

MINDING THE GAP

Sir Stephen Tumim argues that the primary goal of the Prison Service is to close the gap between the prisoner and society

If you travel on the London Underground and you go to, say, Waterloo or Charing Cross, as you are about to get in or out of a carriage, a sepulchral voice from around you says 'mind the gap!' You don't see the speaker and you don't know where it comes from. Who utters these words, these extraordinary, Blakeian, mystical, words? It is in fact the voice of Relational Justice. More and more I find it going on. It seems to be spreading from one station to another.

The person who commits a serious crime creates a gap between himself and the person against whom he committed the crime. As I see it there are, quite simply, two approaches as to what to do with him. There is the American-inspired 'Prison Works' approach which says 'he's different from us' and 'get him into prison and throw away the key'.

So far as 'minding the gap' is concerned these exponents would say, "Mind the gap, but keep it wide, so that we don't meet them any more." That is one approach and it is a valid one. I must say that I have



Hannale Grobler

met a number of criminals for whom it is rather a temptation to believe that there is something in it. But there is

another approach and that is to remember that the average prisoner is aged somewhere between 18 and 25 years. He's only been sentenced to a year or two and he's going to come out before too long. Another way of 'minding the gap' is to say: "Well, here's the gap. What we have got to do is to close the gap so that when he comes out he is at any rate quite likely to behave himself."

CLOSING THE GAP

It is in this latter sense of 'minding the gap' that I understand Relational Justice. Relational Justice is at the heart of the statement of purpose of the Prison Service that appears on every gate. This states: "The duty of the Prison Service is to help the prisoner lead a law-abiding and useful life in custody and after

discharge". That is a statement of Relational Justice. It is saying that the job of the Prison Service is not only to hold the prisoner securely and to treat him with humanity, but also to help him to prepare himself for release. The job of the Prison Service is to 'mind the gap', so that the gap may be closed. If it is, the prisoner will be quite useful when he comes out. 'Minding the gap' seems to me to have an effect on almost every aspect of prison life and of criminal life.

I think it was at Brixton, I have to say some years ago, that I talked to a young man who was about to be discharged next day and I said, "Well, you've done six months, what are you to do when you come out now?" And he said, "I don't really know. I've got 40 quid that they have given me, which is some saving-up money, I'm not going home to my Mum and Dad because they're cheesed off with me, I haven't got a job, so I shall potter round Brixton and see what's happening". So far as he was concerned, no one 'minded the gap', either in the 'Relational Justice' sense or in the 'Prison Works' sense. Clearly, Relational Justice has not been applied in his case. Nor indeed has the 'throw away the key' approach. The result was just a mess, and quite clearly he was going to commit more offences.

EDUCATION, EDUCATION, EDUCATION

From my point of view, the key factor in all this is the fact that the prisoner is going to come back out. If you are going to lock people up for life, fine, you haven't got to worry about them coming out. But if, as with the vast majority of prisoners, you are going to keep them for a year or two and then turn them out into the streets, it is no good simply putting £40 in their pocket. Bear in mind too that the illiteracy rate is about three times higher in prison than outside and there are a great many who, really, are virtually illiterate. Furthermore, 75% I would guess, have no serious family relationships or

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links. So what should we be doing with them in prison? How do we close the gap?

Closing the gap means applying that great text of Relational Justice, the Woolf Report, and the Government White Paper that followed.

"The strength of Relational Justice is that it sees justice in terms of relationships."

We should concentrate on educating prisoners while they are inside and give them something of the education that they ought to have had years ago. This should not be limited to the "three R's" and the arts but should also include some moral education. We should try to teach them the difference between right and wrong which, very curiously, our judges believe that they all know at the age of 10 or 11, but in fact they don't seem to know when we meet them in prison 15 years later. And we must also give them some social education, including hygiene, avoiding AIDS, and coping with drink and drugs and so on. We should also be producing some capacity for work. Most of the prisoners I'm talking about, 75% or so, have never done a day's work, or if they have, they have never done a second day's work. Educating prisoners and preparing them for work is an enormous task but this is the essence of a Relational approach.

JUSTICE AND RELATIONSHIPS

I like the phrase that appears in Relational Justice: A Reform Dynamic: "Justice is not merely about punishing people, it's about putting things right."¹ The strength of Relational Justice is that it sees justice in terms of relationships. This is

very useful. It always seemed to me helpful, when one went through that rather tedious business of reading a printed play, where there was a sketch showing a cross – 'he's standing here', a cross, – 'she's standing there, and you see where they are on the stage. I have always thought that one of the great books of the world is Stendhal's 'La vie de Henri Brulard'. The author has got it so absolutely right when, telling the story of his youth and childhood, every now and again he stops, draws and says, "The bed is here, the table's there, the chair's there, Granny was there, Uncle was there", and so on, and you see where they all stand in relation to each other. Then a couple of pages later he shows how they have moved

which you wouldn't pick up necessarily from the words. It is a combination of sketches to show relationships. Relational Justice is Henri Brulard writ large. Doing justice means doing these little sketches, 'where is he, where is she, how do they relate, and what can we do to improve it and to close the gap?'

This does not mean that Relational Justice is a new idea. I

don't think there are any new ideas, although the Romans always thought that there were new ideas that came out of Africa. But, whether or not there are new ideas there are fresh approaches and fresh ways in which matters can

be put, and I think that Relational Justice is a fresh approach. To look at criminal justice, for example, not as offenders against the state, but as offenders against the victim and against the sufferer, and relationships between those bodies, is a different approach. The prime reason why Eastern Europe had over the years many more people in prison than is either decent or sensible was because all offences were long regarded as an offence against the Party, and therefore to be treated with considerable gravity. That is the

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opposite of Relational Justice. The principle of looking at things not in relation to the state but in relation to each other is a

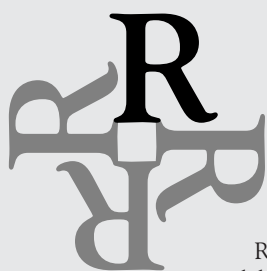
valuable one that is capable of very wide application in the criminal justice process. Do not let us think it gives all the answers to everything: it does not. But nevertheless, it is a helpful way of looking at matters of relationships, of how people move in relation to each other. For this reason Relational Justice also deals with such subjects as parenting, community, local partnerships, the victims, local justice, probation, community prisons, and so on.

CONSTANT NERVE PRESSURE

What about relationships in prison? President Havel of Czechoslovakia, who was a prisoner for quite a substantial time, makes what is to my mind one of the few accurate descriptions of what prison life is probably really like. He writes: "I used to think prison must be endless boredom and without anything much to worry about except the basic problem of making the time pass quickly, but now I've discovered it's not like that. There are plenty of worries here all the time and though they



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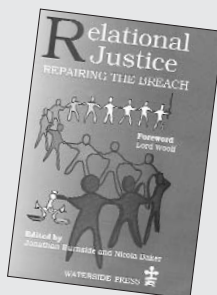
WHO WE ARE

The **Relational Justice Bulletin** is a quarterly publication by the **Relationships Foundation**, a Cambridge-based charity, as part of its **Relational Justice** initiative.

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.



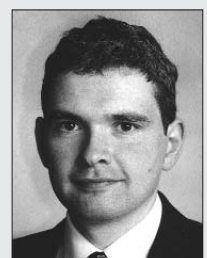
The **Relational Justice Bulletin** has been launched as a platform for discussion of the ideas at the heart of **Relational Justice** as well as exchange of good practice across the system.

You are warmly invited to join the growing number of professionals and practitioners who are already receiving it (see subscription form on the back page) and to contribute your own ideas and experience.

The **Relationships Foundation** is a registered charity dedicated to developing new 'relationships-based' approaches to social, economic and political issues.

Your help would be welcome in publicising the Relational Justice Bulletin. Free A5 leaflets are available for your use. You can request copies on the form on the back page.

Dr Jonathan Burnside is Editor of the Relational Justice Bulletin





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may seem trivial to the normal world, they are not at all trivial in the prison context. In fact, you are always having to chase after something, hunt for something, keep an eye on something, fear for something, hold your ground against something. It's constant strain on the nerves, someone is always twanging on them, exacerbated by the fact that in many important instances you cannot behave authentically and must keep your real thoughts to yourself.² I personally think he's got it right.

There's always something going on in prison that seems trivial. I was asked a number of times "what ought I to ask a prisoner when I go into a prison?" and I said, "if you're pushed and can't think of anything else, ask what he had for lunch". And it's very true, you know, prisoners pour out statements about how terrible the food is, and how all this, that and the other, and you then find yourself saying, "well, the cabbage may be a bit

"I want to see, not nicer prisons or nastier prisons, but more active prisons."

overcooked, but, you know...", and we go on like this, but it's so important. It may be trivial to the outside person, but it's not trivial if it's essentially where

you are. If you are going to relate justice to relationships within prison you've got to look at how it appears to the different categories.

To the prisoner, I think, it appears as a constant nerve pressure – 'what is it that I've got to do about this, what have I got to do about that, the prisoners are getting at me, the officers are getting at me, everybody's getting at me'. That's his inclination. The prison officer, at the moment, has an appallingly hard job. He's got to act so as to make the place secure but he has also, as I hinted at earlier, a moral obligation to do quite a lot of education. What I would like to see is a period now when prisoners and prison officers are allowed to get on with it very much more than they have been and to form relationships that are constructive and sensible.

MY KIND OF PRISON

Both the right and the left (I use 'right' and 'left' in very loose terms) make the mistake of thinking that you can't use this period of time

in custody constructively. They are wrong. I want to see, not nicer prisons or nastier prisons, but more active prisons. I want prisons where people actually learn to work and learn to pull themselves generally together. I want the prisons that are envisaged in the Prison Service's Statement of Purpose. It's a

very good statement of purpose that includes security, humanity and helping them lead law-abiding lives. Humane containment does not help prisoners to lead law-abiding lives.

I disagree in general with the idea of humane containment because I think that prisons have a useful task to play. Of course, I accept that there are a handful of prisoners for whom you cannot do much more with in practical terms except humane containment. There is no point in talking about helping hardened terrorists to lead law-abiding lives. It wouldn't do any good, because they know exactly what they want and what they're aiming for. But these are the exceptions. The vast majority of prisoners fall into what I usually call the 80%, that is, the under-30 male, drink, drugs, motor cars, not enough family, not enough school, low self-esteem and desperately needs education and industrial training. 'Closing the gap' for these prisoners is far more demanding than humane containment. But it is a job which the Prison Service, rightly, has accepted as its main job and I hope that they will be encouraged in due course by some government or other to do it.

The move by the present Government

to abolish the Inspectorate of Prisons, or join it with the Inspectorate of Probation, is most damaging to any aspiration to "close the gap". It would mean the end of independent inspection, public reports and the spread of knowledge outside as to what is going on in our prisons. It would prevent constructive criticism of the Prison Service or the Home Office, or the Prison Officers' Association, and substantially reduce the advance of Relational Justice.

Sir Stephen Tumim was a Circuit Judge from 1978; HM Chief Inspector of Prisons 1989 - 1995 and Principal of St. Edmund Hall, Oxford 1996 - 1998. He is now Chairman of Byam Shaw Art School, the Royal Literary Fund, the Koestler Trust for art in prison and Unlock, an association for ex-prisoners.

1 Nicola Baker and Jonathan Burnside. 1994. *Relational Justice: A reform dynamic for criminal justice*. Cambridge: Jubilee Policy Group, p. 12.

2 Cited in Andrew Coyle 1994. 'My brother's keeper: Relationships in Prison'. In J. Burnside and N. Baker (eds.) *Relational Justice: Repairing the Breach*. Winchester: Waterside Press, 126-7.



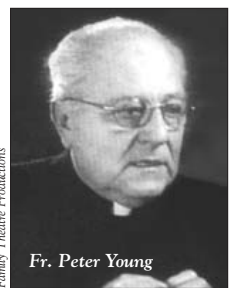
Hamid Gholer

HAPPY LANDINGS

Penelope Lee introduces the work of Fr. Peter Young in providing treatment, housing and jobs for ex-offenders and addicts in New York State



I first heard Sir Stephen Tumim's watchword 'mind the gap', when he spoke to the Bishop of Lincoln's conference in 1995. I had just completed a documentary film called *Love is not a Luxury* made with the inhabitants of the original APAC prison in Brazil where the rate of re-offences is 16%. APAC is a Portuguese acronym for the Association for the Assistance and Protection of the Convicted. Their sensitive care in addressing problems underlying offending behaviour and their programme for reintegration into society seemed to me to epitomise gap minding at its



Fr. Peter Young

best. Then in July this year I encountered another powerful gap minding programme in the work of Fr. Peter Young, a 70-year old Catholic priest in Albany, New York. For 33 years he is said to have spent longer

behind bars than most prisoners, counselling drug abusers and then providing treatment, housing and jobs for addicted ex-offenders.

Every year thousands of people come out of prison in New York State, 80% imprisoned for alcohol and drug-related crimes. The United States accounts for 5% of the world's population and consumes half of its cocaine. National figures estimate that one in four American families suffer from drug addiction and alcohol related problems. Drug related murders, violence and theft disrupt every city and, on any given day in the US, 1.7 million men and women are in prison.

GLIDEPATH TO RECOVERY

Fr. Young says that prisoners waiting for release often say they're "all dressed up with no place to go and the truth is they're not going anywhere until they realise their problem is addiction." His inspirational image for his programme is of a flagman assisting aircraft to land on the deck of a carrier as they tilt uncertainly from side to side. He sees participants in his Glidepath programme as pilots of their own planes being guided in to a safe landing.

For lasting recovery Fr. Young believes three things are needed; treatment, housing and jobs – he doesn't mention his own huge capacity for encouragement – and that addicts' and offenders' deep-rooted problems can't be tackled standing on street corners. He says that only 10% of an addict's problem is substance abuse. The rest lies in relational dislocation beneath the addiction and the attitudes and behaviour that result

from it. His position is shared by Jackie Pullinger, a Christian missionary whose work has had outstanding success among criminals and addicts in Hong Kong, and with whom I made radio and television documentaries in the 1980s. It is also the view of Professor Hugo Veronese, the psychologist behind the development of the Brazilian APAC programme: he maintains that 98% of criminal behaviour has its roots in family relationships.

A SAFE ENVIRONMENT

Addressing these problems is fundamental to healing – and for this a safe environment is essential. In a residential centre run by trained staff, some who are graduates of the programme, newcomers are guided through a twelve-step programme. In small encounter groups deep seated problems and pain are downloaded and self-rejection begins to crumble.

Confronting and solving problems is a painful process that most of us try to avoid, but the very avoidance results in greater pain and an inability to grow both mentally and spiritually. At this stage Fr. Young promises "it gets better!" The participants say that in admitting the damaging aspects of their own behaviour, "we cleanse ourselves of the guilt", and the fundamental human appetite to be known, accepted, needed and wanted begins to overtake the addiction. A 46-year-old man describes himself as a teenager going back to school as part of his life's reassembly plan. Invaluable encouragement comes from the success stories seen around them in graduate mentors who now work on the programme.

Fr. Young is a constant source of encouragement, sharing joy in his 'pilot's' achievements with his infectious warmth and enthusiastic bear hugs.

There is also a house for mothers who are recovering from serious addiction and often abuse. When parents suffer from alcohol and drug addiction the smallest victims are often overlooked. They become accustomed to violence, not having proper food and being left alone. In Fr. Young's House for recovering mothers, the children arrive with addictive behaviours. A mother says: "I know there's nothing, nothing I can do about the past, but from today I could be the best mom to my kids." As, free of alcohol and drugs her receptivity, openness and confidence develop, the natural love relationships and responsive role-modelling between mothers and children happen automatically. Of the children, Fr. Young says:

"these guys are here five minutes and they've worked their way into your heart. They're going to be winners. These are not just places or homes. We're establishing a recovering community."

In his extensive no-nonsense non-profit project now working in cities across New York State, Fr. Young has taken over housing projects, restaurants, boutiques, convenience stores and a fully functioning commercial hotel, staffed and maintained by men and women who have come through the first stage of the programme. He can promise jobs to people who for years have been rejected as unemployable. The cities' run-down housing is being restored and inhabited by his 'pilots' – single people and families who once lived at the state's expense and filled its courts and prisons but who are now "proud to be paying taxes".

GIVING HOPE

I stayed for two nights in the Schuyler Inn, a motel where the friendliness of the staff and their attention to detail was a great pleasure. Every employee, from the General

Manager to the cleaners is a recovering addict or ex-offender, the General Manager, Oscar Peterson, spent 25 years in prison. He says he was an addictive and habitual criminal who "did unspeakable things". Back in his cell he constantly asked himself how he'd managed "to get there again". Now he is in charge of a large staff and also a contributor to Fr. Young's "I Care" programme. This prepares prisoners who will join Fr. Young's Glidepath on release. In a well cut grey suit, with impressive calm and poise, Oscar says, "Now I give people hope. They look at me and say, there is a new way". Important questions are

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"To achieve a safe landing, Fr. Young believes three things are needed: treatment, housing and jobs."



Humilde Gröbler

referred to him by the somewhat numerous desk staff (gently reminiscent of some of the cast in the last act of *Gyps and Dolls*). Contact with the public is important.

One of the desk clerks is 43-year-old William who started drugs at 13 and after 30 years thought it could never end. His friends on the programme urged him not to leave until the miracle happened. His miracle, after thirty years, includes a pleasant and well appointed apartment at an extremely reasonable rent, loyal friends, good clothes but most of all, although he is HIV positive, the ability to accept himself as he is without being ashamed and afraid. Like Oscar, his previous life was spent ducking loan sharks and in Oscar's case being a never-ending disappointment to his son and not knowing how to get out of it. This they say is the important piece, making that connection with people who will help, who are not going to tell you it's wrong, but who can make you choose not to live like that.

MAKING WINNERS

Now Oscar and William are torchbearers for the staff of the Schuyler Inn, its waiters and trainee chefs in the restaurant and kitchens catering for weddings and parties, singles' nights and dinners. Fr. Young's powerful and loving presence sustains them with his confidence in their acceptability and hope for the future. He often reminds them they're able to do all this because they're free from drugs and alcohol. He says *"I need winners"* and gets them.

Marilyn is in charge of housekeeping. Standing in her immaculately ordered linen room she describes her life of prostitution in the Bronx where she lived like a hermit, just going out for drugs and to earn the cash for her habit. She is disgusted by the memory of her old room with piles of dirty dishes and clothes growing mildew. Now she also has her own much loved and beautifully kept apartment. She says her last employment was ten years ago and carries a photo of her former self. *"I remember this lady"*, she says showing the photo. *"I know she's not too far away. She could come back like this"*. She snaps her fingers. But she is the sustaining mentor for Veronica who used to sell crack cocaine and says she became her own best customer. Veronica is a beautician. She does Marilyn's hair and they call each other every day with any problems or simply just to say *"hi"*. Supportive networking is crucial to maintaining their changed lifestyles.

INCREASED RESPONSIBILITY

Many graduate from the Schuyler Inn to other projects round the city: Kentucky fried chicken, coffee shops, cafeterias and a flower shop. Perhaps the most influential invention in the Glidepath programme is the convenience store in a senior citizen's housing block.

The store leads to a complex with accommodation for 300 residents who were once too afraid to step outside their doors. The complex was riddled with vagrants and



Henradie Gwilder

crime and there was a 24-hour watch over the neighbourhood. But since Fr. Young persuaded them to let some of his people move in, the elderly come shopping with money loose in their hands. The store doesn't stock alcohol or cigarettes as these help to create the drug scene. Glidepath graduates have succeeded in repelling the negative forces. Now there is a waiting list to live there and the idea has spread to other residential centres across the state of New York.

The ex-offender who manages the store, and now the housing centre as well, lived and slept with a gun for twenty years. His miracle is being able to handle a lot of money, which reaches its proper destination – Fr. Young. His commitment is sure *"because a man took a chance on me"*. So when a child is caught shoplifting, (an offence which the manager says he invented) he may be taken into the back room and made to account for himself, but afterwards could find he's given what he'd lifted by the manager who, when complaints are made about children being given sweets says, *"Well, it's better than dope!"*

Besides the treatment, housing and jobs the community is infected by Fr. Young's love and endless encouragement which bring the self-respect so deeply needed to sustain recovery. He sees those addicted as suffering from a disease. There are countless stories of his persistence and compassion: a man begging for help from a cardboard box was simply told to get in the car, another tells of Fr. Young's return to help men who'd mugged him, and says that when they first met he couldn't walk because he had no shoes, so despite the snow Fr. Young gave him his own. He now describes Fr. Young as the strongest man in the city.

George Schindler was at school with Peter Young and rose to be Assistant Attorney General

for the State of New York. He tells of Fr. Young's extraordinary persistence. *"When he knocks in your door get out of the way! But I thank God he came to mine when it was only a couple of bushes in Washington Park. He was there day after day trying to rescue me from myself and he succeeded."*

PRISON OR A PROMISE

The most recent development from Fr. Young's Glidepath philosophy is his 'Honour Court' programme. It offers an alternative to prison without the increased damage incarceration can cause. The deal is "prison or a promise": stay drug-free on Fr. Young's programme or go to prison. Honour Court is fast becoming a model for adjudication

of drug offenders and is reducing the rate of repeat offences nationwide. Gwen, who says she used to use heroin like she drank water and believed she'd be locked up for good now works in the court of a judge who condemned her. She works beside Sister Phyllis who directs the programme and came to her rescue. Gwen says: *"I can't believe how good life has been to me. I can't get the years back but I can do wonders with the years left to me. The next guy gets better and gives it back. That's what it's about."*

Fr. Young says there is no difference between his people and others on the street. All they need is a little bit of hope and people around who once stood in their shoes and can tell them: *"your life doesn't have to be like this."* Jail destroys lives but Fr. Young simply helps people to recover. A recent evaluation of his programme found a success rate of 92%.



Henradie Gwilder

Penelope Lee is a documentary film maker and is Vice-President of Kairos Horizon which runs residential Christian communities in US prisons. Love is not a Luxury is a 50-minute documentary exploring life in APAC, priced £14.99 and available from Evangelical Films, Danbury Common Old Mission, The Common, Danbury, Chelmsford, Essex CM3 4EE (tel. 01245 226642). Father Young can be contacted at: Eleanor House, PO Box 1338, Albany, New York 12201 (fax: 001 518 767 0367) from which address can also be obtained a one-hour documentary study from which some examples have been drawn.

THE CITY ON A HILL

David Faulkner considers the choices facing public servants as they try to create communities of justice



What is going on in crime and criminal justice and what questions does it raise for people who work in the criminal justice system – as professionals, public servants and as citizens? We are only too conscious of the changes that are taking place in our society. For individuals, they include the changing patterns of employment and of personal and working relationships, the formation and break up of families, the transition to a multi-cultural society, increasing poverty and inequality, the temptations of drugs and alcohol, as well as the amount and fear of crime. All this produces a society which, for all its material resources, is anxious and unsure of itself, pre-occupied not to say obsessed by risk, often defensive and inward-looking, and ready to find enemies, scapegoats and people to blame. We have all seen recent examples.

At a more collective level, we see disillusion with politics and an increasing concern, not just about the efficiency, but also about the

“We live in a society which, for all its material resources, is anxious and unsure of itself.”

accountability, authority and legitimacy of some of our national institutions. In particular we have seen an attempt to reform and modernise our allegedly wasteful

and old fashioned public services by driving up their effectiveness as measured by quantified indicators. And we have seen a much greater degree of activity and direction from central government, under successive administrations, which – surprisingly – seem to feel their own position and authority to be uncertain and precarious.

CONFLICTS OF PRINCIPLE

It follows from all this that public servants, perhaps especially those who work in criminal justice, must for the foreseeable future expect to work in a more complex, politicised and often ambiguous environment than my generation did 30 years ago. This means that there will be more conflicts of priorities, and quite often of principle, which public servants will have to resolve for themselves. They will sometimes do so as individuals, but more often they will act with colleagues who increasingly may not come from their own service or professional background, nor share the same language or assumptions. Examples are the tension between protecting the public and fairness to the individual, between central direction and local discretion, between equality and diversity and between risk and innovation. They will find that their credibility and legitimacy are increasingly open to challenge – in the courts, from the

government, by the media and the public. This will lead to frustrations but also to opportunities.

The Government's policies for crime and criminal justice are a hybrid of the liberal, supportive and inclusive on the one hand and the conservative, authoritarian or exclusionary on the other. Potentially inclusive measures include those taken under the Crime and Disorder Act for promoting community safety; the reform of youth justice (especially in reparation, action plan and referral orders); the development of programmes to confront offending behaviour in prison and probation; different services' programmes for dealing with institutional racism; the application of the New Deal to helping offenders to find work and finally the array of policies to reduce

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poverty, give children a better start in life and promote the regeneration of run-down areas.

Examples of potentially exclusionary measures include the implementation of mandatory prison sentences for third offences

of burglary; the new definitions and offences in the Terrorism Act; provisions for the enforcement of community sentences in the Criminal Justice and Court Services Bill, and the proposals for withdrawing social security benefits in the Child Support, Pensions and Social Security Bill.

MORAL VISION

Other policies may be neither potentially inclusive nor exclusionary in themselves, but

reflect the Government's desire for central direction and efficiency. These include mechanisms for strategic planning, the reconstruction of the probation service, restrictions on access to trial by jury, the Best Value targets for the police and local authorities to reduce burglary and car crime, the application of new technology – for example DNA and CCTV – and the use of private contractors to run prisons. Further ahead, we have the prospect of the 'seamless sentence' where offenders could be moved more freely between prisons and the community according to their progress and behaviour. But there are also gaps, of which the most conspicuous is the absence of any policy to control the prison population and reduce overcrowding.

One matter for concern, especially in youth justice, must be the long term effect



Hamid Ghalib

of abandoning the so-called 'culture of non-prosecution' for young offenders and deliberately widening the net to bring more young people into the criminal justice process. Of course young people should be made to face up to the consequences of what they have done, but increasing criminalisation may not be the answer. It will put more people at a disadvantage, for example in finding work. Support services, for example treatment for addiction to drugs, may become less accessible for those who have not been involved in crime. Or even worse, that people who would not ordinarily be criminalised will be prosecuted, and placed under pressure to plead guilty, as a means of gaining access to treatment. Another question is whether the selection of people to join youth offender panels will genuinely represent the communities they serve, and give those communities a sense of ownership of the process, or whether they will be drawn only from those sections of society who have time and money to spare.

All the Government's policies depend for their effect on how public servants put them into practice on the ground. The Government itself acknowledges that it wants their outcome to be a safe, just and tolerant society. It is keen to promote the values of responsible citizenship and human rights. Despite its commitment to pragmatism and quantified measurement, it probably accepts that government and public service can never be value-free and it has tried, if not always successfully, to articulate its own moral vision. But on the ground, its policies for criminal justice can either be put into effect in ways that truly promote safety, justice and tolerance; or they can be applied in ways that are oppressive, arbitrary, discriminatory and unfair. The choice is partly a matter for the Government, especially where its legislation and administrative directions allow no room for local interpretation or discretion. But it is also one for public servants themselves and the citizens or partners – for example in the voluntary and community sector – with whom they work.

A LIGHT TO THE WORLD

For this reason, a good text for today's professionals and public servants seems to me to be the following verses from St. Matthew's Gospel: "You are the light for all the world. A city that stands on a hill cannot be hidden. When a lamp is lit, it is not put under the meal tub, but on the lamp-stand, where it gives light to everyone in the house. And you, like the lamp, must shed light among your fellows, so that, when they see the good you do, they may give praise to your Father in heaven" (Matt. 5:14-16). For public servants, building a local community of justice means heeding the dynamics of local situations, pressures and relationships, as well as their values and responsibilities.

How can those values and responsibilities

"On the ground, policies for criminal justice can either be applied in ways that promote safety, justice and tolerance, or in ways that are oppressive, arbitrary and unfair."

be applied in practice? I offer five suggestions. First, the apparatus of criminal justice should not be imposed on a country or on communities from above or from outside. The services should 'belong' not just to the Government but to the country as a whole and to all the communities within it. That sense of 'ownership' should be part of the rights of citizenship, together with the responsibilities which go with them. It is what many black, Asian or gypsy communities do not feel for the police in Great Britain. It has scarcely been considered as an issue for prisons, except in Lord Woolf's recommendation for community prisons and some limited and short-lived experiments, for example Blantyre House and the former HMP Oxford.

TRUST AND RESPECT

Second, a necessary condition for that sense of 'ownership' is the authority, accountability and above all the legitimacy of the services and public servants themselves. It is the understanding that they have earned and deserve the citizen's trust and respect, the knowledge that they are open, accessible and can be called to account. It is people's willingness to accept their judgements and decisions even when they go against an individual's wishes or interests (St. Matthew again). This condition raises difficult practical questions about the services' organisation, style, relationships, communications and methods of consultation. There are claims that there is a 'democratic deficit' in the health service: the same could be said of criminal justice. It is a question which I hope Lord Justice Auld will consider in his review of criminal courts.

Third, although it may be difficult to prove, initiatives and solutions that are developed and owned locally are likely to be more effective in reducing crime and reforming offenders than those which are centrally imposed, if only because they can be more flexible and can generate and exploit more sources of energy.

Fourth, justice is an outcome to be pursued for its own sake, not a process to some other end. It should not be thought of as something which can be more or less 'effective' in achieving the punishment of an offender, a change in the offender's behaviour, or the protection of the public.

Fifth, justice may involve punishing the offender, in the sense of marking society's disapproval by imposing some painful experience or requirement, but it need not always do so. More important features of justice as an outcome, if they can be achieved, are reconciliation, reparation and reintegration, even forgiveness, for which some form of punishment may sometimes but not always be necessary.

"The means of dealing with crime and with those who commit or suffer from it are to be found more in society than in the institutions of the state."

Implicit in the foregoing are a number of responsibilities. These are responsibilities of citizenship and public service, but they are also Christian responsibilities as well.

REVIVING COMMUNITIES

I would like to conclude with some thoughts drawn from Tim Gorrington's book *God's Just Vengeance* where he quotes David Garland, as follows: "Conventional forms of punishment regularly 'fail' because it is only the mainstream processes of socialisation (internalised morality and sense of duty, the informal inducements and rewards of conformity, the practical and cultural networks of mutual expectation and interdependence etc.) which are able to promote proper conduct on a consistent and regular basis."² Gorrington argues that punishment could be "reconstructed not as the imposition of pain but as a process involving penance or remorse."³

For Tim Gorrington, as well as other writers, the means of dealing with crime and with those who commit or suffer from it – often of course the same people – are to be found more in society than in the institutions of the state.

They are to be found in the revival of genuine communities, for which there are rich resources in Christianity. He did not, but might have also referred to the role of civil society – those voluntary and community organisations, and those informal networks and groups, that help to give communities their strength and resilience. It may be that some of these ideas fit awkwardly, or not at all with present legislation and organisational structures. But it seems to me that they offer some valuable insights and some challenges to which everyone working in criminal justice, and especially proponents of Relational Justice, should try to respond.



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¹ See J. R. Sparks and A. E. Bottoms. 1995. 'Legitimacy and order in prisons.' *British Journal of Sociology* 46:45-62.

² David Garland. 1990. *Punishment and Modern Society*. Oxford: Clarendon Press, 289.

³ Timothy Gorrington. 1996. *God's Just Vengeance*. Cambridge: Cambridge University Press, 250.

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A TIME FOR RENEWAL

Steve Hook describes the relational roots of the Kainos Community at HMP Swaleside



Kainos Community is a faith-based facility operating in four prisons in England, namely, The Verne in Portland, Highpoint male and female in Suffolk and Swaleside in Kent. The word Kainos is Greek for 'a new beginning' and, for many prisoners, this experience of renewal is most deeply felt at the level of relationships: their relationship with themselves, with other prisoners, their victims, their families and with God. It is a relational programme in several ways, not least because its prime characteristic is life in an ongoing, prosocial community. The experience of building a positive community within the prison population is central to 'minding the gap' between the prisoner and society identified by Sir Stephen Tumim.

The development of Kainos in the UK is indebted to the Cursillo movement and to the work of the similar-sounding but different Kairos prison ministry based in the USA. The Cursillo movement began in 1940s Spain when a group of lay Catholics devised a weekend course of talks, meditations and discussions aimed at recharging their church communities. This was so successful in healing the wounds caused by civil and international wars that it quickly spread throughout the country. The word 'Cursillo' is simply Spanish for a 'short course'. It spread to South and North America, coming to England in 1981 and is now established world-wide.



OUT OF CONTROL

Cursillo in prison came about in 1972 when a group of Christians in Sao Jose dos Campos in Brazil introduced Cursillo to their local prison. At that time, the prison was bankrupt, recidivism ran at 95% and the prison was all but totally out of control. Half the prison was handed over to the volunteers and the Cursillo weekend used as an introduction to a new sort of prison regime in which prisoners cared for one another. Twenty five years later, that prison regime is replicated in over 160 Brazilian prisons. A recent evaluation, conducted by Byron Johnson of Pennsylvania State University, found a remarkably low recidivism rate of 16%.

In 1975 a group of Christians in Florida tailored the Cursillo weekend to the needs of the multi-denominational American prison population, which also included non-believers and followers of other faiths. The result was the 'Kairos' weekend, which is Greek for a 'special time'. The Kairos weekend has now spread to over 150 medium and high security prisons in the USA as well as to Canada, Australia and now England. Kairos Weekends have been run every six months since their introduction at The Verne in April 1997, Swaleside in May 1998 and Highpoint male and female in January 1999 and September 1998 respectively. Kairos UK is itself a registered charity and, as an organisation, is quite independent of Kainos Community.

OPENING THE DOOR

The Kairos weekend is a set programme delivered by a team of outside volunteers. A mixture of prisoners and volunteers sit at small tables called 'table families'. Although the weekend is openly based on Christian principles, it is open to all who apply no matter what their belief, denomination or faith. Prisoners who take part are, in the main, just people who want an opportunity to change. There is no attempt to proselytise during Kairos. Each participant's beliefs are respected, no matter what they might be.

All talks are followed by a discussion in which prisoners have the chance to think for themselves and to express their point of view.

The discussions are also a time for prisoners to begin to share their problems within the safety of a small group and to show care and support for each other. The sacrificial work of the outside volunteers introduces prisoners to the idea that there is a different way of relating to people. They are gently modelled relationships that are freely given and that do not expect anything in return. For many, this is a totally new experience and one that opens the door to new relationships inside and outside the prison. The experience of Kairos weekends around the world has been that the weekend is the best way of forming a community within the hard-bitten world of the prison. Over 160 men have taken part in Kairos weekends at Swaleside and been part of the community. The wing capacity is 126 men and so, after approximately 18 months, some relocate to other parts of the prison to make space for new members.

Since 1999, in England, the communities are called 'Kainos' communities. Kainos staff at each prison encourage the participants to live and work in community following on from the Kairos weekend. The follow-up programme aims to challenge prisoners' behaviour and attitudes; to help them develop a positive respect and regard for self and others; to encourage them to look at themselves and how they want to spend the rest of their lives; to develop a sense of community living, sharing and caring for each other and to take responsibility for their own actions.

BUILDING COMMUNITY

At Swaleside, the Kainos programme forms a part of each participant's sentence plan and following the weekend there is a programme of courses lasting about 4 months. All are secular, except the Christian 'Alpha' course, which is offered only to those who wish to participate. Kainos staff run a number of community-building events including an interfamily quiz every week or so; courses on addiction; 'boundaries'; relationships and abusive behaviour; topical discussions; Prison Fellowship's 'Sycamore Tree'; Proverbially speaking (a look at what the book of *Proverbs* has to teach us for today) and a highly-popular course on textiles. There is also an evening when volunteers from local churches spend time with men on the programme. This is known as 'godparenting'. It provides an opportunity to relate to ordinary people and a setting where every aspect of life can be discussed.

Kainos community operates at no cost to the prison, except for the provision of an office. The governors and prison staff are very supportive of what we do, probably because they see the results. While alarm bells in prison are a fairly common occurrence, there has been only one occasion for an officer to press the button on our wing in two and a half years. Of over 600 governor adjudications this year, only four have come from the Kainos community. The men are polite and respectful to staff. Critics claim that we only take better-behaved prisoners but in fact a number of participants had spent a great deal of their prison life on the block before coming onto the programme: a change of relationships that makes our job worthwhile.