

SWARTHMORE LECTURE 2000
FORGIVING JUSTICE
An exploration of spirituality within criminal justice

Lenny burgled my house when I had been in the job for about a year. He apologised profusely when admitting to having broken into my rather sparsely furnished first bachelor home. In our discussion I was able to let him know how I felt about him going through my limited effects. But I will always remember that in an age when borstal training was based on personal development and a close attention to cleanliness and tidiness, backed up by regular inspections, Lenny's main message to me was that it was I who should really try to clean and tidy my home a bit more!

John was a life-sentenced prisoner in Grendon who had murdered. He attended a seminar with me on the subject of Forgiveness taken by the Bishop of Oxford, Richard Harries. John spoke about his feelings of inadequacy and his inability to come to terms with the idea of forgiveness. How can I ever be forgiven when I can never forgive myself? Six years later I met John who is now a free man after he had completed his therapy and had moved on from us. He said he was now able to accept what he had done and felt God's forgiveness as he began to rebuild his life in service to others.

Gary also was a life-sentenced man who had killed and kidnapped. Through therapy he came to an understanding of the effects of his actions on others' lives. He was devastated by his new realisation and hated his actions more and more. He had tried to kill himself several times in other prisons but had been rescued by staff. He had completed five years in Grendon and it was time to move on to another prison. He could not face the prospect and decided that he wished to die with us. But he had so much respect for the staff and fellow prisoners in Grendon that he would not do it in a violent manner. He decided to die by not eating. He took out an advanced directive against the prison through his solicitor that we should not intervene to feed him even when he lost consciousness. He began his fast that concluded with his death three and a half months later. He made his peace with his family and all who had had dealings with him in the prison. He expressed forgiveness for all of us – he did not want any of us to feel guilty or angry about his death. We should accept his death as a triumph over the past. Although a desperately sad time for many of us there was a haunting dignity and humanity about Gary that will stay with me for all of my life.

So these are my credentials – memories of relationships with people experiencing the pain of imprisonment, those whom we have locked away from our community.

In this meeting for worship we will Listen, Understand, Learn, Propose, and resolve to Act. And through this process of discernment we will seek to move

faith into action in an area of national concern - crime and justice. The subject reflects the kind of people we are, the kind of society we have become and the vision of the kind of community we would like to be. This lecture is part of a continuing process of waiting and discernment.

Listen to those affected, the victim, the offender and to ourselves as members of communities affected by crime.

The **victim's voice** has not been listened to in our development of justice systems. Lorraine's experience is telling. She visited a man in prison.

I felt a need to tell him the damage he had done – even if he hadn't have spoken to me – I still had this burning desire to strap him in a chair and just tell him everything that he had done. Not because he had killed my father, but how he had destroyed my family and continued to destroy my family – and that went on for ten years really – and the fact that my children grew up just knowing that my father had been shot as if it was a normal thing and I was quite angry that I had to explain to my son – that – well it happened and he's gone to prison and end of story. It just totally destroyed my family and it still has, sixteen years later and there are still massive cracks that will never be repaired at all. I didn't feel bitter as in wanting to hurt him. I just wanted him to know what he'd done.

I asked the one main question. Do you regret killing my Dad? And his answer was – the day your Dad died my life ended. And it took me ages to work that out, to understand what that meant. At first I thought it was because he was so remorseful but it wasn't until the third visit that I realised that his life was over because he'd gone to prison, because he was caught.

And that's what I still have anger towards – that he hasn't accepted what he has done and taken responsibility for what he has done.

Lorraine needed the murderer of her father to know what he had done, she needed to find out if he felt remorse, she had to do this in person in order to move on in her own life. She continues to seek an understanding of remorse.

Viv's experience gives us another perspective on the innocent who are caught up in a crime. She is the mother of a young man who murdered a girlfriend. When he was arrested

Life just stopped – it just worked around Andrew. Everyday we went to prison to see him, while he was on remand. We went through the court trial with him. It was dreadful, people talking outside, they should hang him, they should do this they should do that. I tried to keep my mouth shut and say nothing back in return although it was difficult.

There is nobody to help you. You've never faced that before. You don't know where you're going you don't know what you're doing. It's just awful.

Your mind is just a total blank its complete shock. And people look at you as if you are a piece of dirt.

Until Andrew could admit what he had done, I was in denial as well with him. You know Andrew said, 'No I didn't do it.' Mum said, 'No he didn't.' But once he started to come to terms and I could see him starting to look a bit better in himself, then I could start to pick myself back up.

It broke my heart. I sat in a day here – it was a conference day I believe when we all met downstairs and Andrew said everything in front of everyone. And yes I suppose it came as a bit of a shock, but my words were well look I still love you. You're still my son. I still love you. And it's happened but we'll stand by each other. And we have done.

25% of all victims surveyed in the British Crime Survey said they wanted compensation from their offender, compared to only 9% who wanted a prison sentence. Even among the group of victims who most wanted offenders locked up (burglary with entry victims), two thirds wanted non-prison sentences.

The **offender** tells us of the struggle within prison to change and face the consequences. Tom is serving a long sentence for violent robberies.

The crimes that I've been involved in were always about me getting and not about being aware of other people's feelings or the consequences of my actions on them – you know – how that would make them feel. And through looking at myself, with the help of other people, who went through the same kinds of experiences, might be different crimes but the same kind of emotions, to become aware of other people and I've had to do that through the pain that I've suffered myself. Jail, like parents has a huge responsibility in how it reacts to offenders, how it shapes offenders over a period of time, because you are talking about my 17 year sentence, I will do roughly 12 years out of that, and it can either shape me for the world, it can be either a barren place, like solitary, maximum security jails with the same sort of punishment attitudes where you don't feel that you've got a voice, where you don't feel anything less than a dangerous animal, or you can go along the lines of Grendon, where you can have an environment where it shows and shares trust, that it gives people something to live for, hope in themselves, by showing that there is a light side of somebody, and that is really encouraging that person, in what he might want. There are still days when I wake up, and I'm looking through the eyes of somebody who doesn't trust himself, who doesn't trust other people with my life, and that's from my early, early childhood, feelings of insecurity.

So there are times when I wake up, and I feel comfortable in the dark in a sense, nobody can see me, I want to sit here, I want to lie here and think about my next big job and revel in the completion, the success of hitting a bank and stealing all the money and pissing everybody off, but its much better in the light because people see that I can create something.

What about us, members of the **community**? What are the voices inside us saying about our experience of crime and about what is just within our society? Are we in tune with the British Crime Survey in saying there is strong support for non-violent offenders to be given community punishments, such as compensation orders? Do we agree with the overwhelming public opinion that does not want any more prisons built? Only 16% of people favoured the option of building more prisons. 61% wanted to 'find new ways of punishing offenders that are less expensive than prison but tougher than probation.' Do we feel confident about the current procedures of criminal justice? Or are there disturbing concerns about the treatment victims and offenders experience in the institutionalised approach which leaves us all vulnerable to further offending? Is enough being done to tackle the causes of crime in your home area? What does the voice inside us say?

Advices and Queries 33 and 38 "Bear witness to the humanity of all people including those who break society's conventions and its laws.... Seek to understand the causes of injustice, social unrest and fear. Are you working to bring about a just and compassionate society which allows everyone to develop their capacities and fosters the desire to serve?"

"Our responsibilities to God and our neighbour may involve us in taking unpopular stands. Do not let the desire to be sociable, or the fear of seeming peculiar, determine your actions."

Listening shows us that we are not separated from each other. Perhaps we all have some responsibility for offending and the offender, we certainly have a part in the experience of the victim and all of us have been influenced by crime and the fear of crime. Listening helps understanding.

Understanding this matter is very **complex**. Part of the harm that is done in criminal justice is because this complexity is not recognised and straightforward

solutions proposed to problems not fully analysed. We sadly appear to be heading for such a time now.

George Fox's words 'Therefore take heed of the world's fashions, lest you be moulded up into their spirit; that will bring you to slight truth.'

Understanding that the subject is surrounded by **confusion** is a valuable lesson in our discernment. Many aspects of government are influenced by evidence-based practice, but not always in criminal justice developments. The fact that imprisonment is extremely ineffective in reducing offending has not stopped governments increasing sentences and widening the range of offences for which prison sentences are inevitable. The policy of reducing crime does not include one of reducing the prison population. The shocking words of a previous Prime Minister, John Major, suggesting that our approach to crime should be 'to understand less and to condemn more' might well reflect the reasons why we continue to ratchet up our response to disruptive social behaviour.

Where does **spirituality** fit within the setting of criminal justice? What are the aspects of human existence that give it its 'humaneness'? There seem to be three main areas of human nature to explore;

- the need to find meaning, purpose and fulfilment in life, suffering and death,
- the need for hope and the will to live,
- the need for belief and faith in self, others and God.

Experience of working in prisons has shown me that there are significant areas of spiritual need.

- Religious needs - for prayer, confession or catharsis, discussion about the transcendent aspects of human existence.
- Values and structures of meaning – hope, faith, a search for meaning and purpose in life, dealing with guilt.
- Relationships - the need for human presence, the possibility of intimacy.
- Transcendence - dimensions other than physical and mental. The assurance of God's presence, recognising the inner needs and the inner person.
- Affective Feeling - reassurance, comfort, peace and happiness.
- Communication – talking, listening and being listened to.

Spiritual distress can be seen in the experience of many prisoners.

- Fear, relating to treatment, long term incarceration and the behaviour of others.
- Depression, sadness and grief relating to the loss of freedom, fear of other inmates, inability to form meaningful relationships.
- Hopelessness stemming from having no hope of getting better, leading to despair.
- Anger stemming from frustration with oneself and others.

Prison staff are handling such expressions of helplessness (verbal and non-verbal daily), alongside feelings of powerlessness. They are also helping with the search many prisoners have for meaning in their lives, why things are happening to that particular person. Prisoners also express feelings of guilt, implicit or explicit and are often searching for forgiveness.

Victims have also been known to experience the same elements of spiritual helplessness through the shock of the crime's impact upon the equilibrium of their lives.

Learning about the effects of criminal justice we are conscious that **the loss of liberty** is a uniquely shocking experience. We can learn from those who have experienced it, so that our solutions to problems can be well informed. Quakers have a unique authority in the matter through our experience of being locked up, which stretches from our founders to the current day. We can learn from the experience of Nelson Mandela who established the Truth and Reconciliation process soon after he came to power. The one Home Secretary who spoke with authority and compassion on the subject of imprisonment had also experienced being locked up. It was Winston Churchill, imprisoned during the Boer War who said, 'The mood and temper of the public with regard to the treatment of criminals is one of the most unfailing tests of the civilisation of any country'. What does that tell us about our increasing prison population and more frighteningly that of the United States of America, which recently macabrely celebrated the fact that it had a prison population of two million people? There are 8 million people in custody in the world and a quarter of them are now in the United States.

Those countries like Germany and Holland that have experienced the imprisonment of their leaders in the recent past tend to have a more compassionate approach to the subject of inflicting pain in the form of imprisonment. In one of the 'letters to Olga', which were smuggled out of his prison cell, Vaclav Havel, President of the Czech Republic, wrote:

It's interesting, though, that I never feel sorry for myself, as one might expect, but only for the other prisoners and generally, for the fact that prisons must exist and that they are as they are, and that mankind has not so far invented a better way of coming to terms with certain things.

It is our hope that the infliction of pain becomes a last resort, a statement of failure, rather than the hub of justice.

We may indeed have to appear foolish in speaking the truth.

Repentance, Forgiveness and Reconciliation are central to our learning about the process of healing that can take place within criminal justice procedures. If healing is to occur it is helpful for victims to be able to forgive.

From a theological perspective that seems rather straightforward: we are called upon to forgive our enemies, those who harm us, because God has forgiven us. We cannot be free as long as we are dominated by enmity.

We are told to forgo revenge seventy times seven. 'Father forgive them...' is the ultimate example of the revolutionary message. To forgive those who have wronged you is an act of great inner freedom. The idea of forgiveness implies an affirmation of justice – 'Forgive us our trespasses as we forgive those who have trespassed against us.'

From a practical, experiential point of view forgiving seems very difficult, perhaps impossible. How can a mother or father forgive a person who has killed their child? How is it possible to move beyond feelings of anger and revenge? How dare someone who has not experienced it even suggest such a thing?

To forgive and be forgiven is not easy, and cannot be suggested glibly. Nor should those who cannot find it in themselves to forgive be encouraged to feel an extra burden of guilt. Real forgiveness cannot be willed or forced, but must come in its own time, with God's help. Forgiveness is a gift. We should not make it into a burden.

Forgiveness does not mean forgetting what happened, nor redefining the offence as a non-offence. It does not mean saying, 'It wasn't so bad, it doesn't matter.' It was bad, it does matter and to deny that is to devalue the experience of suffering and the humanity of the person responsible.

Forgiveness is letting go of the power the offence and the offender have over the person. It means no longer letting the offence and the offender dominate. Without this experience of forgiveness, without this closure, the wound festers, the violation takes over our lives. Real forgiveness is an act of empowerment and healing. It allows one to move from victim to survivor. Other forms of surviving can work for victims, such as living successfully after a tragedy, almost to 'show them'. However, this still puts the offence and the offender at the centre. Forgiveness on the other hand allows the experience to become part of one's life story, but without letting it continue to control.

Certain conditions help forgiveness to happen. An expression of responsibility, regret, and repentance on the part of the offender can be a powerful help.

L8 I think that is still an issue I try to forget even though I know its going to be soon. I don't want them to come out. I want them to be sorry. I want to know that they are really sorry and I will never know that. It doesn't matter what they say, but if they were really, really genuinely sorry then I think I could live with that. That would make me a bit happier – to let ghosts lay and let them get on with their lives.

An essential condition is the support and help of others and an experience of justice. Prayer is an important part of healing of memories. All of us have a responsibility to encourage an environment within which this can happen.

If the victim needs an experience of forgiveness, so also does the offender. How else will he or she find resolution to their **guilt**? How else will it be possible to move into a new life? How else develop a healthy sense of identity and self-worth? How else be saved?

Offenders often feel guilt for what they have done. But a sense of guilt can be very threatening to one's sense of self-worth and identity. Personal worthlessness is the worst fear for offenders and so they develop strategies to avoid guilt and maintain their sense of self-worth. Denial, 'everybody does it', the victim 'deserved' or could afford the losses, 'I was provoked beyond reason'. The tendency of prisoners to be obsessed with the injustices that they feel themselves to experience may be a way of insulating themselves from the burden of guilt.

Guilt is behind much of the anger expressed by prisoners. Guilt that is accepted becomes anger at oneself. Guilt that is denied can become anger at others. Either way, this anger can be very destructive.

It has been argued that guilt must be relieved through punishment. But this does not work in reality because if punishment is to relieve guilt it must be felt to be legitimate and deserved. This is not often the case. The idea that the

offence is against society and that a debt is owed to society is too abstract and rarely makes sense to the prisoner.

We lack the rituals that acknowledge that the debt is paid and that the guilt has been ended. Forgiveness would write off the debt as well as or better than punishment. We assume however that we must punish before forgiveness is possible. In practice we punish in such a way that it feels undeserved, then deny opportunities for forgiveness. Holding people accountable for their behaviour is a more understandable process towards reconciliation. Through a restorative process of justice it is possible to encourage and allow forgiveness to be experienced in community.

Both victim and offender need to be healed. This requires opportunities for repentance, forgiveness, and reconciliation. Some of this must take place between individuals and their God, and their community.

I would say you can never truly understand unless you've been there yourself. You can talk but people have to be more understanding themselves – understand it can come to their own doors. It can knock at any door, anytime of the day any time of the night. And just because it's not at your door today doesn't say its not going to be there tomorrow. And then they will want other people to help them and not want others to look down on them either. ...

But also involved is the relationship between the victim and the offender.

Unfortunately our system of justice does not encourage any of these processes. The system discourages reconciliation. The legal process has no place for repentance or forgiveness. Indeed it encourages offenders to deny their guilt and to focus on their own preoccupations. It actively seeks to keep victim and offender apart encouraging them to be adversaries and discouraging them from finding a common understanding of the offence and its resolution.

Restorative processes however can provide for a meeting place of reconciliation. The offender and the victim meet each other in the presence of their local community with all the parties concerned involved in the outcome. By helping the offender realise that his actions had real consequences for real people, including his own family and community, and that by giving victims a chance to express their fears and concerns openly, a more lasting and satisfying settlement can be achieved. The psychological and spiritual force of allowing the emotional release of anger and resentment on the part of the victim, and remorse on the part of the offender, results in higher levels of satisfaction with the process of law and lower levels of offending. In research carried out in New Zealand there was a significant reduction in offending rates among a group of young serious offenders going through the Restorative experience. The only factor that differentiated this group from less successful ones was that they felt and expressed that they were sorry for what they had done. The other group had not. We should not be surprised

The **prison** can be a place of reinforced exclusion for many who have faced similar rejections in their pasts, both from institutions such as schools but also in their personal relationships within their families. This experience of confirming the difference from mainstream society they experience as a means of justifying their anti-social behaviour. The aims of custody clearly cannot be achieved because of the irrationality of the system.

- Rehabilitation has not been successfully implemented through prisons.

- Deterrence rarely works, as shown by the reconviction rates for those who have been in custody, 55% for adults and over 80% for young offenders.
- Incapacitation is unlikely to succeed in the long-term, although it can be seen to be the policy in the United States, where large groups of those behaving in antisocial ways are held in custody.
- The Retributive aim of imprisonment appears not to be what is generally sought by those who have been most affected by crime – victims.
- Thus if people knew how poorly prisons protected them there might be more concern about our emphasis upon them. If they knew that people coming out of prison are sometimes more dangerous than they were going in, there might well be a wish to reduce their use.
- People are rational, unlike prisons. The emphasis upon evidence-based practice in criminal justice matters is a sign of hope that movement will be towards finding more rational approaches to sentencing.

There is another agenda of addressing social justice issues, ‘the causes of crime’ that we should celebrate. Work is being done supporting families, addressing domestic violence, improving the care system, establishing Sure Start programmes, tackling the levels of school exclusions, combating drug abuse through a range of programmes, and improving the Youth Justice system. These are all matters we should support.

Listening, understanding, learning and now we begin to propose.

At a **national level** there could be

- A shift in the way we look at criminal justice from our current emphasis on punishment to one of prevention, protecting the public and holding offenders accountable.
- From custodial penalties to community ones.
- We should cap the prison population, so that prisons do not become overcrowded and unjust places.
- Greater local accountability should be sought for all justice agencies.
- A real commitment to restorative justice at national level as well as encouraging local initiatives, with its emphasis on putting the victims needs at the centre of justice considerations and taking seriously the need for communication between all those caught up in an offence and its consequences so that the resolution of the matter can be a community-based one which can be seen and felt to meet local needs.
- Towards a culture of trying again and again and again with those who are sometimes difficult and often inadequate,
- We seek to restore confidence and right ordering in the justice system, as it is our best safeguard against chaos.

At a **personal level** I propose that

- We consider forgiveness within our own experience and to exercise it in our own relationships. We are often surprised, even shocked, when we hear of

those who have forgiven those who have harmed them. The example of Gordon Wilson who forgave those who killed his daughter Marie at the Remembrance Day service.

- We know it is possible to see things in new ways and thus to change them. But what about my own anger, my tendency to blame, my reluctance to discuss issues in dialogue, my own distaste for conflict. Is it all too difficult to embark upon? We have a vision of the potential in each person and it is against this ideal that we can measure our actions.
- The place to begin experiencing restoration is not from the top, not from governments and their departments, but from the bottom, in our homes and communities. That is the strength of some of the current restorative initiatives. We as the community of God's people can lead in this direction as well. We may well fail, but God will forgive and restore us.

My experience tells me that prison doesn't work but that it is necessary for the time being. There are good reasons for our aim to be to that imprisonment should be rare in twenty years time in the same way that over the past twenty years we have shut down thousands of mental hospital places. We found safer and more humane ways of looking after those locked up. The replacement for prison will be based on our ability and willingness to care for our own, but at present there is little acceptance that offenders remain the responsibility of most communities. The way to healing in matters of offending and justice is through forgiving relationships and anything that can foster such communication should be our aim in justice matters. The growth of restorative justice developments give us a forum in which to focus on the personal relationships affected by crime, but there is a long way to go before there is a wide acceptance of restorative ideas.

The inner world of grace is the authority behind all that we seek to achieve through this time together and in the work ahead.

Where are our current callings for action in criminal justice?

Dietrich Bonhoeffer wrote as he came to the end of his time as a prisoner:

"We have been silent witnesses of evil deeds; we have been drenched by many storms; we have learnt the art of equivocation and pretence; experience has made us suspicious of others and kept us from being truthful and open; intolerable conflicts have worn us down and even made us cynical. Are we still of any use? What we shall need is not geniuses or cynics, or misanthropes, or clever tacticians, but plain, honest, straightforward men and women."

That is you and me.

Where can we focus our concerns for Actions?

- The increased privatisation of criminal justice agencies with the consequent impetus to develop more and more areas for their intervention calls for our witness.
- The increased technological surveillance of our lives concerns us as an intervention in civil liberties.
- The proposals to detain those with severe personality disorders till they are considered no longer a risk raises concerns for us about the infringement of liberty in an area of limited diagnostic expertise.
- The development of circles of support to help released prisoners at risk is an area in which we are called upon to act now.
- The continuing detention of large numbers of young people in prison establishments must be a continuing cause for our concern and action to promote alternatives within the community.
- The rise in numbers of women in prison in the past ten years has been unprecedented and we are called to reduce this trend through providing alternatives within the community to hold and help those in need.
- The proportion of minority ethnic prisoners at over 18% of the total population when the national proportion is 6% must lead us to examine the institutional racism which has been recognised in most criminal justice agencies.
- The rise in alternative approaches to justice has given many working in agencies experience of restorative justice, a concept that reflects many of the hopes for a more personal and inclusive community.

There have never been so many opportunities and openings for actions. We could wait forever to be certain.

Conclusion

We have begun to listen to the affected, to understand the experience of those involved in criminal justice, to learn that current experience leaves much to be desired, although there are many working hard to develop greater justice for all our citizens. We have proposed several areas where we could be working, reinforced many where we are already involved and there are many areas in which we are called upon to act through faith.

As we learn through the words of Peter Baelz, of Winchester Cathedral,

‘It all depends on us and we depend on God’.

Our belief is in the power of love working through the process of forgiveness in communities. We have a conviction that our experience of non-violent community attainable through truth, trust and consent provides a model and network all over the country to develop local initiatives of engagement with emerging opportunities within current justice systems.

In this way we can become more human by being of service to others.