



Courage of Convictions: progressive visions and allies in uncertain times



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Foreword

The Apex Scotland Annual Lecture is an opportunity for us to challenge, inform and stimulate fresh thinking across the justice agenda, and we have always enjoyed meeting with audiences from across the whole spectrum of justice thinking and practice. Explicit in the Apex Scotland vision and values is that justice must be about more than punishment and that those who find themselves with an offender label should not be defined either by crime or prejudice. Many attempts at reform and modernisation have been tried or promoted with varying levels of impact, yet Scotland remains doggedly reliant on prison as shown by constantly rising numbers. 2020 however, has been a year unlike any other any of us have experienced, and many pragmatic approaches which were perhaps considered too radical and likely to cause public concern have had to be applied. The lesson from this is clearly that if there is a political will to make changes happen, we can do it.

This sense of a potential new horizon for justice as we consider what 'building back better' might actually mean, and picking up on the Cabinet Secretary for Justice's statement that we cannot go back to pre-Covid levels of imprisonment, led us to ask Dr Hannah Graham, Senior Lecturer in Criminology at the SCCJR at the University of Stirling, to give this year's lecture in the unusual format of an online event. Dr Graham is a well known and highly respected contributor to justice thinking and research who has a reputation for thinking out of the box and challenging the things which are not effective or reasonable.

In her lecture entitled *Courage of Convictions: progressive visions and allies in uncertain times*, Dr Graham delivers a gentle but hard hitting walk through the unfulfilled potential of past initiatives, the political and moral courage which exemplifies those who create change and improvement and the evidence for radical and informed change in how we perceive crime, punishment and those who commit offences. Her passion not only for her subject as an academic, but for those damaged by the existing system and for those who have the moral courage to work for a better and fairer future in Scotland, shines through both the lecture and the question and answer time afterwards. Perhaps most importantly she faces up to the challenges and offers real hope that we can in fact build a justice system which Scotland can be proud of.

If the social media noise following the event is anything to go by her words have indeed inspired many, as we hope you will be inspired and motivated to help us work for a fairer and more tolerant nation.

Alan Staff

Chief Executive
Apex Scotland

Introduction

Thank you to Apex Scotland for having me give this lecture. It's a real honour, particularly with the calibre and distinguished company of those of you who are listening and that of those of you who have given Apex's Annual Lecture before. Sadly, this year, I won't get to enjoy your company over drinks in the Signet Library afterwards. In the process of writing this lecture, I've been on something of an unofficial listening tour; with encouraging, challenging and wise colleagues and friends as sounding boards, so thank you – you know who you are – and I am very grateful. I take responsibility for what I say here and any errors are my own.

I want to speak of moral courage and professional and political bravery, and the types of strategies in and outside of Scottish justice that might require them. These strategies are informed by evidence and experience, and this lecture comes with a hefty bibliography. Yet much of what I want to say is not typically academic. Some of you will be relieved to hear that!

I want to speak to the distinctive moment that we are in. People across Scottish justice have had their mettle tested. Justice work is hard at the best of times and much

applause has been given to key workers, and rightly so. But I want to pay tribute to the workers who survived the rapid shift to working from home and online, without childcare, going beyond the call of duty, working long hours and sometimes late into the night – well done.

Emerging from the exceptional circumstances and adversity of the Covid-19 crisis offers opportunities for doing justice differently. This is not about naïve positivity or decorating the criminal justice system in silver linings. If I bring challenges and tell truths in this lecture, it is from a place of collegiate respect, seeing others as up for it, able to be challenged, open to tough questions, and open to see the way forward and be brave, if they or we so choose. Being a 'critical friend' matters in the sense of both of those words.

This moment has a political and policy context that I want to foreground these discussions in. The national policy framework, the Justice Vision and Priorities 2017-2020¹ presumably ended in recent weeks and, to the best of my knowledge and having asked but as yet to no reply, we wait for confirmation as to what will happen. What will the vision for Scottish justice be?

September is not only the month of the Apex Annual Lecture but also the Scottish Government's Programme for Government – I believe it's being released shortly before you're watching this. It always has a section on Justice. Commitments made last September have proven almost prophetic in speaking to pressured issues faced now, some of which I'll pick up on in this lecture. The Scottish Government's Programme for Government last year said:



Coronavirus laws and emergency powers are still in use. With a Scottish Parliament election on the near horizon, it is also manifesto-writing season. Some of the strategies I speak of here may not be palatable for those exercises. Ah well. I contend for what's possible.

Courage of Convictions

Moral courage combines hearts and minds and backbones. In thinking about moral courage in public life and policy making, Westminster-based ethicist Claire Foster-Gilbert² explains, "Where is moral courage to be found? Not just in intellectual rigour, though it is certainly there. Neither is it only in deep convictions, nor simply in passionate action. Moral courage is found in a combination of all three." Doing the right thing for principled and intellectually defensible reasons, with passion and the weight of evidence and experience to back them.

What does courage of convictions look like? How can people with power show more of it? What does personal, professional and political bravery look like? Some of the more profound examples of courage of convictions that come to mind are not my stories to tell. People who have put their reputation and jobs on the line and, in some extreme cases, put their lives on the line. Many of you listening will have stories of your own. It takes courage to desist and change your own life, and people who have left crime behind are people that we have much to learn from.

It feels incumbent upon me to give a few examples worth saluting, giving credit where credit is due. Some of these are high profile and they are worth acknowledging before I go on to raise some challenges. These examples range in scope and gravity; how they are seen is subjective and may potentially be contested.

One of the bold decisions that comes to mind is former Cabinet Secretary for Justice Kenny MacAskill in making the bold decision about the compassionate release of Al-Megrahi, otherwise known by the Lockerbie bombing. I

have no intention of making comments on the original case nor the posthumous appeal bid currently being pursued.

In an incredible speech about the decision to allow compassionate release, Kenny MacAskill said this³:

"In Scotland, we are a people who pride ourselves on our humanity. It is viewed as a defining characteristic of Scotland and the Scottish people.

"The perpetration of an atrocity and outrage cannot and should not be a basis for losing sight of who we are, the values we seek to uphold, and the faith and beliefs by which we seek to live.

"Our justice system demands that judgment be imposed but compassion be available. Our beliefs dictate that justice be served but mercy be shown.

"Compassion and mercy are about upholding the beliefs that we seek to live by, remaining true to our values as a people. No matter the severity of the provocation or the atrocity perpetrated."

Some of the scale of the other things that I'll mention in this lecture are not of that gravity or loss, but it is certainly true that those who show no mercy cannot be trusted with justice. We have to keep our humanity at the forefront and what he did was a bold decision.

In 2015, barely 8-10 weeks after becoming Cabinet Secretary for Justice, Michael Matheson scrapped well-developed plans for building a £75m women's 'super prison', HMP Inverclyde. He said, "It does not fit with my vision of how a modern and progressive country should be addressing female offending. We need to be bolder and take a more radical and ambitious approach in Scotland."⁴ He's right. I commend the tenacity of those who campaigned against Inverclyde, and I commend Michael Matheson and his team for stopping it. There are ongoing challenges with

women's justice and there are those who still have cause to campaign, but of this specific decision, there is nothing to regret.

In 2019, the Scottish Government indicated that Scotland's two private prisons will return to public ownership. With a staggering total contract cost to the public purse of £1.4bn, alongside ethical arguments, my own view is that the end of this era cannot come soon enough. People like John Finnie, Greens Justice Spokesperson and MSP, has been magnificent and unrelenting in voicing principled opposition to profiting from punishment.

In 2020, much has happened in a short time. One of the most potent impacts in the area of criminal justice, and more specifically, punishment, has been from the pandemic itself and drastic reductions in court business. In the 12 weeks from 13 March to 5 June 2020, the Scottish prison population decreased by approximately 15%, from 8,094 to 6,888 people. We also reached a point where single cell occupancy go up to about 85%. Using emergency powers, the roll-out of (security-restricted) mobile phones and virtual visits across prisons and the early release of hundreds of prisoners⁵ were decisions not taken lightly by

the Scottish Government I imagine, and they were also discussed in the Scottish Parliament. I recognise the cooperation, the grace under pressure and hard work of civil servants, public servants and the third sector in making that happen.

When recently asked in Scottish Parliament about the prison population numbers and conditions, Cabinet Secretary for Justice Humza Yousaf said: "We certainly cannot go back to levels where we were pre-pandemic, which were above 8,000. The peak was 8,100. We just cannot go back to that situation, for very humane reasons and for public health reasons. That would be unacceptable."⁶ I agree. In hearing these words they were welcome and there was a lot of smiling and the direction of travel they imply are welcome.

Something lingers on my mind that will linger even more as a reminder for those listening with practice wisdom and institutional memories spanning many more years than my own: we have been this way before. Scottish justice has had progressive visions and bold strategies recommended before – particularly in the form of the Scottish Prisons Commission and the McLeish Report, *Scotland's Choice*, in 2008.

SCOTLAND'S CHOICE (2008)



R1: Imprisonment should be reserved for those whose offences are so serious that no other form of punishment will do and for those who pose a serious threat of harm to the public.



R18: Promote recognition across all Government departments, all public services, all sectors and communities of a duty to reintegrate, including social & health-related needs of offenders.



R14: Require a sentencing judge, who would otherwise have imposed a sentence of 6 months imprisonment or less, to impose a community supervision sentence instead.



R23: Pursue a target of reducing the prison population to an average daily population of 5,000.



It was fair and clear-sighted in its assessment, rigorous and persuasive in its recommendations. I have no interest in implying fault or judgment in retrospect for the parts that weren't implemented. What does feel worthwhile is taking the second chance that this crisis affords us to reflect and reckon with it. What has held us back from making bigger changes and deeper shifts, and how do we move on? If we don't want the prison population to go back to levels above a set number for very good reasons, and that is largely the consensus, what were the influences and reasons we didn't stop that last time? It hasn't been because people across Scottish justice don't care or don't work hard enough – that's certainly not the case.

Strategies and Examples

I want to turn to strategies and examples. In this section, I am about to get a bit technical and applied, but bear with me. Examples are selected and certainly not an exhaustive list. There is ample evidence underpinning these, even if it must be a whistle-stop tour for the sake of time. What I am about to say is also prefaced with an emphasis on doing the fundamental basics of justice well, like ensuring procedural fairness and looking after legal aid as a matter of access to justice, not neglecting them or taking them for granted.

Decriminalisation and diversion

So in terms of strategies, what do I mean? Some strategies are along the lines of decriminalisation and diversion. In responding to low-level crimes and anti-social behaviour, better answers are usually found before and beyond criminal justice. Decriminalisation is not necessarily the same as legalisation, but it is a way of finding options and responses that don't involve a criminal record and punishment. I'll say more on this regarding drugs in a moment, though I realise there are constitutional debates with the UK Government on drug law reform.

With the minimum age of criminal responsibility, Scotland recently started heading in the right direction but, in my view, didn't go far enough,

and that was not for lack of sound evidence⁷⁸ or impassioned arguments. Politicians of intellect and integrity, from different parties, were involved in the recent debate about children's human rights and the impact of criminalisation. To them I say: this is not the end. Don't stop mid-stream. If we've done it once, we can do it again: raise the age.

Diversion from prosecution and diversion from prison are both relevant here too. It is good to see the work that has been done to date on diversion from prosecution and restorative justice, but there's much more work and collaboration required for these to become more mainstream and widespread. Also, more progress might be made with better-resourced uses of structured deferred sentences in courts and community justice allowing issues and circumstances to be addressed, with the likely prospect of an admonishment, rather than a community sentence or short prison sentence. I have seen structured deferred sentences used quite well with strong collaboration between sectors such as health, housing, family & relationships, employment, money advice and so on⁹.

I also want to point to imaginative and creative examples of diversion. In New York, Project Reset is an initiative that diverts people arrested for low-level, non-violent offences, offering them an alternative to prosecution, so it means they don't have to appear in court and it's a way out of having a criminal record¹⁰. Instead, they are offered a free art class and activities informed by restorative justice. When Brooklyn Museum was added to Project Reset, a critic complained, "they've got soft-on-crime down to a fine art." All participants are offered voluntary referrals to community-based support services. Some who complete it have gone on to become peer mentors. Evaluation indicates the outcomes are very positive, with a greatly reduced likelihood of a new crime in one year¹¹. Overall, in that area of New York, prosecutions for low-level offences have halved (by more than 40,000).

Sentencing and prosecution reform

Systems of sentencing and punishment are predicated on the notion that choices have consequences. Yet that notion is more often applied to individuals caught up in those systems than it is to those who decide or run them. Well, now is the time to collaboratively and collectively reconsider choices, consequences and futures. I'll give you an example. Official statistics show that, in the eight years prior to the pandemic (2011-2019), nearly 15,000 short prison sentences were imposed for the main crime of shoplifting¹². Research by feminist criminologists Gill McIvor and Michele Burman¹³, Margaret Malloch and others, shows this is a recognised driver of women's criminalisation and imprisonment. Systems and decisions in a capitalist society that put stolen inanimate objects and businesses before subsequently incarcerated people is a choice, arguably a disproportionate and costly one. An academic colleague Cyrus Tata¹⁴¹⁵ has offered interesting insights in discussing the possibility of non-imprisonable offences, that is, no matter how many times a low-level or less serious offence happens, they cannot and should not be sent to prison for that thing alone. Let's have that debate, in earnest.

Decarceration strategies

In terms of decarceration strategies, there is much that could be said of making better use of temporary release, early release and reintegration, particularly in a time of COVID¹⁶, with too many strategies to list here. In writing a book on *Innovative Justice*¹⁷ with colleague Rob White, of the many pioneering examples from around the world, from creative start-up initiatives through to more unorthodox examples like the Prisoners Tour de France (2009, 2013), a common theme was risk management, not risk aversion. Radical ideas that didn't happen in the absence of risk or fear, it's just that they weren't stopped by them.

In decarceration use technology well. Be willing to have the conversation about who should

have power over technology and how digital justice¹⁸ should and shouldn't be used and by whom, including electronic monitoring tagging technologies¹⁹²⁰.

Lessons from international evidence and experience²¹ show how prison admissions can decrease by reforming breach rules and improving community-based responses to non-compliance. Curb opportunities for risk-averse reactions by authorities of people being re-sentenced or recalled to custody for minor technical violations. Resist increasing requirements and conditionality of orders and licences where it is not stringently necessary²². Except in the most serious of cases, deal with the issues in communities. Thorough scrutiny of available evidence shows that decarceration and early release do not increase crime²³ ²⁴.

Activism and social movements

Do not underestimate the influence of collective action and social movements. This can take different forms for different issues of justice or injustice. During this pandemic, one example comes to mind: we have seen courage of convictions from Black Lives Matter, a social movement campaigning for an end to racial injustice, inequalities and discrimination, grieving the loss of George Floyd, Breonna Taylor and far too many others on American shores as well as Sheku Bayoh and others much closer to home. The American Civil Liberties Union has used campaigning and a raft of court cases²⁵ to draw attention to racial and class disparities in the need for significant decarceration. In numerous cases, they have been successful, influencing or leading to the release of tens of thousands of people. Activists have called for doing justice differently, including a radical reconsideration and recalibration of the role of the police and redistributing power and resources to enable communities to better organise and take care of safety and wellbeing.

From protestors through to those in power, black and minority ethnic voices and have been

amplified. Here, that includes the grass roots, through to the work of human rights lawyer Aamer Anwar, through to the recent Black Lives Matters speeches in Holyrood. There was truth-telling and tears in Parliament, I had a lump in my throat watching it, while mindful we will need much more action to follow words, being an ally as a lifestyle not just a hashtag – that implicates all of us, at every level.

In the US and the UK, in the season that we find ourselves in, a horizon on fire will yield to darkness or light. The direction of travel on pressing and interconnected issues, and the direction of travel for the future, is not a given. Change may not necessarily be progressive. We need to hold our nerve. What other areas and issues of justice might we see activism and social movements rise to the fore?

Social justice, solidarity and belonging

I want to move more into social justice, solidarity and belonging as well as issues of health and welfare. Austerity, poverty and inequality too often entangle with control and punishment. The evidence and arguments here are well rehearsed. Half (52%) of the total Scottish prison population come from the 20% most deprived areas in Scotland²⁶. Of the thousands of Scots sentenced to Community Payback Orders each year, only a quarter (26%²⁷) are employed, in full time education or a government training scheme. Prioritising social justice necessitates investment in communities and access to goods, services and supports routinely afforded to citizens without convictions.

SOCIAL JUSTICE, SOLIDARITY, BELONGING

Social security is related to community safety.

'The connection between commitments to social welfare and prison rates is explicit in the old slogan, 'good social policy is the best criminal justice policy'...

Welfarist social policy reduces social differences and welfare distances. Distance feeds exclusion and harshness, whereas equality and social bonds supports inclusion and leniency.'

- Tapio Lappi-Seppälä (2011)

At a systems level, as Scotland gains more powers over welfare and benefits, may we desist from conditionality, that is stacking on conditions, restrictions and sanctions to access benefits and other resources²⁸. Turn away from counterproductive and cruel benefit sanctions. May the relatively newly formed Social Security Scotland live up to their motto: 'putting dignity, fairness and respect at the heart of everything we do.' Social security and community safety are related. There is a saying that 'good social policy is the best criminal justice policy.'²⁹ This is certainly not the only factor, but it is a relevant one.

At the level of local communities and places to belong, there are many promising ideas and examples to learn from, too many to list here. Whether it be the third sector working in local communities, like Apex Scotland who works across Scotland, and there are others who are focused on justice in all its social forms and communities that may not be overtly preoccupied with criminal justice but will yield good outcomes for those involved: GalGael; Vox Liminis, an arts and justice community in Glasgow; Aid & Abet in Edinburgh. Progress is being made with community wealth building initiatives³⁰, mutual aid and co-producing justice initiatives in places like North Ayrshire, and for more on that I point to the excellent work of colleagues such as Beth Weaver³¹.

One of the sacrifices of moral courage and political bravery in Scottish justice relates not only to how power is used, but how it is shared and even given away. Ceding some control and being relational and accountable in uses of power, and that includes progress needing to be made within local structures of power such as local authorities and COSLA, as much as it does national agencies, national government and the national parliament.

It is about listening and making spaces; understanding how power is used, as well as including the lived experience of people that have been subject to justice. Not only to

volunteer time or to get involved but able to advise, influence and have leading roles in the future and how we see it³². I look forward to a future Apex Lecture being given by someone who has been subject to the criminal justice system and who is able to share from their experience, as well as their insights more generally.

Improve Health for the sake of Justice

I want to speak of an area I am unapologetically passionate about, for a few reasons, and that is health and justice. In Australia, multiple members of my family have worked with people with convictions and addictions, in a drug and alcohol rehab, a drug court, a mental health court, in charities, and in prisons, probation and parole, where these issues too often turn up. Issues of health and health inequalities have turned up in every research project in my career as a criminologist. Outside of the bounds of research, I have been present when justice social workers found out, with tears, that people they worked with are no longer with us. I've had the worrying wait for news of the welfare of people for whom it has taken bravery and compassionate support to survive. I've celebrated and learned from people who have made it through the other side, having personally been a victim of a drug-related crime for which someone was sentenced to prison, again. These are not abstract arguments.

In Scotland, we stopped being the murder capital of Europe, and for that there are a multitude of people who deserve recognition. But we now find ourselves as both a punishment capital of Europe and a drugs death capital of Europe. Internationally acclaimed for our approach to the former in tackling murder and serious violence, there is social change and much work needed on the latter two areas, including uncoupling support from punishment. The two cities where the drug deaths are most painfully acute are the two cities getting new prisons built, one of which is close to where

I live. Glasgow has 23,500 known problem drug users and a total of 13 – yes, thirteen – residential drug rehab beds³³, yet a new 1,000 bed Covid field hospital (the NHS Louisa Jordan) can be built in weeks, and new build prisons capacity will near approximately 1,300 when complete (HMP Glasgow and Maryhill Community Custody Unit). Drug rehab beds make up about 1% of prison beds in my city.

The news that a new drug checking and testing service may be imminent³⁴ is hopeful in the face of acute problems with street benzodiazepines and opiates, as we wait for progress on drug consumption facilities. Across Scotland, the third sector do great work on short contracts and shoestring budgets, while some families and peer communities still struggle to feel fully heard on the urgency of what they see happening now. It is very telling how we respond to different emergencies. No beds and pressures on community treatment³⁵ in one system that is hard to get in and stay in is a choice – a choice that has consequences in another system that can't say no, a system so very hard to get out of. Improve health for the sake of justice.

Early in the coronavirus crisis, former Cabinet Secretary for Justice, now MP Kenny MacAskill called for empathy and bold action in support of those in Scottish prisons and those living with addictions and at risk of drug deaths. He said, "If we don't do something soon, we ain't seen nothing yet. If we want *Trainspotting* to remain a movie and not return to being a reality, we need to be bold."³⁶ It brought to mind the work of morally courageous and legendary professionals like Prof Roy Robertson³⁷, a harm reduction expert and GP in Edinburgh's Muirhouse for longer than I've been alive, compassionately bearing witness and treating the *Trainspotting* generation from the outset. Yet compelling stories from the likes of rapper and writer Darren McGarvey's *Poverty Safari* and Graeme Armstrong's *The Young Team*, through to the stories we hear in our own lives and networks, they speak to how we don't need to look back a generation.

There are raw realities and answers needing found in communities now. Facing Covid and Brexit, where deep recession and mass unemployment are set to meet mass incarceration and mass supervision³⁸, there are young teams who could do with allies and action now. How can Scotland truly be a wellbeing economy (one that is fair, safe, just, and humane) if it is a high punishment society? To riff on the iconic words by Irvine Welsh, immortalised by Ewan McGregor, what could Scotland look like if we emphatically said of systems, leaders, budgets and economies: choose lives.

A lesson from Covid from justice and health systems around the world is the need to continue to improve our understanding of pain and harm, and seek to prevent and reduce it. I'll give an example of what I mean by this in a moment.

When I worked as a criminologist in Australia, there were four co-located prisons I visited often. On office doors and staff corridors were copies of an anonymous handmade poster by prison staff for prison staff, in the style of a proverb or a mock inspirational quote, which said: "If you can't be a good example, be a horrible warning." A sign of practitioner humour and irony. It is also a sobering recognition of being capable of both – good examples and horrible warnings. In Scotland, criminologist and friend Fergus McNeill's Apex Lecture on probation and justice social work a decade ago was titled 'Helping, Holding, Hurting'³⁹ for valid reasons. It is both true that a lot of good work is done and yet plurality and unintended consequences can still abound. The road to pain, or harm or hell is often paved with good intentions.

In strategising and recovering from Covid, I want to warn of the need to avoid what I might call 'band-aids that wound', or bandages that wound. Things designed to help in one way may, paradoxically, harm or hinder in others. During lockdown, our prisons held people in cells the size of a small bathroom for 23

hours a day for months, eating meals next to the toilet, in the name of infection prevention, but at what cost to mental health and trauma and institutionalisation? I understand the valid reasons why prisons went into lockdown, just as we had to go into lockdown in our homes, but we should not shy away from seeing the experience in its fullness. It would have been a stressful time for all concerned, including families of those who live and work in Scottish prisons.

Emergency measures in the name of health, if too tight or restrictive, or if left in place too long, may not serve the interests of justice and rights. So, it is welcome news that the restrictions in prisons are easing. Listening to critical friends and to people directly affected by decision-making is profoundly important. With that I want to applaud and thank the contributions along the way where we saw law and practice changing quite rapidly during the pandemic. It was the Scottish Human Rights Commission⁴⁰ and Howard League Scotland⁴¹, among others, who spoke up with principled convictions and to bring warnings. These are the voices we need at the table.

Conclusion

I want to say this: being a high punishment society is not inevitable. It is possible that we can stop being an outlier in the Celtic-Nordic arc of small nations. I was in Helsinki late last year where a group of us met to discuss sentencing reform, decarceration and diversion; the Finns explained their strategies and the factors that enabled them, but also said this: large ships take time to turn.

If Finland⁴², Norway⁴³, and the Netherlands^{44,45} can do it, then so – in principle – can Scotland. What is stopping us? What are we afraid of? None of those other nations lack cries of “soft touch justice”; they are not immune to the influences of right-wing punitive populism, but, with a few exceptions, their justice systems have held their nerve and largely resisted it. The legitimacy of social grievance – that is, crime and victimisation – should not lend credence and stature to populists who seek to perpetuate a sense of crisis, summon outrage, and mobilise the politics of offence in their favour.

Beware of moral entrepreneurs who repeatedly lobby for more control and restriction to become the norm, and call for more severe use of imprisonment – the very thing that accelerates a person’s return to crime and prison, at higher rates than if they had never been. That means more victims. Severity of punishment is not an effective deterrent⁴⁶. The reality is that there are few things that prisons cannot make worse. Our elites and those with power need to recognise the deep contradictions of this agenda, too.

Conversations about the future of Scottish justice will need to be much broader than what one person can cover in one lecture. I hope what I’ve said sparks thoughts and maybe imagination. Hear me when I say the word “uncertain” is in the title of this lecture for a reason, not only to describe the times we are in, but to temper my own views and check my own privilege. I may get it wrong in what I say, or how I say it. Others may differ and disagree, and there needs to be civility in the way we do that. There are risks in pitching ideas, and even more risks in pursuing them. Some strategies for decarceration, diversion or decriminalisation may not work as intended, or get the consensus and cooperation that they need. The strength of our relationships rise to the fore in times of crisis and it is relationships among diverse allies that will be critical to making real progress in the days ahead.

The Covid-19 pandemic is a landmark by which time will be marked as ‘before’ and ‘after’; a time of rapid change and cooperation across and outwith Scottish justice⁴⁷. It has been hard, yet there has been camaraderie, a capacity for problem-solving and grace under pressure that we can be proud of, even if in circumstances we really wouldn’t wish for. In emerging from the pandemic and pursuing a more fair and just future, may our courage not be found wanting.

Thank you.

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- 3 MacAskill, K. (2009) 'MacAskill's full statement on Lockerbie bomber' 20 August 2009. <https://www.independent.co.uk/news/uk/home-news/macaskills-full-statement-on-lockerbie-bomber-1774849.html>
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