

From England

TOWARDS A GLOBAL PARADIGM OF JUSTICE: TRUTH, RESTORATION AND RECONCILIATION

by Dr. John Sentamu

Introduction by Rachel Billington

My father, Lord Longford, was often lampooned as an eccentric, bumbling old peer. In fact he was the most clear-sighted of men. From an early age, he identified his mission to improve the lot of those forgotten or reviled by society. As a don in Oxford, he was already visiting prisons in the 1930s. As a politician, he fought for justice for the German people in the immediate post Second World War period. Where he saw suffering, he attempted to alleviate it with understanding, sympathy and practical help.

After he left government, he was able to concentrate on social reform and argue his views in the House of Lords. In his world no-one was beyond redemption, no-one unworthy of help. His belief was based on the New Testament which, after being converted to Catholicism, he read every day of his life. His high-profile support of Myra Hindley's struggle for freedom was only the most visible (and most unpopular) sign of his determination to put into practice Christ's message, "Hate the sin and love the sinner".

When the family, along with friends and admirers, decided to set up the Longford Trust after his death in 2001, it was our intention to make sure my father's views continued to get a proper airing. We instigated the Longford Lecture and, in order to stimulate and encourage workers in the field, the Longford Prize. Since his death, I am continually meeting people, ranging from the well-known like Jon Snow to ex-prisoners, who confess the debt they owe to my father. He was, as Jon Snow put it, a people person and inspired many to step out into brave new lives.

In 2002 the inaugural Longford Lecture was given by Cherie Booth QC. It was a coup that my father would have much appreciated to have the Prime Minister's wife, herself a stalwart in the area of social justice, for our first lecturer. She did not disappoint, giving outspoken views on prisons and prisoners and showing a particular concern for women prisoners which she has followed up with many prison visits since the lecture.

In 2003 our speaker was another outstanding personality whose life has been touched by real hardship and tragedy. Bishop John Sentamu was born in Uganda. When he was still a boy, his father who was a preacher, told him, "Don't think about yourself. You've got to pursue truth wherever it leads". Under Idi Amin's rule, this was dangerous advice.

In 1974 Sentamu, a young barrister, left Uganda with his wife and settled in England. In 1977 he was horrified at Amin's murder of his friend Archbishop Luwum and determined to join the Anglican church. He was ordained in 1979 and had to recognise that it was no longer safe for him to return to Uganda.

*Bishop Sentamu wears a brightly painted wooden crucifix round his neck. On the reverse are words spoken by another archbishop, Oscar Romero of San Salvador, gunned down in 1980 by a despotic government: "**Peace will flower when love and justice pervade our world**".*

*In his lecture Sentamu showed us a way forward to this ideal. Using his theme, **Truth, Restoration and Reconciliation** he moved from small-scale examples to a world-wide application. He was brilliant with the general and moving in the particular. Nor did he flinch from confronting contemporary issues such as the war in Iraq. He made each person in the very large audience feel that he or she was being addressed personally and could affect how the future of our world might develop.*

My father would have much admired his message, with its emphasis on restorative justice. Now Bishop Sentamu's words can be read and given a longer and more lasting life.

* * * * *

The Most Reverend and Right Honourable Dr John Tucker Mugabi Sentamu, PhD, (born 10 June 1949) is the 97th Archbishop of York, Metropolitan of the province of York, and Primate of England. He is the second most senior cleric in the Church of England, after the Archbishop of Canterbury, and the first member of an ethnic minority to serve as an archbishop in the Church of England.

John Sentamu was born in 1949 in a village near Kampala, Uganda, the sixth of thirteen children. He read law at Makerere University, Kampala, and practised as an advocate of the High Court of Uganda. Sentamu was appointed a High Court judge in 1973 at the age of 24 by the newly-ascendent Idi Amin; his judicial independence earned the dictator's ire, however, and he suffered threats and physical violence before fleeing to the United Kingdom in 1974.

He read theology at Selwyn College, Cambridge (BA 1976, MA MPhil 1979, PhD 1984), and trained for the priesthood at Ridley Hall, Cambridge, being ordained a priest in 1979. He worked as assistant chaplain at Selwyn College, as chaplain at a remand centre, and as curate, priest and vicar in a series of parish appointments before his consecration in 1996 as Bishop of Stepney (a suffragan bishop in the Diocese of London). It was during this time that he served as advisor to the Stephen Lawrence Judicial Enquiry. In 2002 he chaired the Damilola Taylor review. That same year he was appointed Bishop of Birmingham, where his ministry, according to the Archbishop of Canterbury, Rowan Williams, was praised by "Christians of all backgrounds".

On 17 June 2005 the Prime Minister's office announced his translation to York as the 97th Archbishop. He was formally elected by the Canons of York Minster on 21 June, legally confirmed as Archbishop in London on 5 October, and enthroned at York Minster on 30 November 2005 (the feast of Saint Andrew), at a ceremony with African singing and dancing and contemporary music, with the Archbishop himself playing African drums during the service.

***"We can help make the world safe for diversity.
For in the final analysis,
our most basic common line
is that we all inhabit this small planet.
We breathe the same air,
we all cherish our children's future.
And we are all mortal."***

So said J F Kennedy at the Commencement Address at American University, June 10th, 1963 - which happened to be my 14th birthday!

If I may presume to improve on William Shakespeare's Malvolio, I would say, "All are born great, some achieve more greatness, and some have more greatness thrust upon them."

Like everyone else here this evening, I am in the first category. I can lay no claim to the second, but all of you and others have thrust more greatness upon me by inviting me here to deliver the second Lord Longford Memorial Lecture.

The title of my lecture - *Towards a Global Paradigm of Justice: Truth, Restoration and Reconciliation* - was inspired partly by participating in the Stephen Lawrence Murder Inquiry, the Damilola Taylor Murder Review and my first hand experience of Idi Amin's brutal regime. And partly also by the memory of Lord Longford. As we all know, any community which forgets its memory becomes senile! And as George Santayana has said "Those who cannot remember the past are condemned to repeat it."

In case you have forgotten, let me remind us all of the values and ideals of Lord Longford.

Justice, and a passion for society's outcasts were the basis of Lord Longford's activities and campaigns throughout his life.

From as early as the 1930s he was a prison visitor, and to the end of his life he was still going, two and three times a week, to visit the abandoned and despised in jail.

For example, in the late 1980s, he was contacted by the solicitor for a young Dutchman, convicted of a drugs offence, sent to Albany prison on the Isle of Wight, suffering from Aids and cut off by his family. Longford was the only person to visit this dying man.

This and many other visits like it which didn't make the headlines like some of his other activities, were evidence of a love and concern for the marginalized which brought succour and relief.

In terms of his professional responsibilities, he chaired the committee which, in 1963, recommended the setting-up of the parole system, which is still the bedrock of the current system.

One of the qualities of Lord Longford's approach to justice was his focus on **reconciliation, restoration, forgiveness.**

This isn't always a popular approach, and has often given rise to misunderstanding and anger from victims or their families, - and indeed from the public at large, as of course it did in response to his efforts to reintegrate and restore the Moors Murderer, Myra Hindley. We have more recent examples too in the public's response to the courts' ruling that the boys who killed Jamie Bulger, and similarly Mary Bell, shouldn't be identified as adults.

But though it is vital to respect the anger and damage caused to victims, and communities by crime, Lord Longford recognised that traditional retributive justice was not necessarily the most healthy way forward for building a better society, and better relationships, because feelings of anger and revenge, however understandable, serve further to dislocate our ability to relate to one another as human beings.

As Aristotle said, *"Anyone can become angry - that is easy. But to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way - this is not easy."*

Anger always blurs the real human features of those we're angry with. If it didn't, no one would ever be persuaded to violent action. And so often the anger comes from the sense that I'm not being seen as a human being in the first place.

This is what happens to us when our outrage at a crime cries out for vengeance. We don't wish to see the perpetrators as human, as being someone who was a child who wasn't raised to be a criminal, who is even now a person loved by a parent, a brother, a sister, a partner.

And the strength of our desire for vengeance, for punishment often depends on our being able to distance ourselves from the humanity of the person who commits the crime.

them, *"It's understandable that you are angry, but violence isn't the answer."* They replied, *"Bishop, we don't believe in God."* And I said, *"It doesn't matter. God believes in you."* They laughed, and didn't use their iron bars.

The goal of our justice system is to put things right between people where a crime or inequality has damaged a relationship, rather than to enforce obedience to a social code. This aim is shared by the more modern idea of Restorative Justice.

Our need for 'monsters' must not drive a system of justice. In the rush to redress the balance that has left victims' needs ignored for so long, we mustn't now ignore the needs of the offender. Crime and conflict damages all those involved, and we need to reconsider how we deal with it if we really want to make a difference to our society. This means creating communities that are at peace with each other and where owning up to our crimes has become second nature. How? By making our criminal justice system just whose foundation is truth, restoration and reconciliation.

* * * * *

*This is a transcript of the second Longford Lecture delivered in July 2003, by the then Anglican Bishop of Birmingham, Uganda-born, **John Sentamu**, and is reproduced by kind permission of the Longford Trust (www.longfordtrust.org)*

(In November 2005 John Sentamu was installed as the Archbishop of York.)

Rights of individuals accrue to all human beings individually because these rights are intrinsic to every single human being. Because each one is a stand-in for God, having been created in the image of God.

In his book *The Idea of Human Rights, Four Inquiries*, Michael Perry throws down a gauntlet that to speak, as so many claim to do, of 'human rights' from a purely secular perspective may well not make any sense.

His willingness to confront the implications of 'the death of God' is precisely what is absent from so much moral, legal and political rights talk. Anyone who wants to make universal claims for the concept of human rights needs to confront the arguments put forward in his book.

In the first of these inquiries, R H Tawney is quoted as saying: "*The essence of all morality is this: to believe that every human being is of infinite importance, and therefore that no consideration of expediency can justify the oppression of one by another. But to believe this it is necessary to believe in God.*"

And further, "*Unless a man believes in spiritual things – in God – altruism is absurd. What is the sense of it? Why should a man recognise any obligation to his neighbour, unless he believes that he has been put in the world for a special purpose and has a special work to perform in it? A man's relations to his neighbours becomes meaningless unless there is some higher power above them both.*"

If we believe this, our faith may mean taking risks – not just for ourselves, but on behalf of others.

We are bound up together, and it's in our own interest that harmony exists. But the hardest thing of all is to deliver restorative justice to the perpetrator, and at the same time stand side by side with the victims.

This came home to me very strongly at the end of the questioning of the five suspects in the Stephen Lawrence Inquiry.

There was a very angry crowd outside who were ready to give those arrogant and uncooperative young men a good hiding as they left the Inquiry.

A major incident was quickly developing. Like a fool I agreed with Chief Superintendent Godsavage (!) to go and calm things down. Amongst the throng I noticed four angry young men with iron bars concealed down their trousers, waiting their chance. But of course the danger was that, if they succeeded in taking vengeance, they would end up in trouble. I said to

Let me use the current struggle against terrorism as an example. Inevitably we are tempted to do this with those people we hold responsible for the destruction of the Twin Towers of the World Trade Centre. And it happens at a local level with less dramatic crimes.

An oft-repeated concept emerging from the 1992 Rio Summit is: "Think **globally**, act **locally**." In the context of Environmentalism this challenge is a firm one and needs to be addressed. By looking after our own environments we also contribute to global well being.

In the context of international relations however, the repercussions of replicating global actions at a local level would be nothing short of disastrous.

The recent conflict in Iraq saw a situation where the U.S. and U.K. governments flouted the will of the U.N. Security Council and invaded Iraq without moral legitimacy. The issue was both one of legality and moral legitimacy. Upon achieving a military victory they then went back to the U.N. Security Council and secured a resolution which gave them a legal basis and moral legitimacy as an occupying power.

This global action, put on a local, say Brum, scale, is like a group of powerful financiers who go to the courts claiming that you are a threat to their business. The courts order you to produce the documents they allege you possess, but refuse the men to enter your house and carry out the confiscation themselves. Lacking tact and patience, due to a deadline pulled out of their magicians hats, they come to your home and kick the door down. They then return to the court which rejected their petition to enter your house, and get approval to stay in your house and keep your bank details for an indefinite period whilst they promise to look after your best interests. And by the way, where are the documents and all your accomplices they complained of as evidence that you are a threat to their business!

The contradictions between what nation states tell their own people and what the states then do themselves is nothing new. For example, in those states which forbid citizens to kill one another they then go on to exercise that very same power through the death penalty.

It is my contention that in forging a new paradigm of Global Justice we need to turn the phrase from Rio around and apply it to both citizens and states. Governments and the governed need to "think locally and act globally" if they are to achieve a common purpose of building both a society and a world in which Justice isn't only done, but is seen to be done.

But you may ask, what is Justice?

In attempting to find a definition of Justice it's helpful to say first of all **what justice isn't - justice isn't simply punishment or retribution.** For the true purpose of punishment is penitence.

When people are crying out for vengeance, mistaking it for justice, those ancient words "an eye for an eye, a tooth for a tooth" are trotted out. For me justice was best expressed by the Great Teacher from Nazareth who said:

"You have heard that it was said 'An eye for an eye and a tooth for a tooth', But I say to you, do not resist an evil person. If someone strikes you on the right cheek, turn the other also; if someone forces you to go one mile, go also the second mile." (Matthew 5:38-41).

Tevye, the Fiddler on the Roof, presented his own take on the ancient proposition for vengeance, when he said, *"If you insist on carrying out on an eye for an eye and a tooth for a tooth, the whole world will end up totally blind and toothless!"*

This practice of citing a mistaken idea of justice in the pursuit for vengeance was seen time and again in the case of Myra Hindley, the cold and merciless Moors Murderer, on whose behalf Lord Longford campaigned so tirelessly.

Despite the vilification of his position by the so-called gurus and custodians of public morality, it's a testament to him that he continued to call for justice and not vengeance to be done. Why? Because he hoped and desperately longed for the parents of the victims to get answers to their questions and for Myra Hindley to face up to her responsibility. Letting bygones be bygones was never an option for him.

To be redemptive, punishment must be more than removing the perpetrator, permanently or temporarily; it must provide an avenue for total transformation of the situation.

Total transformation means the changing of lives so that the maladies that cause division are eliminated, total transformation based on renewal as was the case in Archbishop Desmond Tutu's *restorative justice* in the South African context; and Nelson Mandela's encouragement of Black people to focus their rage into acts of reconciliation.

A clearer understanding of what Justice is comes from Thomas Porter on his short analysis of the power of restorative justice:

How then do we apply these principles globally?

In Iraq we see that the Nuremberg model is already being applied by the allies as they attempt to make sense of the chaos that military action has left in its wake. The pack of 52 playing cards with the friends of Sadaam Hussein was issued and many caught.

All we can be sure of is that when it does come, the justice will be retributive in form and as such will do little to heal those broken relationships of community in Iraq devastated by Sadaam Hussein's years of brutality and three wars!

Just as domestic justice requires individuals to recognise themselves as part of a community, so international justice requires nation states to view themselves as part of a global community. Until countries recognise that they exist in a global community where the need for the healing of relationship, restoration and reconciliation is equally as important as on the human level, there will be no room for restorative justice, but rather only a repetition of the iniquities that are felt by retributive justice.

For me, as I believe it was for Lord Longford, the nature of this global community we live in is one where each human being is of intrinsic worth, because each human being is created in the image of God.

Our response to this must surely be a commitment to justice, inspired and nourished by love and compassion, instead of the illusionary bad principles of liberty and equality, because they are so hide-bound by individualistic subjectivity.

Some people in the audience may ask, "Why bring God into it?" Well, I know that no-one believes in rape, or slicing off breasts, or ripping out wombs, or decapitating a child in front of its mother (who has just been raped), or castrating a prisoner (or forcing another prisoner to do so), or throwing a prisoner into hot oil or acid – no-one believes that such acts are or might be good for them on whom the horror is inflicted.

No-one thinks either that such acts reflect a vision of human good, albeit a perverse vision. Rather because everyone (not least the perpetrators) understands that such acts – acts of calculated and gratuitous cruelty - are horrible for the victims, such acts constitute an existential, if not a reflective or self-conscious denial that the victims are sacred, that they are human beings endowed with the same human dignity (See, *The Idea of Human Rights*, Michael Perry).

around us and say “we cannot go on as we are” that there are alternatives waiting to be tried and tested if only we had the courage and the trust to try them.

The essential point about restorative justice is that it isn’t about punishment. As Archbishop Desmond Tutu has said in his book **“No future without Forgiveness”**, *“It is about the healing of breaches, the redressing of imbalances, the restoration of broken relationships. It seeks to rehabilitate both the victim and the perpetrator, who should be given the opportunity to be reintegrated into the community he or she has injured by his or her offence. This is a far more personal approach, which sees the offence as something that has happened to people and whose consequence is a rupture in relationships.”*

Thus we would claim that justice, restorative justice, is being served when efforts are being made to work for healing, for forgiveness and for reconciliation”.

Desmond Tutu’s understanding and work as Chair of the “Truth and Reconciliation Commission”, is a shining example of an alternative to the retributive form of justice that would have undoubtedly derailed South Africa’s journey to a post-apartheid republic.

The Truth and Reconciliation process identified the need for the voices of the perpetrators and the victim to be heard within a state sponsored restorative setting.

The conditional amnesty allowed by the Truth and Reconciliation committee had its roots in the understanding of the very essence of being human.

It means my humanity is caught up, is inextricably bound to, yours. We belong in our natural state of community. It is in many ways the opposite of the Cartesian thesis: **“I think therefore I am”**, rather it is **“I am because we are”**. It is in a fundamental understanding of our life and very being defined not in isolation but in a community of others.

Hence to forgive is not just to be altruistic, it becomes the best form of self-interest. What dehumanises you, inexorably dehumanises me.

It is important that we understand this concept as it is the cornerstone upon which any new paradigm of justice, be it global or local, needs to be built upon.

“Restorative justice, for me, is more clearly the place where truth, justice, mercy and peace meet; truth is seen as the deep sharing and hearing of other’s stories in a way that vindicates and empowers.”

As a society, and indeed as a world, we are bound together, and one of the hardest things to do is to deliver restorative justice to the perpetrator and at the same time stand side by side with the victims.

Justice is seen as acknowledgement and restitution and respect for the other. It isn’t retributive, but restorative. Mercy recognizes that apology and forgiveness are mutually needed for restoration and reconciliation as well as the acknowledgement that is key to justice. Peace becomes a real peace based on right relations”. (Thomas W. Porter - *Restorative Justice: Justice as Peace Building*, P.2, Eastern Mennonite University 2003)

This model of justice, which some may describe as utopian in its aspiration, is based on a thorough understanding of the differences between retributive justice and restorative justice and the consequences on society that flow from the consequences of each.

Whilst we are all familiar from our current Home Secretary about the theories and practice of retributive justice, we need to grasp more fully the concepts and operations of restorative justice and how it can lead to truth and reconciliation.

Crime affects us all. It isn’t simply a matter of victim and perpetrator. Many people in this room will have been victims of a crime at some point, and some people here, although I would hope not as many, may have been perpetrators.

As citizens we shouldn’t see the conflict, pain and distress which arises from crime as something that can be left for the government to deal with through the criminal justice process alone. We may be the innocent victims, we are all, to use the phraseology of the mid nineties, “stakeholders” in both the process and the outcome. We have a vested interest in the system and how it deals with those who commit criminal acts but against our fellow men and women - and, therefore, against us.

This is why we should be concerned at the steady increases in the levels of incarceration and imprisonment, the simplistic approach favoured by successive governments. Just as in the eighties it was suggested that interest rates were being used as a one-club strategy to control the economy so imprisonment is the one-club strategy employed by successive

Home Secretaries in dealing with the problem of rising crime. Where is the room for penitence, reparation, compassion, mercy, forgiveness charity or reconciliation? Are we as a society honestly saying that these have only a walk on role in the administration of justice?

I understand that all politicians have, at heart, a desire to provide a safer society, but locking so many people up seems to suggest that they also want to claim to “walk the walk” after trying to out-tough one another in their policies on criminal justice. The constant fear of appearing to be weak on crime means our prisons are full to bursting as a result of politicians’ fear of being labelled as the “criminals’ friend”. But this solution isn’t working. We know this because of the statistics and the stories they tell, but we feel it more deeply in the stories told to us by those whose daily lives are corrupted by the failures of the current system.

On January 1st of this year, Charlene Ellis and Letisha Shakespeare went to a New Year’s party in Aston at a hairdressing salon. As they stood outside discussing what to do next, they were shot dead as a passing car let fly with a hail of bullets, apparently aimed at a group of young men standing yards away from the girls.

Justice has yet to come to Aston for the shooting of those girls. In the months that have passed since their deaths more people have been shot, more people have died. The death toll continues to rise.

Where is the deterrent effect of imprisonment or sentencing on the streets of Aston? Do our politicians seriously believe that increasing the severity of sentences would put an end to the shootings? Is an increasing severity of punishment by the state the solution?

The Lord Chief Justice, Lord Woolf, is certainly right in questioning the sentencing reforms in the Criminal Justice Bill. Why set up a Sentencing Guidelines Council, and at the same time the Home Secretary suggests that he proposes to raise the minimum term in aggravated murder cases from 20 years to 30, and to increase the starting point for most other murders to 15 years? In so doing he is setting up a Sentencing Guidelines Council which includes his own guidance in the legislation that establishes the Council. And then he claims that the Judiciary must be independent of the Executive! Why? Because as he says, “the Sentencing Guidelines Council will ensure that sentences for all crimes are consistent and reflect the most appropriate

As we know, the focus of retributive justice on the other hand is on the offender. Laws and punishment are the core values. Outcomes are measured in terms of: What law was broken, Who broke it, and How should he or she be punished? Important to this process are the ideas of separation, that is, putting people in prison or other placements outside the family and community, and labelling or stigmatization, that is, giving people identifications like parolee, probationer, ex-con, prisoner, and even defendant. The vision of retributive justice is to create a safe community.

The principles which form the foundation for restorative justice are

- 1. Justice requires that we work to restore those who have been injured. Justice should help victims feel better.**
- 2. Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish. Justice must serve the interests of the community as well. The offender should be held accountable for the harm done to the victim and hence to the safety and stability of the community.**
- 3. Justice must deal fairly with offenders. The ideal in a democracy is for people to respect the law and not merely fear it.**
- 4. Government’s role is to preserve a just public order, and the community’s role is to build and maintain a just peace.**
- 5. Justice must seek reintegration of offenders into the community.**

All these involve the concepts of :

Responsibility
Respect
Reparation
Reintegration
Restoration
Repentance
Reconciliation
and Forgiveness

The contrast between these two systems (Retribution and Restorative Justice) is important not only because it brings into sharp relief the potential of a system of restorative justice, it is important because it highlights the way in which a different system is possible. It shows that when we look at the world

Let me be fanciful for a moment. What might have been the result if John Major after the Gulf War in 1991, and Tony Blair in 1997 had tried to deal with Sadaam Hussein in the same way that they bravely undertook to enter into talks to bring about community responsibility and peace in Northern Ireland?

Would this bold but risky step have borne better fruit in the twelve years after the Gulf war? For those who regard Sadaam Hussein as a Machiavelli political evil this is an absurd suggestion. But is it?

It is my contention that retribution fails as a threat in each of these cases, because those committing terrible acts of violence feel they have nothing to lose. Whether it be on the streets of Aston or the refugee camps of the Gaza strip, these perpetrators of violence, terror and destruction don't feel they have any stake left in the society which would punish them ever so severely for their acts.

Talk of rights and responsibility falls on deaf ears to those who feel they have no rights and therefore have no responsibility to the wider common humanity of which they are part.

This isn't to excuse or to explain the reasons for those who would commit these acts of violence. It's merely a reflection on how it is we currently fail in both the domestic and the international arena when we decide that punishment and retribution must be the cornerstones upon which we build our system of justice.

The system needs to change. It needs to change so as to include a role for truth, restoration and reconciliation in its conception and delivery of criminal justice.

This change has begun to happen in new models in criminal justice systems across the world. And I am happy that in the UK, for instance, we have seen the introduction of restorative justice in the cautioning of young offenders by police in the Thames Valley constabulary.

And so what is Restorative Justice?

The definition of restorative justice, increasingly used internationally, emphasizes both the process and the outcome:

Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.

punishment for the crime." Hullo! I thought judges are doing this already. How can sentences for all crimes be consistent. Each crime is unique!

In Aston, though there has been no just solution so far, it has been recognised that the whole community has to deal with the situation. In Aston on 19 January 2003, following these tragic deaths, young people held a concert with the theme, "*Youth Cry Life, Not Death: Enough is Enough*", where thousands of young people came together to affirm their community. Wouldn't it be marvellous if the family of the person who murdered Charlene Ellis and Letisha Shakespeare was able to persuade the killer to confess? And wouldn't it be marvellous if the families of the murderers of Damilola Taylor or Stephen Lawrence owned up to being in denial and became responsible members of the community of which they are a part - and which they have damaged - by resolving these murders. Keeping silent will not make the murders go away. Justice will prevail in the end. Silence isn't safety. Confession is.

Restorative justice, therefore, is different from contemporary criminal justice in several ways.

First, it views criminal acts more comprehensively - rather than defining crime as simply lawbreaking, it recognizes that offenders harm victims, communities and even themselves. **Second**, it involves more parties in responding to crime - rather than giving key roles only to government and the offender, it includes victims and communities as well. **Finally**, it measures success differently - rather than measuring how much punishment is inflicted, it measures how many sufferings are repaired or prevented.

The ability to rebuild relationships between those who have been damaged by crime, at a domestic level, or by oppression and injustice as we see on the stage of governments who are attempting this approach, depends on the readiness to approach one another as human beings in a more radical, and perhaps more vulnerable and humble way. We need to remember that in dealing with the perpetrators of crime, they are members of our own communities, and in wishing to promote restorative justice, we are also attempting to restore health and life within our communities.

If those who commit offences within a community are removed from it, perhaps never to return, the dislocation that causes can be destructive not only to the future of the offender, but also to the work of the community in a role of restoration.

Then there is the consideration of the practical effects of simple custodial penalties. The Home Affairs Committee support for alternatives to prison sentences had this in mind. This country's prison population was at an all time high. As it is at the present time.

This reflected an ineffective, inappropriate and expensive approach to sentencing. Community orders on the other hand contain elements of both punishment and rehabilitation and are very flexible.

Custodial penalties are hugely expensive compared with community sentences. The conclusion has been that prison does very little to tackle why a person offended. Overcrowded prisons are able to do even less. The money saved by a change in sentencing policy could be used to fund programmes that will change the culture of offending and re-offending instead.

These programmes at their best confront offending behaviour and attitudes and provide offenders with skills, training and employment.

Furthermore, in dealing with offenders who have no respect for law or life, simply locking them up, stores up trouble for the future. And the matter is compounded where many crimes are drug related.

In all we do, we need to remember that justice is more than just what goes on in law courts.

Our law courts are becoming more places of adversarial process and conquest. The system, whether because of the rewards in status or finance, appears to encourage a culture of self-interested competitiveness, rather than a search for truth, a pragmatic focus on winning further encouraged by the no-win, no-fee promotions; a focus on getting a result, where plea bargaining can often muddy the waters.

We may dispense law but this may not always be true justice. Our golden rule should surely be "*to do unto others as we would have them do to us.*"

The need for a different way has become more pressing, not only because of the practical problems of overcrowded prisons, and rates of re-offending, but because it is recognised both in domestic situations, as well as on the national and international political stage, that an attempt to find a holistic answer is the way forward for the health of our communities and our countries.

It isn't just successive British governments who make the mistake of believing that increasingly severe punishment and retribution is the solution.

In the field of international conflict the misplaced assumption that retribution is the most effective deterrent can be seen to falter and fail. In the Middle East the suicide bombers appear to believe blowing up as many settlers or soldiers as possible will bring them justice. The Israeli Government seems convinced that knocking down their homes and arresting or deporting the families of bombers will act as a deterrent to others. But does Hamas really believe that through the terror of killing, a Palestinian state will emerge; and how certain can the Israeli Government be that the force of tanks and helicopters - gunships in response to the attacks will bring safety and security to Israel?

As children of Abraham, the father of us all, isn't the humanity of the Israeli and the Palestinian intertwined, as it was in the apartheid system in South Africa. As Archbishop Desmond Tutu says, "The humanity of the perpetrator of apartheid's atrocities was caught up and bound up in that of the victim whether he liked it or not. In the process of dehumanising another, in inflicting untold harm and suffering, the perpetrator was being dehumanised as well." (*Desmond Tutu, "No Future Without Forgiveness", p.35, Rider, London 1999*).

It is important that we understand this concept as it's the cornerstone upon which any new paradigm of justice, be it global or domestic, needs to be built upon.

The atrocity committed by a dictator on his people dehumanises the perpetrator, as much, if not more than the victims. Acts of violence between the Burger Boys and the Johnson crew in Birmingham dehumanise not only the victim but also the gangland, teenage perpetrator. Once we grasp these fundamental truths we can see that retributive justice fails as a remedy in that it seeks only to punish those who have, in the most basic way possible, already lost.

We only have to look at events in the world in the past and present weeks to know how futile a one-sided approach is as a solution. What retribution could be devised, what retribution could any state devise to dissuade those men who decided on September 11th to fly two planes into the World Trade Centre ?