

[Review for Crucible]

Rethinking sentencing: a contribution to the debate. A report from the Mission and Public Affairs Council. Ed. by Peter Sedgwick. London: Church House Publishing, 2004. ISBN 0 7151 4026 4. 88 pages. £9.99.

‘By what authority do we punish one another, and what place does restoration have in all this?’ asks the editor, Peter Sedgwick (p. viii), in his introduction to this collection of essays. This short collection of essays goes some of the way towards answers. David Faulkner contributes a thoughtful, though understated, critique of the current situation, supported by quotations from Archbishop Rowan Williams and others, as well as government publications. He points out that sentencing, and the Criminal Justice Act 2003 in particular, is confused and has several conflicting aims, which in your reviewer’s opinion are irreconcilable (Wright 1999, ch 5, 6). He describes the trend towards trying to control behaviour by ever more criminal sanctions, with new offences being created at an astonishing rate of 100 to 150 a year. For young people especially he calls for reliance on educational and social measures, but warns that these may still be repressive if non-compliance leads to punishment being re-admitted through the back door.

Unlike punishment, restorative justice is based on the idea of healing. Tim Newell, a Quaker and former prison governor, describes how Christianity has been linked to punishment. Conventional sentences make restoration almost impossible. Restorative justice gathers all who are affected by a criminal act and seeks understanding. Newell might have laid more stress on the idea of empowering them to decide on appropriate action: under current English legislation power is largely retained by the professionals and the courts, which can lead to the distortion of the ideal against which he rightly warns. He makes claims for the success of restorative justice, but unfortunately does not give the sources of the research, which may weaken the impact on sceptics. He faces up to criticisms of the idea; he also gives an introduction to its spiritual roots, based more upon the New Testament than the Old; and in an appendix he usefully outlines some applications of restorative justice and relevant English legislation.

Another former governor, Stephen Pryor, uses his first-hand knowledge to show how the prison system is ‘amok’ (p. 40). It is not held accountable by the courts, nor does it hold prisoners accountable. He tries to answer the editor’s first question by suggesting what conditions must be fulfilled if imprisonment is to be justified (they seldom are); he points out that ‘There is nothing really sensible about the length of a sentence other than as an indication of disapproval by tariff’ (p. 48). But he describes how prisoners can be encouraged to take responsibility; paradoxically, prisons tend to ignore their own responsibility for doing so. The Church, he says, has a duty to say these things, because if it doesn’t, who else will?

At first sight it appears that Stuart Dew’s thumbnail sketches include a large number of programmes for offenders and only one for victims: he does not mention Women’s aid or the NSPCC, for example. In fact, however, Victim Support comprises many local groups throughout the country. More serious is the fact that few of the programmes listed are preventative, and many have to use their resources helping to

repair the damage caused by imprisonment. He also outlines the work of the Churches' Criminal Justice Forum.

A judicial perspective is given by Lord Justice Laws, who admits that the system's structure does not encourage judges to think about theories of punishment. This is painfully obvious from his short, un-footnoted contribution which does little more than make a case for courts, rather than the state, to prescribe punishment. Much more thought-provoking is the final chapter, in which Peter Selby, Bishop to Prisons, looks at the economic metaphor underlying the concept of 'paying a debt to society'. Sentencing by tariff gives an appearance of objectivity, but what is required is 'the taking of responsibility by all those complicit in what has taken place' (p. 73). Citing the parable of the labourers in the vineyard, he reminds us that victims, offenders and the community cannot be restored if a structure of calculating fairness is rigidly enforced. This is the essence of restorative justice; if the parties work out their own restoration, of course it will be different in apparently similar cases, but it will be right for them.

In short, the book's knowledgeable authors pinpoint much that is wrong with the present system; although they do not make a fully developed case for restorative justice, the modest sub-title 'A contribution to the debate' is well justified. There is an unanswerable case for church people to concern themselves actively not merely with restoring victims and offenders but with the *system*, which is based on deliberate infliction of pain on the sinner and the downtrodden for whom the Church proclaims concern.

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REFERENCE

Wright, M (1999) *Restoring respect for justice*. Winchester: Waterside Press.