

A Different Kind of Justice

Producer: Russell Finch, Somethin' Else, for BBC Radio 4 (UK 2013). 28mins.

Reviewer: Claudia Taranto

You just have to live and learn, some learn quicker than others, some don't: Ian

The first time I listened to this program, like many listeners, I cried. It's a powerful portrayal of an unlikely relationship that develops out of tragedy and then forgiveness. It has a perfect narrative arc that allows us, in less than 27 minutes, to know the two characters and understand how and why they came to this unlikely moment of friendship. The narrative unfolds effortlessly, revealing each tragedy and then the final triumph; throughout it feels like a tightly pulled string. The second time I listened more closely to it I realised that the program ignores many of the conventions of good journalism and I wondered how different and perhaps less successful it might have been if the interviews had been done by a journalist.

A Different Kind of Justice tells the story of two people who met across a table in a restorative justice (RJ) conference. Karl James presents the program and does the interviews. He tells us at the beginning that he 'makes a living out of helping people to talk and listen to each other when the stakes are high'; we have to assume he's something like a restorative justice facilitator. From the beginning his warm, natural way of talking makes you feel as a listener as though you're in safe hands. I imagine it's much like the mood he creates whenever he opens an RJ session, trust and safety being so important to this delicate process.

The program is essentially interviews with two characters, intercut, as they each tell their version of their shared story. Margaret's home is robbed; Ian, the burglar, took a few small items, including a laptop with all her family photos. Ian has a heroin habit and this was just one of many burglaries that he was sent to prison for. Ian's heroin habit is deftly covered through his

description of first being introduced to heroin by a flatmate who asked him for foil for her gear - he was clueless about what she was talking about. This is our first chance to empathise with Ian. It makes him sound like an innocent player in his life drama, he's almost as innocent as Margaret, the victim of his crime. At this point the crime seems banal: we've all had that sinking feeling when we realise we've lost some photos or important documents because of digital error or laziness. Like so many of us, Margaret hadn't backed up her photos. Yet the mundane nature of the crime is what helps us relate to Margaret.

When Margaret's 18-year-old daughter Jessica hears that Ian said sorry for the burglary, she said 'bless him'. This is a pivotal moment in the narrative, even though it slides by almost unnoticed. It's the first moment of forgiveness. I found myself asking 'Would I have felt the same way?' Then the crime becomes less banal. Margaret reveals that Jessica died in a car accident a few months after the burglary and the missing photos now mean so much more to the family. You imagine their memories of Jessica fading more rapidly without the photos.

A couple of days after Jessica's funeral, Margaret is asked whether she would attend a restorative justice conference about the burglary. Remarkably, she agrees. When Margaret describes her decision to attend, Karl asks a question that few journalists would ask. 'Was that a rational decision?' He prompts her even further and asks whether it was because of what Jessica said, referring to the moment earlier when Jessica had forgiven Ian. Journalists live in the rational world and often assume that everyone else inhabits that world. So they would not think to ask whether it was the voice or the sense of her dead daughter prompting her to meet the burglar and by implication perhaps forgive him.

Then we hear what appear to be sound effects of a prison: keys jangling, a door closing, a cliché of so many programs about prison. It becomes apparent though that this is a recording of the first RJ conference between Ian and Margaret. Radio Gold is what we would crudely call this audio. Many attempts to tell restorative justice stories on the radio have faltered because of a lack of access to recordings of the actual conferences. From that moment I'm hooked. I'm on Margaret's side, wanting to hear her anger and grief and - I'm ashamed to admit - wanting to hear Ian's guilt and humiliation. When

Margaret tells Ian that the laptop contained their only photos of Jessica who had died days before, Ian is speechless. The hiss and crackle of the poor-quality recording conveys the emotion of the moment better than any music could.

[Audio Clip \(1\) A Different Kind of Justice:](#)

The recording of that first meeting is intercut with interviews that Karl did with each of the players, providing a commentary to the soundtrack of the meeting. Karl asks Ian whether he felt burdened by the knowledge that he had the photos of Margaret's dead daughter. Again not a question that a journalist would ask: it's a leading question that's attempting to steer Ian's response in a particular direction. The more neutral question of 'How did you feel?' may have got closer to the truth but may not have steered Ian to a point of articulating the empathy he felt for Margaret. Karl continues to lead Ian through his interview by prompting him to talk about his own loss of a son to suicide. This is another emotional high point, when we learn that he has suffered the same pain as Margaret.

Then in the recording of the meeting, Margaret makes her demand of Ian - that he sort out his life. The implication being that one life has already been lost - Jessica's - and that Ian has to take the place of Jessica in her life. Is Margaret taking on another child, I ask myself?

After he left his interview with Ian, Karl gives us a stand-up impression of the burglar. He describes a man who feels to him as much a victim as Margaret; he tells us what to think of Ian, rather than allowing us to make up our own minds about him. I found this to be a bit patronising, both to the listener and to Ian. However I can see why producer Russell Finch has done it, partly to maintain Karl as a presence in the program, as a player in the restorative justice process.

In the final act of the program Karl brings both Ian and Margaret back together two years after their first meeting in the RJ conference and he asks them who they are to each other. Margaret tells Ian for the first time that she thinks about him every day and hopes that he doesn't return to his old ways. 'He's my reason for carrying on, he gives me focus,' she says. As listeners, we get to

witness action as it's unfolding, rather than in the retelling, something that's often very hard for documentary makers to achieve. Then Karl does something very unusual for an interviewer. He puts himself in Ian's shoes and tells Ian that he would find it quite hard to hear something like that said about him: the fact that he gives Margaret a reason to carry on. Rather than simply witnessing a natural exchange between Ian and Margaret, Karl attempts to direct Ian's response, albeit in a very empathetic way. Ian delivers the perfect response to Ian's prompt. 'I'll always remember Margaret for the things I put her through, through being selfish, and I have a duty to sort myself out.' Margaret is his 'kick up the backside' that he's needed all his life. What we don't hear in this exchange is how hard it's been for Ian to stay on the straight and narrow, all the challenges he's faced and the likely ups and downs, making the story a little less complex than I would have liked. However in 27 minutes there are limits to what can be said. We are left feeling that Margaret's exacting demands of Ian have given him a reason to rehabilitate.

[Audio Clip \(2\): A Different Kind of Justice](#)

The frequent silences in the program are very effective in allowing the listener time to take in the emotional charge of the words and then to contemplate them. After Margaret tells us of Jessica's death, there is a long silence, interrupting the telling of the story and yet allowing us to take in the importance of the event to the narrative and to get in touch with our own emotions on hearing about Margaret's sudden loss of her daughter.

In Karl's final stand-up, he tells us of his fears that both Ian and Margaret may not be able to sustain what they've begun for each other. He reminds us that RJ is a process: a beginning and not an end. This makes the story feel less neat and perfect, gives it a sense of raggedness and future complexity that I felt was missing earlier.

The idea of music plays an important part in the narrative, Margaret finds she cannot sing after Jessica's death and two years later her voice still hasn't returned. Yet she is able to educate Ian about the joys of Handel's Messiah.

On both my listenings to this moment I was left with a slight sense of unease about class. Even with my limited knowledge of British accents I can tell that Margaret and Ian come from different sides of the tracks. Margaret feels quite comfortable introducing Ian to the middle class pursuit of listening to classical music, yet we hear nothing of what Margaret has learned from Ian; it's not really an equal exchange.

My one criticism of the structure of the program is that it could have ended with the Messiah music rather than returning to have Karl thank them both. As I sat at my desk weeping, I wanted to be carried out on the emotional wave of the music rather than bringing us back to what felt a little like the closing of an RJ conference, with Karl telling us it was such a privilege to meet both Ian and Margaret.

Listeners responded to this program passionately when it was broadcast on BBC Radio 4. One described it as a shirt-burner, so absorbing you disregard the ironing and burn a hole in your shirt. The compelling talent, careful construction of narrative, clever use of silence and Karl James' engaging style make it a powerful piece of radio. Was it better for having Karl's facilitator style of interviewing? On balance I'd say yes.

FULL AUDIO of A Different Kind of Justice is [HERE](#). (Scroll to end of article).

CLAUDIA TARANTO is Executive Producer of [360documentaries](#) on ABC Radio National. She has been a radio producer for the ABC for more than 20 years, working on various programs, including Street Stories, Life Matters, The Comfort Zone, The Listening Room and Hindsight. She has pioneered creative audience engagement with [Pocketdocs](#) and My Street. She taught Indigenous broadcasters at James Cook University in the mid '90s and briefly worked in television. She has won local and international awards for her work including Walkley Awards For Excellence in Journalism for her collaborations with freelance producers on [The Too Hard Basket](#) and [The Day That Changed Grantham](#).

