

## **Incomplete List of Restorative Principles**

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**1. To increase safety, walk towards conflict.** According to Brazil-based restorative justice innovator Dominic Barter (2009), conflict becomes painful when actions take on symbolic meaning having to do with unmet needs (e.g., for respect, for love). Thus, the more we fail to hear these unmet needs, the louder the speaker will likely become in order to get heard. In other words, just as people tend to raise their volume in order to compensate for being further apart in a physical space, they also tend to "raise their volume" to compensate for their perception that they are moving further apart in shared understanding. Initially, this volume raising literally sounds loud, as when we scream at each other. At its extreme, it can take the form of violence. It follows, then, that in order to lower the volume of a conflict, you move towards it, not with the intention to soothe but with the intention of increasing mutual understanding. Restorative practices attempt to create the conditions where this kind of mutual understanding can take place.

**2. Relationships are foundational.** That relationships are foundational to restorative justice work is so well accepted in the restorative movement that it has become axiomatic. In his ground-breaking book *Changing Lenses*, Zehr (1990) described a restorative justice framework as one in which crime is viewed not as an offense against the state but as a violation of people and relationships. Moreover, as Braithwaite (2002) pointed out, unlike criminal justice and other legal practices, which seek to limit the scope to law and policy, restorative justice intentionally also focuses on the underlying relationships. To that end, restorative justice's philosophical assertion that "all people are interconnected" (Reimer, 2019, p. 52) can provide a much-needed antidote to messages promoting in-group moral superiority and perceived threat, which are often the foundation for hate and domination (Brewer, 1999). Importantly, the focus on relationships in restorative justice can be proactive as well as responsive. Thus, schools, organizations, and other groups will often implement various types of community-building and relationship-building as part of their restorative plan or system.

**3. Conflicts belong to the community.** Our justice systems (including those in schools and workplaces) professionalize the handling of conflict. They identify individuals who are authorized to decide who is right and wrong and what needs to happen next. There are benefits of such an approach (in theory, the professionals can develop a great deal of competence), but there are costs too, and one of these is that those directly involved in the conflict and those who are most impacted by it do not typically have the opportunity (or even permission) to work things out for themselves (see Christie, 1977). The principle of community ownership is that the "offender(s)", the "victim(s)" and everyone else directly involved and impacted by what happened is jointly responsible for what happens in the justice process. This typically involves some kind of dialogue process where all of these parties have the opportunity to speak in their own words and have a say in how justice is done. The restorative process puts an especially high premium on community engagement. It places the responsibility back into the hands of those who are actually part of the conflict, rather than some supposedly objective, well-trained outsider. Moreover, though system professionals are leading these processes in some contexts, based on this principle, professionals would participate but not lead. Rather, the facilitation of the restorative process would be done by community members who offer facilitation to others one day and participate in a process facilitated by someone else on another.

**4. Emphasizes voluntariness.** The principle of voluntariness is the idea that when people have the autonomy to choose whether or not and how they want to engage, they will feel more ownership of their actions and, therefore, engage more fully and with less ambivalence and resistance (see Dickinson, 1995). It is sometimes said that “the more voluntary the participation, the more restorative the outcomes.” This applies to agreements too. Participation of any sort, including restorative actions like apologies, are likely to be resented if individuals believe they were forced or coerced to do it. It’s tempting to use our power to pressure others into doing something we believe is good for them and others, but such pressure often produces the opposite of the outcomes we want.

**5. Shares power.** Generally, those with *more* structural power can use their power to make sure they are heard and understood by those with *less* power, while those without such power are forced to rely on the good will of the powerful. Thus, parents, teachers, and police officers are more likely to have their needs heard by kids, students, and community citizens, respectively than vice versa. Court proceedings similarly give more voice to the powerful, a fact that is especially evident in juvenile justice cases where minors frequently lament the absence of an opportunity to speak directly to the judge. Note that sharing power is not the same as giving up power. Restorative processes are typically designed to not only explicitly provide an opportunity for *everyone* to be heard but to create conditions where the weight of each participant’s voice is determined by their relationship to the harmful act rather than by their structural power. As a result, there is typically more perceived safety to speak one’s truth than in other contexts. Here’s how Barter (2012) put it:

*...referring to such restorative encounters as circles is less a description of the form in which participants gather than a description of the intention to share power. For when the social roles that distinguish and separate us become less important than our shared humanity, the implicit threat of punishment for speaking moral truths diminishes. In a courtroom Restorative Circle, a community member objected to her son’s explanation of his motives for assaulting a couple in the street. The adolescent replied to her, “You can believe me, Mom, because I’m not scared. I lied to the judge because it was dangerous not to. It’s not dangerous to be truthful here.”*

**6. Operationalizes justice and accountability through self-responsibility and obligation to repair harm.** From a restorative perspective, crime is essentially understood as harm done to people and communities. While this may seem obvious, as discussed earlier, laws in the United States and many other countries are written with the view that the state is the victim. The focus on harm means that, instead of blame and punishment, one of the goals of most restorative practices is to restore and repair, sometimes even just to create a space where truth can be spoken and a shared understanding can be reached about the harm that has occurred. Restorative Justice emphasizes self-responsibility. In the criminal justice system, holding individuals responsible is done almost exclusively through punishment. As a result, conventional justice systems create a disincentive for those who have broken societal laws or community rules to take responsibility for their actions. Indeed, those who are accused are typically advised by their counsel (and sometimes by the judge) to not incriminate themselves, and unless it is done as part of a plea bargain, taking responsibility is often viewed by those accused of wrong-doing as opening oneself up to punishment and, therefore, contrary to self-interest. Because restorative practices focus on repair rather than punishment, accountability and self-responsibility typically entails trying to first understand the impact of one’s actions and then voluntarily making the choice to engage in one or more strategies to repair the harm, both literally and symbolically. Though some types of harm, like murder, can never be repaired, even in such cases, the acceptance of responsibility, the expression of remorse, and a willingness to take steps to

reduce the future likelihood of similar harm to others are often helpful to victims and their families. Moreover, while the criminal justice system focuses exclusively on holding responsible those who are convicted of a crime, many restorative practices also create conditions for self-responsibility and obligations for other participants, as well as the person(s) directly responsible for the harmful act. This is done not to decrease the accountability of the person primarily responsible for the harm but to acknowledge that other people often create the conditions for the harm to occur and, similarly, can often create the conditions for restorative acts.

**7. Focuses on the needs of all parties.** One way to understand harm and how to restore it is to focus on the needs (e.g., safety, respect, trust) that were violated or created by the harmful act and/or the circumstances that led up to the act. Importantly, needs, in this context, are not a synonym for wants, preferences, or interests, nor do they only refer to something that is required for existence. Needs here refer to universal human needs as proposed by U.S. psychologist Abraham Maslow (1943) and typically operationalized by contemporary theorists as physical, psychological, and interpersonal characteristics that are necessary for thriving and well-being (Pittman & Zeigler, 2007). Despite Maslow's original proposition, there is no objective hierarchy (Max-Neef, Elizalde & Hopenhayn, 1992), but different people may value some needs over others in general and some needs may become particularly salient as a result of a harmful act. Thus, one way to understand harm is to focus on the needs that were violated and/or created by the harmful act (and the circumstances that led up to the act) in each of the three parties. Restorative justice is sometimes described as being "victim-centered" and it is in the sense that those who are harmed have an opportunity to be directly involved in the justice process in ways that the conventional justice system does not allow. Moreover, a typical restorative process attempts to respond to the harm by addressing the unmet needs of the harmed party. At the same time, the needs of those who did the harm as well as those of community members who were impacted by what happened are also identified and addressed to the extent possible. Furthermore, there is in many restorative practices an explicit goal not only of repairing harm but also of reintegrating "offenders" back into community. Ideally, a restorative process is experienced as restorative by all 3 parties: those harmed, those who did the harm, and the impacted community.

**8. Restorative justice recognizes that interpersonal violence is often rooted in structural and systemic violence.** An individual restorative justice process focuses on the harm perpetrated by specific individuals and attempts to respond to the unmet needs revealed and created by those acts of harm. As such, it is unlikely to end racism or other forms of oppression and domination, but it can be a place that promotes consciousness regarding how these operate in society. It can also be a place in which there is a shared commitment to recognize these particular forms of harm and engage with them if they occur. In recognizing the ways that conditions of poverty, violence, racism, and other forms of oppression create conditions for harm, we do not absolve individuals from accountability. They are still responsible for their choices, but seen through this lens, the responsibility is not their alone. The larger responsibility lies with the society with the broader society into which individuals are born which creates a desperation for survival that makes violence an appealing option. While we can take an individualistic lens and join the mainstream justice system in holding the individuals fully and solely accountable, doing so prevents us from understanding the conditions that produced such violence and, more importantly, from doing anything to address those conditions. When done well, restorative justice makes space not only for understanding the context in which harm happens but for identifying the ways that the community has created conditions for the harm and exploring what systemic changes may be possible. In this way, perpetrators of violence are seen not only as offenders but also as victims (Shpungin, 2014).

## References

- Barter, D. (2009, Oct.). *An introduction to Restorative Circles*. Oakland, CA.
- Barter, D. (2012). Walking toward conflict. *Tikkun*, 27(1), 21-70.
- Braithwaite, J. (2002). *Restorative justice & responsive regulation*. Oxford University Press.
- Brewer, M. B. (1999). The psychology of prejudice: Ingroup love or outgroup hate? *Journal of social issues*, 55, 429-444.
- Christie, N. (1977). Conflicts as property. *The British journal of criminology*, 17(1), 1-15.
- Dickinson, L. (1995). Autonomy and motivation a literature review. *System*, 23(2), 165-174.
- Maslow, A.H. (1943). *A theory of human motivation*. *Psychological Review*, 50(4), 370-396.
- Max-Neef, M., Elizalde, A., & Hopenhayn, M. (1992). Development and human needs. *Real-life economics: Understanding wealth creation*, 197, 213.
- Pittman, T. S., & Zeigler, K. R. (2007). Basic human needs. In A. W. Kruglanski & E. T. Higgins (Eds.), *Social psychology: Handbook of basic principles* (pp. 473-489). Guilford Press.
- Reimer, K. E. (2019). Relationships of control and relationships of engagement: How educator intentions intersect with student experiences of restorative justice. *Journal of Peace Education*, 16(1), 49-77.
- Shpungin, E. (2014). The fluidity of victimhood. *A Victim-Led Criminal Justice System: Addressing the Paradox*. IARS Publications.
- Zehr, H. (1990). *Changing lenses* (Vol. 114). Herald Press.