

WORSHIP AND SIN: AN EXPLORATION OF RELIGION-RELATED CRIME IN THE UNITED STATES. By Karel Kurst-Swanger. Peter Lang 2008. Pp. 276. \$34.95. ISBN: 0-820-46387-6.

In *Worship and Sin: An Exploration of Religion-Related Crime in the United States*, Professor Karel Kurst-Swanger sets out to persuade us that some crimes are committed because of religion and that this is a phenomenon worth studying. To that end, she proposes a descriptive typology to further this endeavor. While there is much to commend a scientific and multidisciplinary examination of the relationship between crime and religion, ultimately the proposed framework lacks the necessary sophistication to provide future researchers with a meaningful starting point.

The book is divided into three parts. In Part I, Kurst-Swanger explains her typology. Adopting Rossano's definition of religion as a set of "beliefs or actions predicated on the existence of supernatural entities or forces with powers of agency that can intervene in or otherwise affect human affairs" (14),¹ she identifies three separate categories of "religion-related crime:" theologically based crime, reactive/defensive crime, and abuse of religious authority. Theologically based crime stems from dissonance (perceived or real) between secular law and religious principle; when the dissonance is significant enough, secular law is rejected in favor of the religious belief or practice. Moreover, acceptance of particular religious teachings may in fact promote victimization of women and children who may acquiesce in abuse as a matter of faith. Reactive/defensive crime is generally committed by religious followers who perceive a threat to their religious community from some external, secular source (generally the state). These crimes may be committed to foment change in the larger society or to protect the existing religious group from external forces, and are more likely to be violent. The third category, abuse of religious authority, results when religious leaders or officials abuse their authority for personal or institutional gain or when the religious institution itself acquiesces in the abuse through acts of omission or commission.

1. Quoting Matt J. Rossano, *The Religious Mind and the Evolution of Religion* 10 REV. GEN. PSYCHOL. 346, 346 (2006).

Within the typology are certain assumptions about opportunity and motivation for the commission of religion-related crimes. Kurst-Swanger argues that religiosity—the extent of an individual’s commitment to or involvement with a particular religion—is particularly relevant to understanding religion-related crime “since it is within a religious environment or community that such crime occurs.” (14) Similarly, conversion (“embracing . . . a new religious belief system, or the renewal or reaffirmation of a familiar religious identity, or the transition from one religious conceptualization to another”) (15) and the related processes of retention or reconversion provide deeper understandings of the contexts in which religion-related crime may flourish. Last, the categorization of religious groups according to their relationship with the larger external society provides additional insights into motivation for and causes of crime. After a brief survey of United States Supreme Court cases examining the limits of the free exercise clause, Kurst-Swanger concludes that “conflicts between religious individuals or groups and the government will continue to erupt, and criminal laws are likely to be violated.” (45)

In Parts II, III, and IV, the bulk of the text, Kurst-Swanger provides a largely descriptive analysis of her typology. In Part II, Kurst-Swanger cites to certain instances of corporal punishment, medical neglect, faith healing, domestic violence, plural marriage, the use of controlled substances in religious ceremonies, and (quite oddly) ritual abuse as examples of theologically based religion-related crime. In Part III, Kurst-Swanger notes that violence against abortion providers and hate crimes, as well as crimes committed by a “destructive religious group” (“a religious group that engages in criminal activity in reaction to, or defense of, some external stimuli”) (123) typify reactive/defensive religion-related crimes. She then, in Part IV, identifies certain acts of sexual abuse, economic crimes like embezzlement, forgery and tax fraud, and attempts by religious organizations to conceal the criminal acts of its officials and clergy, as abuse by religious authority.

The point, essentially, is to argue that the endeavor is one worthy of further inquiry; thus her typology is proposed “to frame an ongoing dialogue about the role of religion in the commission of crime and to demonstrate the scope of the problems that arise when legal and religious principles conflict.” (225) Kurst-Swanger nevertheless contends that several common themes emerge from her explication of the typology. First, the debate about where religious freedom ends is likely to continue in the United States given its rich diversity and commitment to religious liberty. But in order to understand religion-

related crime, we must recognize that it may occur in a number of different ways and for different reasons. Thus, we must accept that “people of strong faith are not beyond behaving criminally.” (226) Moreover, understanding the behaviors of individuals, as well as groups and institutions, is critical to predicting deviance, and worthy of the attention of criminal justice practitioners and human service professionals.

These contentions, however, certainly are not remarkable. History is replete with instances of violent or criminal acts committed on behalf of or in the name of religious principle (think the Crusades and the Spanish Inquisition, or, in more modern times, the Irish Republican Army, for example). For centuries, conflicts between religious belief and secular law have arisen and have presented challenging questions about where individual freedom to act on belief ends and the law begins, sometimes with less than satisfactory results. Philosophers and playwrights have struggled with this thorny issue, too. Sophocles’s *Antigone*, for example, insisted her brother receive a proper burial despite Creon’s orders, and the results were disastrous for Antigone and Creon both. But precisely because religious belief may conflict with secular law, it cannot come as a surprise that these problems arise in the United States.

The difficulty with Kurst-Swanger’s claim that “religion plays a prominent role in a vast array of criminal behaviors” (4) is that, at best, it sounds surprisingly naïve. Perhaps that really is not the point, although it is rather difficult to ignore certain passages (“this text is poised to argue that religion and religiosity may also play a substantial role in the commission of various crimes. . . .” (22)). Certainly, Kurst-Swanger’s contention that we need to have a better understanding of why religion-related crime occurs is a compelling one with both practical and theoretical implications. A typology thus holds significant promise for those interested in the root causes of crime as well as the development of multidisciplinary programmatic responses and policy. But as Kurst-Swanger herself acknowledges, her proposed typology is merely a descriptive rather than an analytical framework for exploring the problem. (11)

While deep description itself could usefully advance the dialogue, her typology seems particularly shallow. Nowhere is this more evident than in her discussion of clergy misconduct and crimes of the cloth. The question is whether these sorts of acts constitute a special kind of crime that warrants further study, but the proposed typology does little to help us understand why an act of sexual abuse committed by a priest, for

example, is different from the same act committed by a close family friend or someone else with a special status, like a doctor or a lawyer. Similarly, one could hypothesize that the Catholic Church's response is similar to that of other organizations which have chosen to limit the liability and protect the integrity of the organization. Nevertheless there is nothing in the typology to indicate why these sorts of crimes deserve special study as religion-related crime in the absence of some compelling argument that they were motivated by religious belief or practice, and Kurtz-Swanger makes no such claim. Perhaps it is significant that societal responses to these acts are different (as they are when, for example, a mother is accused of harming her children), but that cannot explain why such crimes are committed and how the motivation for such crimes is grounded in religious faith.

The failure to do little more than describe religion-related crime inevitably results in a less sophisticated framework. For example, the typology has obvious application to those offenses Kurtz-Swanger defines as theologically based crimes and reactive/defensive crimes if for no other reason than the fact that the offenders identify religion as the motivating force behind their criminal acts. Even here, however, Kurtz-Swanger does little more than illustrate without distinguishing among offenders or religious organizations. From a criminological, psychological, or legal perspective, there surely is some difference between the charismatic leader and his followers, or the destructive religious group and another religious organization that shares similar organizational traits yet never veers toward violence. It is all the more curious that Kurtz-Swanger does not consider examples that highlight the tension between state authority and religious expression—those “harder” cases in which no violence has occurred at all. But while she discusses (in rather basic terms—in all fairness, she is not a lawyer) the Supreme Court's Free Exercise Clause jurisprudence in an earlier chapter, that analysis is never fully brought to bear even here where religious belief directly challenges state power and authority.

All this is not to say that an examination of the relationship between crime and religion is not warranted or that Kurtz-Swanger is incorrect that the nexus has not been sufficiently or rigorously studied. Moreover, Kurtz-Swanger is on much surer footing when exploring crimes against women and—to a lesser extent—children, for it is in her analysis of these religion-related offenses that there are inklings of where her typology might take us (religiously sensitive programming for victimized women or education of religious leaders, for example). But the typology she proposes seems premature, for it is not at all clear how

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it would advance the study of religion-related crime more than any other framework or that religion-related crime is related to religion at all. Studying the problem with a more complete understanding of the ways in which religion has shaped and been shaped by political, legal, historical, social, cultural, and other forces nevertheless is worth undertaking. One hopes that such work is forthcoming.

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