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Loving the Neighbourhood; Loving Enemies:
Towards a Theology for (and from) Policing

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Criminal justice has proved to be a long-standing site of substantive theological engagement. It may therefore come as a surprise to find that in the theological literature on criminal justice (at least in English), we find no substantive discussion of policing.[2] Indeed, the case is no different in other discursive theological fields such as Christian ethics, liberation theology, public theology, political theology, Black theology, for instance.[3] In all, we can find some occasional, passing and indirect mention of policing, but almost no sustained and substantive discussion where policing is the direct focus. There are a very few instances where policing does receive more than passing or fleeting attention (in texts where the focal interest is not, in fact, criminal justice), where it is similarly nonetheless secondary and instrumental towards other, more comprehensive frames of reference, primary ends

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[1] All views expressed are personal to me and do not necessarily reflect or represent the views of either organisation.

[2] Miroslav Volf and Ryan McAnnally-Linz, *Public Faith in Action: How to Thinkk Carefully, Engage Wisely and Vote with Integrity* (Grand Rapids: Brazos Press, 2016), is a partial exception - in that there is a chapter with a direct focus on policing (16) with some contextual theological details, though the chapters are exceptionally brief. I am also aware of but have discounted from the 'theological literature on criminal justice' set the short article by Richard L. Means, "The Police, the Social Order, and the Christian: Apologia and Apologies," *The Christian Century*, no. March 19 (1975). Means was a sociologist rather than theologian by profession and the discussion of the paper is prompted by empirical social research he had undertaken and framed by sociological concerns that he wishes Christians to engage with apologetically. The paper does not articulate a theology of criminal justice nor of policing specifically. Rather, it notices its absence and expresses a desire for theological attention to be paid to social order and to policing.

[3] Gerald Schlabach, "Must Christian Pacifists Reject Police Force?," in *A Faith not Worth Fighting for: Addressing Commonly Asked Questions About Christian Nonviolence*, ed. Tripp York and Justin Bronson Barringer (Eugene, OR: Cascade Books, 2012), similarly expresses surprise that policing has not been the focus of theological or ecclesiastical discussion of non-violenced (pp.60f., 64).

and contexts of concern. Policing in its own right has therefore been curiously absent from all theological discourse as a site for direct, sustained and focussed theological engagement, reflection, discernment or concern, whether critical or constructive.

In this chapter, I begin by asking what we might learn from this absence of specific, focal theological engagement with policing in the theological literature on criminal justice as well as from those few discussions where there is at least some indirect mention or more extended consideration of policing towards other more primary ends: whether and why that absence might matter. Those questions will help identify potentially productive theological foundations for a constructive and critical theological engagement that I hope might also contribute in a small way also towards a rich understanding of more conventionally established loci for theological discussion of criminal justice. The constructive proposal is centred on love in the twin modalities of love of neighbour and love of enemies. Perhaps already this seems an unlikely candidate for a positive constructive theological engagement with policing; unlikely perhaps to survive exposure to its gritty, ambiguous reality. Suspicion about the role that might play in a constructive engagement with policing reflects perceived tension between love on the one hand and the dispensation of criminal justice on the other; suspicion that revolves around the role played by judgment, coercion, force, deprivation of liberty, confrontation. Love might seem more likely to be an instrument of critique than of constructive engagement or theological discernment. That same anticipated tension between love on the one hand and the practice of policing is no stranger to established theological discussion of criminal justice, especially in relation to punishment, although it is not always explicitly thematised in this way. By identifying appropriate discursive nodes for theological discernment in relation to policing, then, I hope also – by taking a step sideways - to throw a little light back on the extant theological literature on other aspects of criminal justice. But the journey is a return one. By thinking through what love might mean in the context of the realities of policing affords opportunity to critically interrogate and deepen Christian understanding of what Christian talk of love might mean.

I say the absence of substantive theological consideration of policing, especially in the significant literature on criminal justice, is 'curious' for several reasons. First, policing is the organ of criminal justice we are likely to encounter (or notice in the form of passing patrols or police activity) more often than others (unless under conditions of incarceration or working in criminal justice ourselves). Policing is visible to us, both in our daily lives and through its representation in media, literature, film and TV, in a way and to an extent that probation work, prisons, courts and sentencing are not. In a sense, it is also more basic than other aspects of a criminal justice system: almost always, prior police involvement will have been instrumental to the activation of other organs of justice. Given that we see police and encounter policing in the fabric of our everyday lives, the absence of specifically

theological attention seems all the more curious given the prominence in several fields in Christian theology and ethics of issues around state use of force and violence and of state power more broadly.[4] Those discussions have a history coincident with the beginnings of Christian faith, long pre-dating the institution of policing as a separate and non-military function of the state. That perhaps partly explains the retention of focus on military rather than police use of force.

Moreover, especially since the 7/7 bombings of the London transport system in 2005, religion and faith communities have achieved greater significance in relation to British policing – as has been the case in state institutions across British public life more generally. This is a development that has gone largely unnoticed in the academic disciplines of either criminology[5] or of theology and

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[4] Such impression is not dimmed by the one strand of theological ethics where policing does receive relatively more substantive attention in discussions of force (in Christian ethics rather than the theological literature on criminal justice). The attention is positive, since policing is treated as a previously disregarded resource for thinking through issues of military force, non-violence and just war in both Roman Catholic and anabaptist-rooted traditions. But the consideration of policing is instrumental to the primary field of concern (military operations) rather than given direct, substantive attention. This builds on an acceptance even among some Christian pacifists that their reservations about military violence might not in all circumstances extend to a policing function, given certain strict conditions. That then extends to consideration of military force in exercising a 'policing' function in foreign deployments that aim to keep peace, reduce conflict, restrain disorder or restore order. Notwithstanding, there is something significant to take up from this discussion into focussed theological consideration of policing in its own right, which I pick up a little later in this chapter below. See, e.g., Duane K. Friesen and Gerald Schlabach, eds., *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross* (Scottdale, PA: Herald Press, 2005); Tobias L. Winwright, "The Perpetrator as Person: Theological Reflections on the Just War Tradition and the Use of Force by Police," *Criminal Justice Ethics* 37 (1995); Gerald W. Schlabach, ed., *Just Policing, Not War: an Alternative Response to World Violence* (Collegeville: Liturgical Press, 2007); Ivan Kauffman, ed., *Just Policing: Mennonite-Catholic Theological Colloquium, 2002* (Telford, PA: Cascadia, 2004); Schlabach, "Must Christian Pacifists Reject Police Force?." This rapprochement between Catholic ethicists and anabaptist theologians has met significant pushback from representatives of the latter's radical traditions, where we do find substantive (and extremely negative) discussion of U.S. policing. Whilst substantive and direct, the consideration of policing is entirely directed towards re-establishing both a position of absolute pacifism and non-participation in the coercive power of the state (including either joining or calling the police). There is no possibility therefore of building up a positive theological engagement, or seeing policing as itself a place for theological discernment or a theologically significant arena for engaging the ambiguities of a damaged and damaging humanity. See especially Andy Alexis-Baker, "The Gospel or a Glock? Mennonites and the Police," *The Conrad Grebel Review* 25, 2 (2007); Andy Alexis-Baker, "Police, Technique, and Ellulian Critique: Evaluating Just Policing," in *Jacques Ellul on Violence, Resistance, and War*, ed. Jeffrey M. Shaw and Timothy J. Demy (Eugene, OR: Wipf & Stock, 2016).

[5] The exception is counter-terrorist policing, which criminological discussion rarely sets in its wider context either of public life more generally or of policing more specifically. See, e.g., Basia Spalek, "Muslim Communities post-9/11 – Citizenship, Security and Social Justice," *International*

religious studies.[6] These developments include: the explicit incorporation of faith and religion into the prioritised set of diversity agendas (both internal and outward-facing) operating through all aspects of British policing; the formal recognition in criminal law of faith-hate as a separate and distinct hate crime, and of a religious motivation or context as a potentially aggravating factor in relation to several offences that are crimes in their own right; the shift throughout British policing to a Neighbourhood Policing model (now vastly scaled back as a consequence of 'austerity' measures following the last financial crisis), combined with broader currents of concern regarding social cohesion, partnership working and community engagement especially with traditionally 'harder-to-reach' communities; engagement with faith communities and religious and quasi-religious ideologies in social cohesion (and for their social capital) especially in the context of counter-terrorism work.[7]

It would be more than exaggerating to say that there is a widespread expectant preparedness for theological engagement, currently experiencing continued disappointment at its absence, in either policing or policing studies. And yet, at the same time, it is also true that – certainly in British policing – current conditions favour fertile receptivity to the contribution of theologians and Christian ethicists to the vibrant, rich, traditioned and grounded discussions of values, policing purpose in a plural and open democratic society. Despite an institutionalised aversion to ideology in British policing (as in the civil service), it was founded on a unique set of values that have remained a defining

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Journal of Law, Crime and Justice 36, no. 4 (2008); Robert Lambert, "Salafi and Islamist Londoners: Stigmatised Minority Faith Communities Countering Al-Qaida," (2008); Basia Spalek and Robert Lambert, "Terrorism, Counter-Terrorism and Muslim Community Engagement Post 9/11," in *Social Justice and Criminal Justice: Harm and Society*, ed. Rebecca Roberts and Will McMahon (London: KCL Centre for Crime and Justice Studies, 2007); Arun Kundnani, *Spooked! How Not to Prevent Violent Extremism* (London: Institute of Race Relations, 2009); Basia Spalek, Salwa El Awa, and Laura Zahra McDonald, *Police-Muslim Engagement and Partnerships for the Purposes of Counter-Terrorism: An Examination* (Birmingham: University of Birmingham, 2009); Tufyal Choudhury, "Muslim Communities and Counterterrorism: The Dynamics of Exclusion and Possibilities of Inclusion " in *A War on Terror? The European Stance on a New Threat, Changing Laws and Human Rights Implications*, ed. Marianne Wade and Almir Maljevic (New York: Springer, 2010); Steven Greer, "Anti-Terrorist Laws and the United Kingdom's 'Suspect Muslim Community': A reply to Pantazis and Pemberton," *British Journal of Criminology* (2010).

[6] On what follows, see further Alistair McFadyen and Melanie Prideaux, "The Placing of Religion in Policing and Policing Studies," *Policing and Society* 24, no. 5 (2014).

[7] In addition, the nature of secularity and the place of religion in public life has become a matter of central concern to the study of religion and of direct concern to some branches of theology (most notably public theology). Given the developments just listed, it is again curious that no attention has been paid to policing as a potentially significant site where the nature and relationship of secularity and religion are being played out, socially constructed and redefined in public discourse, policy and practice.

aspect of its core identity.[8] More recently, a formal code of ethics has been introduced that stands at the centre of the National Decision Model (which guides all decision-making and against which all police decisions have to be justified), but which has attracted no attention in public theology, Christian ethics or the theological discourse around criminal justice.[9]

The combined effect of these considerations makes the absence of direct, substantive engagement with policing in the theological literature on criminal justice seem all the more curious – except it is perhaps only an independently derived interest in policing that puts these developments and factors together; only from that perspective that one might ask how the trajectories of several theological discourses where consideration of policing might be pertinent have nonetheless excluded it from direct, substantive consideration. Asking that latter question of the theological literature on criminal justice will assist in gaining clarity about both how theological engagement with policing might most helpfully be oriented and how it might map onto extant engagements of theology with criminal justice. Gaining a stronger sense of the character and quality of the criminal justice literature will help us understand why its established trajectory has not tarried long on policing and also point us towards ways of framing theological engagement with policing that might have constructive and critical potential.

Although it is rare to find criminologists and theologians in conversation or publishing together as we are in this volume,[10] criminal justice has nonetheless proved to be a site of recurrent theological engagement over a prolonged period. Over the last forty years, for instance, several substantive works of academic theology have appeared in English on criminal justice (with theologians

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[8] These are the Peel principles of policing, extant at, e.g., "Definition of Policing by Consent," Home Office, 2012, https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent (FOI release).

[9] Code of Ethics: A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales, (Ryton-on-Dunsmore: College of Policing, 2014); "National Decision Model," College of Policing, updated 2014, 2013, accessed January 1st, 2020, 2020.

[10] The two extant cases in English prior to this volume remain: A. E. Bottoms and R. H. Preston, eds., *The Coming Penal Crisis: A Criminological and Theological Exploration* (Edinburgh: Scottish Academic Press, 1980); Jonathan Rothchild, Matthew Myer Boulton, and Kevin Jung, eds., *Doing Justice to Mercy: Religion, Law, Criminal Justice* (Charlottesville: University of Virginia Press, 2007).

often working in interdisciplinary ways, engaging with criminology as a discipline, if not with criminologists themselves as interlocutors).[11] In quantitative terms, the overall number of texts in that time-frame might perhaps appear small; the rate of publication over an extended period, infrequent. Yet it would be a mistake to conclude from such quantitative measures alone that criminal justice has in fact been a relatively insignificant, marginal theological theme, attracting only episodic and occasional attention; attention that is ad hoc in character, reflecting perhaps the accidental and idiosyncratic interests and enthusiasms of specific theologians at particular junctures. There are two reasons that, combined, suggest otherwise: first, that pattern of repeated return to the field of criminal justice itself; second, its impressive coherence derived from its almost exclusive singularity of focus.

The irregular rhythm of frequent return suggests, in fact, the opposite of what might be expected. Not that it is marginal, and engaged episodically in an ad hoc way for idiosyncratic reasons. But that criminal justice repeatedly exercises a lure and a pull for theological attention on its own account, rather than as natural outworking of an institutionalised, ongoing and uninterrupted conversation, where one author responds to and builds on another soon after. It does so independently also of an established place in the canon of formally recognised doctrinal loci or obligatory themes in Christian doctrine, ethics or public theology. That it wins its place for renewed attention somehow time and again suggests rather that there is something about criminal justice that holds a special significance for Christian faith, such that it repeatedly invites sustained theological attention from theologians and Christian ethicists for whom criminal justice is not otherwise a primary or exclusive concern. Rather, criminal justice becomes a concern as the result either of the trajectory of broader theological work and/or as the result of issues emerging in the context in which the theologian is working. What is it about criminal justice that independently repeatedly draws theologians' attention as

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[11] In addition to the two works already cited, other notable engagements by theologians include: Chris Wood, *The End of Punishment: Christian Perspectives on the Crisis in Criminal Justice* (Saint Andrews: Saint Andrews Press, 1991); Timothy Gorringe, *God's Just Vengeance* (Cambridge: Cambridge University Press, 1996); Christopher D. Marshall, *Compassionate Justice: An Interdisciplinary Dialogue with Two Gospel Parables on Law, Crime, and Restorative Justice* (Eugene, OR: Cascade); Timothy Gorringe, *Crime* (London: SPCK, 2004); Duncan Forrester, *Christian Justice and Public Policy* (Cambridge: Cambridge University Press, 1997); Christopher D. Marshall, *Beyond Retribution: A New Testament Vision For Justice, Crime, and Punishment* (Grand Rapids, MI ; Cambridge: William B. Eerdmans Pub, 2001); Amy Levad, *Redeeming a Prison Society: A Liturgical and Sacramental Response to Mass Incarceration* (Minneapolis: Fortress Press, 2014); Willard M. Oliver, *Catholic Perspectives on Crime and Criminal Justice* (Lanjam, MD: Lexington Books, 2008); Stanley Hauerwas, *Performing the Faith: Bonhoeffer and the Practice of Nonviolence* (London: SPCK, 2004), Ch.8; Tim Newell, *Forgiving Justice: a Quaker Vision for Criminal Justice* (London: Friends House, 2000); Benjamin Burkholder, "Violence, Atonement, and Retributive Justice: Bonhoeffer as a Test Case," *Modern Theology* 33, no. 3 (2017).

the result of their work in doctrinal, biblical, public theology or Christian ethics? Or that seems to demand a specifically theological contribution where criminal justice becomes, for instance, a matter of general public concern or debate in a particular context?

An important clue as to what it might be about criminal justice that demands this repeated attention lies in the coherence of the theological literature – in terms equally of focus, character of concern and of general position adopted. Overwhelmingly (indeed, almost exclusively) the focus is on punishment and penal policy: the purpose, nature and consequences of punishment and of incarceration. The general character of that concern has been that punishment serves a creative, positive and potentially transformative purpose. The orientation is largely towards the welfare of the offender and the general position that punishment is not intrinsically good (indeed, might even be suspect) so cannot therefore be an end in itself.

Tellingly, that same phenomenon of repeated, episodic engagement with issues in criminal justice can be found discursively in official church reports as well as academic theology (which the academic discourse both reflects and contributes to).[12] Like the academic literature, church reports are also almost exclusively focussed on punishment and penal policy. That focus is both rooted in and expresses significant and long-standing practical commitments – of institutions to maintain prison chaplaincies, and (especially) lay activism in relation to prison reform and alternatives to in-

[12] E.g., The Catholic Bishops' Conference of England and Wales, *A Place of Redemption: A Christian Approach to Punishment and Prison* (London: Burns & Oates, 2004); *What's the Alternative?*, Church & Society Council, Church of Scotland (Edinburgh, 2007); *Taking Responsibility for Crime*, Mission & Public Affairs Council, Church of England (2007); ed. Peter Sedgwick, *Rethinking Sentencing: A Contribution to the Debate*, Church of England Mission and Public Affairs Council (London, 2004). The obvious cross-over example to illustrate the concern of theologians and ministry (of a major academic theologian, also an ordained pastor, regularly preaching in his local prison as an expression simultaneously of theological, ministerial and basic Christian vocation) is of course Karl Barth, *Deliverance to the Captives* (London: SCM, 1961); Karl Barth, *Call for God: New Sermons from Basel Prison* (London: SCM Press, 1965). Also worthy of note is Lisa Barnes Lampman, ed., *God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness* (Grand Rapids: Eerdmans; Neighbors Who Care, 1999). The text is unusual first in crossing the academic-ministerial boundaries (lay and ordained in this case) in hosting contributions from academic theologians, ordained ministers and lay practitioners. Second, written as an aid to churches developing a ministry to victims of crime, the focus of each contribution is on victims. Indirectly, as a consequence, it is also focussed secondarily on the construction of caring neighbourhoods. Whilst there is no substantive consideration of policing, both the rebalancing of attention towards victims (the organisation is an offshoot, 15 years after its foundation, of Prison Fellowship Ministries focussed exclusively on offenders) and the significant position accorded the neighbourhood anticipate key coordinates of the discussion here.

carceration and retributive forms of punishment. Criminal justice – specifically issues around punishment and the treatment of offenders – can attract and repeatedly reclaim this returning discursive and activist theological attention because issues of penal policy and practice are widely perceived by Christians to be closely correlated with core, foundational and fundamental aspects of Christian faith – that, in short, imprisonment and punishment are viewed as having such close connection to the core of Christian faith, that they are seen as in themselves Christian and theological issues.

As the subtitle of the present volume conveys well, the approach of academic theologians and of churches alike has been marked uniformly by an experienced tension between what are taken to be core Christian values and orientations on the one hand (what God is up to in the world – the orientation and character of God's presence and action) and those found in practice, theory and policy in the criminal justice system – specifically, its treatment of offenders – on the other. The 'hope, mercy and restoration' of our subtitle might be interpreted theologically as vectors for God's transformative power, opening creative possibilities for new life where people seem imprisoned and enclosed by the forces of death; of re-establishing God's *shalom* where that has been broken; of establishing possibilities for atonement, forgiveness, reconciliation. That creative, transformative power is directed and focused precisely where human beings are most damaged and damaging; in their potency, comprehensively disoriented from the good; in their vulnerability, overwhelmed, tempted, groomed, coerced. It is also especially focussed where people are in the power, care and control of the state or community, which now bears responsibility for them. In terms of Christian faith, this represents a reading centred around the consequences of Jesus' death and resurrection on the one hand; the nature and gratuitous orientation of his ministry, characterised by love and forgiveness on the other: oriented towards the marginalised, the outcast, the undeserving – the most damaged and damaging; the direction and orientation of the work of the Holy Spirit. Christians have their own particular reasons, therefore, for asking hard questions of the values that might be shaping criminal justice practice and policy or instantiated in its outcomes and good reason for focussing on punishment, penal policy and practice. The common thread running through the papers in this book can also be found in that sequence of previous theological and ecclesiastical engagements. The same fundamental question is carried forward here: can criminal justice (and especially its penal practices and policy) be a vehicle of love that transforms and creates new possibilities of living, seeking human flourishing in a future that is not over-determined by the past, such that it might have transformative and restorative possibilities? In short, can treatment of offenders (including imprisonment) be loving, forgiving, life-giving, even? And can it be so precisely at the point at which the state has taken control over an offender and is set to impose sanctions, restrictions, requirements,

cautions about future behaviour? And if so, how? Or is it fundamentally de-humanising and demonising, merely retributive and instrumental, locking offenders into a determinative past that comprehensively marks their identity, worth and future in a way that denies or gives up on God as the source of transformative creativity, the promise and possibility of new life? Can the transcendent break into human reality through the institutions and practices of criminal justice, precisely where it seems there are no grounds for hope; where retribution rather than mercy is at least humanly understandable and (in a narrow calculation) 'justly' deserved; where, therefore, restoration to community also appears undeserved?

The coherent focus and orientation of the theological criminology literature on penal policy/punishment, coupled with its repeated pull for theological attention (by Christians in academy, church and world), are expressions of fundamental, orienting commitments of Christian faith. The repeated return itself suggests strongly that criminal justice (especially the way it disposes of offenders) is regarded as a significant context where the transformative vectors of love, hope, forgiveness, reconciliation (whereby the energies of the transcendent power to make things new may be mediated) are both most needed and most at risk (where we are tempted easily to enact alternatives to them). This focus and orientation has twin direct consequences: a focus on offenders and on what happens to them post-conviction, suffused with a concern for the wellbeing and future flourishing of the offender. The absence of direct, substantive discussion of policing may partly be explained as an indirect consequence of that focus. Only passing attention, if that, tends to be paid in the literature to policing and even then it is only the (admittedly core) police function of bringing offenders to justice in the sense of a judicial process that is in view. For the most part, theologians writing about criminal justice pay no substantive attention to policing in its own right, as though police activity is of instrumental significance only in beginning that process whereby the state takes control of suspected offenders, bringing them to the point of punishment – the issue of theological interest and consideration.

The overwhelming focus of the literature on the post-conviction treatment of the offender explains the marginalisation of policing as a direct and distinct focus for substantive attention. Yet that marginalisation runs the risk of exacerbating suspicions some may have about the direction and character of concern for the offender; concerns that in my experience can be encountered amongst some criminal justice practitioners about Christian discourse and practical engagement. Those suspicions are not generated by the literature; they are brought to it and reflect a fairly widely held hermeneutic lens through which fundamental Christian orientations, convictions and values are heard and interpreted. Broadly put, there is concern that Christian concentration on the offender characterised by transformative love will run counter to the interests of the victim, of appropriate justice

and so of the community. The suspicion is that the vectors of transformative love and hope directed towards offenders – restoration, reconciliation, forgiveness – effectively minimise or set aside the offence, harm caused and future risk. This is often represented as a fanciful optimism, disengaged from reality and from the truth of the situation; a sign of what I have heard more than once represented as Christianity's laughable 'otherworldliness'; its unfitness for handling the realities of a broken and damaged world in a fog of benign, wishy-washy, ungrounded optimism about human beings. Those concerns are often nourished by the way in which Christian talk of love (even – no, especially – of enemies), the prioritisation of forgiveness and reconciliation and what can appear to be resistance to confrontation and judgment in its name, can be heard. I was tempted to say 'misheard', but one does not have to go far to find examples of Christian talk that appear to operate with exactly the understanding of love, forgiveness, reconciliation that would sustain these suspicions that, in turn, invite mishearing of more nuanced, subtle understanding of them articulated in the criminal justice literature and elsewhere.

Despite the fact that most theological discussions of punishment display considerable nuance and sensitivity (especially in their discussion of restorative justice) towards the needs of the community and of victims, the direct focus on offenders and its character (creatively transformative love, forgiveness, reconciliation), these are likely to be missed when read through this interpretive lens. The absence of policing from the discussion is likely to exacerbate suspicion that loving, forgiving, reconciling, restoring offenders - creative alternatives to retributive and punitive measures – are alternatives to what is perceived to be appropriate justice because they are understood to dispense with (rather than dispense) judgment or to confront or effectively control offenders' behaviour and the harm and risk they present. What is claimed by Christians to be a sign of the inbreaking creative possibilities of new life and hope can look to others like a fanciful refusal to face the reality of damaged and damaging humanity or the severity of past harm and future risk to the community seriously. Christian talk can seem disengaged from the realities it claims to be subverting; too 'otherworldly': a denial of reality rather than a way of dealing with it creatively. Later on in this chapter, I shall be proposing love of enemies as one of the twin nodes for theological engagement with policing, arguing that – properly understood – it represents a form of Christian realism that has humanising and transformative capacity. Enemy love, however, is just one of those Christian tropes that invites (often deservedly) suspicion that it is not a vehicle for Christian realism, engaging truthfully with and confronting effectively the gritty reality of damaged and damaging human reality – a precondition for being transformative. Turning later to propose love of enemies as a central node for theological engagement with the realities of policing represents an opportunity to interrogate what enemy love might mean in a world populated by 'enemies' whose behaviour needs to be challenged,

confronted and contained. I shall be in a better position to articulate the grounds on which enemies might be identified, their confrontation or containment prosecuted, when I turn top the other node of engagement I propose: love of neighbour. I am going to make an odd kind of progress towards that discussion by staying for now with Christian suspicion of policing focussed on its confrontational and forceful nature – either generically and universally or in a specific societal context. One of the reasons this is an odd kind of progress, rather than just delay, is that the discussion will continue to focus for a while on the confrontational nature of policing, which – though essential to it – is neither the exhaustive characterisation of its interactions nor a focus that provides the most helpful way of framing and evaluating, say, use of force nor developing a constructive, critical understanding of policing purpose. Nevertheless, moving through these critiques will helpfully advance us towards a specification of love of neighbour as love of neighbourhood that, in combination with love of enemies I shall propose as one of the two fruitful nodes for theological engagement with and discernment in policing.

Policing's inherently confrontational nature is one of the reasons that it is treated sometimes, not only with caution,[13] but hostility in the very few substantive discussions that can be found outside of the theological criminal justice literature: either on the basis of a more or less anarchist principle of non-violence and non-coercion[14] or the way in which policing is actually practised in a particular context, its underlying values, guiding interests and its effects, in (and in support of) a specific social order: judged to be not just the limited, partial realisation of a penultimate[15] good but something like the material expression of demonic powers.[16] We can see here a spectrum arising out

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[13] Characterised by much of the literature that expands the just war/Christian pacifist discussion by exploring the applicability of policing models to military engagements: Schlabach, *Just Policing, Not War: an Alternative Response to World Violence*; Friesen and Schlabach, *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*; Kauffman, *Just Policing: Mennonite-Catholic Theological Colloquium, 2002*; Schlabach, "Must Christian Pacifists Reject Police Force?."; Winwright, "The Perpetrator as Person: Theological Reflections on the Just War Tradition and the Use of Force by Police."

[14] Alexis-Baker, "The Gospel or a Glock?."; Alexis-Baker, "Police, Technique, and Ellulian Critique."

[15] On my use of 'penultimate', see Dietrich Bonhoeffer, *Ethics* (Minneapolis: Fortress, 2009), "Ultimate and Penultimate Things". Significantly, Bonhoeffer sees 'law' under the category of the penultimate in active reciprocal relationship to the Ultimate

[16] So, e.g., Mark Lewis Taylor, *The Executed God: The Way of the Cross in Lockdown America*, revised and expanded 2nd ed. (Minneapolis: Fortress Press, 2015). Again, I have excluded this work from the category 'theological literature on criminal justice'. Despite an extensive discussion of criminal justice, the discussion and overall intention belong more to the genre of political theology. Criminal justice, including policing, is one of the 'instruments of terror' whereby the

of the perceived tension that I have alluded to before between core Christian orientations (transformative love) and criminal justice in general expressed in relation to policing in particular. That tension might be expressed as the question whether, how, under what conditions and to what extent can Christian love be combined with practices that are coercive, forceful and exercise control. Yet we see the tension emerging here, not as an isolated question about use of force, but as about the social order that policing secures, serves and helps re-create. Except for the pure forms of pacifism at one end of the spectrum that finds all forms of cooperation with the coerciveness of any state a compromise of the purity of Christian faith with the 'worldliness' of the world, other points on the spectrum are not opposed to policing and the enterprise of criminal justice in principle. There is awareness of the inherent danger in any criminal justice system (and in all policing) of demonising and dehumanising offenders, of constructing systems and making decisions that are not transformative, hope-bearing, forgiving, restorative; that are not loving. For sin is nowhere more dangerous than in our act of (thinking we are) confronting it (a danger potentially radicalised where policing is combined with frames of religious judgmentalism). (The opposite danger is present too, though less frequently acknowledged in theological literature: that victims, witnesses, bystanders, the vulnerable are not protected and not given justice; those who take and assert unaccountable power to abuse or to impose their will through criminality or anti-social behaviour are left unchecked.) Other texts discuss criminal justice and policing, not in the abstract, but as embedded in, shaped by and serving a specific social order in which neither love nor justice are determined to be possible. Where the social order is itself subject to profound systemic and structural disorientation, policing and criminal justice will almost certainly find themselves vehicles for the transmission of those distortions and disorientations: vehicles of injustice.

Despite their differences on issues of principle around force, coercion and violence, these texts share an at least implicit, formally identical means of assessing policing and criminal justice by reference to a normative notion of social order: of a community that is founded on loving mutuality funded by the presence and activity of God's love that creates new possibilities of hope and transformation where human lives are disoriented, damaged, broken. In the liberative critique of 'lockdown America' and in the theological literature around Black Lives Matter, the focus is the oppressive form of social order; discussion of policing and criminal justice are secondary to that, though they are

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Pax Americana is constructed as a brutal and brutalising social order. The overall intention is to illuminate the true nature of the social order and fund possibilities of resistance and societal transformation (see, e.g., pp.xxvii, 13, 50, 59, 61ff., 79, 123, 183, 229, 237ff.).

seen as principal manifestations and tools of that social order that have to be resisted.[17] The implicit criteria by which policing and criminal justice are judged and which should also guide the form of protest and resistance is a non-oppressive; non-terrorizing; non-racialized society that will engender modes of policing and institutions of criminal justice (and law itself) that will be liberative in being ordered towards the full flourishing of every member.

Similarly, in its more ameliorative and reformist tendencies, the theological literature on criminal justice focussed on punishment (that seeks to ensure penal policy and practice are governed by the values of love, forgiveness, reconciliation and restoration) also operates evaluative criteria that express a vision of normative social order. Present policy and practice are judged according to their potential to realise or anticipate those values: punishment is to be oriented towards the construction of an inclusive community in which there is truth and justice for victims and offenders restored to fully human life in that community. This is not expressed in univocal terms, but it is striking how pervasively a Biblical notion of justice as *shalom* operates as a criterion of evaluation, either explicitly or implicitly.[18] In the Christian pacifist/anarchist case that is hidden by the headline emphasis on the issue of non-violence. But what lies behind that is not adequately captured in terms of

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[17] Taylor, *The Executed God: The Way of the Cross in Lockdown America*; Levad, *Redeeming a Prison Society*; Vincent W. Lloyd and Andrew Prevot, "Introduction," in *Anti Blackness and Christian Ethics*, ed. Vincent W. Lloyd and Andrew Prevot (Maryknoll: Orbis, 2017); Bryan N. Massingale, "The Erotic Life of Anti-Blackness: Police Sexual Violation of Black Bodies," in *Anti-Blackness and Christian Ethics*, ed. Vincent W. Lloyd and Andrew Prevot (Maryknoll: Orbis, 2017); Josiah Ulysses Young, "Do Black Lives Matter to "God"?," *Black Theology* 13, no. 3 (2015); Liam Miller, "James Cone's Constructive Vision of Sin and the Black Lives Matter Movement," *Black Theology* (2020), https://doi.org/10.1080/14769948.2020.1726010; Luis Menéndez-Antuña, "Black Lives Matter and Gospel Hermeneutics: Political Life and Social Death in the Gospel," *Currents in Theology and Mission* 45, no. 4 (2018); Christine M. Mitchell and David R. Williams, "Black Lives Matter: a Theological Response to Racism's Impact on the Black Body in the United States," *Studia Historiae Ecclesiasticae* 43 (2017); Levad, *Redeeming a Prison Society*.

[18] E.g., Gorringe, *Crime*, pp.7-15, 35, 51f., 108, 22f. 50; Duane K. Friesen, "In Search of Security: A Theology and Ethic of Peace and Public Order," in *At Peace and Unafraid: Public Order, Security, and the Wisdom of the Cross*, ed. Duane K. Friesen and Gerald W. Schlabach (Scottdale, PA: Herald Press, 2005); Nicholas Wolterstorff, "The Contours of Justice: An Ancient Call for *Shalom*," in *God and the Victim: Theologicl Reflections on Evil, Victimization, Justice and Forgiveness*, ed. Lisa Barnes Lampman (Grand Rapids: Eerdmans/Neighbors Who Care, 1999); Marshall, *Beyond Retribution: A New Testament Vision For Justice, Crime, and Punishment*, pp.4, 48f., 53, 59, 68f., 125f., 45, 74; Rothchild, Boulton, and Jung, *Doing Justice to Mercy: Religion, Law, Criminal Justice*, p.43; Nicholas Wolterstorff, *Justice in Love* (Grand Rapids: Eerdmans, 2011), Ch.12; Timothy Gorringe, *God's Just Vengeance:* (Cambridge: Cambridge University Press, 1996), Ch.10; Miroslav Volf and Ryan McAnnally-Linz, *Public Faith in Action: How to Think Carefully, Engage Wisely and Vote with Integrity* (Grand Rapids: Brazos Press, 2016), Ch.16.

individual rights. It is a more social discernment: that a social order founded on or maintained by the coercive power of the state cannot be the vehicle of God's redemptive and creative love. So no policing function nor juridical use of punishment or imprisonment can serve those theologically grounded purposes; neither can they be vehicles of God's redemptive and transforming, hope-bearing love.[19] What divides them is the question whether coercion, force and violence can serve such a social order or whether they are bound themselves to generate a social order that cannot be a penultimate good, theologically construed.

Taking the journey we have done to this point through the notions of normative social order undergirding the various literatures that bear on policing will, I hope, help avoid potential for misunderstanding when I propose re-expressing that concern through the trope of love of neighbour; or, rather, love of neighbourHOOD. There is a tendency to interpret love of neighbour individualistically, asocially and universally (hence, also absent reference to determinate social structure and order). Thus, 'love of neighbour' functions as a placeholder trope conveying a universal ethic of good will directed towards all individuals: love of a generic person, not as a highly particularised person and contingent love: specifically embodied and embedded in a particular, determinate and concrete social order, structured into a specifiable set of relationships with me; with whom I have to do on account of those material, social, cultural, symbolic, economic relationships. Love of neighbour is taken to mean love of a generalised other: love everybody in principle (but nobody in particular) but as abstract, formally identical individual exemplars of universal humanity. Properly understood, however, love of neighbour is both incarnational and social, inseparable from the social order in which I come to have to do with specific others in all their concrete particularity and bearing the contingencies of whether, what and how we are structured into particular encounter or ordered interaction – as member of that or neighbouring community but also as an officer policing it. As posed by Jesus in the parable of the good Samaritan, moreover, the question, 'who is my neighbour?' (significantly, perhaps, raised by a lawyer) is turned round. His answer shows it is not for him an identity question concerning the legal status of someone who falls outside the legally proscribed sphere of reciprocal moral obligation and care (Samaritans would ordinarily be regarded as enemies of Jews, not belonging to the neighbourhood), but as a question of the active orientation towards the wellbeing of

[19] Alexis-Baker, "The Gospel or a Glock?."

someone who crosses one's path.[20] Being a neighbour is not a legal status, but active orientation towards specific others who need care: social mediation of God's loving care and *shalom* that builds up neighbourhood.

Biblically, a penultimately good social order or neighbourhood is a vehicle of God's expansive *shalom*. Love of neighbour and of God are declared inseparable both in the Hebrew scriptures and in the New Testament.[21] What it takes to construct and sustain a neighbourhood where human beings in their diversity flourish; what imperils that; what might secure it – this is the focus of so much of the concern of the Hebrew scriptures (the decalogue and law in general; prophecy; wisdom and proverbial material, for instance), carried over in the New Testament's articulation and Jesus' exemplification of the nature and orientation of love. In both, we find strategies that protect against an overly narrow articulation of neighbourhood and neighbours correlated with intentional community, common interest or reciprocal moral obligation and that undermine any tendency to make neighbourhoods exclusionary or hostile to those not judged to 'belong'.[22] Policing and enforcing penultimately good social order cannot include systematic practices of hostility towards others who do not 'belong'. The Hebrew scriptures are careful to articulate obligations towards those to whom we might not 'naturally' sense such obligation but whom we might nonetheless find that we have to do in our daily lives; also those who are vulnerable or marginalised in or passing through the neighbourhood: strangers; aliens; enemies; the poor; those marginalised by the operation of economic and social systems; prisoners; widows; orphans. This is not a form of universalization that is abstract or disembodied. It is, however, a register of the theological risk of drawing the boundaries of the social order of the neighbourhood tightly and exclusively; of permitting practices of exclusion or of marginalisation – either in the normal operation of the dynamics ordering social life (so release of prisoners; cancelation of debts; care for the lot of those dispossessed) or in the extraordinary dealing with people not resident in the community (love for enemies; strangers).

It is the reference to sociality – and specifically this biblically grounded sense of penultimately good social order, the neighbourhood of *shalom*, that I wish to concentrate on here. Love of

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[20] Lk 10:25-37. Cf the discussion in Ian MacFarland, "Who is my Neighbor? The Good Samaritan as a Source for Theological Anthropology," *Modern Theology* 17, 1 (2001): pp.59f.

[21] Lev. 19:17f.; Mt22:35ff.; Mk.12:28ff.; Lk.10:27ff.

[22] See, e.g., Walter Brueggemann, *Reverberations of Faith: A Theological Handbook of Old Testament Themes* (Louisville: Westminster John Knox, 2002), pp.66f., 125ff., 52, 96; Walter Brueggemann, *Journey to the Common Good* (Louisville: Westminster John Knox, 2010), pp.24f., 41f; Patrick D. Miller, *The Way of the Lord* (Tübingen: Mohr Siebeck, 2004), Ch.4: 'The Good Neighbourhood'.

neighbour can be an important corrective to any Christian tendency to focus exclusively on offenders and their good (what love means in terms of sentencing and out-of-court disposals) by bringing love of third parties into the picture. Insisting that others (specifically, victims), their needs and interests, might also warrant loving concern and so be included in the frame of juridical consideration does have this consequence. However, including others with potentially competing needs and interests in calculating the demands of loving justice – whilst important – in itself falls a little way short of what it means to love others specifically as neighbours; that is, as belonging in, present in, passing through, working in, connected to neighbourHOOD. Loving others as members of a neighbourHOOD suggests intentional activity oriented towards victims and offenders alike as members together of the neighbourhood and its mediation of *shalom* or penultimately good social order. But not only victims and offenders are relevant to consideration of the effects of crime: also initial suspects, bystanders, witnesses, police officers and others more or less directly or indirectly affected by this offence. But the effects to be considered are neither only individual, nor restricted to the more or less immediate effects and consequences of this specific offence as an isolated incident. NeighbourHOOD and not only neighbours are affected by patterns of repeat offending; the response of neighbours who perceive heightened risk of being subject to or witnessing future victimization has social as well as individual effects. The pattern of public life; the ordering of public space are changed; the power that effectively regulates it are redistributed, whether that is from fear of the home being targeted in one's absence or being victimized or witnessing victimization in public space. The order and patterning of life are changed in the neighbourhood, whether that is the result of sexual harassment; being subject to hate speech; aware of a series of stranger rapes or street robberies; frequent disorderly behaviour and low-level crime on the street; a pattern of burglaries on unoccupied dwellings. In all these cases, fear reshapes the ordering of public space, who enters it, the interactions that take place in it, who has effective 'control' over it. Provision of and access to public utility are interrupted; businesses may close; people may feel unsafe transiting it. Not only crime, but the (perceived and actual) pattern of police presence, attention and activity (equally, of absence; inattentiveness; inactivity; unresponsiveness), including response to crime, also have effects on the social order of the neighbourhood. Response to incidents; the conduct of the investigation; of proactive, preventive patrol; above all, the quality of interactions between officers and the public: each of these can counter the effects of crime and anti-social behaviour on neighbourHOOD. But they are capable also of producing the opposite effect too, especially where people feel they are not treated as neighbours and police power deconstructs or threatens neighbourhood's good social order; is imposed on it, rather than supporting the maintenance and reconstruction of good neighbourhood. Police presence and activity, not least its engagement with suspects or groups perceived to be the

actual or potential future cause of neighbourhood disorder or disruption of its public space.[23] And all of that construed dynamically in relation to the actual presence, movement, settlement of specific people, their behaviour and interactions (including reactions to policing).

This offers a challenging agenda for, criteria of evaluation, fundamental orientation in relation to policing: a community of practice seeking to engage those it comes across in whatever role as neighbours: to be an agent in the protection, construction and transformative reconstruction of neighbourhood. Policing as loving neighbourhood is a dynamic activity, by definition constantly protecting, keeping alive, restoring, extending the conditions that make it possible to be neighbours (sharing this responsibility with partner agencies and organisations, helping establish these where they presently do not exist in neighbourhoods). Special forms of attentiveness and engagement will be needed in relation to those who are (or who experience themselves to be) marginalised, vulnerable and at risk (of involvement in criminality or of criminal victimisation, but also in relation to police action), unjustly treated (including by policing or the wider criminal justice system), unable to access resources for flourishing or participating fully as neighbours in the maintenance and construction of neighbourhood. This will mean, for instance, proactively engaging marginalised, recently arrived and transient communities in order to understand their policing needs and to make the service accessible to them, but also to assess any risk represented by or to them. (The necessity of combining the confrontational with the humanising is, I think, the essence of policing values in the construction of good neighbourhood, but it will come to better expression as love of enemies discussed below.) What should be expected of policing as love of neighbourhood in this expansive sense would require, for instance, forms of engagement and activity that might sometimes be transformative and responsive in ways that lead change with marginalised or hard to reach communities, those stigmatised or demonised or previously criminalised, or whose presence in public space is regarded or treated with suspicion, fear or violence especially those communities not experiencing current policing as the securing or construction of loving, plural and diverse neighbourhood.[24] This includes a healthy but not disabling ability to interrogate the assumptions embedded in policing practice (and a

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[23] This sense appears to undergird the constructive critique of Gale Fisher-Stewart, "To Serve and Protect: The Police, Race, and the Episcopal Church in the Black Lives Matter Era," *Anglican Theological Review* 99, 3 (2017).

[24] Significantly, former US police officer, now Anglican priest, Gale Fisher-Stewart explicitly refers to the Peel principle that “the police are the people; the people are the police” Fisher-Stewart, "To Serve and Protect," pp.440f. Cf. "The Code of Ethics - Reading List," College of Policing, 2014, accessed 12/1/20, 2020, https://www.college.police.uk/What-we-do/Ethics/Ethics-home/Documents/Code_of_Ethics_ReadingList.pdf.

resource also to defend appropriate and proportionate practice against the criteria of fostering good neighbourhood in the senses conveyed here). More positively, it certainly includes forms of proactive engagement with communities directly affected by offending or subject to police attention in the course of investigation.[25] Good neighbourhood requires police work, in other words, towards community cohesion (but also including the facilitating of protest). This expansive criterion of neighbourhood means also identifying and responding to vulnerabilities within communities and in individuals to exploitation by others, including their grooming, manipulation or influencing towards criminal behaviour themselves; signposting intervention and support in the space created by arrest.

Policing understood this way is oriented towards the maintenance and reconstruction of the conditions for good neighbourhood, conscious also of the effects of police activity and proactivity to themselves be experienced as constituting threats to that good order.

> A crime, on this view, is an act of ruin, of demolition. The common preemptive task of the state and the neighborhood in question is to diminish social conditions that encourage and allow such acts to take place; but when they do take place, the common responsive task of state and neighborhood, of victims and perpetrators, is to face and assess the ruin, to account responsibilities, and to begin to build anew.[26]

If justice is "the constructive work of repairing and promoting communal life",[27] then post-offence police work is the facilitation of the conditions that make that possible: not just minimising or containing harm but a contribution to the creation of a space where something more creative and transformational than that can potentially happen. Whilst not directly considered in Marshall's excellent book from whence these quotations are drawn, the policing role in this activity requires use of police powers, including those of force and coercion. Both facing and assessing ruin and accounting responsibilities requires investigating and assessing the truth about what has happened, who did what,

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[25] For example: in the course of investigating the 7/7 London bombings in 2005 (the bombs were made in Leeds and all bombers lived in or had connection to the city or surroundings), whilst the number of suspects and supporters was still uncertain, active measures were taken to protect local Muslim communities from radicalised white right wing, Islamophobic reaction, to facilitate through partners effective communication strategies, keep families informed insofar as was possible and consistent with an active investigation within the community, to recognise and respond to community confusion, grief and anger.

[26] Marshall, *Compassionate Justice*, p.136.

[27] Marshall, *Compassionate Justice*, p.136.

what harm has been experienced and caused, why did this happen in what range of complex circumstances and from a range of diverse perspectives. This requires powers to examine and seize investigative material; to speak to witnesses and suspects; to enter premises; to establish conditions where suspects cannot conspire to mislead and cannot intimidate witnesses; where offenders cannot continue the course of conduct that has damaged neighbourhood and harmed neighbours and their capacity for neighbourliness. Police powers are there to facilitate the creation of space where victims and the neighbourhood are first of all protected from continuing harm; second, where investigations can be carried out and, where appropriate, a criminal case can be placed before a court. Those powers are required for the constructive work of repairing neighbourhood and they are to be evaluated by that criterion also.

The move towards loving the neighbourhood and loving suspects, offenders, victims and others as members of the neighbourhood affords a more comprehensive and complex frame for theological, ethical and practical deliberation of police, but also of penal policy and practice that has been the focus of theological engagement with criminal justice hitherto; one that has reference to a far wider range of interests. (It more closely matches the complexities but also the orientation of police decision-making, in my experience of British policing.) Or, perhaps better, it allows the interests more conventionally considered – of, say, suspect, offender, and victim – to be expressed as an interest in the construction and thriving of neighbourhood as a place for human flourishing. Custody is perhaps a helpful point of comparison and cross-over between policing and the post-conviction emphasis on punishment – since the purpose and orientation of custodial offences and the potential of non-custodial alternatives has been such a vibrant area of theological attention. Police custody and powers of arrest have a different and more limited purpose, less frequently considered in the theological literature relating to sentencing and punishment: broadly, that deprivation of liberty is necessary in order to facilitate the investigation or subsequent judicial process; but also to prevent further victimisation, violence or harm to third parties or violence to the suspect (say from others' response to the offence) or continued disruption of the order of good neighbourhood.[28] Deprivation of suspects' liberty may be necessary in order, not only to ensure the investigation can progress but also

[28] Police powers of arrest – and more importantly, both the way of thinking about necessity and purpose of arrest – were changed in England and Wales in 2012, in order to comply with international standards of human rights and their local expression in the Human Rights Act (and equalities legislation), specifically around the non-arbitrariness of arrest relative to dealing with the offence, processing the offender or protecting neighbourhood, neighbours and the suspect (as well as formalising duties of non-discrimination). The specific necessity criteria are: verifying

to create a space in which victims and witnesses may be spoken to without the influence of suspects or the intimation of their unchecked power on the social order of the neighbourhood (or, in the case of domestic violence, especially involving coercive control, the home – the suspect's power being often psychologically present even when physically absent,[29] as may also be true in public space of neighbourhood and significant offenders ore broadly); bystanders, victims, witnesses may be reassured; the vulnerability of the neighbourhood in general or specific neighbours and their needs relative to the offender be assessed (as can the vulnerability of suspects themselves); the unwarranted interruption of penultimately good, decent order and its normal patterns of life may continue without unwarranted and unlawful interruption.

This creation of breathing, as much as investigative, space by police powers of detention might have fruitful analogues to supplement consideration of judicial incarceration after sentence: preservation of neighbourhood and creation of a breathing space. So, for instance, custodial sentences might be justified on the basis of the neighbourhood and (potential as well as actual) victims needing (for example) a break from a pattern of repeat victimisation and exploitation of vulnerability before they can be ready to become neighbours to and for the offender again. Equally, the custodial sentence might give the offender time to process what the offending has done to the neighbourhood and how it has affected the capacity to be a neighbour to others, to receive support and assistance in becoming a neighbour again, there or elsewhere, possibly under some conditions for the future management of risk (e.g., in relation to sexual offences or domestic violence). Theologically, the rights and interests of victims and offenders are to be discerned in relation to the penultimate good of the neighbourhood. They are not self-substantiating, neither do they exist in isolation, neither yet can they be played off against each other.

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name and address (making it potentially possible to investigate through interview by appointment or to process by summons or offer out-of-court disposal); prevent serious threat of injury to others or self; prevent loss or damage to property; prevent offences against public decency & obstruction of the highway; protect child or person vulnerable to the suspect; where failing to control the suspect may result in loss or distortion of evidence (say by destruction, alteration or fabrication of evidence or disappearance, collusion or intimidation of others) or where the arrest facilitates investigative progress by creating space where the victim may be engaged or premises searched without interference from the suspect. Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers, S 2.9 (London: The Stationary Office, 2012).

[29] Alistair McFadyen, "'I Breathe him in with Every Breath I Take': Framing Domestic Victimisation as Trauma and Coercive Control in Feminist Trauma Theologies," in *Feminist Trauma Theologies: Body, Scripture & Church in Critical Perspective*, ed. Karen O'Donnell and Katue Cross (London: SCM Press, 2020).

Although for delimited and specific purpose, for victims as well as for suspects, the investigative space is one that can have significance as a mode of neighbourly recognition. The opportunity to narrate the story of victimisation and its context from their points of view, to be heard, have the damage to them acknowledged, to be paid attention, is significant – as are the negations of that: to feel misunderstood, judged, not taken seriously, blamed inappropriately, treated with suspicion or hostility, rather than heard with empathy and compassion – not treated as neighbour. The simple acts of recording and investigating crime can in themselves be positive and significant expressions of the social order of neighbourhood at the point at which victims, witnesses, bystanders experience its 'ruin and demolition'. In cases of grooming or coercive control especially, police action in confronting the abuser, contesting their narrative about what is acceptable, right and good and asserting a counter-narrative as that of the proper order and values of the neighbourhood (this is not right; you do not deserve this; it is not your fault; it is not your shame) are as important as the more obvious acts whereby abuser's control is contested through use of force or power of arrest.

Especially in considering the suspect in the context of policing construed as loving the neighbourhood, I've already begun to cross the border into consideration of policing as love of enemies, not least when considering confrontation, control and use of force. Not least, but not only: I have also mentioned the significance for the suspect of the creation of the space police action can open to face the reality (of what they have done and the factors that might have been operant in the offending behaviour) and to be offered support in, say, managing anger, understanding their controlling or abusive behaviour, gaining employment, resolving housing issues, tackling addiction, making reparation. Treating the suspect as current and future neighbour means treating them creatively, critically but also potentially transformationally as member of the social order of neighbourhood who will be returned to it at some point (possibly almost immediately), where they may be responsive to the need to be good neighbours themselves. Police engagement with suspects and offenders under the rubric of love of enemies should be shaped by the criteria and requirements of love of neighbourhood. Yet all the transformational and creative opportunities I have suggested are made possible only because the space in which they can be offered and might be considered has been opened up by police taking action first to confront, control and to exercise judgment at least implicitly (what has happened is not OK; neither good for you nor the victim; is this who and how you want to be? What might you need to support change?). This everyday policing reality holds in sometimes tense combination a level of potentially transformative concern, care and responsibility for the suspect on the one hand and confrontation, control, force on the other. It is a combination that is at the very heart of policing practice oriented towards the good neighbourhood, its inherent values and code of eth-

ics. I think it best brought to expression as love of enemies. Thinking about policing as love of enemies will, I think, help bring to expression something important at the very heart of the policing mission and values (although, admittedly, I never hear it articulated thus). It will also clarify how this central trope of Christian faith and living might most helpfully be understood, against conventional assumptions. Policing is in fact where I have learned what it might mean to love enemies.

It is the retention of a confrontational attitude towards the suspect, their expressed and enacted intentions, interests and behaviour that I regard as a practical expression of enmity to this limited extent and to these limited purposes. I anticipate that Christians might bridle at the thought that love of enemies could involve such confrontational practices as coercion, deprivation of liberty and use of force. For similar reasons, I think, that underlie other common interpretations of Christian love, forgiveness and reconciliation, Christians tend in my experience to think of love as an alternative to enmity, rather than a way of practising it. Such fails to keep love and enmity in relationship together. That is not hard to understand. For, on any conventional definition, love and enmity are oxymoronic in combination. That invites the interpretation that there is a zero-sum choice between love and enmity, such that opting for love represents refusal of enmity and loving means – from our side at least – refusing to have enemies. Something like that interpretation does seem to operate as an unexamined, background assumption in a good deal of theological ethics. It explains why we rarely find love interpreted as a qualifier of enmity, rather its antithesis; why we in fact so rarely find extended treatment of enmity under the heading 'love your enemies'. Both enmity and enemies disappear as soon as they are targeted by love, as though we are more conscious of the threat posed to love by enmity than of the power love has to reconfigure enmity.[30] Better, that any and all forms of enmity incorporate destructive, dehumanising and demonising attitudes towards the other (hatred rather than love) that cannot be vehicles intending the wellbeing or flourishing of the enemy. I have already argued that confrontation of criminal suspects might be an expression of love of neighbourhood and that that love of neighbourhood might condition, shape and be a criterion for judging police activity; in doing so, I have already tentatively suggested that intending suspects and offenders as members

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[30] John Piper, *"Love Your Enemies": Jesus' Love Command in the Synoptic Gospels & the Early Christian Paraenesis* (Grand Rapids: Baker, 1980), 128-33. Piper is atypical in lending several pages to such deliberation and in being clear that loving preserves an oppositional stance of enmity towards what is genuinely evil. More representative are Lisa Sowle Cahill, *Love your Enemies: Discipleship, Pacifism, and Just War Theory* (Minneapolis: Fortress, 1994); Willard M. Swartley, ed., *The Love of Enemy and Nonretaliation in the New Testament* (Louisville: Westminster John Knox Press, 1992). Here enemy-love is immediately translated into and colonized by the issue of violence, so the questions around violence and the understanding of love no longer appear framed consciously by the issue of enmity.

of the neighbourhood carries the possibility whereby confrontational action can create a transformational space for enabling, empowering and redirecting offenders' decision-making and future behaviour. In other words, the acts of confrontation might be hope-bearing vehicles for creative transformation that open possibilities for the offenders' flourishing. Moreover, bringing offenders to justice entails implicit acknowledgment of the humanity of offenders. It is a process that engages their self-understanding and narration of reality and truth from their perspective, so that motivations and the broader context of offending, for instance, can all be understood. The offender and situation are interpreted as humanly understandable, and not as expressions of some demonic, inhuman force. And they will be subject to judgment as such. (The temptation of using demonising and dehumanising language to refer to offenders is profoundly dangerous and already beginning the direction of travel away from anything that can be characterised as hope-bearing love, a vehicle for the offender's well-being – indeed, it is its opposite, locking the offender into a closed and disparaged identity.)

Whilst the general trajectory of this discussion has been to resist the temptation to focus exclusively on the suspect/offender and on use of force, at this point, it is necessary to turn attention towards the police-suspect interaction, albeit in the context of love of neighbourhood as the governing context. Nevertheless, police-suspect interaction does provide something of a test case for the applicability of the language of love towards suspects themselves at the point at which force is used, and not only in consideration of more ultimate intentions, outcomes or context of meaning or reference to the benefits for others (love of neighbourhood). Can use of force and deprivation of liberty – practices of oppositional, confrontational enmity – in themselves (and not only as instruments towards an end that might be described as loving) be characterised as, shaped by, love, that carries the well-being (if not flourishing) of the suspect/offender within them? Limiting the use of force to what is necessary, reasonable and proportionate in the circumstances (minimum level to achieve a lawful purpose) and in the interests of the neighbourhood (i.e., has a lawful purpose such as preventing harm, damage, loss, or to effect arrest; is one way in which the well-being of the suspect – and their humanity – routinely enters police decisions regarding use of force. It is an at least minimal expression of love. Similarly, cessation of use of active force once compliance or control are gained is another significant test. Where control is achieved, absent continuing resistance, further active application of force would not only be unlawful but should be understood as torture, no matter how minimal. It is important that police operate with a far lower level definition of the acts that constitute torture than is conveyed in internationally agreed conventions. It is neither the intensity of pain nor the level of violence that constitute torture for a police officer, nor yet their instrumental purpose. Rather, the one sufficient condition for force and violence to constitute torture is the achievement

of physical control and power over the suspect/offender. At that point the same act that would previously have been lawful and not dehumanising or degrading (say twisting partially or completely applied handcuffs to gain compliance or to use body mechanics to bring to the ground) becomes unlawful and dehumanising violation. Instead, when control is achieved or surrendered, where a suspect is completely in the power of the officer, there is a transfer of correspondingly absolute responsibility for the suspect's (now the officer's prisoner) well-being. This includes, but is not limited to, the vulnerability created by police action, including use of force. It extends to the meeting of the detained person's physical needs (treatment of injuries, provision of food and water) but also their immediate psychological and emotional needs. Again, this is short of an orientation towards full flourishing, but it is a necessary condition at the very beginning of that continuum – a recognition of humanity and human need and recognition to take responsibility for the person of the other (that is typically continued whilst queuing in custody, where very human interactions regarding the prisoner's general situation and hope for the future and possible options for support might be explored). At the same time, this is still a confrontational practice and is likely still to involve some use of force sufficient to negate risk of escape and of the officer being subject to violence or resistance and the outcome is likely to be the journey towards formal police detention in the cells for the purposes outlined in the foregoing discussion (creating investigative space) and thence to bring to justice. So handcuffs are likely to be and to remain applied, the person searched for weapons and possibility of escape negated by the officer maintaining physical advantage. (For example, British officers are taught to switch immediately from aggression to caregiving after deployment of incapacitant spray, expressing care and reassurance, but also maintaining readiness against attack when the effects wear off). This is a practise of enmity that can be (and routinely is) combined with humanising practices oriented towards the well-being of the suspect/offender that might helpfully be characterised as forms of loving care.

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There has been little theological consideration of policing. Moreover, what little there is, is cast in overwhelmingly negative tone. Policing seems a site of neither significant, nor positive theological interest or concern. Several reasons for both this lack and the negative character of attention have been suggested, focusing on prioritisation of post-sentencing justice but also on dominant assumptions concerning the character of Christian love and its relationship to force, coercion and power. In particular, a combined Christian tendency was identified whereby, first, concern for the offender is typically isolated from concern for victims, wider society and justice; second, that concern is characterised by love, construed as unconditional and non-combative. These assumptions can be observed in discussions of love of neighbour in abstraction from preservation of the social and

material order of neighbourhood; similarly, of love of enemies that assumes a zero-sum choice between love and enmity. Having interrogated these assumptions, I have begun to explore the possibility that loving enemies in the context of love of the neighbourhood might provide a positive theological foundation for policing and for critical engagement with policing practice. At the same time, bringing both these dominant Christian ethico-theological tropes into contact with the realities of policing in a British context enriches and expands our understanding of how both might potentially be interpreted.

Inevitably, Christian disquiet and discomfort around force and violence is likely to carry forward into any substantive, focused theological engagement with policing. That is both unavoidable and right – policing especially remains an ambiguous enterprise, humanly as well as theologically. However, there is a serious risk in centring discussion on that issue that we shall always get bogged down on first principles of justifying the theological legitimacy of the policing function and get no further. There is a place for that question, but making that the point of entry in theological consideration of policing makes progress unlikely to a richer understanding and means of assessing policing in its actual practice, either in specific societal contexts or in general terms. Even where the question is resolved positively in favour of policing, it would not in itself yield a positive framework for critical, constructive engagement with policing in its full, complex reality beyond conditions where the application of force or intrusive power might be deemed legitimate. The concern about the place, purpose and limits of uses of force are appropriate Christian ethical and theological considerations in relation to policing and criminal justice. But they should neither exhaust the scope of theological interest nor be its permanent, exclusive central focus. A focus on force does not, for instance, easily provide a way of thinking critically about the social context and consequences of offending, of policing or punishment. Moreover, attention focussed on the issue of force and violence is still almost exclusively on interaction with offenders or suspects. It is likely to focus on the rights of suspects as individuals. That certainly has its place, but it does not in itself relate those rights to a more ultimate context governing qualities of interaction and their purpose: the good that violence and force might disrupt. For similar reason, it is unlikely to help us understand use of force across a whole spectrum, including – at the lowest end of the continuum – officer presence. More importantly, it is unlikely to assist in understanding and accounting for the full realities of police use of force in a way that reflects the decision-making, ethics and accountability of police officers. It passes without much public discussion but is a fact of which police officers are keenly aware – we are accountable always for the force we use, but we are also accountable in some circumstances for not using force. We can only make sense of police use of force and coercion if we begin, not with the use of force, but with a clear sense of why it is police have powers where, under some circumstances they can use or threaten

force (indeed, in the use of force continuum, officer presence might itself be considered an implicit use of force to which others respond[31]). Police have such powers where they have responsibilities and duties – where the public expects officers to act, to take control, to investigate, to secure others' safety and so on. And they are as liable for the consequences of failing to use force if that could have contained or resolved a situation, especially where that has led to injury, damage, or allowed a risky situation to continue (e.g., failing to end a pursuit through tactical contact, failing to act decisively in the home to effect entry and use force to separate the parties and then arrest a domestic violence suspect (preventing harm to the victim, but also creating space – for the victim to make decisions, for interventions and referrals, for effective investigation[32]); failing to intervene forcefully to stop an attack; failing to take hold of someone lacking capacity who is wandering in traffic on a busy road or preparing to throw themselves from a bridge). Use and non-use of force cannot adequately be considered against a notion of an individual's rights abstracted from any social reference an d expressed negatively (not to be subject to force). Rather, they ned expressing socially and positively – with reference to the penultimately good social order in which the person lives alongside others who are also in the frame of reference; moreover, expressed positively in relation to expansive conceptions of human flourishing – of this person, but related to the conditions of flourishing community populated by others. Love of neighbourhood and love of enemy present opportunities for a picture that is theologically grounded, has critical and constructive potential, is both realistic and hope-bearing.

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[31] For this reason also in England and Wales 'voluntary' searches are not lawful – i.e., where no power to search exists (requiring reasonable grounds for suspecting possession of specified articles) but where a person consents or offers to be searched or show what is in a bag or similar, either on being asked questions, asked to consent to examination or out of zeal to be seen to comply with what it is perceived the officer wants. This is an early instance of legal recognition that consent can be coerced simply by the imbalance of power between the parties (other examples are coercive control in domestic contexts; grooming and abuse of children sexually or for criminality). The 'consent' given to a search during an interaction with police cannot be free of the effect of the power that the officer carries or the person may fear they could be subject to and so cannot be trusted to be freely given. Police and Criminal Evidence Act 1984 - Code A: Exercise by Police Officers of Statutory Powers of Stop and Search, S. 1.5 (London: Crown Copyright, 2010).

[32] On this specific point, see McFadyen, "'I Breathe him in with Every Breath I Take': Framing Domestic Victimisation as Trauma and Coercive Control in Feminist Trauma Theologies."

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