

Restorative justice

I am grateful for the thought-provoking article by Jim Consedine (p. 23 above) on restorative justice. There is much in it with which I agree. It is generally accepted that there are some people for whom prison or other confinement is necessary. I have long thought that it is wrong in principle for the state to shut such a person up with other criminals. What each one needs is to be locked up with virtuous people, so that there may be a much better chance of rehabilitation. The difficulty with this idea is that virtuous people will not consent to be locked up unless they are handsomely paid, so this method is thought to be far too expensive (though in the long run society might find it cheaper).

Mr Consedine appears to be saying that in Britain we have retributive justice whereas what we ought to have is restorative justice. This is too simple an analysis. What in fact we have is a system that is partly retributive and partly restorative. His article convinces me that we should aim to make it far more restorative than it is at present. However one cannot do without retribution altogether. In *Leviathan* Thomas Hobbes spoke of 'retribution of Evil for Evil', meaning that where a criminal commits a wicked act something bad (that is something he doesn't like) should be inflicted on him in return. Restorative justice may dispense with that where the criminal is remorseful and the victim agrees. In other cases retributive justice may still be necessary. I'm sure Mr Consedine does not mean to suggest that there are no longer any wicked people in the world.

164 *Justice of the Peace* (2000) 46.