

WHAT IS THE ROLE OF CHAPLAINCY IN THE DELIVERY OF RESTORATIVE
JUSTICE IN PRISONS IN ENGLAND AND WALES?
A CASE-STUDY OF HMP BIRMINGHAM

BY

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This study analyzes the role of chaplaincy in the delivery of restorative justice in prisons in England and Wales in the light of its historical development from 1773 until the present day. Furthermore it scrutinizes HMP Birmingham chaplaincy service as a sample. Firstly, it evaluates the penal history of England and Wales: utilitarianism and restorative justice (RJ). Rehabilitation idea which religious reformers pioneered combined with utilitarianism and the prison chaplains became one of the first representatives of rehabilitation process. The initiation of RJ introduced some faith-based programmes to the PSC. In addition, it analyzes the relationship between restorative justice and religion. Secondly, it examines the PSC in three periods of time. Non-Christian faith representatives took their place the first time in the PSC in 1952. The exclusive idea of the PSC replaced with inclusive rationale after 1999 because of the growth number of non-Christian prisoners, RJ process, multi-faith and multi-cultural atmosphere of England and Wales. Non-Christian chaplains were employed at different levels of the PSC under equal rights and responsibilities. Moreover, it scrutinizes the link between PSC and restorative justice. Thirdly, it evaluates the practical field with the example of HMP Birmingham considering the findings in theoretical field. HM Birmingham chaplaincy service reflects inclusive and multi-faith atmosphere with its chaplains and activities in the best way. Their contemporary role is to accomplish statutory duties, provide religious and pastoral care to the prisoners and prison staff. The role of religious care, pastoral care and faith-based programmes in restorative justice process was analyzed as well.

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ABBREVIATIONS

HMP	Her Majesty's Prison
NOMS	National Offender Management System
PSC	Prison Service Chaplaincy
REMEDI	Reparation and Mediation Initiatives
RJ	Restorative Justice
RJC	Restorative Justice Consortium
SORI	Supporting Offenders through Restoration Inside
UK	United Kingdom

CHAPTER I

INTRODUCTION

1.1. Introduction

Crime is a fact which has existed in every period and society during history. The offence has affected relations between people in an unfavourable way by breaking the social system. The number of prisoners and the ratio of crimes have continuously increased in recent years¹. This crowded group have given rise to much trouble such as inadequate place, the employment of much more prison officers, education and rehabilitation of the inmates, much more money transfer to the prisons and so on. Consequently, the issue of prisons and prisoners has an important place on the public agenda.

The penal history of England and Wales started with retributive rationale, proceed with utilitarianism. Restorative justice² (RJ) has taken its place to solve the offending problem and recidivism after 1980. Retributive rationale carried out pure punishment for this purpose and used the prisons as detention centres until 1800s. However, it did not deter criminals and not become effective solution to crime and criminal problem. At the turn of the 18th century imprisonment as a punishment and rehabilitation idea which arouse from utilitarianism were replaced with retributive philosophy. Furthermore, prison conditions and the rights of prisoners were started to be improved. The most outstanding development of rehabilitation process in this period became spiritual and moral improvement of prisoners. Consequently, the first thing which was practised was the appointment of the prison chaplains to the penitentiaries and gaols in 1773. After this time, the prison service chaplaincy (PSC) has become one of the most important departments of the penal institutions in England and Wales. The role and responsibilities of the chaplains have been developed with various Acts though they began to diminish with secularisation in 20th century. Moreover, the PSC has taken over a new role and responsibilities with RJ. We will try to find answers to the role and responsibilities of the PSC in RJ process with the example of HMP Birmingham chaplaincy service.

¹ At the start of 1993, the prison population in England and Wales was around 43.600. By 1996, the total number of prisoners had risen 53.509, a nearly 23 per cent in just three years. In June 2006, the number had gone up 77.981 and at the end of August 2008, the number of people in England and Wales was hovering around the 83.500 mark (Teague, 2008; National Offender Management Service (NOMS), 2008; Statistical Bulletin, 2007).

² "Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future." (Newell, 2002: 152; Shapland, 2003: 197).

1.1.1. The Subject of the Research

This study aims at examining the role of the chaplaincy service in the delivery of restorative justice in prisons in England and Wales in the light of its historical development from 1773 until the present day. We selected the year of 1773 because the PSC started formally to its life in the prison settings. We chose that time to analyse the role of PSC in RJ process from a broader perspective. This question is also important in Islamic terms and wider terms because we aim at scrutinizing the contribution of the six world faiths (Christianity, Islam, Judaism, Hinduism, Buddhism and Sikhism) which are represented in the PSC to RJ process. The other objective of the study is to scrutinize HMP Birmingham chaplaincy service in view of the results which will be handled in a theoretical field in order to see how a particular service implements the general rules.

1.1.2. The Significance of the Research

Rehabilitation programmes and activities performed in the chaplaincy service intend to adapt inmates to the prison conditions, to rehabilitate and reintegrate them to the society after release by restoring their attitudes and mental situations.

This study responds to the lack of qualitative research in the area of the prison chaplaincy on the subject of the role of chaplaincy service and its rehabilitation and reintegration process in the context of RJ based on religious references such as personal responsibility, repentance, forgiveness, reconciliation, reparation, compensation and reintegration. In addition, our researches indicated that there were only a few studies in this field.

1.2. The Methodology of the Research

For the purpose of this study, I have decided to use qualitative methods to scrutinize research question, namely the role of the chaplaincy service in the delivery of RJ which would bring hope, healing, repentance, restoration, restitution into prisoners' life. Qualitative research is based on methods such as hermeneutics, interviews (Leonard, 2003; Holstein and Gubrium, 1995), cultural studies, participant observation (Brewer, 2003; Jorgensen, 1989), background literature (Taylor, 2003), survey research and there is no particular method or theory that is clearly its own (Denzin, 1970).

Literature review, interview and participant observation methods and techniques were carried out in this research. Whilst searching for the relevant material, libraries, bookshops and some institutions and organisations were visited to find relevant material such as books,

journals, official documents, theses and articles. These works were thoroughly studied and then analysed to recognise the difficulties of the subject area. Also, to draw together scholarly views and research groups who have studied in this field. The main library at the University of Birmingham, Orchard Learning Resources Centre, Selly Oak, the British library, King's College International Centre for Prison Studies, The Chaplaincy Headquarters, Alpha for Prison Organisation, The IQRA Trust and National Council for Welfare of Muslim Prisoners were visited and related publications were collected during these visits.

Additional information was collected via interviews which were done with the people who were involved in the PSC in England and Wales. I had to contact these people in person by phone or e-mail. In this context, firstly I went to the Chaplaincy Headquarters and met Alan Ogier who has served as Superintendent of Methodist Prison Chaplains since September 2001. I asked some open-ended questions about the role and importance of the chaplaincy service in the penal system and the relationship between the PSC and RJ. Furthermore, I contacted the Jewish faith adviser, Anglican, and the Muslim faith adviser. After interviewing them I gathered some information regarding their duties considering their role within the inclusive rationale. I sent an e-mail to area chaplains such as Cathy Hitchens (Kent and Sussex area chaplain), Brian Myne (North West area chaplain), Paul Thompson (South West area chaplain) and Patrick Cope (North East area chaplain). They gave information about their positions and duties in the service. Finally, I went on a full time placement for nearly two months to HMP Birmingham chaplaincy service to observe the practical reflections of our theoretical findings. In this process the data was collected by conducting interviews with the chaplains and by observing and participating in the sessions of all faiths that are represented in HMP Birmingham chaplaincy service. I conducted my interviews by asking questions and taking notes.

The followings are the questions which I asked HMP Birmingham chaplains throughout the research:

I prepared the questions at four levels. In the first level, I tried to learn the personal and professional information of the chaplains. These questions are as follow:

- a) What is your name and what religion do you represent?
- b) How long have you been working as a prison chaplain?
- c) What is your educational background?

- d) Did you join any in-service training course related with your work field? If yes, what was their names and content?

In the second level, I attempted to find out their opinions about the role of the chaplaincy service in rehabilitation and reintegration process with the following questions:

- e) What are the developments in the PSC in England and Wales from its beginning until the present day?
- f) What is the place and role of HMP Birmingham chaplaincy service in the prison setting?
- g) What religious and pastoral programmes and activities are performed in HMP Birmingham chaplaincy service?

In the third level, I endeavoured to analyse the thoughts of chaplains about RJ and the relationship between the service and RJ with aforesaid the following questions:

- h) With respect to you, what is the place and role of religion in RJ?
- i) What is the contribution of religion to the rehabilitation of prisoners in RJ process?
- j) What is the role of the chaplaincy service in the administration of RJ?

Furthermore, inclusive rationale was analysed by asking their opinions and observing the practical field as well with the following questions:

- k) What changed in the PSC with the progression from exclusive standpoint to inclusive rationale?
- l) Do the relationships between chaplains in HMP Birmingham chaplaincy service reflect inclusive philosophy or not?

In the fourth level, the importance of religion, religious activities and pastoral programmes in RJ, rehabilitation and reintegration process were asked to the chaplains with the following questions:

- m) What religious and pastoral programmes and activities are performed in HMP Birmingham chaplaincy service?
- n) What programmes started to be carried out within the chaplaincy service in restorative justice process?
- o) What is the role of religious and pastoral care in RJ process?
- p) What is the role of religious and pastoral care in RJ process?

I did my interviews with the chaplains one-to-one in the chaplaincy group room. Firstly, I tried to find answers to the above-mentioned questions during the interview.

Secondly, I endeavour to discover the effects of psychological and environmental factors on the attitudes, manners and decision making mechanisms of the chaplains. In addition, I participated in the classes and groups of all faiths and denominations to observe their manner towards prisoners.

1.2.1. Theoretical Explorations into RJ

Since the beginning of 1980s, RJ has been the subject of modest but increasing attention by researchers and theorists. While significant variation exists with regard to program goals, history and their suitable location within the penal system, the general factor is a direct voluntary encounter between victim and criminal. RJ programmes such as victim awareness, justice awareness and supporting offenders through restoration inside (SORI) were developed to put into practice RJ principles such as restitution, reparation, repairing harm and remorse. These programmes carried out prison service chaplaincies in England and Wales provide an opportunity for the victims of crime and criminals to meet face-to-face and to promote direct communication between them. A common goal of these programmes is to address the emotional distress caused by the offence and its consequences. They seek reparation and restitution as well. This study explores the role of religion (religious care, pastoral care and RJ programmes) and therefore chaplaincy service in RJ process accomplished in the prison settings.

1.2.2. The Sample of the Research

I chose HMP Birmingham chaplaincy service for my study on account of three reasons. The first is that the representatives of the six world faiths have been employed in there according to my research. The second is that it was the second biggest prison in UK as well. The third is that the chaplaincy service was the active participant of RJ process with victim awareness programme. This would give a chance to me to observe closely the role of the chaplaincy service in the delivery of RJ.

1.2.3. Ethical Considerations of the Research

Although I am not here to speak on behalf of HMP Birmingham chaplaincy service, I would like to share with you my observations and experiences that I have gained during my participation to the chaplaincy service, from 06 May 2008 to 31 July 2008. I had been in the chaplaincy service from 9:00 a.m. to 5:00 p.m., from Monday to Saturday. Furthermore, I went to the prison chapel four times on Sundays as well. In this period, I scrutinized the relationships and attitudes between the chaplains in their natural environment through

participant observation and interview. I did my interviews with sixteen chaplains from all the six world faiths (Christian, Muslim, Hindu, Sikh, Buddhist and Jewish). In addition, there were the representatives of some Christian denomination such as Salvation Army, Free Churches, Jehovah's Witnesses and Catholic. Before going to the prison as a researcher, I pursued the following steps:

Firstly, I called the co-ordinating chaplain and gave information about my project. That is because it was writing on HM Prison Service website that "where the research is taking place in one establishment, you should receive and review the application with the Governor/Research Contact."³ For this reason, I previously got in touch with the HMP Birmingham chaplaincy service. They said to me that your supervisor should send a formal letter to the chaplaincy service including your intention. My supervisor prepared a formal letter to the HMP Birmingham chaplaincy service to take permission for the study after negotiating the situation with him.

I got an appointment from the coordinating chaplain after my application. I went to the prison to meet the coordinating chaplain and other members of the chaplaincy service before approval of my application. After my security clearance continued nearly two months (from March to May), I received an acceptance letter from the prison service. I took part in induction training for three days (from 6th to 8th of May) following my security clearance. Later on after the induction training, the security service of HMP Birmingham gave a temporary personnel card to me. I became a member of the chaplaincy service and started to scrutinize the official duty of the chaplains by attending their sessions actively and passively.

I came together with every chaplain and explained my goal to them in this research. I also made clear to them that I would use their names, their answers, their working environment, and their ethnic-religious backgrounds as well. They were friendly and welcoming. They supported me by giving answers to my questions patiently and good-naturedly. I conducted my interviews by asking questions and taking notes. That is why the security service did not give permission to use a voice recorder.

I participated in the sessions of Christian, Muslim, Jewish, Buddhist, Hindu and Sikh while I was doing my research. In this process, I met with Bryan Gracie (the Co-ordinating Chaplain), Julian Sampson and Jenny Tee (the Church of England chaplains), Phillipe Neveu,

³ <http://www.hmprisonservice.gov.uk/resourcecentre/research/>

and John Cowan (Free Church chaplains), Fazal Muhammad, Malik Hussain and Dr. Khurram Bashir (Muslim chaplains), Peter Allan (Roman Catholic chaplain), Sunanda (Buddhist chaplain), Santokh Singh and Gurdev Chouhan (Sikh Chaplains), Maurice Porter (Salvation Army chaplain), Raman Parmar (Hindu chaplain), Joe Gill (the Jehovah's Witnesses chaplain).

With respect to the ethnic background of Christian chaplains, the representatives of all Christian denominations apart from one of Free Church chaplains were English. The Free Church chaplain was Ghanaian. Two of the Muslim chaplains were Pakistani and the other one was Bengali. The Hindu and the two Sikh chaplains were from India. The Buddhist chaplain was from Vietnam and the Jewish chaplain was from England.

1.2.4. The Link of the Research with Previous Studies and Literature

Before starting to study in this field, I analysed the previous studies and literature already available. I observed that the studies and literature concerned with religion in prison were very limited. I found only three books:

- a) *The Prison Chaplain: a memoir of the Rev. John Clay, B.D., late chaplain of the Preston Gaols with selections from his reports and correspondence, and a sketch of prison discipline in England* (Clay, W. L. (1861): This book includes the memoir the Rev. John Clay who was one of the first prison chaplain in UK. It is a very important historical document as well.
- b) *Religion in Prison: Equal rights in a multi faith society* (J. A. Beckford, S. Gilliat-Ray, 1998): This book handles the relations between the Anglican Church and other faiths in the PSC in England and Wales. It analyses the role of Anglican chaplains in facilitating the religious and pastoral needs of non-Christian prisoners. It advocates the necessity of equal rights and responsibilities between Anglican and other chaplains in a multi-faith society from the point of view of Beckford and Gilliat-Ray.
- c) *Muslims in Prison: Challenge and Change in Britain and France* (J.A. Beckford, D. Joly and F. Khosrokhavar, 2005): This is based on an intensive research performed in a variety of prisons in England and France. It debates the practice of Islam in British and French prisons in terms of policy and practice.

After reading these books, I focused on *Religion in Prison: Equal rights in a multi faith society* and decided to seek answers whether the determinations of Beckford and Gilliat-Ray were practiced or not within the PSC. As much as I search, I observed that restorative justice has started to dominate to the penal system and influenced the chaplaincy service as well. Due to this, I will make a decision to analyse the relationship between the PSC and RJ. Additionally, I detected that the studies in this field were insufficient. As a result, I tried to point out the developments in the chaplaincy service and its role in RJ process.

1.2.5. Hypotheses

The following are hypotheses of the study:

Hypothesis 1: The reform movements in the penal history of England and Wales has put in action the PSC and provided that it has been one of the most important institutions of the rehabilitation process of prisoners from its beginning until the present day.

Hypothesis 1.1: The penal history of England and Wales has improved itself in a good way.

Hypothesis 1.2: The PSC has been one of the most important institutions of the rehabilitation process of prisoners from its beginning until the present day.

Hypothesis 2: Restorative justice has been a new solution to crime and criminal problem in the penology. Religion, religious values and therefore the prison chaplains are the key factors in RJ process.

Hypothesis 2.1: RJ is one of the most important developments in the penal history of England and Wales.

Hypothesis 2.2: RJ principles are based on religion and religious values.

Hypothesis 2.3: The PSC is well-integrated to RJ process.

Hypothesis 3: The satisfaction level of non-Christian prison chaplains reflects their implication in RJ process.

Hypothesis 3.1: The inclusive approach is one of the turning points of the PSC in RJ process.

Hypothesis 3.2: Non-Christian faiths are represented well as a result of inclusive rationale.

Hypothesis 4: The practical applications of religious care, pastoral care and RJ principles are more important than its theoretical data.

Hypothesis 4.1: HMP Birmingham chaplaincy service reflects the inclusive rationale in the best way.

Hypothesis 4.2: Many chaplains from different faiths serve within the HMP Birmingham chaplaincy service for the benefit of the prisoners and officers.

Hypothesis 4.3: The duties of chaplains are restricted with only religious care.

Hypothesis 4.4: The chaplains have no information about their role in restorative justice process.

1.2.6. Negotiating the Research

The idea of making the subject “*the role of the prison service chaplaincy in the delivery of RJ in prisons in England and Wales*” as a research project emerged only after coming to England to improve my personal and professional development. I prepared a project about “how the prison service chaplaincy runs in western countries, especially England and Wales)” because I have been a prison chaplain for four years Kayseri High Security Prison in Turkey. My sponsor (the Presidency of Religious Affairs) accepted my project and sent me to England from Turkey to do research on the subject of the prison service chaplaincy in England and Wales. When I came to England, I did some research to decide what I should do for this. After giving my work much thought, discussions with my sponsor and my supervisor from Turkey, I decided to undertake an MA programme under the supervision of Prof. David THOMAS to recognize the fieldwork and background literature closely. Being familiar with the field and literature, I observed that the PSC has changed its structure, nature and thinking in RJ process. As a result, I decided to analyse the role of PSC in the delivery of RJ in the prisons of England and Wales.

1.2.7. The Assessment and Writing of the Data

The assessment and writing of the data were done over a period of time. The data which was collected through literature searching, interview, participant observation, e-mail and phone were classified in groups by taking analytical notes and memos. Subsequently, the information which was sorted out was analysed by interpreting and making comparison between the theoretical and practical field in collaboration with the participants. Moreover, some of the answers which were given to open-ended questions were presented in summary in related chapters.

When the study was concluded, some of the prison chaplains were given the chance to read the study. They gave additional contribution and advice as well.

1.3. The Limitations of the Research

The results which have been achieved from the practical field are limited with the example of the study. We tried to obtain permission from the HM Prison Service to visit other category prisons. However, we did not get permission to observe other prison chaplaincy services. As a result, we could not make any comparisons between chaplaincy services and therefore our findings in the practical field were reportorial and analytical rather than critical and limited with the example of HMP Birmingham.

1.4. A Brief Outline of the Research Report

This study begins by canvassing the penal history of England and Wales which causes the emergence of the PSC and its development. In addition, it scrutinizes the relationship between RJ and religion. In this context, utilitarianism which dominated the last quarter of the 18th century and RJ which has accelerated after the 1980s are previously introduced in the second chapter. Afterwards it analyses the link between RJ and religion by focusing on six main faiths which are represented in the PSC in England and Wales.

Chapter 3 explores the developments which have occurred in the PSC from its beginning until the present day. It tries to find social and historical reasons for them. Furthermore, it searches their consequences upon the historical administration of the PSC and the role and responsibilities of prison chaplains. One of the most significant effects has been the progression of the PSC from exclusive rationale to inclusive. It scrutinizes the causal agents and results of this advancement in the PSC as well. Furthermore, it examines the importance of inclusive environment in RJ process, asking the meaning of RJ for chaplains and evaluating their role in this process.

Chapter 4 analyses whether or not our findings in the theoretical field are fulfilled in HMP Birmingham chaplaincy service. One of the most important things in rehabilitation and reintegration process is to become a 'healthy prison'. Because of this, it focuses firstly on the conditions and facilities of HMP Birmingham. Secondly, it evaluates whether or not inclusive and multi faith atmosphere have been represented in the chaplaincy service. In this context, it scrutinizes the views of the chaplains about inclusive rationale and their relationships. Furthermore, it observes day-to-day activities within the service in the context of RJ. The role of volunteers is considered in RJ process as well.

The central point of chapter 5 is to assess rehabilitation activities and programmes which are performed in HMP Birmingham chaplaincy service. Firstly, it discusses the role of

religion in rehabilitation and reintegration process in the light of the opinions of the chaplains. Secondly, it evaluates activities concerned with religious and pastoral care and the primary objectives of the chaplains with these activities. Furthermore, it considers the role of religious and pastoral care in RJ. Finally, it scrutinizes the role of faith-based programmes in RJ process. In addition, their connections with the service, their aims and importance in rehabilitation and reintegration process are discussed.

The conclusion draws together our findings related with the theoretical and practical field. The study ends with some recommendations to the Chaplaincy Headquarters and HMP Birmingham chaplaincy service.

CHAPTER II
THEORETICAL FRAMEWORK OF THE STUDY
(THE PENAL HISTORY OF ENGLAND and WALES
from retribution to restoration)

2.1. Introduction

The existence of prisons and their goals have been among the issues which have consistently been discussed, and will perhaps continue to be discussed in the future (Wolf, 1967; McLachlan, 1974). Why did prisons come into being? What is the purpose of holding someone inside? Is it merely to punish the offenders or to protect the society? Another aim may be to help, educate, rehabilitate and try to re-integrate them into the community after release by implanting moral and social values during imprisonment (Bean, 1976; Jenkins, 1988; Backett, 1988; Hawkins, 1974). Why should offenders be punished? It may be said that offenders should be punished because they deserve it, to stop them from committing further crimes and to dissuade others from offending. They should be penalized to ensure security and tranquillity, to relieve the mind of both victim and society and to protect us all from dangerous or dishonest people. They should be punished to reform and rehabilitate them. Criminals should be chastised to give them time to think about their positions, to make amends for the harm they have caused, to make people realize that laws must be obeyed and so on (Cragg, 1992; Johnstone, 2003).

When the penal history of England and Wales is considered, it will be seen that in particular three main approaches have been taken to this matter. One of these approaches can be retributive; the other can be utilitarian (Cavadino and Dignan, 2002; Walker, 1991; Cragg, 1992; Hudson, 2003) and the third represents RJ nowadays (Roche, 2003; Hirsch, Roberts, Bottoms and et al., 2003; Newell, 2002). The penal history which commenced with a retributive rationale changed to a utilitarian one and is nowadays typified by RJ. We decided to analyse the penal history of England and Wales in this chapter because the Prison Service Chaplaincy (PSC) have been closely affected from the reform attempts which have taken place about prisons. When the existence of prisons is considered, it will be seen that it goes back to the time of Alfred the Great (Newbery and Wood, 1996). Consequently, it is necessary to choose a starting point to make a correct analysis. The last quarter of the eighteenth century when many reform attempts were made about prison conditions and the rights of prisoners seems a reasonable point. This time period is also important because the

prison chaplains started to be employed in English and Welsh prisons after 1770 for the first time.

2.2. Utilitarianism: The Deterrence and Rehabilitation Theory

The penal history of England and Wales has passed many evolutions from its beginning until the present day. Similarly the prisons have played various roles in different times. They were used only to hold suspects until the investigation was concluded rather than imprisonment centres throughout the Middle Ages as a result of retributive rationale (Williams, 1970; Fox, 1952). However, at the turn of the 18th century, utilitarianism which focuses on imprisonment as a punishment started to dominate in the penal history. The imprisonment, deterrence and rehabilitation process came into prominence instead of severe punishments (Hudson, 2003; Ten, 1987; Flynn, 1998; Brody, 1992; Murphy, 1997).

The reformers such as Jeremy Bentham, Elizabeth Fry, John Howard and Jones Hanway made many attempts to improve the prison conditions and the rights of prisoners to provide a more rational use of punishment (Williams, 1970; Howard, 1960; McGowen, 1998). As a result of the reform attempts, prisons which had a coercive structure in retributive viewpoint were started to be used as a deterrent and rehabilitative instrument with utilitarianism (Williams, 1970; Cavadino and Dignan, 2002). The argument of utilitarians is that the offenders should be deterred through incapacitation instead of giving pure punishment and be rehabilitated during punishment (Hudson, 2003). In this context, they put forward three main concepts to reduce future crimes and discourage both offenders and the whole community from committing crime: Imprisonment, deterrence and rehabilitation. Furthermore, different kinds of rehabilitation activities such as training, education, religious and pastoral care during imprisonment are important elements for reducing re-offending (Cavadino and Dignan, 2002; Ten, 1987; Flynn, 1998; Brody, 1992; Murphy, 1997).

However, the percentage of crime and recidivism which increased annually indicated that these attempts were not adequate. This situation compelled the policy makers to seek new solutions to the crime problem. RJ which was accepted after the 1980s became a new punishment philosophy.

2.3. Restorative Justice: Restoration and Reconciliation

Restorative justice which began to dominate the justice system of England and Wales in the last quarter of the twentieth century is generally defined as follows:

“Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.” (Newell, 2002: 152; Shapland, 2003: 197).

What does this definition demonstrate? What are the proposals of RJ to reduce crime and re-offending problem? This definition points out that RJ aims at solving the problems such as the harmful act, the damage and the loss arising from the offence by calling on all parties affected by crime directly or indirectly to act actively together (Noblett, 1998; Ness, 2003; Roche, 2003).

RJ suggests some solutions for the harmful act, the damage and loss. One of these solutions is to repair the harm which the offender caused. In this process, the offender should take the responsibility for his/her action to repair the harm which he/she caused. The second is to restore the sense of security within the society. The third is to support the rehabilitation of the victim and those who are affected from offence. The fourth is to try to reintegrate the offenders into the community (Johnstone, 2003).

It is clear that RJ endeavours to bring together all parties who were affected by the crime to achieve these solutions. This is quite an important development in the penology. If we want to solve the crime, criminal and re-offending problem, we should seek its answer outside the prison service rather than in it. We should clarify the reasons which give rise to crime outside the prison. As it is known, every prisoner reaches every kind of facility within the prison service. After release, he stands alone in his life without any assistance. In this process, religion and religious people can help the criminal after release by trying to implant religious and moral values. From this perspective, RJ has brought new dimension to the justice system as distinct from retributive rationale and utilitarianism. What is the difference between RJ, retributive rationale and utilitarianism?

With respect to RJ, offence means to harm to the relationships between people who were affected by the crime rather than merely infringing the law whereas retributive rationale defines the crime as the breakdown of the law (Zehr, 2003; Roche, 2003). RJ endeavours to restore relationships between the offender and the victim, to repair what has been vitiated and to do away with the causes of the loss even though retributive approach focuses on vengeance, punitive sanctions and punishment (Noblett, 1998; Zehr, 2003; Daly, 2003a). This means that RJ lays stress on the relationship between the offender, the victim and the

community though the retributive rationale emphasises the relationship between the offender and the state (Coyle, 2001; Daly, 2003a). RJ stresses on the destructive results which arise from the offence, whereas retributive rationale focuses on the offence which was committed in the past (Zehr, 2003). Furthermore, while utilitarianism is putting forward the rehabilitation of the offender in the solution of crime problem, RJ tries to heal and restore the victim, the offender, the community and relationships between them (Zehr, 2005). It may be thought that retributive rationale asks “what punishment should be given for the offence which was committed in the past?” and the utilitarian rationale asks “what should be done to the criminal to recover the future of the community?” RJ tries to find an answer to these questions “What should be done to repair the harm which was given to the victim? How can relationships between those who have been affected by an offence be restored? What should be done to rehabilitate and reintegrate the offender to the community after release? How can social connections be made strong? What should be done to prevent re-offending in the future?” (Zehr and Toews, 2004; Sullivan and Tifft, 2006; Brunk, 2001). All these explanations indicate that RJ encompasses both retributive and utilitarian characteristics. Moreover, it brings a new standpoint to the justice system with restitution, reparation, reconciliation and repentance apart from retributive and utilitarian rationale.

RJ handles the reparation of the victim as the starting point (Roche, 2003). Consequently, it displays essentially victim-centred approach and sees the victim as an important element in restoration process of the offender. In this process, firstly, it tries to restore the loss and injury of the victim, his sense of security and reliance on the law and to give social support (Braithwaite, 2003a). Secondly, it endeavours to mend relationships between the offender and the victim by stressing upon humanity (Minow, 1998). Thirdly, it tries to restore the sense of safety and authorisation of the offender, to meet his needs such as employment, education and housing by giving hope about the future. Furthermore, it endeavours to give a sense of wellbeing to the society in this process (Braithwaite, 2003a).

The answer of RJ to this question “Why have prisons come into being?” is that they are establishments in which the offenders were kept to prevent them from doing wrong. In addition, they can give an opportunity to inmates to repair the harm which they caused via compensation, reparation, restitution, reconciliation and repentance. Moreover, they can improve them with rehabilitation activities and prepare them for their return to society with a preventative and problem-solving orientation (Coyle, 2001; Noblett, 1998; Newell, 2002). As

it is seen, the role of imprisonment has changed its face from deterrence to restoration and reparation of the offender during the RJ period.

In this context, RJ put forward some values such as negotiation, personal responsibility, participation, repentance, forgiveness, reconciliation, reparation, compensation and reintegration (Roche, 2003; Hadley, 2001). If we look at these values closely, we can see that they are very important in all religions such as Christianity, Islam, Buddhism, Hinduism and Judaism which are represented within the chaplaincy service though some retributive principles such as an eye for an eye, a tooth for a tooth has been presented in the Scriptures of these religions.

RJ gives a chance to the victim and the offender to come together, to discuss the crime and its results and to express feelings (Daly, 2003b; Ness, 2003). Therefore, RJ process requires the dynamical participation of all the parties who have been affected by a crime or neutral third parties who have been involved in the solution of problems emerging from the crime. This participation can ensure with the victim-offender mediation by the aid of professionals and volunteers, community reparative boards (Kingsley, 2007). Furthermore, family group conferencing and sentencing circles can be actualized with the involvement of the victim, offender, their supporters, the judges, the police and all relevant parties (Shapland, 2003). It appears to us that the active participation of those who are affected by the crime to the rehabilitation and reintegration process with various activities can be very important to solve the crime problem. Particularly the participation of the victim to the justice system can open the new perspective because he is the main person who is affected by the crime.

Similarly Zehr (2005) expresses that RJ reflects one of the best developments in the criminal justice system. It tries to reform prisoners mentally, psychologically and emotionally. Moreover, it tries to heal antipathy between the criminal and the victim of crime by inviting them to repentance, forgiveness, reconciliation. In this process, one of the most important things is active participation of the victim of crime and the acceptance of the offender taking responsibility of his/her action by seeking reconciliation. The second is to try to repair the consequences which emerge in the aftermath of a crime by promoting restoration and healing relationships between the offender, the victim and the wider community. Moreover, the offender has begun to be handled as a person and punishment has been seen as an instrument of restitution.

RJ which has brought a new dimension to the criminal justice system has been criticised by some scholars. The following can deal with as their criticisms: it has multiple and unclear goals in terms of the offender and the victim. It has underspecified means and modalities and few or no disposal criteria to evaluate the achievement of RJ methods involving participant satisfaction and impact on re-offending. Participants may show negative behaviour such as scolding, humiliation and bullying instead of reparation and renovation and this may give rise to demoralization on both sides (Roche, 2003; Hirsch, Ashworth and Shearing, 2003; Duff and Garland, 1997; Duff, 2003). However, the advocates of RJ have stated that: it can meet the needs of victims such as restoration, participation and satisfaction. It can cover the needs of the community such as the sense of security and fulfilment. Moreover, it ensures reformation, restoration, reintegration, forgiveness, fairness and the contentment of inmates in sessions, and thus helps to reduce re-offending (Braithwaite, 2003b; Zehr, 2003; Marshall, 2001; Zehr, 2005). When it is thought that offence, punishment and prisons do not concern only offenders and victims, but also their families and society at large. Furthermore, it is important that all parties come together actively to solve the matters arising from the offence by mediation, conferencing and sentencing circles (Ness, 2003; Roche, 2003; Shapland, 2003; Daly, 2003b; Mclaughling, Ferguson, Hughes and et al. 2003).

It is obvious that offence and punishment affect a number of people, such as the offender, victim, offenders' and victims' families and the community in general. The principles of RJ are ideal and at the same time intricate. If we want to solve the crime and re-offending problem and to rehabilitate the offenders and ex-offenders within and outside the prison, we should view the problem from a broad perspective. RJ which handles the problem from nearly every perspective (the victim, the offender, their families and the society) can be an effective solution. From this perspective, all parties should enter into this process to understand and become willing to take active responsibility to lead to reparation. Active participation of all institutions and organizations for the criminal justice process can provide a chance to constitute public opinion and solve the problem in a more successful way. However, one of the parties is prisoner. If we are talking about juvenile or young prisoners, RJ can be effective and successful. However, many prisoners in English and Welsh prisons are adults. Consequently, it is very difficult to learn the skills aimed by RJ process. Nevertheless RJ is a all-embracing model of social incorporation within other punishment

philosophies. The most important thing, as I said before, is to constitute effectual organisations, institutions and qualified staff members.

Two organisations for juvenile and young offenders have been set up in England and Wales to arrange mediation and conferencing. One of these organisations is Mediation UK, whose former name was the Forum for Initiatives in Reparation and Mediation established in 1984 and the other is the Restorative Justice Consortium (RJC) which was established in 1997 (Kingsley, 2007). Furthermore some programmes have been developed within and outside the prison service in the context of the RJ. One of these programmes which have been put into practice outside the prison is reparation and mediation initiatives (REMEDI) that consists of volunteers. REMEDI which initiated in 1996 serves as registered charity in victim-offender mediation process⁴. The second programme is CONNECT which has been commenced to be carried out in 2001. CONNECT which works with adult male prisoners aims at the rehabilitation of inmates especially by group conferencing. It also intends to use face to face mediation, indirect mediation or other reparative methods approved by all parties.⁵ In addition, the responsibilities of resettlement unit have increased and the community chaplaincy has recently been set up (Brown, 2005; Dick, 2007). Furthermore the prison service chaplaincy has been an active participant of RJ process with some programmes and activities. Before seeing the role of the chaplaincy service in RJ, let us analyse the link between RJ and religion.

2.3.1. The Relationship between Restorative Justice and Religion

After seeing what restorative justice is and what organisations and institutions have been set up outside the prison service to put into practice RJ principles, we should ask these questions: What can we do within the prison service? What department is the best place to carry out RJ principles? What is the link between RJ and religion? What is the role of the chaplaincy in the delivery of RJ?

The PSC is the only department which represents religion in the justice system. Consequently, the role of the PSC in RJ can be understood better when the relationship between religion and RJ is analysed. According to the proponents of RJ, all the major world

⁴ <http://www.restorativejustice.org.uk/Resources/pdf/Remedi.pdf>

⁵ <http://www.restorativejustice.org.uk/Resources/pdf/CONNECT.pdf>

religions have RJ principles in their scriptures (Batley, 2004; McLaughlin, Fergusson, Hughes and et al., 2003). What teachings of all the major religions are compatible with the principles of RJ? What is the relationship between religion and RJ? What is the role of the PSC in RJ process? What changed within the PSC in the context of the RJ? In this context, I will focus firstly on six main faiths, Christianity, Islam, Judaism, Buddhism, Hinduism and Sikhism, which are represented in the PSC and seek answers whether or not their Scriptures are well-matched with RJ principles in the light of contemporary interpretations of the Scriptures. Secondly, I will try to depict the role of the PSC in RJ process.

What does the Bible talk about crime, punishment and RJ principles? This question will be tried to be answered in the context of the Old and New Testament.

According to contemporary interpretations of the Old Testament, they are based on strong RJ principles alongside retributive traditions (Zehr, 2005; Braithwaite, 2003a; Marshall, 2001; Batley, 2004; McLaughlin, Fergusson, Hughes and et al. 2003; Segal, 2001; Consedine). Restorative justice finds its roots in the *Torah* (*Leviticus 5: 20-26; Exodus 22:3*). Restoration, restitution, repentance, atonement and reconciliation are among the basic premises of *Torah*. Reconciliation is handled as the starting point of forgiveness between the offender and the offended party or parties. In addition, forgiveness is linked to the condition whether or not the offender takes the responsibility for his/her action (Segal, 2001). Particularly two concepts come into prominence in the Old Testament from RJ perspective. One of them is *shalom*. *Shalom* indicates God's basic intention and is a vision for Mankind. The other is *covenant* which is based on *Shalom* (Zehr and Toews, 2004). *Shalom* have three basic dimensions such as salvation, justice and peace. It states recovery and reparation, forgiveness and righteousness as well (Zehr, 2005). Moreover, it refers to physical, social and spiritual well-being. Humankind should be healthy physically by providing adequate food, clothing, shelter and prosperity. He should be in welfare by living in peace without hostility and setting up good relationships without cruelty and unfairness. In addition, he should be strong spiritually by being honest, truthful and well-tempered (Batley, 2004). *Covenant* is the way which teaches the coexistence to humans peacefully in mutual respect and responsibilities. *Covenant* calls all people and institutions to reconciliation with its peaceful manner. In addition, *Levictus 6:1-7* tries to replace the loss with additional compensation and invites people to reconciliation, paying back and recompense (Zehr, 2005). We can ask the

following questions after a general analysis of the Old Testament: what does the New Testament speak about restorative justice? What is the role of justice in the New Testament?

With respect to the modern explanations of the New Testament, the life and resurrection of Jesus and his teachings introduce the best examples of RJ. They call attention to restoration, restitution, healing, forgiveness and reconciliation (Marshall, 2001; Allard and Northey, 2001; Zehr, 2005; Consedine). His life and teachings pay particularly attention to forgiveness. The repentance of the offender is necessary for the forgiveness. Thanks to repentance and forgiveness can be restored broken relationships between the offender and the victim (Marshall, 2001). The importance of the forgiveness is that it can rescue the victims from their violence impulses and encourage the offenders to be sorrowful (Allard and Northey, 2001). Consequently, justice happens reconciliation, restoration, forgiveness and is based on mercy and love in the New Testament (*Luke 16: 19-31*) and the aim of punishment is to mend broken relationships between the offender and the victim. Furthermore, retaliation which is presented in the Old Testament (*Leviticus 24: 19-22*) is prescribed in the New Testament (*Matthew 5: 38*) and has changed its face toward love (Zehr, 2005). Retaliation will be dealt with in the context of three divine religions while the views of Islam about RJ are being evaluated. That is because we can understand better the importance of RJ principles if we analyse retaliation verses involved in the Scriptures of three divine religions.

The story of *Zacchaeus* (*Luke 19: 1-10*) is the main story which is practised in the Sycamore Tree programme which runs within the prison service in the context of the RJ. In this story, the RJ principles such as reconciliation, forgiveness, remorse, reparation, restitution, responsibility and restoration come into prominence. We will explain this programme in chapter V in detail (Victim Awareness booklet, 2007). In addition, many passages from the New Testament (*Romans 5: 6-12, 1: 21; Ephesians 2: 11-22, 5: 1-2; Matthew 5: 44-45, 48*) state RJ principles (Marshall, 2001; Allard and Northey, 2001)

It seems to us that two concepts (*shalom and covenant*) and some passages in the Old Testament and the life, resurrection and teachings of Jesus aim at forgiveness, reparation, making things right, restoration, reconciliation, compensation and the amendment of broken relationships which are among the main themes of the restorative justice process. What do crime and punishment mean in the Qur'an and what principles come into prominence in the context of RJ?

In respect of the Qur'an, crime is to violate God's prescriptions and infringe the individual's rights, harmony and solidarity of the community (Ammar, 2001, Tahir-ul-Qadri, 1995). Punishment is the practice of imposing something distasteful or repulsive on a person or animal or property. In addition it is an attempt to find solutions that would bring about welfare (Ali, 2003). It has been divided into three categories as the most serious (*Hudud*) such as adultery, drinking alcohol and theft, serious (*Qisas*) such as murder and wounding and less serious (*Ta'zir*) such as bribery, embezzlement and slander in the Islamic Law (Ammar, 2001; Hussein, 2003). When relevant verses are taken into consideration, it will be clear that all these punishments aim at restoration of the offender, reintegration of him into the community, reconciliation between the offender and the victim of crime, forgiveness and mercy. The repentance of the offender and making amendments in his/her life by doing righteous deeds (*al-Baqarah* 2: 160; *al-Imran* 3: 89; *al-Furqan* 25: 70) are the main principles in the forgiveness process (Ali, 2003; Ammar, 2001). When the names and the attributes of Allah, the Qur'an and the life and teachings of Muhammad (pbuh) are closely considered, it will be seen that love, mercy and forgiveness are very important even though there have been some verses expressing subdue, torment, torture and anguish such as *al-Maidah* 5/38; *al-Nur* 24/2,4. For instance, there are several hundred verses which mention that Allah is *al-Ra'uf* (full of kindness), *al-Rahman* (full of mercy), *al-Rahim* (most merciful) and so on. Therefore, the Quranic justice (*al-Mumtahinah* 60: 8; *al-Rahman* 55: 7-9; *al-Nisa* 4/110) is to amend the mistakes and to find solutions in an equitable way which includes mercy and forgiveness rather than pure punishment. It seems clear that the central elements of restorative justice are presented in the justice system of Islam. However, it can be thought that some verses in the Quran such as *the Qisas* (retaliation) verses display retributive standpoint. Retaliation verses can be found in the Old Testament as well. Let us analyse whether or not these verses express retaliation.

The passage which includes retaliation is presented in three places in the Old Testament (*Leviticus* 24: 19-22; *Deuteronomy* 19: 18-21; *Exodus* 21: 20-25) and in eight places in the Quran (*Al-Baqarah* 2:178-179, 194; 5:45; 16:126; 17:33; 22:60; 42: 40) while The New Testament is rejecting totally (*Matthew* 5: 38-42). The Old Testament (*Leviticus* 24: 19-20) says as follows:

“If a man causes disfigurement of his neighbour, as he has done, so shall it be done to him—fracture for fracture, eye for eye, and tooth for tooth; as he has caused disfigurement of a man, so shall it be done to him.”

The Quran (*al-Baqarah 2: 178*) says as follows:

“O ye who believe! Retaliation is prescribed for you in the matter of the murdered; the freeman for the freeman, and the slave for the slave, and the female for the female...”

The Matthew 5:38-42 in the New Testament says as follows:

“You have heard that it was said ‘An eye for an eye and a tooth for a tooth. But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also...”

When all above-mentioned verses related with retaliation are closely examined, it will be seen that they reflect proportionality which prohibits revenge and destructive retribution (Marshall, 2001; Zehr, 2005; Ali, 2003). These verses are an invitation to a way which goes to restitution or reparation by advising proportionality (Marshall, 2001). According to the German translation of the Bible, “an eye for an eye” means “an eye for the value of an eye.” (Considine). Although this restitution and reparation process has not clearly been indicated in the Bible, retaliation verses in the Quran call people openly to reconciliation, compensate and repentance rather than retribution and revenge. This aim can be explicitly seen in the following verses:

“The recompense for an injury is an injury equal thereto (in degree); but if a person forgives and makes reconciliation, his reward is due from Allah: for (Allah) Loveth not those who Do wrong” (*al-Shura 42/40*).

“We ordained therein for them life for life, eye for eye, nose for nose, ear for ear, tooth for tooth and wounds for equal. Anyone remits the retaliation by way of charity; it is an act of atonement for himself...” (*al-Maidah 5:45*).

In respect of the New Testament, retaliation has been definitely prohibited in (*Matthew 5: 38-40*). Considine states that this passage is a generous response from the victim of crime to the offender. According to Marshall (2001: 85) it expresses as follows:

“It is more probable that Jesus was inviting his hearers to learn to respond to wrongdoing in ways that transcended the principles of equivalence expressed in the *lex talionis*...”

However, Ali (2003) criticised this passage by asserting that this behaviour encourages misconduct instead of restraining. It is thought that Ali, Consedine and Marshall focus on the victim rather than the offender. However, the character of offender is very important in this process. If the offender has a positive character, such an attitude can either argue him out of misconduct as Consedine and Marshall stated. If he has negative character, the behaviour of the victim can urge the offender to much more wrongdoing as Ali said. Nonetheless, it appears to us that the aim of the New Testament is to dissuade the offenders and to keep the victims away from vengeance with its invitation to the grace.

Many other examples from three Divine religions can be given in the context of RJ. However, the detailed application is beyond the scope of this dissertation because our primary aim is to examine the role of the PSC in RJ process. Because of this, we want to continue by asking these questions “How do Buddhists deal with restorative justice?” “What does Sikhism say about restorative justice?” “What does restorative justice mean from the Hindu perspective?”

From the Buddhist perspective, the story of Buddha and Angulimala, who is a serial killer, is the starting point of RJ. This story reflects RJ principles such as reconciliation, repentance, forgiveness and restitution in the best way (Blumental). These principles are among the basic solutions of the problems which emerge in the community (Eckel, 1997). Particularly, repentance of the criminal and his active participation to make amendments are central and important factors in forgiveness and mercy process in Buddhist thought (McGhee, 2002; Heine, 2003). Buddhism aims to lighten suffering, to eliminate the roots of it, to create resolution and peace between the offender and the victim in the punishment process. In addition, it aims to eradicate the reasons of crime, to heal the harm which was given to the victim, to reform the offender’s character (Loy, 2001; Blumental).

From the Sikh perspective, RJ is put into words in the *Adi Granth* which includes the issues of justice, mercy, reconciliation, forgiveness, healing and reintegration. Forgiveness is one of the most essential values in the spiritual life. Forgiveness, mercy and compassion facilitate reconciliation process. In addition, the *Zafarnama of Guru Gobind Singh* emphasizes the importance of dialogue, keeping one’s word, the respect for human right and dignity in the process of reconciliation. The doctrines in *Tanakhah-nama* stress upon the importance of the re-integration of the offender into the community (Singh, 2001; Hadley, 2006).

From the Hindu perspectives, the roots of RJ are found in the *Dharma Śāstra* which includes classical Hindu jurisprudence. In Hinduism, punishment could be seen as the preservation of the righteousness, a form of redemption or restoration (Gupta, 2006; Neufeldt, 2001). For instance, the thief should pay the value of the stolen property or the given damage back to the victim in addition to the punishment. In Hinduism, restoration is one of the paths which go to the Heaven. The process of reparation, restoration or restitution aims at the protection of the social order, the welfare of the community and the recruitment relationships between the offender, the victim and the whole community (Neufeldt, 2001). According to Manu, repentance of the guilty is a compulsory necessity for restoration to purity. The wrongdoer can recover himself by saying sorry actively, by recitation the Veda, by inner heat and by giving gifts (Beck, 1997). Moreover, forgiveness, compassion and forbearance are considered to be important in Hindu tradition (McCullough, Pargament and Thoresen, 2001).

All these explanations point out that religion is one of the most effective factors which shape the justice system alongside social life even though it is tried to be excluded from all these fields. As Heft (2003) said, social renovation and justice based on reconciliation, reformation and restoration can only be provided through religion. Similarly, justice at the side of social reformation is one of the key concerns of all above-mentioned world religions which serve in the prisons of England and Wales. Their common solution in RJ process happens to mend broken relationships between the offender, the victim of crime and the whole community via repentance, forgiveness, reconciliation, restoration and remorse. If all religions share restorative justice principles and restorative justice has begun to predominate in England and Wales' justice system, we can ask these questions "What department is the most suitable place to carry out RJ principles within the prison service and why?"

The most suitable place to put into practice RJ principles in the prison service is the chaplaincy department because it is the only place which all the world religions are represented within the prison service. In addition, as it will be seen in the next chapter, the inclusive and multi-faith nature of the PSC and the neutral position of the prison chaplains constitute an appropriate place to carry out RJ principles. What changed with the PSC in the context of the restorative justice? How do the PSC deal with RJ which has such a significant place? Let us examine the effects of reform movements which begin with utilitarianism and RJ upon the PSC before scrutinizing the practical field to understand better the role of the PSC in this process in the context of HMP Birmingham.

CHAPTER III
THE PRISON SERVICE CHAPLAINCY IN ENGLAND and WALES
from exclusion to inclusion

3.1. Introduction

The PSC has been affected from philosophical, social and historical developments which have emerged in the penal history of England and Wales. The reform attempts which started with utilitarianism caused its birth. RJ process, religious diversity, multi-faith and multi-cultural atmosphere and the growth number of non-Christian prisoners has forced the PSC to change its philosophy from exclusive to inclusive rationale. How has the PSC been influenced from utilitarian reform movements and RJ? What changed within the PSC from 1773 until the present day? What is the current situation of the PSC? Which philosophy began to be dominant role within the PSC? What were the reasons which impelled the PSC to change its rationale? Which departments and institutions were constituted within the PSC in the context of an inclusive approach? What is the role of the chaplains in the delivery of RJ? This chapter will try to determine the historical development of the PSC and seek answers above-mentioned questions. In this context, the PSC will be analysed in three periods of time:

1. From 1773 to 1952
2. From 1952 to 1999
3. From 1999 to 2008

3.2. From 1773 to 1952: The Remote Past

The PSC in England and Wales has a quite a long and important history. Its beginning is closely relevant with the use of imprisonment as a punishment. As we know from the second chapter, the prisons were used for public torture with retributive rationale until the end of the eighteenth century. After this time, the question of “what are the incarcerations for” was started to be discussed politically and intellectually. Imprisonment as a punishment and therefore reform attempts came with utilitarianism in the last quarter of 18th century. It was obvious that prisons would have handled again because the state of English prisons was too bad (Morris, 1978). According to Wines (1880: 12) English prisons were filth, loathsome, sickness, the place of cruelty and manifold abominations. Hanway described the condition of the prisons in England and Wales as follows:

“English gaols were schools for instruction in iniquity”
demonstrating that association was “irreligious, inhuman and impolitic”
(Clay, 1861: 50)

There was little interest to these situations until John Howard (Stockdale, 1978). Particularly his reform attempts made significant contributions for the improvement of prison conditions and the rights of prisoners (McGowen, 1998; Howard, 1960; Radzinowicz, 1978). Howard who visited many prisons outside and inside the country brought many proposals with his famous book *The State of the Prisons in England and Wales* (Williams, 1970; Noblett, 2002). Particularly religious and moral improvement of prisoners settled down to the centre of reformation movements (McGowen, 1998). Utilitarianism which was started by Bentham and Mill combined with the religious reform movement of Howard, Hanway and Elizabeth Fry. Similarly The following statement of Fox (1952: 34) affirms this::

“The nature of the reformatory regimen, however, was something of a compromise between the religious and the utilitarian schools.”

Why did religion come into prominence? The biography of the reformers indicates that they had strong religious background (McGowen, 1998). For instance, according to Stockdale (1978) Howard was a deeply religious man and Hanway was coming from a devout family.

We can see the influence of religious reform movement in the names of the prisons as well. When we looked at the penal history of England and Wales, it will be seen that the name of “penitentiary” was used for the prisons during this period. The etymology of this word demonstrates that it derives from “penitent” which means to feel or express remorse for misdeeds religiously (Hoad, 1986). As a result, punishment started to change its direction from punishment of the body toward punishment of the souls with religious reformers (Foucault, 1975; Zedner, 1998; McConville, 1995). In fact, the starting point of penitentiary is monastery. The purpose of monastery, however, is to seclude Mankind from the nature and misdeeds which impel to sin. With respect to the target of penitentiary, it endeavours to send away human beings from two things: social and physical environment and other humans. That is why Mankind will stand alone with his heart and amend his moral misdeeds. From this perspective, the project of penitentiary becomes a theological and religious project.

Therefore, something had to be done. What did reformers put into practise in the prisons previously? The prison chaplains were appointed the first time to the prison service

thanks to the Act of Parliament and the PSC started its official duty in 1773 (Williams, 1970; Noblett, 1998).

Prison chaplains had a strong authority and many responsibilities within the prison service until 1900s. They became active participants of the debates concerned with the penal system and played a central role in the prison life (Sundt and Cullen, 1998). They did not only provide religious and pastoral care but also accomplished secular duties. They provided for social, physical and mental welfare. Moreover, they were educators whose thinking was about maths and reading (Wolf, 1967; McConville, 1995; Noblett, 1998). The prison chaplains organized plays, concerts and lectures, opened the prison library and educated prisoners in the context of secular duties. They arranged prayer services on a daily basis, Sunday services and cell confessions, provided bibles, prayer books and religious tracts via application in the context of religious care. With respect to pastoral care, they made contact with the relatives of prisoners and tried to solve the family problems of them. In addition, they brought news from the outside world and found works for ex-prisoners. Moreover, they prevented the infliction of capricious and malicious punishments, visited every prisoner in reception and gave reports to the Home Secretary and parliament (Clay, 1861; Howard, 1960; Henriques; Babington, 1971).

However, the role and responsibilities of the chaplains started to be evident much more with the effect of secularization and the introduction of the social sciences at the turn of the twentieth century. Reform movement which had a religious structure replaced with a new rehabilitation idea based on vocational training, educational and psychological treatment (McConville, 1998; Rotman, 1998). Educators, psychologists and social workers took the responsibility of educational and social welfare instead of chaplains (Wolf, 1967). The duties of chaplains became only two: religious and pastoral care. Therefore, the chaplains became religious representatives of secular institution in which professionals started to be dominant (Sundt and Cullen, 1998; King and McDermott, 1995). If we asked this question “what was your role in the prison service” to the prison chaplains who employed before 20th century, perhaps they would give this answer “we were educators, psychologists, social workers, counsellors, religious, spiritual and pastoral supporters and even mother and father for prisoners.” However, they can describe their role as religious, spiritual and pastoral supporters nowadays.

3.3. From 1952 to 1999: The Introduction of Visiting Ministers

The Prison Act of 1952 introduced more distinctive standardization to the PSC and its duties and responsibilities. As much as we learned from Beckford and Gilliat (1998), this permission introduced new responsibilities for Anglican chaplains such as facilitation and brokerage with the entrance of visiting ministers to the PSC. All non-Christian activities in the chaplaincy department were linked to the acquiescence of Anglican chaplains. Subsequently they became facilitator and brokerage for non-Christian prisoners and ministers. The needs of non-Christian prisoners were met insufficiently because of this situation (Spalek and Wilson, 2001). However, the growth number of non-Christian prisoners forced the Chaplaincy Headquarters to meet more effectively the religious and pastoral needs of them.

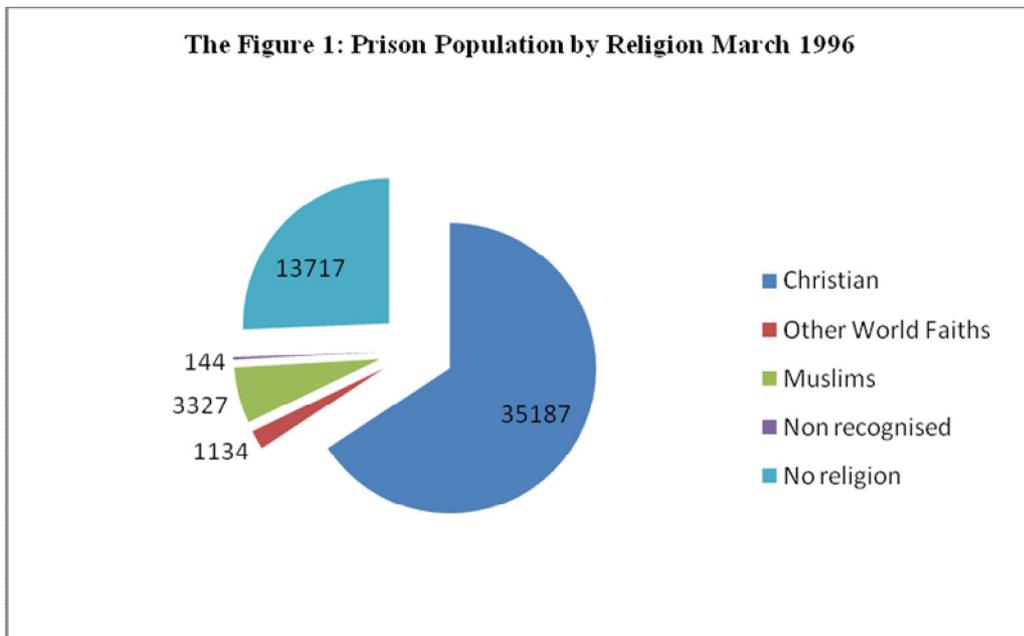
In the mean time, the matter of equal rights and responsibilities for those who were represented within the PSC started to be discussed in intellectual and political arena. The report which was introduced by the Secretary of the State in a meeting at the House of Commons in 1996 expressed that equal rights for all religions is an unavoidable necessity in a multi-faith society (Beckford, Gilliat; 1998: 32).

3.4. From 1999 to the Present Day: Inclusive Environment

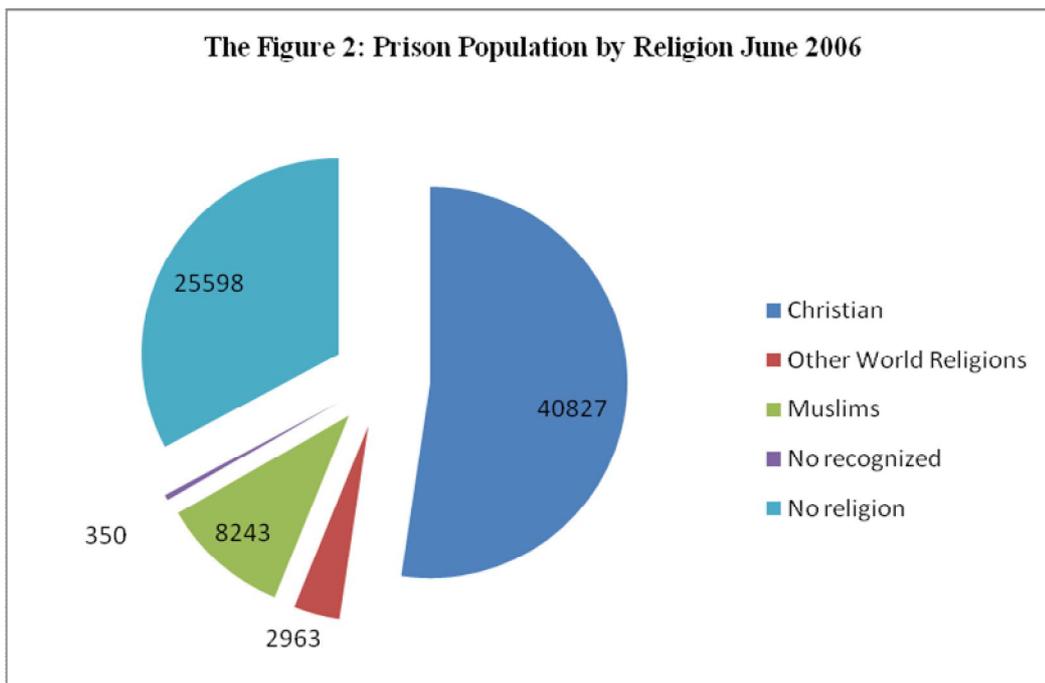
The philosophy of the PSC had an exclusive nature until 1999. According to this exclusive nature, Christianity was entirely unique and supreme. As we see above, this viewpoint was exhibited by giving the fullest responsibility within the PSC to the Church of England chaplains. However, exclusive structure of the PSC replaced with the inclusive rationale after 1999. From the inclusive perspective, Christianity opened its doors to other world religions by calling them to work in cooperation and collaboration under equal rights and responsibilities (Ogier, 2000). This inclusive philosophy includes to respect the integrity of each faith tradition within the PSC and to ensure fairness for all faith traditions by approaching on inclusive basis within collaboration and corporation. Furthermore, it prohibits exclusion, antipathy and paternalism on the one hand; it aims at an ecumenism of all faiths rather than a simple Christian ecumenism on the other (Noblett, Crerar, Pathan and et al., 2004; Redmond and Whittaker, 2002). It seems that inclusive rationale can be handled the most significant progress within the PSC. It is noteworthy that the PSC has started to reflect the respective prison population in terms of faith and to work together with all the main faiths who have different skills and backgrounds to accomplish their duty successfully. Furthermore

inclusive environment is important to deliver restorative justice principles for all prisoners. Which developments impelled the PSC to embrace this rationale?

The first development is the growth number of the non-Christian inmates. The second is multi-faith and multi-cultural nature of England and Wales. Figure 1 and figure 2 show the prison population by religion⁶. While the number of Muslim inmates was 2,000 in 1992, the figures indicate that their number reached 3,327 in 1996 and went up 8,243 in 2006. In addition, the number of other non-Christian prisoners was 1,000 in 1992 (Noblett, 2002), whereas their numbers around 1,134 in 1996 and ascended 2,963 in 2006. In the mean time, the biggest expansion has been among those who are registered nil-religion. While the figure was 7,500 in 1992 (Noblett, 2002), their number increased 13,717 in 1996 and reared up 25,597 in 2006.



⁶ These figures were adapted according to the data in the Statistical Bulletin (Offender Management Caseload Statistics 2006) by published by the Ministry of Justice in December 2007.



Particularly the appointment of William Noblett as new Chaplain General in 2001 has accelerated to constitute inclusive and multi-faith atmosphere thanks to his positive approach to non-Christian faiths. What did the PSC do in the context of inclusive philosophy?

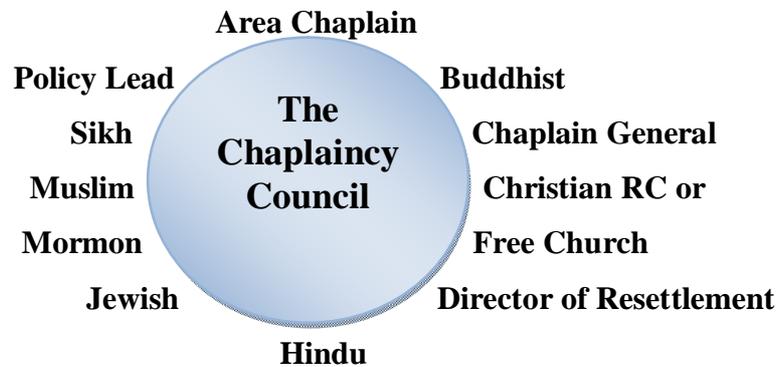
Firstly, the statement of “visiting ministers may be appointed by the Secretary of State” in 1952 Prison Act has been changed as “chaplains and ministers of recognized religions must be available to prisoners” in Prison Rules 1999 (Chaplaincy Handbook, 2003). The second attempt became the appointment of Muslim faith adviser to the Chaplaincy Headquarters in 1999 (Beckford, Joly and Khosrokhavar, 2005). The Muslim faith adviser said concerning his appointment:

“I believe my appointment is a big step in developing how the Prison Service looks at other faiths” (Hancock, 2000: 60).

The third was the appointment of full-time Muslim chaplains in 2002 (Noblett, 2002). While there was no full-time Muslim chaplain in 1997, the prison service employed 37 full-time Muslim prison chaplains at present. This situation is a good example of inclusive philosophy. The fourth is that Religious Consultative Services have been created and the representatives of the religions which have been recognised by the State took their place in the service. The duty of the Religious Consultative Service which consists of six main faith representatives (Islam, Buddhism, Hinduism, Sikhism, Judaism and Mormon) is to advise and to consult to the prison service regarding the appointment of their own prison chaplains and religious affairs in general and their religions in specific (PSO 4550, 2000).

The fifth is that the Chaplaincy Council replaced the Advisory Group on Religion in Prisons in 2003 (Beckford, Joly and Khosrokhavar, 2005). This council consists of many representatives. Figure 3 indicates its representatives:

The figure 3: the Chaplaincy Council⁷



The chart points out that the council is situated at the centre of the PSC with the participation of relevant departments and the world faith representatives. Similarly, the statement of the Chaplain General regarding the council points out clearly out its importance and status:

“... They are for us an extremely important body, frankly. I see those as being at the heart of decision making for the chaplaincy.” (Beckford, Joly and Khosrokhavar, 2005: 97)

The sixth is that Buddhist, Hindu, Sikh and Jewish chaplains have been employed as faith adviser in the Chaplaincy Headquarters. The seventh is equal rights and responsibilities. All chaplains have begun to work under the same conditions and collective decision-making has come into prominence. In addition, accountability has happened mutually between all chaplains. The eighth is the use of the term of chaplain for all members of the chaplaincy team (Noblett, Crerar, Pathan and et al., 2004; Redmond and Whittaker, 2002). While the term of chaplain was only expressing those who seized upon Christian faith, particularly Anglican chaplains, visiting ministers was declaring other faith representatives. However, today, the term of chaplain is utilized in all members of the chaplaincy team (Religion 51, 2006). It seems that this entitlement has given confidence to other world faith representatives and provided that they have felt the part of the chaplaincy team. Nowadays, the members of the chaplaincy team are called as full-time, part-time and sessional chaplains. The ninth, area

⁷ The chart has been quoted from “Developing chaplaincy in England & Wales- an inclusive approach” Noblett, Crerar, Pathan, etc., IPCA Conference, Talin, Estonya, 2004.

chaplaincy⁸ and the co-ordinating⁹ chaplain have been constituted and non-Christian chaplains have been employed as area chaplain and the co-ordinating chaplain. These developments have provided active participation of the non-Christian faith representatives to the administration of the PSC and to make decisions about chaplains, the religious and pastoral rights of the prisoners. In addition, they have started to work in every chaplaincy service under equal rights and responsibilities because no longer they were under the responsibility of Anglican chaplains. Therefore, the dominant role of the Anglican chaplains had disappeared with inclusive rationale.

This inclusive and multi-faith viewpoint indicates itself at the role and responsibilities of the chaplains. The Chaplain General has been given a task for the first time to meet the needs of all faiths which are represented in the PSC (Noblett, 2002). In addition, the role of the chaplaincy service has become to provide religious and pastoral care for all prison service. In this context, the prison chaplains have been responsible for every prisoner regardless of him/her is Christian, Muslim or Buddhist. Nowadays, more than 1000 prison chaplains from recognised faiths and denominations serve to meet the religious, spiritual and pastoral needs of prisoners and prison staff. We will examine more closely the role of the chaplains in the delivery of RJ with the example of HMP Birmingham chaplaincy service.

3.5. The Link Between PSC and Restorative Justice

The PSC has been active participant of RJ process by changing its viewpoint toward non-Christian faiths and by housing some faith-based programmes based on RJ principals. For instance, inclusive atmosphere is considerably important to put into practice RJ principles in the prison service. When RJ and its principles are considered, it will be seen that it calls those who are affected by the crime and the third party to work together actively. It appears to us that the implementation of RJ principles in the prison settings could be easier thanks to inclusive and multi-faith atmosphere. Similarly, the following statement indicates the importance of inclusive environment in RJ:

⁸ Area chaplains who serve twelve different areas in England and Wales have recently been comprised instead of the Assistant Chaplains. Therefore, this position has moved from national level to area level. This situation has provided a big simplicity to solve the problems of chaplains in area level. Area Chaplains who must formally visit each establishment in his/her area once a year come together unofficially nearly four times with chaplains and two times with the co-ordinating chaplain and attend bi-monthly meetings with other Area Chaplains and the Chaplaincy Headquarters. Their duties encompass a quite broad field such as advising the Chaplaincy Head Quarters, the Chaplaincy Council, the Area Manager, Faith Advisers, Chaplains, Governors, and Directors on appointments and staffing matters, sending bi-monthly report to Area Manager and the Chaplain General, meeting with Area Manager (Hayward, 2007; Cope, 2008; Conference Booklet, 2008; Hitchens, 2008; Thompson, 2008; John, 2008; Imagine..., 2008).

⁹ The co-ordinating chaplains are responsible for co-ordinating chaplaincy team and other resources such as budget and allocation matters. In addition they are liable for leading chaplaincy strategy and improving it within mutual respect and understanding. The task had generally been the responsibility of the Church of England Chaplains previously. However, this situation has changed with the introduction of inclusive rationale. Nowadays, this role is accomplished by non-Christian chaplains as well (Noblett, 2004).

“...the likelihood of repair and restoration of relationships is increased by the extent to which we take the time to know and understand the differing communication styles and world views of the participating individuals” (Hadley, 2001: 3).

This explanation indicates that the success of RJ process depends entirely on the participation of victim groups, religious organisations and other institutions and the wider community. The chaplaincy service is a suitable place to bring them together in an environment where many faith representatives and volunteers serve for the benefit of the prisoners and prison officers. Furthermore some values such as trust, openness, honesty, confidentiality and lucidity are the key elements to the success of RJ principals. Consequently, qualified and experienced chaplaincies are one of the best places in the prisons to lead on the delivery of RJ.

What does RJ mean for the chaplains? What is the role of the chaplains in RJ process?

According to Sister Adriana Volona (2000), “for chaplains RJ is the practical implication for the spiritual foundation of all major faith traditions by the very nature of the function of religion. The aim of all religions is the aim of building Integrity- i.e. the task of binding together in wholeness what is separated.”

This description points out that many of the key values of RJ are deeply rooted in the world faiths which are represented in the PSC. It also emphasizes that religion and religious beliefs have a significant effect on spiritual transformation and personal development of the prisoners.

The role of the prison chaplain in this process is to provide religious, spiritual and pastoral support, to become good and a trusty listener. While the chaplaincy service meets the religious, spiritual and pastoral needs of prisoners, it can try to accomplish three goals in the context of the RJ: to mend the rift within the prisoner, to mend the rift between the offender and his/her family and to mend the rift between the offender and the offended society (Volona, 2000). Correspondingly, religion aims at destroying antisocial values and emphasizes accountability and responsibility. Religious beliefs have not only an important influence on motivating offenders to turn from a life of crime, to take away themselves from anti social ideals and behaviours but they offer healing, forgiveness, restoration and reconciliation. In this process, prison service chaplaincy encourages the development of moral

attitudes of the prisoners within the prison service. Furthermore, they seek to reintegrate them to the society by trying to mend the above mentioned negative rifts.

The prisoners who leave from their families, friends and loved ones are under depression with the effect of the crime committed in the past and the depressive atmosphere of the prison. The chaplains can encourage them by instilling hope for the future and make strong their personal and spiritual development thanks to religious and pastoral care. In addition, they can try to restore and improve the broken relationships between the offenders, the victims, their families and the whole community by providing moral support for them. Moreover, they can contribute to the reintegration process of the offender after release by establishing a connection with relevant departments and organisations within and outside the prison service. When RJ and its principles are considered, it will be seen that religious and pastoral activities of the chaplains make strong the restoration, reconciliation, healing and mending process of the prisoners themselves, between prisoners and their families and the wider community.

That is because the chaplaincy headquarters has become an active participant of RJ process by opening the doors of the chaplaincy services in every prison to some programmes such as sycamore tree, justice awareness and SORI developed by taking into account RJ principles (Ogier, 2007; Ogier, 2006). Let us now turn to the practical field to understand better the current situation of the PSC and the role and responsibilities of the chaplains in the context of HMP Birmingham.

CHAPTER IV
PRACTICAL FRAMEWORK OF THE RESEARCH
(HM BIRMINGHAM PRISON SERVICE CHAPLAINCY)

4.1. Introduction

HM Birmingham prison service chaplaincy is an important factor in terms of our study after analysing the theoretical field. It is an important example to see inclusive and multi faith atmosphere practically even though it could not reflect all PSC departments in England and Wales. It is also significant with regard to point out how the chaplaincy service operates. In addition, we can see the activities based on religious and pastoral care, and the programmes which are practised in the context of RJ thanks to practical field. Moreover, we can understand better the contemporary role and responsibilities of the chaplains in RJ. In this context, we will seek answers to the following questions in this chapter.

What are the conditions and facilities in HMP Birmingham? Does it reflect a healthy prison with its population, condition and facilities or not? What is the place of the chaplaincy service in rehabilitation process? What religions are represented in the service? How many chaplains serve for the benefit of the prisoners and officers? Do they reflect inclusive philosophy and multi-faith atmosphere or not? How do chaplains help prisoners in RJ process? Does the chaplaincy service act independently as a religious agency? Is the chaplaincy service regarded as a partner within the prison service in rehabilitation process? What activities are performed by the chaplains in the context of religious and pastoral care? Do the all chaplains have the equal rights and responsibilities or not? What does the condition of the chapel? Is it suitable for all faiths or not?

4.2. HMP Birmingham

One of the most important things in rehabilitation process is to have a suitable atmosphere. Likewise, HM chief inspector of prisons has stated that prisons must be healthy to carry out rehabilitation activities and programmes for prisoners and prison staff effectively and described a healthy prison as follows:

“A healthy prison is an establishment where prisoners are held safely, treated with respect for their human dignity, able to engage in purposeful activity, and prepared for resettlement” (HM Chief Inspector of Prisons, 2002: 11)

HMP Birmingham known as Winson Green is a typical Victorian Prison which was opened in 1848. It is one of the biggest prisons in England and Wales. The average inmate population of the prison which holds sentenced and retained adult male prisoners was registered as approximately 1100 in 1999 (Leech, 1999). However, over the research period the average number of prisoners reached nearly 1440. The prison which has a Certified Normal Accommodation (CNA) and its capacity is 1450 prisoners operate almost as full because of being over-crowded. Figure 4 indicates the prison population by religion.

The prison which has twelve wings in total held convicted inmates from category B and C and a small population of retained prisoners in category D. New workshops, educational places, health care centre and gymnasium have been built thanks to the investments which were done between 2001 and 2003. Furthermore, there were drugs, segregation, healthy living, high dependency and vulnerable units.

All cells have in-cell sink, water, light switch and warning light. In addition, small boiler, television and radio are used in cells apart from segregation. Card phones are available in all wings. Every wing has its own bathing, showering, laundry, exercise yard, association area facilities and billiards and pinball tables. All wings consist of four floors and also steel netting known as suicide netting has been established around all open spaces to prevent any suicide attempt.

The figure 4: HMP Birmingham Populations by Religious Background May 2008

RELIGIOUS BACKGROUND	TOTAL	%
The Church of England	335	23
Roman Catholic	167	11.6
Free Churches	37	2.85
Hindu	7	0.5
Buddhist	21	1.5
Muslim	216	15
Mormons	3	0.2
Jewish	1	0.05
Sikh	31	2.2
No Religion	594	41
Other	31	2.1
Total	1443	100

The figures show that the majority of the prisoners with 41% are registered as nil-religion. The second biggest group are from the Church of England with 23, the third are Muslims with 15 and the fourth are Roman Catholics with 11.6.

Particularly two things pay our attention in HMP Birmingham. One of them is cell conditions and the other is prayer room. The cells which have been constructed for one person houses generally to two inmates because of over-crowded. In addition, the closets which are situated within the cells are uncovered. These are not suitable for health. Secondly, small cells and uncovered closets within them constitute a difficulty to pray, particularly for Muslims. Because of this, one prayer room in every wing should be situated for Muslim prayer. Apart from these two things, HMP Birmingham is a well-equipped and healthy prison in terms of personnel, condition and facilities.

All these departments, facilities and activities have been constituted to reform and rehabilitate the offenders and reintegrate them to the community after release. One of these departments within the prison service which tries to actualize these goals is the chaplaincy service. The duty of the chaplaincy service in rehabilitation process is to provide religious, spiritual and pastoral support for prisoners and their families. The prisoners who have been segregated from his/her family and friends need spiritual support behind the prison walls. The only department which will be able to ensure this support is the chaplaincy service.

4.3. HM Birmingham Prison Service Chaplaincy

HMP Birmingham chaplaincy service stands at the centre of the prison service. The Governor is responsible for the administration whereas the medical officer is responsible for health. With respect to the chaplains, all prison is under their responsibility. They try to build integrity within and outside the prison service with their religious and pastoral tasks. HMP Birmingham chaplaincy service consists of four-full time chaplains, fourteen sessional chaplains and approximately forty volunteers. There was no part-time chaplain over the research period. Our research indicated that the prison population by religious registration is a determinative feature about the number of the prison chaplains and their employment as full-time and sessional.

As we mentioned in the third chapter, one of the most important things which the chaplaincy headquarters watches out is to compose inclusive and multi-faith atmosphere in every chaplaincy service to carry out RJ principles in a more effective way. HM Birmingham chaplaincy service reflects statistically inclusive and multi faith environment by employing

the recognised faith and denomination representatives. However, the employment of the chaplains as full or sessional does not reflect inclusive rationale. For instance, the number of Buddhist and Sikh inmates necessitates appointment of part-time chaplain at least. Furthermore, full-time Roman Catholic chaplain should be employed in HMP Birmingham. The practical implementation of inclusive rationale between the chaplains is more significant than the statistical data. Do HM Birmingham prison chaplaincy service reflect inclusive and multi-faith atmosphere practically or not? What do they think about inclusive rationale?

Over the research period, we observed that the prison chaplains in HMP Birmingham represent one of the best examples of inclusive and multi-faith environment. The service has a strong team spirit and serves to meet the religious and pastoral needs of the inmates collaboratively. They work with prison officers within cooperation and mutual respect by stressing upon the importance of the solidarity. There was no overall responsibility of the Church of England chaplains on matters related with the chaplaincy service. All chaplains were invited to the chaplaincy meetings without being marginalized from crucial decisions. Every prison chaplain worked under equal rights and responsibilities at the time of the research.

It is very important to mention in here from the thought of the co-ordinating chaplain who is Anglican regarding non-Christian faith representatives to indicate the team spirit. Similarly, he said that we do not accept the statement of “other faiths” for non-Christian religions. They are the main faiths like Christianity within the PSC.

It seems to us that the term “other” means to consider Christianity as supreme religion and to accept the others as inferior. However, the term “main faiths” means to recognize all religions as equal. This viewpoint is also significant on account of indicating dialogue between religions. Moreover, inclusive atmosphere is essential to perform RJ principles regularly because the task of the prison chaplains in RJ process is to build integrity in the prisoners themselves, between them and their families and the whole community. If you are working together well, you can be influential by building the tasks addressed by RJ.

The inclusive standpoint has been put into words by all chaplains as follows:

“This is one prison. We are all the chaplains for all prisoners”

In addition, the work description of the Roman Catholic sessional chaplain who demonstrates his approach to inclusive philosophy:

“My work is faith-based and generic. Generic means related with everybody. Prisoners need help, it does not matter, he is Roman Catholic or not.”

Full-time Muslim chaplain has explained his view about inclusive rationale as follows:

“This is a good development for the prison service. It is important that the chaplaincy team reflect the respective prison population in terms of faith. Together with our different skills and backgrounds, we can achieve tremendous success in our goals of rehabilitation and pastoral care.”

How does this inclusive and multi-faith atmosphere reflect on the activities? What activities are practised by the faiths and denominations in rehabilitation and RJ process?

4.3.1. HMP Birmingham Chaplaincy Activities

All the six world faiths and many Christian denominations put into practise their activities as a necessity of inclusive and multi-faith structure. While Christian and Muslim chaplains practise their activities on a daily basis, Jewish, Hindu, Sikh and Buddhist chaplains perform their religious and pastoral duty at different times. The causal factor about the duration of activities is the number of prisoners as it is seen in figure 4. However, it is thought that the will and desires of the prisoners toward religious activities should be taken into consideration rather than their number.

4.3.1.1. The Practice of Christianity and Islam

The PSC in England and Wales has a structure where Christianity stands at the centre of it. For this reason, many Christian denominations and volunteers run within the PSC with formal and informal activities and programmes. In this context, The Church of England, Roman Catholic, Free Churches, Salvation Army and Jehovah’s Witness chaplain serve on behalf of Christianity.

They do their duty with one to one work programmes and group activities on a daily basis. One to one programmes include counselling and group activities, Bible classes and communal services. While one to one activities are generally conducted by full-time Christian chaplains, volunteers are more active in group activities. This provides a chance to give active participation of the outside world to the prison service. Volunteers who symbolize an important part of the prison service chaplaincy team comprise both retired and young people. We analysed that volunteers were effective particularly in activities based on religious care

such as Sunday worships and Bible classes. All of the volunteers in HM Birmingham prison service chaplaincy serve for the benefit of Christianity.

We observed that all activities concerned with Christianity were well-organised over the research period. The involvement of Christian faith and the operation of Christian programmes and Bible studies have a positive influence on the healing and restoration of the offenders. Moreover, Christianity has been well-integrated into the prison with faith based programmes and the activities based on religious and pastoral care.

Muslim chaplains call significant attention to three things: *halal* food, Ramadan and Friday prayer. *Halal* utensils are used and separated from other utensils in the kitchen under the control of three Muslim kitchen workers. Special food for *iftar* was given in Ramadan. However, some prisoners complain about quality and quantity of food. Friday prayer is carried through three different places because of inadequacy of the world-faiths room and security reasons. The participation of Muslim inmates for Arabic and Islamic classes and Friday prayer was very convincing.

Over the research period, we scrutinized that HMP Birmingham were aware of basic Islamic needs of Muslim prisoners and tried to meet these needs as much as possible. The positive attitude of prison officers towards Muslim chaplains and prisoners in religious services is also praiseworthy. The reason for this can be the increasing number of Muslim prisoners. The friendly approach of the Muslim chaplains to prison officers can be another reason as well. However, few institutional racism situations toward religious services were seen at the time of the research.

4.3.1.2. The Practice of Buddhism, Hinduism, Sikhism and Judaism

All these faiths are represented in HMP Birmingham chaplaincy service once a week or twice a month. They do their religious and pastoral duties when they come to the prison service. It is suggested that it is crucial for HMP Birmingham chaplaincy service to increase the number of hours that Buddhist, Hindu and Sikh chaplains work so as to integrate them more fully to the prison service and become more inclusive as HM Birmingham chaplaincy service.

All these explanations show that HM Birmingham chaplaincy service reflects inclusive and multi-faith environment with its personnel and activities in the best way. In that case, what is the contemporary role of the chaplaincy service in which many people from different faith or denominations serve and perform many activities?

As much as we observe over the research period, we can handle the contemporary role of the chaplaincy service in five categories. One of them is to accomplish secular and religious duties such as conducting religious services and classes, counselling prisoners, participating in meetings, paperwork, supervising volunteers and helping researchers. The second is to become a bridge between the prisoners and their families. The third is that they are mediators between the inmates and the prison service as well. The fourth is that the chaplaincy service constitutes a resource for some departments within and outside the prison service such as probation service, voluntary organisations, faith communities, resettlement, and community chaplaincy. The fifth is that it houses some faith-based programmes such as alpha for prisons, sycamore tree, justice awareness and SORI.

The involvement of chaplains and prison volunteers to rehabilitation and reintegration process of prisoners with the above-mentioned activities and programmes has an important effect on the lives of the offenders. Thanks to religious and pastoral activities to needy prisoners, they are able to change their thinking and have positive influences in their lives. With these activities, the chaplains aim at strengthening the spirituality of the prisoners by nurturing their inner world. In addition, they try to restore and repair broken relationships between the prisoners, their families and wider community. Moreover, they try to prepare the prisoners to good and productive life after release. As we learn from the second chapter, these goals are among the principles of RJ.

Prison chaplains in HMP Birmingham were aware of their contemporary role in RJ process. Furthermore, the prison service aimed to increase the chaplaincy capacity to meet the needs of prisoners and prison staff in this course by enhancing religious plurality and augmenting inside and outside public relations for the chaplaincy service. The confidential neutral positions of the prison chaplains provided the participation of the prisoners to restorative schemes and the sincerity of them to engaging in reparative activities. The prison chaplains offered a path far away from vengeance and toward healing and restoration practiced by RJ. They tried to foster the inner world of the prisoners to heal their spirit and mind with some verses which reflected forgiveness, repentance, expectation from the future and compensation as well as harm given to the victim. Let us see the role of the prison chaplains in RJ process more closely with rehabilitation activities and programmes in HMP Birmingham chaplaincy service.

CHAPTER V

REHABILITATION ACTIVITIES AND PROGRAMMES

5.1. Introduction

PSC has taken its place in rehabilitation process with many activities based on religious and pastoral care and faith-based programmes. The chaplaincy service does all these activities and programmes by focusing on religion which is one of the most important factors, perhaps the most important, in rehabilitation process of prisoners. The following statement demonstrates this in the best way:

“No rehabilitation can be complete without the spiritual therapy of religion” (Krumbholz in Sundt, Dammer and Cullen, 2003: 63).

What do HM Birmingham prison service chaplains think about this matter? Do they believe in the reformatory ability of religion at the rehabilitation of inmates or not? All chaplains who took part in our interview have given affirmative answer to this question. For instance, according to Muslim chaplain, “religion plays a vital role in the rehabilitation of inmates. Faith has always provided inspiration for changes.”

Salvation Army chaplain expressed that “I believe that is the case because I have seen this actually happen. Inmates have come to faith. The system cannot change people but faith can.”

The Church of England chaplain stated that “Yes I believe. Faith is important in rehabilitation because it is one of the humankind’s fundamental motivations. We are spiritual beings and a fresh exploration of spirituality can mean that everybody can change for the better.”

The Buddhist chaplain expressed that “I think religious practice can have a transforming effect on anyone, prisoner or not.”

As it is seen religious care is one of the most significant rehabilitation activities. Let us see what does religious care mean? What activities are performed in a religious care context?

5.2. The Role of Religious Care in RJ Process

Religious care can be defined as the increase the knowledge of prisoners about religion, to provide for them practical religious experiences and to make strong their personal and spiritual development. Religious care is very significant when the prison world which is harsh, boring, the place of loneliness and segregation is taken into consideration. It consists of various activities such as prayers, sermons, worship services, religious education and

teaching, religious diet, dress and artefacts. All these activities are performed in HM Birmingham chaplaincy service. Particularly Christian and Muslim chaplains introduce many religious activities. For instance, the Bible and Arabic classes run almost every day. Furthermore, the Friday prayer is conducted on behalf of Muslim prisoners and staff. In addition, the Sunday worship is practised three times for Christian prisoners. Friday prayer is done in three different wings because of being over-crowded and security. Furthermore, Hindu, Sikh and Buddhist chaplains actualize religious care in their sessions as well. In addition, all the world faith representatives arrange special programmes for significant days such as Eid Festival, Christmas and the Birthday of Guru Nanak and so on. What are the primary objectives of the chaplains in these services? What do they accomplish through religious care? What is the role of religious care in RJ?

HMP Birmingham chaplains aim at adjusting prisoners to prison conditions, changing their mental state and increasing their knowledge about religion with religious education and teaching. Furthermore, they try to strengthen their spiritual development and psychological well-being by bringing hope and feeling of social solidarity with collective worships, scripture studies and meditation. It is understood that religious care tries to restore and repair the inner world of the prisoners, invites them to remorse by trying to replace bad thoughts with good ones. In this process the love of God, His forgiveness and mercy come into prominence. It is clear that religious care aims at restoration, reparation, repentance, forgiveness and healing which are among the basic principles of RJ (Coates, Umbreit and Vos, 2003). One of the most important things in this process is the offender. His religious understanding and life may affect RJ process. Because of this, the prison chaplains can affect the inmates with various religious programmes by aspiring RJ principles.

It seems to us that religious activities in HMP Birmingham chaplaincy service enhance the efficiency of sessions, make strong religious sensitivity and animates religious life. Thanks to religious care, the spiritual, moral and ethical renewal of inmates can be maintained. Moreover, it can help accomplish emotional constancy and build up empathy and promote healing, forgiveness and hope by setting free feelings of anger, guilty, anxiety and sin (Noblett, 1998). It can give sense of belonging to a group, guarantees long-lasting and stable relationships among its members. It can provide sensitivity toward themselves, community and all worlds (Graham, 1990). Furthermore, it seems to us that services based on religious care can maintain for the chaplains a chance to set up close relationships with

inmates and to affect their thinking, behaviour and lives. Because of this, it is suggested that the number of the sessions based on religious care should be increased as much as possible for all the world faiths rather than Christianity and Islam.

5.3. The Role of Pastoral Care in RJ Process

Pastoral care in the prison context can be described as help and caring by listening, encouraging, counselling, befriending, moral, spiritual and emotional support to those people who need (Lee, 1968; Mills, 1990). It aims at personal and social welfare of people. Pastoral care which is Christian faith-centred and is based on the concept of “shepherd” which is presented in the Old Testament (*Psalms 80; Isaiah 40: 11; Jeremiah 23: 1-4; Ezekiel 34*) and the New Testament (*Hebrews 13: 20; 1 Peter 2: 25; John 10: 1-18; Matthew 25: 36*) (Mills, 1990; Lyall, 1995; Hopewell, 1990; Nelson, 1991). For instance,

“He will feed His flock like a shepherd; He will gather the lambs with His arm, and carry them in His bosom, and gently lead those who are with young.” (*Isaiah 40: 11*)

“I am the good shepherd. The good shepherd gives His life for the sheep.” (*John 10: 11*).

These texts reveal the following duties as the work of the shepherd: the guidance, hospitality, advice, counselling, healing and solidarity, mending broken relationships, acceptance and restoration, psychological, spiritual and emotional support. In this context, the pastor which is the Latin word for shepherd has four basic functions. These functions are healing, sustaining, guiding, restoring and reconciling (Campbell, 1990; Gerkin, 1997).

Although pastoral care is based on Christianity and comparable to the Christian ministry, it is possible to find its roots in other world faiths which serve in the chaplaincy service (Lyall, 1995). For instance, basic sources of Islam such as the Quran (*al-Baqarah 2: 151; al-Ahzab 33/45-46...*) and the *Hadith* have pastoral dimensions while they are rejecting the notion of a clergy (Gaffney, 1990; Ali, 2003). These sources advise steadfastness, hope, thanksgiving, patience, prayer and faithfulness in bereavement, disease and all negative situations (Baig, 2007). One of the basic recommendations of Islam is that ‘the most beneficial of humans is that who are useful to them’. In addition, when the life of Muhammad (*pbuh*) is taken into consideration, many examples can be found based on pastoral care. The following *Hadith* demonstrates the importance of pastoral care in Islam: “*Each one of you is a shepherd and each one of you shall be asked for his sheep...*” (*Bukhari, al-Jumua 11*). This

Hadith points out that everybody in Islam has many duties and responsibilities according to his/her position. Worship, personal issues, family life, healing, restoration, psychological, spiritual and emotional support, problem-solving, helping those in need, meeting the material and spiritual needs of people are among these responsibilities and duties. When the framework of pastoral care is considered, it will be seen that it has an important place in Islam as well.

Today, a large number of people in the world have spiritual, social, emotional and psychological problems and they need support from relevant people and organisations (Lozoff, 2000). Prisoners are also among these people as well. Prisons have psychological effects upon prisoners such as fear, threat and violence. Furthermore, they have emotional effects such as loneliness, carelessness, vulnerability in marital relationships, love and sex. Prisoners wait for being released within despair and hopelessness. Their freedom is strictly limited by being locked up in a small cell nearly every day (Graham, 1990). Furthermore, prisons have social effects such as segregation from family, friends and community (Wyner, 2000). What should be done to help the prisoners? What do the chaplains accomplish in the context of pastoral care? What is the role of the pastoral care in RJ?

The prison chaplains share pastoral duties in the prison settings with educationists, social workers, psychoanalysts and counsellors with the effect of secularization (Bruinsma-de Beer, 2006). In HM Birmingham prison service chaplaincy, Anglican, Free Churches and Muslim chaplains provided pastoral care for prisoners and prison staff on a daily basis. However, Salvation Army, Jehovah Witnesses, Jewish, Hindu, Buddhist and Sikh chaplains help prisoners pastorally when they come. What duties are fulfilled under the name of pastoral care?

The pastoral duties of the chaplains begin in the first day of the prisoner and continue after release. They have many responsibilities as a necessity of pastoral care. First of all, the chaplains visit three services on a daily basis. These are reception, segregation and health care which are entitled 'statutory duties'. What do they do in these services? What is the aim of the chaplain in his/her visiting these services?

One of the chaplains goes to reception to see new prisoners and register his faith/denomination. In addition, he gives a leaflet which includes religious activities and asks whether he needs something or not. It appears that reception serves three goals. Firstly, spiritual support is provided from the first day. Secondly, the prisoner takes information about

chaplains activities and programmes via chaplaincy leaflet. Thirdly, the chaplains obtain information regarding the prisoner who belongs to his/her faith via religious registration. Health care is a place which must be visited every day. When the chaplain reaches health care, he enquires whether or not any prisoner wants to see him if there is no personal application. In respect of segregation, in which disobedient prisoners who are cruel to others and have some problems with the staff have been presented, the chaplain goes to every cell in this unit and inquires every prisoner whether he needs support or not. While reception is particularly informing oriented, counselling, listening and problem-solving come into prominence in health care and segregation.

The second duty of the chaplains in the context of pastoral care is that they must be interested in family matters of the prisoners. These matters include applications such as bereavement, sickness of one of the family members, funeral and anxiety about family, divorce and marriage. HMP Birmingham chaplaincy service becomes a bridge between the prisoners and their families, relatives or loved ones about these matters. For instance, if one of the relatives of inmates has died, relevant faith representative informs him by providing spiritual support. In addition, prisoners sometimes apply for hospital problems related with their families. In these situations, the chaplains make contact with the hospital or the family of the prisoner and inform him about the situation of the family member. Furthermore, the chaplains are responsible to arrange marriage ceremonies in the context of pastoral care.

The third duty is that they should pay attention to the personal matters of the prisoners. These matters are depression, being without money, immigration issues, health problems, suicide, self-harm, bullying, intimidation, cell condition and problems with cell mate or prison officers. In these situations, the chaplains get in touch with relevant departments within the prison service and try to solve the problem. Moreover, if sudden deaths or suicides become in the prison, the relevant chaplain must be summoned promptly. The chaplain contacts the family of the deceased and provides practical and spiritual support for them as a necessity of his pastoral duty.

The fourth duty is that they ought to be interested in the prisoners after release and their families. They make contact with the prisoners' families via letters or visits when it is needed. They may visit the prisoner who is admitted outside hospital by the approval of the Governor. They also contact the faith communities to improve and enhance the lives of

prisoners after release. What is the role of the chaplains by carrying through all these pastoral duties?

Our observations indicate that the role of the chaplains in pastoral care is to provide spiritual support, to listen, to solve the problems of prisoners and to do counselling. Particularly, problem-solving and counselling come into prominence over the research period. Indeed, to give spiritual support, to listen to their problems, to give some advice, try to solve their problems and to do counselling thanks to pastoral care gives an opportunity to the chaplains to affect the prisoners spiritually, morally and emotionally. The importance of pastoral care emerges much more when the prison atmosphere which is boring, dehumanizing and has negative effect upon the behaviour of the prisoners, their mind and inner world is considered. What is the primary objective of the chaplains in their pastoral role?

We determined that the aims of the chaplains are to provide moral support, help them manage their situations better, to try to remove the negative effect of imprisonment and to show a better way of life which does not evolve criminality. For instance,

Buddhist chaplain stated about his pastoral duty which is to help them to make some progress in their spiritual aspirations.

The Muslim chaplain tries to give religious and spiritual enlightenment to the prisoner, to strengthen his belief and practice in religious tradition by trying to abolish the negative effect of custody.

The Sikh perspective tries to change the prisoners' mental state.

In respect of the Church of England chaplains, the primary objective is to help them manage their situation better, to turn a negative situation into a better one within a Christian context, to deal with immediate feelings/issues they are dealing with.

With respect to Free Church chaplains, it is to provide the well-being of the prisoners, welfare, restoration and healing of them, and to make them reach a decision by themselves.

According to Hindu chaplain, the primary objective is only to give them moral support.

It is true that one of the most important factors in pastoral care as well as religious care is the relation between the chaplain and the prisoner. The approach of the chaplains and their manner will influence the effectiveness of the session. How do they approach the prisoners in relation to these objectives? How is their manner toward the prisoner in a session?

We observed that the chaplains have started to focus on the personality of the prisoner rather than his offence as a necessity of RJ process. In this context, they interact with inmates in an open, warm and an enthusiastic manner based on mutual respect and understanding. They discourage poor moral judgement and reward good ones. Furthermore, they try to be a role model for inmates in terms of moral thinking and behaviour. All these interactions between chaplains and prisoners not only has been observed in pastoral care sessions but also in their relations based on religious care. All these caring styles have positive affects upon the prisoners in rehabilitation process.

It is understood that pastoral care is listening, counselling and problem-solving oriented, whereas religious care consists of religious education, teaching and worship part of the chaplaincy service. Although pastoral care is generally practised with one to one relationships, religious care is frequently performed as a group. Whilst pastoral care is not involved in religious care, religious care inspires to provide pastoral care. Even though pastoral care can be provided by any chaplains within the chaplaincy service if there is no special request, religious care is put into practice only by the relevant faith chaplain. Pastoral care is provided on the written application of the prisoner except for reception, health care and segregation visits. Religious care is implemented by regular meetings and scheduled programmes.

These explanations point out that the goal of the chaplains in pastoral care is to provide spiritual, moral and social support for the prisoners and the prison staff. They try to relieve, restore, heal, repair, reconcile, guide, sustain and solve the problems of prisoners by providing pastoral care for them. In addition, they encourage the prisoners to make strong their personal relationships, give a realistic sense of hope. Furthermore, they try to give self confidence (Graham, 1990). Moreover, they inspires with pastoral care to constitute spiritual power by listening to the problems of criminals and finding solutions, communicating with the family of inmate, visiting offenders who are in hospital, visiting prisoners in their cells, keeping in contact with their families and after their release (Chaplaincy Handbook, 2003). When RJ process and its principles are taken into consideration, pastoral care can be an important element in RJ process. However, according to our data, most of the chaplains had no idea about their role in this process. The reason for this can be that the chaplaincy headquarters did not constitute sufficient public opinion between chaplains about RJ. Another reason can be that the Headquarters gives the fullest responsibility to the third parties who

prepared some programmes based on RJ principles. Our research indicated that some institutions and organisations perform some programmes based on RJ in the chaplaincy service. It is true that the chaplaincy headquarters can arrange symposiums, meetings and courses about RJ, pay attention of the chaplains to its principles and call them to fulfil their duties by aiming at RJ principles.

5.4. The Role of Faith-Based Programmes in RJ Process

The PSC contributes to RJ process by housing faith-based programmes such as victim awareness, justice awareness and SORI alongside religious and pastoral care. Victim awareness which is Christian faith-based is run by the Prison Fellowship and justice awareness which is Muslim faith-based is practised by *al-Rahman* Academy. In respect of SORI, it is performed by the Chaplaincy Headquarters. Apart from these programmes, Alpha course which is performed by Alpha for Prisons are carried through nearly 85 % of England and Wales prisons (Running Alpha, 2005).

The victim awareness and Alpha course were carried out in HM Birmingham chaplaincy service regularly over the research period. The attempts which have been done for SORI and justice awareness remained inconclusive on account of lacking of fund. It is thought that much more funds should be provided to the chaplaincy services in every prison by the State to increase their effect upon the prisoners. What is the primary aim of these programmes? What is the role of these programmes in RJ process?

Alpha for prisons which is Christianity-centred run 80% of England and Wales prisons though there were only eight prisons in 1996. It is practised once a week two hours in HMP Birmingham. It aims at inviting prisoners to Christianity and teaching main principles of the Christian faith. The course which consists of 15 sessions has been designed for non-churchgoers and new Christians. Its content include practical introduction to the Christian faith. The course which is conducted by volunteers starts a short video presentation concerned with the subject of the week and goes on discussions about the topic¹⁰. It appears that one of the most interesting things in this course is to eat something after sessions. When we asked its meaning, the group leader said to us that eating together can provide relaxed settings in which participants know each other better and constitute long-lasting friendships. It seems that

¹⁰ An Introduction to Alpha for Prisons, 2005; The Alpha Course Manual, 2006; Running Alpha for Prisons, 2005; An Introduction to Caring for Ex-Offenders, 2004.

Alpha course is well-organised and makes valuable contributions to the life of the prisoners spiritually and religiously.

Sycamore Tree (victim awareness)¹¹, justice awareness (el-Sharkawy, 2008) and SORI¹² are programmes based on RJ principles. As we know from the first chapter, RJ has brought new concepts to the criminal justice system such as restoration, reparation, restitution, repentance, remorse, forgiveness and reconciliation. The main purpose of these three programmes is to fulfil RJ principles within the prison service. Sycamore Tree uses the story of Zacchaeus and Jesus (*Luke 19*) in the New Testament to show the impact of the crime on victims and to provide for offenders taking responsibility for their action. With respect to justice awareness, it utilizes the story of Prophet Joseph which is found in three Divine religions by aiming the same purpose. The process of these programmes which run as six sessions and once a week is firstly to understand RJ, crime and the restoration process. Secondly, the offender tries to recognize the affects of the crime upon the victim and the family of the victim, offender and his family and the whole community. Thirdly, the offender takes responsibility for his action by saying sorry actively and making reparations in forgiveness and reconciliation process. The fourth is restitution and restoration process. The fifth is active participation of those who have been affected by offence. The last is making a symbolic act of restitution process. It is recommended that these programmes should be encouraged and supported by all parties outside and inside the prison service. What is the importance of these programmes?

The participation of these programmes to the criminal justice system is very important because they make possible large participation of faith groups and organisations to the criminal justice system. These programmes can provide broad contribution of the public, private, voluntary and community sectors to crime and recidivism problem. Furthermore, they can ensure the active participation of some departments within the prison service such as education, psychology, probation and prison officers to the programmes which are practised by the chaplaincy department. In addition, these programmes are also important to show

¹¹ Victim Awareness and Restorative Justice Learner Information Booklet (2007); An Accredited Programme on Victim Awareness and Restorative Justice-Sycamore Tree: Taking responsibility personal actions. Leaflet version 5.1.

¹² SORI is a faith based-programme based on RJ principles. The programme which has been practised in HMP Cardiff since 2004 has been developed particularly for young offenders. However, its success in recidivism has paid attention of prison governors and the Chaplaincy Headquarters. In this context, SORI Taster Day has been arranged and approximately 120 Governors, Managers and Chaplains have been attended. The Chaplaincy Headquarters has undertaken the responsibility of training, mentoring and supervision in this process. The programme run by the participation of all relevant bodies inside and outside the prison walls such as chaplains, victim support, probation, victim liaison officers, psychology staff, safer custody counsellor and criminal justice agencies (Ogier, 2007; Houlston-clark, 2008).

inclusive and multi-faith philosophy. For instance justice awareness which is operated by Islamic organisation reflects this in the best way. This implementation demonstrates that the Chaplaincy Headquarters opened the doors of the chaplaincy services which are Christianity dominated to non-Christian faith organisations. Moreover, the Headquarters has encouraged the other world faith chaplains to develop some programmes such as the justice awareness based on restorative principles (Ogier, 2007). These faith based programmes based on RJ principles serve to counteract the dominant discourses of vengeance, bitterness, despair and hopelessness. Furthermore they make strong the healing and mending process of the prisoners themselves, between prisoners and their families, and the wider society.

CHAPTER VI

CONCLUSION AND RECCOMENDATIONS

6.1. Conclusion

In this study, the role of the PSC in the delivery of RJ in the prisons in England and Wales was analysed by taking into consideration its historical development since 1773 until the present. In the second chapter, RJ process and its connection with religion has been examined in the context of the penal history of England and Wales which affects the birth of the PSC. In the third chapter, the history of the PSC, its current nature and its link with RJ were examined. Practical reflections of our findings concerned with the theoretical field were searched in the fourth and fifth chapters.

The outcome of our study can be stated as follows:

The penal system of England and Wales has been under the influence of particularly three main philosophies: retributive rationale, utilitarianism and RJ. Our findings indicated that utilitarianism started to play its role in the penal history of the country in the last quarter of the 18th century. Pure punishment was replaced with imprisonment as a chastisement and the concept of rehabilitation began to take its place in the penal system. Particularly, reformers who had strong religious background have been highly effective upon the improvement of prison conditions and the rights of prisoners. Consequently, the prisons turned into religious establishments with rehabilitation practice. Rehabilitation process based on religion brought the appointment of prison chaplains to the prisons. Thus, the PSC was officially initiated in 1773. Our findings indicated that religious reforms and activities were not only causal factors but also presented one of the key resources of inspiration and direction for the establishment of a new UK penal system in the last quarter of 18th century.

With respect to our results, religion and consequently the prison chaplains have been a major force in rehabilitation and reintegration process of the offenders from its birth until the present day. Religion has been considered a dominant instrument in creating behavioural and social change. The prison chaplains are still the key factors of the modern prison system.

According to our data, utilitarianism and religion together was replaced with utilitarianism and secularization at the beginning of 20th century. The effect of the Church of England started to diminish within the prisons as well as in the community. Social workers, educators and psychologists took their places within the prison service with secularization and social sciences. The role and responsibilities of the chaplains were limited to statutory duties,

religious and pastoral care. Furthermore, visiting ministers from non-Christian faiths started to be employed the first time in the chaplaincy service. However, they were only visiting ministers who had no right within the service. Anglican chaplains became facilitators and brokers for non-Christian prisoners and faith representatives. However, the Prison Act of 1952 has considerably fortified the constitutional right of the inmates to practice their religion in prison.

Additionally, we obtained that every prison in UK had a chaplain from the Church of England and a team of chaplains from non-Christian faiths were accountable for assisting criminals to practice and express their faith.

After 1980, RJ has started to dominate the penal system of England and Wales. The purpose of punishment has come to mend relationships between those who are affected by crime with RJ. In addition, RJ has brought new concepts such as responsibility, repentance, compensation, confession, forgiveness, reconciliation, restitution, remorse and restoration into the justice system. It became evident from the study that RJ was an explicit religious answer to a social problem such as offence and offender.

According to our data, all these notions have represented the scriptures of all the six world faiths. Consequently, the chaplaincy service gave much more responsibility to non-Christian faith representatives by changing its philosophy toward an inclusive and multi faith approach to carry out RJ principles in every field of the prison service. As a result of inclusive and multi faith standpoint, all chaplains regardless of Christian or non-Christian started to be employed under equal rights and responsibilities.

Our study pointed out that the PSC has a crucial role to play in helping criminals after their imprisonment and to become a bridge between inside and outside world after their release with its inclusive and multi faith approach.

In accordance with our results, faith based prisons and prison units have grown through England and Wales in RJ process. Religion and criminology dialogue has augmented and the PSC has been an active participant of the process with some programmes based on RJ principles. Furthermore, thanks to RJ, the church, mosque, temple, other religious institutions and organisations and the wider community have been an active participant of the restoration, reparation, rehabilitation, healing and reintegration process of the prisoners. This participation has provided a strong support group to inmates.

It's evident from the research that the PSC is the key element to carry out RJ principles in the prison establishments. That is because RJ principles can put into practice if religion is at the centre of it. It's neutral and judgemental position has provided a suitable environment for the prison service and other related bodies. Consequently, the prison service has always heartened the PSC and the prison chaplains to develop programmes based on RJ principles.

We observed that the role of the prison chaplains in the delivery of RJ has three dimensions: offenders themselves, prisoners and their families and the wider community. Firstly, they try to restore the negative situations in prisoners themselves. Secondly, they attempt to mend the rift between them and their families. Finally, they endeavour to recover the relationship between them and the wider community.

Our findings concerned with practical field are as follows:

-HMP Birmingham is well-equipped prison with its facilities and staff apart from the two things: cells and prayer rooms. The uncovered closets within the cells are not good in terms of health and religious obligations. When Muslim prayer is taken into consideration, the cells are not suitable to offer the prayer in them.

From the research it became evident that the chaplaincy service in HMP Birmingham has its own department and serves as a team. Furthermore, inclusive and multi-faith rationale is represented in the best way. The relationships between chaplains are based on mutual respect and understanding within cooperation and collaboration. In addition, the chaplains displayed religious tolerance to one another. Furthermore, they worked closely with other staff in the prison service for the benefit of the prisoners. To share knowledge, skills and abilities is very important to meet the religious, spiritual and pastoral needs of prisoners and the staff effectively.

However, over the research period I observed that Christianity has been well-integrated into the prison service with faith based programmes. Muslim chaplains and prisoners have special privileges when they are compared with their non-Christian counterparts. It seems to us that the reason for this is the number of Muslim prisoners and the employment of full-time Muslim chaplains. In respect of Hindu, Sikh and Buddhist chaplains, they have nearly no influence within the chaplaincy and the prison service because their work time is limited.

With respect to the role of the prison chaplains in HMP Birmingham, we can bring them together under the three titles: Statutory duties, religious and pastoral care. Statutory duties which comprise reception, segregation and health care were fulfilled especially by Christian (two of the Church of England chaplains and two Free Churches chaplains) and three Muslim chaplains on a daily basis. Our observations demonstrated that many Christian volunteers served within the chaplaincy service which is Christianity-centred. Our research indicated that chaplains and volunteers compose strong support groups to meet the needs of the prisoners and prison staff.

We observed that the duties of the chaplains concerned with religious care was to conduct prayers, sermons, worship services, meditations, to arrange and lead religious education, teaching classes and to provide religious diet, dress and artefacts. In this context, we saw that Sunday worships and Friday prayers were well-organised. The participation of the prisoners to these two services was well enough. However, the number of prisoners who participated in Islamic and Arabic classes was higher than the prisoners who took part in Bible classes. Furthermore, prisoners were able to celebrate their religious festivals such as Eid and Christmas. All these activities based on religious care were actively promoted by the prison service.

Our observations indicated that the chaplains tried to affect the thinking and behaviour of the prisoners and to keep alive their religious life with activities based on religious care. Furthermore, they endeavoured to increase their knowledge about religion and religious principles. With respect to pastoral duties based on especially listening, counselling and problem solving, they include family matters and personal matters of prisoners and the staff, breaking bad news, sudden deaths and suicides, connection with prisoners after release and marriage. We found that prison chaplains shared these duties with their counterparts from other departments within the prison service. In this context, their duty was to relieve prisoner's mind and spirit by trying to solve their personal or family matters.

I concluded that faith has a positive efficiency on the adjustment of the prisoners to the prison environment and scripture studies have a positive value. The activities and programmes related with religious and pastoral care have provided positive contribution to the healing and restoration of the offender. Furthermore, the provision of religious and pastoral care to prisoners have offered important influences in their lives and thoughts. These activities and faith-based programmes such as victim awareness, justice awareness and SORI provide

greater contribution to motivate prisoners to accept RJ principles and to practice them within the community after their release. Furthermore, they tried to teach them to separate right from wrong, to respect life and the law and to encourage spiritual healing, forgiveness and mercy.

One of the main conclusive findings that I have found is that the system and policy of the chaplaincy headquarters about the PSC, its role and responsibilities in RJ process has taken a good turn with the appointment of new chaplain general William Noblett in 2001. His inclusive and multi faith viewpoint changed many things within the chaplaincy headquarters and the chaplaincy services in English and Welsh prisons. The Chaplaincy Headquarters became active participant of RJ with faith-based programme SORI and faith advisers from non-Christian faiths were supported to develop programmes from the perspectives of their own faith tradition based on RJ principles.

6.2. Recommendations

- The Chaplaincy Headquarters should organize courses related with RJ. Thus, the chaplains can understand their role better in this process.
- The Chaplaincy Headquarters should constitute RJ teams in every city by calling faith organisations, churches, mosques and temples to work together. In addition, they can take advantage of psychology and theology and religion departments for this purpose. We observed that HMP Birmingham did not practise justice awareness and SORI due to lack of funding. RJ teams constituted in every city can provide more active participation of the PSC to the RJ process.
- The closets within the cells in HMP Birmingham should be covered.
- One prayer room in every wing should be situated for Muslim prisoners because cell conditions are not suitable to pray.

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