

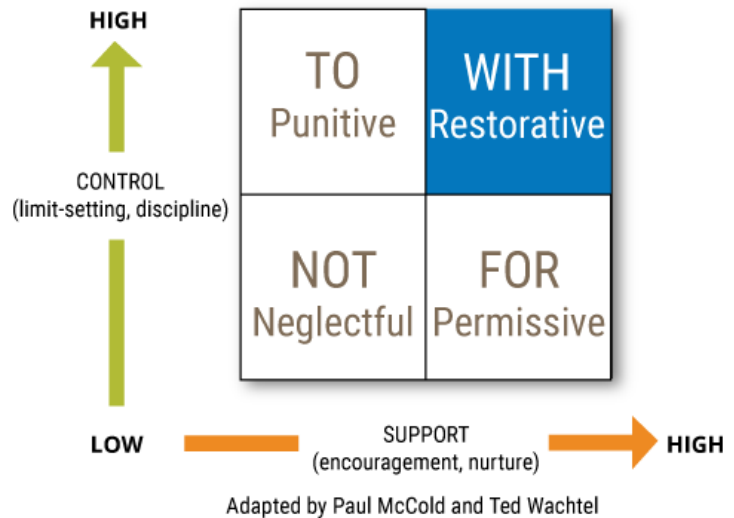
Restorative Justice Process

Purpose

Restorative justice is based on ancient and indigenous practices found in cultures worldwide, from Native American and First Nation Canadian to African, Asian, Celtic, Hebrew, Arab, Chinese and many others.

***“If you want to go fast, go alone;
if you want to go far, go together.”***

A fundamental idea of restorative practices is that people are more engaged in the process, and more likely to make positive changes when action is taken *with* them, rather than *to* them or *for* them.



Those who promote restorative justice processes often think that punitive, authoritarian, permissive and paternalistic modes are less effective, and even damaging. The Australian criminologist John Braithwaite, asserted that reliance on punishment as a social regulator is problematic because it shames and stigmatizes wrongdoers, pushes them into a negative societal subculture, and fails to change behaviors. The restorative approach is more successful at reintegrating wrongdoers back into their community.¹

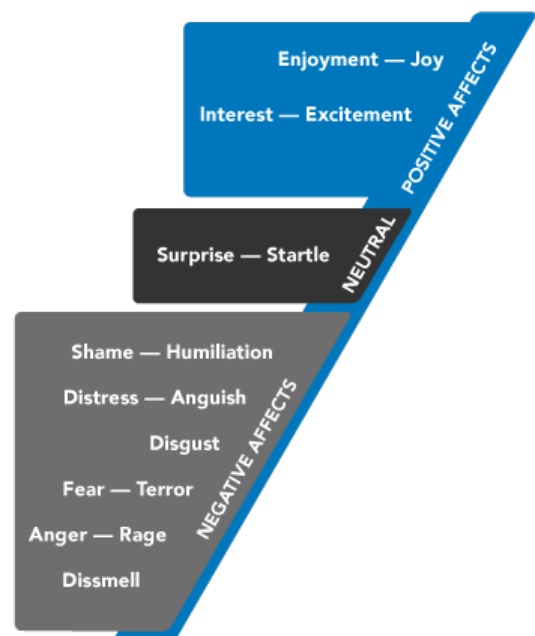
The most critical function of restorative practices is restoring and building relationships. Because restorative processes foster the expression of affect or emotion, they foster and heal emotional bonds.

Human relationships are best and healthiest when there is free expression of affect or emotion — minimizing the negative, maximizing the positive, but allowing for free expression.

Tomkins identified nine distinct affects to explain the expression of emotion in all humans. Most of the affects are defined by pairs of words that represent the least and the most intense expression of a particular affect.

The six negative affects include anger-rage, fear-terror, distress-anguish, disgust, dissmell (a word Tomkins coined to describe “turning up one’s nose” in a rejecting way) and shame-humiliation. Surprise-startle is the neutral affect, which functions like a reset button. The two positive affects are interest-excitement and enjoyment-joy.²

The Nine Affects



Shame is a critical regulator of human social behavior. Tomkins defines shame as occurring any time that our experience of the positive affects is interrupted. An individual does not have to do something wrong to feel shame. The individual just has to experience something that interrupts interest-excitement or

1 <https://www.iirp.edu/restorative-practices/defining-restorative/>

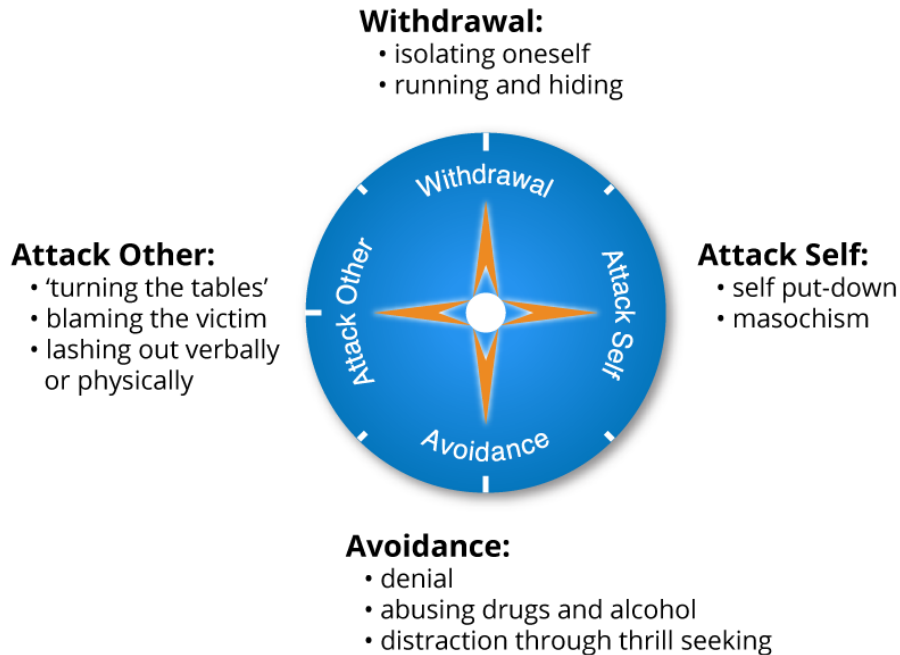
2 Silvan S. Tomkins

enjoyment-joy. This understanding of shame might help explain why victims of crime often feel a strong sense of shame, even though it was the offender who committed the “shameful” act.

The Compass of Shame³ illustrates the various ways people react to the feeling of shame. The four poles are:

The Compass of Shame

Adapted from D.L. Nathanson, *Shame and Pride*, 1992



Business Management “Fair Process”

When those who assume organizational authority do things *with* people, the results are better. The three principles of fair process are:

- **Engagement** — involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account
- **Explanation** — explaining the reasoning behind a decision to everyone who has been involved or affected by it
- **Expectation clarity** — making sure everyone clearly understands a decision and what is expected of them in the future⁴

3 Nathanson

4 Kim & Mauborgne

General Guidelines

1. Maintain confidentiality.
2. See healing, not victory or revenge.
3. Seek win-win solutions.
4. Seek to understand before being understood.
5. Speak with honesty and integrity.
6. Don't confuse facilitation with authority.
7. Respect each person's ability to find a solution.
8. Do not use putdowns, name calling, insults, etc.

Participant Agreements

1. Wait your turn, and listen without interrupting.
2. Speak directly to each other, not the facilitator.
3. Allow the facilitator to guide the process.

Facilitator Agreements

1. Help participants to listen to each other.
2. Encourage participants to speak to each other.
3. Guide the process toward win-win solutions.
4. Do not impose your own solution.

Restorative Justice Process

1. Preparation and Reflection

- All participants agree to actively participate in a Restorative Justice Process.
- All participants review and accept the agreements.
- A meeting time is schedule. *(30 to 60 minutes)*
- All participants think about the questions and write down their thoughts.

2. Restorative Justice Meeting

- **Foundation**
 - Facilitator reviews and participants accept the agreements and the process.
- **What happened?**
 - First participant says what happened from their point of view.
 - Second participant says back exactly what they heard the first person say. *(They DO NOT need to agree with what was said, but they DO need to demonstrate that they heard it correctly.)*
 - Once the first person agrees that they have been heard correctly, the roles switch.
- **What was the impact?**
 - First participant explains how the events made them feel.
 - Second participant mirrors back exactly what they heard the first person say. *(They DO NOT need to agree, but they DO need to demonstrate that they listened and heard.)*
 - Once the first person agrees that they have been heard correctly, the roles switch.
- **Proposals and promises are made**
 - Participant propose ideas for resolving the conflict.
 - Facilitator help participants settle on a win-win solution, and helps them each make meaningful and realistic promises to each other.
 - If a proposal is accepted by all participants, it and all related promises are written down.
 - A date is set for a check-in meeting—often about 1 week later.
 - Facilitator reminds all participants about the agreements, in particular confidentiality.

3. Check-in Meeting

- The proposes solution, promises, and follow up actions are reviewed.
- If all participants agreed that the conflict is resolved, the process ends.

Restorative Justice Check-in

Name _____ Date _____

Participants _____ Facilitator _____

1. Did all participants maintain confidentiality?
2. Did all participants meet their promises. If not, why not?
3. Do all participants think the original conflict is fully resolved?
4. Have any new conflicts developed in the meantime between the participants?
5. Do all participants think that this process is complete? If not, why not?