Faith Culture and (In) Justice.

A critical analysis of primary research findings that reveal the negative outcomes that are specific to the experiences of Muslim families involved in the United Kingdom’s Criminal Justice System.

Paper given at the Biennial Conference of the International Society for Social Justice, at Emory University, Atlanta, USA July 2018.

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Abstract.

In the UK, the discrimination that Black and Minority Ethnic offenders experience whilst part of the British Criminal Justice System has been the focus of two reports in recent years, the Young Report (Mullen et al, 2014) and the Lammy Report (Lammy, 2017). Both of these reports tend to focus on the “bald” statistics of the BAME and Muslim populations as represented in the population of prisons in the UK and the general population and the experiences they have of discrimination and prejudice whilst in prison.

This paper looks beyond the findings of these two reports and focuses on the families of Muslim offenders and the negative outcomes they experience from involvement with the British Criminal Justice System. Supported by preliminary findings from two current research projects, this paper will consider the factors that are closely associated with the families’ negative experiences: faith, culture, mental health, family relationships and emotional well-being, together with the absence of specialist support services available to Muslim families when they most need them. This lack of support results in families suffering emotional distress and isolation because they are unable to address issues such as the breakdown of the family and social needs. A framework of the intersecting factors of marginalisation, (Muslim) faith, culture, health, social needs and personal experiences of the Criminal Justice System will be analysed critically to see how and where these factors, or “categories of marginalisation” (Crenshaw, 1991), act to shape the negative outcomes experienced by the respondents. The final section will share the findings and recommendations from the research that direct the ways in which these negative outcomes might be addressed in order to support the specific needs of Muslim families and offenders.

Key words and phrases: Muslim; faith and culture; third sector support agencies; families and crime.
Introduction and context of the research.

The discrimination that Black and Minority Ethnic (BAME) offenders experience whilst part of the United Kingdom’s Criminal Justice System in England and Wales has been the focus of two reports in recent years. The Young Report (Mullen et al, 2014) identified that Black and Muslim young male offenders experience disproportionately negative outcomes both in prison and the community. The Lammy Report (Lammy, 2017) found that young Black and Minority Ethnic prisoners are less likely to be recorded as having problems – eg mental health, learning difficulties and troubled family relationships - suggesting that many may have needs that are unmet (in prison).

This paper looks beyond these two reports and focuses on the families of Muslim offenders and the kind of outcomes they experience from their involvement with the Criminal Justice System. It also looks beyond the “bald” statistics of the BAME and Muslim populations as represented in the population of prisons in the UK and the general population.

According to the Prison Reform Trust (2016) the number of Muslim prisoners has doubled since 2002 representing 15% of the current prison population. Muslims are significantly over-represented within the prison population, yet Muslims represent just 4% of the general population in the United Kingdom (Office for National Statistics (2014).

Aims of the research project, Faith Families and Crime.

- Investigate how involvement in the Criminal Justice System affects Muslim families, specifically their social and health needs.
- Probe the barriers Muslim families face in accessing support services.
- Explore the role of faith and third sector organisations that support/do not support Muslim offenders and their families.

Brief notes on the data analysis tools used.

- Open Coding
- Dimensionalisation of categories – taken from the Grounded Theory approach
- Use of the constant comparison process - taken from the Grounded Theory approach. (Glaser and Strauss (2007))
Use of the voice-centred relational method, created by Carol Gilligan. A short explanation of her method and our findings from applying Gilligan’s approach to our data are provided in Appendices 1 and 2).

The above tools enabled us to identify any overlap, divergence or convergence of categories and themes that emerged from our data analysis, across the different interview transcripts.

The research methodology and design.

The project was qualitative and around 80 – 90 South Asian, Muslim Families were initially approached. 25% of these families were able to participate in the research.

Geographic reach - Greater Manchester and North East Lancashire.

A detailed questionnaire captured factual information about the demographics of the respondents and then included a series of one-to-one structured questions (conducted in Gujerati, Punjabi and English) which were designed to capture rich qualitative data.

Why the focus on families?

Research shows that families play a significant role in supporting offenders in the process of rehabilitation.

- Farmer Review – acknowledges the important role played by family in rehabilitating offenders. “...part of this Government's plans to effect the biggest overhaul of prisons in a generation, [demonstrates] their understanding of the importance of good family....relationships to prisoners’ rehabilitation.(Farmer, M. (2017) p. 3)

- “The active involvement of family in rehabilitation can be a determinant of the degree of recovery” (Foster et al 2012 p. 1856), which refers to a medical model of rehabilitation for patients with mental health conditions. The theory of Assertive Outreach actively utilises the family in the rehabilitation of patients because the normalizing of the rehabilitation process with the families’ involvement and in the home, has proved to be far more conducive to recovery than treatment that is offered in a external/hospital setting.

  “With assertive community treatment, the mental health professionals’ preferred way to make (and maintain) contact with patients was to visit them “in vivo,” or in the “natural settings” where they lived and interacted with family and/or friends. Bond et al. (2001) argue that this is a far more
effective approach than trying to maintain contact with patients in hospital or office settings, because the skills “taught in the hospital or clinic do not always transfer well to natural settings” (p. 144). (Hough, 2017, p.

The context and definition of the term “families” as used within this paper.
For the purposes of this paper I am providing a context for the use of the word “family” as it applies specifically to South Asian and Muslim families, which is the precise ethnicity of the respondents. This particular family structure contains both nuclear and extended family units. The nuclear structure follows the traditional definition of a “single kinship unit”, as discussed by Michael Young (Young, 1954, p. 354). The extended family comprises family members that include cousins, aunties, uncles and second/third cousins and this is consistent with La Fave’s and Thomas’ (2017 p.53) definition of “an extended family as individuals who are biologically linked to the child including the child’s parents, grandparents and siblings as well as the siblings of the child’s parents”. Rahman (2003) stated that: “The nuclear family has long characterized the European family. In Asia, by contrast, the extended family has been the norm”. The families interviewed for this project fell mostly into the category of both nuclear and extended families, which will be apparent in data analysis sections below.

Further evidence of the significance of family to the process of rehabilitation for offenders.
In 2014, Arooj conducted a survey (Hanif and Mahmood 2014), of 150 South Asian and Muslim ex-offenders to explore their experiences whilst in prison and during the process of rehabilitation and resettlement. When asked about the impact of these experiences on their families the following were amongst the findings:

• 86% of the respondents reported their imprisonment has had a major negative impact on their families
• 30% have had no contact with their children
• 70% stated family support could prevent re-offending

From these data, it shows that offenders perceive their involvement in the CJS as having a significant, negative impact on their families and that they also value highly the role of the family in helping them to desist from crime.
Why the focus on the Muslim faith?

The percentage of Muslims within the UK prison population continues to rise and continues to be disproportionate to the percentage of Muslims in the general UK population (see Table 1). There has been little or no research undertaken either locally or nationally to assess the extent and nature of the specific needs of Muslim offender’s families and the impact of the CJS on their health and social needs. Similarly, criminological writing about race and ethnicity in the CJS has tended to focus on “…trying to explain the over-representation of Black men in the CJS” (Parmar 2016, p. 2), rather than addressing the complex ways in which “race, gender, class and generation interact and enmesh in the context of crime and punishment”. This “intersectional” approach to considering the needs of the families concerned provides a useful framework within which to analyse the qualitative data collected for this project and through which to identify those findings that highlight where Muslim families have the greatest levels of need.

The reasons for why the percentage of Muslims within the UK prison population continues to rise is beyond the remit of this paper. For this research project we aimed to look beyond the “numbers” and to probe more deeply into the underpinning factors that are closely associated with the families’ negative experiences when involved with the CJS. Our analysis of the data provides us with a more finely grained picture of some of the barriers that Muslim families face when they are involved in the trauma of crime and incarceration. After analyzing the data we began to understand how these barriers are often the result of the specific faith and cultural contexts of South Asian Muslim families and their communities.

Table 1. Prison population by religious groups.

| Source: House of Commons Briefing Paper UK Prison Population Statistics Number SN/SG/04334 |
| 20 April 2017 |
The context of the term “Justice” as used within this paper and the research.

The concept of the term “justice” is considered from two perspectives in this paper.

1. **The Justice Sector.** “Obedience to the laws of one’s state” (Hourani (1962 p. 110)).
   Abiding by what is legal and acceptable to the prevailing criminal justice system (CJS).

   The impact of the criminal justice sector is a significant element of our research question. All of the family respondents in our project had a family member who was currently or who had been incarcerated because of their offending behavior and this brought them into contact with the CJS at each stage (arrest, court appearance and sentencing).

2. **Social Justice.**

   **Social justice** is mostly interpreted within the concept of social inclusion, a term that can be contextualised within recent discourses that focus on the extent to which poverty and inequality exist in a society. According to the Centre for Social Justice (CSJ) , (2018 p. 5) “...[The] five pathways to poverty experienced by people living in our poorest communities are all interconnected and characterise the lives of many of those experiencing the worst poverty in the UK”. These pathways are:
   - family breakdown
   - worklessness

### Prison population by religious group, December 2016

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>% of prison population</th>
<th>% pt. change on 2002</th>
<th>% general population aged 15+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>40,919</td>
<td>48.5%</td>
<td>-9.5%</td>
<td>61.3%</td>
</tr>
<tr>
<td><strong>Muslim</strong></td>
<td>12,825</td>
<td><strong>15.2%</strong></td>
<td><strong>+7.5%</strong></td>
<td><strong>4.0%</strong></td>
</tr>
<tr>
<td>Hindu</td>
<td>400</td>
<td>0.5%</td>
<td>+0.1%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Sikh</td>
<td>759</td>
<td>0.9%</td>
<td>+0.3%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>1,529</td>
<td>1.8%</td>
<td>+1.2%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Jewish</td>
<td>449</td>
<td>0.5%</td>
<td>+0.3%</td>
<td>0.5%</td>
</tr>
<tr>
<td>No religion</td>
<td>25,749</td>
<td>30.5%</td>
<td>-0.9%</td>
<td>24.1%</td>
</tr>
<tr>
<td>Other</td>
<td>1,547</td>
<td>1.8%</td>
<td>+1.3%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Not recorded</td>
<td>130</td>
<td>0.2%</td>
<td>+0.1%</td>
<td>7.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>84,307</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Sources: MoJ, Offender Management Statistics Quarterly, July to September 2016, 26 January 2017; NOMIS, Census 2011*
• serious personal debt
• addiction
• educational underachievement

These pathways are associated with Wilkinson and Pickett’s seminal research work, “The Spirit Level” (2009), which shows that in the most unequal societies (where the gap between rich and poor is the biggest) the biggest social problems and injustices exist. These are listed in Box 1.

**Box 1. Social problems linked to income inequality.**

- Mental illness
- Life expectancy
- Obesity
- Educational achievement
- Homicides
- Teenage pregnancy
- Imprisonment rates
- Social mobility

(Wilkinson and Pickett 2009 p.19)

Using the above contexts of (in)justice as reference points for our research, our analysis of the data from the Families Faith and Crime project builds further on the CSJ’s five pathways to social mobility and the Wilkinson and Pickett’s list of social problems that are closely allied to unequal societies. In our findings, we identified the following factors as being highly
significant (and unique) to the Muslim family respondents, who had not felt able to access support for their negative experiences of the CJS:

Box 2. Six key factors linked to Muslim families’ negative experiences of the CJS.

- Faith
- Culture (and structure) within South Asian and Muslim families
- Gender
- Family relationships breaking down
- Negative health and emotional well-being
- The accessibility (or not) of specialist support services available to Muslim families when they most need them.

In common with the Centre for Social Justice five pathways, above, the respondents we interviewed revealed that addiction was the cause of involvement with the CJS (usually drugs) and also a major contributory factor to the breakdown in their family relationships. From our data analysis, we also began to see how the six key factors we identified could often act as barriers to families accessing support and help. For example, South Asian Muslim families can be reluctant to approach support agencies because of their specific faith and cultural contexts (and those of their communities), as discussed further on in this paragraph. We viewed these factors in the light of Crenshaw’s (1991) discussions, wherein she sees the “axes of race, class, gender and sexuality, as interlocking systems [that] shape identities, social problems and power relations” (p. 1244). Henn and Troshynski (1993 p. 458) discuss Crenshaw’s original work, which focused on showing how intersecting factors of “subordination” (identified as race, gender, ethnicity and crime) presented women of color as “qualitatively different than those of white women or men of color”. Although Crenshaw’s work is constructed within a post-colonial context (which is not a focus of this research paper) it nonetheless gave us a useful framework on which to base our analysis of the factors emerging from our data and identify how and where they act to shape the negative outcomes experienced by the respondents and their families. That South Asian Muslim families involved in the Criminal
Justice Sector should be considered as a distinct social group is one of the key findings from our research. This is supported by Carbado (2013 p. 813), who argues “that the greater the number of marginal categories to which one belongs, the greater the number of disadvantages one will experience”. The six key factors, which emerged from our data analysis (above) compare with Carbado’s marginal categories and collectively they intersect and thus define the unique contexts of the South Asian Muslim families who participated in this research project, identifying them as a distinct social group. Each of our key factors is associated with aspects of marginalization/vulnerability within the respondents’ lives. Together they serve to isolate the women in the family, which means they feel unable to access any support that is available either from within the family or from outside agencies.

The following quotes from our full report provide a little more context to this argument.

‘Most often the women in the family of the incarcerated family member are “shielded” from the truth about the incarceration or offending, by the males in the nuclear and/or extended families and at these times the women will, understandably feel trapped and isolated’ (Hough, Mahmood and Mohammad, 2018, p. 13).

“Many of the women we interviewed told us they were keenly aware that they needed to maintain the duty of supporting the family outwardly (which was often in direct conflict with their own feelings), to try to minimise the damage that involvement with the CJS had done to the family’s reputation. This is associated with feelings of shame that ‘intersect across cultures and [have] multiple impacts, ‘izzat’ (broadly meaning ‘honour’) in South Asian cultures’ (Muslim Hands, 2018 p. 15)” (Taken from the full report for Faith Families and Crime, (Hough, Mahmood and Mohammad, 2018, p.17).

“[In] South Asian families…. there exists an “institutionalised hierarchy” (Ballard, 1982 p. 4) where, traditionally, the husband was usually at the top….when a major issue, such as a criminal offence, occurs, the traditional hierarchical structure of the family will be reverted to, where (usually) the senior male in the family will dominate”
(Hough, Mahmood and Mohammad, 2018, p.18).

“I’m still crying today but what can I do”? I’ve had depression...on medication and have difficulties in coping/managing all this.... I am struggling financially too” (Taken from transcript SI).

Thus, the six key factors we identified from our data can be seen to “intersect”; the unique contexts of the Muslim faith and communities and the particular structure and culture of South Asian families together contribute to the marginalization of the women in the family, which in turn is linked to a breakdown in family relationships and results in mental health problems.

Key findings from the research.

1. All of the families were suffering from negative and sometimes extreme mental and physical problems as a direct result of involvement with the CJS.

2. Muslim men, in the majority of cases, do not inform the women in the family when family members have been arrested and are going through (legal) court processes.

3. The majority of the families had no awareness of any organisation that provided help for their specific needs – apart from Arooj.

4. The intersecting factors that stem specifically from Muslim families’ faith and family culture can present barriers to their accessing support services. (Respondents talked about feelings of shame, stigma and “izzat”).

5. Imams and Mosques do not engage with, nor do they provide support to families who are going through the process of the CJS.
6. The financial gains to be had from criminality, in some circumstances, override Islamic beliefs, such as the concepts of Halal and Haram.

Recommendations.

In the light of the findings from the data, we have directed our recommendations at each of the areas of welfare support in the public and third sectors:

1. **Health Service:** identify and support Muslim families’ specific mental health needs that relate specifically to their CJS experiences. The stigma of mental health illness creates fears that are more extreme for Muslim families.

2. **Mosques, Imams and BAME third sector agencies:** should have training to enable them to provide basic counselling and support services that match the specific needs of Muslim families.

3. **Government:** devise a strategy to acknowledges South Asian BAME Muslim families as a distinct social group, to eliminate discriminatory bias from arrest through to conviction.

4. **South Asian Muslim communities:** include women as part of the decision-making processes within the family units.

5. **Government services:** undergo training to understand the cultural and faith based differences between Muslim and BAME groups and individuals

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APPENDIX 1.

Application of the IPoem process of data analysis the interview transcripts from *Faith Families and Crime*.

A short explanation of the IPoem process.

Carol Gilligan is an American psychologist, whose ground-breaking book *In A Different Voice* (1982) was very influential on research in education, political science and related social sciences. In the course of her clinical work with pre and adolescent schoolgirls she and her colleagues “heard evidence of dissociation and also of resistance; girls coming not to know what they knew …. In our interview transcripts we noticed a sudden, precipitous rise in the incidence of the phrase "I don't know," as girls approached adolescence. [We] discovered that rather than an admission of ignorance, it often served as a cover for knowledge.

In response to this, Gilligan constructed a Listening Guide that became a tool for psychologists to follow in their own clinical practice, which lays out a three-step process of listening (to the voices in interview transcripts) as a way of coming to hear and to understand the structure of another person’s inner world.

“Being able to hear the respondent’s inner voice from within the data can prove to be remarkably revealing, picking up an ‘associative logic’ that runs under the logic of the sentence and [this has the advantage of] capturing what people know about themselves, often without being aware of communicating it” (Kiegelman 2009).

The full process of the Listening Guide recommends 3 readings of the data:

1. Read for the plot, also for the stories that are told, Listen for repeated words and phrases, key images and metaphors.
2. Second reading is listening for the “I” – the spoken self. Usually just I and the verb that follows (I can’t, I didn’t, I don’t feel….)
3. Third reading is to distinguish the different voices in the conversation.

For the purposes of *Faith Families and Crime*, I followed steps 1 and 2.

APPENDIX 2 – THE IPOEMS

Poem 1

I had read
I was totally shocked
I don’t have
I think about it
~

I have supported
I don’t really know
I was not really
I managed to go
~

I phoned
I could not believe
I never thought
I still have
~

I get depressed
I have no idea
~
IPoem 2
I hadn’t seen
I heard
I never went through
I have ever faced
I was in tears
~
I have never felt
I was lost
I had no idea
~
I have suffered
I still worry
I have become
I have never
I don’t want
~
I think it would be
I did
I didn’t
~

IPoem 3
I am really hurt
I couldn’t understand
I couldn’t
I had failed
I had suffered
~

Taken from transcripts MM; TM; FK; SB; SM.