

Relational Justice

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CRIME, COMPASSION AND THE NEIGHBOURLY SOCIETY

Pat Nolan describes how US conservative politics is thinking relationally about justice



It is a welcome development that conservative politicians on both sides of the Atlantic are moving beyond their "tough on crime policies". While they do not explicitly denounce their parties' previous tough policies, conservatives in both the U.K. and the U.S. are enunciating a different paradigm, one that emphasizes community involvement and restored relationships instead of harsh sentences. The Right Honourable Oliver Letwin's call for a "neighbourly society"¹ finds a parallel in President Bush's "compassionate conservatism". Both leaders recognize that at-risk people need relationships more than programmes.

Letwin has stated that the programmes proposed by the Conservatives will be made available: "not through an army of social workers, but through voluntary and charitable organizations with experience working with and befriending parents and children".² President Bush stated similar sentiments at the recent White House Conference on Faith Based and Community Initiatives. "Governments can hand out money. But governments cannot put love in a person's heart, or a sense of purpose in a person's life. The truth of the matter is that comes when a loving citizen puts their arm around a brother and sister in need and says, I love you, and God loves you, and together we can perform miracles."



CRISIS

Because the response to the September 11 attacks has consumed most of his attention, President Bush's policy initiatives on the domestic front have been severely limited. Therefore, it is instructive that he used precious space in this year's State of the Union to issue his call for a "second chance" for returning prisoners: "America is the land of the second chance – and, when the gates of the prison open, the path ahead should lead to a better life."

To follow up on the President's initiative, the Second Chance Act has been introduced in Congress, and is sponsored by an impressive, bi-partisan group of legislators. The bill is supported by a broad coalition that spans the political, cultural and religious spectrum. The proposal will help ex-offenders making the transition to life on the outside in five important areas: jobs, housing, mental health, substance abuse treatment, and family life.

The bill addresses each of these critical areas in practical ways. For example, the Second Chance Act makes it easier for grandparents to receive support and services while caring for their grandchildren as a result of parental incarceration. When appropriate, this helps children avoid foster care and makes family reunification, upon prisoner release, more likely.

Similarly, the bill provides state and local governments with grants that can be used for family-based treatment. These services will treat parents and their children as a complete family unit, not just as individuals. The Act help states and local governments develop and adopt procedures to help differentiate between dangerous inmates and low-risk offenders.

The bill encourages faith-based groups to become involved in helping inmates make a successful transition from prison to the community. They make it easier for prison mentors to remain in contact with prisoners after their release – something we know makes all the difference between success and reincarceration.

This is a new approach to crime from an American President. I cannot recall a President speaking about the future of offenders as being worthy of our attention. Through previous Republican and Democratic administrations, each successive president has advocated longer sentences leading to an incredible expansion of prisons in the U.S. For over thirty years, America has attempted to use tough on crime policies to reduce our outrageously high crime rates – without success.

To understand the immensity of the crisis in the American criminal justice system, a few facts are in order. One out of every 134 Americans is behind bars today – over two million people. That is the highest incarceration rate and largest prison population in the world. It is triple the rate of just 20 years ago. In addition another 4.6 million Americans are on probation or parole, meaning that one in every 32 adults is either in custody or on supervised release. The Urban Institute, a left-of-centre

"Conservatives in both the U.K. and the U.S. are enunciating a different paradigm, one that emphasizes community involvement and restored relationships."

economic and social policy think tank, has released “The New Landscape of Imprisonment: Mapping America’s Prison Expansion” <http://www.urban.org/url.cfm?ID=410994> which found that some counties in the United States now have more than 30 percent of their residents behind bars, and that nearly a third of U.S. counties have at least one prison. Jeremy Travis, the author of the study, points out that because prisons are increasingly being built far from the cities where most inmates come from, “we are making it harder and harder for their families to remain in contact with them” April 30, 2004 – The New York Times.

The tragic tale of families separated by incarceration is seen daily as states ship their inmates to other states, often to other regions of the country. When I was serving my prison sentence, the second prison I was sent to was 1700 miles from our home. In order to visit me, my wife Gail was forced to shepherd our three children, ages 6, 5 and 1½, plus their bags through two airports (there were no direct flights), rent a hotel room, ride the hotel bus with the children to the hotel and then to and from the prison on Friday, Saturday and Sunday, and then reverse the process Sunday evening. It exhausts me just to think of what Gail went through.

PAYING THE PRICE

We are now dealing with the backend of three decades of “lock ’em up and throw away the key” policies. Over 600,000 prisoners will be released from America’s prisons this year, having finished their sentences. That is more than 1,600 offenders per day returning to neighbourhoods across the country.

Most are given a bus ticket to their hometown, ‘prison gate’ money of between \$20 and \$200, and infrequently a new set of clothes. Upon leaving prison they will have great difficulty finding employment. Further, little is done to change the moral perspective of offenders. Most prisoners do not leave prison transformed into law-abiding citizens; in fact, the very skills prisoners develop to survive inside prison make them anti-social when they are released.

The statistics tell the story. A recent study by the Department of Justice Bureau of Statistics found that two out of three released prisoners were rearrested within three years, victimizing more innocents in the process. Over the last thirty years, the rate of re-arrest has hovered stubbornly around 67 percent. As President Bush said in the State of the Union: “We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit more crimes and return to prison”.

Many community organizations around the U.S. are working to assist prisoners as they return home. Working out of a storefront in a low-income Latino community on Manhattan’s Lower East Side, La Bodega de la Familia, works to reduce the reincarceration of relapsed substance abusers, improve the success of

outpatient drug treatment, encourage parolees to comply with community supervision mandates; and lessen the damage to families that is so often associated with substance abuse, domestic violence, and incarceration.

In Denver, Colorado, the John C. Inmann Work & Family Center, is a cooperative effort among several agencies that provides one-stop services to individuals who were formerly incarcerated who are returning to the Denver metro area. The Center provides case

management, job development, child support and family reunification, support services, and legal services.

The Girl Scouts Beyond Bars (GSBB) program allows children with incarcerated mothers to stay in contact throughout the term of incarceration. In eight states, the Girl Scouts work with correctional institutions to meet inside prison facilities. In addition to fostering family ties, the Girl Scouts Beyond Bars program offers at-risk youth contact with adult mentors, through their contact with Girl Scout leaders.

The National Fatherhood Initiative sponsors Long Distance Dads to help incarcerated men and former prisoners become more involved and more supportive fathers. Long Distance Dads collaborates with human service agencies, faith-based groups and child support enforcement agencies to cover such topics as fatherhood self-assessment, character of a man, my child’s life, and developing healthy relationships. The program addresses the challenges facing fathers of all cultures, religions, races, and backgrounds who are incarcerated or in halfway houses. The program emphasizes basic fathering skills such as self-control, self-discipline, consistency, and nurturing.

MORAL PERSPECTIVE

Letwin describes the neighbourly society as “first and foremost about the establishment and preservation of right relationships amongst people”.⁵ He is right. Crime breaks the right relationship between victim and offender. Criminals make bad moral choices that result in harm to their victims. To break the cycle of crime, we must address this immoral behavior. There aren’t enough police officers to stop everyone tempted to do something bad from doing it; prisoners must rely on inner restraint to keep from harming others. If prisoners are to live healthy, productive, law-abiding lives when they return to their communities, we must equip them with moral standards to live up to and a worldview that explains why they should do so. Letwin calls this the need to “acquire virtuous habits”.⁶

Letwin calls for the replication of a project in Devon called C-Far (Centre for Adolescent Rehabilitation) a three-month residential programme in which offenders are taught “self-discipline, personal responsibility and generally how to look and act like a decent human being.”

This is followed by an additional nine months of intensive mentoring and support.

A similar programme was established in Texas by Prison Fellowship in 1997 when then-Governor George W. Bush agreed to let them establish the InnerChange Freedom Initiative (IFI) in a wing of a prison outside Houston. IFI immerses prisoners in a healthy, moral environment in which they learn their responsibilities to their victims, their spouse, their children, their employer and their community.

In the IFI programme, offenders are immersed daily in values-based teachings grounded in a biblical perspective and are required to work and improve their education. The second half of the programme includes six months of community service outside the prison. While they are in prison they are paired with a mentor from a local church who works with them on developing life skills to prepare them for life in the free world. The programme continues after the inmate is released with continued guidance from their mentor along with support from a local church. IFI is now operating in Texas, Kansas, Iowa, and Minnesota.

HEALING

Dr. Byron Johnson of the University of Pennsylvania recently conducted research on the graduates of IFI-Texas. Dr. Johnson’s study followed IFI graduates for two years after their release and compared them to prisoners with similar backgrounds and offences who had not participated in IFI. The study found that:

- InnerChange Freedom Initiative graduates were two times less likely to be re-arrested. The two-year post-release re-arrest rate among InnerChange Freedom Initiative programme graduates in Texas is 17.3 percent, compared with 35 percent of the matched comparison group.⁷

- InnerChange Freedom Initiative graduates were two-and-a-half times less likely to be re-incarcerated. The two year post-release reincarceration rate among InnerChange Freedom Initiative programme graduates in Texas is 8 percent, compared with 20.3 percent of the matched comparison group.⁸

These findings present significant implications for our communities. Fred Becker, the first Warden⁹ at IFI-Texas noted that: “All but one thousand of Texas’s 143,000

prisoners have an eventual release date. It’s up to us to determine what kind of shape they come back to the world in. If we can stop only ten per cent of those prisoners from re-offending, it will mean thousands of citizens who never become victims of crime. InnerChange is a step in that direction”.

CARING

From his interviews with the IFI participants, Johnson identified five ‘themes’ that are

associated with successful rehabilitation, each one of them a part of IFI teaching:

- A willingness to condemn their previous behaviour;
- Recognition that life is a “work in progress” and that spiritual growth is a lifelong process;
- Replacing the values of prison society with something more worthwhile;
- Developing a sense of hope and purpose; and
- Sensing the need to give back to society.¹⁰

Johnson emphasised that mentors were “absolutely critical”¹¹ to the results. The support and accountability provided by mentors often make the difference between a successful return to society and re-offending. As these offenders make the difficult transition back into the community, they need relationships with caring, moral adults. The greater the density of pro-social people we pack around offenders, the greater the chance that they will be successfully replanted back into the community.

Moving from the very structured environment of prison, in which they had virtually no control over any aspect of their lives, prisoners returning to their community face a myriad of options and temptations. Such basic decisions as where to sleep, where to seek employment, and with whom to associate confront them the minute they hit the street. They need the love, advice, and encouragement of a mentor. And they need someone to hold them accountable.

RAPPORT

The numbers bear stark witness to the importance of prisoners maintaining their relationships with their mentors. Only prisoners who completed the entire programme (including continuing their work with their mentors after release) were less likely to recidivate.¹² Those who left the programme early had recidivism rates that were virtually the same as those who did not participate in the program at all. Mere participation in a portion of IFI is insufficient to transform most prisoners.¹³

The most effective mentoring relationships begin while the offender is in prison, where the mentor and offender can develop rapport. IFI recruits members of local churches to give at least one hour a week to mentor the IFI prisoners, both while they are still incarcerated and after they return to their community. In his interviews with IFI participants, Dr. Johnson found that the mentors’ weekly visits were very important to the prisoners. “Without exception, IFI participants have indicated the critical impact volunteers have made in their lives. The sincerity and time commitment of volunteers has simply overwhelmed programme participants.”¹⁴ The benefit of these relationships with their mentors derives not only from the things discussed, but also for the love conveyed. By faithfully keeping

“At-risk people need relationships more than programmes.”

their commitment to the weekly mentoring sessions, the mentors show a commitment to the prisoners that many have never experienced before in their lives. As Dr. Martin Luther King, Jr., said: “To help someone, you must first love them, and they must know that you love them”.

Not all prison programmes supported by churches are explicit in their evangelism. Some churches provide financial support to other agencies that are helping ex-prisoners. Lighthouse Missions in Macon, Georgia helps parolees as they get out of prison. Lighthouse Missions volunteers meet them at the prison and take them to a house that they operate for ex-offenders. They provide them with a set of clothes, help them find work and assist them as they get their personal business in order. Lighthouse Missions gets most of its money from two Macon churches, the First Presbyterian Church and Ministryland International Outreach Center.

Faith is not a tangential factor in successful reentry. While jobs and education are important factors in successfully returning home from prison, without a changed moral outlook, offenders may simply become higher-paid, more educated criminals. Unfortunately, many prison programmes ignore the moral aspect of crime and avoid all discussion of faith and morality. Churches and faith-based organizations are sometimes seen as merely small cogs in a vast network of community organizations helping prisoners return. The reality is quite different. From my experience, the vast majority of volunteer prison mentors come from churches. While it may be politically correct to ignore this reality, government agencies that try to recruit volunteers in generic language and reach out to ‘community organizations’; rather than specifically to churches will have difficulty recruiting mentors in significant numbers.

Frankly, it is because of this need for the Church to become involved in prisoner reentry in terms that Christians would understand that I wrote *When Prisoners Return: Why We Should Care and How You and Your Church Can Help*. The book explains why helping prisoners make

“As offenders make the difficult transition back into the community, they need relationships with caring, moral adults.”

the transition from prison to home is what Jesus called on His church to do and is important for community safety as well.

CHALLENGE

In both the U.K. and the U.S., conservatives are now advocating programmes that hold offenders accountable to “make things right” with their victims, challenge them to change their lives and

connect them with mentors to assist them as they return to their community. President Bush’s compassionate conservatism led him to establish IFI in Texas and to use the State of the Union address to call for a second

chance for offenders. That same impulse impels Letwin to propose bold initiatives to establish a “neighbourly society”. They share a common vision of *shalom*, the right order of relationships in the community.

Pat Nolan is currently the President of Justice Fellowship, the criminal justice reform arm of Prison Fellowship in the US. For 15 years, he served in the California State Assembly, where he was a leader on crime issues. His new book *When Prisoners Return*, published in 2004 by Prison Fellowship, focuses on the need for individuals and churches to be involved as prisoners return to society.

The Relationships Foundation does not endorse the views and policies of any political party but publishes contributions from a wide range of political perspectives in promoting awareness of the importance of relationships and its policy implications.

1 Oliver Letwin. 2003. ‘Relationships, Civility and the Neighbourly Society’. *Relational Justice Bulletin* 18, 1-3.
2 Letwin, *op. cit.*, 3.
3 *Ibid.*
4 Letwin, *op. cit.*, 2.
5 Johnson, Byron R., with David B. Larson June, 2003
“The InnerChange Freedom Initiative, a Preliminary Evaluation of a Faith-Based Program,” 19; http://www.crrucs.org/8_research_pdf/innerchange_freedom.pdf
6 *Ibid.*
7 US equivalent of a prison Governor in the UK.
8 Johnson and Larson, *op. cit.*, 25-32.
9 *Ibid.*, 33.
10 *Ibid.*
11 *Ibid.*, 17.
12 *Ibid.*, 24.



Hamide Grobher

‘BETTER THAN LORD OF THE RINGS’

Nigel Fenner reports on young offenders exploring the subject of marriage whilst in prison

“Who would you prefer to die first, you or your partner?” This was a question put to a married couple by a 17 year-old young offender taking a Students Exploring Marriage (SEM) Workshop in a young offender institution (YOI). SEM’s aim is to enable young people to explore the realities of marriage in society today. It’s a vital role because, despite high divorce rates, the vast majority of young people hold real and deep desires for a long-term committed relationship with a partner in the context of a loving and stable family. 92% of a sample of 5,000 teenagers in a *Bliss* magazine survey said that ‘they hoped to settle down and marry some day’. Forty-five per cent of these respondents were male. This compares with 89% of teenagers in a 1999 MORI poll who said they ‘expected to get married’. Whilst in SEM’s experience young offenders do not express a wish to get married they nevertheless hope to have a long term committed relationship with a partner in the context of a loving and stable family. This is confirmed by Home Office research conducted by the Policy Studies Institute in 1994 which found that although persistent offenders were chracterised by severe familial disruption and ‘relational’ dysfunction “their aspirations for the future were normal in the sense of wanting to settle down, have a family and find work”.

At the same time there are many ‘ordinary’ adult married couples who are actively striving to realise these aspirations by growing through the joys, struggles and realities of everyday married life. Such stories and experiences are a vital and largely untapped resource for today’s young people. SEM therefore brings young people with their desires, curiosity and current experience of family (however positive or dysfunctional) together with adult couples to explore the experience of marriage, relationships and family. The question: “Who would you prefer to die first...?” shows that young offenders can ask searching and mature questions about marriage whatever their background or circumstances. It also shows that SEM provides an appropriate and safe setting in which to do so. The impact on the group of young offenders was not so much the answer given (there wasn’t one really). It was more about seeing a couple who were married for 33 years struggle, stumble and trip over each other in trying to answer the question. What the group of young offenders experienced first-hand was a marriage being lived out before their eyes as a result of a question one of them had posed.

FAMILY BREAKDOWN

SEM offers marriage as a model or case study of a long-term committed relationship for several reasons. Marriage is well known as the cultural

norm, it is capable of some definition and it is considered a key building block in our society. Marriage uniquely constitutes both an inter-personal relationship and institution in society and so raises many issues which are relevant to young people as they make the transition into adulthood. SEM’s work is set in the context of relationship and family breakdown that costs the UK up to £15 billion each year.¹

SEM brings the couple and young people together for a dialogue where the reality of actual experience (of being married) is explored. This dialogue is led by the young people using ‘learning by experience methodologies’ developed by The Grubb Institute of Behavioural Studies, The Tavistock Institute, International

Forum for Social Innovation and others. The structure used to ‘frame’ the dialogue takes the form of a Workshop or a Half Day Conference.

The Workshop is made up of eight to twelve sessions. Each session lasts between sixty and ninety minutes of which 40 minutes is taken up by dialogue between the young people and a married couple. In a full Workshop three married couples visit for three sessions each to offer the experience of their marriage in response to questions from the young people. Eight to twelve young people aged between 15 and 21 years volunteer to take part. Responsibility for the Workshop rests with an Adviser-Coach. Each Adviser-Coach follows a 50-hour development programme including regular supervision at the end of which they apply to The Grubb Institute for accreditation.

The Half Day Conference (HDC) involves much larger groups of young people (30-150) who explore marriage over a two to three-hour period. In small groups they explore their hopes and fears for having a family of their own, and getting married, before entering into dialogue with two or sometimes three different married couples. The Half Day Conference is currently used in schools. Since SEM started in 1996 it has worked with nearly 5,000 young people and hundreds of different couples.

DISBELIEF

In late 2002 SEM ran its first Workshop in a YOI. So far 70 young offenders have taken part from Parc YOI, Bridgend, Warren Hill (YOI), Woodbridge and Bullwood Hall YOI (for women). As with their free-world

counterparts the young offenders volunteer to take part and lead an exploration about marriage.

Given their backgrounds and aspirations what do young offenders ask married couples about in an SEM Workshop? Among the

experiences explored were the following: managing money; work; being a househusband; elderly in-laws ‘living in’; trust; what were the biggest challenges in a marriage; sex and contraception; dealing with children who were involved with drink and drugs; annoying habits; violence in the relationship; whether being apart can help; faithfulness; disbelief that a couple can be together for so long; whether a relationship suffers from silences; health problems; and what the couple loves most in each other.

Young offenders claim to derive a number of relational benefits from the Workshop. At the final session the Adviser-Coach reviewed the Workshop with the eight young offenders. Young offenders said:

“Before I was in prison, I was in and out of relationships [but] after this course I have realized what commitment in a relationship, in marriage, is all about. When I make new relationships, I know what I need.”

“Realizing that [a] relationship is built on trust and commitment; it works both ways, both have to work. When I get released, I’ll have a wider view on how I react from seeing all three couples.”

“All marriages are different – you’ve got to take your time – not rush in – be sure, when you get married, learn to get around problems.”

“[I found out] more about relationships, different marriages – how they loved each other differently, different in their own way.”

It is clear that the young offenders learnt not just about the reality of relationships, but also developed new skills relating to adults and each other about sensitive and important issues.

EMBARRASSMENT

Participants reported some difficulties with the Workshop. These included embarrassment about asking the couples questions that were too

personal (e.g. questions about their sex lives), especially when they did not how the couple would feel. But they said they understood more about married life; “what trust really means in a relationship” and what confidence means in yourself and your partner. It showed them “how life really is in the fast lane and having children”.

They also said that the Workshops would give them better prospects in their own relationships. One said: “I love my girlfriend more, I understand her more...I tell her my feelings”. They recognised that at times “couples felt just

as uneasy as we did” and they commended them for taking part. One said that: “If you made a book about this course, it would be better than *Lord of the Rings*”.

This is an astonishing record of the views of a group of young offenders at the end of their Workshop experience. Indeed the fact that they are young offenders does not surprise SEM anymore. But it may challenge other people’s stereotypes of what young offenders are like and what they value. The young offenders who volunteered to take part in the Workshop and who completed it were enabled to take up an effective role in exploring the realities of marriage. This included being able to take risks. Paradoxically this was probably due to the safe and secure setting established both by the SEM Workshop and beyond it by the YOI and its staff.

IMPRESSED

Married couples are integral to the success of SEM. They need great courage, honesty, integrity and trust, as well as appropriate preparation and support from SEM to face the frank questions put to them by young people. This is all the more relevant when a couple has never visited a YOI before. Married couples are selected on the following grounds: that they are married; open to being asked questions of their marriage and open to being surprised. They are not selected because of certain skills or experiences although they are more likely to come from a supportive Christian community. These ‘ordinary’ married couples will not have done anything like this before.

Having taken part in a Workshop once the couple may not volunteer again for at least 18 months. This is to ensure there is a freshness and spontaneity to the dialogue and to what they share. Participating couples welcomed the experience of delivering an SEM Workshop in a prison. They found the young offenders “respectful and sensitive” and felt that they “took the Workshop seriously”. They noted that “it brought up issues that we had never really talked about”. One couple said:

“We were impressed. Looking back over our own life, neither my wife or I had seriously engaged anyone about marriage, child rearing, adulthood etc. In essence we were thrown in at the deep end. These young men had taken the opposite route and approached it in a thoughtful and sensitive manner.”

In addition it is clear that the couples learnt much about their own marriage, as well as gaining insights into the issues and pressures that face young offenders. “My wife and I had our first review of our marriage, albeit before an audience of young men. We also felt that we have made a genuine contribution to the live relationships between the young men and their partners.” The importance of briefing the couples to share their story or experience rather than rarefied views and opinions was as important as regularly reminding the young offenders that “the couples have never done anything like this before...so how are you going to welcome and support them?”

WEARING A RING

An Advisor-Coach noted that in one Workshop “only one of the eight [young offenders] volunteered the fact that he was already engaged to be married; the others were largely against the idea. Marriage though was considered very important to them and it was clear from the issues they wanted to explore that any learning was transferable into their own lives.” It was noted that: “the wearing of a ring as a signal that you are committed to your marriage partner was very important to the young people – as this was the first issue addressed with each of the three couples.”

The Advisor-Coach, who takes a key role in the Workshop, had this to say about its application in prison:

“The young people were very interested to explore perceived splits between the couple, and developed a very sophisticated questionnaire in order to do so. This was very sensitively developed and turned out to be extremely effective – especially for one of the couples. It showed clearly to the young people that whilst couples do have differences and do not know everything about each other, it can strengthen the marriage, rather than always undermine it.”

TESTING THE REALITY

The SEM Workshop has also been viewed positively within the Prison Service. Stephen Pryor, who retired from the Prison Service after nearly four decades as a governor grade, claims that: “SEM would very effectively meet a critical need for many offenders who are seeking values and standards for themselves, having had bad or non-existent personal experiences. Prisoners often have excellent educational opportunities (such as parenting courses). However SEM represents an opportunity to test the reality out by asking questions of married couples. As far as I am aware there is nothing like this in the Prison Service.”

The Governor of Warren Hill YOI who now has a Service Delivery Agreement with SEM for them to run four Workshops per year has said:

“As Governor I see positive working relationships involving staff and offenders in Warren Hill YOI as critical in achieving our aim of challenging and changing damaging behaviour. Through SEM’s work, offenders learn how to relate to each other, work as a team, explore deep and sensitive issues – with adults, work within boundaries, stay committed to a task, respect other peoples’ points of view, listen, welcome visitors, and so on – which I feel directly contributes to this aim. As Governor I have to have faith that SEM works, because unlike some of our other programmes it has no pre-determined and easily measurable outcomes. In many ways this represents a strength, because the young men lead an exploration of the relationship and family issues that are on their minds – which can vary enormously.

For example in one of the SEM 12-session Workshops I understand the offenders explored experiences relating to money, work, elderly in-laws, trust, sex and contraception, children and drink and drugs, bad habits, violence, health problems, resolving conflict, and a wide range of further experiences. In another Workshop with different participants the experiences explored will naturally be different – so the outcomes vary each time. But invariably their own thinking is tested and developed, thereby affecting behaviour.”

ENHANCED CREDIBILITY

SEM’s Workshops take place in schools and colleges around the country as well as in YOIs. Half Day Conferences take place in schools but to date a Conference has not yet taken place in a YOI. Other settings such as youth clubs, the armed services, local authority care, pupil referral

units and universities have been explored and they have potential. However the biggest challenge is creating the time and space to operate eight to twelve dedicated Workshop sessions.

The successful application of the Workshop in a YOI has implications for SEM itself as well as for young offenders. It shows that the SEM Workshop, originally developed for use in schools, can be used just as effectively in a YOI. In fact, SEM’s work in prison has enhanced its credibility in school settings. Likewise the Prison Service appreciates the fact that SEM works with *all* young people and does not treat young offenders as a ‘special case’.

Expected outcomes from the Workshop may include a change in young offenders’ attitudes and understanding leading to a change in behaviour. This may influence the quality of their relationships, particularly those which are long-term and committed. Many of these outcomes will only be apparent many years after their involvement with SEM.

In terms of identifying the key outputs and outcomes from this work, SEM has appointed the Tavistock Marital Studies Institute to independently evaluate its work. A report will be ready in June 2005. SEM has received funding from the Lord Chancellor’s Department – now the DfES – a significant chunk of which has been used to fund Kathy Moore as our half-time Prisons Organiser. We hope that SEM’s work in YOIs and other environments will expand and enable more young people to explore the realities of marriage in society today.

Nigel Fenner has been Director of SEM for 5 years having had 12 years of youth and community experience with the YMCA. He has an MSc in Clinical Medicine from the University of Cambridge. For further information about SEM’s work in YOIs contact: Students Exploring Marriage, The EWR Centre, Cloudesley Street, London N1 0HU. Tel: 0207 278 0699. Fax: 0207 278 0589. email: sem@exploring-marriage.org.uk Website: www.exploring-marriage.org.uk

1 Lords and Commons Family and Child Protection Group, 2000.

NEGOTIATING JUSTICE

John Cartwright, Madeleine Jenneker and Clifford Shearing explain how local disputes can be resolved in ways that create new partnerships between communities and the State

In July 1997 the Community Peace Programme (a Department in the School of Government in the University of the Western Cape, Cape Town) began a project that was designed to explore ways of successfully integrating state/civil society resources through viable partnerships. The aim was to build a sustainable model of local governance based on mobilising the community’s local knowledge and expanding its capacity for dispute-resolution.

The project began with a detailed socio-economic and political survey of the rural town of Worcester, in the Western Cape. A group of residents of Zwelethemba, a suburb of Worcester, came forward to take part in the experiment. Its focus was to develop Peace Committees that would promote safety and security in a local context. Agreement was soon reached on its underlying values and these were expressed in a Code of Good Practice.

Code of Good Practice
Members of this Peace Committee use these guidelines in the course of their work as peacemakers:

- We help to create a safe and secure environment in our community
- We respect the South African Constitution
- We work within the law
- We do not use force or violence
- We do not take sides in disputes
- We work in the community as a co-operative team, not as individuals
- We follow procedures which are open for the community to see
- We do not gossip about our work or about other people
- We are committed in what we do
- Our aim is to heal, not to hurt.

The next two years were spent developing a set of standard steps for problem solving especially in relation to local disputes and conflicts. This article explores the work of these Peace Committees in ‘Peace-Making’ and ‘Peace-Building’ and its successful replication in different contexts.

SOCIAL CAPITAL

There is a serious ‘governance deficit’ in poor communities in South Africa, not only in relation to security but also in health and public services such as refuse collection, water and electricity. Although this deficit is being addressed at various levels of government the Zwelethemba project made two basic assumptions. First, that it is neither practicable,

efficient nor desirable for state agencies in a democracy to plan, finance and manage a fully comprehensive programme of social services in which the role of citizens is to be little more than consumers. The second assumption was that people in poor communities where the deficit is greatest have the local knowledge and the capacity to play an active and effective role in articulating strategies for dealing with these matters.

The Zwelethemba approach therefore begins by mobilising community resources around the peaceful resolution of specific disputes and problems. In the process it creates a form of social capital that may be deployed in a variety of community-building contexts.

EXPERIMENTATION

One of the crucial elements in the process of developing and testing these ideas and principles in practice has been the determination to do more than set up a single project in a particular place, however successful. Following the political changes in South Africa in the early Nineties a lot of ‘new space’ suddenly became available to try out new projects. There were very many innovative and – at least for a time – effective projects that addressed a range of social needs in literacy, public health, safety and security and so on. But too often the CBOs (community-based organizations) and NGOs (non-governmental organisations) that ran these projects lacked the capacity to take the next step up to long-term sustainability. As a result the potential cumulative benefits of all this experimentation and experience has not been fully realised.

Sustainability, of course, is not simply a matter of guaranteed funding. The service or product that is being offered must meet a genuine need; it must do so in a socially responsible manner; it must have effective, efficient and transparent procedures for delivering the relevant service or product and it must be financially accountable.

PEACE-MAKING

Sustainable funding is most likely to be attracted if these other elements of internal and external sustainability are in effect, or are at least being seriously explored and tested. However, even if these requirements for sustainability are met, a successfully functioning programme or project is not yet a model. We still need to reflect on the ways in which such a programme may be effectively replicated in other places and circumstances. Which elements of the programme are fundamental and non-negotiable

and which may be adapted to a lesser or greater degree to local conditions? And as the network grows to four or 40 or 400 sites, what procedures and structures of management are required to ensure consistent quality and accountability?

This process of action and reflection was followed to build an effective and replicable model of local action. There are two main processes in this model: ‘Peace-Making’ and ‘Peace-Building’.

GATHERINGS

When a complaint is brought to a Peace Committee an agreed set of procedures is followed. As mentioned already, Peace Committees follow a Code of Good Practice. There are also agreed Steps in Peace-Making and Peace-Building. A ‘Peace-Making Gathering’ is arranged, usually within days. The purpose of this Gathering is to bring together the disputants and any other people who may be in a position to help understand and resolve the dispute. Here the role of the Peace Committee members is entirely to facilitate. It is not to blame or judge the parties nor to propose any particular solution.

The Gathering is guided through several stages with all those present being encouraged to take part. First there are statements and a discussion about what happened and its consequences. Then there is an attempt to identify the root cause(s) of the problem. Finally there is a discussion that has the goal of producing an appropriate action plan agreed by all. This is to try and ensure that the problem does not recur. The focus of the gathering therefore starts with the past problem and moves towards making a better and more secure future.

Typical problems and disputes brought to Peace-Making Gatherings for facilitation include things like unpaid loans and child maintenance, insults and fighting as well as theft and domestic violence. In all these matters, the gathering together of appropriate local people in a facilitatory environment is the key to resolving the dispute. It is also the best way of agreeing workable and effective plans for the future.

PEACE-BUILDING FUND

How are Peace-Making Gatherings financed? A payment is made to the Peace Committee for every legitimate Gathering held according to the

rules. This payment (at present R200 or £17 per approved Gathering) goes into the pockets of the Peace Committee members who facilitated the Peace-Making Gathering. An active member in a busy PC can make the equivalent of a domestic worker or unskilled factory worker and still have time for another job. This payment not only recognises the value of their work; it also responds to the criticism that professionals are always paid while poor people are usually asked to volunteer. Increasingly, Peace Committee payments are made through funding from local government, while the Embassy of Finland provides the start-up funds until a new Peace Committee has proven itself.

In addition a sum of R100 goes into a Peace-Building Fund. This is used to fund projects or individuals who respond in a responsible entrepreneurial manner to long-term problems in the community. It ensures that communities have money of their own to spend on things that they think will contribute to a better future in the long term. It is very important to recognise that this money is not a grant or a handout. It is money that the community itself has earned.

PEACE-BUILDING

Peace-Building works in the same way as Peace-Making except that the Peace Committee is now dealing with broader generic problems rather than individual disputes. The Peace Committee may come to the conclusion – either as a result of a pattern they notice in disputes or through regular base-line surveys – that there is a long-term problem that needs to be addressed. If so, the Committee arranges for a Needs Gathering and a Solutions Gathering to work out what should be tried by way of a solution and whom to commission to carry out the work. The idea is to pay for this service out of the money they have built up in their Peace-Building Fund and, as far as they can, to make sure that as much of this money stays in the community as possible.

In this way the Peace Committee is not limited to individual disputes. Rather these problems are seen as starting-points. They are seen as issues that bring people together and mobilise the knowledge and experience they bring with them. The Peace-Building process broadens the model from being a conflict management model to a governance model.

ESCAPING DEPENDENCY

As of 2004 about 50,000 people have been involved in participating directly in solving problems in their communities through the ‘window’ of Peace Gatherings. This means that 50,000 people have had the experience of shifting their stance from one of dependency to one of responsibility and of moving from an orientation of blame to one that is focused on creating a new future. By 31 May 2004 the total number

of successfully facilitated Peace-Making Gatherings was 9,310. This combines the work of 21 Peace Committees. Together they have covered a wide spectrum of disputes including money lending and its consequences, child maintenance, domestic disputes and violence, insults and threats and housing problems.

- Examples of projects that were developed and financially supported through the Peace-Building process include:
- Building and maintaining a children’s playground in a shack area far from any other facility
 - Refurbishing an old-age home
 - Working with the local municipality to provide safe recreational spaces by cleaning up the banks of a river flowing through a town
 - Clearing rubbish in cooperation with youth football teams
 - Assistance in furnishing day care centres
 - Supporting and extending feeding schemes and a health education programme for children and TB and HIV/AIDS sufferers
 - Youth projects (sports, arts and culture).

COMMUNITY POLICING

Right from the start of the project senior representatives of the South African Police Service and the national Department of Justice were kept informed of the evolution of the model. There have also been informal referral arrangements with interested station commissioners and a local magistrate.

In early 2002, however, discussions with the Community Peace Programme were initiated by the Area Commissioner of the South African Police Service in the Boland district (the semi-rural and rural area closest to Cape Town) in response to a request from a local community to access police resources. As a consequence, the first ‘Community Peace Centre’ was officially

opened in October 2002 in Nkqubela, a small black township attached to a rural town. The aim is to develop an effective form of state/civil society partnership in policing. In this innovative model of cooperation, called Project ‘Themba’

there is a division of labour that matches the parties’ respective strengths. The police are responsible for law enforcement and emergency response while the Peace Committee seeks to resolve disputes in which the peaceful mobilisation of local knowledge is the key to success.

After extensive observation and reflection, the roll-out of Project ‘Themba’ in the Boland

Centres were established and five more were planned by the end of last year.

BENEFITS

The experience of the Nkqubela Community Peace Centre shows that, of the matters brought to the Centre that required ongoing attention (that is, beyond advice on the spot or immediate intervention by the police), two-thirds were referred to the Peace Committee for facilitation and one-third became formal police cases.

The benefits are clear. The police and the courts are released to make a better job of the kind of work that they are trained for and many local disputes are resolved in ways that substantially improve personal and social relations in the community. In addition funds are brought into the community in transparent and accountable ways and good habits of peaceful problem solving are promoted. It is a relational approach that recognises the many sides of justice.

John Cartwright, Madeleine Jenneker and Clifford Shearing are members of the Community Peace Programme, University of the Western Cape, Cape Town, South Africa.



FAREWELL

*Dr Michael Schluter, Founder and President of the Relationships Foundation, explains why, although this is the last issue of the **Relational Justice Bulletin**, it is not the end of the road for Relational Justice*



This, sadly, is the last issue of the **Relational Justice Bulletin**. The decision was taken last year following a major strategic review of the Foundation's spread of activities and use of resources. Having consulted with the editor and several of our good friends in the criminal justice system, we felt that the Bulletin, after nearly 7 years of publication, had run its course. Relational ideas are now much better embedded in the criminal justice system and therefore have less of a novelty value – for which we can only be glad and thank you all for the part you have played in it.

It is therefore now time for Relational Justice to metamorphose and play its part in the Relationships Foundation's new initiative, the *Rnetwork*, and its dedicated justice strand (see below).

So it is not the end of the road for Relational Justice, which we believe still has an important role to play. As the preface to the 2004 edition of the book 'Relational Justice' (Waterside Press) explains:

"Asking the relational question is as relevant today as it was back in the early nineties. Ironically, it is also becoming increasingly necessary following the remarkable move of Restorative Justice from the margins of political thought to an explicit plank of criminal justice policy."

"That is because Restorative Justice as a framework for the criminal justice system is most unlikely to be able to stand on its own in the wider policy arena. Restorative Justice relies on the strength of family and community relations being in place to support it. If family and community are highly dysfunctional, as in many urban areas in Britain today, the grassroots mechanisms required to achieve effective mediation, and to restore relationships broken by crime, will be insufficiently

robust to sustain the pressure put upon them.

"This is where the strength of the relational approach lies: its ability not just to aid diagnosis of where and why relationships are breaking down, but also to pinpoint ways to build the kind of families and communities that will sustain the social order in years to come."

"Relational Justice today is now part of a much wider policy framework that also includes Relational Healthcare, Relational Education, Relational Finance and Relational Cities. This makes it ideally placed to encourage and facilitate the kind of consistent joined-up approach that is so badly needed to strengthen the personal, community and political fabric of relationships across society."

Changing society for the better has indeed always been the main vision behind Relational Justice and its umbrella organisation, the Relationships Foundation. Drawing on our 10 years of research and action in the criminal justice arena and in other areas, we have decided to continue the fight for social reform through a new initiative, called the *Rnetwork*. Its aim is to inspire, resource, support and empower people at all levels of society who share our concern about the way society is going, our desire for change and our belief in the transforming power of relationships.

The *Rnetwork* is about people applying relational thinking into their own lives and their own spheres of influence, and seeking to make a difference. Being a network, it is also about people learning from other members, building new relationships, and accessing new knowledge, expertise, experience and connections.

We are encouraging people of all walks of life, irrespective of their background, age or occupation, to join the *Rnetwork* – and this

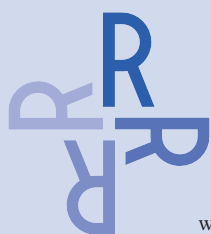
includes you! Because of our special interest in relational justice, we plan to have a strand of the *Rnetwork* around justice issues – facilitating dialogue and sharing of experience as well as encouraging new thinking and initiatives among members with a professional or personal interest in criminal justice.

In particular, we will seek to bring together working groups that will explore issues relevant to criminal justice from a relationships perspective and put forward recommendations or ideas for change. There is already one group in the offing, looking at facilitating the use of suspended sentences by the Courts, and another possible one around how family courts operate. We hope more will follow.

Therefore, what we ask from you, as subscribers to the Relational Justice Bulletin, is to read the two brochures enclosed with the Bulletin and consider not only joining the *Rnetwork* but also actively engaging with the further development of the ideas and the promotion of best practice.

If you would like to receive more information or discuss the network, please do not hesitate to contact my colleague Bénédicte Scholefield on 01223 341277 or at b.scholefield@relationshipsfoundation.org.

It remains for me to say a heartfelt thanks to all who have contributed to the Bulletin over the years. First and foremost, thanks are due to our editor Jonathan Burnside, who has worked wonders in bringing together an amazing variety of high quality contributions over the years. Thank you too to those who have written articles, those who have given money, and of course our readers. We hope that many of you will stay in touch and look forward to welcoming you into the *Rnetwork*.

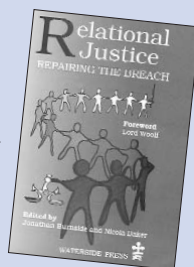


Who we are

The **Relational Justice Bulletin** was published three times a year by the **Relationships Foundation**, a Cambridge-based charity dedicated to developing new, 'relationships-based', approaches to social, economic and political issues (see www.relationshipsfoundation.org).

Relational Justice is a fresh approach to crime and punishment. Rather than looking at crime solely as an offence against the state, it sees it as a breakdown of relationships between offenders, victims, families and the community.

The concept was developed by the **Relationships Foundation** in the early nineties. It first gained public exposure with the publication of the book '**Relational Justice: Repairing the Breach**' (Waterside Press, 1994), which



was welcomed by Lord Woolf as 'a radical new approach which anyone with any concern about the criminal justice system needs to be aware'. Since then, it has been shown to have wide implications for policy and practice.

The **Relational Justice Bulletin** was launched in May 1997 as a platform for discussion of the ideas at the heart of **Relational Justice** as well as exchange of good practice across the system.

Past issues of the **Relational Justice Bulletin** can be viewed on the Relationships Foundation's website at www.relationshipsfoundation.org/relational_justice

The last issue of the **Relational Justice Bulletin** was released in January 2005.

Dr Jonathan Burnside is editor of the **Relational Justice Bulletin**. He is co-author of the book '**Relational Justice: Repairing the Breach**' and is Lecturer in Criminal Law at Bristol University.



Views expressed are those of the authors and do not necessarily reflect the policies of the Relationships Foundation.