

## Theorizing Religion, Crime, and the *System* of Criminal Justice:

### A moral economy perspective

Philip Whitehead

#### Introduction

Most academic work in the related domains of religion, faith, and crime, theorize the religion-crime nexus to facilitate social conformity. Additionally, empirical research attends to the efficacy of religion to reduce or prevent crime in the community, during and following release from custody. In other words, the orthodox theoretical and empirical enterprise is largely directed towards individual offenders and instrumental reductions in offending behaviour. Contrastingly, the purpose and scope of this chapter proceed beyond a narrowly constructed theoretical and empirical individual metanoia (change of heart and mind) to the *system* of criminal justice itself. This more unorthodox approach *from the other end* is pursued by directing attention towards the complex and contested conceptual lens of moral economy (Whitehead, 2015a) in its relevance for, and application to, the functioning of the criminal justice system primarily in England and Wales.

Beginning in the 1980s, followed by new labour administrations after 1997, and the Transforming Rehabilitation agenda of 2010-15, the system of criminal justice has repeatedly been thrown into the grip of the technical requirements of economy and efficiency, value for money (VfM), measurable targeted outcomes, expressive retributive punishment, expanding prison regimes, and bureaucratic rationality. These features have gathered pace during the last three decades to impose a paradigm shift in governmental policies and organizational practices, most notably illustrated by radical transformations in probation work (Whitehead, 2016 forthcoming). Furthermore, technical, administrative, and penological transformations, imposed by government fiat, raise profound questions on the nature of justice and morality which are germane to maintaining the legitimacy of the system.

The vital and timely contribution of this chapter advances the argument that this paradigm shift has delivered a serious blow to the ethical and cultural foundation of system functioning and, in turn, the fundamental determinants of thinking about doing justice. Accordingly, the

conceptual device of moral economy constitutes a point of rupture to criminal justice orthodoxy, dominated by theoretical and empirical individualism. The significance of a moral economy approach puts people before profit and investment opportunities, human interest before the expanding materialism of Payment by Results (Whitehead, 2015b) by accentuating the demands of ethics and justice. Specifically, moral economy appertains to the state of a country's ethical and cultural conventions (or symbolic order), the mechanisms of moral production and reproduction, and the circuits of ethico-cultural contestation. Accordingly, it poses critical questions of political economy, the way that a society is ordered, and the fashioning of human subjectivity (Hall, 2012). Moral economy, as theoretical framework and conceptual device applied to criminal justice, formerly assimilated the ethically-driven probation ideal and rehabilitative ethic. Furthermore, and this is important, it is informed by numerous intellectual disciplines including religion that can be applied to the system to excavate and critically analyse a series of intellectual and moral disturbances. The same resources can also establish the platform on which to reanimate the moral interest, which is of fundamental and foundational significance.

Prior to striking beyond introductory comments to the substantive core of this chapter, an additional elucidatory comment is required on some of the disparate intellectual resources that inform moral economy. First, the discipline of philosophy reaches back to classical Greece. Socrates debated the nature of human virtue (aretē), Plato the concept of justice (1974 dikaiosunē), and Aristotle *Ethics* (2000) eudaimonia. In fact, for Plato and Aristotle, justice is the supreme virtue. Subsequently, Renaissance and Enlightenment philosophy engaged with contributions to the subject by, for example, Hutcheson, Smith, Kant, and Hegel (see Eagleton, 2009; Schweitzer, 1929 for an extended discussion). Next, there are theistic and atheistic forms of personalism (Mounier, 1952), in addition to Symbolic ethics associated with Lacan and Žižek (see Winlow and Hall, 2013). Pertinently, though, and consistent with the central theme of this chapter, religion, or more precisely theology and Christology, can be isolated as a significant source for engaging with and theorizing moral economy.

I proceed as follows. First, a brief note is required on the God problematic that strays into the relationship between metaphysics and metanoia. Second, it is necessary to allude, albeit briefly, to theory and research on the *individualistic* approach to the subject under discussion

that I want to move beyond. Next, I turn to a *system* perspective. When doing so it is imperative to return to the 1980s which provide evidence of moral erosion to which the conceptual device of moral economy is allowed to respond. This response is informed by religious and Platonic philosophical references to justice (*dikaiousunē*) that is relevant for the criminal justice domain.

### **The God problematic: metaphysics and metanoia**

*On Being A Christian* (Küng, 1977) is an academic though accessible text on theology and Christology with implications for theorizing the moral. Küng's God (*Θεός* Theos) is not an object amongst other objects in the world that can be known, empirically verified, or accessible to pure reason. Instead, God is a proposition of faith, presupposed if human beings want to live a meaningful moral life. To construct a language that makes it possible to talk about God (the primary task of theology), in conjunction with morality, crime, and criminal justice, is ontologically and epistemologically complex. This was not always the case because from the life of the early church, into the mediaeval era, the world view was shaped by the tripartite structure of God-soul-world (Cassirer, 1951). Moreover, the scientists and philosophers of the Renaissance and Age of Reason 'would never have thought of forthrightly denying any dimension beyond that of mathematical-natural scientific reason' (Küng, 1977: 86).

By contrast, the 19<sup>th</sup> and 20<sup>th</sup> centuries were disruptive for the claims of metaphysics and religion because they fell under the spell cast by the *masters of suspicion*. Feuerbach (1841) asserted that God-talk is nothing more than talk about human beings. In other words, God was an anthropological projection. Freud advanced the view that God is an infantile illusion, and Nietzsche alarmingly proclaimed the 'death of god' that later resonated during the 1960s that caused much consternation (Ogletree, 1966). We know that Darwin dealt a heavy evolutionary blow to religious creationist explanations that has contemporary relevance in the contrasting positions of *The God Delusion* (Dawkins, 2006) and *The Case for God* (Armstrong, 2009). Finally, and sociologically, according to Durkheim (1912/2001: 171) God was nothing more than the symbolic expression of society. Put simply, God is another name for the social and has no independent metaphysical reality beyond this. Marx reinterpreted religion as an ideological drug swallowed to make life bearable under industrial capitalism. So

philosophical, sociological, even theological concepts, in addition to ontological, epistemological, and linguistic complexities, provoke issues and questions relevant to the substance of this chapter. Despite these intellectual provocations, it is claimed that the intervention of God can have a positive impact on deviant behaviour because the metaphysical dimension is associated with a radical change of heart, mind, and consequently behaviour. Let's explore this in more detail.

### **Individual perspective on metanoia**

During the 1930s, Kvaraceus (1944) examined the relationship between religious training, beliefs, and individual behaviour. His study in the United States featured 761 delinquents, most of whom claimed affiliation with a church, but only 54% attended regularly. Therefore, with half the delinquents the church could not be expected to have much impact. This research concluded that there may well be a 'lack of any positive relationship between religious knowledge or attitudes and moral behaviour (1944: 286), which is an inauspicious beginning. Two decades later Travis Hirschi (1969) theorized that young people do not offend because they have something to lose, because of socialisation into the normative values of society which facilitates effective mechanisms of control. The salient factor for Hirschi's control theory is attachment and commitment to, and belief in, the conventional moral order established through the family, school, peer groups, and the workplace. Importantly, comments Tierney, 'By asking the question, "Why do we not break the law", control theory is suggesting that something special happens to prevent people acting out whatever impulses they may possess' (2006: 205). This *something special* incorporates religious attitudes and influences, the activity of a spiritual dimension, or perhaps church attendance which engenders conformity to moral and legal codes. Even though the viability of this thesis was questioned by Kvaraceus, perhaps Hirschi would lend it support.

Towards the end of the 1960s Hirschi and Stark (1969) wrote *Hellfire and Delinquency*. The empirical question was: can the prospect of hellfire for those guilty of falling short of acceptable legal and moral norms serve as a deterrent? The authors obtained data from 4077 students during autumn 1964 by utilizing a questionnaire which included measures of delinquency and religiosity. Even though previous studies revealed a weak relationship between church attendance and non-delinquent behaviours, Hirschi and Stark boldly stated

that religion does not deter (1969: 205). This thesis received support from Burkett and White (1974); refutation (Albrecht, Chadwick and Alcorn, 1977); and conflicting findings emerged (Higgins and Albrecht, 1977). Nevertheless, Jensen and Erickson (1979) indicated that church attendance had some impact upon delinquency. Other studies suggested that being involved in religious activities was associated with not engaging in offending behaviour. Travers and Davies (1961) concluded that delinquents were much less orientated towards religion than their delinquent-free counterparts. This finding received support from Rhodes and Reiss (1970) who claimed that delinquency varies with religious orientation and church attendance, but that their study supported 'the notion that there is a 'religious factor' in delinquent and truant behaviour' (1970: 98). For a comprehensive review of the literature between 1913 and 1970, see: Knudten and Knudten (1971); Baier and Wright (2001) on the literature between 1969 and 1998. Johnson (2011) produced a systematic review of articles published between 1944 and 2010.

Rodney Stark (1996) returned to the aforementioned *Hellfire and Delinquency* article he wrote with Hirschi nearly 30 years previously. The original article undermined the theological assumption, combined with control theory, that there is a relationship between religion, church attendance, and delinquency prevention. However, by the 1990s Stark modified his position when clarifying that earlier conclusions were misleading because social and moral contexts differ between geographical locations. This insight allowed Stark to advance a more sociological than psychological explanation of how religion facilitates individual conformity. In other words, conformity occurs if one conceives of religion as a social structure, or group property, rather than an individual psychological trait. The modified thesis asserted that 'Religious individuals will be less likely than those who are not religious to commit delinquent acts, but only in communities where the majority of people are actively religious' (Stark, 1996: 163).

Johnson (2004) differentiates between two approaches which facilitate the transition from religious influences and affiliations, to faith-based interventions. First *organic religion* directs attention to the impact of religious sensibilities on behaviour and asserts that 'consistent and growing evidence makes it increasingly obvious that religious commitment and involvement help protect youth from delinquent behaviour and deviant activities' (2004: 331). Second,

Johnson refers to *intentional or programmatic religion* where interventions are designed to address behavioural problems, such as addictive behaviours in prison settings. Johnson clarifies that there are more organic compared to faith-based intervention studies, and the latter may have an advantage over secular programmes (2004: 333). Furthermore, there are studies from the United States on the benefits of religion and faith-based programmes to reduce infractions during imprisonment. Clear and Myhre (1995) found that prisoner involvement in religious activities assisted psychological adjustment, and Clear et al. (2000) concluded that religious influences prevent dehumanisation. Therefore the benefit of religion should not solely be judged by its rehabilitative efficacy.

When turning from the benefits of religion within prison to the impact of faith-based interventions beyond release, O'Connor and Duncan (2008) consider faith-based interventions in conjunction with 'What Works' by citing Aos et al. (2006) who reviewed the evidence on 'What Works' from 291 evaluations in the United States and other English speaking countries over a 35 year period. This review constitutes 'the most succinct and methodologically sound summary of the research to date' (O'Connor and Duncan, 2008: 88). Pertinently, it includes six evaluations of faith-based interventions, five of which were grouped together because they promoted Christianity amongst prisoners to reduce recidivism beyond the prison walls. Aos et al. (2006) concluded that four out of five studies did not have a programme effect. By contrast the Wilson et al. (2005) study did find a programme effect. It is also important to refer to Johnson (2011: 73) who produced a comprehensive review of 272 studies on the religion and crime literature between 1944 and 2010. He found that 90% of these studies (247 out of 272) claimed an inverse or beneficial relationship between religion and crime. In other words as religion increased, crime and delinquency decreased. Even though most of the studies he cites were conducted in the United States, he draws attention to a handful of studies conducted within the United Kingdom which produced beneficial findings.

Therefore, although the accumulated evidence demands cautious evaluation, the relationship between religion and offending is not irrelevant for the academic community. Notwithstanding the critical questions raised by Aos et al. (2006) religion has value within prison (O'Connor and Perreyclear, 2002), faith-based interventions can conduce to

rehabilitation if coupled with substance abuse treatment, educational and employment services (McKean and Ransford, 2004), and the principles of 'What Works' (O'Connor, Duncan and Quillard, 2006). There is evidence that prison chaplains positively influence post-release outcomes (Sundt, Dammer and Cullen, 2002: 61), and religiously-inspired community oriented Circles of Support and Accountability (COSA) benefit sex offenders after release from prison (Wilson, Cortoni and McWhinnie, 2009). Theory and research directed towards individual transformation deserves serious but cautious evaluation. However, my main concern is the system of criminal justice. First, we need to clarify the problem under investigation that demands an intellectual and moral response. This we can refer to as the *system problematic*.

### **From individual to *system* functioning**

#### *Clarifying the problem from the 1980s*

It is necessary to exercise caution when evaluating the nature and scope of criminal justice system developments following the election of a conservative government in 1979. There was no penetrative drone strike in the direction of the *great moving right show* (Hall, 1983; Farrall and Hay, 2014) as there were those who surmised that the 1980s constituted an Indian summer of liberal consensus towards criminal justice (see Faulkner, 2014). Undoubtedly, there is evidence of seeping governmental interference, a more energetic political interest in performance and efficiency, the spreading attraction of market discipline, a growing disenchantment with rehabilitation and treatment. Although Mrs. Thatcher, as prime minister, positioned herself to the right of her first Home Secretary, Mr. Whitelaw, it is often overlooked that conservative governments throughout the 1980s remained committed to reducing imprisonment (Faulkner, 2014: 139). Arguably, there was more continuity with the previous labour government's *Review* (Home Office, 1977) than what transpired in the 1990s with the outbreak of retributive punishment and prison expansion. Probation was repositioned towards the end of the 1980s as a *punishment in the community*, a strategic tactic to curb the use of prison. Nevertheless, change in the 1980s was more fiscal than a right-leaning flare-up of retributive penalty. When excavating this decade it is of intellectual and moral relevance to advance a quartet of analytical categories that acquired greater significant later, with implications for morality:

1. Legislative developments – CJA 1982, Police and Criminal Evidence Act 1984, Public Order Act 1986, CJA 1987 and 1988, and CJA 1991. This is legislatively modest compared to what happened after 1997.
2. Administrative, managerial, and bureaucratic expansion to refine and enhance the mechanisms of central fiscal control over organizations in the form of cash limits, Financial Management Initiative, 3Es of economy, efficiency, and effectiveness, and Value for Money (Audit Commission Report, 1989).
3. Restructuring the nexus of state, public sector, private interests, fiscal demands and political control through the New Public Management (NPM).
4. The platform of political, social and economic transformations, from the post-war Keynesian social democratic consensus from the 1950s to 1970s, displaced by neoliberal and neoconservative principles.

#### *1992 to 1997 turn of moral significance*

The conditions of existence for the development of criminal justice, probation, penal policy and practice that posed serious moral questions quickened during these five years. In October 1993, Michael Howard announced his 27 point plan on law and order. This transformation began to carve out a radical break with the aforementioned liberal consensual past. It is possible to indicate a politics of populist criminalization, the deeper penetration of punishment and prison in the criminal justice consciousness, the emergence of different moral conventions towards offenders contingent upon the decline of the professions. This approach began to open up a moral void from within the system, indexed most clearly in a set of changing attitudes towards probation. Populist punitive expressivism, managerial and bureaucratic aggrandizement, political opportunism, and the closer alignment of criminal justice with electoral politics, proceed beyond preoccupations with the moral interest and its capacity for system mediation. This was a defining period in the recent history of criminal justice when the structure of moral regulation was subjected to the politics of disavowal and contingency – imposed from without and above, not organically from within.

#### *1997 to 2010 New Labour's dispensation*

Students of historical and contemporary criminal justice quickly learn that it is a field replete with paradox and confusion. When new labour came to power they gave intellectual assent



to the empirical linkage between adverse socio-economic conditions and crime. But, at the same time, did not abandon the salience attached to punishment and prison under the previous conservative transformative dispensation. Helena Kennedy stated 'That Labour took the decision to continue Michael Howard's incarceration binge is one of the blackest marks against the government's record on social justice' (2005: 283). Tonry (2004) accused labour of knowingly adopting policies that were demonstrably ineffective, exposing the fault line running through the demand for penological effectiveness and the politics of useful appearances in the art of tactical and strategic governance. There was no let up on New Public Management (Faulkner and Burnett, 2012: 168) and encroachment of privatization, and probation was more out of step with a modernizing agenda that displaced old labour values of social work, personal social services, and welfare. There was to be no retreat to the policies and practices of the 1977 *Review*. Significantly, there was no re-evaluation of the shifting intellectual and moral landscape, or implications, of the penetrative legislative, administrative-bureaucratic, politico-economic, and ideological-material priorities shaping the system. Instead, the politic of power and control were manifested in the formation of the National Probation Service (NPS) in 2001, followed by the National Offender Management Service (NOMS) in 2003/2004 (Carter, 2003). The rationale for bringing prisons and probation together in NOMS was to improve end-to-end management, enhance performance and effectiveness, continue the 3Es, and to establish a platform of contestability to open up criminal justice services to a mixed economy of public, private, and voluntary enterprises. Reference has already been made to the early stages of privatization in the 1980s, but NOMS constituted a decisive move in this direction, consolidated in the *Offender Management Act 2007*. Further reforms to NOMS were initiated during 2008-2009 (Carter 2007) to coordinate and commission all probation and prison services from the public, private, and voluntary sectors.

Moral erosion within the system is not only evidenced by the problematic of punishment, prison, and bureaucracy, but also enforcement and the benefit sanction. The withdrawal of state benefit from offenders between the age of 18 and 59 subject to a community order and prosecuted for non-compliance, under s62-66 of the Child Support, Pensions and Social Security Act 2000. The rationale was to ensure compliance to a community order by the punitive threat of withdrawal of all or part of benefit for up to four weeks. Helena Kennedy

(2005, 245) evaluated that the cost of processing each benefit sanction case through the Magistrates' Court was £730, but the amount saved by activating the sanction was £132 per case. She proceeded to state that 'Inventing new ways to punish the poor is a disgraceful activity for a Labour government'. There was a lack of democratic debate and public reasoning on the constitutive elements of justice in the system. More recently, *Prisons With A Purpose* (Conservative Party, 2008) threatened benefit withdrawal for non-compliance with community sentences, a policy previously introduced and then abandoned by new labour (Whitehead, 2010: 116).

### *2010 to 2015 Coalition government*

Content analysis of relevant documents beginning with *Prisons With A Purpose* (Conservative Party, 2008), and culminating in the announcement of 21 Community Rehabilitation Companies on the 29<sup>th</sup> October 2014 that privatized the bulk of probation work, reveal a significant turn of events in the ongoing intellectual, a-moral, and material reconstruction of the system. All relevant documents (see Whitehead, 2015a) refer to Payment by Results and the transference of fiscal risk from taxpayers to the new providers through a process of competition by public, private, and the voluntary sectors. The emerging system is designed to address the prison population that has doubled since 1993, retributive punishment displaced rehabilitation, reconviction rates are too high and costly, and there was too much legislation under new labour. The principles of the Rehabilitation Revolution are public protection, punishment and rehabilitation, transparency and accountability, and decentralization of services (Ministry of Justice, 2010). The reform of public services and realignment of the public and private sphere is constructed as a key modernizing and progressive cause, pursued by competition and privatization. Financial rationalization, Value for Money, outcomes not outputs, target achievement, risk and reward, business models and commercial practices, fashion the contours of the new system – the functional contours of neoliberal ideological and material values. The system is unrecognizable compared to the *Review* (Home Office, 1977) and a different system to the 1980s. The past was a different place, intellectually and morally, compared to system developments from 1992, then after 1997, and now 2010-15.

Modernizing and revolutionary reforms take precedence over foundational moral questions, and restructuring and rebalancing has unbalanced the dialectics of justice by eroding

historical, cultural, and ethical traditions. There is an absence of reasoned debate on what should be the moral foundations of criminal justice to guide the system in its judgements and decisions (Sen, 2009). This is a serious omission of the reforms. Unless the system has clear moral foundations, it is in constant danger of being abandoned to the politics of contingency and crude calculations of electoral politics. The Ministry of Justice (2013) consulted on 19 questions, but not one addressed foundational questions of ethics and justice. Furthermore, proposals for reform were scrutinized by the *House of Commons Justice Committee* (2014). Evidence presented to the committee during 2013 consolidated that Transforming Rehabilitation has 4 elements:

- Extend statutory rehabilitation to those sentenced to less than 12 months – an extra 50,000 offenders
- Open-up rehabilitation services to a diverse market of providers and new payment mechanisms
- Create a new National Probation Service primarily involved in public protection
- Reorganize the prison estate

The *Conclusions and Recommendations* from the Committee are enumerated as follows:

- Extending statutory supervision for offenders sentenced to 12 months imprisonment or less is a positive reform
- There remain serious questions about the evidence-base for reform – ironic given the emphasis on What Works since 1992
- Witnesses expressed apprehension at the pace, scale, architecture, detail, and likely consequences of reform
- Risks to the system and costs
- Retention of skills and the development of staff in the 21 CRCs
- Payment by Results: is the principle of reward for success and punishment for failure morally acceptable?

Not even the Justice Committee rigorously reflected on the moral question of justice. On Wednesday 29<sup>th</sup> October 2014, Chris Grayling, Justice Secretary, announced the decision on the successful bidders for the 21 Community Rehabilitation Companies: Sodexo Justice Services in partnership with NACRO (6 areas), ARCC (1), Purple Futures (5), The Reducing

Reoffending Partnership (2), Working Links (3), Geo Mercia Willowdene (1), MTCNovo (2), and Seetec (1).

These are the contours of the system since the 1980s. The reconfigured system provokes intellectual and moral questions that urgently require an intellectual and moral response. There was an evidentially significant turn of events in 1992/1993, little respite after 1997, and now the revolutionary enterprise of 2010 to 2015 clamours for attention. There are accumulating deposits of concern to pose serious questions of a moral nature, indexed most clearly in the *probation question* and its decline as a source of ethical-cultural contestation. This is fundamentally a moral problem, peculiarly troublesome in a people-facing organization. Equally, though, a case can be advanced to reanimate questions and issues appertaining to the moral. I propose to do this through the conceptual lens of moral economy, introduced above, to alter the terms of debate and the ground on which it is conducted in order to wrest it back from the modernizers and re-balancers who prosecute their case with revolutionary zeal. This moral economy approach is enriched by a number of intellectual resources (Whitehead, 2015a), but I draw attention specifically to religion and the central concept of *dikaiousunē* (justice).

### **Moral economy, religion, and *dikaiousunē***

Metzger and Coogan (1993: 655), Richardson (1957: 202), explain that the Hebrew *sadiq*, or *tsedeq* and *tsedaqah*, are translated into English as righteousness and/or justice (*dikaiousunē* in Greek). Richardson's exegesis incorporates conformity to a norm which was the character of Yahweh, conveying ethical relevance. Amos, Hosea, Isaiah, and Micah, were numbered among Old Testament ethical prophets preoccupied with right and fair dealings between human beings. Specifically, Amos, during the 8<sup>th</sup> century BC in the Northern Kingdom of Israel, is concerned with social justice in what had become an urban society. A wealthy merchant class had emerged that secured its economic position at the expense of the poor. The burden of complaint was a lack of moral leadership, the law courts served the vested interest of a commercial class, economic plenty for the few existed alongside poverty, inequality, and injustice. These were the features that produced moral atrophy, assimilated by Bright (1972: 257) as evidence of a 'radical change of character' in the socio-moral structure of Israel. That is from a Yahweh-driven theological-ethical covenant as the basis for social arrangements and

human relations, to a centralized monarchy and social division under urban conditions. The monarchy centralized power, re-organized social relations that damaged reciprocal obligation, weakened social and tribal ties, contingent on the rise of a privileged class that prioritized the status symbols of economic advancement over the ethic of covenant responsibilities. The result was religious, social, and moral decay that formed the burden of prophetic vituperation - social evil, dishonesty, heartlessness of the rich, indifference to the poor, an affront to Israel's history, tradition and culture that was damaging the national character. The only hope is to practice justice, but religious leaders were indifferent to its moral demands.

Several centuries later the *Septuagint* (translation of the Hebrew Bible into Greek by 70 scholars in Alexandria around 285-246 BC) rendered the derivatives of the Hebrew root *sdq* by the Greek *dikaioṣunē* (from *Hebrew sdq*, to *Greek dikaioṣunē*, and later *English justice*). Richardson (1957) explains that Paul used the term in an ethical sense, in New Testament epistolary sources, to convey ethical conduct – turn the other cheek, go the extra mile, and care of the poor. Paul 'consistently used "justify" for the restoration and maintenance of the relationship with God and "righteousness" for the consequent life as his people, with both justification and righteousness being by faith' (Metzger and Coogan, 1993: 656). Accordingly, from the prophetic literature on social justice (Jones 1968), the theological-ethical injunction to individual and community responsibility, and the resolution of disputes contained in the Hebrew literature; to the new covenant of neighbourliness and love extended even to enemies (see Metzger and Coogan, 1993: 201). The Old and New Testaments, Judaeo-Christian ethics, provide significant resources to explore morality and justice. We should comment further on the Pauline inheritance.

Paul was a man of his own day, who's framing of Christianity reflected his Greek, Roman, and Jewish cultural inheritance. Pauline theology articulates the contours of a new humanity that, in turn, constitutes a new ethical community that requires explanation. When doing so it is necessary to allude to a considerable work of scholarship (Blumenfeld, 2001) that grounds Pauline theology and Christology within the intellectual parameters of Platonic and Aristotelian politics, and the literature known as the Pythagorean pseudepigrapha. The importance of Blumenfeld's scholarship is that it draws attention to the neglected political

dynamic in Paul's letters. It is far from straightforward to produce a summation of this comprehensive and sometimes complex text but it demonstrates how Paul, in the style of Aristotelian *Ethics* (2000), moves from the individual to the polis (city state), ethics to politics. Like Aristotle 'Paul connects one's proper end with the collective end, the good of one with that of the many, ethics with politics' (Blumenfeld 2001: 382). What is good or moral is rooted in the concept of *dikaiosunē* (justice), the opposite of *adikia* (injustice); it eschews evil, considers others, and is universal in scope. It supports the Aristotelian virtues of wisdom, prudence, and justice. The conception of the new political and ethical order eradicate the socially constructed binaries between Jew and Greek, Greek and barbarian, free and slave, wealthy and poor, ruler and ruled within the transformed society which is good news for all. Furthermore, 'Paul engages in political metaphysics. It is because *dikaiosunē* is the essence of God and of God's office that the world is possible, that a universal society can be built and can endure... If in Plato *dikaiosunē* makes the individual one and the polis possible, in Paul *dikaiosunē* makes humanity equal and the whole world one, a metaphysical but also a political understanding' (Blumenfeld, 2001: 416). Reference to Plato provides the invitation to comment further on the classical Greek inheritance on the meaning of justice.

If Socrates debated the nature of virtue, Plato (1974) expanded on *dikaiosunē* that is rendered justice in English. However, in classical Greek, the word conveyed a more moral than legal meaning. Parts I and V of Plato's *Republic* are concerned with ethics and the concept of *dikaiosunē* precipitated philosophical reflection. An explanatory note in the *Republic* confirms that the 'ancient Greek view was that the law of the state is the source of all standards of human life, and that the virtue of the individual is the same as the virtue of the citizen' (1974: 32). Specifically, *dikaiosunē* has a much wider meaning than the English translation, because its subject is individual *and* social morality which forges an indissoluble association between ethics and politics. Consequently, *dikaiosunē* has a 'less legal and more moral meaning than justice. It is the Greek word for morality, personal quality, and right action' (1974: 65). Moreover, *dikaiosunē*, or justice, involves striking a balance between the tripartite structure of the soul – reason, desire, and motive - so that the good life consists in the balance between physical desire, ambition, and intellect. The political question is the ethical question and vice versa, and the criminal justice system must reflect the demands of politics and ethics. In other words, the system should be as concerned with what is right and just as efficient.

The reason this excursion matters into Hebrew *sadiq*, Greek *dikaiosunē*, and English justice, informed by Old and New Testament literature and classical Greek philosophy, is that it provides intellectual resources for theorizing moral economy that can be put to work to critique the criminal justice system. The system problematic accumulating since the 1980s can be scrutinized by noting the expansion of legislation, particularly under new labour. This was accompanied by administrative, managerial, and bureaucratic incursions attendant upon the New Public Management with its private sector managerial model grafted onto public sector organizations that altered the character of the system (Whitehead, 2016 forthcoming). Targeted outcomes displaced the inherent value of public service outputs and, increasingly, salience ascribed to competition, contracts, commercial business transactions, markets, and risk management, rather than understanding offenders which is a moral enterprise. These features have restructured the state-public-private nexus, pushed forward by ideological and material forces that have damaged the moral platform of the system.

Significantly, system transformations have been energized by the circuits of neoliberal capitalism (Whitehead and Crawshaw, 2012) whose features include a strong state, the rule of law (excessively so between 1997 and 2010), fiscal discipline, marketization, the control of public expenditure, and lower taxation. Moreover, the neoliberal capitalist order is structured by the privatization of state assets and new relations between the public, private, and voluntary sectors (Crouch, 2011). Lest we forget, prior to the 1980s the criminal justice system, with a probation service central to its functioning, was embedded within, and regulated by, Keynesian social democracy. It was characterised by social-welfare, the Personal Social Services, and a social work rationality that provided help and support to people who offend. However, this has been eroded by a political economy largely dominated by material interests, exemplified in criminal justice through Payment by Results (Whitehead, 2015b) which prioritizes the material before the moral. In fact, neoliberal capitalism has systematically hollowed out the moral interest and, in doing so, separated ethics from politics. The system currently reflects and reproduces hegemonic neoliberal politico-economic preoccupations, which undermine the intellectual and moral foundations of criminal justice.

The criminal justice system, to claim intellectual and moral legitimacy, must be established upon discernible ethical foundations. In a people-facing institutional system it has a

foundational responsibility to codify a set of moral principles that guide its judgements and inform system decisions and responses to people who offend. Accordingly, the system must persistently wrestle with the basic concepts of what is good, right, fair, and just that, in turn, question punitive excess, the necessity of prison expansion, the demise of probation services and the implications of this for the legitimacy of what is referred to as the criminal *justice* system. If not, then the system is superficially reduced to politically imposed policies and practices manipulated by a politics of contingency and disavowal, the demands of the electoral cycle, and the repeated incursions of revolutionary modernizers. Periodic bouts of modernization, rebalancing, and revolutionary activity, since the 1980s, have de-moralized the system which must be re-energized by a vigorous moral economy informed through engaging with the intellectual and moral resources of religion, specifically *dikaiosunē*. This is urgently required because during the last three decades the criminal justice system has seen its character eroded and its moral core diluted. Accordingly, theological and Christological resources have a critical role to play in re-energizing the moral foundation of the criminal justice system, which is the burden of my argument in this chapter.

There may well be a theoretical and empirical connection between religion, crime, and individual metanoia, as we saw earlier. However, my central assertion is that the system of criminal justice must engage with and debate moral issues that are foundational for our understanding and construction of criminal and social justice. In fact, there is still time to engage with this debate, even after the impositions of the rehabilitation revolution between 2010 and 2015. What is more, and notwithstanding the serious difficulty this presents, there is the opportunity during a time of flux to stimulate thinking on ethics with what remains of probation (responsible for approximately 40,000 high risk offenders), the 21 Community Rehabilitation Companies, the public, private, and voluntary sectors. This is an urgent matter for all those concerned about the morality of doing justice. The intellectual and moral resources exist to promote the interest of the moral and *dikaiosunē* is a good place to start to re-engage with this quest.



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