

Trinity College Cambridge  
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## CHRISTIANITY AND CRIME

Deuteronomy 10: 12–20    Luke 15: 11–end

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To preach a short sermon on ‘Christianity and Crime’ requires selectivity. I have chosen to focus on the relevance for crime of three aspects of the ethic of Jesus, as identified by Professor Richard Burrige, Dean of King’s College, London. They are: Jesus’ attitude to law; his call to repentance; and, in Burrige’s phrase, his ‘open pastoral acceptance of sinners, with whom he spent his life and for whom he died’.<sup>1</sup> In traditional fashion, my sermon will focus on three texts, all taken from our two lessons, although I shall use the translations of the New Revised Standard Version.

The first text is from the book of Deuteronomy, where Moses is recorded as telling the people of Israel that God wants them not only to fear, love and serve him, but also ‘to keep the commandments of the Lord your God, and his decrees that I am commanding you this day, for your own well-being’.<sup>2</sup> The commandments referred to are, of course, the Ten Commandments, which include the kinds of prohibition familiar to every criminal lawyer – ‘you shall not murder... neither shall you steal... neither shall you bear false witness’.<sup>3</sup> But notice that these requirements are not presented simply as divine imperatives, but as being for the community’s ‘well-being’. A little later in the passage, we’re also told that God’s justice is ‘not partial’, and that an important element in it is to provide fair treatment for ‘the orphan and the widow’ – that is, for the vulnerable.<sup>4</sup>

We can be certain that Jesus endorsed this message. His attitude towards the Jewish law has been summarised as one which ‘upholds it, but changes the emphasis in interpreting it’.<sup>5</sup> That change of emphasis was not huge, but it was double-edged. On the one hand, his teaching was sometimes stricter than the existing law – and these sayings have been called his ‘strenuous commands’.<sup>6</sup> On the other hand, sometimes Jesus softened the demands of law, in particular by emphasising ‘the priority of compassion for human needs... above ritual and cultic’ practice.<sup>7</sup>

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<sup>1</sup> R.A. Burrige, *Imitating Jesus: An Inclusive Approach to New Testament Ethics*, William B. Eerdmans 2007, pp. 78–9.

<sup>2</sup> Deuteronomy 10: 13.

<sup>3</sup> Deuteronomy 5: 17–20; cf. Exodus 20: 13–16.

<sup>4</sup> Deuteronomy 10: 17–18.

<sup>5</sup> W. Loader, *Jesus’ Attitude Towards the Law*, William B. Eerdmans 2002, pp. 518–9, quoted in Burrige, *op. cit.* pp. 54–5.

<sup>6</sup> A.E. Harvey, *Strenuous Commands: The Ethic of Jesus*, SCM Press 1990.

<sup>7</sup> Loader, *op. cit.* (n. 5), p. 519.

Two millennia later, and with the benefit of modern social scientific research, is there solid evidence that laws of this kind contribute to societal well-being? The short answer is yes. For example, a distinguished Cambridge social anthropologist, Meyer Fortes, concluded in his last published paper that ‘the capacity and the need to have, to make [and] to follow rules are of cardinal importance for human social existence... for without rules there can be neither society nor culture’.<sup>8</sup> And more recently, Professor Alison Liebling, Britain’s leading prisons researcher, has shown empirically that prisoners particularly value regimes which have a clear sense of purpose, and which deliver safety, order and fairness to prisoners, along with a real concern for their needs.<sup>9</sup> Research has also shown that otherwise admirable prison regimes can sometimes unintentionally leave vulnerable prisoners open to predation by stronger prisoners, in a way that no decent system of ethics would endorse.<sup>10</sup> In short, the Deuteronomist was right to say that a just system of rules not only accords with God’s will, it also promotes the well-being of communities – including communities of prisoners.

My second text is very different. It comes from Jesus’ parable of the Prodigal Son – a man whose selfishness and pleasure-seeking had eventually led him to hit rock bottom. At that point, we are told, he ‘came to himself’, and said: ‘I will get up and go to my father, and I will say to him, Father, I have sinned against heaven and before you. I am no longer worthy to be called your son; treat me as one of your hired servants’.<sup>11</sup>

According to Bishop Tom Wright, this verse is the ‘turning-point’ of the parable, and is ‘a classic account of one thing: repentance’.<sup>12</sup> But it’s worth noting that the son’s change of heart was motivated, at least in part, by self-interest:<sup>13</sup> as he said, ‘my father’s hired hands have bread... but here I am dying of hunger’.<sup>14</sup> It’s also noteworthy that, in the New Testament, the Greek word translated as ‘repentance’, *metanoia*, has the simple basic meaning of ‘an alteration of thinking or a change of mind over some past action or decision’,<sup>15</sup> or, more colloquially, a process of ‘turning around’. So perhaps one implication of the parable is that God doesn’t mind too much if people start ‘turning around’ for self-interested reasons, as long as they do genuinely want to turn their lives around.

More generally, Wright argues convincingly that Jesus’ preaching of the need for personal repentance must be understood within the broader context of his call to the people of Israel as a whole to repent.<sup>16</sup> That repentance would establish ‘a different way of being Israel’, a way that would ‘restore [Israel’s] fortunes at last’.<sup>17</sup> Thus, we need to recognise that there was both a strongly social dimension, and a forward-looking dimension, in Jesus’ call for repentance.

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<sup>8</sup> M. Fortes, *Rules and the Emergence of Society*, Royal Anthropological Society 1983, p. 6.

<sup>9</sup> A. Liebling assisted by H. Arnold, *Prisons and their Moral Performance*, Oxford University Press 2004, ch. 10.

<sup>10</sup> R. Sparks, A.E. Bottoms and W. Hay, *Prisons and the Problem of Order*, Clarendon Press 1996, discussion of the regime at Long Lartin prison.

<sup>11</sup> Luke 15: 18–19.

<sup>12</sup> N.T Wright, *Jesus and the Victory of God*, SPCK 1996, p. 254.

<sup>13</sup> This point is emphasised by E. Franklin in his chapter on Luke in J. Barton and J. Muddiman (eds.), *The Oxford Bible Commentary*, Oxford University Press 2001, p. 947.

<sup>14</sup> Luke 15: 17.

<sup>15</sup> A. Torrance, *Repentance in Late Antiquity*, Oxford University Press 2013, p. 61.

<sup>16</sup> See for example Mark 1: 15.

<sup>17</sup> Wright, op. cit. (n. 12), at pp. 246–258; the specific quotations are respectively from pp. 258 and 249.

In all this, there are some very interesting resonances with contemporary empirical research on what is called ‘desistance from crime’.<sup>18</sup> It has of course been known for a long time that crimes are committed disproportionately by youngish men. But only in the last twenty years or so have criminologists fully realised that even persistent offenders usually stop offending fairly young. Indeed, the fastest deceleration in the frequency of offending occurs in the early twenties; of those who continue beyond that, most stop in their thirties; and only a small minority continue beyond forty. In other words, almost all offenders, even persistent offenders, eventually desist from crime. I know this isn’t the impression you would get from reading the popular press, but it’s true.

How does this process of desistance happen? This isn’t the right occasion to talk about the technical research, but here are a few highlights. For persistent offenders, desistance is usually a gradual, not a sudden process. They’ve been committing offences regularly; almost all of their friends have criminal records; particularly when they’re young they get a buzz out of offending; and they rely on the proceeds of crime to support their lifestyle, which often (although not always) includes drug-taking and plenty of alcohol. Changing all that takes time, and desistance is, basically, a process of learning to live a non-criminal life when you’ve been leading a largely criminal life. In other words, it’s a kind of *metanoia*, a ‘turning around’. To achieve that kind of turnaround in their lives, people need first of all to decide to change; and such decisions are frequently motivated by a desire for a more positive future. To achieve change, would-be desisters almost always need support – maybe from a partner, or from their family of origin, or from statutory or voluntary agencies; but it’s usually the informal rather than the formal support that is the most important. Along the way, they will almost certainly encounter some significant obstacles and setbacks, which will need to be overcome.

A case history from my own research illustrates some of these processes at work.<sup>19</sup> When we first met him, ‘Len’, aged 20, had been convicted on eight separate occasions, and he had spent some time in a Young Offenders’ Institution.<sup>20</sup> His offences were mostly drug-related, and he had recently been ‘sleeping rough’. He wanted to stop offending because he was sick of being homeless: ‘waking up, trying to find money, trying to find something to eat, stuff like that, day in, day out’. Like the Prodigal Son, he had had enough. His subsequent journey was complicated, and included one major setback involving a fresh conviction; but after that he moved back to his mother’s house, came off drink and drugs, did his best to avoid his old group of friends, and stopped offending. Desistance had been a gradual and a difficult process, but it had happened.

I’ve focused so far on processes of ‘turning around’ by offenders. But we saw that Jesus’ call to repentance was very much a social message, a call to the people of Israel as a whole. Obviously, the specifics of that call don’t apply in Britain today, but Jesus’ call to collective repentance does appropriately lead us to reflect on whether we need to ‘turn around’ some of our policies in dealing with crime.

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<sup>18</sup> For a summary of research on this topic, see A.E. Bottoms, ‘Desistance from Crime’ in Z. Ashmore and T. Shuker (eds.), *Forensic Practice in the Community*, Routledge 2014.

<sup>19</sup> For this and other case histories, see A.E. Bottoms and J. Shapland, ‘Can Persistent Offenders Acquire Virtue?’ in *Studies in Christian Ethics* (2014), vol. 27, pp. 318–333.

<sup>20</sup> ‘Len’ is, of course, a pseudonym.

This takes us to the last of our three texts, which comes at the end of the story of the Prodigal Son. The father, speaking to the elder brother, says, ‘we had to celebrate and rejoice, because this brother of yours was dead, and has come to life; he was lost, and has been found’.<sup>21</sup>

In the context of this sermon, this text challenges us, because the truth is that, as a society, we are more likely to place obstacles in the way of would-be desisters than to celebrate their successes. Those obstacles can be of many kinds, but here I want to focus on just one issue; that is, the potential difficulties produced by modern risk indicators.

Statistical methods now allow us to identify group risks with considerable accuracy: for example, the research population to which Len belonged had a mean predicted reconviction probability of 78%, which turned out to be correct within 2 percentage points. Now obviously, that’s a high recidivism rate, but notice that one in five of the group is not going to be reconvicted (though we don’t know which ones). What’s more, some of those who are reconvicted (like Len himself) subsequently desist. Yet, given the headline statistic for such a group, it’s very easy for criminal justice staff to treat the whole group as risky. It’s equally easy to be very cautious in moving people down, over time, to a lower risk grade, even although everyone knows that offenders, as we’ve seen, often take active steps to turn their lives around. Not surprisingly, offenders react badly to risk-averse practices of this kind; they feel they are being treated as statistics, not as real people, and that staff are not willing to trust them. That’s why Alison Liebling’s latest research is called ‘Prisons and the Problem of Trust’. Very interestingly, she has chosen to illustrate some of the dilemmas by using the Jewish theologian Martin Buber’s distinction between I-Thou and I-It.<sup>22</sup> For Buber, there is a fundamental difference between an objectified way of seeing another person (‘I-It’) and a fully human relationship (‘I-Thou’): as he puts it, ‘when I confront a human being as my [Thou] and speak the basic word [I-Thou] to him, then he is no thing among things... [rather] I stand in relation to him’.<sup>23</sup> Liebling reports that in one high security prison, given the prevailing ethos, even she as a very experienced prisons researcher found herself beginning to ‘carry risk thinking’ into the prison with her, in ways that were disorienting for productive research relationships; accordingly, ‘meeting people, in their wholeness, was more difficult than at any other time’ in her research career.<sup>24</sup>

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<sup>21</sup> Luke 15: 32.

<sup>22</sup> A. Liebling, ‘Description at the Edge: *I-It/I-Thou* Relations and Action in Prisons Research’, *International Journal for Crime, Justice and Social Democracy* (2015), vol. 4, pp. 18–32. This is not the only reference to theological language in recent criminological writings: the philosophy of punishment now includes serious discussions of ‘repentance’, though it has not been possible to refer to these in this sermon. See R.A. Duff, *Punishment, Communication and Community*, Oxford University Press 2001; John Tasioulas, ‘Punishment and Repentance’, *Philosophy* (2006), vol. 81, pp. 279–322.

<sup>23</sup> M. Buber, *I and Thou* (ed. and trans. W. Kaufman), T. and T. Clark 1970, pp. 59–60 (emphasis added).

<sup>24</sup> Liebling, op. cit. (n. 22), p. 27. Liebling adds that, in this prison, the chaplains were excluded from risk assessments, with the consequence that ‘prisoners often trusted chaplains more than they trusted psychologists’; and, ‘if [prisoners] were undergoing some kind of personal change process, it was often the chaplains who were told first’.

If we are to follow Jesus' practice of the 'open pastoral acceptance of sinners', somehow we have to square this circle. Of course risk must be taken into account, to try to protect potential victims; but prisoners must also be treated, in the full sense, as human beings with personal identities, needs, hopes and fears. If we can't do that, in the end it will reduce our chances, as a society, of being able to say, like the father in the parable of the Prodigal Son, 'this brother of yours was dead, and has come to life; he was lost, and has been found'. One long-term prisoner who took part in a recent pioneering educational project involving joint classes with Cambridge students tried to speak about the beginnings of this process of 'coming to life': he said that, 'as a result of successfully engaging with non-criminal people' he had begun to feel more confidence in himself, in contrast to a long-held belief that 'there is nothing about me that does not need to be "fixed"'.

Richard Burridge comments that holding together the various strands of Jesus' teaching and practice – his strenuous commands, his call to repentance and his open pastoral acceptance of sinners – 'is not an easy balance to maintain'.<sup>25</sup> That is certainly true when one tries to apply them to issues of criminal policy. But, of course, Jesus never claimed that discipleship would be easy; only that God would walk with us every step of the way. As it is expressed in the Bach motet that the choir sang: 'thou art the right path, the truth and the life'.<sup>26</sup>

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<sup>25</sup> Burridge, *op. cit.* (n. 2), p. 79.

<sup>26</sup> Motet by J.S. Bach, 'Komm, Jesu, Komm' (words by Paul Thymich).