



SEXUAL CRIME

SEXUAL CRIME,
RELIGION
AND SPIRITUALITY

EDITED BY

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Sexual Crime

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Sexual Crime is an edited book series devised by a team at SOCAMRU led by Professor Belinda Winder in the Psychology Division at Nottingham Trent University.

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Sexual Crime, Religion and Spirituality

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*To Rev Kevin Shaw, Rev Jo Honour, Imam Farooq Mulla,
Dr. Vivianne Crowley and Ruth Mann—all of whom bring light
(hope and illumination) into dark places*

Foreword

Since before memory, religion has manifested in cultures around the world. Even with the contemporary debate about just what is meant by faith, spirituality and religion, our society continues to perceive their value. Rising secularization, coincident with dropping congregational affiliation, further confuses consideration of why religion continues to play a significant role. Nevertheless, the health profession, social agencies, and governmental bodies all continue to turn to religion to do its part in the work of their respective fields.

Winder has admirably taken on the difficult topic of the intersection of religion and sexual crime, assembling a collection which addresses far-ranging issues, from the sectarian history of prison chaplaincy, to the impact of religion on rehabilitation, models of intervention, the spiritual anxiety experienced by survivors of sexual crime, and the proper role of religion in the Criminal Justice System. Most notable are the chapters about two of the most contentious problems of our time. One of these is the continuing drama of exposure of sexual abuse by religious perpetrators. The other problem is how to accommodate a faith, like Islam, which has been used by extremists to recruit within correctional institutions.

Recognizing the importance of religion and spirituality to those facing crisis, the American Red Cross has in recent years added a function to its disaster services called Disaster Spiritual Care (DSC). DSC works closely with health and mental health services, a distinct recognition that none of these is fully efficacious in isolation. Similarly, a correctional policy which assumes responsibility for the physical health and safety of the incarcerated should also recognize spiritual care as integral.

As prison populations grow and age, there is a corresponding need to understand the important interrelation of CJS concerns with the spiritual needs of not only inmates, but also crime victims, parolees and staff. Through the lens of dynamic and changing religious landscapes, we can return to the vision of early penal reformers who had faith that in nurturing the souls of offenders, society could be a safer, and ultimately stronger.

Columbia, SC, USA

Holli S. Emore, M.Div.

Holli S. Emore, M.Div. is Executive Director of Cherry Hill Seminary, an international distance education programme. Committed to building interfaith relationships, both locally and globally, she serves on the Board of Directors of Interfaith Partners of South Carolina and often teaches public groups about the rapidly growing Pagan religions. Emore has been a regional resource for law enforcement, victim services, criminal justice classes and others since 2004. She is the volunteer South Carolina Regional Lead for Disaster Spiritual Care for the American Red Cross.

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Additional anonymous authors' bios: The remaining authors of this chapter are individuals who have been convicted of sexual offences, currently serving a prison sentence. Their contribution to this chapter is invaluable.

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1

Religion and the Criminal Justice System (CJS): A Socio-Historical Overview

David Kirk Beedon

Introduction

Consideration of the relationship between religion and the criminal justice system (CJS) in England and Wales cannot be undertaken without, at the same time, examining the role of chaplaincy services. Oversight of religious provision within prisons and secure hospitals has been one of the main functions of chaplains within such institutions from their inception. As this book's subject matter straddles the domains of both prison- and (secure) hospital-based chaplaincy practices, it is appropriate to include healthcare chaplains when constructing an historical overview (see also Chapter 8). Whilst prison chaplains are funded by Her Majesty's Prison and Probation Service (HMPPS), those serving in secure hospitals are paid out of National Health Service (NHS) budgets and the two operate under separate systems of training, policy and accountability. The different balances of institutional emphases between the punitive and the therapeutic

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require that the two roles are not overly conflated in any consideration of chaplaincy provision in prisons and secure hospitals. Healthcare and prison chaplains also have a different social history. These reasons explain why literature from chaplaincy studies takes a differentiated approach that highlights both the ministerial continuities and the contextually shaped differences across the variety of institutions within which chaplains can be found (Legood, 1999; Swift, Cobb, & Todd, 2016; Threlfall-Holmes & Newitt, 2011).

I write from the experience of having served as a chaplain in a large training prison in the East Midlands. This was also the site of my fieldwork for research following the academic discipline of practical theology (PT). PT is a problematising, interdisciplinary, context-based and practice-focussed form of enquiry. In my research, I have employed an action-learning approach and this socio-historical overview of the role of religion in the CJS will likewise draw upon some of my experiential learning as well as desk-based research. This approach will serve the book's purpose of being relevant not only to academics but also to practitioners and the general public.

I begin with an incident from the context of healthcare chaplaincy that illustrates a precariousness concerning religious provision in secular institutions and systems in twenty-first-century Britain. In August 2006, the Trust Board of the Worcester Acute Hospitals NHS Trust decided to scrap its chaplaincy department due to budget cuts (Swift, 2014, p. 85ff.). This precipitated a national debate. A long-running tension surfaced in the public discourse concerning the spending of taxpayers' money on religious matters in secular institutions run by the state. This tension continues and affects both secure hospitals and prisons. During the "age of austerity" (post-2008), it is unsurprising that voices from some quarters have become more strident in questioning the secular state's funding of religious matters from the public purse (Hamburgh, 2017).

The September 2018 results of a *British Social Attitudes* survey found that 52% of the almost 3000 participants identified as having "No Religion", a figure that has been rising for a number of years (NatCen, 2018). Some thereby argue that this statistically further supports the view that the United Kingdom (UK) is largely a secular nation and religion should not have a publicly funded role in its institutions. But the picture is more

complicated than this, as is revealed when we consider the demographics of the prison population where only 31% self-declare as having no religion whilst 48% identify as belonging to a Christian denomination and 15% as being Muslim (Sturge, 2018). The apparent discrepancy between the general and the prison population regarding religious affiliation highlights the contextual peculiarities of religion, faith and spirituality behind bars, which I shall return to and explore later in this chapter.

In 2015, there were approximately 900 full-time and part-time chaplaincy posts in the NHS (Hamburgh, 2017). Some healthcare chaplains serve in the three high security hospitals (Ashworth, Rampton and Broadmoor) or in the approximately 60 medium secure units and 150 low security units across the country. Figures for number of chaplains appointed to these services were unavailable but in 2013 there were approximately 6000 mental health patients held in high (680), medium (2800) or low (2500) security establishments (Joint Commissioning Panel for Mental Health, 2013). This compares with 123 full-time and 238 part-time chaplains employed by HMPPS as of March 2017 (Ministry of Justice, 2017). The prison population in May 2018 was 83,430 held in 121 prisons across England and Wales.

This socio-historical study of the evolution of chaplains will argue that these religious functionaries are not merely an accident of history but very much woven into the institutional weft and weave of prisons and hospitals. This is not to attempt to formulate an argument from history to justify the ongoing public funding of chaplaincy services. That is for others to argue for or against elsewhere. The argument here is that the religious and state-endorsed role of a chaplain in prisons and secure hospitals cannot be understood without first exploring the historical contexts that created and shaped these religious functionaries.

A Brief Social History of Religion and Criminal Justice in England

The prison chaplains are entirely useless. They are, as a class, well-meaning, but foolish, indeed silly, men. (Oscar Wilde cited in Wilde, Jackson, & Small, 2000)

For most of the history of the office of “Chaplain”, the term referred to a Christian minister (usually ordained) who provided pastoral care as well as religious education and services (e.g. leading acts of worship and hearing confessions) in an institutional setting (which also included places of education such as schools and universities) where he (as was invariably the case) would have the use of a chapel (a place of worship outside of the parish geographical system).

The etymology of the word “chaplain” is disputed (Beckford & Gilliat-Ray, 1998, p. 26f.). The most popular¹ associates the title with the legend of Saint Martin of Tours who lived in the fourth century CE.² Hagiography describes him as a Roman soldier who took pity on a naked beggar, tore his military cloak in two and shared the garment with him as an act of charity. Martin later became Bishop of Tours in France and, after his death, a relic alleged to be his half of the cloak was revered and carried into battle by Merovingian kings in the religious belief God would bless their military endeavours with success. The Latin for “little cloak” was *cappella*, and this word became associated with the small temporary shrines erected to hold the relic and the ministers who served at the reliquary became known as *cappellani* or, in French, *chapelains*. Over time, it is argued, the association between the relic and the reliquary was lost and all small *extra-parochial* ecclesiastical buildings became referred to as *chapels* and those who served in them as chaplains.

This hagiographical background may seem far removed from our concerns with the CJS and its relationship with religion. However, it is an important reminder that, from the outset, the very notion of “chaplain” may have connoted a religious function serving institutional purposes that some people of that same faith group might question. In my own research, I have explored how chaplains might contribute to the “humanising of

incarceration” but some interlocutors have queried whether that is even possible as modern mass incarceration could be judged essentially inhumane (Beedon, 2017). This is a tension that chaplains operate within. Whilst those with a secularist agenda question the public funding of religious provision in state institutions, some religious people are equally uncomfortable with the possible compromising of the critical function of “speaking truth to power” that chaplains can suffer (Forrester, 2000, p. 86; Phillips, 2013, p. 34). This raises a (small “p”) political issue with respect to a chaplain’s constant negotiation of a role where they are co-located as a religious functionary serving an institution’s outcomes that may be judged by some as being at variance with the religious values held by their sponsoring faith group.

Additionally, there can be a negotiation required regarding the institutional hierarchy and the power dynamics at play in prisons and secure hospitals as examples of “total institutions” (Goffman, 1961; Noblett, 2002) and centres of discipline and punishment (Foucault, 1977). Chaplains in such contexts draw keys that are secured on a chain to their belt. These are powerful symbols of their function within the discipline and security systems of the institutions which operate alongside their religious and pastoral duties. Chaplains until relatively recently were predominantly drawn from the Anglican (Church of England—CofE) Christian tradition. The (still operative) 1952 Prison Act required: “...every prison to have a chaplain and every chaplain to be a ‘clergyman [*sic*] of the Church of England” (cited in Beckford & Gilliat-Ray, 1998, p. 27). John Howard’s penal reform report entitled *The State of Prisons in England and Wales* (1779) inspired and informed the Penitentiary Act of 1779 whereby Anglican clergy became requisite religious functionaries appointed to the early places of modern incarceration. As the “Established Church”, with a privileged role in national life, it was natural for the CofE to undertake these roles but in doing so their state-appointed status and recruitment from the national faith body led some to criticise that their religious function was too aligned with the mechanisms of social control and conformity. As was observed as late as 1999: “The [prison] chapels remain, an enduring reminder of the original purpose of our prisons. They were designed, on a philosophical basis of Christianity and Utilitarianism, as factories of virtue...[O]fficers carried staves in one hand and Bibles in the other. The

chaplain was there to point the finger of accusation, to call to repentance, to work on the vulnerable as a technician of guilt” (Gilliat-Ray, 1999, p. 33; citing The Revd Harry Potter, prison chaplain).

It is no accident that prisons are sometimes also known as “penitentiaries”, which has strong religious overtones, being concerned with reforming the “penitent”. So is the importing of the term “cell” from monastic life. A cell, in the sense of a living space, was originally where a monk resided on their personal quest for the reformation of character before the eyes of God. The 1779 Penitentiary Act “...attempted to combine the monastic or Quaker ideals of silence and solitude being a stimulant to reflection, repentance and regeneration, the utilitarian desire for social control and scientific observation, and the desire of both for deterrence” (Potter, 1999, pp. 100–101). A visit to the rigidly cellular configuration of the old Chapel at Lincoln Castle (which housed a Victorian prison from 1848 to 1878) provides ample visual reinforcement of the “separate system” of physically isolating prisoners so they could reflect upon their wrongdoing and the chaplain—as a “technician of guilt”—could preach *at* them individually (although they were gathered *en masse*) in an attempt to bring about reformation of the character of those judged deviant from social norms.

Notions of correction, conformity and social control were also present in the early history of hospital chaplaincy because poverty, deviance and disease were then, as often now, readily associated in public and political discourse. Although conceived differently to their modern counterparts, early “hospitals” were usually attached to monastic institutions. The dissolution of the monasteries in the mid-sixteenth century saw this provision disappear, to be superseded by the outworking of Henry VIII’s Poor Law Act of 1535 which required civil not ecclesiastical authorities to care for local people in need. It has been noted that two London hospitals reformed at this time (Saint Bartholomew’s and Saint Thomas’) showed links in their operation “in terms of local policing, education and control of vagrancy. In a changing social order, the relationships between the sick and poor are carefully constructed with the ‘deserving poor’ sitting perilously close to the ‘criminal poor’” (Swift, 2014, pp. 19–20).