proposal to appoint the first American bishop of the Church of England which was proposed to be the established church for the British American colonies. In this process, religious liberty became secondary to the establishment of unity in government and military success. Separation of church and state has been embraced since the early 1800s as a cornerstone of the American democracy and is still supported by many Americans today according to the Oxford Research Encyclopedia on American History. It is always a good reminder to have this piece of history in the back of one’s mind when talking religion and government.

History keeps traditions alive and this is true for the teaching of law. “Whether in church-related schools or not, law students studied the same basic elements of law set down by Harvard Law in the 1870s [...] There was no distinctively Christian way to consider them; people assumed the law was fundamentally compatible with Christian thinking” (Stafford 34). The key word here is compatible not the foundation of. If one sees this distinction than it becomes easier to see how Christian thinking and the law can function together. Michael O’Hear, Associate

Professor at Marquette University Law School, writes “it would be unwelcome and inappropriate for me, in my law school classroom, either to seek converts to my religious faith or to persuade my students, on strictly religious premises, to adopt particular positions on controversial social issues that are closely associated with one church or another” (Marquette 87). The law should never become a means for proselytizing nor should anyone pursue law to push a Christian agenda because they will quickly find the ways in which the law itself prevents that. From early periods of American history, it was evident that religious liberty was a common theme of the time and there were never any worries about Christian thinking, beliefs or practices existing in society, but only its interference with the law. Although it became secondary to the formation of the government, it does not mean that it became insignificant.

Although there are many aspects of Christian theism that influenced the construction of government and still find themselves present in parts of the United States buildings, oaths, designs, etc., it was only for what the founding fathers believed to be beneficial. The political environment under President Donald Trump has become tense. There are a lot of questions beginning to arise on religious diversity and whether it can maintain an inviolable status within government. Should those who identify with a particular faith check their beliefs at the door of their positions? This is a question to focus on and lean into today’s culture for faiths extending beyond the Protestant or Catholic denominations. Religious diversity within government can aid in offering a rich diversification to the voices and perspectives, especially in clarifying religious beliefs that are not dominant in the United States. Often faith was what helped each interviewee withstand hardships in their careers upon encountering injustice. Faith was crucial to emotional well-being and a continued ability to pursue justice.

Christian faith can have a voice in the pursuit of changing destructive systems if one is careful about how it is carried out. Choosing language wisely is necessary for this matter and needs to be given attention when talking about how faith and law can relate. Someone’s opinion of the law can be informed by a persons' faith, but the law itself cannot, is not and should not be qualified, constructed or derived from that origin of faith. Faith is the extra tool that has the potential to help each person’s perspective on the law and these tools do not need to be stored

away on each job site within the criminal justice system. Michael O'Hear implements this every day he walks into his career as a professor of law, "Does this mean that I must check my faith at the classroom door? A qualified no: faith values need not be wholly suppressed" (Marquette 88).

Disadvantages of Faith in the Criminal Justice System Overview

So then, how can one enter the doors of a criminal justice career and bring their faith in an appropriate way? Judge Burns shares that there are in fact challenges that come with being a Christian judge in a secular system of government and laws and the intersection of faith and the law. He says, "Not everyone is confident that Christian judges can walk the fine line that is required to stay unbiased in accordance to the law, and this is why many people at first may be apprehensive about boldly claiming that law and faith intersect well. As lawyers, we were taught and we know that the principal guarantee of justice in the United States, 'Equal Justice Under the Law' rests upon the concept known as the Rule of Law- a rule that holds that every citizen is subject to the same laws, which are to be enforced by judges evenly and without preference".

An argument could be made that if the law is to be enforced without preference, then faith could be seen as a preference. This is true, but the reality is that every person has a bias and preference of their own. People bring those with them into each relationship, job, place or idea they encounter. The solution for avoiding misuse of preference within the criminal justice system is to be able to be cognizant of those biases and how they may be influencing one's judgment calls. Making judgment calls is not easy. It is not an enjoyable process for the defendants, the defendant's families, the victim's families or the people assigned to each case, but the judgment call is what can determine the future of many of the people involved. Judgment calls become even more complicated when trying to reach a conclusion and one is being informed by both the law and personal faith. The literature and study interviews conclude that there are, in fact, disadvantages that one may face in being both a Christian and working in the criminal justice system.

Disadvantage of Faith: Judgmental Attitude

The first disadvantage of carrying out Christian practices is that if a Christian utilizes their religious practice or faith in their jobs in the wrong way it can jeopardize both their career of being faithful to the law and also to their image as a Christian. When any Christian becomes too absorbed in their set of religious standards it can cause people to become judgmental of others that do not live the same lifestyle or with the same set of religious standards as they do. One can see this happening frequently in politics or even in interfaith dialogues that occur between opposing sides of political parties or particular religions. It no longer becomes a group of people sharing different views, beliefs or faiths aiming for the same objective, but it becomes a battle of who is right and who is wrong. Being in the criminal justice system for over 30 years Judge Burns has seen this happen often in religious debates. "I got to the point where I looked at some of these other religions and I said you know I don't think anyone else should criticize other people's religion and when you point the fingers at other religions the finger points back to you". The golden rule that most of us learn in elementary school still applies today "treat others the way you want to be treated", but in the world of suits and ties, politics and law, power and money, this rule easily gets pushed out of the playground.

The origin of the golden rule is seen in the Bible in Matthew 7:10. "In everything, do to others as you would have them do to you; for this is the law and the prophets" and was adopted into moral philosophy along the way. Being critical only makes others critical of you. In the justice system it is a point-the-finger game and with all the fingers pointing at the defendant, a particular people group, race, social class, or religion. The fingers being pointed need to be those of the lawyers, judges, jurors, officers, etc., pointing their fingers back to the law. There is danger ahead for anyone who points the finger back to God in the courtroom or points the finger at anyone who doesn't follow a Christian set of beliefs. Adopting a God-will-judge-you attitude is not sufficient or appropriate for the courtroom. Unfortunately, this wrathful nature of God is projected by many of those who claim to be God's followers. A safe way to avoid becoming a judgmental person is to adopt an only God can judge attitude instead and remembering that it is not the Christian role to judge others. For Christians, and especially Christians who work in the

criminal justice system, it is vital to check one's judgment and remember that you are judging according to the law, not playing the role of God.

Being labeled as a Christian can also be included as a disadvantage of judgment. Once someone labels themselves as a Christian in the criminal justice system the question arises on one's ability to be fair. Once someone labels themselves as a Christian this will bring whatever pre-conceived stereotypes or experiences someone has had with a Christian in the past with it. These stereotypes and experiences are not always positive ones. Judge Burns talks about the threatening and perverse emails he receives based on the decisions he makes in court and the public knowing he is Christian. Many of the emails he receives are from people who are pastors or work in a particular Christian context who condemn him for the things he has chosen to rule on or litigate for. Some of the emails or comments are so superfluous that they go to the extent to threaten or harm him and his family members or wish hell and disease upon them. The sad reality is that Judge Burns, a Christian himself, has received hateful and judgmental criticism from fellow believers. This demonstrates that there are many Christians who do not express their faith kindly which promotes a bad label to the rest.

Disadvantage of Christian Faith: Improper Judgement

The second disadvantage of claiming a Christian faith in the criminal justice system is that idolizing the law of one's Christian faith over the law in one's career can lead to the improper judgment of the law or the decisions one must make in the process. As stated earlier, judgment is a foundational part of every job in the criminal justice system and each person's judgments are motivated by different things. For Officer Street, it is her moral code, instinct, and confidence in her decision-making that helps her on the job. For Richard Boesen, it is a natural law, or feeling, "if something doesn't settle with you properly, then it's wrong". Judge Burns says proper judgment comes with having a lot of experience, but at the same time, he has also seen people with a lot of experience continue to exercise bad judgment. Therefore, there is not one common theme in the proper way people make judgment calls in the criminal justice system. It could then be argued if there are a variety of ways to exercise judgment than using a set of

Christian ethics is not inherently improper. What is improper judgment though is letting one's Christian faith cloud one's judgment of what the law states?

Jesus was aware of the balance between the Mosaic law and Roman law and made it clear in the New Testament that his followers were to respect the societies law and operate within the systems. Jesus did not say they had to agree with them, but he did instruct them to “give Caesar what is Caesar's and to God what is God's” (Matthew 22:21 NRSV). Paul also writes in the New Testament to give thanks, prayers and supplications to the kings and all who are in positions of leadership (1 Timothy 2:1-2 NRSV). Jesus lived his life as best as he could in accordance to the law and never intentionally tried to disobey the laws set in his time, but at the same time never faltered in also living his life according to the standards of his heavenly Father. Jesus followed the commandments given to Moses on Mt. Sinai as he understood them in his Jewish context, agreed with the teachings of Jewish traditions and kept kosher among other traditions. Jesus was a faithful Jew in his context and connection to Judaism and one must be careful in ever pitting Jesus fully against the law or Torah (Levine).

Judge Burns shared some profound thoughts on how it is possible to follow one's faith and also live in accordance to the law. “We have to acknowledge people who don't share our views and our Constitution and make room for these people in the United States. We are not going to have a country like England” (this is referring back to the previous implication that as a nation we have built our country upon freedom and that includes the freedom to exercise one's own practice of religion). As Christians we should understand that we will not all share the same religious views as others, but that does not mean that it should become a battle of who is in and who is out. Officer Street, who doesn't necessarily believe in any higher power, shares beautifully that “if you have anti-anything beliefs that's fine, we can agree to disagree”. If a Christian's beliefs appear anti this or that, it does not open the doorway for disrespect or improper judgment on either end.

Disadvantage of Faith: Tension

Having Christian faith in the criminal justice system also opens the door to a tension that comes with being caught in between two standards: the standard of one's Christian faith and the

standard of the Rule of Law. A story in the Bible that is often taught in Sunday School and sometimes overlooked is the story of Daniel in the lion's den found in the Book of Daniel ("Daniel 1:1-28 NRSV"). The story is about Darius, the Chaldean king of the land at the time, and Daniel, who had served many kings before him. Daniel was one of Darius's subordinate rulers and he quickly began to obtain favor in his position. The other rulers among him became jealous and tried to find Daniel guilty in regard to the law of the land but were unable to find any corruption in him. The men then used Daniel's faith in order to bring destruction against him. The men manipulated Darius into signing a document that established no one would be able to pray to anyone divine or human for thirty days except to the king. In the story, it says that although Daniel knew that the document had been signed, he continues to pray and the men conspiring against him came and exposed him. Darius has no other choice than to bring punishment upon Daniel by placing him into the den of lions. When Darius awakens in the morning, he finds Daniel untouched and makes a decree to the nation about Daniel's God.

Daniel found himself caught in between the tensions of his faith and his job. He was clearly a man who was able to live according to his religious beliefs while he worked for Darius and had no problem until his jealous co-rulers rose up against him to sabotage him. The message that may be preached from this story is that Daniel decided to choose his religious beliefs over the law of the land, but I would disagree. I think that this story in the Bible shows that Daniel merely just never gave up living his life the way he always had, no matter how the law changed. He was favored and good at his job even as a believer of God and King Darius was happy to see that he had been rescued. At times in Daniel's life, there was a clear tension he would face, but it never stopped him from serving under King Darius and the previous kings and being able to do his job well. Judge Burns shares that "the tension I've experienced is this: you take an oath to uphold the Constitution and I respect the system of government we have here[...] we have to fall in line with the Supreme Court's rulings whether we agree with them or not[...] if I don't do that then I am acting in contravention to the oath I took". In the story of Daniel and King Darius, the rulings and laws were changed only with the intent to deceive and destroy Daniel specifically. In modernity that is exactly the opposite of why the law is changed. The law is amended and reformed to include those who have been previously excluded or unlawfully treated. The rulers

that worked with Daniel were so worried about their position that they took it upon themselves to try and destroy someone else's. The argument here is not that one's religious beliefs would hinder them from doing their jobs, but that as a Christian one must always avoid using religious means to change the laws in place for one's own benefit.

Disadvantage of Christian Faith: Motivation for the Wrong Reasons

The final disadvantage that threatens those who focus too heavily on their faith and not enough on their job in the criminal justice system is that one can become motivated in pursuing a career in criminal justice for the wrong reasons. Anyone who works in the criminal justice system should not use it as a means to funnel their religious agendas to the world or see it as a prime arena to convert others. Judge Burns says "I think it's a mistake to give in to your own sense of how things should work[...] I am certainly informed but there's also a risk of being motivated by your own background[...]because you can be too informed by something and then you turn into an activist judge".

Those who are motivated by bribes, money, sex, power and other means within the criminal justice system and even politics are also problematic and could fall into the category of pursuing a job for the wrong reasons. These types of people cast a chill over those who are pursuing these particular career choices for ethical reasons and for justice. One might hold that lawyers choose to be lawyers for the money. People may say that judges only want the bench for the power, or that officers' racist agendas are their number one focus on the job. These assumptions held or spoken by the general public reveal that there are people in the criminal justice system who are in their positions for their own personal benefits and a religious agenda may be one of those.

There is a challenge today about whether a person's religious belief should itself be a disqualification for participating in politics or government because many people are questioning the reasons behind their faith. Aaron Blake writes in the *Washington Post* that "Amy Barret is thought to be one of the leading contenders [for a potential Supreme Court nomination] and is almost surely one of the two women Trump has now said is on his shortlist ahead of the announcement of the pick. She's the one female candidate who was on pretty much everybody's

shortlist, in fact”. Blake continues to list that she is extremely qualified and after being thoroughly examined should not offer many surprises to being confirmed, “The main knock on Barret, was that she was supposedly too religious” as Amy Barret is vocal about her Catholic roots. In 1998, Barret made a comment to Norte Dame graduates that “Judges cannot-nor should they try to- align our legal system with the Church’s moral teaching whenever the two diverge. They should, however, conform their own behavior to the Church’s standard”. Blake writes that “At one point, the Senate Judiciary Committee's ranking Democrat, Dianne Feinstein told the Catholic nominee that ‘the dogma lives loudly within you, and that's of a concern'... The pushback earned cries of foul from those who argued Feinstein and others were applying a religious test, which the Constitution expressly prohibits” (Blake). Article VI of the Constitution mandates that “no religious test shall ever be required as a qualification to any office or public trust” (“Constitution of the United States”) and I argue that the same is true for the latter: that no religious test should be used as a disqualification to any office or public trust. Just because Barret’s behavior or thoughts align with the Catholic Church’s standard does not mean that it disqualifies her for her position in government. Feinstein’s comment toward Barret demonstrates that a target can be placed on the back of anyone who publicly announces in any level their religious preferences. This can, in fact, be a disadvantage to those who are fighting to run for office amongst their contenders.

Just as a label of being a Christian has the potential to carry negative stereotypes, it also can make people assume that as a Christian, the particular person will be forgiving, kind and easily persuaded if one mentions God in the courtroom. Judge Burns says that many people know his background, his Christian upbringing, and Christian education and use that either against him or use it to try and influence him. They talk about their recent conversion or their church attendance hoping that they will receive some grace, but Burns reminds them that even those who received grace in the Bible also received judgment. He encourages them that although many prominent people in the Bible made mistakes they went on to do great things. Judge Burns strategy to avoid falling into these traps is: “I don’t try to make it a secret, but I don’t wear it on my sleeve, most people regard me as a conservative guy, the faith thing doesn’t come up overtly”.

One's identity as a Christian does not need to be openly displayed or proclaimed in order to be characterized as a Christian. Being a Christian can simply be the way one lives their life. People often will discover someone is a Christian inadvertently. One's position in office or in the criminal justice system is not rooted in one's Christian identity. It can be helpful for those who work in the criminal justice system as Christians to remember their identities. Their jobs in the criminal justice system are to uphold the positions they've made an oath to and to remember that continually. Richard Boesen shares that he has seen many people of faith who have the "power of life and death in certain situations lose the realities of certain situations", while Officer Street says, "I've had negative experiences with probationers both adult and juveniles that have felt faith failed them if they're in this situation [in the system] because they feel like God should solve all their problems.".The reminder is to avoid having an identity crisis when working in the criminal justice system. If one is unable to balance both identities, then most likely the job in the system will either crush one or both of them. Faith won't affect the law or change it directly, but it will affect and change the way the law affects us.

Advantages of Christian Faith: A Positive Informing of the Self

While there are pitfalls in being a Christian in the criminal justice system there are also numerous advantages of being informed by one's faith. One of the possible advantages of genuinely following a Christian faith is that it has the ability to inform a person in a positive way. Judge Burns says that "faith informs in a good way and has been so transformative" for many of those he has encountered in his courts. One of the transformative things that Jesus teaches in the Bible is to be merciful. In Matthew 12:1-8 Jesus is teaching the Pharisees, the religious rulers of the time, that if they truly understood what Jesus was teaching them about desiring mercy and not sacrifice then they would not have condemned the guiltless, who in this story are the disciples caught picking grain on the Sabbath because they were hungry. Jesus even reminds the Pharisees that during King David's time the priests in the temple broke the Sabbath by eating the bread in the temple and were found guiltless. I am sure this made the Pharisees think twice about the accusations they made against the disciples and helped them remember that mercy had been extended to them as well in those moments. The mercy of God is a reminder to

avoid being close-minded and have an openness towards others even in their guilt. This term is not new to the legal system either. Mercy in the criminal justice system is the discretionary power of a judge to pardon someone or to mitigate punishment: especially sending them to prison instead of invoking the death penalty. This demonstrates how at times the law can be compatible with Christian thinking because this concept is the same in the Bible. The word 'mercy' shows up in the Bible over 200 times and is an essential part of God's character. "To defendants and their families, mercy often means a reduced jail sentence", according to Larry Burns, "I often tell defendants when passing sentence that I have tried to take into consideration their whole life- the good and the bad-rather than focusing exclusively on the criminal acts or acts that have brought them before me".

Christian faith also teaches forgiveness. Matthew 6:12,14-15 teaches "And forgive us our debts, as we also have forgiven our debtors. For if you forgive others their trespasses, your heavenly Father will also forgive you; but if you do not forgive others, neither will your Father forgive your trespasses". In his role, Judge Burns says, "as a general matter I believe in forgiveness and in giving second chances, particularly when the offender is young and inexperienced". Rev. Ehnou's observations of our justice system and the forgiveness incorporated in it is that "the forgiveness process is not a linear phase [...] it is a back and forth process". For the families whose loved ones have been murdered and affected by crime, this process is difficult and is where the challenge of exercising forgiveness is the biggest.

Ron Carlson's sister, Debbie Thorton, was murdered with a pickax on Sunday, June 12, 1983, by Karla, her boyfriend and an accomplice named Danny. Ron faced an immense battle of dealing with his sister's murder and her vicious killers, but Ron says "I didn't want any killings done in my name. I believe strongly, in spite of what they had done, that forgiving Karla and Danny was the right thing to do. It was more than just not wanting to see Karla killed, I would say what influenced me was my religious background and what the Bible commands 'thou shalt not kill'. Jesus teaches that we should forgive our enemies" (King 70). Karla, who had been given the death penalty at her sentencing had also had a transformative time in the prison system. She spent evenings reading the Bible, praying, and participating in the prison ministries

programs whenever they were offered. Seeing the change in her life and being moved in his faith Ron wrote a letter to Governor George W. Bush in 1997 advocating that Karla's sentence be commuted from death to life in prison. The reply was "Governor Bush supports the use of capital punishment for violent criminals who commit heinous crimes. He believes capital punishment is a deterrent and is one part of an effective criminal justice system" (King 74). Rev. Ehnou says that "the whole process [of the prison system] is pretty inhuman and stirs up an anger at the system" especially when decisions are made against one's personal wishes. Ron's individual efforts were not enough to save Karla from death, but he can stand to say that he stuck to his faith and belief of forgiveness till the very end.

Another vital piece of being informed by one's Christian faith is to learn to become humble. In the Old Testament in Micah 6:8 the people of Israel are instructed by the prophet Micah to walk humbly with God. James 4:10 repeats the common theme in the New Testament "Humble yourselves before the Lord, and he will exalt you". Jesus' kingdom was often spoken of as the upside-down kingdom. Jesus' way was to lower and humble oneself in order to be the greatest and he had a constant "first shall be the last" mentality when teaching his followers. "I am proud to serve as a member of the United States judiciary. It is an important and elite job and I worked hard to earn it but being a federal judge does not completely define me, not by a long shot. It's not even my most important identity" (Burns 2016). In the interview with Officer Street, she was asked the question of what helps her get through the day at work and what sets her apart in her job. She said, "You can't have false humility when someone is drawing attention to the things that I do I don't know how to be humbler". She knows she is good at her job and she does not apologize for it because creating false humility shows a lack of self-awareness. Although Officer Street does not consider herself religious, she has clearly seen the ways in which she chooses to be humble. Judge Burns also defines that for him "Walking humbly with thy God means treating people who appear before me, whatever evil things they may have done, with the dignity and respect that Jesus showed the many sinners he encountered" (Burns 2016). Rev. Ehnou who went through the prison system himself and was sentenced by Judge Larry Burns in his court case said in his interview that Judge Burns was a restorative guy and the only person in the process who showed him that dignity. While Judge Burn's demeanor positively

affected Rev. Ehnou he also shared that it wasn't always what he witnessed. Rev. Ehnou also noticed that "everyone in the process understands the harm they do and for them, it becomes about a report card and the prosecutors in the system wield the most power". This is why it is important that those in power exercise their authority with all humility, which is what Jesus demonstrated in his life. Richard Boesen shares that his experience in studying to be a lawyer was not an easy one and gives us insight into why lawyers may see cases and people report card style. "Fear is the greatest factor, the worst kind of case are the ones you get who are innocent because you gotta win. The only factor you consider in the case is to win because there are so many other variables over which you have no control".

As a lawyer, your one job and focus become winning because this is directly related to how you become successful in your career as a lawyer. Winning, as a lawyer, for an innocent person means that the case was presented well enough to prove beyond a reasonable doubt the innocent of the client, but one should also consider how much value is placed on winning. With great power comes great responsibility. The advantage that faith offers is the ability to not let power destroy one's responsibilities and remain humble even in success. One's success then will inherently display their character and the ways in which their faith has informed them to be forgiving, merciful and humble.

Advantage of Christian Faith: Strength and Support

The second advantage that faith has to offer those who work within the criminal justice system is strength and support amidst jobs that are rife with emotional heaviness. Cases in the criminal justice system deal with actions and behavior that have been evaluated as an infraction against one or more laws of the United States, which means dealing with unethical behavior. Boesen claims that one of the keys to conquering being a trial lawyer is to recover quickly and not carry the load of the case. One's faith could be exactly what helps lighten that load. Jesus says in Matthew 11:28-30, "Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest. Take my yoke upon you and learn from me; for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light". Jesus does not promise anywhere in the Bible that the lives of his followers will be easy or obstacle-

free, but Jesus does share that putting his yoke upon oneself will give rest for one's soul. Rev. Ehnou admitted that his faith journey was powerful and "faith has always been a strong part of my life[...] my faith was very important during my period of incarceration getting me through that and the other men who gave me the kind of support as a group of men of faith". These men were those who joined him for the Bible studies he led and shared life and the faith journey during those 31 months in prison.

What Officer Street has seen in her workspace is "I think I've had coworkers that have struggled with the job or personal problems or tragedies in their lives and those that have faith express how much it's helped them, and I think that's awesome. Other people that don't have any faith and just manage it on their own who don't feel the need to believe in a higher power just have a strong moral code and make good choices and all that stuff. They just feel content with how the ways things work out which is also a good thing". Thankfully there have been people of faith in her environment that have demonstrated that there is an advantage to having faith alongside their career journeys. These people did not necessarily force their faith upon Officer Street but were at least able to be confident in sharing that their faith has helped them in their jobs. Officer Street, not a Christian herself, surprisingly shared in her interview "faith is a huge part of this [...] it's easy to do this job without having a faith-based thing if you have something. You have to have something[...] I just have a moral code".

Although one can learn a set of morals outside a faith community, faith specifically focuses on building up a strong moral character. "Religion teaches you a strong sense of what is right and what is wrong and teaches you to have a conscience and in the criminal justice system, you encounter people who don't have that" (Burns). The reality is that not everyone in the criminal justice system has an idea of right and wrong or has had the privilege or opportunity to grow up with someone helping to inform their morals. Some of them do not discover faith until they are incarcerated. The Pew Research Center's Forum on Religion and Public Life conducted a survey of 50 prison chaplains across the United States that provide compassionate care to individual inmates in prison management teams. They asked these chaplains their impressions about religious life in prison and the amount of proselytizing and conversion that takes place.

“About three-quarters of chaplains say that attempts by inmates to proselytize or convert fellow inmates are “very” or “somewhat” common (73%), and a similar portion (77%) say that either “a lot” or “some” religious conversion takes place behind bars. The findings suggest that the majority of inmates encountered by most chaplains are Christians. On average, the chaplains surveyed say that Christian groups make up about two-thirds of the inmate population with Protestants, on average, estimated to comprise 51% of the inmate population, Catholics 15% and other Christian groups less than 2%. Other chaplains indicated that they see both half-hearted switching and sincere conversions. Inmates often return to the faith of childhood upbringing” (“Religion in Prisons: A 50-State Survey of Prison Chaplains”).

Faith has an impact before, during, and after someone’s prison sentence. When a child is taught at a young age to be a moral human and abandons that morality they often return to that childhood foundation when they encounter hardship. Although the definition of faith may be broadened to include something like a set of moral codes, or other religious beliefs beyond Christian denominations, the matter of fact is that everyone needs something to fall back on in a field that is day in and day out dealing with tough cases like murder, violence, victimization, and countless tragedies in this world.

Advantage of Faith: Creating Restorative Mindset

When one is informed constantly to be forgiving, loving and humble it begins to change the way one perceives the world and its problems. Christians have the ability to have a different perspective on the social issues of society and begin to think in terms of forgiveness, love, and humility. There is a transformation in one’s heart when a person is strengthened and supported even in the midst of chaos and brokenness. Faith can inspire a Christian to continue to do the work they are doing. The weight of the job does not crush them or scare them away any longer. Those that have faith find a purpose in the work they do and begin to become more aware of their changed perspectives and how that might begin to influence the people around them. Ron Carlson, the brother of Debbie Carlson who was a murder victim, shares his experience of advocating to reverse the death penalty for his sister’s murderer:

I personally think and believe that Karla is not a threat to society, I do believe that Karla is an asset to our society and a lot of people could learn a valuable lesson about how we should and should not live. I am referring to the use of drugs, alcohol and the way we live in general. Our society is supposed to be based on loving one another, however, the way things are today, that is theoretically impossible because of the fact that no one seems to care about anyone except themselves [...] The bottom line is we have to start somewhere. Without compassion for one another, we are all doomed to our fate. (King 73)

Not all people think this way. People relate to a particular party of beliefs, they align the way they think with how their friends or family think, they see the benefits and dangers to their families and are consumed in a self-centered, consumptive and instant-gratification culture. The hate, selfishness, and fear in the atmosphere is tangible to all who spend any time watching the news or reading the paper see these tragedies, even some being enacted by those who claim to worship God. When Jesus walked on the earth, he did not live his life in any of those ways, which says a lot to the way some Christians live their lives. The bottom line is that the teachings of the Bible are counter-culture to the way the world functions. The Bible's message is to love others. Jesus is asked arguably the most important question in all the Bible in Matthew 22. "Teacher, which commandment in the law is the greatest?" He said to him, "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the greatest and first commandment. And a second is like it: You shall love your neighbor as yourself. On these two commandments hang all the law and the prophets" (Matthew 22:36-40 NRSV). The law of love is what the Christian faith hangs all other ideals, political beliefs, and treatment of others upon. For some people they are more worried about hanging others out to dry, hanging up the dreams they have to change injustice or even hanging themselves because of the hate they've received from others. Faith restores humanity and it does not merely restore those who have lost hope, but it continues to keep them hopeful for change, to make a difference, to put forth love and to restore what is broken and lost.

Faith Leading to Restorative Practices

A faith that aligns with love, forgiveness, mercy, and humility should inherently lead to restorative practices in the criminal justice system. *Restorativejustice.org* defines restorative justice as that which "repairs the harm caused by crime. When victims, offenders, and community members meet to decide how to do that, the results can be transformational. Restorative justice theory and programs have emerged over the past 35 years as an increasingly influential world-wide alternative to criminal justice practice". It didn't start out of a religious movement, it wasn't birthed within the walls of the church, but it did begin through the minds of those within the Christian faith community. The Center of Justice and Reconciliation and specifically the Prison Fellowship International operates from within the Christian tradition but finds common ground and joins in advocating for restorative justice with people from all backgrounds and traditions. Its four values are a peaceful social life, respect, solidarity, and active responsibility. In order to obtain a peaceful social life, the restorative justice theory incorporates resolution amongst the people involved in the crime and protection for all affected parties both physically and emotionally. For respect to take place all people must be seen as worthy of care and attention and should feel empowered and included in the operation of restorative practices. To achieve solidarity there must be a connectedness and agreement amongst the people of the affected parties as they grow in their shared interests. The final piece of completing the restorative process is carried out by people holding others accountable. An active responsibility is birthed from within and not opposed from without but takes collaboration and mending in order to come to an agreement.

Rev. Ehnou's view of crime changed once he entered the prison system and his view on crime began to change further through his experiences within the system. "We define crime as you break the law you commit a crime" and then you are punished for that by being locked up. He witnessed the marginalization of those that were released and then ended back up in jail and realized that "most of them were low-level guys that got caught up in their habits". A key part of the thinking of crime restoratively is not to focus on how best to punish people, but how to correct the underlying addiction and reform the way we see crime. "Crime in the restorative

standpoint or biblical standpoint", Rev. Ehnou says, "is about a relationship. Harm is done to a person and to the relationship and I need to be accountable somehow. You have needs as a victim and the restorative standpoint shows us there is a way to repair our relationship both with each other and within the community". During Rev. Ehnou's time in incarceration, the people who were restorative to him were those who stood out the most and it impacted not only his sentencing but the trajectory of his life.

Christopher Marshall author of the book called *Beyond Retribution* writes that 'whenever there is a crime, a relationship is established between the victim and the offender, or in this case the victim's family. You have a choice about what you do with that relationship. You can ignore it, you can make it be nothing more than an ugly relationship, or you can use the relationship to help you heal. A lot of healing can happen if people allow themselves to need one another. (King 248)

There is can be no crime without a relationship. If the justice system sees crime as an offense and does not recognize the people it affects, then it is missing a major piece of the solution to fixing the underlying problem. Punishing the crime is too simple, fixing the relationships that were harmed in the crime is the real work. Officer Street defines restorative justice "to make the victim as whole as possible". It is a big part of her work in the juvenile justice sector and is incorporated into the juvenile probation mission statement. The biggest part of her work is that she isn't just working with juveniles, but also with their parents and that becomes much more work for her. She shares that the honest truth is that restorative justice can be limited because it requires both the victim and the defendant to cooperate and that does not always happen or is possible, but in every case, the goal is to somehow find a solution that leads to wholeness for each child she receives. Azim Khamisa, the father of Tariq Khamisa, a nineteen-year-old student at San Diego State University, who was shot by a fourteen-year-old while delivering pizzas in 1995 shares about the anger he felt after burying his child:

My thoughts and emotions began to return the day after we buried Tariq. One of the first emotions I felt was anger. However, it was not directed at Tariq's assailants. The entire society was the object of my rage. I wondered how it was that in our great country

children who are too young to have a driver's license are not too young to carry a gun. Why do we spend billions on wars on foreign soil or conquering space when every day, in our own backyard, our defenseless children are wiped out in a frenzy of bizarre violence? When did we start accepting these killings? And why did we allow them to continue? (King 257)

This is a dad's cry ringing forth the failures of society and the justice system. It is in social relationships and the connections they have to public policy that we are able to see the pain that is brought upon families of victims because of our system's lack of defense and change. Through relationships, there can be a movement towards systems and legislation being changed. Azim Khamisa arranged to meet the family member of the assailant who shot his son, Tony Hicks. In this meeting, Mr. Khamisa met Ples Felix, who was the grandfather of Tony Hicks who had raised him after his parents were unable to do so. There was a beautiful exchange between Mr. Khamisa and Mr. Felix after Mr. Khamisa expressed he had no feelings of revenge toward Mr. Felix or his family:

Ples took my outstretched hand with no hesitation, He offered his condolences to my family and met me with bedrock sincerity. He told me he wanted me to know that my family and I were in his prayers and mediations every day. This struck a deep, responsive chord in me because of the importance of meditation and spirituality in my own life. It created an instant, powerful bond. The bond was to stay with us and provide a mutual source of energy for the commitment we were to share. (King 262)

Relationships happen in the processes of the criminal justice system. Later when the sentence was given to Tony Hicks, Tony himself read a statement of how sorry he was for what he did and how he learned that what he did was wrong after the love he received from the people he met in juvenile hall. Tony was sentenced to twenty-five years to life in prison and seeing the tapes of the sentencing hearing Mr. Khamisa was moved at Tony's transformation giving him hope that Tony could be rehabilitated. Mr. Khamisa writes:

Sentencing Tony to prison did not make me feel whole. It did nothing to bring Tariq back. We need a justice system that is more holistic. We have to look at where violence

comes from. Parents are not only responsible. All of society is responsible. I was starting to think more about the concept of restorative justice, especially for juveniles. Our system is based on retributive justice which punishes the offender and ends there. Restorative justice seeks to make both parties whole. We need to be realistic that if we do no change offenders, we as a society will continue to suffer. (King 265)

Society needs people who are restorative. The criminal justice system needs those whose mindsets are restorative and their demeanor is informed by a faith that teaches them so. The call today in the Christian faith can be found in Matthew 25:

Then the king will say to those at his right hand, 'Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me.' Then the righteous will answer him, 'Lord, when was it that we saw you hungry and gave you food, or thirsty and gave you something to drink? And when was it that we saw you a stranger and welcomed you, or naked and gave you clothing? And when was it that we saw you sick or in prison and visited you?' And the king will answer them, 'Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me. (Matthew 25:34-30 NRSV)

Review Summary

In summary, the research of this project looks at the jobs of four different people who work within the criminal justice system, their journeys of pursuing this career, what has kept them doing their jobs, what they find difficult and the rewards that come with it. Their interviews reveal their personal beliefs, preferences, and experiences that have all influenced who they are today and the work they continue to do. Their interviews leave readers of this research hopeful that there are still people who are working with the worst population in our society to do their best to restore them and the people they've hurt. The literature supports that it is okay to work in criminal justice and identify that you are a Christian and that there is even evidence that they couple together well. Having one does not necessarily mean the other is sacrificed. The statistics and reports reveal an ugly truth of America's penal system that there needs to be change and

reform, With restorative practices on the horizon it is possible that the more faith-based programs that there are, and the more faith-informed people there are within the criminal justice system, the chances of change and reform may rise. The statistics and research did show that although there are mass amounts of incarcerations in the United States there are people inside the walls of the prisons doing what they can to pursue a Christian faith.

Conclusion

What Christians do matters. What Christians do affect the way people view Christianity. As Christians, the call is not to be afraid to pursue a career in the criminal justice system because one's faith will be viewed as a disadvantage to one's career but to be afraid that if one chooses to run away from that call then society will be more disadvantaged for one doing so. From my research, I have gathered that there is a shift in the criminal justice system and that more people are beginning to see its cracks. The hope is that people who have lived a life in accordance with their Christian faith will feel called to do something about it. Although the transformation of the criminal justice system is a bigger task that calls for more than just work by a few Christians, or even Christians alone, I believe it can start from within the system by the people who advocate for restorative practices in their criminal careers.

My conclusions came out differently than my assumptions. I assumed that faith being imposed upon the law would be a benefit, when in reality, it was shown to have disadvantages and to leave those Christians vulnerable to attack. The law is the law and faith is faith, but that does not mean the two cannot get along together. Faith will not change the law directly because imposing one's religious beliefs on anyone or anything is not doing productive work. Faith is the rhythm that beats in the hearts of those that are helping to change the law through in the criminal justice system, who are speaking out against the injustices and publicly sharing that they are people of faith even in a secular career. It is that work within their hearts that faith is able to touch the law.

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