

## **Report on a Priority Research Area grant for Strand 2 (2010-2012)**

“Religious diversity in the prisons of Canada and England & Wales”

### **Co-investigators**

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### **Rationale**

The project’s main aim was to address questions about the definition and delimitation of religion in the context of Canadian and British prisons. Prisons provide a unique institutional site for exploring religious diversity and its regulation, partly because the level of religious diversity is higher in the prison population than in the general population of many countries and partly because prison policies and practices provide a clear insight into the stance of states towards the management of religious diversity.

The project sought to answer six research questions that were all related to the tension between (a) notions of equality, tolerance and the accommodation of diversity in prisons and (b) strategies for limiting the extent to which groups are recognised as religions that are considered worthy of benefiting from official recognition and the freedom of religion permitted within prisons:

1. What is the relationship between legal and institutional responses to religious diversity in prisons and conceptions of the legal subject?
2. To what extent are notions of harm deployed in prisons to limit religious freedom?
3. In what ways is the language of ‘special interest’ used to discount or to subvert any particular group’s claim to recognition as a religion?
4. How do prisons seek to balance prisoners’ claims to religious rights against notions of equality, justice and security?
5. How far are prison chaplains<sup>1</sup> aware of the assumptions that prison administrators may make about what legitimately counts as religion and what is regarded as unacceptable?
6. What is the response of chaplains towards prisoners’ requests to identify with a particular religion, to change their religious identification or to be identified with more than one religion at a time?

### **Methods**

a) A review of public policies, official publications and academic literature on each country’s provision of spiritual and religious care to prisoners, with due regard to changes since the 1960s.

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<sup>1</sup> The term ‘chaplain’ applies in Canada to a variety of ‘religious service providers’ in more and less formal collaboration with the CSC.

- b) Semi-structured telephone interviews with a sample of about 20 serving chaplains in Canada and 20 in England and Wales. The selection of informants was by ‘snowball sampling’ tempered by an attempt to ensure that the sample matched the proportion of prisoners identified with Islam, Hinduism and Sikhism<sup>2</sup> within each country’s prison population and contained chaplains serving in a variety of prisons. Recording and transcription of interviews were possible in all cases.
- c) An analysis of legal cases concerning religion in Canadian and British prisons since the 1960s to see whether increasing religious diversity is associated with changing patterns of litigation.

### **Permissions, delays and access**

Applications for ethical approval of the project were submitted to the University of Victoria and the University of Warwick in the late summer of 2010. Applications were also submitted to the Correctional Service of Canada (CSC) and to the Prison Service of England & Wales (PSEW) for permission to conduct interviews with chaplains. Delays were experienced at every stage of these processes, and the final clearance was not received until 12<sup>th</sup> October 2010 in England & Wales and 24<sup>th</sup> January 2011 in Canada.

With the assistance of Hindu, Muslim and Sikh Faith Advisers to the PSEW, contact was made with potential interviewees in England & Wales without delay, and interviews began in November 2010. The process took much longer in Canada despite the support offered by the Director of Chaplaincy Services for CSC. Interviews could not begin until the end of April 2011.

### **Summary of research activities in year 1 (August 2010 – July 2011)**

A prompt start was made on: background reading about religion and prisons; searching websites; assembling relevant official documents (e.g. Canadian laws and table of cases; British prison law and official inspection reports); and compiling a bibliography in the EndNote package.

After extensive discussion, the researchers agreed on a schedule of interview questions, a detailed sheet of information about the project for the benefit of interviewees, and a consent form to be completed by all interviewees.

Protracted negotiations began with representatives of PSEW and CSC about gaining access to lists of chaplains from which interviewees could be selected. In the event, it proved impossible – despite repeated pressure from the researchers and the help of intermediaries – to gain access to more than 16 interviewees in Britain and 8 in Canada. The apparent lack of Hindu, Sikh, or Muslim chaplains or religious service providers in some regions of Canada also limited the potential roster of interviewees.

Interviews were conducted in the UK between November 2010 and May 2011 with 4 Hindu chaplains, 10 Muslim chaplains – including 2 women – and 2 Sikh chaplains. Interviews ranged in length between 21 and 72 minutes, with an average of 43 minutes. All interviews were recorded, transcribed and coded for analysis in the qualitative data analysis package NVivo 9. In fact, a good portion of Ms Cairns’ time

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<sup>2</sup> For reasons of practicability the project focused on these three faiths alone, but it should be noted that service providers from other faith traditions are also present in Canadian and British prisons and might be a suitable subject for future research.

was redirected to assisting Dr Beckford with the transcription of his interviews while she was awaiting access to interviewees in Canada.

Interviews were conducted in Canada between April and July 2011 with 7 Muslim chaplains and 1 Sikh chaplain. Interviews ranged in length between 33 and 107 minutes, with an average of 57 minutes. All interviews were recorded, transcribed and coded for analysis in NVivo 9.

### **Summary of research activities in year 2 (August 2011 – July 2012)**

Two significant changes took place in the summer of 2011. Dr Berger moved from the University of Victoria to Osgoode Hall Law School, York University; and Ms Cairns moved from the University of Victoria to the University of Aberdeen, Scotland to begin doctoral research in the Law School.

In view of the delays and difficulties experienced in gaining access to interviewees in Canada, an application was successfully made to extend the project by one year. A supplementary grant of \$3,000 was made so that Ms Cairns could continue to work on the project after moving to Scotland by helping with the coding and analysis of the data and by pressing to increase the number of interviews to be conducted in Canada. In the event, the expected interviews did not materialise, but Dr Beckford and Ms Cairns were able to complete coding of the 24 interview transcripts and preliminary analysis of the findings in the Spring of 2012.

### **Provisional findings**

Analysis of the interview transcripts and background documents is still in process, but provisional findings include the following:

1. The fact that it proved so difficult to obtain the target number of interviews has two main implications. On the one hand, any generalisations offered on the basis of such limited material must be subject to severe reservations and the need to be investigated more thoroughly in larger and more representative samples. On the other, the prospects for conducting research on this topic on a larger scale are not promising. This was a pilot project, and its outcomes indicate that researchers external to prison services are likely to struggle to obtain the degree of support and co-operation that would be necessary to conduct interviews with a larger and more representative sample of chaplains.
2. The Canadian (federal) and British prison systems have put in place significantly different mechanisms and structures for recognising and responding to religious and/or spiritual diversity among inmates. Canadian chaplains feel that they are more distant from their institutions than are their British counterparts – and more dependent on ‘duty chaplains’. British chaplains feel better integrated into their establishments but more sensitive to the respects in which they still lack parity with mainstream Christian chaplains.
3. The routes by which interviewees found their way into prison chaplaincy are varied but predominantly a matter of personal contacts through a variety of networks. Levels of training and induction are highly variable.

4. Canadian chaplains aspire to being part of ‘universal chaplaincy’, whereas British chaplains are more likely to express either contentment with their position or a desire to achieve strict parity with chaplains perceived to be better resourced. Nevertheless, the chaplains of both countries express some ambivalence towards working in prison systems that might co-opt them or flatten out the distinctiveness of Islamic beliefs and practices.

5. Chaplains are also ambivalent towards the tendency of prison systems to induce sharper notions of orthopraxy than are common in the outside world. They see advantages in being able to make inmates aware of their religious obligations but they also see disadvantages in the risk that orthopraxy might thereby become rigid and fundamentalistic. This hints at a wider ambivalence towards the respective merits and attractions of universalism (or generic provision of religious and spiritual care) and particularism (or inducement of strong identification with particular faith traditions and practices).

6. Chaplains cited very few instances in which prison staff tried to limit the practice of religion on the grounds that it might constitute harm to inmates or that it might be seen as a concession to ‘special interests’. They also accepted that security concerns took precedence over inmates’ right to practise their faith and were not often used as an excuse for placing restrictions on religion.

7. Questions about the possibility that administrative procedures could be deployed to enforce boundaries between forms of religion that were either ‘acceptable’ or ‘unacceptable’ to prison staff were not high on the chaplains’ lists of concerns. Some of them reported hearing about such practices, but very few had first-hand experience of them.

8. The response of chaplains towards inmates’ requests for registration or re-registration as members of their faith group varied from cautious to liberal. But chaplains were also constrained by regulations governing the procedure for officially recording inmates’ religious identity.

9. Few chaplains alleged that members of prison officers were unfair or unjust in their treatment of inmates from different religions. And they tended to explain the exceptions as the result of ignorance, lack of education, lack of training or lack of experience. But some Muslim chaplains were dissatisfied with the distribution of resources among chaplaincy workers representing different faith groups, attributing this to bias among administrators. In the words of a Canadian Muslim chaplain ‘The higher you go up, the more Christian it gets’.

## **Outputs**

- James A. Beckford “Religious diversity in prisons: contentions and chaplains”, forthcoming in *Sciences Religieuses*
- James A. Beckford and I. Cairns “Muslim prison chaplains in Canada and Britain”, in preparation for the annual MCRI team meeting, Cambridge, September 2012
- Further papers are planned on the project’s theoretical and substantive implications.

- A bibliography of approximately 110 items relating to religion and prisons.
- Contact has been made with researchers at Monash University, Australia who are considering the possibility of using the Canadian/British study as the basis for research in Australia.
- The RA, Ilona Cairns, gained experience in the use of NVivo 9, a qualitative data analysis package; in the preparation and conduct of telephone interviews; in the investigation of Canadian laws and cases relating to religion and prisons; and in the writing of a conference paper.

### **Finance**

Financial statements are attached.

To support this project in 2010/11, Dr Berger contributed approximately \$2500 of his own research funds for RA hours as well as funds to purchase a computer and recording equipment for the Canadian work.

### **Acknowledgements**

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