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Social Justice

Dr. Houser

15 December 2016

Fighting for Social Justice in the Criminal Justice System

Social justice is defined as promoting a fair, equal, and moral society in which everyone has access to opportunities, justice, and basic human rights. In my opinion, social justice can never truly and universally be achieved, but that does not mean we should not fight to attain what justice we can. The world that we live in is imperfect and sinful. Ever since the fall of mankind in Genesis chapter three, all of creation has been subject to sin and its consequences. As a result, societies around the world are filled with inequality and injustice fueled by selfish and immoral human beings. Although our world may be full of sin and social injustice, we must strive to make it the best it can possibly be by fighting for justice. From Jesus assisting and healing the poor and crippled to protesting in order to end desegregation, people have been striving to achieve social justice for millennia. There are many different subtypes and categories of social justice as well as many avenues to go about achieving it. Some may fight for racial equality and minority rights, others may seek out legislation to protect the environment. The combinations of issues that are prevalent in the world and avenues to achieve them are endless. Social justice is such a broad umbrella of disenfranchisements, issues, and inequalities that the possibilities are endless. People from all walks of life and all disciplines of academia can strive to achieve social justice in

their own way. This is what makes social justice unique and worthwhile. Social justice is a noble cause because it involves fighting for moral causes that are beneficial to other people. Campaigning for a resolution to problems like inequality or religious persecution may be difficult and may seem impossible, but in the end, you have helped out your neighbor, which is what Jesus calls us to do and what we, as decent human beings, should strive to do. I personally have been called to fight for social justice in the criminal justice system. Ensuring access to justice to both perpetrators and victims is my version of social justice and my calling. Even further, my passion really lies within fighting for justice for victims of rape and sexual assault. I believe that the criminal justice system is a pivotal place for social justice and that the rights for both victims and the accused must be protected.

Last summer I worked as a court clerk for a judge in the Pulaski County Circuit Court System, sixth division. The judge I worked for was a criminal court judge, dealing primarily with adults and the occasional juvenile that was being charged as an adult. My day was usually filled with setting and entering court dates into the computer, sending court date notices to defendants, and putting into the system what all happened in court to every individual we saw that day. The work was often tedious and boring, but the best part of my job was sitting in court and watching the judge and attorneys work together to find solutions to problems involving both the defendants and victims. Whether it was just a regular day in court, where we saw about fifty to seventy defendants a day, or a trial, I enjoyed every minute of watching the justice system being played out. The judge I worked for was a fair judge. He gave second chances to almost everyone, and for some people, he would give a third, fourth, maybe even fifth chance if he believed they could

turn their life around. Sometimes, though, the justice system does not always work out the way we might want it to. Many factors play into the sentencing of a defendant, such as how much time they have spent in jail waiting for their trial and how many charges they have had previously. There is not much a judge can do when the jury hands down their ruling and sentence, especially when the defendant has already served their sentence waiting on the trial date. This was the exact scenario played out in the courtroom the day I discovered exactly why I want to be a prosecuting attorney.

The day was just like any other day at work. The days we had trials, usually Tuesday and Wednesday, were typically filled with catching up on paperwork from the heavy court days before. I did not go into the courtroom and sit in on the trial we had that one Tuesday in June, but I did not have to in order to see the injustice that occurred. The charge was sexual assault. A fourteen-year-old girl had been sexually assaulted by her mother's boyfriend. I remember being so focused on my paperwork that I did not even read the docket to see who the defendant or the victim was and just went about my business as usual. Then the fourteen-year-old girl came into the office. She was going to testify in court about the assault she had experienced with her abuser's eyes staring her down. She walked through the office and I remember looking over at my supervisor and asking her how old the girl was. She told me she was fourteen years old, that she had been sexually assaulted by her mother's boyfriend, and that she was about to testify in court. I remember thinking how brave that little girl was to get up on the stand, in front of the defendant and her mother, and tell the story that changed her life forever. When she came back out of the courtroom into the office, she

was weeping. She was practically being held up by the witness coordinator. Her abuser was sentenced to three months in jail, time he had already served, and was set free.

That particular Tuesday completely defined my calling and really solidified my desire to fight on the behalf of victims. Many people had asked me before this particular experience why I wanted to be an attorney, and I never could give them a real, concrete answer because I did not even know myself. The desire to become an attorney was just something I felt. It was something that just all of a sudden was, without even a spark to ignite it. I have always had this passion to help people and to solve problems in whatever way I could. I am not a very extroverted or social person, but I find great satisfaction in assisting others, giving them advice, and finding solutions. It was on that Tuesday that I discovered I could do all three of these things at once while fighting for the justice that everyone deserves. Paul Kalanithi described this phenomenon beautifully in his novel, *When Breath Becomes Air*, when he said, "Openness to human relationality does not mean revealing grand truths from the apse; it means meeting patients where they are, in the narthex or nave, and bringing them as far as you can" (96). Although Kalanithi uses these architectural terms to refer to a doctor-patient relationship, his advice is applicable to all occupations: the best way to connect to others and help them is to humble yourself and meet them where they are. He dismisses the idea of helping people in a god-like manner, and instead employs the humble servant method that Jesus utilized throughout his time on earth. He notes that, "...life's meaning, its virtue, had something to do with the depths of the relationships we form" (39). Kalanithi truly found the basis of a calling, not just a job, in human relationality. My desire to help others, especially victims of rape and sexual assault,

stems from this idea that we must humble ourselves and form meaningful relationships with those we come in contact with. Jesus showed us this through his ministry, purposely seeking out the disenfranchised and the persecuted. He met them where they were, formed meaningful relationships with them, and helped them when they needed it the most. Victims of crimes, particularly rape and sexual assault victims, are vulnerable and in need of help and guidance. As a prosecuting attorney, I want to help victims and guide them to getting through the troubling times they are currently facing.

The criminal justice system in the United States has its pros and cons. Some find the justice they deserve, others do not. Some get the help and services they need, others do not. The system is set more on the concept of moral desert than it is anything else. In theory or law, the criminal justice system seems quite black and white, but in reality, it is much more of a flexible and fluid system, going on a case-by-case basis. In his book, *Justice: What's the Right Thing to Do?*, Michael Sandel discusses John Rawls and his denial of the idea of moral desert. Sandel describes that Rawls argued that justice, "...is not about rewarding virtue or moral desert. Instead, it's about meeting the legitimate expectations that arise once the rules of the game are in place" (161). Sandel also highlights how Rawls makes a distinction between moral desert and entitlement, saying the latter arises from rules or law and the former are immoral and distributed unfairly. This may be true in some systems or types of social justice, but in the criminal justice system, I think moral deserts are the best way to handle justice, both for the victims and defendants. If every crime had a particular sentence set in stone by law for it, then there would be no flexibility of punishment. Judges and juries could not take into account circumstances that might enhance or reduce a punishment, such as a

defendant's supportive family or a violent history. A single punishment does not fit every defendant or circumstance, so moral deserts, whether they be negative or positive, allow juries and judges to find the punishment they see most fit for a certain case. Moral deserts could also be services or programs that can help defendants get back on track and look forward to a better future. However, the criminal justice system is not perfect, and some moral deserts, like therapy or rehabilitation, are never granted to the people who need them the most. Although my passion truly is in helping victims of crimes, particularly rape and sexual assault victims, obtain the justice they need and are entitled to, I want to help defendants access the services and assistance they so desperately need as well. In Andrew Solomon's book, *Far From the Tree*, he writes a chapter over juveniles involved in crime. He tells many stories of parents and their children who have been incarcerated for anything from theft to more violent crimes. Even though my calling is to work with adults and not in the juvenile justice system, most of the defendants that are seen in court began their life of crime at a young age. Several common themes were found among these juvenile offenders, including a lack of family structure and involvement with drugs and alcohol. Unfortunately, most of these juveniles grow up to be adult defenders as their patterns of delinquency continue. The problem with the criminal justice system, whether it be juvenile or not, is that sometimes defendants do not have access to the services they need in order to change. Their wrongdoing might have begun at a young age, either by accident or lashing out, but they reoffend because nobody helped them at the beginning. Fortunately, there are initiatives in place, like the Service Matrix Project headed by Associate Justice of the Arkansas Supreme Court Rhonda Wood, that are striving to gather information about programs and services

available to juveniles in different counties in the state of Arkansas in order to keep them from reoffending. Some juveniles in the juvenile justice system are not bad people, much like some adults in the criminal court system, but they just do not know how to break their cycle of crime. Solomon quoted one of Chicago's earliest juvenile court judges as saying, "The problem for determination by a judge is not, Has this boy or girl committed a specific wrong, but, What is he, how has he become what he is, and what had best be done in his interesting in the interest of the state to save him from a downward career" (545). This is what not only the juvenile justice system, but the criminal justice system in general should be defined around, not just solely what the defendant did and what the appropriate punishment is for that crime. I am not saying that punishment should not be used, but should be coupled with real help and services to eliminate the true source of the crime cycle, such as drugs or poverty. Karina Lopez, a juvenile offender interviewed by Solomon, says it like this, "The government should put more money into rehabilitating criminals so that they have a chance to turn their lives around. Most of us want to, if we can just figure out how" (568).

After that Tuesday that gave cause to my desire to be a prosecuting attorney, I realized that my passion for justice really rooted in helping victims of rape and sexual assault. Both rape and sexual assault are unique crimes, usually completely destroying the lives of those they affect both mentally and physically. Many, if not most, rapes and sexual assaults go unreported because of fear, both of the perpetrator and of society. Even today, there is a stigma around rape and sexual assault victims, especially when those victims become pregnant because of the crime. Society often accuses the victim, especially women, of being promiscuous, careless, and deceitful, particularly when the

abuse occurs in a relationship. Solomon, in his chapter on rape, quotes Louise McOrmond-Plummer, coauthor of *Real Rape, Real Pain*, and herself a rape survivor, as writing, "The woman raped by her partner was routinely blamed and told since her rapist was her partner, it wasn't 'real' rape. Women such as myself were being told that our pain was an overreaction; the fact of being in a relationship meant that any sexual rights were void" (512). Sadly, most victims believe these accusations, or even just accept them enough to keep quiet. Solomon interviewed several women who have been victims of rape and sexual assault, all of them became pregnant because of what they endured. These heinous crimes leave women feeling powerless and only useful for a particular purpose, like tools or machines. The majority of the women that Solomon interviewed became depressed and most all of them either suggested thoughts of suicide or attempts. Once these women have gone through such a traumatic event, their lives are changed forever, both emotionally and physically. They usually do not enjoy close and personal connections, and often cannot find love or satisfaction in future relationships. Solomon quotes Padmasayee Papineni, who studied women pregnant through rape, as writing, "Rape survivors have a much greater fear about intimacy, less comfort with closeness, and more fear of abandonment" (486). One particular interview that Solomon wrote about really resonated with me and strengthened even further my desire to help rape and sexual assault victims. Ashley grew up in a poor household with parents who barely took care of her. She did not know where her next meal would come from or if she would have electricity in her home. So when she met wealthy and seemingly kind Martin, a thirty-five-year-old man, at age sixteen, she decided to move in with him, even though he had already raped her

multiple times. She became pregnant and decided to marry Martin, despite that he beat and stabbed her repeatedly. When her daughter, Sylvia, was five months old, she fled to Florida to get away from Martin, but returned to him a year later after she realized she could not afford to support herself and her daughter. When she returned, Martin sexually assaulted her, kidnapped her child, and divorced her. Ashley eventually got joint custody of her daughter, but soon realized Martin was sexually assaulting her too, and she filed for a protective order. Martin, though, being male and having greater financial support, accused Ashley of lying, and despite having a record of assault and drug possession, was granted full custody of Sylvia. When Sylvia later told her mother the sexual assault was getting worse, Ashley sued for custody again, but was denied a second time and even ordered to pay Martin's legal bills. She eventually gave up hope of ever getting her daughter back, and rarely ever sees her. Sylvia still undergoes abuse and quit taking showers and changing her clothes in order to avoid as much sexual assault from her father as possible (512-516).

It is the injustice in stories like this one and the case I witnessed this past summer that truly solidify my desire to become a prosecuting attorney in order to fight for victims, especially those of rape and sexual assault. The criminal justice system in the United States is not perfect. Defendants do not always have access to the services and help they need, and victims do not always get the justice they deserve. Juveniles in the juvenile justice system often repeat their cycle of crime on into adulthood. Rape and sexual assault victims are accused of lying or soliciting their own suffering. I desire to help others and find solutions to their problems. My version of social justice is doing just that in the criminal justice system. I want to be the voice for those who do not feel like

they have one. I want to get defendants access to the help they need in order to turn their lives around. I want to obtain justice for victims who have been disenfranchised by another human being. Proverbs 31:8-9 says, "Speak up for those who cannot speak for themselves; ensure justice for those being crushed. Yes, speak up for the poor and helps, and see that they get justice."

Works Cited

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