



Does the quest for greater religious freedom have criminological consequences?

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A broad 'church'

The criminological enterprise employs the disciplines of sociology, psychology, law, political science, history, education, philosophy, anthropology and cultural studies.

But are there any others that should get on board?



Yes: theology

I begin with the assertion that theology can be a valuable tool in the criminological quest.

Sarre R, 'The Contemporary Relevance of Religion to Criminological Sciences' in P. Babie, and R. Sarre (eds), *Religion Matters: The Contemporary Relevance of Religion*, Springer, *forthcoming 2020*.

Sarre R, 'Theological insights and the criminological quest' in E. M. Guzik-Makaruk and E. W. Pływaczewski (eds), *Current Problems of the Penal Law and Criminology*. Warszawa, Poland: C.H. Beck, *forthcoming 2020*.

Assumptions

- This is an important question, given that 70% of the population still maintains some form of religious practice or belief today in Australia
- Religion can be a motivating factor in the perpetration of crime or desistance from crime
- This might prompt and inspire criminologists to find the modern connections between religious and criminological pursuits.

Religious freedom

The Religious Freedom Bill debate has fired up passions around Australia, especially the Australian Christian Lobby (A topic for another day. This presentation is simply designed to whet your appetite)

Sarre, R. “Legislating for Religious Freedom in Australia: navigating the long and winding road,” *University of Western Australia Law Review*. Forthcoming 2020.

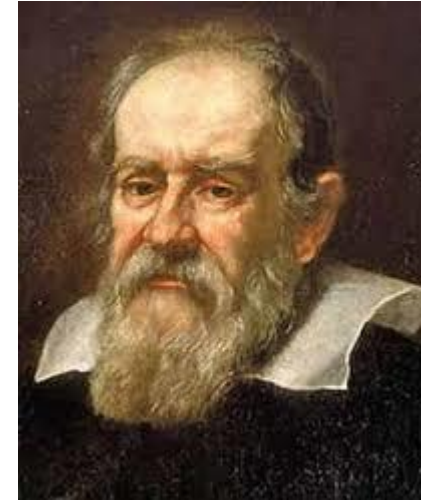
...until the Enlightenment

Scientists: Bacon (1561-1626), Galileo (1564-1642), Newton (1643-1727)

Philosophers: Descartes (1596-1650)

Political scientists: Hobbes (1588-1679), Locke (1632-1704)

The quest for learning no longer rested solely on theological dogma.



19th century

Kant (1724-1804)

Hegel (1770-1831)

Darwin (1809-1882)

Kierkegaard (1813-1855)



The separation of theology from social enquiry was almost complete.

The 'certainties' of theology were being rapidly replaced by the 'certainties' spawned by the scientific method.

The rapprochement

But in the 20th century

Theologians began challenging the 'death' of theological relevance in the quest for meaning and purpose:

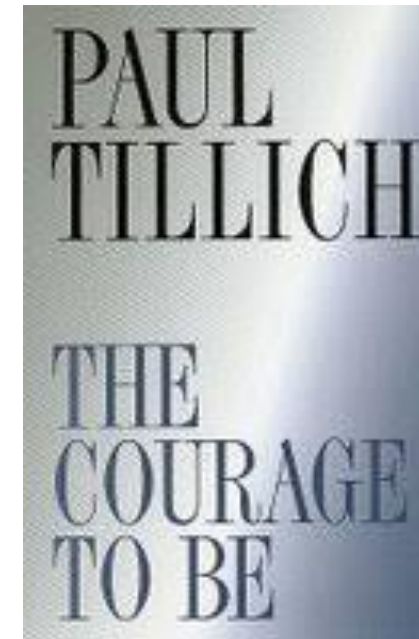
Niebuhr: 1879-1955

Barth: 1886-1968

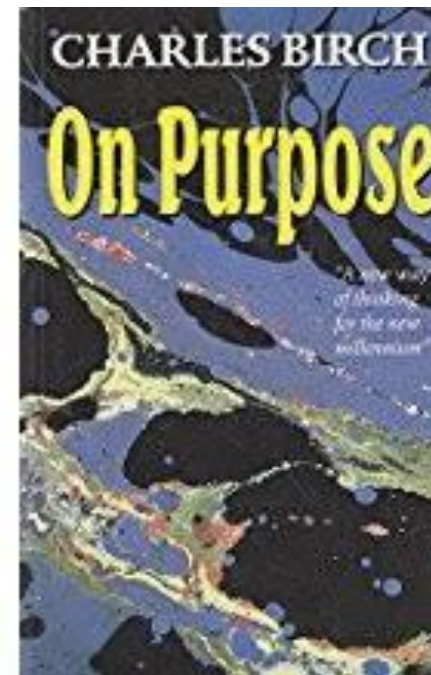
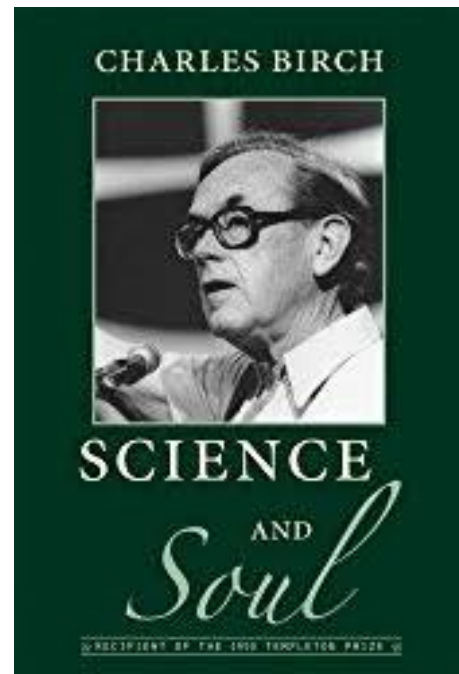
Tillich: 1886-1965

Bultmann: 1884-1976

Bonhoeffer: 1906-1945



Charles Birch (1990) *On Purpose* (UNSW Press), too, spoke of the “fallacy of misplaced concreteness” of both science and religion.



So, armed with the notion that neither science nor religion is the repository of certainty or truth, we can begin to search for commonalities ...

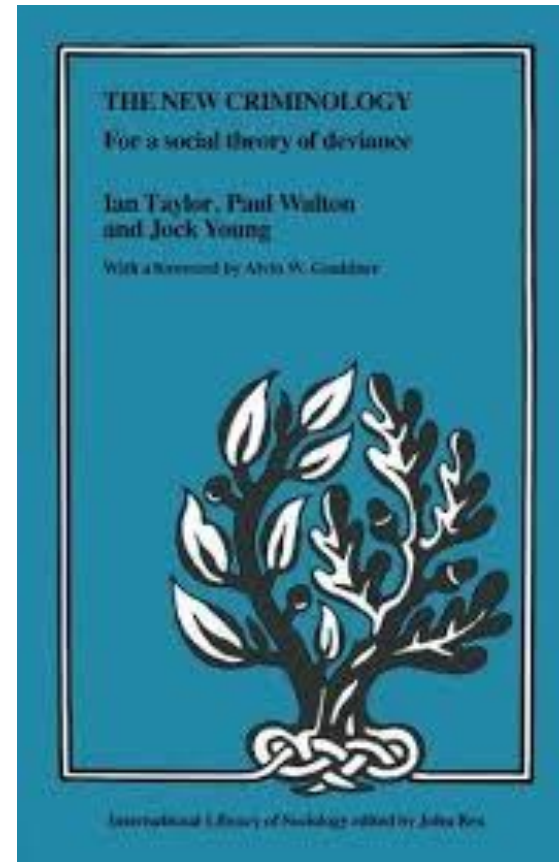


Willem Dafoe in *The Last Temptation of Christ*

1. Where does power fit in?

Taylor, Walton and Young *The New Criminology* (1973).

Criminal law is written and enforced by processes better explained by politics and power than by the nature of the conduct itself.

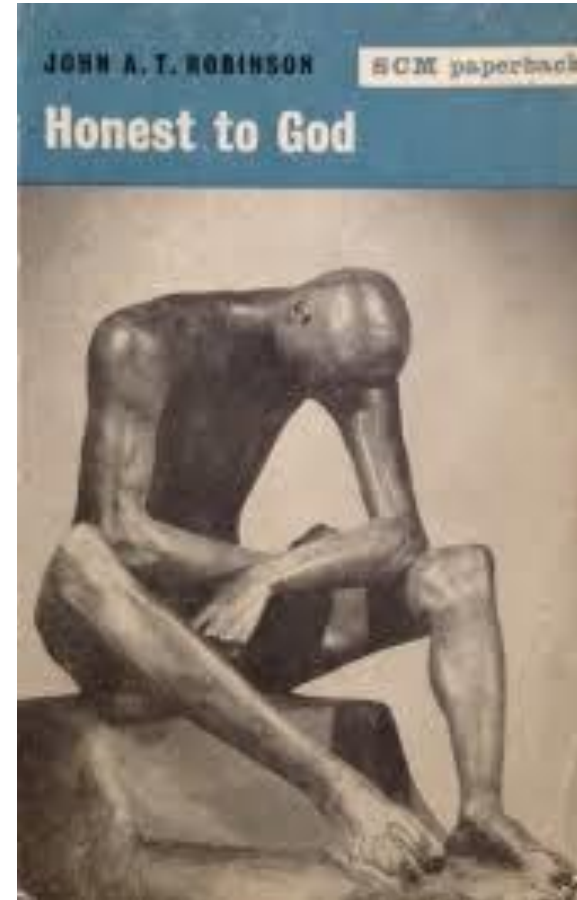


Where does power fit in?

John A.T. Robinson:

Honest to God (1963)

Concepts of God, and an appropriate religious observance, are determined by politics and power; any other definition is inadequate.



2. Free will and determinism

What motivates criminal behaviour?

Free will? Determinism?

A drifting between the two?

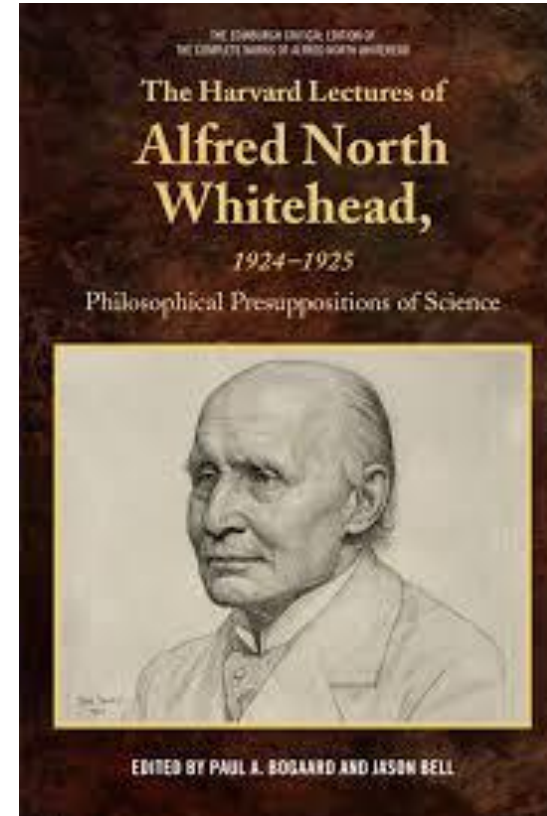
Ron Clarke and Derek Cornish,
The Reasoning Criminal (1986)
explained the weaknesses of
deterministic models.



Free will and determinism

Process theology, too, posits that nothing is predetermined; that the future is unknown even to God.

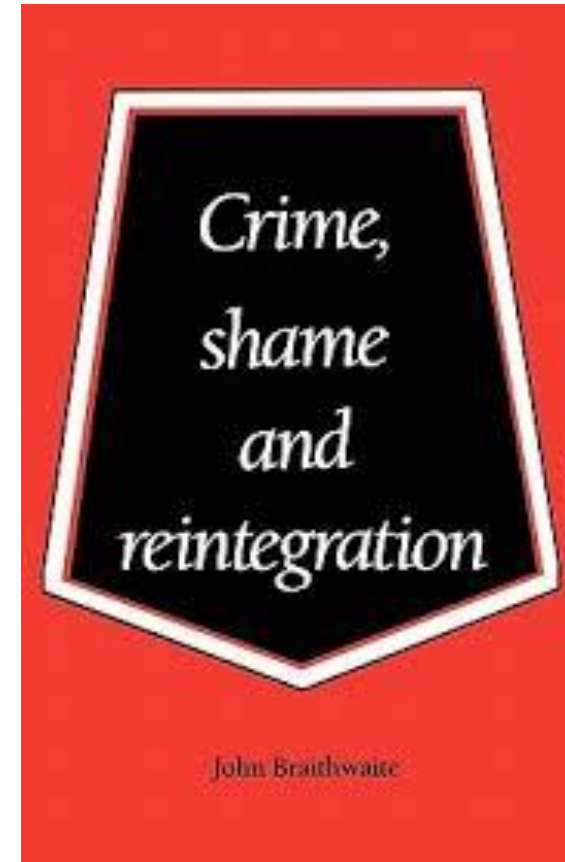
Alfred North Whitehead
Process and Reality (1929).



3. Restorative practices

Many justice advocates champion 'restorative' justice, and applaud efforts toward forgiveness, reformation and rehabilitation.

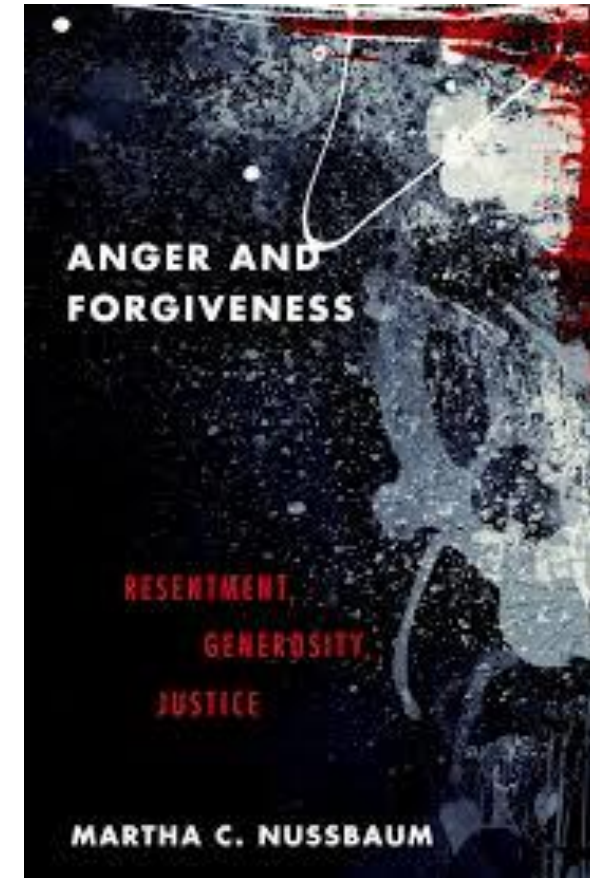
John Braithwaite *Crime Shame and Reintegration* (1989)



Restorative practices

Theological thought explores reformation, confession, redemption and forgiveness.

- Martha Nussbaum, *Anger and Forgiveness* (2016)
- Joanna Shapland, 'Forgiveness and Restorative Justice: Is It Necessary? Is It Helpful?' (2016) *Oxford Journal of Law and Religion*, 5 (1): 94-112



4. Feminist thought

Feminist theorists examine the bias in socio-legal practices, and methodological assumptions that are based on gender.

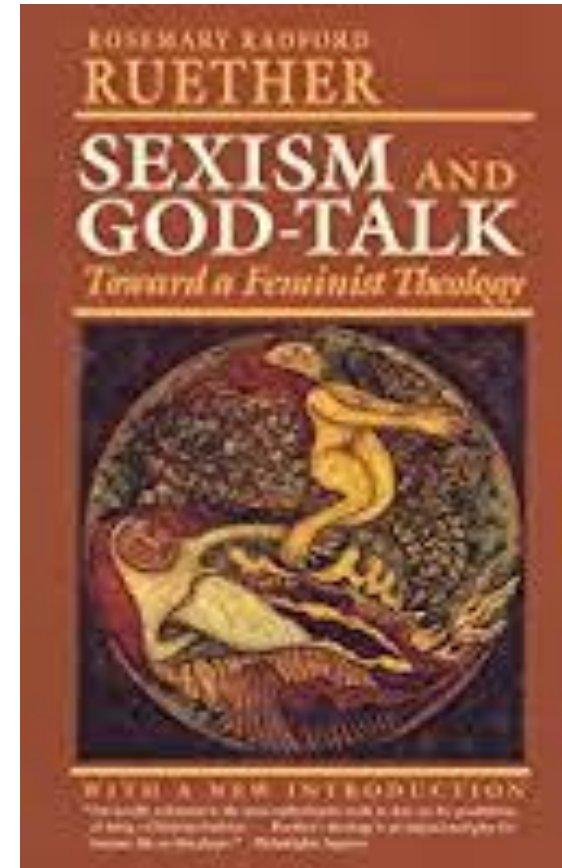
Ngaire Naffine, *Feminism and Criminology* (1996)



Feminist thought

Feminist theologians, too, examine the biases in religious doctrine and challenge methodological assumptions that are based on gender.

Rosemary Ruether, *Sexism and God-Talk* (1983)



5. Violence

When 'eternal salvation' is at risk, people tend to get dangerous.

Mark Juergensmeyer, "The Logic of Religious Violence: The Case of the Punjab," (1988), *Contributions to Indian Sociology*, New Series, 22(1), 65-88

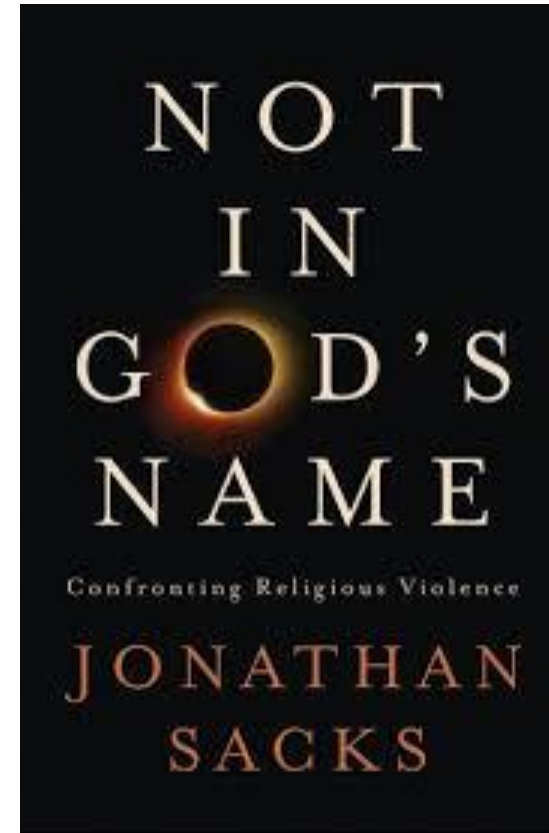
David Rapoport, "Fear and Trembling: terrorism in three religious traditions," (1984) *American Political Science Review*, 78(3), 658-77



Violence

There is nothing violent *per se* about religion, says Jonathan Sacks (2015).

“Religion plays a part in this only because it is the most powerful source of group identity the world has yet known” (p.101).



6. Moral dilemmas

Criminologists wrestle with moral ambiguity around state responses to homosexuality, drugs, euthanasia, illegal bookmaking, prostitution, crimes against the environment, crimes committed in war.

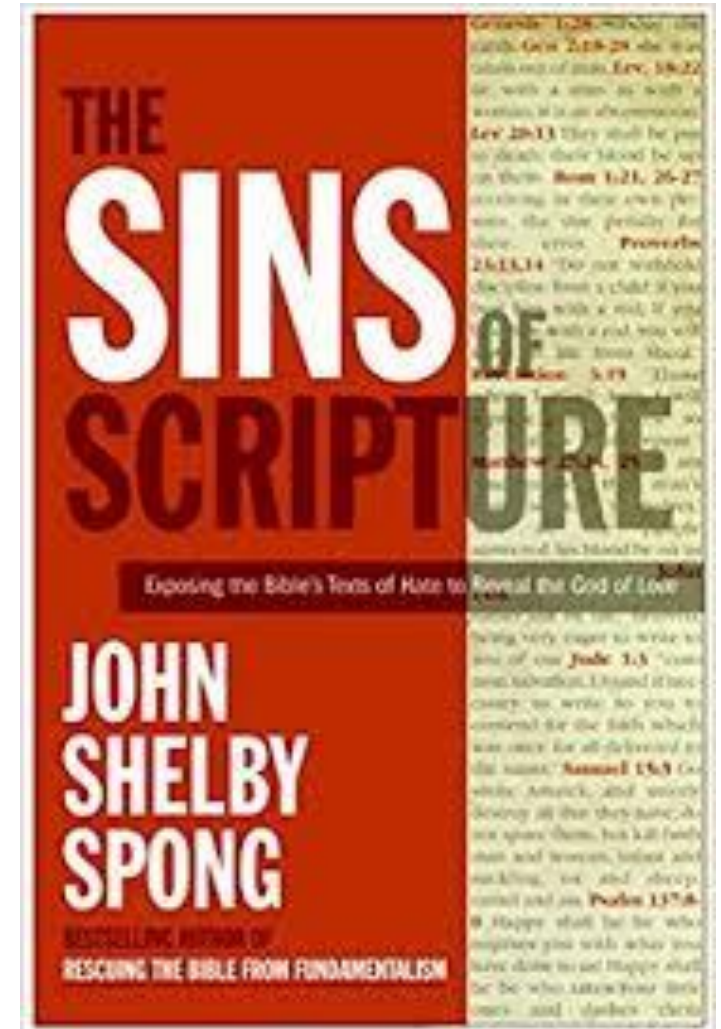
Julius Stone, *Aggression and World Order: A Critique of United Nations Theories of Aggression*, Westport, CT: Greenwood Press, 1958



Moral dilemmas

Theologians do likewise, many of them challenging today the pronouncements of church leaders that fly in the face of modern understandings, such as anti-gay rhetoric and prohibitions against contraception.

JS Spong, *The Sins of Scripture* (2006)



7. Injustices

There are connections between crime and poverty, homelessness, and mental illness, and the challenges to peace when these injustices, such as Indigenous over-representation, are not eliminated.

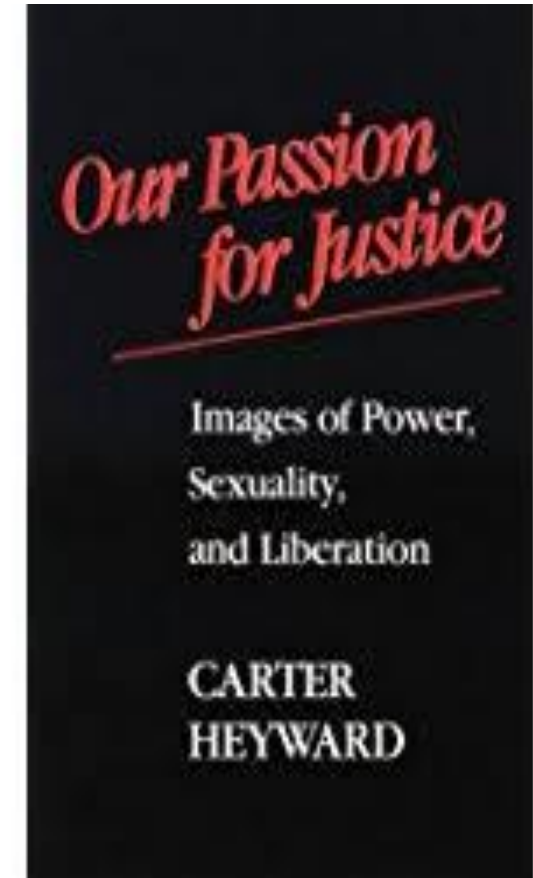
Richard Wilkinson and Kate Pickett *The Spirit Level: Why Greater Equality Makes Societies Stronger* Allen Lane, London (2009).



Injustices

Many theologians, likewise, make it their business to address marginalization and injustice.

Carter Heyward *Our Passion for Justice* (1984)



8. Peace-making

Some criminologists seek to build peace-making into their theoretical perspectives.

Hal Pepinsky and Richard Quinney, *Criminology as Peacemaking*, 1991.

Peacemaking Criminology

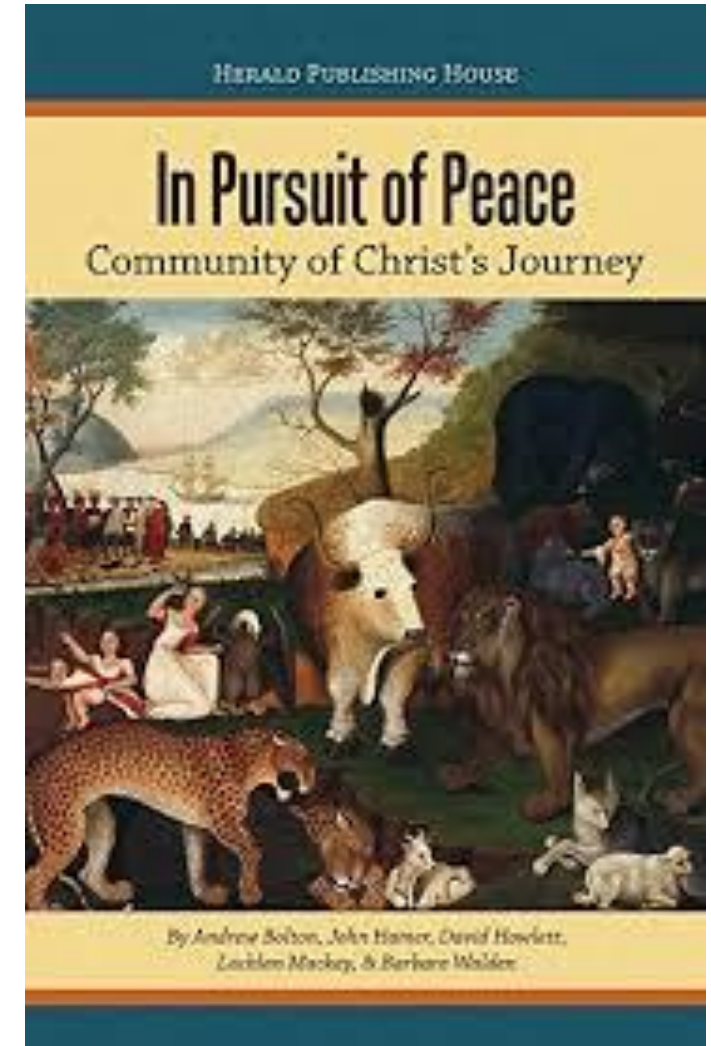
Peacemaking criminology holds that crime control agencies and the citizens they serve should work together to alleviate social problems and human suffering, and thereby reduce the amount of crime.

- Rooted in Christian and eastern philosophies.
- Referred to as “compassionate criminology.”
- Suggests that social control against must also focus on victims and victimization.
- Popularized by the work of Richard Quinney and Hal Pepinsky.

Peace-making

Peace is the centre-piece of much theological development and writing today.

Andrew Bolton *et al*, *In Pursuit of Peace*, Herald, 2017



Joint criminological and theological inquiries would better be able to tell us about:

- How to address the causes of religious conflict
- How to respond, cognizant of people's religious beliefs and cultures
- How to act upon relevant assumptions about human nature and motivation.



Conclusion

Any joint dialogue will reward those willing to embrace the challenge.



Burnside, J (2011) *God, Justice and Society*, OUP

Deuchar, R (2017) *Gangs and Spirituality*, Palgrave Macmillan

Gorringe, T (1996) *God's Just Vengeance*, Cambridge University Press

Hamilton, M (2005) *God versus the Gavel: Religion and the Rule of Law*, CUP

Rossner, M (2013) *Just Emotions: Rituals of Restorative Justice*. OUP

Sadique, K and Stanislas, P (Eds) (2016) *Religion, Faith and Crime*, Palgrave Macmillan

Zehr, H (2005) *Changing Lenses: a new focus for crime and justice*, (3e) Herald Press

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