

Religion in Prison

By: William Morrisette, MA

What is the current state of religious ministry in the prison system? The answer to this question appears to be complex as there are many different religions and associated prison ministry designs proffering both qualitative and quantitative data that, at best, paint a conflicting picture regarding the current state of affairs. The American Correctional Chaplains Association identified five key areas around which this conflict centers including: Christianity as a universal prison model versus diversity of religious practice, the benefits of permitting versus prohibiting proselytizing, the efficacy of professional chaplains versus volunteers, open religious programs within a prison versus faith based units of rehabilitation and the conflict between laws guaranteeing religious freedom and civil laws designed to protect society. (Friedman) Although these conflicts and disparities of opinion exist there appears to be intriguing possibilities as our modern culture injects evermore diverse religions, religious practices and religious philosophy into the penitentiary setting. In order then to entertain the current state and future potential of prison ministry we might do well to consider its history, sources and dynamics of current conflicts as well as the degree to which religious change in our modern culture might provide benefit to the penitentiary system.

One of the most authoritative accounts of religion's historical role in the realm of discipline and punishment is Michel Foucault's work, Discipline & Punish, The Birth of the Prison. Foucault traces the development of discipline and punishment measures from

the use of public torture in the eighteenth century to the use of penitentiaries in the nineteenth and twentieth. In his analysis he makes a case that religion as an institution and religious faith have played an intricate role in the development of methods to punish and/or maintain discipline with criminals. As a stark example of this Foucault begins his work with an account of the execution of Damiens the regicide on 2 March 1757 who:

Was condemned 'to make the amende honorable before the main door of the church of Paris' where he was to be 'taken and conveyed in a cart, wearing nothing but a shirt, holding a torch of burning wax weighing two pounds'; then, 'in the said cart, to the Place de Greve, where, on a scaffold that will be erected there, the flesh will be torn from his breasts, arms, thighs and calves with red hot pincers, his right hand, holding the knife with which he committed the said parricide, burnt with sulphur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together and then his body drawn and quartered by four horses and his limbs and body consumed by fire, reduced to ashes and his ashes thrown to the winds' (Foucault p. 3)

Foucault explained that a significant rationale for the use of public torture was the belief that the endeavor would aid the accused in eternal salvation. Attaching to the belief that escape from hell required repentance, the convict was continually offered the opportunity, during the torture, to publicly repent and voice remorse for his sins. In addition, to escape from eternal damnation, it was believed that the pain inflicted upon the convict and his public cries from the pain of torture would reduce the time he would have to spend in purgatory. Finally, it was believed that the public witness of the torture would result in witnesses praying for mercy on his soul ultimately aiding the accused in receiving eternal salvation.

In the beginning of the nineteenth century, the use of public torture as a means of punishment gradually gave way to the development of the penitentiary. According to

Foucault this change could be summed up as a switch from punishment of the body to punishment of the soul. Consistent with the enlightened religious thinking of the time it was believed that punishment could serve to improve the piety of criminals in this world as well as provide salvation in the next. This contributed to the development of the modern prison system or “penitentiary” derived from the root word penitent reflecting the underlying religious influence. From the design of individual cells to promote private meditation to the many repetitive ritualistic endeavors consistent with religious practice, the prison was designed to promote piety, the strengthening of conscience and right behavior. Foucault describes the religious design.

Work alternating with meals accompanies the convict to evening prayer; then a new sleep gives him an agreeable rest that is not disturbed by the phantoms of an unregulated imagination. Thus the six weekdays pass by. They are followed by a day devoted exclusively to prayer, instruction and salutary meditations. Thus the weeks, the months, the years follow one another; thus the prisoner who, on entering the establishment, was an inconstant man, or one who was single-minded only in his irregularity, seeking to destroy his existence by the variety of his vices, gradually becomes by dint of a habit that is at first purely external, but is soon transformed into a second nature, so familiar with work and the pleasures that derive from it, that, provided wise instruction has opened up his soul to repentance, he may be exposed with more confidence to temptations, when he finally recovers his liberty. (Foucault p. 239-240)

This religious design and its merits were attested to in detail by Reverend John Luckey in his work Life in Sing Sing State Prison as seen in a Twelve Years Chaplaincy. In this work Luckey describes the earliest stages of prison chaplaincy and details the efforts he and others put forth to make the enlightened religious design a reality. Upon his assignment at Sing Sing he found that there were a very limited number of written

religious materials and as such he took it upon himself to petition the Governor. His petition read in part:

In society, conversation and kindred means give direction to the thoughts which finally form the character of the man. But in solitude the individual is left to commune only with his own heart; and what train of reflections is to be expected of those whose minds are under the influence of the most disorderly and corrupt habits. Hence the importance of books for such, to give direction to their minds; and of good books to give them a right direction. As their solitary condition induces them to desire books to entertain them, and will induce them to read whatever may be furnished to pass away the time, who can calculate the amount of benefit likely to result from a supply of such books as are designed to inculcate correct moral principles. Now, sir, I am exceedingly happy to know from your own lips that our opinions on this subject are coincident; and I am persuaded that yours would be greatly strengthened were you present with me in my daily visits to solitary cells, hearing the unfortunate men literally beg, and not with a few tears of contrition in their eyes, to be furnished with something to read that would instruct them in the way they should go. (Luckey p. 22-23)

An Inspectors report dated January 6th, 1842 cites evidence that the religious design and efforts of Reverend Luckey were extremely successful.

The unwearied industry of the Chaplain in his department, his devotion to the welfare of the convicts, and his incessant labors for their reformation, entitle him to our warmest commendation. He does not appear to have labored in vain; many of the convicts, under his lessons of instruction, exhibit evidence of a radical moral and religious reformation... The conduct of the convicts during the past year has been marked with submission and propriety; no attempts at insubordination have been made; they have uniformly been obedient and industrious, and have seemed to appreciate the efforts made for their moral and religious improvement. (Luckey p. 27-28)

Although the enlightened religious design showed signs of merit, it was not the only design being tested in the penitentiary. Luckey describes an experiment related to solitary confinement conducted at the Auburn State Prison in April of 1821.

After repeated experiments in prison discipline which proved to be defective in some vital particular...the legislature directed the Agent of the Auburn prison...to select a number of the most hardened criminals, and to lock them up in solitary cells, night and day, without interruption, and without labor. In December, 1821, a sufficient number of cells were completed and eighty convicts were placed in them. From this experiment results the very reverse of those which had been anticipated were produced; five of those who had been subjected to this confinement died within a year; one of them became insane, and another, watching an opportunity when his keeper brought him something precipitated himself from the gallery; the rest fell into a state of such deep depression that their lives must have been sacrificed had they remained longer in this situation. Under these circumstances the Governor pardoned twenty six, and the remainder were allowed to leave their cells. (Luckey p. 9-10)

According to the accounts of Luckey, the failure of this experiment endangered the success of the whole penitentiary system, however, Captain Elam Lynds who was the Agent of the Auburn Prison felt the initial religious design, providing for private meditation, still had merit. To this end he engineered a second experiment where prisoners would be in private cells at night and labor silently during the day. This experiment proved more successful and it was sanctioned as law in 1824.

These early religious penitentiary designs were subjected to many of the same evaluation standards that exist in our modern day prison system. The Chaplains Report for John Luckey dated 12 December, 1856 reflects both qualitative and quantitative measures relating to the prisoners including gender, nationality, types of offenses, age of offender, terms of sentence, rates of recidivism, and "habits of life." In his report he described the way in which he carried out his observations.

This was accomplished by corresponding with them, (I have yet in my possession hundreds of their letters to me.) by visiting them at their homes, by friendly greetings of recognition as I met them in the street and elsewhere, and keeping a memorandum of such meetings, and by inquiring of sheriffs, &c. By aid of these data I am prepared to say, fearless of successful contradiction, that at least two-

thirds of our convicts go out from under your judicious regulations and efficient discipline with genuine purposes of reform and succeed, more or less completely, in carrying out those purposes. (Luckey p. 371-373)

From the apparent success of the early religious penitentiary design, one might reasonably conclude that it would have been continued, however, success in rehabilitation was not the only consideration in the establishment of prison regulations. From its inception, prison design and the ability of religion to minister within its walls was impacted by politics and public opinion. Reverend Luckey voiced his frustration in relation to prison reform that was driven by politics.

So the work of detraction is begun and continued till every “drinking saloon” in our village resounds with it. The partisan newspapers teem with it, and the Governor’s and Legislators’ ears tingle with it. And so it comes to pass, that to a lamentable extent our prison laws and executive circulars are dictated by these unworthy influences, and the reformatory designs of the prison government are greatly hindered. If our statesman would base their legislative speeches and newspaper articles on official reports instead of “uncertain sounds” referred to, they would be more likely to serve the public interest. (Luckey p.49)

In addition to politics and public opinion, at the turn of the twentieth century, scientific knowledge replaced religion as a paradigm for prison design and operation. Consistent with other areas of culture, the advent of science created an environment ripe for new experiments in the areas of discipline and punishment. Foucault, in summing up the past 200 years of prison operations explains:

The prison should not be seen as an inert institution, shaken at intervals by reform movements. The “theory of the prison” was its constant set of operational instructions rather than its incidental criticism – one of its conditions of functioning. The prison has always formed part of an active field in which projects, improvements, experiments, theoretical statements, personal evidence

and investigations have proliferated. The prison institution has always been a focus of concern and debate... In becoming a legal punishment, it weighted the old juridico-political question of the right to punish with all the problems, all the agitations that have surrounded the corrective technologies of the individual. (Foucault p. 235)

Foucault's contention is that, despite its enlightened design and the early success of religious intervention, the penitentiary system never firmly established foundational principles of justice upon which operations were driven. Instead, the "active fields" of projects, experiments, investigations, political intrusions and public demands created an environment ripe for abuse of power, oppression and the creation of human despair. Recent statistics illuminate the price we have paid for this as the incarcerated are the fastest growing population in the United States with approximately 4500 added to the prison population each month. There are more than 2.2 million inmates in the nation's jails which reflects a 32 year continuous rise in the number of inmates. The U.S. incarceration rate is 724 per 100,000 residents which is the highest in the world. (Carder p. 25) These statistics bear consequences which have been witnessed by chaplains like Sarah Coakley.

Within the jail these prisoners would experience brutalizing violence, often of a sexual nature, and a high incidence of accompanying despair, mental illness, degradation and further criminalization... Their future lives, to say the least, had little prospect of worldly success or respectability... The birth of the modern prison system (another product of the enlightenment) was predicated on the possibility of penitential reformation. But this is a goal of which the postmodern system of punitive policing and imprisoning of large segments of the nonwhite population seems to have despaired... These institutions are a mark of our civilization or lack of it; the averted Christian Gaze is a guilty one... But trust and hope are hard to kill completely, and I am glad that I witnessed in these men something of the irrepressible dignity of the human spirit before God. (Coakley p. 20-21)

Even if one were to contend that Luckey's evaluation regarding the success of Christian prison ministry was somewhat self serving, there is clear evidence that something within the penitentiary has gone terribly wrong. Coakley hints that religion is part of the problem, by way of its diverted gaze and certainly prison ministry has changed over the past 150 years. To this end we might consider the current conflict and turmoil existent in prison ministry in order to consider its place within Coakley and Foucault's observations.

One of the first areas of conflict, which has its roots in early prison design, is the debate over Christianity as a universal prison ministry approach versus diverse religions and associated ministries working within the prison setting. In the early 1800's prison chaplains were exclusively Christian and their clear objective was to convert everyone. As the brand and style of religion was non-negotiable, chaplains like John Luckey dedicated their time exclusively to the moral and behavioral reforming process. In the modern prison system there is a great deal of religious diversity among inmates and a great deal of a professional chaplains time is now spent facilitating the inmates various practices. The American Chaplain's Association defines the modern Correctional Chaplains as:

Professionals with specialized training in the unique dynamics of the correctional system and institutional security...Religious Program Managers, ensuring that all inmates are afforded opportunities to practice the faith of their choice and coordinating the various activities of those faith groups...Primary Advisers, implementing religious program policy...involving various faith practices, religious property, diets and other religious standards, thereby ensuring that these are permitted to the fullest extent possible within the usually restrictive correctional environment. (Rogers p. 1-2)

The question that immediately arises is whether the shift from purely Christian ministry focused exclusively on reformation of the individual to religious Program Managers has resulted in a dramatic reduction in the religious effect within the prison walls. This question is not easily answered as there has not been a clear cut transition from Christian ministry to program management but rather a conglomeration of both proactive and reactive efforts that have sent prison ministry into a tail spin. One of the most significant directional forces has been monetary with administrators of prisons facing mounting costs and tighter budgets. In Georgia the state fired all their chaplains and then rehired them on a contract basis so that they would be working without job security or the benefits of full time employment. In 1991, Dallas Texas cut all its chaplain positions and now the county's prisoners have no full time paid chaplains. The same is true for Colorado who fired all their chaplains. The results of this have been chaplains attempting to maintain job security by abandoning their traditional role of religious minister of the faith and justifying their position within the budget by taking on more secular roles. Currently there is a shift from the old church model of chaplaincy to a new clinical model where:

The new model chaplain can do the work of several chaplains by using volunteers from a variety of faiths. These volunteers conduct the worship services, so the company is not doing religion, but the chaplain is still maintaining control over the religious program. Thus, there is no need to have other part or full time chaplains of different faiths. The new model is also cost effective because the religious coordinator is a professional counselor and an important part of the treatment team. In a therapeutic community, all departments work to instill and reinforce common objectives. Food service, security, laundry, education, recreation, substance abuse, maintenance and religious staff all are part of an emotional support network and contribute to the therapeutic climate in the correctional institution. (Fewell p. 16)

This new model has resulted in the development of faith based cognitive programs which combine psychology with the bible.

For example, Thinking Error No. 2 is Victimstance, which is defined as the tendency to see oneself as a victim of circumstances such as social condition, family history, past negative experiences, etc... For insight into this behavior, students are directed to look at the story of Adam and Eve's disobedience in eating the fruit of the tree of knowledge of good and evil, and their subsequent expulsion from the Garden of Eden, as described in the book of Genesis. They see that Eve, when confronted by God, blames the serpent who tempted her. Adam blames his wife for giving him the fruit and ultimately God, for giving him his wife. (Hall)

Proponents of this new model argue it is the best chance for paid prison chaplaincy to maintain any hold in the prison operation but it is a far cry from earlier days of prison ministry and results in the primary religious functions falling to volunteers. This change has spawned the second major area of conflict within modern prison ministry which is the efficacy of volunteers taking on the role of professional prison chaplaincy.

The use of volunteers presents two primary problems which is commitment and self interest. Throughout its 200 year history, prison ministry has been able to maintain a consistent Christian presence through the paid chaplaincy program and the question becomes whether volunteers will present in sufficient numbers or quantity of time to serve the ever growing population of prisoners. Proponents of the volunteer services argue that it has been the volunteers who have done some of the most significant work in prison ministry. An example of this is Sister Josephine Migliore who moonlighted at Chicago's Cook County Correctional Center on a weekly basis for over 14 years. In her

work, And I Loved Them...Voices of a Prison Ministry she attests to the strength of religious calling that emanates from inside the prison walls and the degree to which it can be a rewarding experience. However, Sister Josephine's experience also illuminates the problem.

Sometimes a volunteer or two will accompany Sister to the jail, but for the last several years it's been difficult to recruit any help. Some worry about the neighborhood, others the inmates. Some wonder why she goes at all. This day she's hampered by sore knees and a lower back weakened by the onset of osteoporosis, but Sister Josephine still marches purposefully toward the building's menacing black-iron front gate. (Migliore p. 3)

Sister Josephine, at 84, represents what some believe is an old guard of Christian volunteers who are not being replaced. Kenneth Carder, a retired United Methodist Bishop, found that religious volunteers were not satisfying the needs of the incarcerated.

Bill is always forthright, insightful and compassionate. When I asked him if any pastors or people from local churches ever visited his prison, which houses approximately 3000 people, he said, "I've been in this prison six years and I haven't seen a preacher yet, and I'm not aware of any churches that are involved here." ... He added that over his 25 years of incarceration he had seen many pastors and church people promise, with good intentions, to visit, but only a handful can be depended on to stick around very long. (Carder p. 29)

Charles Colson of Prison Fellowship takes it one step further in his belief that "much of the church seems to agree with the surrounding culture that those in prison deserve to be there, and the more they suffer the better – end of story." (Byassee p. 20) Colson has been trying to get people interested in prison ministry for over 30 years with less success than he'd like.

There appear, however, to be volunteer efforts that provide hope. Kairos is an organization that provides prison ministry services throughout the country.

Kairos sends several dozen volunteers into a prison for a long weekend. Each volunteer is matched with an inmate and small groups of prisoners and sponsors meet around a table with a clergyperson to listen to one another's stories and learn about Jesus. Kairos offers concrete signs of unconditional love. Each inmate, upon first walking into the meeting room, is applauded-no questions asked or lectures about what they've done. Homemade food is provided throughout the weekend. Each prisoner is given dozens of encouraging letters written by volunteers from the outside... Graduation from the program is attended by friends and loved ones – another occasion for showering them with love. (Byassee p. 21)

In addition to programs, there are also examples of individuals who appear to be making a difference. Tom Lagana has volunteered extensively in the prison systems throughout the United States and he was the recipient of the Jefferson Award for outstanding public service. Along with his wife Laura, he wrote a book, Serving Time, Serving Others which contains essays by prisoners who have found ways to experience restorative benevolence behind prison walls. On the surface, efforts like Lagana's would seem to indicate potential for volunteers but this leads to the next significant area of conflict which is self interest.

One of the most significant battles raging in prison ministry today is related to open religious programs versus faith based units. In the past few years, prisons have been experimenting with inmate living units which are operated by way of faith based principles. These programs purport to be open to inmates of various faiths but many are operated out of a single faith mission and are proselytizing machines. The most well know of these programs is InnerChange which is an evangelical Christian program

founded by Prison Fellowship. The Texas Department of Criminal Justice implemented the InnerChange Freedom Initiative in response to a directive from the Texas Senate Committee of Criminal Justice that prisons should develop programs that are evaluated on the success of reducing recidivism. InnerChange administered the Prison Fellowship Ministry for the state of Texas and centered it around the life transforming power of Jesus Christ. The program was initiated under then Governor George W. Bush in March 1997. It was structured so that inmates would spend their days like students at a Bible college.

Seven days a week, from the predawn prayer until 10p.m., they follow a strict Christ Centered agenda. As described on the state of Texas government Web site, 'It's the nation's first ever, 24 hours-a-day, Bible- and value-based prerelease program aimed at helping inmates achieve spiritual and moral transformation. (McDaniel p. 169)

In 1999 the InnerChange model was established in Iowa prisons and came to the attention of Americans United First when an inmate filed a lawsuit challenging the program which resulted in the case Americans United for Separation of Church and State v. Prison Fellowship Ministries. In his decision on this case, Judge Robert W. Pratt indicated that Iowa's Newton Correctional Facility had become far too entangled with religion by establishing a special wing for Prison Fellowship's InnerChange program. He wrote in part:

The religion classes are not objective inquiries into the religious life, comparable to an adult study or college course, offered for the sake of discussing and learning universal secular, civic values or truths. They are, instead, overwhelmingly devotional in nature and intended to indoctrinate InnerChange inmates into the Evangelical Christian belief system. For all practical purposes, the state has literally established an Evangelical Christian congregation within the walls of one of its penal institutions, giving the leaders of that congregation...authority to control the spiritual, emotional, and physical lives of hundreds of Iowa inmates. (Boston p. 4)

Judge Pratt's evaluation of the InnerChange program speaks to the next central debate within prison ministry which is the issue of permitting versus prohibiting proselytizing. Proponents, like Prison Fellowship argue that no one is actually required to convert to pass through their program, however, observations from the inmates which led to the law suit against InnerChange speak otherwise.

One inmate, Benjamin Burens, who practices a Native American religion, participated in InnerChange for a while, even though he is not a Christian. Burens testified that InnerChange staff pressured him to become a born-again Christian and criticized him for taking part in Native American rituals, labeling them a form of witchcraft. Burens was eventually expelled from the program...non evangelical Christians were commonly referred to by InnerChange staff as 'unsaved,' 'lost,' 'pagan,' those 'who served the flesh,' 'of satan,' 'sinful,' and 'of darkness.' (Boston p. 5)

Opponents of InnerChange argue that its central mission, as it expressed in its organizational materials, speaks to its bias as it indicates that it is an integral part of bringing a biblical sense of justice to correctional facilities in American.

States will realize a spectacular reduction in the rate ex-offenders are returned to prison and Prison Fellowship through equipping, exhorting and assisting the local church to minister to prisoners, victims and their families will realize souls won for the Kingdom of God. (Boston p. 6)

The efforts of InnerChange, in addition to fueling the debate over proselytizing, also became the focus of the fourth major area of debate which is the merits of open religious programs versus faith based units. In the traditional prison chaplaincy model, a paid prison chaplain facilitates multi-faith practices through common areas like the chapel. In the InnerChange model, entire sections of the prison are dedicated to the evangelical program.

InnerChange inmates enjoyed perks and benefits that are significant to an incarcerated population. The special unit for InnerChange inmates featured private toilet facilities and cells with wooden doors instead of steel. The environment was generally safer, and inmates were entrusted with keys to their own cells. InnerChange inmates had extra contact with their family members and even gathered together to watch movies on weekends. But InnerChange inmates got an even bigger benefit: access to special classes that made parole much more likely. (Boston p. 5)

The major criticism by the inmates and the State was that inmates were bribed into converting to Christianity because of the special perks the unit offered. Although InnerChange claimed all faiths could access the faith based unit, the reality was that those of diverse faiths who resisted conversion were discriminated against. The counter to faith based units and proselytizing is religious freedom for all but this leads to the final area of significant contention within prison ministry which is laws guaranteeing religious freedom versus civil law guaranteeing a separation of church and state as well as protection of society.

“Although the rights of inmates to practice their religion are unchallenged, the extent to which the institution must go to provide this freedom is still hotly debated.” (Fewell) This debate can be traced through the case law of *Cruz v. Beto*, *Employment Decision v. Smith*, *The Religious Freedom Restoration Act (RFRA)*, *Boerne v. Flores*, *the Religious Liberty Protection Act* and *the Religious Land Use and Institutionalized Persons Act*. (Whitney p. 19-20) The central area of debate is the balance between the legal responsibility of the prison to ensure safety and security against a prisoners right to practice religion. The current legal conflicts have their roots in early religious discrimination. As the Christian influence was most significant during the early

formation of the penitentiary, it became entrenched in the prison ministry system and was unfriendly towards other faith traditions. From 1963 to 1979 a Shin Buddhist minister, Reverend Hogen Fujimoto carried on a lone ministry to U.S. inmates. As part of this ministry he began correspondence with an inmate known as Cruz but the prison administrators objected citing Buddhism as an “exotic” religion. For several months they locked Cruz in isolation and provided him with only two slices of bread per day. Cruz filed a lawsuit, which he originally had to write on toilet paper. This case, known as Cruz versus Beto, went all the way to the U.S. Supreme Court and became foundational case law for religious freedom in the United States.

Despite this case law, discrimination and legal difficulties still persist. The California Native American Chaplains Commission indicates that:

As a result of the growing number of Native American inmates, the request for Native American services and chaplains or spiritual leaders is growing rapidly. However, Native American inmates face constant discrimination; in some instances their practices have been called a “Cultural Club” and in most cases they are discriminated against for simply being different...Some inmates are put in solitary confinement and sacred items are confiscated, others harassed by prison guards. (Lopez p. 8)

Further complicating the issue is the sheer logistics of providing a multi-faith chaplaincy program. Robert Toll, a chaplain at the Jefferson County’s Sheriff’s office in Colorado explained:

We have only a few Muslim, Jewish, Buddhist, Hindu, Wicca, Native American, Mormon, or other minority faith inmates in our facility at any given time and not enough of any of these faiths who are allowed to be together to warrant group worship services. We must separate men from women, pretrial from sentenced, and various security levels...consequently I make special arrangements for cleared clergy persons from these faith groups to have one on one worship services or studies of their sacred scriptures. (Toll)

Although there are difficulties on a local level, the most controversial legal aspects of multi-faith prison chaplaincy is centered around the efforts of President George Bush and his Faith Based Initiatives. President Bush established the White House Office of Faith-Based and Community Initiatives to “help the federal Government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America’s communities.” (Bush, 2001) President Bush has indicated that in relation to faith based initiatives in prison, belief will not enter into determinations of which religious groups are chosen to participate in his faith-based programs, rather only results will be considered. The issue is that the word “results” may have religious implications. One religion may view success as conversion to a particular belief whereas another may consider ability to integrate back into a family unit or rates of recidivism. It is unlikely that government funding will be provided without a promised production of results that are consistent with its goals which could inevitably favor one religion over another.

When one considers the current areas of conflict within prison ministry, it is easy to validate both the premises of Foucault and the observations of Coakley. Despite the best intentions of the penitentiary’s designers, the prison has failed to meet expectations and the key problem as Foucault describes, is the lack of a central philosophical prison theory. One could argue that Christianity provided that philosophy in the 1800’s but current prison ministry participation, diversity and conflict raise questions about its ability to be a beacon of moral justice. Because of this, debate has developed regarding

the viability of a restorative form of justice as opposed to a harsher retributive justice and it appears that there is little hope a consensus can be found. The sticking point centers around societies inability to perceive any benefit from a policy of restorative justice and furthermore, argue it fails to acknowledge the loss and pain suffered by the victims.

Because of the 150 years of stagnation in prison evolution and the perilous state in which both prisons and prison ministry resides we might consider a new paradigm in order to identify a potential solution; a paradigm that presents itself by way of a closer analysis of early prison design and the nineteenth century prison chaplaincy programs.

One could argue that the early prison design was a combination of four philosophies of justice which we would now define as Retributive, Preventative, Transformative and Restorative. Retributive would be defined as a belief that justice is served by inflicting upon the offender a degree of pain equal to that which was inflicted upon the individual and/or society. Preventative would be defined as a belief that justice is served by providing a degree of punishment that would serve both as a deterrent to the offender such that he would not re-offend and to society such that they would not initially offend. Transformative would be defined as the belief that justice is served by providing a design of punishment that would successfully change the offender's moral being. Restorative would be defined as a belief that justice is served by providing a degree of punishment that results in the successful restoration of the individual to a healthy and productive civil life. In the early prison operations we see efforts that were designed to transform the soul, restore the person to a productive role within society and provide a

degree of punishment that would both satisfy the “vengeful” inclinations of society and create a deterrent effect.

Taking this paradigm one step further, we might argue that Retributive and Preventative Justice fell under the purview of the prison administration/civil authority and Transformative and Restorative Justice fell under the purview of the religious element in prison or the prison chaplaincy. In this way an equilibrium was created between the two powers, church and state, and the four philosophies, two religious and two civil. The key to this equilibrium, and arguably the success of the prison design, was dependent upon the continued embrace of the four philosophies as parts of a whole and the maintenance of equal power between the prison administration and the prison chaplaincy. One could argue that the gains in early prison operations, attested to by Luckey, were the result of prison ministry having the strength to equally oppose prison administration as well as the existence of the four philosophies.

In considering the paradigm at a deeper level and addressing the current debate over restorative justice we might extend by attempting to defend the necessity of the four philosophies in prison operation. We might say that Retributive and Preventative justice is the price that the offender pays to satisfy his debt to society; Transformative and Restorative justice, the price that individuals within society pay to satisfy their debt/moral obligation to humanity. In this way, both society and the offender become unified as debtors and the prison becomes the vehicle through which everyone pays their due. Laura Magnani echoed support for this view when she proposed an inter-faith paradigm.

Although we work diligently to remove the injustices that result in crime, we recognize our responsibility to stand with the imprisoned, as well as the survivors of crime, as long as social policy results in their abandonment and isolation. Official sanction of cruelty will not produce positive change in individual lives or in social structures. Official sanction of cruelty is not justice. Rather, it leads to abuse and deeper violence. As long as prisons exist, it is our duty to shine a critical light on them and to walk with those most affected. As we work for penal abolition, we also work in solidarity with the imprisoned, their families, and survivors. We recognize that we all do harm, and we have all been harmed. In working cooperatively toward justice, we are redefining ourselves within our communities. When the captives are finally set free, we will recognize that we and they are one. (Magnani p. 187)

If we hold this paradigm and the early prison design as valid then we might ask ourselves how we have come to this point of oppressive power observed by Foucault and human despair as attested to by Coakley. The simple answer is imbalance; the prison chaplaincy has lost its ability to oppose prison administration and support its two philosophies of justice, Restorative and Transformative, to a degree that they can keep the opposing philosophies of State in check.

To expand our paradigm an additional level we might add a philosophy of technology to illuminate the concepts of opposing forces, imbalances and the implications of the current conflict and disparity within the prison. Jacques Ellul, in his work The Technological Society, indicates that there has been an adherence of the whole of society to a “conspicuous technical objective” which, at least in part, is associated with an instinctual human desire to survive both physiologically and psychologically. As individuals and collectively we might like to make the case that we place a higher importance on the development of a morally just society but the reality is that, despite

momentary bouts of selflessness, humanity instinctually strives to create self interest driven means for survival, “technique.” Ellul contends that “a principal characteristic of technique is its refusal to tolerate moral judgments...There is no purpose or plan that is being progressively realized” (Ellul p. 97) This technical objective or technique continually strives to perpetuate itself and, at its worst, this technique is a force that can overpower entities that endanger its striving for efficiency. Ellul describes technique in relation to the law.

For the technician of the law, all law depends on efficiency. There is no law but in its application. A law which is not applied is not a law. Obedience to rule is the fundamental condition of its being. Legal abstraction is unreal. The whole technical apparatus (expression of legal norms, publications of laws, applications in jurisprudence or doctrine, voluntary or forced realization) has but one end: the application of the law. And this complex corresponds exactly to the notion of technique in general, that is, an artificial search for efficiency. (Ellul p. 293)

In the early prison design we see the beginnings of this technique which culminated in the twentieth century. The active fields of “projects, improvements, experiments, theoretical statements, personal evidence and investigations” Foucault described can be seen as the technique of prison administration, striving to become stronger and overtake threats that would jeopardize its efficiency. A modern example of this is the movement towards the privatization of prisons; privatization equals better efficiency. Corporations, like Wackenhut, have entered the prison business and the technique of corporation is to produce a profit. Despite any moral inclinations individuals within the corporate structure may have, the technique of corporation and the efficiency of prison benefit from high rates of recidivism and ever increasing

incarceration rates per capita. The more prisoners in the system, the longer the stay, the more they return, the more efficient the apparatus becomes.

An argument that is beyond the scope of this discussion is whether religion can be a “technique” as it has moral considerations. However, if we assume that it at least shows characteristics equal to Ellul’s technique, an argument could be made that religion and by extension prison ministry, as a technique, thrived in the early years of prison operation because it served as a source of physical and psychological survival through its promise of eternal salvation and its ability to make meaning of our complex and chaotic world. With the advent of scientific advance and the increasing secularization of our culture, religion, as a technique of survival has experienced significant deterioration. From this we can then visualize the technique of prison operation, and its attached philosophies of Retribution and Prevention growing larger and the technique of prison ministry and its associated philosophies of Transformation and Restoration becoming weaker. The equilibrium is lost and we are left with Coakley’s “brutalizing violence, often of a sexual nature, and a high incidence of accompanying despair, mental illness, degradation and further criminalization.”

When we consider the most significant debates surrounding modern prison ministry through the lens of technique we find that they relegate prison ministry to a position of inferiority. For example, there is significant criticism that Christianity refuses

to let go of its hold on prison ministry and allow other religions equal status to the extent that other religions are claiming discrimination. As long as Christianity and the other religions battle each other and remain divided, the technique of prison administration will conquer them. Should religions be allowed to proselytize within the prison walls or should they simply be allowed to minister to those who voluntarily arrive at the respective faith traditions? From the standpoint of technique the answer doesn't really matter, however, as long as the religions battle each other and the State, and remain divided, the technique of prison administration will conquer them. Can religion be effectively carried inside the prison walls with volunteers or is paid prison chaplaincy the only viable solution? The answer is that neither will be viable unless they unify. Volunteers can't do it without the support of the Chaplaincy core and its support structure, the chaplaincy core will never survive without volunteers. As long as they continue to battle with each other and remain divided, the technique of prison administration will conquer them. Should prison ministry take the form of the multi faith chapel or faith based units within the prison? The answer is that it doesn't really matter as long as a unified religious presence, committed to its philosophies of justice exists within the walls. As long as faith based units and multi faith chaplaincy programs fight and remain divided, however, the technique of prison administration will conquer them. And finally, should the laws of religious freedom take precedent over the laws protecting the individual? The answer is that there should be an equilibrium between the two and the four philosophies of justice they defend and as long as they battle each other, the technique of prison administration and the civil law will prevail. As such it would appear

that the only hope for prison ministry is unity and this is certainly contrary to the current state of affairs.

As prison ministry is an extension of religion at large, one would have to wonder what future prison ministry could possibly have in light of the religious conflict that exists in our world today. We will certainly not find any magical unifying religious force on the immediate horizon that has an answer for prison's technique; no Herculean force that holds its two philosophies of justice in one hand and holds off prison administration with the other. But perhaps there are some whispers; some subtle voices that gossip about interdependence, global unity, tolerance, inter-religious dialogue and understanding.

Huston Smith speaks of a unifying wisdom that is found when the essence of the world's religions are considered. He begs us to work towards a unified understanding and a philosophy of global inter-relatedness.

The community today can be no single tradition; it is the planet. Daily the world grows smaller, leaving understanding the only place where peace can find a home. We are not prepared for the annihilation of distance that science has effected. Who today stands ready to accept the solemn equality of peoples? Who does not have to fight an unconscious tendency to equate foreign with inferior? Some of us have survived this bloodiest of centuries; but if its ordeals are to be birth pangs rather than death throes, the century's scientific advances must be matched by comparable advances in human relations. (Smith p. 390)

In a similar light, Joseph Campbell asks that we consider the common mythology that is at the core of all world religions and how we might expand to a planetary mythology.

There are no boundaries. The only mythology that is valid today is the mythology of the planet-and we don't have such a mythology...The task is only to know what is, and then to act in relation to the brotherhood of all of these beings...We

need myths that will identify the individual not with his local group but with the planet. (Campbell P.22)

Rosemary Radford Ruether finds solace in Gaia and urges consideration of a unity with all living things.

All beings live in community, both with members of their own species and with others for which they depend for food, breath, materials for construction, and affective feedback. Yet there is a tendency in the life drive itself in each species to maximize its own existence and hence to proliferate in a cancerous way that destroys its own biotic support...The life force itself is not unequivocally good, but becomes evil when it is maximized at the expense of others. In this sense good lies in limits, a balancing of our own drive for life with the life drives of all the others in which we are in community, so that the whole remains in life sustaining harmony. (Ruether p. 256)

Abraham Heschel sees sacredness in time; something everyone shares.

Time is the process of creation, and things of space are results of creation. When looking at space we see the products of creation; when intuiting time we hear the process of creation. Things of space exhibit a deceptive independence. They show off a veneer of limited permanence. Things created conceal the Creator. It is the dimension of time wherein man meets God, wherein man becomes aware that every instant is an act of creation, a Beginning, opening up new roads for ultimate realizations. Time is the presence of God in the world of space, and it is within time that we are able to sense the unity of all things. (Heschel p. 100)

And, Thich Nhat Hanh sees unity and understanding as roots that form a strong foundation.

When two people from different traditions marry, the young man could make a vow to learn and practice the spiritual tradition of the young woman, and the young woman could make a vow to learn and practice that of the young man. In that case, both of them would have two roots instead of one, and this can only enrich the person...This will open up a new age where people are more tolerant, where more people can see the beauty and value of other traditions...You love the apple; yes, you are authorized to love the apple, but no one prevents you from also loving the mango. (Hanh p. 202)

Reverend David Schilder, chaplain at the Orient Correctional Institution believes that "When the pain of change is seen to be less than the pain we are now in, we will

change.” (Schilder p. 135) The question is simply how much more will we have to suffer before we come to believe that the pain of change is less. We began with a consideration of the current state of prison ministry but this question leads us to a question of global proportion for as Kenneth Carder of Duke Divinity School states:

Prisons are a microcosm of our larger society and as such prisons and jails present in microcosm the challenges confronting the church and the world – racial polarization, economic disparity and poverty, terror and violence, drug and alcohol abuse, personal and family brokenness, isolation and loneliness, anger and meaninglessness and guilt. Behind the walls of every prison and jail are fathers and mothers, sons and daughters, husbands and wives, friends and neighbors – all persons made in the divine image who, like the rest of us, have distorted that image and who long for love, reconciliation and purpose. Ministry in such contexts of intense needs and opportunities can energize and shape ministry in the broader society where the same realities exist in less concentrated form. (Carder p. 25-26)

The state of religious ministry in prison is tenuous at best and for the sake of humanity we must pray that it improves.

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