

RESTORATIVE JUSTICE BASICS by Ted Lewis

IMAGINE...

Imagine a situation where you are baby-sitting an eight year-old child who is fooling around outdoors and ends up throwing a baseball through the neighbor's window. What do you do to follow up on this?

Most adults would say the following things would likely happen:

- The child and neighbor would come together
- The neighbor would honestly express feelings
- The child would apologize
- The child and neighbor would agree on how the child would make amends

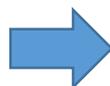


This scenario of holding the child accountable for his or her actions in a way that gives something back to the neighbor is essentially a restorative process. The window, of course, needs restoration, but so does the relationship. This is because harms and crimes affect people emotionally and create mistrust. Something needs to get rebuilt between people if they are going to continue to live well with each other in the same community.

It is unfortunate that the four follow-ups in the scenario are often thwarted by traditional justice processes. Litigation, for example leads each party to defend themselves against the other, limits open and honest communication, and often ignores how negative feelings can persist after settlements are reached. Moreover, punitive outcomes rarely help offenders change from the heart and rarely help victims find inner peace and regained trust.

If a crime sets a series of negatives in motion:

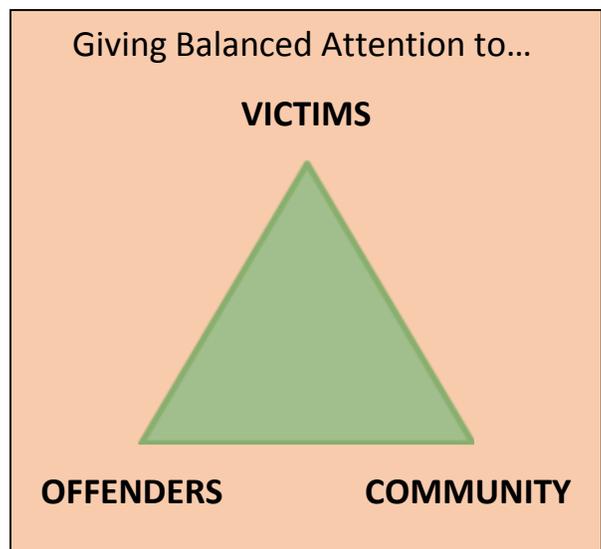
- Disorientation
- Discomfort
- Disconnection
- Distrust
- Disharmony



Justice should set positives in motion by restoring:

- Orientation
- Comfort
- Connection
- Trust
- Harmony

Restorative Justice is a relationship-based form of justice that seeks to repair harms caused by criminal activity or impactful conflicts. While crime does involve the breaking of laws, restorative justice focuses on the breaking of relationships within a community and how this breakage can impact the lives of many people on many levels. Harms done against other persons create both obligations and opportunities for the mending of those harms. By **moving from a law-focus to a harm-focus perspective**, restorative resolution processes aim to engage the main stakeholders in a given crime or conflict. This brings about a more balanced attention to the needs of victims, offenders and community members, promoting models that allow for cooperation and good communication in order to reach the highest goals of restoration: full restitution for victims, full reintegration for offenders, and full involvement for communities. Many research studies of restorative justice programs have demonstrated that participating offenders have lower recidivism and higher motivation to make amends and make personal changes to not repeat negative behaviors.



- Restorative Justice:**
- **Addresses HARMS**
 - **ENGAGES parties**

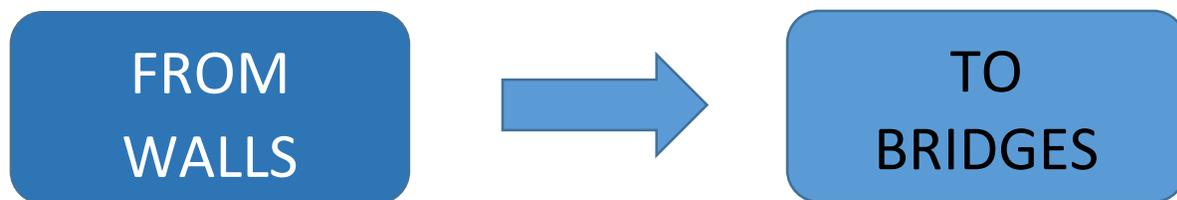
Restorative justice has its roots in ancient and tribal traditions, but has risen strong on the worldwide scene since the 1970's. As a result of this new growth, many indigenous traditions that used community-based forms of justice for centuries have been revitalized. In this context of the spreading and sharing of alternative models for resolving crimes and conflicts, **four main dialogue-based models** have emerged for restorative practitioners and programs:

MEDIATIONS	PANELS
CONFERENCES	CIRCLES

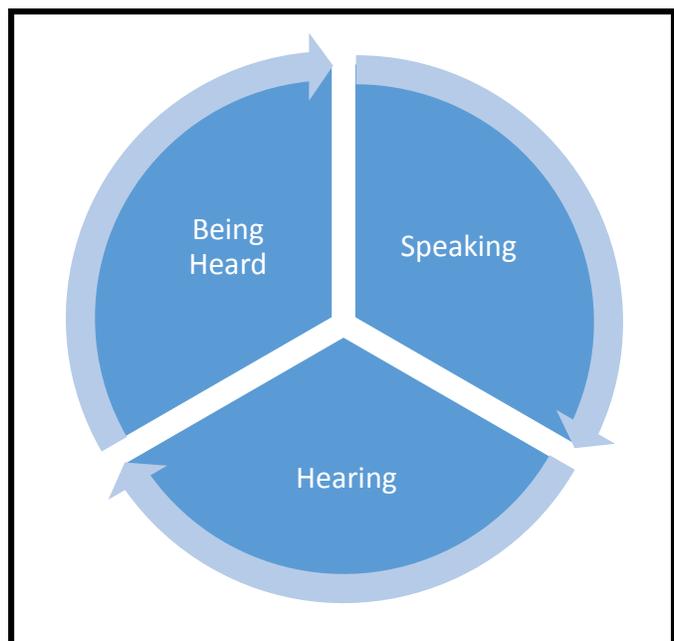
Restorative justice can cover lots of practices from beginning to end to help victims and offenders move forward, but without some opportunity for a **restorative dialogue** that allows for learning and connection between people, restorative justice is greatly compromised.

GOOD COMMUNICATION AND TRUST-BUILDING ARE CENTRAL TO RESTORATIVE DIALOGUE PROCESSES

Without good communication, people generally will not be able to advance beyond the walls that sustain a conflict or the losses that result from a crime. This is mostly because they still have low trust. Vital to all four of the dialogue models above is the use of third-party MEDIATORS, MODERATORS, FACILITATORS, and KEEPERS who provide formal structure, communication skills, and a positive presence to ensure safe, constructive processes that lead to good outcomes. These process helpers do not represent parties in conflict, nor do they make decisions for parties in conflict. Instead, they guide people through speaking and listening opportunities that help parties open up, raise their trust, and thus move beyond the things that keep them disconnected. In short, they assist with the dismantling of WALLS between people and the building of BRIDGES between people.



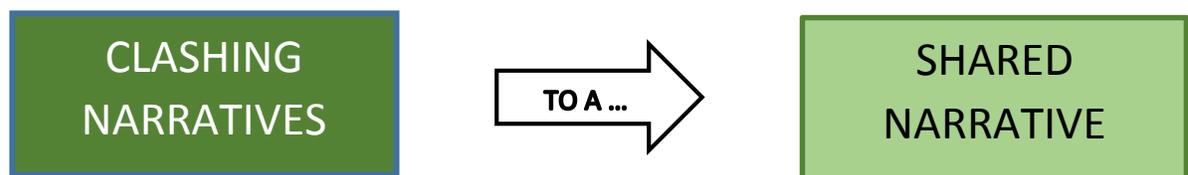
In order to do this well, participants in the dialogue process need safe and voluntary spaces in which they can SPEAK, HEAR, and BE HEARD. The latter is actually a third dynamic in communication that allows a speaker to truly experience a satisfaction in a dialogue process that leads to a connection with the other party. It is possible for both speaking and hearing to happen in a conversation, but this does not necessarily mean that people are truly being heard. When a speaker truly experiences the reality of being heard, it means that new understanding and empathy has happened on the part of the hearer which gets relayed back to the speaker. This is the essence of the conversational bridge-building that happens in a dialogue resolution process. This builds up more trust which is essential in helping people to shift into a place where they can discuss solutions.



THE POWER OF STORYTELLING

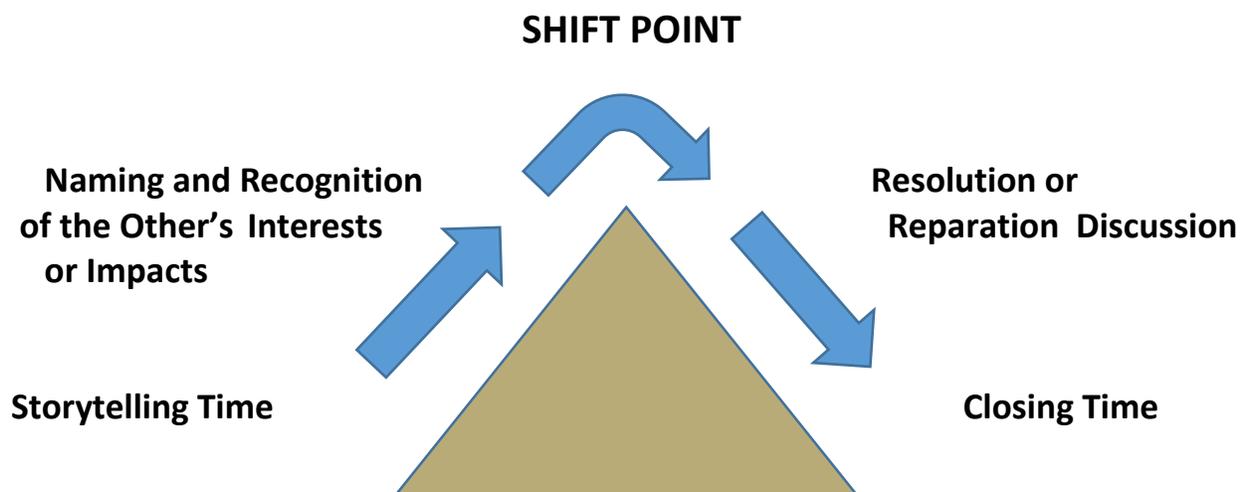
Part of every restoration process between people impacted by crime or conflict is a storytelling segment. Inside the very word 'restore' is the notion of 'story', and it has been found that reconciliation happens best when people have a chance to 'restory' or modify their own narrative so that it helps them and others move forward in life and find healing from the past pain.

As a result of crime or conflict, opposing sides typically develop a one-sided narrative that helps them make sense out of what they have experienced. These self-protective narratives often CLASH with each other, and this is to be expected. A key goal in any resolution process is to help people to 'restory' their own narrative by adjusting it with **new** information from the other party's story. This eventually leads to a SHARED narrative where both sides admit to the validity of what the other side has experienced and needed.



Once parties reach a point of having a shared narrative, based on **new learning and new understanding**, they can more easily move forward together to come up with solutions to commonly held problems.

To allow for this SHIFT to happen, from being stuck in the past to being freed up to build mutual agreements for the future, a dialogue resolution model usually progresses in a way that follows this diagram:



COMMON FEATURES TO RESTORATIVE DIALOGUE REGARDING CRIMES AND HARMS

Most restorative dialogue models cover three main topics of discussion:

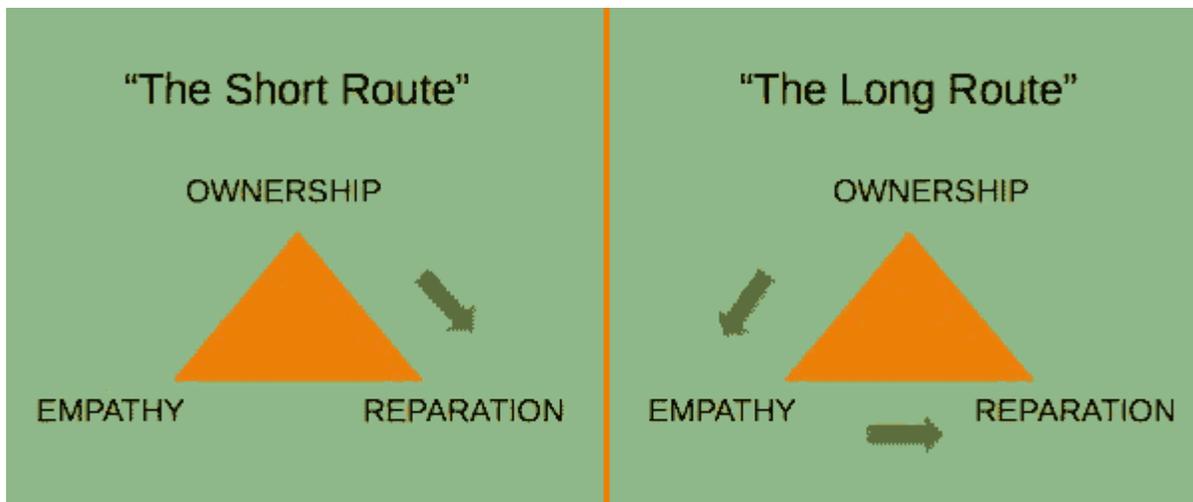
1. **What happened? (the Information)**
2. **Who was affected? (the Impacts)**
3. **What repairs can be made? (the Resolution)**

The Storytelling segment up to the SHIFT POINT (see above) includes 1 and 2.

This sequence from **Information** to **Impacts** to **Resolution** is designed to help parties move well from the **Past** through the **Present** to the **Future**. Ultimately, restorative justice is not simply about bringing victims and offenders together in the same room. It is primarily about helping victims and offenders move forward in life, from the weight of the past to a better future, whether they come together or not. Since all processes are voluntary for all parties, it is important to shape the process in a way that best fits the needs of all participants who are taking part. This often involves the inclusion of support people, family members, and surrogate victims or offenders to ensure well-rounded conversation and resolution discussion.

Three building blocks for all restorative dialogue models are:

- **Ownership**
- **Empathy**
- **Reparation**



Rather than moving fast to fix things, a restorative dialogue spends additional time to build bridges of understanding as a way to help parties reconcile. For offenders, this is where the real learning happens, where they internalize empathy for the victim and thereby gain a greater inner motivation to make amends and not repeat negative behaviors in the future. Victims also gain a type of empathy too as they come to see the humanity of the offender. Here we see well how restorative justice is a very relationship-focused framework for resolving crime and conflict, bridging people back together again who would otherwise feel some mistrust.