

What place does faith have in the delivery of criminal justice?

Naomi Phillips, Philip Whitehead, Nic Groombridge and Claire Bonham give their opinions on whether faith based interventions are appropriate

Naomi Phillips: Prisoners should have real and equal chances in prison to rehabilitate, with no pressure or inducement to find God

Religion does not 'make people good', is not an especially important indicator of doing good works for others and does not make people less likely to commit crime or reoffend. Yet successive governments in recent years have been determined in supporting and growing religion based initiatives and programmes in prisons.

The Labour government's policy was actively to promote 'faith based interventions' in prisons and probation. This was not just to supplement state provided secular services, but amounted to a policy of commissioning religious organisations to provide those services within the National Offender Management Service (NOMS). This included seeking to hand over programmes to reduce reoffending by young people and adults to religious groups, with few safeguards in place. There were no measures to stop those groups taking the opportunity to proselytise – the *raison d'être* of many evangelical groups actively seeking to work in prisons. In the same breath the government admitted there was 'no hard evidence' that faith based interventions had any direct impact on reoffending rates.

For the present Coalition government there is little doubt too about its commitment to handing over services to religious groups to run on its behalf, lauding such groups as being at the very heart of its social policies. The Liberal Democrats had criticised Labour's *laissez-faire* approach to religious groups performing public functions. They had committed to making discrimination and proselytising unlawful when religious groups are providing services, especially in places such as prisons where the service users are captive and have few other choices available to them. However this has fallen by the wayside now they are in government.

So we have a situation where, despite the lack of evidence of its efficacy, religion has begun to have direct influence on the criminal justice system. At the same time there are few legal and practical protections for prisoners against the imposition of religion in the services they receive.

The influence of religion in prisons is not new. In addition to formal involvement in NOMS, religious organisations are heavily involved in prisons in other ways, through the running of non statutory programmes, education, visits and chaplaincy. According to a recent report on Muslims in prison by the HM Chief Inspector of Prisons, there is a growing emphasis on meeting religious needs, such as dietary or prayer time requirements. In a liberal society (and that liberalism surely extends to prisons), reasonably accommodating needs, where there is no detriment to others as a result, is a legitimate activity. However, good intentions may have malign effects. The range of religious activities promoted in prisons is large and prisoners – some of the most vulnerable people in our society – can be influenced and encouraged to take part, even to the point where, emerging evidence suggests, they feel the need to convert. This surely runs counter to the aim of treating prisoners as individuals in assessing their needs and their rehabilitation.

Prisoners should have real and equal chances in prison to rehabilitate, through inclusive secular programmes, with no pressure or inducement to find God. Pastoral support and care may address the particular needs of prisoners, whether religious or non religious, but religious interventions must be totally voluntary and always and only supplementary to secular programmes. ■

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Philip Whitehead: Faith based values inspire a duty of care towards offenders

Religious faith and practices have had a considerable influence on prison reform, the origins of probation, and how offenders are dealt with. Religion remains a salient factor within criminal justice in many countries and community chaplaincy, which began in Canada during the 1980s, is a faith orientated response to people leaving prison. The initial inspiration was theologically grounded in the injunction to serve others, given practical expression in building a sense of community for ex prisoners. It represents faith in action towards people who carry the label 'offender' and around whom sections of society tread warily. Community chaplaincy does not dilute the principle of human responsibility for one's behaviour, but its faith based values inspire a duty of care towards offenders because all belong to one human community. Currently there are approximately 37 projects in Canada and in September 2010 I visited the Ottawa project known as MAP: Mentoring-Aftercare-Presence. This is a faith based, non profit organisation run by two coordinators and supported by volunteers from various faith traditions. Its primary focus is to be a supportive presence to people leaving prison and assist them to lead a new life.

Ten years ago community chaplaincy expanded beyond its ancestral home by flying across the Atlantic to make landfall in Swansea, where the first project began in 2001. Presently there are 18 projects in England and Wales, whose vision resonates with the Canadian gene code to assist people leaving prison to free themselves from crime and build a brighter future

in the community. In March 2010 the Community Chaplaincy Association was established whose function is to support and develop a growing network of multi-faith community chaplaincy projects to work with ex prisoners of faith and those who have none. It is organisationally separate from, yet works alongside, multi-faith prison chaplaincies. Most are situated beyond the gate and comprise a core of community chaplains supported by volunteers, relying on charitable funding, not government support. In 2010 these 18 projects with 50 paid staff and 487 volunteers from Durham to Exeter supported 1,354 ex prisoners.

The Big Society and rehabilitation revolution is currently encouraging the third sector to get more involved in criminal justice re-formation, which is creating opportunities for community chaplaincy. Its distinctive contribution provides supportive relationships and unconditional assistance, motivated and driven along by a person centred ethos, ethics and values, which are increasingly punitive, managerial, and bureaucratic.

Finally, the relationship between religion and crime has been of interest to the academic community for many years. Notwithstanding methodological complexities and variable findings, evidence exists to support the thesis that religious beliefs and practices are associated with less crime, delinquency, substance abuse and violence. Accordingly, it has a part to play in penal policy and criminal justice, and as such should be approached with respect. ■

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Nic Groombridge: The law has enough class, race, gender and sexuality deficiencies without adding religious problems

I have a confession. I teach in a Catholic University College. Furthermore I have been a consultant to the now defunct National Council of Social Concern, which can trace its roots back to the Church of England's Temperance Society, whose proudest boast was their part in the foundation of the Probation Service. I am in awe of the apparently super human capacity of some religious people for forgiveness and fear I would not manage a Buddhist or Quaker calm in the face of provocation. However, I am also aghast at the casual or, worse, studied hatred of some believers towards various marginalised groups. There can be a grim irony as both contend for victim status and call on human rights to support their right to discriminate.

In my teaching of criminology I start with religious ideas of crime and punishment and point out that these views, for good or bad, have not been superseded by Enlightenment, 'scientific' or any other criminology, and often broadly reflect commonly held views. Indeed I've

just come across the Evangelical Lutheran Church in America's current thinking on Faith and Criminal Justice online and may use it with students. For instance, they might discuss this:

An American worker, who once upon a time made \$8 per hour, loses his job when the company relocates to Thailand where workers are paid only \$2 per day. Unemployed, and alienated from a society indifferent to his needs, he becomes involved in the drug economy or some other outlawed means of survival. He is arrested, put in prison, and put to work. His new salary: 22 cents per hour. From worker, to unemployed, to criminal, to convict laborer, the cycle has come full circle. And the only victor is big business (Goldberg and Evans, 2004).

Faith's contribution to moral, ethical and political takes on crime and justice has been significant but it has

no place in the operation of that rag bag of control and care organisations that is the criminal justice system. Northern Ireland is still gripped by its sectarian past where the police were seen as an emanation of Protestant power. Infamously in 2010 Cherie Booth QC, famously Catholic, gave Shamso Miah, a practicing Muslim, a suspended sentence for an assault occasioning actual bodily harm as he was, 'a religious person and have not been in trouble before ... you are a religious man and you know this is not acceptable behaviour'.

Law is a secular concept and has enough class, race, gender and sexuality deficiencies without adding religious or faith problems. Case law, practice and

precedent try to pin down the interpretation of statute. Interpretations, even within the major religions, are notoriously fraught. Disagreements between religions have had global repercussions.

Whilst I'd like to see criminal justice policy and practice come closer to 'turning the other cheek', we need to guard against an Old Testament 'smiting' mentality. ■

Reference

Goldberg, E. and Evans, L. (2004), 'The prison industrial complex and the global economy', *Global Exchange Campaigns: United States*, Berkeley, CA: Prison Activist Resource Center.

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Claire Bonham: Faith organisations embody a deep commitment to reaching out to the marginalised

Some might ask: 'Why would we want our prisons full of do gooders pushing their own brand of faith based morality?' As budget cuts loom, the spotlight is turned on volunteers who step into the gap and take on the role of criminal justice delivery where the government cannot. My answer would be: 'If organisations are motivated by their faith to step into the gap and get involved, then why not let them?'

One simple reason why faith organisations and individuals have an important role to play is the number of prisoners who specify a faith: 49% of the total prison population in England and Wales report as Christians, 12% as Muslim and 35% have no religion (Ministry of Justice, 2010). Thus there is still a need for provision of a specialised service to meet the needs of those who require it. Faith organisations provide volunteers who are highly skilled, motivated and committed, and many prisoners are appreciative of that. However, we know that interventions do not have to be proselytising to be worthwhile – Christian volunteers that we work with are content to let their actions do the talking rather than needing to preach their faith at every opportunity.

However, I believe that there is another reason, perhaps less tangible but no less important, why faith has a role to play in the criminal justice system. That reason is hope. Those in prison are in a crisis situation and are often trying to make sense of what is happening to them. When our volunteers spend time with prisoners they bring hope into a dark place, by seeing prisoners as something more than the worst thing they've ever done. The Christian faith is based on the belief that all humans are loved by God, and thus are all equally human. Every life has intrinsic worth, not because of what we do but

who we are. Arriving in prison, many find themselves searching for some kind of spiritual truth, but whether they want to discuss the meaning of life or simply want someone to chat with over a cup of tea, our volunteers hold the hope of a better life; of a life where offenders are reminded of their intrinsic worth and potential as human beings.

Faith also has a restorative power, and as an organisation we see every day the power of restorative justice, which looks beyond the nature of the crime and an appropriate punishment and focuses on who has been hurt and affected by the crime, and how this can be put right. This is not exclusive to Christianity of course, but the Bible offers a framework of values and a way of living in the community, which are helpful in thinking about restoration of people as human beings – whether they are victims, prisoners, families or communities.

In short, those who work and volunteer in faith organisations embody a deep commitment to reaching out with love to the marginalised and the unwise – those who most of society have deemed unlovable – and they are willing to stand in the gap between the prisoner and the community and offer a bridge of hope between these two worlds. Clearly this is not simply the preserve of faith organisations, but why wouldn't we want to embrace an army of people who are ready and willing to embody such hope in humanity? ■

Reference

Ministry of Justice (2010), *Offender Management Caseload Statistics 2009*, London: Ministry of Justice.

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